

Non-Points-Based System categories under the Immigration Rules

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<i>Category</i>	<i>Para</i>	<i>Initial Leave</i>	<i>Renewal Leave</i>	<i>Work?</i>	<i>Recourse ?</i>	<i>Other information</i>
Residence						
Holder of pre 01.01.73 UK/Irish issued British passport not endorsed as subject to immigration control	16	ILR	n/a	Yes	Yes	BDTC, BN(O), BOC or BPP passports & British Subjects without Citizenship, only
Returning resident - BOC	17	ILR	n/a	Yes	Yes	Where given indefinite leave since 01.03.68. No 2-yr absence condition.
Returning resident (Indefinite Leave)	18-20	ILR	n/a	Yes	Yes	Readmission for settlement if got ILR already and been outside UK less than 2 years (or longer in certain circumstances or if HM Forces dependant).
Visits – Appendix V						
Visit (standard)	Appendix V: V1.5(a) (PLAB – V8.10- 8.11)	Max 6 months	Total visit of 6m except where resitting PLAB test	No	No	For all visit types inc below -Intends to leave at end of visit, meet cost of return, not to study beyond 30 days, not to work (except Appendix 3), maintenance and accommodation without recourse.
Marriage / CP visit	V1.5 (b) & V6	6 months	Total visit of 6m	No	No	For marriage or civil partnership ceremony, or to give notice, then depart> partner named on visa.
Visitor Undertaking Permitted Paid Engagement	V1.5 (c) and V5 & Appendix 4	1 month	Not allowed	Yes	No	To do pre-arranged permitted paid engagements: in HE or pilot exams; legal case; professional artists, entertainers, musicians and sportspersons by invitation of organisation .
Transit visa	V1.5 (d) & V7	48 hrs	Not allowed	No	No	To transit UK. Means, and assured of entry to other country.
Transit without Visa Scheme	V7.6 – 7.9	Until midnight on day they arrive	None	No	No	Scheme to allow visa nationals transiting same airport only (different rules for airside and landside). Must hold onward visa for certain other countries.
Standard Visitor -Child	V1.5(a) & v4.11-4.13	Max 6 months	Total visit of 6m	No	No	Additional eligibility conditions: Under 18 where adequate arrangements for care and reception in UK; proof of consent by parent; travel only with person named on visa.
Standard Visitor – private medical treatment	V1.5(a) & v4.14-4.16	6 months or 11 months	6 months	No	No	Additional eligibility conditions: For finite (up to 11 month) period of pre-arranged medical treatment at own expense.
Standard Visitor – Organ Donation	V1.5(a) & v4.17-4.20	6 months	Total visit of 6m	No	No	Additional eligibility conditions: Where genuinely intends to donate organ to an identified recipient legally present in UK.

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Standard Visitor - China ADS agreement	V1.5(a) & v4.21	30 days	Not allowed	No	No	Additional eligibility conditions: Part of "Approved Destination Status" Chinese tourist group.
Standard Visitor - Academic Visitor and dependants (spouse/partner/child)	V1.5(a) & v4.22	12 months	Total visit of 12m	Only as allowed	No	Additional eligibility conditions: For formal exchange visit or to conduct own research on sabbatical, and eminent doctors/dentists may research, teach or practice. Highly qualified and working abroad in academia/HE.

Activities allowed: All visitors (except transit visitors) are permitted certain activities on any visit as defined in Appendix 3 to Appendix V. This includes tourism, prospective entrepreneurs (to secure funding to set up business), 30 days volunteering, certain business and work, expert witnesses, for sporting and charitable events, religious workers, creative artists, work related training etc. May also take part in permit free festivals in Appendix 5.

Work (see also PBS table) – all work categories are not allowed recourse to public funds

Non-PBS categories have mostly been closed to new applicants except the following categories remain. Transitional arrangements for extensions or grants of ILR to those in abolished/closed categories (e.g. work permit, highly skilled migrants etc) are not included here.

Representative of overseas business (Dependant)	144-151 194-199	3 yrs	Further 2 yrs then ILR	Yes	No	Full time sole representative of overseas business (English requirement).
Domestic Worker in private household (Dependant)	159A 194-199	Max total time in UK of 6m (unless LTR prior to 06.04.12)		Yes	No	18-65, in f/t work for 1yr already for same employer. May switch employer after entry. Dependants for of pre- 06.04.12 workers only
UK Ancestry (Dependant)	186-193 194-199	5 years	ILR - KELUK	Yes	No	17+ Commonwealth citizen with UK born grandparent seeking work Dep = spouse, cp, unmarried or same sex partner, child.

Education

Short Term Study	A57A-H	6 months or 11m for English language	None	No	No	Adult students on short Tier 4/Accredited institution course after which will leave. Child applicants at non-state schools. 18+. applicants can include 6m research there as part of overseas course. Non-visa nationals for 6m leave do not need EC. No dependants.
Parent of a Tier 4 Child Student	276BT1 - 276BV1	12 months	12months at a time	No	No	Sole carer of tier 4 child student

Family & Private Life (not including extensions of those granted leave under pre July 2012 rules – who will continue under old Rules in Part 8)

- For the family of Armed Forces see Appendix Armed Forces in Immigration Rules

10 yrs Long Residence	276A-D	ILR or 2yrs if no KELUK	ILR	Yes if ILR, otherwise at discretion.	Yes if ILR. 10 years lawful residence in UK with no more than 28 days overstaying at any one time.
Private Life	276ADE-DH & Appendix FM	30 months	Up to 120 months then ILR	Discretion of SSHD	20 years continuous residence in UK, or 7 years if under 18, or half-life if 18-24 or 18+ with no ties to country of deportation. KELUK / no unspent convictions on ILR app.

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FAMILY LIFE WITH A PARTNER. Partner (sponsor) must be British / settled person or person with humanitarian protection or refugee status *=leave in line with HP/refugee sponsor if less. Note partners granted leave before 9th July on old rules will retain right to ILR after 2 years.						
Fiancé(e)s or proposed civil partners	Appendix FM	6 months	Extension as spouse	No	No	Both 18+ on date of arrival. A1 English required. Extension as fiancé/e only where proof of why marriage not happened.
Spouse / civil partner	Appendix FM ECP and LTRP → ILRP	30 / 33 months*	30 month renewal then after 5yrs ILR (KELUK)* ILR after 10yrs if fails suitability & child / partner.	Yes Yes	No, until got ILR	Both parties must be 18+ on date of arrival. Met, intend to stay together, £18,600 income or alternatives and adequate accommodation. A1 English language or exemption required.
Unmarried or same sex partner	Appendix FM					After continuous 2 year relationship akin to marriage or civil partnership. Same requirements as other partners.
Parent of a child	App FM EC/LTRPT	30/ 33 months*	Yes. 30 months - ILR after 10 years	Yes	No	Must have sole responsibility for or access rights to a child who is British or settled. A1 English unless exception.
Victim of domestic violence	Appendix FM, Section DVILR	ILR (no KELUK) 30m if conviction	(Only if conviction unspent, and ILR when spent)	Yes	Yes	Must have limited leave as spouse / cp / unmarried or same sex partner and show in specified manner breakdown due to other's violence.
Destitution Domestic violence Concession	Outside rules	6 months	To apply as victim of domestic violence	Yes	Yes	6m leave with recourse for those with ltd leave of settled etc spouse, whilst makes DV application, Fast tracked by fax/e-mail.
Bereaved Partner	App FM, Sec. BPILR	ILR*	N/a	Yes	Yes	Leave as a partner in this section, and settled etc sponsor dies. Subsisting relationship at death
Child of settled parent(s) or relative (inc)	297-300	ILR*	---	Yes	Yes	Joining both settled parents, or one who has had sole responsibility; or a settled parent or relative where compelling reasons making exclusion undesirable.
Child of parent with limited leave as a partner or parent	Apx FM, Sec EC-C	In line with parent with ltd leave	Renewals and ILR when that parent gets ILR)	n/a	No	Parent must have or be seeking leave/EC at same time as a partner. Similar provisions to above on sole responsibility. Must meet financial requirements for partners & their dependants. 18+, not married/cp nor formed independent family unit / leading independent life.
Children of fiancé(e)s/ proposed civil partners coming in that capacity				N/a	No	
British born child of parent with limited leave	304-308	In line with parent / 3 mths	In line with parent	N/a	(as parent)	British born child with a parent with limited leave. No requirement to show support for application to succeed.
De-facto adopted child	309A	ILR* or in line with parent if they have limited leave	n/a or ILR when parents settle	Yes	--	Parents lived abroad (together) for last 18 months before application and cared for child for 12 of these months. Subject to financial requirement if one parent has limited leave (E-ECC or E-LTRC 2.1-2.3 of Appendix FM)

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Adopted child	310-316	ILR* or in line with parent with limited leave	n/a or ILR when parents settle	Yes	-	Needs to be adoption in country whose adoptions are recognised in UK law Must satisfy financial requirements if accompanying parent with limited leave.
Prospective adopted child	316A-F	2 years* or in line with parent if they have limited leave	ILR	N/a	N/a	Not for de-facto adoption, previous parent/carers unable to look after and genuine transfer or responsibility & loss of ties. OR adoption under Hague convention. Must satisfy financial requirements if accompanying parent with limited leave.
Adult Dependant	Appendix FM - EC-DR	ILE** (or in line with sponsor)	(ILR – see ILRDR of appendix FM)	Yes	Yes (but undertaking may prevent)	18+ child, parents, grandparents, siblings. Must show financial dependency, and personal care need. Show adequate maintenance and without recourse. No switching in-country.
Asylum						
Refugee Family Reunion	352A-FJ	In line with sponsor	In line with sponsor	Yes	Yes	Pre-existing dependant spouse, cp, unmarried or same sex partner and minor children. Sponsor with refugee status or humanitarian protection.
Asylum	334	5 years	ILR	Yes	Yes	Recognised under convention
Child of a relative with Ltd LTE/R as a refugee or humanitarian protection.	319X	5 years	ILR when parent is also entitled to ILR	Yes	Yes	Creates similar provision to that contained in para 297(i)(f) for children who have a British or settled parent in the UK they wish to join.
Humanitarian Protection	339C	5 years	ILR	Yes	Yes	Risk of death or inhumane treatment / torture
Discretionary Leave		1-3 yrs	1-3 yrs – ILR after 6 yrs	Yes	Yes	Subject to active review. Is also given to unaccompanied asylum seeking children.
Gateway programme	--	ILR	--	Yes	Yes	Special UKVI / UNHCR resettlement programme
Relevant Afghan Citizens & spouse/partner/minor children dependants	76BA1-BS1	5 years	Not yet defined – probably after 5 years	Yes	Yes	Employed in Afghanistan by MoD, or Foreign Office or the Dept. for International Development made redundant on or after 19 December 2012; and qualifies for the resettlement redundancy package.

Disclaimer

This table is a summary of the main aspects of the rules in order to identify appropriate categories. You should consult the Statement of Changes in the Immigration Rules for full information. It should not be relied upon to decide upon a course of action or to advise a client.

Abbreviations

KELUK = Knowledge of English and life in the UK – i.e. progress and qualification in ESOL with citizenship materials at accredited college OR Life in the UK test pass	BDTC = British Dependent Territories Overseas	BN(O) = British national Overseas
ILR/E = Indefinite leave to remain (or enter)	BPP = British Protected Person	BOC = British Overseas Citizen
	LTE = Leave to enter	LTR = Leave to remain
		MoD = Ministry of defence