



Home Office

Highly Skilled Migrant Programme: Guidance for Applicants

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Border & Immigration Agency

Highly Skilled Migrant Programme: Guidance for Applicants

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Introduction and overview

1. The United Kingdom (UK) government operates the Highly Skilled Migrant Programme (HSMP) to allow individuals with exceptional skills to seek entry or stay to work in the UK without having a prior offer of employment, or to take up self-employment opportunities.
2. This guidance explains the rules governing individuals wishing to enter the UK as Highly Skilled Migrants or to switch immigration categories to remain in the UK as Highly Skilled Migrants. Guidance on extension applications for those already in the UK as a Highly Skilled Migrant can be found in the guidance notes for applicants for form FLR(HSMP).
5. The HSMP requirements may change in the future. The Immigration Rules, which provide for entry into the UK under immigration categories including the HSMP, are also subject to change. The criteria for HSMP extensions may also therefore be subject to change in the future.
6. Any such future changes will be published on our website: www.workingintheuk.gov.uk
7. The application process involves two stages:
 - **Stage 1:** The completion of application form HSMP1 to be considered under the Highly Skilled Migrant Programme (an HSMP application). An HSMP approval decision does not grant permission to come to the UK or to remain if already inside the UK;
 - **Stage 2:** If your HSMP application is approved and you are presently abroad, you must make a separate application to come to the UK. If you are already in the UK in another category which allows you to switch in-country into the HSMP you must make an application for further leave to remain as a Highly Skilled Migrant using form FLR(HSMP). Please also see the section on applying for Entry Clearance or Leave to Remain below.

The Highly Skilled Migrant Programme

3. The HSMP was launched on 28 January 2002. A revised Programme and the Young Persons Assessment were introduced on 31 October 2003. On 12 April 2005 the MBA provision was introduced, to enable applicants with an eligible MBA to meet the points criteria on the basis of their MBA alone. On 3rd April 2006 the initial grant of leave under the HSMP was extended to 2 years, in line with changes to the qualifying period for settlement.
4. On 7 November 2006 the HSMP was further revised. The overall points score required for approval was increased to 75 points. The Work Experience, Achievement in applicant's chosen field, HSMP Priority Applications for General Practitioners, and the Partner's Achievements sections were removed from the Programme and the points awarded for qualifications and previous earnings were amended. The Young Person Assessment was also amended to include additional age bands. An additional points scoring section was introduced for UK Experience, as was a mandatory requirement to demonstrate an appropriate level of English language skills.

This two-stage process is summarised in the diagram at **Annex A**.

8. The process for applying for extensions of stay under the HSMP is contained in the separate notes attached to application form FLR(HSMP). A brief description of the process is given below in 'Stage 2: Applying for Entry Clearance or Leave to remain' of these notes

How to apply

9. Any individual can apply, although you should carefully consider the criteria below to ensure you meet the

Introduction and overview

necessary points threshold before doing so. If you wish to make a HSMP application you must submit the following:

- a fully completed Highly Skilled Migrant Programme application form; and
- original documentation required to support the claims on the application form as specified in **Annexes C, D and E** of this guidance and on the application form; and
- the correct payment (for details of charges please refer to **Annex B** of this guidance).

You should **not** send your passport at this stage.

10. It is extremely important that you carefully read the guidance notes before completing the form. It is essential that you fully complete all the relevant sections and indicate on the form the sections where you are claiming points. By completing any section on the application form you indicate that you wish to claim points under that section. If the section on the form is not completed we will not consider or award points for it.
11. It is your responsibility to provide the evidence to support any statements made. You must satisfy us that you meet the points scoring requirements of the HSMP. We must be satisfied, by considering the evidence provided and taking into account any other relevant considerations, that you meet the criteria.
12. We specify the evidence that we will consider on the application form and in **Annexes C, D and E** of this guidance. **Where the evidence required is not provided, and/or is not as specified in the HSMP application form and Annex C, D and E of this guidance, then the Border and Immigration Agency will not contact applicants to request this but will make a decision on the basis of the documents received with the application.**

13. **All evidence provided should be original.**

14. Please note that failure to sign your application form will result in a delay to consideration.

Applications should be submitted to:
Border and Immigration Agency
PO Box 3975
Sheffield
S1 9BL

Information on process times

15. Please refer to our website www.workingintheuk.gov.uk in the section titled 'About us' for full details of our service standards and current processing times.
16. If you require your application to be considered urgently then please refer to the section on our website on 'forms and guidance' where you will also find advice on instances when you can apply for urgent treatment and details of how to request this.

Stage 1: The HSMP application process

Stage 1: The HSMP application process

17. There are two sections to the application form:
 - Section one where your evidence is assessed with points awarded against a standard scoring system, and
 - Section two is a language section where evidence is required of your level of ability in English.
18. Points can be earned in the five scoring areas but you must also meet the English language requirement in order to obtain HSMP approval.
19. The HSMP application form requires you to self assess your score on the points section of the application. You must indicate the areas that you are claiming points for on the form, and clearly indicate how you meet the criteria. A caseworker considering your application will only consider awarding points on the sections where you have self-assessed your score and where appropriate evidence has been supplied.
20. You will need to provide evidence that you score 75 points or more in the scoring categories in the attributes section.
21. **In addition to scoring 75 points in the first section of the application, you must provide evidence of your English language ability. This is an absolute requirement. Failure to demonstrate this will result in refusal of your application.**
22. The criteria are explained in full in the annexes to this document. **Annex C** explains the award of points under part one of the HSMP application, **Annex D** explains how to score points under the MBA provision and **Annex E** explains the criteria for the English language assessment. You should ensure you read these Annexes fully before attempting to complete the application form.

Supporting evidence and documentation

23. It is important that you submit full documentary evidence as specified in the application form and **Annexes C, D and E** of these notes, to support any claims you make on the form, if you wish us to count the points claimed towards your total. Please ensure that you supply evidence relevant to the scoring areas. For example, if you have been awarded a degree, you will need to provide your degree certificate.
24. Any documentary evidence you provide should be original.
25. Please be selective in the evidence you submit, as submitting large amounts of irrelevant or poor quality documentation may delay the consideration of your case. It is only necessary to submit evidence that is directly appropriate to the scoring areas of the application form as requested, as unrelated evidence cannot be considered. For example, we cannot award points for any qualification below bachelor degree level, so it is unnecessary to submit this evidence.
26. Where a document is not in English the original must be accompanied by a fully certified translation. Certified translations are defined as translations that have been made and endorsed by a professional translator, and can be independently verified if necessary.
27. Please note that failure to submit the specified evidence in support of points claimed is likely to lead to refusal to award points for that section. You must score at least 75 points in the first part of the form AND meet the English language requirements in order to gain approval.
28. If you have changed your name, and some of the evidence supplied to support your application still shows your old name, then you must provide evidence of your change of name. In this way, the Border and Immigration Agency will be able to establish that the documents you have provided relate to you. Evidence you are able to provide may include deed poll documents, or

Stage 1: The HSMP application process

notarised copies of both the old passport and the new passport, showing your full name before and after the change of name.

29. Where there are exceptional reasons as to why you cannot provide the documents requested for a point scoring area, you may request exceptional consideration of that particular area of your application. We may be willing to consider specific alternative evidence in support of your claim for points in exceptional circumstances, such as where your documents have been affected by war or natural disaster. The alternative documentation that we will accept is also listed on the application form and in **Annexes C, D and E** of these notes.

30. You will need to fully explain the reasons why you are requesting your documents to be considered exceptionally and provide evidence to support this. For example, if you cannot provide the specified documents because of natural disaster, then evidence in the form of specific media coverage and a personal link to the situation should be supplied.

31. We will consider whether the reasons for supplying alternative documents are sufficient. We reserve the right to refuse to accept the alternative documents if we are not satisfied with the reasons and evidence provided. Requests for exceptional consideration will be assessed on a case by case basis and reasons accepted for using the secondary documentation for one applicant should not be taken as a precedent that they will be accepted for any other applicant.

Verification of evidence

32. Evidence provided in respect of points being claimed must be from a clear source. The Border and Immigration Agency may seek to verify this evidence with the source. You must ensure that any evidence provided can be independently verified.

33. As part of this process of verification, the Border and Immigration Agency

may contact employers, relevant UK diplomatic posts overseas, other UK government agencies, such as Her Majesty's Revenue and Customs (HMRC), or other third parties as necessary. 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 and points claimed.

34. The Border and Immigration Agency 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.

35. The list below outlines examples of circumstances under which the Border and Immigration Agency may have reasonable doubts 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 that have attempted to abuse the system;
- Where the Border and Immigration Agency has received allegations of abuse or has other evidence that indicates abuse.

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36. 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. 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.

37. If, having followed standard verification procedures, we are able to conclude that it is more likely than not that the document is forged; or 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.

38. If your application would ordinarily fall for refusal for the reasons outlined 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, then the Border and Immigration Agency may consider the remainder of evidence submitted in support of the application in the usual way.

Revocation of HSMP Permissions

39. There may be occasions where we find evidence to show that an applicant has knowingly deceived us. In these cases, we reserve the right to revoke the HSMP permission, and consequently curtail your leave to enter or remain in the UK.

Requesting a Review of an HSMP Decision:

40. If you think that the decision on your application has been made in error, based on all of the information submitted at the time, and you wish us to reconsider that decision, then you should write to us to request a review of that decision. You can assist in this

process by completing the form entitled 'Request for a Review of a HSMP Application' which is available at www.workingintheuk.gov.uk. You must submit your request for a review within 28 days of the date of the original decision letter, explaining why you believe that the decision was wrong with reference to the guidance notes.

You may request only one review of a HSMP decision in relation to an application.

41. We will consider the grounds of refusal provided in respect of your original application, and also undertake a full review of all other elements of the decision. We are, however, unable to consider any information that was not submitted with the original application.

42. Before making the decision we may seek to verify evidence sent with the application.

43. Please note that the review process constitutes a full reconsideration of the application. Therefore, any points awarded in the original assessment might not be awarded on review if the reviewing caseworker establishes that they were originally awarded in error. Where we identify further grounds for refusal, then the decision to maintain refusal of your application will be amended and reissued as part of this process, even when the original basis for refusal may have been overturned.

44. If your review is unsuccessful you will not be able to seek any further reviews of the original application. Any further review requests received for the same application will be returned to you.

45. Requests for reviews should be sent to:

Highly Skilled Migrant Programme
PO Box 3468
Sheffield
S3 8WA

Requesting reconsideration of an HSMP decision with new supporting information

Stage 1: The HSMP application process

46. If your HSMP application is refused and you wish to submit further information for consideration, then you must make a fresh application. You should send a fully completed application form together with supporting evidence, and the associated fee to:

Border and Immigration Agency
PO Box 3975
Sheffield
S1 9BL

47. Second and subsequent paid applications will receive a full fresh consideration. We will consider the new application and the evidence provided in support, and will not be bound by the assessment made on previous applications submitted by the applicant. Points awarded for evidence sent in with previous applications may not be awarded on a subsequent application.
48. Evidence that was checked and found to be false on a previous application will not be accepted on subsequent applications. Evidence found to be false is likely to lead to closer scrutiny of later evidence received from the same source.

Requesting reprints of valid HSMP letters within 6 months of issue

49. Reprinting valid HSMP permission letters will apply in the following circumstances:

To correct errors and omissions

50. You or your representative may request reprints of HSMP approval/refusal letters from us to correct errors such as spelling mistakes, or incorrect details such as mistyped names or dates of birth. Requests should be made in writing and accompanied by the original permission letter. Reprints will be marked 'Duplicate' and will be free of charge once your written request and the original permission letter have been received. If the original letter is not returned your request will be refused and a fresh application, with fee, will be required.

51. Please note however, that if you request a reprint to change a detail on the letter of permission that was central to the consideration of the original application, then your request will be refused where it is based upon your error or omission. One example of this would be an error made to the date of birth, where points were awarded in the wrong banding.

To replace a lost letter:

52. You may request a reprint of a letter that has been lost in transit. Requests should be made in writing, and contain personal details such as your name, date of birth, and confirmation of the address for posting. Reprints will be marked 'Duplicate' and will normally be free of charge. We reserve the right to undertake investigations to confirm that the letter has been lost before issuing a duplicate.

Requesting reprints of letters that are no longer valid – after 6 months:

53. Reprints of letters issued over 6 months ago will be free of charge, provided that the original letter is returned and all other conditions, as outlined below, are met. If it is not returned then a fresh application, with fee, will be required.

Reprinting letters that are no longer valid will apply in the following circumstances only:

Requesting reprints of letters delayed in the post

54. You may request a reprint of a letter that has been delayed in transit so that it is no longer valid. Reprints will be marked 'Duplicate' and will be free of charge, provided that the original letter of permission is returned together with your written request for a reprint.
55. If the original letter is not returned then your request will be refused and a fresh application with fee will be required. We reserve the right to confirm that the letter has been delayed in the post before issuing a duplicate.

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Where there has been a delay in obtaining entry clearance:

Sheffield
S3 8WA.

56. You should provide evidence to explain the reasons for delay in this circumstance, in the form of a written notice from the visa section containing the entry clearance interview date, a written request for a reprint and the original letter of permission.
57. We reserve the right to confirm the authenticity of evidence provided. If you do not provide evidence of the entry clearance delay then your request will be refused and you will be required to submit a fresh application enclosing the associated fee.

Where delays arise from appeals against Entry Clearance Officers' decisions not to grant leave to enter the UK:

58. You should provide evidence of the delay in this circumstance i.e. a copy of the successful appeal determination, with your written request for a reprint and the original letter of permission. We reserve the right to confirm that the evidence provided is genuine.
59. If you do not provide evidence of the delay then your request will be refused and you will be required to submit a fresh application, enclosing the associated fee.
60. Reprints will be free of charge once your written request is received, accompanied by the original letter of permission. If the original letter is not returned, and no confirmation from the British High Commission has been received that they have retained the letter, then a fresh application with associated fee will be required.

All requests for reprints should be submitted to:

Highly Skilled Migrant Programme
PO Box 3468

Stage 2: Applying for Entry Clearance or Leave to Remain

61. If successful, you will receive a HSMP approval letter and you can then move into the second stage of the application process. In this stage you will need to apply for either entry clearance to come to the UK, or for leave to remain to switch and extend your stay, on the basis of your HSMP approval.
62. Please note that a successful HSMP application does not guarantee approval of your entry clearance or leave to remain application.

The application process for those currently living outside the United Kingdom - entry clearance

63. The application for entry clearance must ordinarily be lodged within 6 months of the approval of the HSMP application.
64. The entry clearance application should be submitted to the British Embassy, High Commission or Consulate in either your country of origin or country of residence. You will not normally be allowed to submit an application for entry clearance in a country where you are based as a visitor or other temporary basis. Where there is no UK visa issuing post in your country of residence or where the nearest post does not issue entry clearances, another UK visa issuing post will have been designated to handle applications. If you are not sure where to apply, any UK mission will be able to advise you.

What will I generally need to do to make an application for entry clearance?

65. You must supply the entry clearance officer with:
 - A fully completed entry clearance application form (available on www.ukvisas.gov.uk and at British missions overseas) alongside your supporting evidence;
 - Your HSMP approval letter from the Border and Immigration Agency;
 - Two passport sized photographs; and
 - The appropriate fee.

You must be willing and able to make the United Kingdom your main home

66. If you are successful in your HSMP application, and apply for leave to enter or remain, we will ask you to provide a written undertaking that you intend to make the UK your country of habitual residence.
67. Secondments abroad that are an integral part of a job based in the UK are permitted, however they will be considered as time outside of the UK when considering eligibility for settlement purposes.
68. To qualify for settlement in the UK you must have spent a continuous period of five years in the UK in a category leading to settlement (please also see paragraph 102 of this guidance), except for short holidays or business trips. Any secondment that requires you to be outside the UK for an unbroken period of over three months will make your previous stay in the UK ineligible as a continuous period in the UK. Further details on settlement can be found at: www.ind.homeoffice.gov.uk

Maintaining yourself in the United Kingdom

69. There is no set amount of money you need to bring with you, it will depend on your personal circumstances. However it should be sufficient to ensure that you and your family are able to find appropriate accommodation without the need to access UK public funds whilst you look for work. The Entry Clearance Officer will assess this for applications made abroad.
70. Costs of living vary between different parts of the UK, but it is worth remembering that compared to many countries, the UK is an expensive place to live. For applications made abroad the entry clearance officer will need to determine whether you will be able to maintain and accommodate yourself and your family. Therefore you will need to show that you have enough savings and/or potential income to be able to support yourself and your family.

71. The entry clearance application should be submitted to the British Embassy, High Commission or Consulate in either your country of origin or country of residence. You will not normally be allowed to submit an application for entry clearance in a country where you are based as a visitor or other temporary basis. Where there is no UK visa issuing post in your country of residence or where the nearest post does not issue entry clearances, another UK visa issuing post will have been designated to handle applications. If you are not sure where to apply, any UK mission will be able to advise you.
72. Public funds are defined within the Immigration Rules and at the time of publication include: Income support; Income-based Jobseekers' Allowance (JSA); Housing and Homelessness assistance; Housing Benefit and Council Tax Benefit; Child Benefit; Attendance Allowance; Severe Disablement Allowance; Carer's Allowance; Disability Living Allowance; Working Tax credit or a social fund payment; Child Tax Credit; and State Pensions Credit.

Family Members' application process for those overseas

73. Your spouse, civil partner, unmarried or same-sex partner (see definition in paragraph 75 below) and dependant children under the age of 18 may apply to accompany you or to join you in the UK. They must also seek entry clearance for this purpose before they travel to the United Kingdom.
74. If entry clearance is approved your spouse, civil partner, unmarried or same-sex partner and dependant children will be granted leave to enter on the same conditions of stay as you. They will be able to work if they wish, however any such employment must not be necessary to support you or any other dependant.
75. Please note that any dependants' continued stay in the United Kingdom is conditional on them remaining in the United Kingdom as your dependants.

76. To be eligible for entry and to stay in the UK as an unmarried or same-sex partner, you and your partner must have been living together in a relationship akin to marriage. The relationship should have subsisted for the past 2 years or more, and you must intend to live together as partners during your stay in the UK. Moreover, any previous marriage or similar relationship by either partner must have permanently broken down. The complete requirements for entry as an unmarried or same sex partner can be found at Paragraph 295J of the Immigration Rules, which can be found in the Law and Policy section of the Immigration and Nationality Directorate's website at www.ind.homeoffice.gov.uk.

What if your application for entry clearance is refused?

77. As explained in paragraph 61, a successful HSMP application does not automatically guarantee approval of your entry clearance or leave to remain application.
78. There is no right of appeal through the Border and Immigration Agency for unsuccessful entry clearance. Unsuccessful entry clearance applicants may have a right of appeal under Section 88(2)(b) of the National Immigration and Asylum Act 2002 but any such appeal is against the decision of the Entry Clearance Officer to refuse entry clearance, it is not an appeal against the Border and Immigration Agency.
79. For any further information concerning entry clearance applications please visit www.ukvisas.gov.uk.

The process for those currently living in the UK under another capacity and who wish to switch into the HSMP provisions – applying for leave to remain

80. You may make a HSMP application whilst in the United Kingdom if you are currently here under one of the following categories:
- Work Permit holders (which excludes Training and Work

Stage 2: Applying for Entry Clearance or Leave to Remain

- Experience and the Sectors Based Scheme);
- Students who have obtained a degree qualification during their current period of leave in the UK 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; and have the written consent of their official sponsor to remain as a highly skilled migrant if they are a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension;
 - Postgraduate doctors, dentists and trainee general practitioners;
 - Science and Engineering Graduate Scheme or International Graduate Scheme participants;
 - Working Holiday Makers;
 - Innovator; and
 - Fresh Talent: Working in Scotland scheme participants, who have the consent of their official sponsor where appropriate.
81. If you are a government-sponsored graduate student you will need that government's written consent to extend your stay in the UK and should provide evidence of this as part of your HSMP application.
82. If you are in the UK within a category other than one of those listed at paragraph 80 you may still make a HSMP application. However, even if this is approved, your leave to remain application is likely to fall for refusal. Those in the UK who do not fall into one of the categories set out above, including those on temporary admission into the UK, should therefore return overseas and make an entry clearance application.
83. For applications made in the UK you will need to apply for your leave to remain on a FLR(HSMP) form.
84. Please note - the application for HSMP is not treated as an in-time immigration application under Section 3C of the 1971 Immigration Act. Therefore, although the FLR(HSMP) application will normally be made after your HSMP application has been approved, you should be sure to make your leave to remain application before your existing leave to remain expires.
85. For further information on how to apply for leave to remain please visit our website www.workingintheuk.gov.uk.
- What will I need to make an application if I am in the United Kingdom under another capacity and wish to switch into the HSMP provisions?**
86. You should send separately to us at Sheffield, the following:
- A completed FLR(HSMP) form, which you can download from the IND website or can obtain by calling the applications form line on 01173 441 471, along with your supporting evidence. Please note you should submit your leave to remain application before your current leave expires. The FLR (HSMP) form and accompanying guidance is available from the 'all forms' section of our website www.workingintheuk.gov.uk ; and
 - If you already have your HSMP approval letter from the Border and Immigration Agency you should enclose it with your leave to remain application; and
 - The correct payment (for full details of the payment and documentation you should submit with the FLR(HSMP) form, please read the guidance associated with the FLR (HSMP) form, which can be found on our website www.workingintheuk.gov.uk under the 'all forms' section).
87. You will also need to meet the criteria above, as for Entry Clearance requirements.
88. You should send the completed FLR(HSMP) form and accompanying

Stage 2: Applying for Entry Clearance or Leave to Remain

documentation to the Border and Immigration Agency) at:
Border and Immigration Agency -
FLR(HSMP)
PO Box 3976
Sheffield
S1 9BN

89. If you choose to submit both the HSMP application form and the FLR(HSMP) at the same time, you will not receive a refund if either part of the application is refused.

Family Members' Application Process

90. Your spouse, civil partner, unmarried or same-sex partner (see definition in paragraph 76) and dependent children under the age of 18 may apply to join you in the UK. If they are coming to join you from overseas they must seek entry clearance for this purpose before they travel to the United Kingdom.

91. If entry clearance is approved your spouse, civil partner, unmarried or same sex partner and dependent children will be granted leave to enter on the same conditions of stay as you. They will be able to work if they wish. However, any employment your dependants undertake must not be necessary to support you or any other dependants.

92. 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. Further information is available on the website www.ind.homeoffice.gov.uk

93. If your dependants are granted leave to enter or remain alongside yourself, they will be able to work if they wish, although any employment they undertake must not be necessary to support you or any other dependants.

What if your application for leave to remain is refused?

94. As explained in paragraph 62, a successful HSMP application does not

automatically guarantee approval of your leave to remain application.

95. 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.

Extension applications for those already here under the HSMP provisions

96. Under the HSMP provision, initial applications may be approved for a period of up to 2 years.

Extending your leave under the HSMP

97. If you are a Highly Skilled Migrant you will, in the last month before the end of that period, be able to apply for permission to stay for an additional three years under the HSMP.

98. The extension application is made on a specific form, the FLR(HSMP) form, available from the website on www.workingintheuk.gov.uk and from the distribution centre. Further guidance notes on this process are available with this form.

99. The extension application is similar to the initial HSMP application and consists of an attributes section where you will need to score at least 75 points in the four areas to be successful. You will also need to provide evidence of English language ability at extension stage.

100. If you were previously granted leave to enter and/or remain under the HSMP MBA provision or Priority applications for GPs provision you must meet the same requirements of the extension criteria as other applicants.

101. You will also need to declare that you and your family have not had access to public funds and to disclose any relevant information (as detailed on the application form) concerning previous criminal convictions. If your application is approved you will normally be given permission to remain for a further three year period.

Indefinite Leave to Remain

102. If you have been granted permission to stay in the United Kingdom as a Highly Skilled Migrant for a total of five years and wish to remain in the United Kingdom on a permanent basis you can apply at the end of the five-year period for permanent residence.
103. This is otherwise known as indefinite leave to remain or settlement. The main criteria for settlement will be that you have spent a continuous period of five years in the UK in a category leading to settlement. You must also be able to demonstrate that you can continue to be economically active in the UK as a highly skilled migrant.
104. In addition those applicants who are currently participants in the HSMP, and are applying for permanent residence as a Highly Skilled Migrant, can amalgamate leave granted under the HSMP with other continuous leave from previous work permit employment or from periods under the Innovator category. For example, if you had previously stayed in the UK with 2 years leave for work permit employment and then switched to the HSMP you would normally be eligible to apply for settlement after 3 years in the UK as a highly skilled migrant.
105. Further information on whether an immigration route leads to settlement can be found on the IND website at www.ind.homeoffice.gov.uk. If you meet the requirements for settlement your spouse, civil partner, unmarried or same-sex partner and children under the age of 18 will also be able to obtain permanent residence with you.

FURTHER INFORMATION

Guidance on Representatives and Agents

106. You may make an application through a representative/agent. The representative must fill in and sign the representative's declaration page of the HSMP application form.
107. If you wish for a representative to take over responsibility for your application and act on your behalf when your application is partway through the application process, or at review stage, then you should write and tell us. You should also include a signed declaration page from the HSMP application form from the representative. Please send this information to:
Highly Skilled Migrant Programme
PO Box 3468
Sheffield
S3 8WA
108. Until we have your authority to make exchanges with the new representative and a signed declaration page from that representative, we will be unable to deal with them.
109. UK representatives acting on behalf of the applicant who are offering advice and services provided in connection with an HSMP application will need to be registered with the Office of the Immigration Services Commissioner (OISC), unless they are exempt from the requirements to do so. This is a requirement of Section 84 of the Immigration and Asylum Act 1999.
110. The representative should indicate whether they are registered, or the basis on which they are exempt from the registration requirement, on the representative declaration form and include their OISC registration.
111. If the representative is not required to register due to being regulated by a designated legal professional body (as defined by the Immigration and Asylum Act 1999, eg the Law Society), or if they work under the supervision of such a

person, evidence should to be provided to support this.

112. Members of a designated legal professional body that are not regulated by them for Immigration purposes (for example some registered foreign lawyers or non-practising barristers) should ensure that they abide by the OISC codes of practice and seek regulation with the OISC if they wish to continue to provide immigration advice or services.
113. If a representative makes an application on behalf of an individual, and that representative is not permitted to provide advice and immigration services (by section 84 of the Immigration and Asylum Act 1999), we will inform both the representative and the individual of the requirements of the Act. Any further correspondence will be made directly with you at the address stated on the application.
114. Anyone unsure of the status of their representative should contact the OISC.

Contact details for the OISC

Queries about OISC requirements should be addressed to:

OISC
5th Floor
Counting House
53 Tooley Street
London SE1 2QN
Tel: 0207 211 1500
Fax: 0207 211 1553
E-mail: info@oisc.gov.uk
Website: www.oisc.gov.uk

Representatives based outside the UK

115. The OISC regulations do not apply to representatives based overseas. Therefore where an overseas representative has been appointed we can deal with this representative without the need for registration with the OISC on condition that they have completed and signed the representative declaration page of the application form.

Return of information

116. Once we have considered your application, a decision letter will be sent to you along with the original

Further information

documents that you submitted to support your application.

117. Decision letters and original documents will be returned to your current address, declared on the front of the application form, or the address stated on the representative's declaration page, if one has been appointed. We are unable to send out decision letters or documents to a third party or care of address.. For applications made within the UK, all documents will be dispatched using Recorded Delivery. For applications made from outside of the UK, the information will be sent by airmail.
118. **Please note:** Due to the very large volumes of items posted overseas, we are unable to send documents by individually registered post. Once items sent by standard airmail have left Home Office premises, we are unable to track their whereabouts and therefore cannot accept any responsibility for their loss.
119. If you believe that there is a risk of your documents being lost, e.g. by an overseas postal carrier, you are able to make arrangements for courier collection from ourselves. However, all costs for a courier will need to be borne by yourself.
120. If you arrange for a courier to collect your documents, please fax us on 0114 207 6021 to make the necessary arrangements. If however, at the end of one week your documents have not been collected we will post them out by the appropriate postal method, as above.
121. Please note that we 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. Please see **Annex B** for further information.

Alternative routes of entry to the United Kingdom:

122. The Highly Skilled Migrant Programme is only one of a variety of legal routes open to individuals wishing to move to

the United Kingdom. You will be best placed to judge if this route is for you, but the Programme is designed for those who wish to seek work or self-employment in the UK on an individual, flexible basis, and who are at the top of their chosen profession.

123. Those specifically wanting to establish a business may wish to look to enter as an Innovator or under the Business Rules (including the Self-Employed Lawyers Concession). Writers, composers and artists may also enter under the immigration category specific to them.
124. If a UK employer wants to employ you for a specific post, your prospective employer may wish apply for a work permit for you. This must be obtained before you travel to the United Kingdom to take up that post.
125. Those who wish to make the UK their main home but not to work, and who have significant capital, should consider the Investor or Retired Person of Independent Means categories of the Immigration rules.
126. Further information about these routes of entry to the UK can be found on the IND website at www.ind.homeoffice.gov.uk or alternatively www.workingintheuk.gov.uk

What if I need more information on National Insurance (NI) contributions or tax?

127. You can get more information on NI contributions and tax from HM Revenue and Customs at your local Tax Office or Enquiry Centre. Details of these can be found in your local telephone directory or on Her Majesty's Revenue and Customs website at: <http://www.hmrc.gov.uk/>. A help-sheet is available in a variety of languages at http://www.hmrc.gov.uk/cnr/helpsheet_download_page.htm.

Working for an employer

128. You may have to pay tax on your wages. Tax is taken from your pay and paid to the government on your behalf by your employer. When you start work

Further information

your employer will give you a form 'PAYE - notice of new employee (P46)' to complete. This will allow them to decide how much tax to deduct from your salary. However, if HM Revenue and Customs needs more information they will contact you.

Working for yourself

129. You must register with HM Revenue and Customs if you work for yourself. You can do this by:

- calling 0845 915 4515 from 8.00am to 6.00pm Monday to Friday - English Language Service only;
- completing the form 'Becoming self-employed and registering for National Insurance contributions and/or tax (CWF1)'. You can download the form at www.hmrc.gov.uk/forms/cwf1.pdf or collect it from any HM Revenue & Customs Enquiry Centre.

National Insurance

130. You have to pay National Insurance (NI) contributions in order to work legally in the United Kingdom. You must apply for a National Insurance number through your:

- local Jobcentre Plus office;
- Jobcentre; or Social Security office. They will arrange an interview with you. To find your local office visit jobcentreplus.gov.uk for more information.

131. Our contact details:

If you have a general enquiry regarding the HSMP scheme, you can contact our Customer Contact Centre at:

Customer Contact Centre
Border and Immigration Agency (BIA)
Managed Migration Directorate
PO Box 3468
Sheffield
S3 8WA
Telephone 0114 207 4074
Fax: 0114 207 4000
Email:
wpcustomers@ind.homeoffice.gsi.gov.uk

What to do if you wish to make a complaint

132. 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 (BIA)
PO Box 3468
Sheffield
S3 8WA

Email:

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

Fax: 0114 2076368

133. Please be aware that you will be advised to send all complaints in writing. If your complaint is about the general procedures for applying under the Highly Skilled Migrant Programme we will reply within 20 working days of receiving your letter.

134. 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.

135. 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. 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.

136. 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.

137. A copy of our Complaints Procedure is available to customers on request. If you want a copy, please contact our

Further information

Customer Contact Centre on tel. 0114
207 4074.

Glossary

Glossary

Accredited Institution – A place of study that is recognised as an institution of higher education by NARIC (please see below). Professional bodies must be recognised by the equivalent UK regulatory authority.

Certified translations – Translations that have been made and endorsed by a professional translator, and can be independently verified if necessary.

Declared Earnings – Earned income that has been declared to the appropriate tax authorities.

Entry Clearance Application – An application for a visa to allow the individual to enter the UK. Entry clearance applications must be made from outside the UK after a HSMP application has been approved. UKVisas administer entry clearance applications, and further information about making such applications can be found on the UK Visas website at www.ukvisas.gov.uk

Entry Clearance Officer – a UK government official who works at a British Embassy or High Commission overseas. Entry Clearance Officers consider entry clearance/ visa applications from individuals wishing to enter the UK.

FLR (HSMP) – the application form for leave to remain as a Highly Skilled Migrant. All HSMP applicants who are making applications from inside the UK must complete this application form in order to stay and work under the HSMP category. Out of country applicants do not need to complete this form.

In Country Application – An application submitted by an individual who is living in the UK.

Leave to Remain – The period of time for which an individual has been granted permission to stay once they have entered the UK. An applicant's leave to remain is valid until the expiry date stamped in the applicant's passport.

NARIC – The National Academic Recognition Information Centre. NARIC is a private company that specialises in the comparison of overseas academic qualifications in relation to UK academic levels.

Notary - A notary is an officer of the law who has undergone specific training to authenticate documents under their signature and official seal.

In the United Kingdom (UK) a Notary Public is a qualified lawyer who is appointed by the Archbishop of Canterbury and is subject to regulation by the Court of Faculties. However, Notaries Public exist in most overseas countries.

Notarisation - Notarisation is the certification by a Notary Public that the signature appearing on a document is true and genuine. Notaries assess documents and attest that the copies are exact representations of the original.

Notarised copies of the personal details page of the passport – must be signed and stamped by a verifiable notary public.

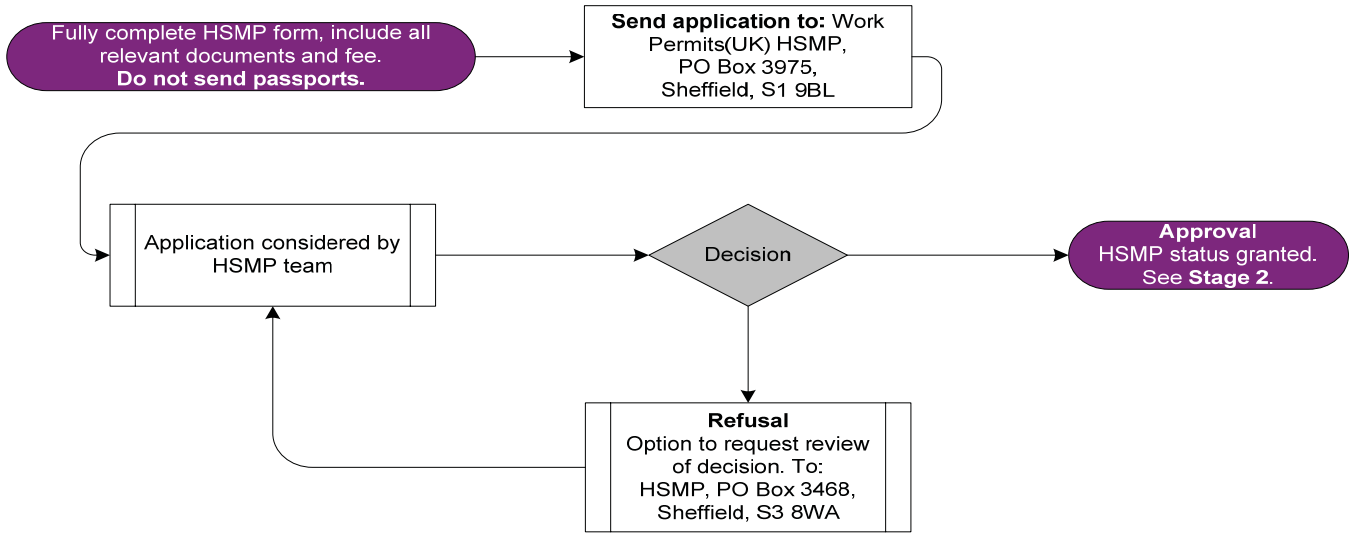
Out of Country Application – An application submitted by an individual who is currently residing outside the UK.

Salaried employment – 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 different 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.

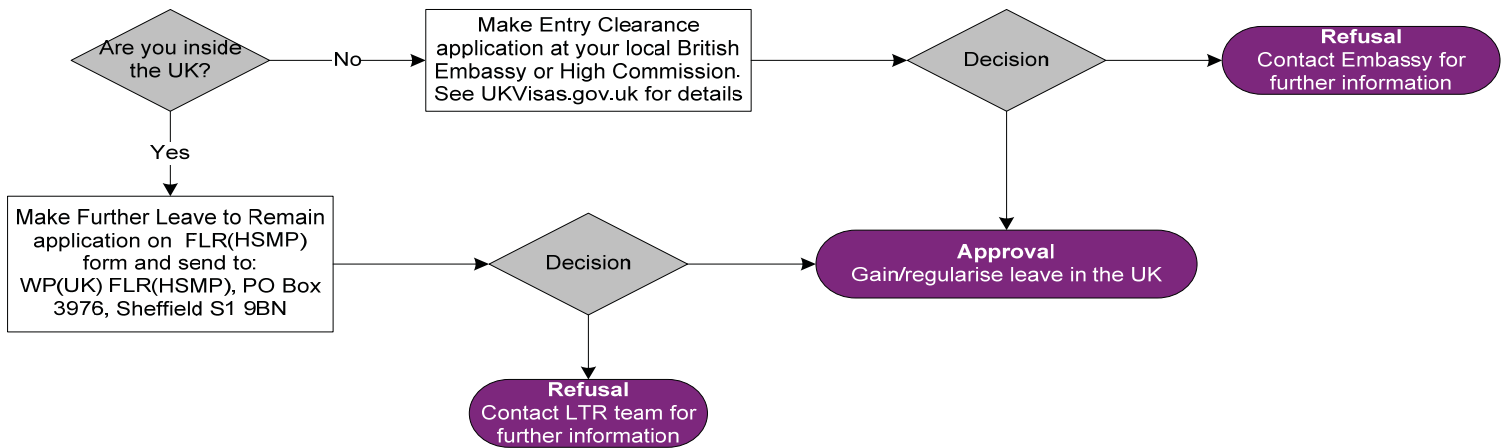
Self-employed work – The type of work where an individual has set up their own business, singly or with others. They may not qualify for national minimum wage, for more information please see www.dti.gov.uk.

Annex A – The application process

Stage 1 - making an HSMP application



Stage 2 - after gaining HSMP approval



Please note the application for HSMP is not treated as an in-time application under Section 3C of the 1971 act. Therefore, although the FLR(IED) application will normally be made after your HSMP application has been approved, you should make sure you submit your leave to remain application before your existing leave expires.

Annex B – Payment Guidance

Annex B: Payment Guidance

1. This Annex gives information and advice about payments for the consideration of applications made under the Highly Skilled Migrant Programme (HSMP). Please read these notes before filling in the payment section at the front of the HSMP application form

Contents	Paragraphs
Introduction	2-3
How much will it cost?	4-5
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Exemptions	8-10
How do I pay?	11-23
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Withdrawn applications	31
Duplicate Applications	32
Reviews	33-34
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Introduction

2. Applications made under the Highly Skilled Migrant Programme (HSMP) are subject to a charge.
3. These guidance notes provide details of the charge and the payment procedures to follow when making applications under the HSMP arrangements. Guidance on the general arrangements for the scheme is available on the Immigration and Nationality Directorate (IND) website at www.ind.homeoffice.gov.uk or may be requested by telephone from our distribution centre on: +44 (0) 1173 441 471.

How much will it cost?

4. From 2 April 2007, the fee for the consideration of a HSMP application is £400 per application. This fee will apply for initial HSMP applications made under the HSMP arrangements and further applications where new information is supplied.
5. All leave to remain applications for HSMP should be submitted separately on a FLR (HSMP) form along with the fee of £350 (for a postal application). Please note that Leave to Remain applications for HSMP cannot be dealt with at the Public Enquiry Office.

Consideration Procedure

6. The fee charged is for the consideration of the application and not for the issue of a decision. A valid fee if applicable, must accompany the application form otherwise the case cannot be considered.
7. We cannot begin the consideration process until the payment has cleared. Payments made by cheque will take 5 working days, credit/debit cards will take 1 working day and postal orders will clear immediately.

Exemptions

8. In accordance with our International obligations under the 1961 Council of Europe Charter or the 1996 European Social Charter (revised), nationals of countries who have signed and ratified the charter are exempt from a charge. Therefore, nationals of Albania, Andorra, Armenia, Azerbaijan, Croatia, Georgia, FYR of Macedonia, Moldova, Turkey and Ukraine will be exempt.
9. 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 the Border and Immigration Agency website at www.workingintheuk.gov.uk. There are no other exemptions to the charge.
10. If you are making a HSMP application and you are a citizen of one of the exempt countries listed above, please complete the 'Contact Details' section and the 'Application details' of the payment slip ensuring you have ticked the 'exempt' box.

How Do I Pay?

11. If your application does not meet the exemption rules, the payment must accompany the application and the payment slip must be fully and accurately completed.

Payment can be made by:

12. Cheques drawn in sterling on a UK bank account;
UK postal order; or
Credit or debit card.

Annex B – Payment Guidance

Payment by any other method will not be accepted.

13. If the payment submitted does not cover the total cost of the application (£400), it will not be possible to consider the application. We will return it to you without consideration including the part payment.

Paying by Cheque and Postal Order

14. UK Cheques and Postal Orders should be made payable to 'Home Office, Work Permits (UK).'
15. All the relevant information must be completed including the payer details, the date, the amount, and the signature.
16. The cheque or postal order must be attached to the front of the payment slip to avoid them being 'missed' amongst the documents that are sent with the application. You should also make sure you complete the 'Payment details' section of the payment slip.

Credit or Debit Card Payments

17. Credit or Debit card payments should contain the card number, the amount paid, the payer's name as it appears on the card, valid from and expiry date, Card Verification Value (CVV) code, signature and date.
18. 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.
19. For Switch/Maestro card users the issue



number must also be completed.

Completing the payment page

20. In all cases, whether paid for or exempt applications, the following instructions should be followed.

21. Please complete the whole of the 'Contact details' section and 'Application details' section.

For paid applications

22. You should tick the 'paid' box on the top left corner of the first page of the HSMP form. For exempt applications, you should tick the 'exempt' box on the top left corner of the first page of the HSMP form.
23. More detailed guidance for the completion of the payment slip can be found in paragraphs 35-36 of this annex

Procedure for Applications Received

24. Completed applications for HSMP initial applications should be sent to:-
Border and Immigration Agency
PO Box 3975
Sheffield
S1 9BL
25. This address is of a Government approved Payment Handling Service which will check the following:
- A payment is applicable;
 - The payment slip is completed correctly;
 - The payment method is acceptable;
 - The application has been identified correctly as paid or exempt; and
 - The payment has cleared.
26. 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.

In-country applications

27. All in-country applicants must submit a leave to remain application on an FLR(HSMP) form within six months of their HSMP approval and before their existing leave to enter and/or remain in the UK expires to:
Border and Immigration Agency –
FLR(HSMP)
PO Box 3976
Sheffield
S1 9BN
28. Although the FLR(HSMP) application will normally be made after your HSMP status has been approved, you must make sure

Annex B – Payment Guidance

that your leave to remain application is made before your existing leave to remain expires.

Extensions of HSMP leave to remain

29. Applications for HSMP extensions should be submitted, to the Sheffield address given above, on an FLR(HSMP) form, no sooner than one month prior to the expiry of your leave to remain as a Highly Skilled Migrant.

30. Please note that sending application forms to the incorrect address will result in significant delays to the process.

Withdrawn Applications

31. Once an application has been received by the payment handling service, the appropriate fee will be charged. If a request to withdraw the application is received at any time during the consideration process, the fee will not be refunded. It is therefore the full responsibility of the person submitting the application to ensure that they wish to enter into the application process.

Duplicate Applications

32. In the event of more than one application being received for the same individual, each application will be subject to the standard charge of £400.

Reviews

33. You may ask for your case to be reviewed if you think the original decision was wrong. You should send your request for a review to:

Highly Skilled Migrant Programme (HSMP)
PO Box 3468
Sheffield
S3 8WA

34. However if you submit further information in support of your application you will be required to submit a new application accompanied by the fee of £400. You should send it to:

Border and Immigration Agency HSMP
PO Box 3975
Sheffield
S1 9BL

Guidance for completion of the Payment Slip

35. Correct completion of the payment slip is very important. Any errors may prevent the payment from being processed and will delay the consideration process. It is therefore imperative to complete the payment slip in accordance with these guidance notes.

36. You must complete the whole of the 'Contact details' section and the 'Application details' section.

37. Contact Details: Please enter the details of the person responsible for payment in case we have a payment query. In the event of the payment not being able to be processed the application will be returned to the contact name and address detailed in section 1.

38. Application Details: Please ensure that you complete the paid for and exempt boxes correctly and that the information provided here matches the details given on page 1 of the HSMP form.

39. Payment Details: Please complete this section if you have indicated in the 'Application details' section that you are paying for the application. You need only complete the relevant sections. If you have indicated that the application is exempt there is no need to complete this section.

Other Details

Submission of Application Forms

40. In order to simplify the validation procedure, please ensure that the application is packaged in the following order:

41. Application form with cheque or postal order (if applicable) secured to page one.

- Covering letter.
- Supporting documents.

And for Leave to Remain or HSMP Extension applications only:

- Passport(s)

Postal Applications

42. If your application is sent to our Moorfoot address, this will delay the processing of your application.

Address for Extensions of HSMP leave to remain

Annex B – Payment Guidance

43. If the application is to extend your existing HSMP leave to remain, you should send form FLR (HSMP) along with the fee £350 to:-
Border and Immigration Agency – FLR (HSMP)
PO Box 3976
Sheffield
S1 9BN

Applications sent by Courier

44. If you wish to send your application by Courier, the delivery address is:
Border and Immigration Agency
7th floor
Fountain Precinct
Balm Green
Sheffield
S1 2JA
45. Applications delivered by courier must arrive during normal business hours (8.30am to 4.30pm on weekdays excluding Bank Holidays). Acceptance of the form after these hours cannot be guaranteed.
46. Applications sent to any other address, including our Moorfoot address in Sheffield, cannot be accepted, and the processing of your application will therefore be delayed.

Annex C – Point scoring areas

Annex C: Scoring Areas for those persons applying on the HSMP application form

Contents	Paragraph
Qualifications	2-26
Previous earnings	27-67
UK Experience	68-78
Age assessment	79-90

1. All evidence supplied must be able to be independently verified using the contact details supplied. If an application contains evidence that cannot be verified, we will refuse to accept that evidence (see 'Verification of Evidence' in the section on Stage 1: The HSMP application Process of this guidance).

Qualifications

Introduction and Points available

2. In this category you can score the following points according to the highest level educational qualifications you hold:

PhD	Masters	Bachelors
50	35	30

3. Qualifications have to 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.
4. 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 NARIC database or the relevant professional body. It is the responsibility of the applicant to demonstrate that the qualification equates to a UK academic qualification. You should obtain evidence that the qualification equates to an appropriate British level academic qualification and submit this evidence with your application.

Evidence required

5. 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 (See the glossary for definition). Points can only be awarded for one qualification and will be awarded in accordance with the level verified by NARIC.

Academic qualification

6. You should provide your original degree certificate. This should clearly show
 - the date of the award; and
 - the title of the award; and
 - the name of the awarding institution; and
 - your name.
 Please note that original provisional certificates are not acceptable.

Professional qualification

7. You should provide your original award certificate, together with confirmation from the appropriate UK professional body confirming your qualification's equivalence to UK academic levels.
8. You should supply your original award certificate. This 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.
9. You should also provide an original letter from the appropriate UK professional body confirming your qualification's equivalence to UK academic levels. The letter from the UK professional body must confirm both the following:
 - the name of the qualification including the country and awarding body;
 - which UK academic level it is equivalent to.

Recent graduates awaiting the issue of a certificate

10. 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.
11. The letter from the institution should be on the official headed paper of the institution and clearly show:
 - Your name; and
 - Title of award; and

Annex C – Point scoring areas

- Date of award, confirming that it will be awarded; and
 - Date that the certificate will be issued
12. If the letter does not state what qualification has been 'granted'/^conferred'/^awarded' it cannot be considered as suitable evidence. You should also supply your academic transcript.
13. The academic transcript should clearly show:
- Your name; and
 - The institution awarding the degree; and
 - Your course details; and
 - Confirm that the qualification has been awarded.

Exceptional consideration

14. If there are exceptional reasons as to why you are not able to provide either your original certificate of your award or an original letter from the awarding body then you may request exceptional consideration of your case.
15. 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 or individual circumstances such as your most recent employer going out of business or theft of a qualification certificate..
16. 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 will also need to provide alternative supporting evidence as specified below.
17. You should note that unless we are satisfied that the reasons you are unable to provide either an original degree certificate, or in the case of individuals who are awaiting graduation a letter from the awarding body, are compelling then we will not consider the alternative documentation submitted.

Academic qualification – exceptional consideration

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

19. The original letter on the headed paper of the awarding institution from an authorised official should show:
- Your name; and
 - The qualification awarded; and
 - The date of the award.

You should also include your academic transcript.

20. The academic transcript must include:
- Your name;
 - The name of the academic institution; and
 - Course details; and
 - Confirmation of the award.

21. If the letter/transcript does not state what qualification has been 'granted'/^conferred'/^awarded' it cannot be considered as suitable evidence.

22. With PhD qualifications, it may be the case that an academic transcript is not produced, especially for those qualifications which have a research bias. In such circumstances, a letter from the awarding institution will be acceptable in the absence of a transcript. This letter should outline the key details requested for academic transcripts.

Professional qualification – exceptional consideration

23. In exceptional circumstances we can consider evidence of 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.
24. If you are claiming points for a professional qualification then you will need to provide an original letter from the professional body that confirms the qualification and confirmation from the appropriate UK professional body confirming your qualification's equivalence to UK academic levels.

25. The original letter on the headed paper of the awarding institution from an authorised official should show:
- Your name; and
 - The qualification awarded; and
 - The date of the award.

Annex C – Point scoring areas

26. You should also provide an original letter from the appropriate UK professional body confirming your qualification's equivalence to UK academic levels. The letter from the UK professional body must confirm:
- The name of the qualification including the country and awarding body; and
 - Which UK academic level it is equivalent to.

Previous Earnings

Introduction and Points Available

27. You can claim points for your previous earnings obtained from your work.
28. We will assess your gross earnings before tax over a total period of up to 12 months out of the 15 months immediately prior to your application. The earnings can be for any consecutive 12-month period out of the last 15 months. There can be gaps in employment within this 12 month period. However, the cumulative earnings total will still need to meet the earnings threshold claimed against. This applies if you are in salaried or non-salaried employment. You should indicate the start and end date of the period claimed on the application form. If you claim for a period exceeding/outside the 12 months out of a 15-month period prior to the application date, we will assess the 12 months directly prior to the application date.

Part-time earnings

29. We will consider your total part-time earnings over a period of up to 12 months in the 15 months prior to your application, and can consider your total earnings from several jobs over this period. Earnings do not have to be with a single employer.
30. 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.
31. 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.

32. 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 pay part of your income in dividends then you should provide evidence that this has been declared as earnings (see Glossary). This should be in the form of either personal tax returns or the corporate tax voucher from the company.
33. 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 are not dividends derived from investments i.e. they are subject to income tax.
34. Applicants are required to submit certified translations where documents such as payslips are not in English.
35. Applicants who can only provide on-line payslips will be required to obtain their employer's signature and stamp on a printout to authenticate the evidence.
36. In order to reflect differences in income levels across the world, the income level required to score points varies depending on where you live. Therefore the country you have been residing and working in over this period, rather than your nationality, determines the income band.
37. There are five country codes that have been set by HM Treasury. You will need to convert your earnings into Pounds Sterling (£) in order to calculate how many points you can claim. The exchange rate used to convert your earnings should be the exchange rate on the date of your last payslip.
38. For example, a Chinese national working in India would be required to demonstrate a minimum annual income level over the correct period of £4,900 (once converted to Pounds Sterling) in order to score 25 points for previous income.

Annex C – Point scoring areas

The income bands required demonstrating the Previous Salary Criteria are:

Code A countries				
Andorra; Aruba; Australia; Austria; Belgium; Bermuda; Canada; Cayman Islands; Channel Islands; Denmark; Finland; France; French Polynesia; Germany; Gibraltar; Guam; Hong Kong (Province of China); Iceland; Ireland; Italy; Japan; Kuwait; Liechtenstein; Luxembourg; Monaco; Netherlands; Norway; Qatar; San Marino; Singapore; Sweden; Switzerland; United Arab Emirates; United Kingdom; United States of America; Vatican.				
Previous earnings (£) points scores				
5 pts	10 pts	15 pts	20 pts	25 pts
16,000+	18,000+	20,000+	23,000+	26,000+
30 pts	35 pts	40 pts	45 pts	
29,000+	32,000+	35,000+	40,000+	

Code B countries				
American Samoa; Antigua and Barbuda; Argentina; Bahamas; Bahrain; Barbados; Botswana; Brunei Darussalam; Chile; Costa Rica; Croatia; Cyprus; Czech Republic; Estonia; Faroe Islands; Greece; Greenland; Grenada; Hungary; Israel; Korea (South); Latvia; Lebanon; Libya; Macao, (Province of China); Malaysia; Malta; Mauritius; Mexico; Netherlands Antilles; New Caledonia; New Zealand; Northern Mariana Islands; Oman; Palau; Panama; Poland; Portugal; Puerto Rico; Saudi Arabia; Seychelles; Slovak Republic; Slovenia; Spain; St Kitts and Nevis; St Lucia; Taiwan (Province of China); Trinidad and Tobago; Uruguay; Venezuela; Virgin Islands.				
Previous earnings (£) points scores				
5 pts	10 pts	15 pts	20 pts	25 pts
7,000+	8,000+	9,000+	10,000+	11,500+
30 pts	35 pts	40 pts	45 pts	
12,500+	14,000+	15,500	17,500+	

Code C countries				
Albania; Algeria; Belarus; Belize; Bolivia; Bosnia & Herzegovina; Brazil; Bulgaria; Cape Verde; China (Peoples Republic of); Colombia; Dominica; Dominican Republic; Ecuador; Egypt; El Salvador; Fiji; Gabon; Guatemala; Honduras; Iran; Jamaica; Jordan; Kazakhstan; Lithuania; Macedonia; Maldives; Marshall Islands; Micronesia; Morocco; Namibia; Nauru; Paraguay; Peru; Philippines; Romania; Russian Federation; Samoa; South Africa; St Vincent & The Grenadines; Suriname; Swaziland; Syrian Arab Republic; Thailand; Tonga; Tunisia; Turkey; Turkmenistan; Vanuatu; West Bank and Gaza.				
Previous earnings (£) points scores				
5 pts	10 pts	15 pts	20 pts	25 pts
5,000+	5,600+	6,300+	7,200+	8,100+
30 pts	35 pts	40 pts	45 pts	
9,100+	10,000+	11,000+	12,500+	

Code D countries				
Angola; Armenia; Azerbaijan; Bangladesh; Benin; Bhutan; Cameroon; Comoros; Congo (Republic of); Cote d'Ivoire; Cuba; Djibouti; Equatorial Guinea; Gambia; Georgia; Guinea; Guyana; Haiti; India; Indonesia; Iraq; Kenya; Kiribati; Lesotho; Mauritania; Moldova; Mongolia; Montenegro; Myanmar; Nicaragua; Pakistan; Papua New Guinea; Senegal; Serbia; Solomon Islands; Sri Lanka; Sudan; Timor L'Este (East Timor); Ukraine; Uzbekistan; Vietnam; Yemen; Zambia; Zimbabwe.				
Previous earnings (£) points scores				
5 pts	10 pts	15 pts	20 pts	25 pts
3,000+	3,400+	3,800+	4,300+	4,900+
30 pts	35 pts	40 pts	45 pts	
5,500+	6,000+	6,600+	7,500+	

Code E countries				
Afghanistan; Burkina Faso; Burundi; Cambodia; Central African Republic; Congo, (Democratic Republic of); Chad; Eritrea; Ethiopia; Ghana; Guinea-Bissau; Korea (North); Kyrgyz Republic; Lao; Liberia; Madagascar; Malawi; Mali; Mayotte; Mozambique; Nepal; Niger; Nigeria; Rwanda; Sao Tome and Principe; Sierra Leone; Somalia; Tajikistan; Tanzania; Togo; Uganda.				
Previous earnings (£) points scores				
5 pts	10 pts	15 pts	20 pts	25 pts
1,400+	1,600+	1,800+	2,000+	2,300+
30 pts	35 pts	40 pts	45 pts	
2,550+	2,800+	3,100+	3,500+	

Annex C – Point scoring areas

What if your working pattern does not fit this model?

39. If you have been unable to earn an income for the last 12 – 15 months, due to undertaking full-time study, then we will consider your earnings for a 12-month period in the 15 months immediately prior to you becoming a full-time student. We will do this for both:

- Current full-time students; this can be 12 months in the 15 months immediately prior to the period of study; or
- Recent students who have finished a full-time course within the previous 12 months can use the period of 12 months in the 15 months immediately prior to the period of study.

40. If you wish to claim points for earnings from the period before your full-time study you will need to provide the evidence of salaried or self-employed earnings as above, plus an original signed letter on the headed paper of the institution showing:

- Your name;
- Dates of study;
- Number of hours studied per week.

41. If you have lived and worked in more than one country during the past 15 months we will normally assess your income over a 12-month period against the country where you have spent the longest period, on a pro-rata basis. For example we consider a period of up to 12 months in the last 15, so that if you have spent 8 of the months in the United Kingdom and 4 in Nigeria, we will take your earned income in the United Kingdom, divide it by eight and multiply it by 12 to give an annual income figure. You will then be allocated points appropriate to that figure. If you wish to have your earnings calculated on a pro-rata basis, you should supply supporting evidence to cover the full earnings period claimed. You need to submit the appropriate forms of evidence for consideration for the earnings period claimed(see below).

42. If you have been seconded overseas during the last 15 months and your salary continues to be paid in the normal manner overseas, the country where you have been seconded to and working would normally be considered. In order for us to establish which country code to consider your earnings against you will need to provide evidence of where you

have been working and where your salary has been paid for the 12-month period you wish us to consider.

43. If you are living and working in a country but having your income paid into a bank account in another country your income will be considered against the country code where you are living and working.

Evidence Required

44. If you have worked under more than one employment category during the earnings period claimed, a covering letter should be provided which clearly indicates which items of supporting evidence relate to which category of employment. You should also indicate the period of employment for each category. You will need to ensure that the evidential requirements for each category have been met, as listed below.

Salaried Employment

45. If you are claiming points that relate to salaried employment (including part-time; temporary; short-term or consultancy work) then you will need to provide **two** pieces of evidence to support the earnings for which you are claiming points. The two pieces of evidence provided must be consistent with, and corroborate, each other for the full period claimed.

46. We ask for more than one piece of evidence in these scoring areas because it is important that we can clearly establish your salary. Having different forms of evidence helps us to do this quickly and efficiently.

47. In order to demonstrate your total annual salary before tax you should provide both:

48. Your income tax return. If the tax year does not cover the full period claimed other corroborating evidence is required for the period(s) not covered. Self-assessment tax documents are not accepted, as they are not independent;

49. Your wage slips covering the entire 12 months period claimed. 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.

Annex C – Point scoring areas

50. If your income tax return does not cover the entire period claimed, then you should provide either or both of the following:
- Your bank statements covering the period claimed for;
 - A letter from your employer on company headed paper, stating your salary. The letter should confirm that you have received the salary stated for the earnings period claimed.
51. If you work in a country that does not have a tax system then you should provide two of the following:
- Your wage slips to cover the period claimed;
 - Your bank statements covering the period claimed, as evidence of your income;
 - A letter from your employer stating your income as claimed.

Definition of a tax return

52. 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 e.g. SARAL in India.

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

Exceptional consideration

53. If there are exceptional reasons as to why you are not able to provide either your relevant income tax return or your wage slips covering the 12-month period for which you are claiming then you may request exceptional consideration of your case.
54. The Border and Immigration Agency may be willing to consider alternative evidence specified below 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. 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 will also need to provide alternative supporting evidence as specified below.
55. 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 to cover the 12 months period for which you are claiming are compelling then we will not consider the alternative documentation submitted.
56. If you are not able to provide an income tax return and/or wage slips to cover the 12 months period for which you are claiming for other reasons (e.g. the tax information does not cover the full period claimed), 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 month period; and/or
 - A letter from your (previous) employer/s confirming that you received the salary for which you are claiming.

The evidence that you provide must be consistent with, and corroborate, each other.

Previous Earnings for Independent Contractors

57. 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

Annex C – Point scoring areas

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.)

58. 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.
59. If you are claiming points for a period where you have been working as an independent contractor and you therefore do not have wage slips covering this period, you should 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 the following items of supporting evidence.:
- Your income tax return. If you do not have a tax return which covers the full period, please provide the most recent tax return available. 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**
 - Your bank statements showing the payments made by your employers to you.
60. If the required documents above do not provide two forms of corroborating evidence that clearly demonstrate your gross earnings for the period claimed, you should provide at least one of the documents listed below;
- An accountant's letter on their letterhead confirming your gross and net salary for the period claimed.

- Invoice explanations/Payment advice for the full period claimed.

Self-employment

61. The supporting evidence provided for this category will indicate your involvement in the day to day running of a company, either as the 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 period claimed.
63. You must provide **both** of the following pieces of evidence to cover the full period claimed:
- Your most recent personal tax returns – if the tax year does not cover the full period claimed, other corroborating evidence is required for the full earnings period claimed. 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:
- 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 required documents above do not provide two forms of corroborating evidence that clearly demonstrate your gross earnings

Annex C – Point scoring areas

for the period claimed, you should provide supplementary documents from the following list;

- An accountant's letter on their letterhead confirming your gross and net salary for the period claimed.
- Invoice explanations/Payment advice for the full period claimed – where dividends have been paid as a part of your earnings, the payment summaries provided should show that the gross dividend has been paid to you.
- Company bank statements (if not supplied through the combination of documents requested above.

66. 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.

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

Introduction and Points Available

68. You can claim five points if you have previous experience of living in the UK if either:

- You have successfully scored points under the previous earnings category and your earnings were in the UK; or
- You have studied and graduated at Bachelors degree level or higher (as recognised by NARIC) in full-time higher education in the UK, or at a UK-based overseas educational institution, for at least one full academic year.

69. You can only score a total of five points in this category. You can not score five points for UK earnings and five points for UK qualifications.

Evidence Required

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

71. You can claim points for UK experience if you have achieved a degree level qualification or above in the last five years after studying in the UK for at least one year or three consecutive terms making up a period of a full year. You do not necessarily need to be using this qualification to claim points in the qualifications points scoring area. However you will need to provide evidence of your study as outlined below.

72. If you are claiming points for study in the UK you must show that the qualification was:

- At bachelors degree level or higher (as recognised by NARIC); and
- At a UK-based institution.

73. You can also claim points in this section if you studied in the UK at an overseas educational institution with a base in the UK; and

- Through full-time study in the UK for at least one full academic year or three continuous terms making up one full year; and
- Gained during the previous five years; and
- You were legally entitled to study in the UK during that time.

74. You will need to provide the following evidence:

- A letter from the UK institution stating that:
- you achieved a qualification at UK degree level or above; and
- the degree involved study for at least one full academic year or three continuous terms making up one full year; and
- this was during the previous five years; AND
- In all cases you will also need to provide the original letter of permission from the Home Office conferring your leave to enter/remain in the UK as a student.

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Exceptional consideration

75. If you cannot provide the original letter of permission from the Home Office conferring permission to study in the UK, then you may request exceptional consideration of your case. We may be willing to consider specified alternative evidence in support of your claim for previous study in the UK in exceptional circumstances, such as if war or natural disaster has affected you. We would also consider circumstances directly related to the individual such as your most recent employer going out of business or theft of a qualification certificate.

76. If there are exceptional and compelling reasons as to why you are unable to provide the Home Office letter of permission to study, then you will need to explain these reasons fully on the application form. You will also need to provide alternative evidence in the form of:

- Notarised copy of the personal details page of your passport AND
- Notarised copy of the page that indicates that you were permitted to study while in the UK.

77. You should note that unless we are satisfied that the reasons you are unable to provide your original letter of permission from the Home Office conferring you leave enter/remain in the UK as a student are compelling, then we will not consider the alternative documentation submitted.

78. Applicants who are able to provide evidence of both previous earnings to satisfy the criteria and study in full-time education in the UK will only be able to gain a single total bonus of 5 points.

The Age Assessment

Introduction and Points Available

79. This assessment is intended to recognise that it is more difficult for a highly skilled young graduate to score maximum points in the past earnings category, compared to an older counterpart with the same level of skills. Furthermore, there is a greater potential for young highly skilled individuals to be active in the labour market for longer than their older counterparts. The age assessment involves the award of points depending on age.

80. Points can be claimed as follows:

Age in years	Points
27 or under	20
28 or 29	10
30 or 31	5
32 and over	0

81. Points can only be awarded to individuals who are still within the age band when we receive their HSMP application.

82. You should ensure that your application form reaches us before your birthday if you are close to passing from one age band into another.

83. The office that receives the HSMP applications is only open Monday to Friday (8.30am to 4.30pm) excluding public holidays.

84. Any application received by us on or after a birthday that puts you into the next age category will be assessed according to the older category

85. Any application received by us on or after your birthday can no longer be considered under the previous age band. For example, if you are about to reach your 28th Birthday, and you wish to claim 20 points for being in the 27 or under age category, you should ensure that your applications reaches us by the last working day **before** your 28th Birthday.

Evidence Required

86. You must provide evidence of your age if you wish to claim any points in this category. We will accept:

- Your original birth certificate; or
- Your original full driving licence.

Exceptional consideration

87. If there are exceptional reasons as to why you are not able to provide either of these two documents then you may request exceptional consideration of your case. We may be willing to consider alternative evidence specified below in support of these points claimed in exceptional circumstances, such as if war or natural disaster has affected you.

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88. If there are exceptional and compelling reasons as to why you are unable to provide one of the required pieces of evidence then you will need to explain these reasons fully on the application form.
89. You will also need to provide alternative evidence in the form of a notarised copy of the personal details page of your passport. (Please do not send your original passport with this application form).
90. You should note that unless we are satisfied that the reasons you are unable to provide either your original birth certificate or driving license are compelling then we will not consider the alternative documentation submitted.

Annex D – The MBA Provision

Annex D: The Masters in Business Administration (MBA) Provision

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Background

1. The 2004 Budget announced a new provision for graduates of some of the top business schools to work in the UK upon completing their MBAs. The MBA remains one of the most widely recognised and respected management qualifications. The MBA provision, launched on the 12 April 2005, is a provision within the Highly Skilled Migrant Programme (HSMP). It is intended to enable the more highly qualified and talented managers to come to the UK.
2. The 'MBA Eligible Programmes' document, included at the end of this annex, lists the 50 eligible MBA programmes as compiled by HM Treasury.
3. This is a list of some of the 'top' 50 MBA programmes in the world, and has been determined by HM Treasury, based on new criteria, that meet the requirements of the UK economy.
4. The list of eligible institutions contains 10 UK institutions and 40 from the rest of the world. For more details of the list go to www.hm-treasury.gov.uk/pre_report/prebud_pbr04/assoc_docs/prebud_pbr04admba.cfm
5. The inclusion of 10 UK institutions reflects the commitment these graduates have already

shown to the UK and the knowledge they have of UK society.

6. This list will be periodically reviewed by HM Treasury.
7. Please note that Executive MBAs (EMBA) awarded by the eligible institutions are also acceptable as evidence to be awarded the 75 points available under the MBA provision.

The MBA criteria explained

8. To meet the requirements of the MBA provision, and qualify for HSMP approval you must:
 - Have graduated from an eligible MBA programme (see list at Paragraph 20) at the time the MBA is on the list of eligible programmes. The first list was published on 2 December 2004, so the earliest eligible graduation date will be 2 December 2004. The date of graduation will be taken as the date on the graduation certificate.
 - Provide evidence that clearly demonstrates you have graduated from an eligible MBA programme (see list attached). The MBA course must have been completed. You cannot apply for this provision whilst part way through an MBA programme.
9. You should complete the MBA Provision section on Page 4 of the HSMP application form, giving details of your qualification and the awarding institution. You are only entitled to apply for the MBA provision if the institution you have graduated from appears on the list of eligible institutions at the time you graduated.
10. **You must also gain approval in Section Two of the HSMP application form. In this section you will be required to demonstrate that you have the required standard of English language. Please refer to Annex E of this guidance.**
11. If you have provided sufficient evidence of your MBA qualification, that the MBA was awarded at an eligible institution and we are satisfied that you meet the requirements of the scheme, you will automatically be awarded 75 points. This is the minimum number of points required to meet the HSMP criteria.

Annex D – The MBA Provision

What supporting evidence is required for the MBA Provision?

12. Points will only be awarded for the MBA Provision where sufficient original evidence is provided from the awarding institution to demonstrate you have graduated from an eligible MBA programme.
13. You should provide an original genuine MBA certificate issued by an eligible institution. This should show all of the following:
 - the date of the award;
 - the Institution awarding the MBA;
 - your name.
14. If you have only recently completed the MBA and the certificate has yet to be issued, you can provide an original, official letter from the institution, confirming the details of your qualification. It should show all of the following:
 - your name;
 - the qualification awarded;
 - the date of the award.

In addition, you should supply an academic transcript clearly showing:

- your name;
- the Institution awarding the MBA;
- your course details;
- confirmation of the award.

Original provisional MBA certificates are not acceptable.

Exceptional consideration

15. If there are exceptional reasons as to why you are not able to provide the original certificate of your award, then you may request exceptional consideration of your case.
16. The Border and Immigration Agency may be willing to consider alternative evidence in support of your claim for points for your MBA qualification in exceptional circumstances, such as if you have been affected by war or natural disaster or individual circumstances such as your most recent employer going out of business or theft of a qualification certificate..
17. 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 will also need to provide alternative supporting evidence as specified below.

18. You should note that unless we are satisfied that the reasons you are unable to provide either an original degree certificate are compelling then we will not consider the alternative documentation submitted.
19. In exceptional circumstances we can consider evidence of academic qualification in the form of a letter from the awarding institution AND an academic transcript.
20. The original letter on the headed paper of the awarding institution from an authorised official should show:
 - Your name; and
 - The qualification awarded; and
 - The date of the award.
21. You should also include your academic transcript. The academic transcript must include:
 - Your name;
 - The name of the academic institution; and
 - Course details; and
 - Confirmation of the award.
22. If the letter/transcript does not state what qualification has been 'granted'/^conferred'/ 'awarded' it cannot be considered as suitable evidence.
23. We aim to consider your application swiftly. We must also be confident that applications meet the HSMP criteria and that the statements in the application form, and information provided to support those statements are a true reflection of your profile and achievements as an applicant. We may contact the awarding institution in order to verify the evidence supplied. The purpose of this check is to verify that the information provided is a full and accurate description of the statements made in the application. Where there is doubt concerning any of the documents provided we might be unable to consider that document as supporting evidence.

What if I have graduated on an MBA programme from an institution not on the list?

24. If you have graduated on an MBA programme but the institution is not on the list of eligible

Annex D – The MBA Provision

institutions at the time of graduation you will not be entitled to apply under the MBA provision. If you still wish to apply under HSMP then you should complete the standard sections of the HSMP application form.

25. If you have graduated on an MBA programme from an institution that is on the list of eligible institutions, but you graduated before the list was published, you will not be entitled to apply under the MBA provision. If you still wish to apply under HSMP then you should complete the standard sections of the HSMP application form.

What if I have graduated on another course at one of the eligible institutions?

26. The MBA provision within the HSMP scheme is only appropriate to MBA graduates. If you have graduated through any other course at one of the eligible institutions you are not entitled to apply under the MBA provision. If you still wish to apply under HSMP then you should complete the standard sections of the HSMP application form.

What if the list has been updated and the institution I graduated from is no longer on the list?

27. The list of the 50 eligible institutions will be reviewed by the Treasury. If you have graduated from an institution that was on the list at the time of your graduation but the institution has since been removed from the list you will still be entitled to apply for the MBA Provision.

Annex D – The MBA Provision

MBA Eligible Programmes

UK
Ashridge Bradford School of Management/Nimbas City University: Cass Cranfield School of Management London Business School Manchester Business School University of Cambridge: Judge University of Oxford: Said University of Strathclyde Warwick Business School

USA
Babson College: Olin Boston University School of Management Carnegie Mellon University Columbia Business School Cornell University: Johnson Dartmouth College: Tuck Duke University: Fuqua Emory University: Goizueta Georgetown University: McDonough Harvard Business School MIT: Sloan New York University: Stern North Western: Kellogg Rice University: Jones Stanford University UC Berkeley: Haas UCLA: Anderson University of Chicago University of Maryland: Smith University of Michigan University of North Carolina: Keenan-Flagler University of Pennsylvania: Wharton University of Rochester: Simon University of Southern California: Marshall University of Virginia: Darden Vanderbilt University: Owen Yale's School of Management

Australia
Australian Graduate School of Management Melbourne Business School

Canada
University of Toronto: Rothman University of Western Ontario: Ivey

Ireland
University College Dublin

Germany
Bradford School of Management/Nimbas

China
Ceibs

Italy
SDA Bocconi

Switzerland
IMD

France
Insead

Singapore
Insead

Spain
Iese Business School Instituto de Empresa

Netherlands
Bradford School of Management/Nimbas Rotterdam School of Management Universiteit Nyenrode

Annex E: The English Language Requirement

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Background

1. Lack of English is considered a significant barrier to taking employment as a highly skilled migrant. In order to qualify for HSMP, an applicant must have a good knowledge of English and provide the appropriate evidence to support this. If they do not provide the required evidence the application will be refused.

Important: the standard of ability in English is an absolute requirement. If you cannot meet this assessment then your application will be refused regardless of any points you score in section one of your application.

Evidence required

2. In order to demonstrate the required knowledge of English, you must provide one of the following forms of evidence:
 - an IELTS Test Report Form, issued in the two years prior to the date that the application was received by the Border and Immigration Agency, at Band 6 or above; or
 - evidence that you hold a degree that was taught in English, and is of an equivalent level to a UK Bachelors degree (as recognised by NARIC).
3. Please note – whilst a degree equivalent to UK Bachelor level that meets the requirements specified above will normally be accepted for the purposes of satisfying the English language requirement, degrees equivalent to a UK academic level higher than Bachelors, (such as Masters or PhDs) and professional/vocational qualifications will not.
4. This is because a UK Bachelor 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.

5. For degrees equivalent to a higher UK level than Bachelors degree level, and vocational/professional 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.

IELTS

6. 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), the 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.
7. 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.
8. 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.
9. We may seek to verify the information from the IELTS Test Report Form from the awarding body.
10. To establish that you possess an IELTS qualification at Band 6 you must supply the IELTS Test Report Form.
11. The IELTS Test Report Form must be no more than two years old. This is because we cannot verify results older than two years and also shows the ability level is current.

Qualification at UK Bachelor degree level that was taught in English

12. You will need to provide evidence that you hold a degree and that the degree was taught

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in English. You will need to provide this even if you were taught in a country where the main language is English.

Evidence required

13. You must provide BOTH of the following:
- The 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 educational experience section 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 or not the course was taught in English.

Recent graduates awaiting the issue of a 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.
15. The letter from the institution should be on the official headed paper of the institution and clearly show your name, the title and date of the award and whether or not the course was taught in English.
16. The academic transcript should clearly show your name the institution awarding the degree, your course details and confirm that the qualification has been awarded.
17. 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.
18. The Border and Immigration Agency reserves the right to verify this information.
19. Please ensure that the contact details for the awarding body offering this evidence are up-to-date, because if we need to verify the details and are unable to contact the institution we will not accept this evidence. If

you are relying on this as evidence of English ability, we will refuse your application.

Exceptional consideration

20. If there are exceptional reasons as to why you are not able to provide either the original certificate of your award or an original letter from the awarding body then you may request exceptional consideration of your case.
21. We may be willing to consider alternative evidence in support of your claim of English language ability associated with your qualification in exceptional circumstances, such as if you have been affected by war or natural disaster.
22. 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 will ALSO need to provide alternative supporting evidence as specified below.
23. You should note that unless we are satisfied that the reasons why you are unable to provide either an original degree certificate are compelling then we will not consider the alternative documentation submitted.

Degree taught in English – exceptional consideration

24. In exceptional circumstances we can consider evidence of your degree taught in English in the form of a letter from the awarding institution AND an academic transcript.
25. The original letter on the headed paper of the awarding institution from an authorised official should show:
- That the degree was taught in English; and
 - Your name; and
 - The qualification awarded; and
 - The date of the award.

You should also include your academic transcript.

The academic transcript must include:

- Your name;
- The name of the academic institution; and
- Course details; and
- Confirmation of the award.

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26. 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 evidence for applicants without either an IELTS level 6 certificate or a degree taught in English.

27. IELTS level 6 is the preferred qualification. However, where you have already obtained an English language certificate equivalent to IELTS 6 prior to making your application, we will consider this qualification.
28. You must submit the original certificate for consideration with your application.
29. This alternative English language certificate must be equivalent to IELTS 6. You are advised to check the equivalence of this qualification prior to making your application. We will check the equivalence with NARIC before accepting that it meets the English Language Criteria.
30. **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 language.**

END OF HSMP GUIDANCE NOTES

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