JAMES IMMIGRATION SOLUTIONS LTD

TRAINING & STUDY MATERIAL

IAA LEVEL 1

Immigration Adviser Training Manual

May 2026 Expanded Requirements Edition

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IAA-Regulated Immigration Advice Organisation

VERSION CONTROL AND 2026 UPDATE NOTICE

Version: May 2026 updated edition

Last reviewed and updated: 28 May 2026 (expanded with route, financial and English-language requirements)

Regulatory basis: Immigration Advice Authority (IAA) Level 1, Immigration and Asylum Act 1999, IAA Code of Standards 2024, current Immigration Rules, and current Home Office guidance on GOV.UK.

> *Important currency warning: immigration fees, IHS rates, salary thresholds, online forms, ETA rules, eVisa processes, evidential rules and Home Office guidance can change. Trainers and advisers must check GOV.UK and IAA materials before teaching, advising or submitting any application.*

Integrated 2026 update points

1. IAA is the current public identity of the regulator. OISC is retained only as historic terminology where legally or contextually necessary.

2. The IAA Code of Standards 2024 is the current regulatory code and took effect on 1 September 2024.

3. Level 1 training should be aligned with the IAA Level 1 exam resource book and the current published IAA guidance, while live advice must always be checked against current GOV.UK sources.

4. eVisas/digital status must be treated as the current status-evidence model. BRPs are described in this manual as former physical evidence only.

5. ETA is now a core visitor-route awareness point. An ETA is digital permission to travel; it is not a visa and does not guarantee entry.

6. Family, Skilled Worker, Student, fee and IHS sections have been updated with 2026 currency notes and source-check warnings.

7. Level 1 scope wording has been tightened: Level 1 is for basic advice and straightforward applications within competence. Substantive asylum/protection, appeals, judicial review, complex human rights representations, complex sponsor compliance, and complex legal argument remain outside Level 1.

Official source review list used for this edition

IAA rebrand and identity guidance; IAA Code of Standards 2024; IAA Level 1 Exam Resource Book December 2025; GOV.UK Immigration Rules; Appendix V; Appendix FM and Appendix FM-SE; Appendix Skilled Worker; Student route guidance; ETA guidance; eVisa/BRP guidance; Immigration Health Surcharge and immigration fee guidance.

DISCLAIMER & REGULATORY NOTICE

Disclaimer

This publication is produced solely for training, educational, and internal compliance purposes.

This book is designed as a Level 1 Immigration Adviser training manual in accordance with the regulatory framework of the Immigration Advice Authority (IAA) (formerly the Office of the Immigration Services Commissioner). It provides general information, explanations, and learning material relating to UK immigration law and procedure within Level 1 scope only.

This publication does not constitute legal advice, immigration advice to the public, legal representation, or case-specific guidance. It must not be relied upon as a substitute for:

a. professional legal advice from a solicitor or barrister b. advice from an Immigration Advice Authority Level 2 or Level 3 authorised adviser c. current and official Home Office guidance published on GOV.UK

UK immigration law, Immigration Rules, Home Office policies, procedures, and fees change frequently. Readers must always consult the most up-to-date official sources before acting on any information contained in this book.

The author and publisher accept no liability for any loss, damage, refusal, delay, or adverse outcome arising from reliance on this material, including (but not limited to):

- use of outdated information
- misinterpretation of the content
- application of the material outside Level 1 scope
- use of this publication in live client matters

This book must not be used to provide advice or assistance in matters that fall outside Immigration Advice Authority Level 1 authorisation, including (but not limited to):

- appeals to the First-tier Tribunal or Upper Tribunal
- judicial review or litigation
- substantive asylum or protection claims, protection merits, or complex human rights arguments
- complex human rights representations
- statutory interpretation or case-law argument

Where a matter exceeds Level 1 scope, it must be clearly identified as such and referred to a Level 2 or Level 3 authorised adviser or a regulated solicitor.

Use of this publication confirms acknowledgment and acceptance of these limitations.

Authorship and Professional Capacity

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This publication is written by the author strictly in his capacity as an Immigration Advice Authority Level 1 adviser and trainer. All content is intentionally limited to Level 1 competence boundaries in accordance with the Immigration and Asylum Act 1999 and the IAA Code of Standards.

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IAA Level 1 Immigration Adviser Study Notes

Prepared by: James Immigration Solutions Ltd (JISL) Regulatory Scope: Immigration Advice Authority (IAA) - Level 1

Purpose: Training, exam preparation, and audit-compliant reference notes

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Chapter 1: Introduction to the Immigration Advice Authority (IAA)

1.1 What is the Immigration Advice Authority (IAA)

> *2026 update note: The regulator should now be described as the Immigration Advice Authority (IAA). The term OISC should be used only where explaining historical materials, older forms, or legislation/guidance that still refers to OISC.*

The Immigration Advice Authority (IAA) is the statutory body responsible for regulating immigration advice and immigration services in the United Kingdom. Its role is to protect clients by ensuring that individuals and organisations providing immigration advice are fit, competent, and properly regulated.

The IAA operates under Part V of the Immigration and Asylum Act 1999. It was previously known as the Office of the Immigration Services Commissioner (OISC). All references to regulation, standards, and authorisation continue under the same legal framework.

No person or organisation may provide immigration advice or services in the UK unless they are:

- Regulated by the IAA, or
- Exempt under the legislation (for example, solicitors regulated by the SRA).

James Immigration Solutions Ltd (JISL) is regulated by the IAA and authorised to provide Level 1 immigration advice and services.

1.2 Role and Powers of the IAA

The IAA has wide regulatory and enforcement powers to ensure compliance with immigration law and professional standards.

Key functions of the IAA include:

- Granting and renewing authorisation to immigration advisers and organisations
- Setting levels of competence (Level 1, Level 2, Level 3)
- Publishing and enforcing the IAA Code of Standards (2024)
- Monitoring advisers through audits and inspections
- Investigating complaints from clients or third parties
- Taking enforcement action where misconduct or incompetence is identified

The IAA has the power to:

- Refuse, suspend, or cancel authorisation
- Restrict the level of work an adviser may carry out
- Prosecute unregulated or dishonest advisers
- Refer serious misconduct for further legal action

Compliance with IAA requirements is mandatory. Failure to comply may result in loss of authorisation and criminal liability.

1.3 Levels of Authorisation - Overview

The IAA authorises immigration advisers at three distinct levels, each reflecting increasing complexity and responsibility.

Level 1 - Advice and Applications

- Basic immigration advice
- Assistance with straightforward applications
- No advocacy or tribunal work

Level 2 - Casework and Representation

- More complex applications
- Legal representations and detailed submissions
- Preparation of appeals (but limited advocacy)

Level 3 - Appeals and Advocacy

- Tribunal advocacy

- Complex appeals and judicial matters

Advisers must only work at the level they are authorised for. Carrying out work at a higher level without authorisation is a serious regulatory breach.

JISL is authorised at Level 1 only, and all services must remain strictly within this level.

1.4 Staying Within Level 1 Scope

> *Current Level 1 scope clarification: Level 1 is for basic immigration advice and straightforward applications within the Immigration Rules and adviser competence. Limited administrative or non-substantive assistance may be possible only where clearly permitted by the IAA level of authorisation. Substantive asylum, protection merits, complex human rights arguments, appeals, judicial review, complex casework, and legal representation must be referred to Level 2/3 or another appropriately regulated provider.*

Level 1 is limited to basic immigration advice and straightforward applications. Staying within scope is essential for compliance and audit purposes.

Examples of work permitted at Level 1 include:

- Explaining immigration routes using the Immigration Rules
- Advising on eligibility at a basic level
- Assisting with entry clearance and leave to remain applications
- Explaining Home Office decisions
- Assisting with administrative review requests (without complex legal argument)

Examples of work outside Level 1 scope include:

- Appealing to the First-tier Tribunal
- Drafting detailed legal grounds of appeal
- Complex human rights or asylum representations
- Judicial review work

Where a matter exceeds Level 1 scope, the adviser must:

- Clearly inform the client
- Decline to act further at that level
- Refer the client to a Level 2 or Level 3 authorised adviser where appropriate

Where applicable, the adviser must state clearly: "This is outside Level 1 scope."

Maintaining strict adherence to Level 1 boundaries protects:

- The client
- The adviser
- James Immigration Solutions Ltd's regulatory status

Chapter 2: Regulation of Immigration Advice

2.1 Who Can Give Immigration Advice

Immigration advice and immigration services in the United Kingdom are regulated activities. Under Part V of the Immigration and Asylum Act 1999, a person or organisation must not provide immigration advice unless they are properly authorised or exempt.

Immigration advice may only be given by:

- Individuals or organisations regulated by the Immigration Advice Authority (IAA) at the appropriate level, or
- Members of a designated professional body (for example, solicitors regulated by the Solicitors Regulation Authority), or
- Persons specifically exempt under the legislation (for example, advice given by Members of Parliament in certain circumstances).

Any advice provided by an unauthorised person is unlawful, regardless of whether a fee is charged.

James Immigration Solutions Ltd (JISL) is regulated by the IAA and authorised to provide Level 1 immigration advice and services only. All advice given by JISL must therefore remain within Level 1 competence and authority.

2.2 Prohibited Activities Outside Level 1

Level 1 authorisation is limited to basic immigration advice and straightforward applications. Activities that fall outside this level must not be undertaken by a Level 1 adviser.

Examples of activities prohibited outside Level 1 scope include:

- Advising on or preparing appeals to the First-tier Tribunal
- Drafting detailed legal grounds of appeal
- Representing clients in tribunal hearings
- Providing complex human rights or asylum representations

- Conducting or advising on judicial review matters
- Handling highly complex cases requiring advanced legal analysis

Where a matter exceeds Level 1 scope, the adviser must clearly state:

"This is outside Level 1 scope."

2.3 Consequences of Acting Beyond Scope

Acting beyond the level of authorisation is a serious regulatory breach and may have significant consequences for both the adviser and the organisation.

Possible consequences include:

- Disciplinary action by the IAA
- Suspension or cancellation of authorisation
- Criminal prosecution under the Immigration and Asylum Act 1999
- Damage to professional reputation and loss of client trust

Chapter 3: IAA Code of Standards (2024)

3.1 Purpose and Legal Status of the Code of Standards

> *2026 update note: This chapter refers to the IAA Code of Standards 2024. It should not be taught as the old 2016 Code. The 2024 Code applies to regulated advisers and organisations from 1 September 2024.*

The IAA Code of Standards (2024) is a mandatory regulatory document issued by the Immigration Advice Authority (IAA). It sets out the minimum professional, ethical, and operational standards that all regulated advisers and regulated organisations must meet, regardless of authorisation level.

The Code is legally enforceable under Part V of the Immigration and Asylum Act 1999. Compliance with the Code is a condition of ongoing authorisation. A breach of the Code may result in regulatory action even if:

- No client complaint has been made, or
- No financial loss has occurred.

The purpose of the Code is to:

- Protect clients from poor or dishonest advice
- Ensure advisers are competent and properly supervised
- Maintain public confidence in regulated immigration advice

3.2 Professional Conduct and Ethical Duties

IAA-regulated advisers must conduct themselves with:

- Honesty and integrity
- Independence and professionalism
- Respect for the law and regulatory framework

At Level 1, advisers must:

- Only advise on matters they are competent and authorised to handle
- Provide accurate information based on the Immigration Rules and official guidance

- Avoid exaggerating prospects of success
- Avoid conflicts of interest

Advisers must never:

- Guarantee outcomes
- Provide advice beyond their level of authorisation
- Continue acting where competence is lacking

Where an issue falls outside Level 1 competence, the adviser must clearly state:

"This matter is outside Level 1 scope."

3.3 Client Care Obligations

The Code of Standards places strong emphasis on client care. Advisers must ensure that clients:

- Understand who is providing the advice and at what regulatory level
- Understand the scope of the service being provided
- Are informed of fees, costs, and any potential additional charges
- Are kept informed of progress and key developments

Best practice client care includes:

- Issuing a written client care letter
- Providing clear terms of business
- Explaining risks, limitations, and possible outcomes

Poor communication or lack of clarity may itself constitute a breach of the Code.

3.4 Confidentiality, Data Protection and Record Security

Advisers must treat all client information as confidential. This includes:

- Personal and biometric data
- Immigration documents
- Correspondence and case notes

Client information must:

- Only be used for lawful purposes connected to immigration advice
- Be stored securely (electronically and/or physically)
- Not be disclosed without consent or lawful authority

Failure to protect client data may lead to regulatory action and potential legal consequences under data protection law.

Chapter 4: File Management and Audit Readiness

4.1 Regulatory Importance of File Management

Proper file management is a core regulatory requirement under the IAA Code of Standards (2024). Client files are the primary evidence relied upon by the Immigration Advice Authority (IAA) to assess whether an organisation and its advisers are:

- Acting lawfully
- Acting competently
- Acting within their authorised level

Even where advice is technically correct, poor or incomplete file records may still result in adverse audit findings. File management is therefore not an administrative task but a fundamental compliance obligation.

4.2 Purpose of Client Files

A compliant client file must enable an independent third party (such as an IAA auditor) to clearly understand:

- What instructions were received from the client
- What advice was given and on what legal basis
- What actions were taken by the adviser
- Whether the work remained within Level 1 scope
- The outcome of the case

Files must provide a clear audit trail from first contact to case conclusion.

4.3 Mandatory Client File Contents (Detailed)

Each Level 1 client file should normally contain the following:

Client and Authority Documents

- Proof of the client's identity

- Contact details
- Signed authority to act

Client Care and Regulatory Documents

- Client care letter
- Terms of business
- Confirmation of adviser's IAA authorisation and level

Advice and Casework Records

- Adviser attendance notes
- Written advice provided to the client
- Eligibility assessments
- Notes explaining why the case is within Level 1 scope

Application and Evidence

- Completed application forms
- Supporting documents submitted
- Translations and certified copies (where applicable)

Correspondence and Decisions

- Home Office correspondence
- Copies of decisions and outcomes
- Notes explaining the decision to the client

All records must be clear, dated, and attributable to the adviser responsible.

4.4 Record Keeping Standards

IAA expectations require that records are:

- Accurate
- Contemporaneous (created at the time of advice or action)
- Legible and well organised
- Securely stored

Advisers must not rely on memory or informal communications. All material advice must be recorded on the file.

4.5 Case Lists - Regulatory Requirement

Maintaining a case list is mandatory for all IAA-regulated organisations.

The case list must be created from the point the organisation begins advising clients and must include:

- Client name
- Case type
- Level of work undertaken
- Date the file was opened
- Date the file was closed (if applicable)
- Outcome of the case
- Name of the adviser dealing with the case

The case list must be accurate and capable of immediate production during an audit. Inaccurate or incomplete case lists may be treated as a serious compliance failure.

4.6 IAA Audits and Inspections

The IAA has statutory powers to audit regulated organisations. Audits may be routine or risk-based.

During an audit, the IAA may:

- Request the full case list
- Select files for detailed review
- Examine client care procedures
- Assess adherence to Level 1 scope
- Review record-keeping systems

Organisations must provide full cooperation. Failure to cooperate may itself constitute a breach of regulatory standards.

4.7 Consequences of Poor File Management

Failure to maintain proper files may result in:

- Adverse audit findings
- Regulatory warnings or conditions
- Suspension or cancellation of authorisation
- Increased regulatory scrutiny

Good file management protects:

- Clients
- Advisers
- James Immigration Solutions Ltd's regulatory status

Part B - Sources of UK Immigration Law

IAA Level 1 - Training & Study Material

Chapter 5: Structure of UK Immigration Law

5.1 Overview of UK Immigration Law

UK immigration law is made up of several interconnected sources. A Level 1 adviser must understand how these sources fit together, where authority comes from, and how to locate the correct rule or guidance when advising a client.

At Level 1, advisers are not expected to interpret complex case law, but must be able to:

- Identify the correct legal source
- Apply Immigration Rules correctly
- Rely on official Home Office guidance

5.2 Primary Legislation

Primary legislation consists of Acts of Parliament. These provide the legal foundation for immigration control and regulation in the UK.

Key Acts relevant to Level 1 include:

- Immigration Act 1971 - establishes the system of leave to enter and remain
- Immigration and Asylum Act 1999 - includes regulation of immigration advisers
- Nationality, Immigration and Asylum Act 2002 - appeals and immigration decisions
- British Nationality Act 1981 - British citizenship and nationality

Primary legislation:

- Sets legal powers and duties
- Authorises the creation of Immigration Rules
- Overrides secondary legislation and guidance

Level 1 advisers must understand the purpose of these Acts but should not provide advanced legal interpretation.

5.3 Secondary Legislation

Secondary legislation is made under powers granted by Acts of Parliament. This includes:

- Statutory Instruments
- Regulations
- Orders

Examples relevant at Level 1 include:

- Immigration (Health Charge) Order
- Regulations governing administrative review and appeals

Secondary legislation provides detail on how the law operates in practice and must be applied alongside the Immigration Rules.

5.4 The Immigration Rules (HC 395)

The Immigration Rules are the primary operational rules governing entry, stay, and settlement in the UK. They are laid before Parliament and have legal force.

The Rules:

- Set eligibility requirements
- Define conditions of stay
- Explain refusal grounds
- Are organised into Parts and Appendices

Examples include:

- Appendix V (Visitors)
- Appendix FM (Family Members)
- Appendix Student
- Appendix Skilled Worker

Level 1 advisers must be confident in:

- Navigating the Rules
- Identifying the correct Appendix
- Explaining requirements in clear terms

5.5 Interpretation and Definitions

Paragraph 6 of the Immigration Rules contains key definitions, such as:

- Leave to enter
- Leave to remain
- Settlement
- Continuous residence

Correct interpretation is essential. Advisers must always check definitions before applying a rule.

5.6 Home Office Guidance

Home Office guidance explains how decision-makers apply the Immigration Rules. Guidance does not override the Rules but provides important practical detail.

Level 1 advisers should:

- Use guidance to explain evidential requirements
- Check current versions on GOV.UK
- Never rely on outdated guidance

5.7 Relationship Between Different Legal Sources

The hierarchy of sources is:

1. Primary legislation 2. Secondary legislation

3. Immigration Rules 4. Home Office guidance

Where there is a conflict:

- Primary legislation takes precedence

- Immigration Rules override guidance

Level 1 advisers must rely on official sources only and avoid informal or third-party summaries.

5.8 Level 1 Scope and Legal Sources

At Level 1:

- Advisers explain and apply Immigration Rules
- Advisers rely on official guidance
- Advisers do not interpret case law or complex statutory conflicts

If a matter requires advanced legal interpretation, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 6: Key Statutes - Level 1 Knowledge

6.1 Purpose of Studying Statutes at Level 1

At Level 1, advisers are not expected to analyse legislation in depth or interpret complex statutory provisions. However, advisers must understand:

- Which Acts underpin the UK immigration system
- The purpose of each Act
- How statutory law interacts with the Immigration Rules

Statutes provide the legal authority for immigration control, decision-making, and regulation of advisers. Immigration Rules and guidance cannot operate without statutory backing.

6.2 Immigration Act 1971 - Core Framework

The Immigration Act 1971 is the foundation of the modern UK immigration system. It establishes:

- Control of entry into the UK
- The concept of leave to enter and leave to remain
- Conditions attached to leave
- Powers relating to removal and deportation

Key Level 1 concepts arising from this Act include:

- Limited leave vs indefinite leave
- Immigration conditions (work, study, residence)
- The principle that non-British citizens require permission to enter or remain

Level 1 advisers must understand that the Immigration Rules operate under the authority of this Act.

I. Section 1 - General principles

What it means

- The Act splits people into two broad groups:

1. People with the right of abode (they can live in the UK and come/go freely, but may still need

to prove the right). 2. People without the right of abode (they need permission/leave to enter, stay, work or settle,

- and they must follow conditions).
- It also recognises the Common Travel Area (CTA) (UK + Ireland + Channel Islands + Isle of Man), where local journeys are generally not controlled like other international arrivals.
- It confirms that detailed rules about entry and stay are set through the Immigration Rules (work, study, visitors, dependants etc.).

Examples

- Right of abode proof: A British citizen lands at Heathrow. They can enter as of right, but border staff can ask to see a passport to confirm nationality.
- Permission required: A Pakistani national wants to live and work in the UK. They must have valid leave (e.g., Skilled Worker) and follow visa conditions.
- CTA travel: Someone travels from Dublin to London; normally they do not go through a full immigration permission process on that local journey (though checks can still happen).
- Immigration Rules in practice: A visitor's length of stay and conditions come from the Immigration Rules, not from section 1 itself.

II. Section 3(5) - Deportation: conducive to the public good

What it means

- If a person is not a British citizen, they can be liable to deportation if:

o the Secretary of State decides deportation is conducive to the public good, or o another person in their family unit has been ordered to be deported (this is fact-sensitive and not automatic in every case).

Important for Level 1: this section is about deportation powers, not about a normal visa refusal. Deportation usually follows serious issues (criminality, persistent offending, national security, or other "public interest" grounds).

Examples

- Public good case: A foreign national commits repeated serious offences. Home Office decides deportation is necessary to protect the public → deportation action starts.
- Family link case: A main applicant is deported; their dependant spouse's status becomes at risk because their immigration position depends on the main person (exact outcome depends on route and circumstances).

III. Section 3(6) - Deportation following criminal conviction and court recommendation

What it means

A non-British citizen is also liable to deportation if ALL are true:

- They are 17+
- They are convicted of an offence that is punishable with imprisonment

- The court recommends deportation at the time of conviction (where the court has power to do so)

So, it's a "criminal conviction + court recommendation" route to deportation liability.

Examples

- Court recommendation: A 21-year-old non-British citizen is convicted of an imprisonable offence. The judge makes a deportation recommendation → Home Office can pursue deportation based on this route.
- Age threshold: Same facts but person is 16 → section 3(6) would not apply because the Act specifies "after he has attained the age of seventeen".

IV. Section 3C - Continuation of leave pending variation decision (the famous "3C leave")

What it means

This is a protection rule to stop people becoming overstayers just because the Home Office hasn't decided in time.

It applies when:

1. A person has limited leave, and 2. They apply to extend or change that leave before it expires, and 3. Their leave expires before the Home Office decides the application.

Effect:

- Their leave continues automatically while:
- o the application is pending, and (where relevant) o any in-country appeal window/appeal is running, or o an administrative review window/review is running. Key extra points:

- If the person leaves the UK, their 3C leave ends (lapses).
- 3C leave can be cancelled if they breach conditions or use deception.

Examples

- In-time extension protects status: Skilled Worker visa expires 30 June. Extension is submitted 25 June. No decision by 30 June → person stays lawfully under 3C leave until the decision (and any review/appeal stage) finishes.
- Leaving UK ends 3C: Same person travels abroad while the application is pending → 3C leave stops; re-entry may be a problem and should be taken as specialist advice.
- Breach/deception risk: A person relies on 3C but works in breach of conditions or submits false documents → 3C protection can be cancelled and consequences can be serious.

V. Section 24

Illegal entry and similar offences

Section 24(A1) - Entry in breach of a deportation order

Meaning

A person commits an offence if they enter the United Kingdom while a deportation order is in force, and they know that the order exists.

Example

A person who was previously deported returns to the UK using another passport, fully aware that the deportation order has not been cancelled.

Punishment

- On summary conviction: imprisonment and/or a fine (depending on jurisdiction)
- On conviction on indictment: up to 5 years' imprisonment and/or a fine

Section 24(B1) - Entering the UK without leave

Meaning

An offence is committed where:

- the person requires leave to enter the UK, and
- the person knowingly enters without that leave.

Example

A visa national enters the UK knowing they require immigration permission but does not have it.

Punishment

- On summary conviction: imprisonment and/or a fine
- On conviction on indictment: up to 4 years' imprisonment and/or a fine

Section 24(C1) - Remaining beyond the time limited by leave

Meaning

A person commits an offence if:

- they have limited leave, and
- they knowingly remain in the UK after that leave has expired.

Example

A visitor realises their visa has expired but stays in the UK anyway.

Punishment

- On summary conviction: imprisonment and/or a fine
- On conviction on indictment: up to 4 years' imprisonment and/or a fine

Section 24(D1) - Arrival without required entry clearance

Meaning

Where the Immigration Rules require entry clearance, a person commits an offence if they knowingly arrive in the UK without valid entry clearance.

Example

A person boards a flight to the UK knowing that their visa route requires entry clearance but travels without one.

Punishment

- On summary conviction: imprisonment and/or a fine
- On conviction on indictment: up to 4 years' imprisonment and/or a fine

Section 24(F1) - Penalties for offences under subsections (A1)-(D1)

Punishment on summary conviction

- England and Wales: up to the magistrates' general custodial maximum and/or a fine
- Scotland: up to 12 months' imprisonment and/or a fine
- Northern Ireland: up to 6 months' imprisonment and/or a fine

Punishment on conviction on indictment

- For an offence under (A1): up to 5 years' imprisonment and/or a fine
- For offences under (B1), (C1), and (D1): up to 4 years' imprisonment and/or a fine

Section 24(1) - Additional immigration offences (summary only)

General punishment

- Summary conviction only
- Up to 6 months' imprisonment and/or a fine at the prescribed level

Section 24(1)(b) - Breach of a condition of leave

Meaning

A person commits an offence if they have limited leave subject to conditions and knowingly fail to comply with one of those conditions.

Example

A person whose leave prohibits work takes paid employment.

Section 24(1)(c) - Remaining beyond time allowed after lawful entry without leave

Meaning

An offence is committed if a person lawfully entered the UK without leave under a specific provision and then remains beyond the permitted time.

Example

A person allowed short-term entry without leave stays after that period ends.

Section 24(1)(d) - Failure to comply with a lawful medical requirement

Meaning

An offence is committed where a person, without reasonable excuse, fails to comply with a lawful requirement to attend or submit to a medical examination connected with immigration control.

Example

A person refuses to attend a required medical examination during an immigration process.

Section 24(1)(f) - Disembarking after being placed on board for removal

Meaning

A person commits an offence if they are placed on a ship or aircraft for removal and then disembark in the UK.

Example

A person is escorted onto a plane for removal but forces their way off and remains in the UK.

Section 24(1)(g) - Embarking in breach of a lawful restriction

Meaning

An offence is committed if a person boards a ship or aircraft in breach of a legally imposed restriction.

Example

A person subject to a formal restriction preventing travel boards an aircraft anyway.

Section 24(1)(h) - Breach of immigration bail condition

Meaning

A person on immigration bail commits an offence if they breach a bail condition without reasonable excuse.

Example

A person required to report weekly under bail deliberately fails to report.

Section 24(1A) - When the overstaying offence begins and continues

Meaning

- The offence begins on the day the person first knows their leave has expired.
- The offence continues for as long as the person remains in the UK thereafter.
- The person cannot be prosecuted more than once for the same period of limited leave.

Section 24(3) - Extended time limit for prosecutions

Meaning

Certain offences under this section may be prosecuted under an extended statutory time limit, allowing proceedings to begin later than usual.

Section 24(3A) - Extended time limit for bail-breach prosecutions

Meaning

A specific extended prosecution time limit applies to offences involving breach of immigration bail conditions.

Section 24(4) - Evidence rule: entering without leave

Meaning

- Passport stamps that appear to grant leave are treated as valid unless proven otherwise.
- In prosecutions for entering without leave, the defence bears the burden of proving that leave existed.

Section 24(5) - Evidence rule: arriving without entry clearance

Meaning

- Documents that appear to show entry clearance are treated as valid unless proven otherwise.
- In prosecutions for arrival without entry clearance, the defence bears the burden of proving that valid entry clearance existed.

VI. Section 24A

Deception

Section 24A(1) - Deception in immigration matters

Meaning

A non-British citizen commits an offence if they use deception (dishonesty or false information) in order to:

Section 24A(1)(a)

- obtain, or attempt to obtain:

o leave to enter or remain in the United Kingdom, or o an Electronic Travel Authorisation (ETA)

Section 24A(1)(b)

- secure, or attempt to secure, the avoidance, delay, or cancellation of immigration enforcement action against themselves.

Deception does not need to succeed. The offence is committed even if the application or attempt fails.

Examples

- Submitting false bank statements to support a visa application.
- Using a false identity to apply for an ETA.
- Giving untrue information to delay removal from the UK.

Section 24A(2) - Meaning of "enforcement action"

Meaning

For this section, enforcement action includes:

- the issuing of removal directions,
- the making of a deportation order, and
- the physical removal of a person from the United Kingdom as a result of directions or a deportation order.

Example

A person lies about their nationality during reporting to prevent removal directions being issued.

Section 24A(3) - Punishments

Punishment on summary conviction

• Up to 6 months' imprisonment and/or • A fine up to the statutory maximum

Punishment on conviction on indictment

- Up to 2 years' imprisonment and/or
- A fine

Section 24A - Key points in practice

- The offence applies only to non-British citizens.
- Deception can be written, verbal, or through documents.
- It covers both applications and enforcement stages.
- Attempting deception is enough; success is not required.

VII. Section 24B

Illegal working

Section 24B(1) - The illegal working offence

Meaning

A person who is subject to immigration control commits an offence if:

- they work at a time when they are not permitted to work because of their immigration status, and
- at that time they know, or have reasonable cause to believe, that they are not permitted to work.

Both elements must be present: working + knowledge (or reasonable cause).

Example

A person's visa has expired. They know it has expired but continue working in a paid job.

Section 24B(2) - When a person is disqualified from working

Meaning

A person is treated as not permitted to work if:

- they have not been granted leave to enter or remain in the UK, or
- their leave:

o is invalid, o has ceased to have effect (for example, because it expired, was curtailed, cancelled, or revoked), or o is subject to a condition that prevents the type of work they are doing.

Examples

- A person has no visa at all → not permitted to work.
- A person's leave expired last month → not permitted to work.
- A person has leave stating "no work" but takes employment → not permitted to work.

Section 24B(3) - Punishments

Punishment on summary conviction

• **England and Wales:**

- o Up to 51 weeks' imprisonment and/or a fine
- Scotland:
- o Up to 6 months' imprisonment and/or a fine
- Northern Ireland:

o Up to 6 months' imprisonment and/or a fine

Section 24B(4) - Transitional sentencing provision (England and Wales)

Meaning

For offences committed before a specified legislative change, the reference to 51 weeks is read as 6 months.

Practical effect

The maximum sentence depends on when the offence was committed.

Section 24B(5) - Proceeds of Crime (England and Wales)

Meaning

If a person is convicted in England and Wales, the prosecutor must consider whether to ask the court to begin confiscation proceedings under the Proceeds of Crime framework.

Example

A person earns money through illegal working; confiscation of proceeds may be considered after conviction.

Section 24B(6) - Proceeds of Crime (Scotland)

Meaning

If a person is convicted in Scotland, the prosecutor must consider whether to seek a confiscation order under the Scottish confiscation process.

Section 24B(7) - Proceeds of Crime (Northern Ireland)

Meaning

If a person is convicted in Northern Ireland, the prosecutor must consider whether to use the Northern Ireland confiscation procedure.

Section 24B(8) - Meaning of "subject to immigration control"

Meaning

For this offence, a person is subject to immigration control if, under immigration law, they require leave to enter or remain in the United Kingdom.

Example

A non-British citizen who needs a visa to stay in the UK is subject to immigration control.

Section 24B(9) - Special rule for people on immigration bail

Meaning

Where a person is on immigration bail:

- they are treated as if they have leave only for the purpose of deciding disqualification, but
- any work restriction in their bail conditions is treated as if it were a condition of leave.

Example

A person on immigration bail has a condition "no work". If they work anyway, they may commit the offence.

Section 24B(10) - Meaning of "working"

Meaning

For this section, working includes:

- employment under a contract,
- work under an apprenticeship,
- personal work contracts,
- contracts for services (including self-employment),
- work linked to contracts for selling goods,
- certain public or official roles listed in the provision.

Example

Cash-in-hand work, self-employment, or paid services under a contract all count as "working".

Section 24B(11) - Definitions connected to subsection (10)

Meaning

This subsection explains key terms used above, including:

- what counts as a contract to sell goods, and
- how certain public or Crown employment categories are defined.

Section 24B(12) - Excluded activities

Meaning

The offence does not apply to:

- service as a member of the armed forces, or
- specified employment linked to reserve forces associations.

Section 24B(13) - Meaning of "contract"

Meaning

A contract can be:

- written or oral,
- express or implied.

This ensures informal or verbal working arrangements are still covered.

VIII. Section 25

Assisting unlawful immigration to a member State or the United Kingdom

Section 25(1) - The facilitation offence

Meaning

A person commits an offence if all of the following are present:

- the person does an act that helps or assists the commission of a breach or attempted breach of immigration law,
- the breach relates to an individual who is not a national of the United Kingdom, and
- the person knows or has reasonable cause to believe:

o that their act assists the breach, and o that the individual being assisted is not a UK national.

The offence is about assistance or facilitation, not about being the migrant.

Example

A person arranges transport and documents to help a non-UK national enter the UK unlawfully, knowing this assistance will help bypass immigration control.

Section 25(2) - Meaning of "immigration law"

Meaning

For this offence, immigration law means any law that controls a non-national's entitlement to:

- enter or arrive in the United Kingdom or a member State,
- transit across the United Kingdom or a member State, or
- be present in the United Kingdom or a member State.

Example

Helping someone cross a border illegally into the UK, or into another covered State, falls within this definition.

Section 25(2A) - Meaning of "national of the United Kingdom"

Meaning

This subsection defines who is treated as a UK national for the purpose of this offence, including specific categories of British nationality listed in the provision.

If the person being assisted does fall within these categories, the offence under subsection (1) is not made out.

Example

If the individual being assisted is in fact a British citizen, the facilitation offence under this section does not apply.

Section 25(3) - Evidence relating to foreign immigration law

Meaning

An official document issued by the government of a relevant State that certifies what its immigration law is:

- may be used as evidence in court, and
- is treated as conclusive as to the matters it certifies.

Example

In a prosecution involving assistance with unlawful entry into another State, a government certificate confirming that State's entry rules may be relied upon.

Section 25(4) - Conduct inside or outside the United Kingdom

Meaning

The facilitation offence applies whether the assisting act takes place:

- inside the United Kingdom, or
- outside the United Kingdom.

Example

Planning, funding, or organising unlawful entry from abroad can still amount to an offence.

Section 25(5) - Repealed

This subsection is marked as repealed in the book and has no operative effect.

Section 25(6) - Punishments

Punishment on conviction on indictment

- Up to life imprisonment and/or
- A fine

Punishment on summary conviction

- Up to 6 months' imprisonment and/or
- A fine up to the statutory maximum

This reflects the seriousness of facilitation offences.

Section 25(7) - Meaning of "member State"

Meaning

For this section, the term member State includes the specific States listed in the provision (as shown in the book).

Example

IX. Assisting unlawful entry - Section 25A

Helping an asylum-seeker to enter the United Kingdom

Section 25A(1) - The offence

Meaning

A person commits an offence if:

- they knowingly facilitate the arrival or attempted arrival in the United Kingdom, or the entry or attempted entry into the United Kingdom, of another individual, and
- they know or have reasonable cause to believe that the individual is an asylum-seeker.

The offence focuses on assistance with entry where the helper is aware of the asylum-seeking intention.

Example

A person arranges transport to help an individual enter the UK clandestinely, knowing that the individual intends to claim asylum on arrival.

Section 25A(2) - Meaning of "asylum-seeker"

Meaning

For this section, an asylum-seeker is a person who intends to claim that their removal from the United Kingdom would breach:

• the Refugee Convention, or • the Human Rights Convention.

Example

An individual tells the helper that they plan to seek protection in the UK because they fear persecution or serious harm if returned.

Section 25A(3) - Exception for certain organisations

Meaning

The offence does not apply where the act is done on behalf of an organisation that:

- exists to assist asylum-seekers, and

- does not charge for its services.

Both conditions must be satisfied for the exception to apply.

Example

A genuine charity providing free humanitarian assistance to asylum-seekers may fall within this exception, depending on the facts.

Section 25A(4) - Application of provisions from Section 25

Meaning

Specified provisions of Section 25 apply to offences under this section. This includes:

- the penalty framework, and
- the rule that the offence can apply to conduct inside or outside the United Kingdom.

Punishments (applied via Section 25)

Punishment on conviction on indictment

- Up to life imprisonment and/or
- A fine

Punishment on summary conviction

- Up to 6 months' imprisonment and/or
- A fine up to the statutory maximum

into any of those listed States may fall within this offence.

X. Section 26

General offences in connection with administration of the Act

Section 26(1) - General offences and punishment

A person commits an offence if, without reasonable excuse, they engage in any of the conduct listed in subsections (a)-(h) below.

Punishment (applies to all offences in subsection (1))

• Summary conviction only • Up to 6 months' imprisonment and/or • A fine at the prescribed level

Section 26(1)(a) - Refusal or failure to submit to examination

Meaning Refusing or failing to submit to an examination when lawfully required under immigration powers.

Example A person refuses to answer examination questions at the border without a valid reason.

Section 26(1)(b) - Refusal or failure to produce documents or information

Meaning Refusing or failing to provide documents or information when lawfully required during an immigration examination.

Example A person refuses to hand over their passport or travel documents when requested by an immigration officer.

Section 26(1)(c) - False statements or representations

Meaning Making, or causing to be made, a statement or representation to an authorised person that the individual knows is false or does not believe to be true.

Example Giving a false name, nationality, or immigration history to an immigration officer.

Section 26(1)(d) - False or altered immigration documents

Meaning Altering, possessing, or using an immigration document without authority, where the person knows or suspects the document is false or has been improperly altered.

Example Presenting an altered visa or entry clearance document.

Section 26(1)(e) - Failure to complete or produce landing or embarkation cards

Meaning Failing, without reasonable excuse, to complete or produce required arrival or departure documentation.

Example Refusing to complete mandatory arrival information when entering the UK.

Section 26(1)(f) - Failure to comply with specified lawful requirements

Meaning Failing, without reasonable excuse, to comply with a lawful requirement imposed under the relevant immigration powers referenced in this provision.

Example Ignoring a lawful instruction given during immigration control procedures.

Section 26(1)(g) - Obstruction of an immigration officer

Meaning Obstructing an immigration officer (or another authorised person) who is lawfully carrying out their duties.

Example Physically blocking or interfering with an officer conducting lawful immigration checks.

Section 26(1)(h) - Failure to comply with a lawful search-related direction

Meaning Failing, without reasonable excuse, to comply with a lawful direction requiring a person to move or reposition an object for search purposes.

Example Refusing to move luggage or a container when directed during a lawful search.

Section 26(2) - Extended time limit for certain prosecutions

Meaning An extended statutory time limit applies to prosecutions for offences under subsection (1)(c) (false statements) and subsection (1)(d) (false or altered documents), allowing proceedings to be brought later than the usual time limit.

Section 26(3) - Meaning of "relevant enactment"

Meaning This subsection defines which Acts are treated as relevant enactments for the purposes of subsection (1)(c), determining to whom a false statement offence can apply.

6.3 Immigration and Asylum Act 1999 - Regulation and Removal

The Immigration and Asylum Act 1999 is particularly important for advisers because it:

- Regulates the provision of immigration advice (Part V)

- Establishes offences for providing immigration advice unlawfully
- Provides powers for removal of persons unlawfully in the UK

For Level 1 advisers, this Act explains:

- Why IAA regulation is mandatory
- The legal basis for adviser authorisation levels
- Consequences of acting without authorisation or beyond scope

This Act underpins the professional obligations of James Immigration Solutions Ltd.

Immigration and Asylum Act 1999 - Section 10

Removal of persons unlawfully in the United Kingdom

(Explained using only the subsections you have in your book, with an example for each)

10(1) - Who is removable

Meaning: A person can be removed if they need leave to enter/remain but do not have leave (so they are unlawfully in the UK). Example: A visitor's leave expired and they stay in the UK with no valid application/leave in place → they become removable under 10(1).

10(2) - Removal of a family member of the main person (P)

Meaning: If person P is removable under 10(1), a family member can also be removable if:

- the family member meets the conditions in 10(3)-10(5), and
- they are given written notice that they are liable to removal. Example: P is an overstayer. Their partner may also be removable if they meet the conditions and receive written notice.

10(3) - First condition: who counts as "family member"

Meaning: The family member must fall into one of the listed categories (partner/child/parent of a child/adult dependent relative). Example: P is an overstayer. P's spouse living with them is within the "partner" category and can meet 10(3).

10(4) - Second condition: immigration status must depend on family life with P

Meaning: This condition is met if either:

- 10(4)(a): the family member already has leave, but that leave was granted because of family life with P, or
- 10(4)(b): the family member has no leave, and the decision-maker believes the family member would only be granted leave because of family life with P, and would not qualify independently. Example:
- (a) A partner has a dependant visa tied to P. If P becomes removable, the partner's position is also affected.
- (b) A partner has no leave but would normally be granted leave as P's dependant if P had valid leave; since P has no leave, the partner can be treated as removable too (after notice).

10(5) - Third condition: excluded people

Meaning: Even if 10(3) and 10(4) apply, the family member is not removable under this section if they are:

- a British citizen, or
- an Irish citizen, or
- a person with leave granted under residence scheme immigration rules (as stated in the subsection). Example: P is removable, but P's spouse is a British citizen → the spouse cannot be made removable under section 10.

10(6) - Effect of the notice: previous leave becomes invalid

Meaning: When the written notice is given under 10(2), any leave the family member previously had is treated as invalid. Example: A dependant spouse still has valid leave on paper. Once served with the section 10(2) notice, that leave is cancelled/invalidated under 10(6).

10(6A) - Removal must follow the statutory process

Meaning: A person removable under section 10 can only be removed under the authority of the Secretary of State or an immigration officer and in line with the linked sections (10A-10E as referenced). Example: Removal must be done using the correct legal route and powers; it is not informal or automatic.

10(7) - Removal directions

Meaning: The Secretary of State or immigration officer can issue removal directions using the same type of powers as directions under the relevant paragraphs of Schedule 2 to the Immigration Act 1971. Example: Directions can specify how and when the person will be removed (e.g., by air and to which destination, with practical arrangements).

10(8) - If a deportation order is in force

Meaning: If the person is subject to a deportation order, the removal directions route in 10(7) does not apply; the process must follow the deportation schedule route referenced in the subsection. Example: Someone with a deportation order cannot be removed using the ordinary 10(7) directions; the removal must be handled under the deportation framework.

10(9) - Detention and other powers linked to Schedule 2 (Immigration Act 1971)

Meaning: Specific paragraphs of Schedule 2 apply to section 10 removal directions, including powers relating to:

- placing a person on board,
- detention pending removal,
- arrest and searches,
- time limits on detention,
- custody costs,
- and specified search powers. Example: If removal directions are set, the person may be detained pending removal under the linked detention powers, and officers may use the search powers allowed under those applied paragraphs.

10(10) - Regulations (extra procedural rules)

Meaning: Regulations may set additional rules about:

- the time period during which family members can be removed, and
- how notices are served under this framework. Example: Detailed rules on notice service (method, timing, address) may be set by regulations.

10(11) - Definition of "child"

Meaning: Child means a person under 18. Example: A 17-year-old is treated as a "child" for section 10; an 18-year-old is not.

6.4 Nationality, Immigration and Asylum Act 2002 - Decisions and Appeals

The Nationality, Immigration and Asylum Act 2002 governs:

- Immigration decisions made by the Home Office
- Rights of appeal in protection and human rights cases
- Administrative review processes

At Level 1, advisers must understand:

- That not all refusals carry a right of appeal
- The difference between appeals and administrative review
- That tribunal advocacy is outside Level 1 scope

Detailed appeal preparation and advocacy fall outside Level 1 authorisation.

PART 1 - NATIONALITY

b. Citizenship and good character requirement (s.41A)

This part strengthens nationality law by requiring applicants for British citizenship or registration to meet a good- character requirement. This allows the Home Office to refuse citizenship even where residence requirements are met.

Good character includes:

- criminal history
- immigration breaches
- dishonesty
- financial misconduct

Example: A person who meets the residence requirement but has recent criminal convictions may be refused citizenship.

PART 2 - IMMIGRATION DECISIONS AND APPEALS

c. Creation of immigration decisions (s.82)

This part defines what counts as an immigration decision that can be challenged. Not every Home Office decision gives a right of appeal. Only specific types of decisions qualify.

Decisions commonly include:

- refusal of a protection claim
- refusal of a human-rights claim
- revocation of protection status

Example: A refusal of a spouse visa based on human rights may attract appeal rights, while a refusal of a visitor visa usually does not.

d. Right of appeal to the Tribunal (s.82)

This section establishes the legal right to appeal certain immigration decisions to the immigration tribunal. Appeals exist to ensure decisions are lawful, fair, and proportionate.

Appeal rights are limited, not automatic.

Example: A refugee claim refusal can be appealed. A work visa refusal may not carry a right of appeal but may allow administrative review instead.

e. Grounds of appeal (s.84 - repealed in part, concept retained)

This part originally listed grounds of appeal. Over time, many grounds were removed or narrowed, shifting the focus to human rights and protection grounds.

The Act moved appeals away from technical immigration arguments and toward fundamental rights.

Example: Applicants now usually argue that a refusal breaches their right to family life rather than arguing minor rule errors.

f. Effect of appeals on removal (s.78, s.79)

The Act provides that certain appeals prevent removal while the appeal is pending. This ensures people are not removed before their case is decided.

Example: A person appealing a human-rights refusal is usually allowed to remain until the appeal concludes

g. Appeals while inside or outside the UK (s.92)

This section controls whether appeals can be brought from inside or outside the UK. Some appeals must be pursued after departure.

Example: A visitor refused entry may need to appeal from outside the UK.

h. Certification of claims (s.94)

This section allows the Home Office to certify claims as clearly unfounded, which removes the right to an in- country appeal. Certification is often used for claims from countries considered generally safe.

Example: A weak asylum claim from a designated safe country may be certified, requiring the appeal to be made from abroad.

i. Non-suspensive appeals (s.94)

Where certification applies, removal can occur before the appeal is heard. This is known as a non-suspensive appeal.

Example: An applicant may be removed first and appeal later from their home country.

PART 3 - ASYLUM AND SUPPORT

j. Asylum support framework (s.95)

This part provides support for asylum seekers who would otherwise be destitute. Support may include accommodation and basic living assistance.

Support is conditional and monitored.

Example: An asylum seeker with no income may be housed temporarily by the Home Office.

k. Withdrawal or refusal of asylum support (s.98, s.99)

Support may be refused or withdrawn where an applicant fails to cooperate, provides false information, or no longer qualifies.

Example: If an asylum seeker hides savings, their support may be stopped.

PART 4 - DETENTION, REMOVAL, AND ENFORCEMENT

l. Detention and accommodation powers (s.147, s.148)

The Act supports the use of detention and designated accommodation centres for immigration purposes, especially for asylum applicants.

Example: An applicant may be housed in accommodation while their claim is processed.

m. Removal and enforcement integration

This part links immigration decisions more closely with enforcement, allowing faster removal after final refusal.

Example: Once appeal rights are exhausted, removal action may begin quickly.

PART 5 - PROCEDURE AND ADMINISTRATION

n. Tribunal system and procedure

The Act supports the structure and procedures of the immigration tribunal system, ensuring consistency and fairness.

Example: Appeals are heard by specialist immigration judges.

o. Use of evidence and credibility assessment

Decision-makers are given authority to assess credibility, including inconsistencies, late evidence, and behaviour.

Example: An asylum claim may fail where the applicant gives conflicting accounts.

PART 6 - MISCELLANEOUS AND GENERAL

p. Power to make regulations (general powers)

The Act allows the government to make regulations to support its operation, ensuring flexibility as immigration patterns change.

q. Interaction with other immigration laws

The 2002 Act works alongside:

- Immigration Act 1971
- Immigration and Asylum Act 1999
- British Nationality Act 1981

Together, they form a single system.

PRACTICAL IMPORTANCE OF THE 2002 ACT

r. Why this Act matters in real cases

This Act controls:

- who can appeal
- where appeals are heard
- when removal can happen
- how human rights are raised
- how citizenship character is judged

Without it, the modern appeal and human-rights system would not function.

s. Importance for Level 1 advisers

At Level 1, advisers must:

- understand which decisions carry appeal rights
- explain refusals clearly
- explain whether removal is suspended

- recognise when certification applies
- stay within scope and refer appeals appropriately

6.5 British Nationality Act 1981 - Citizenship Law

The British Nationality Act 1981 sets out the law on British citizenship. It governs:

- Citizenship by birth
- Citizenship by descent
- Citizenship by registration
- Citizenship by naturalisation

a. What the Act does

The British Nationality Act 1981 is the main law that defines who is a British citizen, how British citizenship is acquired, and what key legal terms (like "settled") mean. It covers four main routes you listed: citizenship by birth, descent, registration, and naturalisation. It also adds a "good character" control in many registration cases.

Citizenship by birth

b. Citizenship automatically at birth in the UK (s.1(1))

A child born in the UK becomes a British citizen at birth if, at the time of birth, at least one parent is:

- a British citizen, or
- "settled" in the UK (meaning they have indefinite permission to stay, in simple terms).

Example: Sara is born in London. Her mother has Indefinite Leave to Remain. Sara is British automatically because one parent is settled.

c. Children of armed forces parents (s.1(1A))

A child born in the UK becomes British if, at birth, a parent is a member of the armed forces.

Example: A child is born in Manchester while the father is serving in the UK armed forces. The child is British automatically under this rule even if the parent is not "settled".

d. Abandoned newborn found in the UK (s.1(2))

If a newborn infant is found abandoned in the UK, the law treats the child as British unless proven otherwise.

Example: A newborn is found abandoned and no parent details are known. The child is treated as British unless later evidence shows they are not.

e. Registration when parents later become British or settled (s.1(3) and s.1(3A))

If a child is born in the UK and is not British at birth, they may be entitled to be registered as British if, while still a minor, a parent becomes:

- a British citizen, or
- settled in the UK, and an application is made.

A similar entitlement exists where a parent becomes a member of the armed forces.

Example: Ali is born in the UK while both parents have time-limited visas. Two years later, his father gets ILR. Ali can be registered as British as a minor under this pathway.

f. "10-year rule" for children born in the UK (s.1(4))

A person born in the UK who was not British at birth becomes entitled to register as British if:

- they lived in the UK for the first 10 years of life, and

- absences in each of those years did not exceed 90 days (subject to discretion).

Example: Mina is born in Birmingham, grows up in the UK, and each year she travelled abroad for only short holidays. At age 11, she can apply to register as British under the 10-year rule.

Citizenship by descent

g. Born outside the UK to a British parent (s.2)

If a child is born outside the UK, they can be British by descent if, at birth, a parent is:

- a British citizen otherwise than by descent, or
- a British citizen serving overseas in qualifying Crown or similar service.

The big idea is: citizenship by descent usually passes one generation born abroad, and the law is careful about citizenship continuing indefinitely outside the UK.

Example: A British citizen who was born in the UK has a baby in Dubai. The baby is British by descent.

Example (service case): A British citizen is posted abroad in certain qualifying government-related service, has a child abroad, and the child is British under the service rule.

Citizenship by registration

Registration is different from birth/descent. It is a legal process where a person becomes British by applying, and the Home Office decides or must grant it depending on the type.

h. Registration of minors - discretion (s.3(1))

A child can be registered as British if an application is made while they are a minor. This is a discretionary route, meaning the Home Office may grant it if it thinks fit.

Example: A child has lived in the UK for many years, is well integrated, and the family's circumstances justify it. The Home Office may register them under this discretion.

i. Registration for children born abroad to British-by-descent parents (s.3(2) and s.3(3))

This is a more technical route that can apply where the parent is British by descent, but certain residence conditions relating to the parent (and the grandparent line) are met.

Example: A parent is British by descent and has a child abroad. If the parent can show qualifying residence links to the UK within the required period, the child may be entitled to registration.

j. Special circumstances registration for adults (s.4L)

This is a powerful "correction" and fairness provision. An adult may be registered as British if they would have been, or could have become British, but for:

- historical legislative unfairness, or
- an act or omission of a public authority, or
- exceptional circumstances relating to the person.

This section exists to fix unfairness, especially where the law used to treat people differently (for example by sex, marital status of parents, etc.).

Example (historical unfairness): A person missed citizenship because older laws treated mothers and fathers differently. If they would have become British under equal treatment, s.4L can fix that.

Example (public authority error): A person was wrongly told by an official body that they did not qualify and missed a deadline or route; s.4L may provide a solution.

Citizenship by naturalisation

Naturalisation is the main route for adults who have lived in the UK lawfully and want to become British.

k. Naturalisation route for most adults (s.6(1) + Schedule 1)

Under this route, the Home Office may grant citizenship if the person meets the legal requirements, including:

- residence and absence limits over a 5-year qualifying period,
- lawful immigration status (including not being in breach of immigration law),
- intention to make the UK their main home (or qualifying service intentions),
- language ability,
- knowledge of life in the UK,
- good character.

Schedule 1 explains the residence pattern in detail, including typical absence limits (5-year total absences and 12-month absences), and the requirement that the person was not in breach of immigration law in the relevant period.

Example: A Skilled Worker lives in the UK lawfully for 5 years, obtains settlement, keeps absences within the limits, passes the Life in the UK Test, meets English requirements, and applies to naturalise.

l. Naturalisation route for spouses/civil partners of British citizens (s.6(2) + Schedule 1)

This is similar but usually uses a 3-year qualifying period with its own absence limits and lawful status requirements. It still includes good character, English, and knowledge of life in the UK.

Example: A spouse of a British citizen has lived in the UK for 3 years with lawful residence, meets absences rules, passes the Life in the UK Test, meets English, and applies under the spouse route.

m. Discretion to overlook some residence issues (Schedule 1, para 2)

The Home Office has discretion in special circumstances to treat some residence requirements as met even where strict day-counts are not met, and can also waive language/knowledge requirements where unreasonable due to age or condition.

Example: A person slightly exceeds the absence limit due to a serious family emergency. Discretion may allow the application to succeed if other requirements are strong.

Good character control

n. Good character requirement in registration cases (s.41A)

Many registration applications for adults and children aged 10+ must not be granted unless the Home Office is satisfied the person is of good character.

Practically, this means the Home Office can consider:

- criminal convictions
- dishonesty
- serious immigration breaches

- other conduct issues

Example: A 15-year-old applying to register may face refusal if there is serious offending or major deception history, because good character is required from age 10.

Key definitions

o. Meaning of "settled" and other terms (s.50)

The Act contains interpretation rules. A key one is that "settled" is defined through the Act's definition provisions, and in practice means having a permanent right to reside without time restriction (such as indefinite permission).

Example: A parent with a time-limited visa is not settled. A parent with ILR is settled. That difference can decide whether a child is British at birth.

6.6 Relationship Between Statutes and the Immigration Rules

Statutes:

- Provide the legal authority
- Define powers and duties

Immigration Rules:

- Set practical requirements
- Govern day-to-day decision-making

Where Immigration Rules exist, they must be interpreted consistently with the relevant statute. Home Office guidance cannot override either.

6.7 Level 1 Boundaries When Using Statutes

At Level 1:

- Advisers explain statutory concepts in simple terms
- Advisers rely primarily on Immigration Rules and guidance

- Advisers do not engage in statutory interpretation or legal argument

Where a matter requires detailed statutory analysis, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 7: The Immigration Rules (HC 395)

A. What Are the Immigration Rules (HC 395)?

The Immigration Rules, formally titled HC 395, are a comprehensive set of rules made by the Secretary of State under section 3(2) of the Immigration Act 1971. They regulate who may enter, remain, work, study, settle, or be removed from the United Kingdom. Although the Immigration Rules are not primary legislation, they have binding legal force because they are laid before and approved by Parliament. Decision-makers within the Home Office and the immigration tribunals must apply them when determining immigration applications. The IAA Level 1 Resource Book confirms that references to paragraphs are to the Immigration Rules (HC 395 as amended), establishing their authoritative legal status.

B. Legal Authority and Interpretation of HC 395

The legal authority of the Immigration Rules flows directly from section 3(2) of the Immigration Act 1971, which empowers the Secretary of State to make rules regulating entry and stay in the UK. Within the Rules themselves, the Interpretation provision clarifies that "references to paragraphs are to paragraphs of the Immigration Rules (HC 395 as amended)". This means that each paragraph and Appendix has operative legal effect and must be applied exactly as written. Immigration advisers must therefore identify and rely on the precise Rule or Appendix relevant to an application, rather than applying discretion or general principles alone.

C. Structure of the Immigration Rules

The Immigration Rules are structured into Parts and Appendices, with the modern framework relying predominantly on Appendices rather than the earlier Part-based system. Each Appendix governs a specific immigration route or subject area, such as Appendix Skilled Worker, Appendix Student, Appendix FM (Family Members), Appendix V (Visitors), and Appendix

Administrative Review. The Resource Book provides an indexed overview of these Parts and Appendices, demonstrating how the Rules are organised for practical application and examination purposes.

D. Application of the Immigration Rules in Practice

In practice, the Immigration Rules are applied strictly and mechanically. For example, a person applying for permission to stay under the Skilled Worker route must satisfy all requirements set out in Appendix Skilled Worker, including holding a valid Certificate of Sponsorship, undertaking genuine employment at the required skill level, meeting the minimum salary threshold, and satisfying the English language requirement. If any mandatory requirement is not met, the application must be refused, regardless of the applicant's length of residence or personal circumstances. This illustrates that compliance with the Immigration Rules is mandatory and not discretionary.

E. Grounds for Refusal Under the Immigration Rules

The Immigration Rules also provide for grounds on which applications must or may be refused. Part 9 of the Rules sets out mandatory and discretionary grounds for refusal, which apply across most immigration routes. These include refusal based on deception, criminality, breaches of immigration conditions, and overstaying. These provisions operate alongside statutory offences under section 24 of the Immigration Act 1971, reinforcing the importance of lawful compliance with immigration conditions.

F. Relationship Between the Immigration Rules and Remedies

The Immigration Rules interact closely with statutory remedies such as appeals and administrative review. Where an application is refused, the availability of a right of appeal is governed by section 82 of the Nationality,

Immigration and Asylum Act 2002. In cases where no appeal right exists, the Rules may provide for

administrative review. The Interpretation section confirms that "administrative review" means a review conducted in accordance with Appendix AR. Level 1 advisers must understand when administrative review applies but must remain within their permitted scope and refer appeal work to appropriately authorised advisers.

G. Importance of the Immigration Rules for Level 1 Advisers

For IAA Level 1 immigration advisers, the Immigration Rules form the foundation of lawful advice. They determine eligibility criteria, evidential requirements, and the correct procedural route for applications. Adhering strictly to HC 395 protects advisers from providing incorrect advice and from potential allegations of professional misconduct. The Resource Book expressly cautions that, outside examination purposes, advisers must rely on up-to-date official GOV.UK sources, reinforcing the duty of professional competence and accuracy.

7.1 Purpose and Legal Status of the Immigration Rules

The Immigration Rules (HC 395) are the primary operational framework used by the Home Office to make immigration decisions. They are made under powers granted by the Immigration Act 1971 and are laid before Parliament.

Although not primary legislation, the Immigration Rules have legal force and must be applied by decision-makers when considering applications for entry clearance, leave to remain, settlement, and related matters.

For Level 1 advisers, the Immigration Rules are the most important legal source for day-to-day immigration advice.

7.2 Structure of the Immigration Rules

The Immigration Rules are structured into:

- Introductory provisions
- Parts (older routes)
- Appendices (most current routes)

Most modern immigration categories are now contained in Appendices, which must be read carefully and in full.

Examples include:

- Appendix V - Visitors
- Appendix FM - Family Members
- Appendix Student
- Appendix Skilled Worker

Level 1 advisers must always ensure they are using the correct and current Appendix.

7.3 Parts vs Appendices

Older Parts of the Immigration Rules still apply in limited circumstances, but most applications rely on Appendices.

Appendices:

- Set out eligibility requirements
- Define suitability requirements
- Specify evidence requirements
- Include conditions of stay

Advisers must not rely on outdated Parts where an Appendix applies.

7.4 Reading and Applying the Immigration Rules

When advising at Level 1, advisers must:

- Identify the correct route
- Read all relevant sections of the Appendix
- Check definitions and cross-references
- Ensure all mandatory requirements are met

Failure to meet a mandatory requirement will usually result in refusal.

7.5 Suitability and Grounds for Refusal

Many Immigration Rules include suitability requirements, often linked to Part 9 - Grounds for Refusal.

These may include:

- Criminality
- Immigration breaches
- Deception

Level 1 advisers may explain suitability requirements but must avoid complex legal argument where refusal is likely.

7.6 Evidence Requirements

Many routes contain specific evidence requirements, sometimes supported by a separate Appendix (e.g. specified evidence).

At Level 1, advisers must:

- Check what evidence is mandatory
- Ensure documents meet formal requirements
- Explain the consequences of missing or incorrect evidence

7.7 Using the Immigration Rules Within Level 1 Scope

At Level 1, advisers:

- Explain and apply the Immigration Rules
- Assist with straightforward applications
- Rely on official Home Office guidance

Advisers must not:

- Construct complex legal arguments
- Challenge the lawfulness of the Rules
- Interpret case law

Where advanced legal analysis is required, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 8: Interpretation and Key Definitions (Paragraph 6)

8.1 Importance of Interpretation at Level 1

Correct interpretation of the Immigration Rules is essential at Level 1. Many application errors arise not because an adviser selected the wrong route, but because key terms were misunderstood or applied incorrectly.

Level 1 advisers must:

- Understand commonly used legal definitions
- Always check definitions before applying a rule
- Avoid assumptions based on everyday language meanings

The primary source of definitions is Paragraph 6 of the Immigration Rules.

8.2 Paragraph 6 of the Immigration Rules

Paragraph 6 contains definitions that apply throughout the Immigration Rules, unless stated otherwise. These definitions are legally binding and must be used when assessing eligibility and compliance.

Failure to apply Paragraph 6 correctly may lead to:

- Incorrect advice
- Invalid or refused applications
- Adverse audit findings

8.3 Key Definitions - Core Level 1 Knowledge

The following definitions are particularly important for Level 1 advisers:

Leave to Enter Permission granted to enter the United Kingdom, usually following entry clearance or at the border.

Leave to Remain Permission granted to stay in the United Kingdom for a limited period or indefinitely.

Limited Leave Time-restricted permission to be in the UK, subject to conditions.

Indefinite Leave to Remain (Settlement) Permission to remain in the UK without time limit, subject to revocation or lapse in limited circumstances.

Continuous Residence Lawful residence in the UK for a specified period, calculated according to defined absence limits.

Entry Clearance A visa or other authorisation granted outside the UK before travel.

Overstayer A person who remains in the UK beyond the time limited by their leave, unless protected by Section 3C leave.

8.4 Section 3C Leave - Basic Understanding

Section 3C of the Immigration Act 1971 extends a person's existing leave where:

- A valid in-time application is made
- The application has not yet been decided

While Section 3C is statutory, it is frequently referenced in the Immigration Rules and guidance.

At Level 1, advisers must understand:

- When leave is extended
- That conditions of the previous leave usually continue
- That leaving the UK normally ends Section 3C leave

Complex disputes about Section 3C fall outside Level 1 scope.

8.5 Ordinary Meaning vs Legal Meaning

Many words used in the Immigration Rules have a specific legal meaning which may differ from their ordinary use.

Examples include:

- "Partner"

- "Child"
- "Parent"
- "Work"

Advisers must always check the relevant definition in the Rules or Appendix before advising.

8.6 Applying Definitions in Practice

When assessing a case, Level 1 advisers should:

- Identify defined terms in the relevant rule
- Cross-check Paragraph 6 or the relevant Appendix
- Apply the definition consistently throughout the assessment

If a definition is unclear or requires legal interpretation, the adviser must state:

"This matter is outside Level 1 scope."

8.7 Common Level 1 Interpretation Errors

Common mistakes include:

- Relying on everyday meanings instead of legal definitions
- Ignoring cross-references within the Rules
- Applying outdated definitions

Avoiding these errors is essential for competent Level 1 practice.

Part C - Immigration Status, Leave and Conditions

IAA Level 1 - Training & Study Material

Chapter 9: Immigration Status Explained

9.1 Purpose of Understanding Immigration Status

Understanding immigration status is fundamental to competent Level 1 advice. An adviser must be able to identify what status a person holds, what that status allows them to do, and what restrictions apply.

At Level 1, advisers must be able to:

- Identify a client's current immigration status
- Explain the rights and restrictions attached to that status
- Identify when a person has no lawful status

Incorrect identification of status may lead to unlawful advice and serious consequences for the client.

9.2 Right of Abode

A person with the right of abode has an unrestricted right to live and work in the United Kingdom without immigration control.

Those with the right of abode include:

- British citizens
- Certain Commonwealth citizens with historic rights

A person with right of abode:

- Does not require leave to enter or remain
- Is not subject to immigration conditions

Level 1 advisers may explain the concept of right of abode but must not handle complex nationality disputes.

9.3 Settled Status

A person is considered settled if they have Indefinite Leave to Remain (ILR) or an equivalent status.

Settled persons:

- May live in the UK without time restriction
- May work and study without limitation
- May access public funds (subject to other eligibility rules)

Settlement may be lost if:

- The person leaves the UK for a prolonged period
- Settlement is revoked or invalidated

9.4 Limited Leave

Most migrants in the UK hold limited leave.

Limited leave:

- Is time-restricted
- Is subject to specific conditions
- Must be renewed or varied before expiry

Common conditions include:

- Restrictions on work
- Restrictions on study
- No recourse to public funds

Level 1 advisers must always check the exact conditions attached to limited leave.

9.5 Pre-Settled Status and EU-Related Statuses

Some individuals hold status under EU-related immigration routes, such as pre-settled status.

Such status:

- Is time-limited
- Carries specific residence and activity requirements

Level 1 advisers may provide general information but must refer complex EU Settlement Scheme issues where appropriate.

9.6 Persons with No Lawful Status

A person has no lawful status if they:

- Have overstayed their leave
- Entered the UK unlawfully
- Had their leave cancelled or curtailed

Persons without lawful status may:

- Be subject to removal
- Have limited access to services

Complex enforcement or removal matters fall outside Level 1 scope.

9.7 Importance of Evidence of Status

Immigration status must always be evidenced. Advisers should rely on:

- eVisas and former Biometric Residence Permits (BRPs)
- Digital status records
- Home Office decision letters

Advisers must not rely solely on client statements without evidence.

> *2026 update note: The UK has moved to digital immigration status. Advisers should normally check eVisa/UKVI account evidence, share codes, Home Office decision letters, and other official records. BRPs are now historic/expired documents and should not be treated as current proof of status without checking the underlying digital status.*

9.8 Level 1 Boundaries on Immigration Status Advice

At Level 1, advisers:

- Explain immigration status and conditions
- Assist with straightforward applications to maintain lawful status

Advisers must not:

- Advise on complex status disputes
- Handle enforcement action or appeals

Where issues become complex, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 10: Conditions of Leave

10.1 Purpose of Conditions of Leave

Conditions of leave are legal restrictions or permissions attached to a person's immigration status. They define what a person is allowed or not allowed to do while in the United Kingdom.

At Level 1, advisers must be able to:

- Identify the conditions attached to a client's leave
- Explain those conditions clearly to the client
- Warn clients of the consequences of breaching conditions

Failure to understand or explain conditions correctly can lead to refusals, curtailment of leave, or enforcement action.

10.2 How Conditions Are Imposed and Recorded

Conditions of leave are imposed under the Immigration Act 1971 and set out in:

- Home Office decision letters
- eVisas and former Biometric Residence Permits (BRPs)
- Digital immigration status records

Advisers must always rely on official evidence of conditions and must not assume conditions based on visa type alone.

> *Practical check: where a client has digital status, ask for a current share code or status-view evidence and cross-check the work, study, expiry and public-funds conditions before giving Level 1 advice.*

10.3 Work Conditions

Many forms of limited leave include restrictions on work.

Common work conditions include:

- Permission to work only in specific roles

- Prohibition on self-employment
- No work permitted at all (e.g. visitors)

Breaching work conditions may:

- Lead to refusal of future applications
- Result in curtailment or cancellation of leave
- Expose the individual to criminal liability for illegal working

Level 1 advisers may explain work conditions but must not advise on complex employment or compliance disputes.

10.4 Study Conditions

Some migrants are permitted to study subject to conditions.

Study conditions may:

- Restrict the type of institution
- Require enrolment at an approved provider
- Limit changes of course or institution

Advisers must ensure that clients understand their study conditions before enrolling.

10.5 No Recourse to Public Funds (NRPF)

Many migrants are subject to a No Recourse to Public Funds (NRPF) condition.

NRPF means that the person:

- Cannot access most state benefits or housing assistance
- May only access services permitted under the rules

Incorrect access to public funds may:

- Breach conditions of leave
- Affect future applications

Level 1 advisers may explain NRPF but must not advise on complex welfare or discretionary NRPF change applications.

10.6 Reporting and Registration Conditions

Some individuals may be required to:

- Report to the Home Office or police
- Keep the Home Office informed of address changes

Failure to comply with reporting or registration conditions may lead to enforcement action.

10.7 Consequences of Breaching Conditions

Breaching conditions of leave may result in:

- Refusal of an extension or new application
- Curtailment or cancellation of leave
- Adverse immigration history

Advisers must clearly warn clients about the seriousness of compliance.

10.8 Level 1 Boundaries When Advising on Conditions

At Level 1, advisers:

- Explain conditions and their effects
- Assist with straightforward applications where conditions are complied with

Advisers must not:

- Advise on complex breach allegations
- Handle enforcement or appeal matters

Where issues become complex, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 11: Curtailment, Cancellation and Lapse of Leave

11.1 Purpose of This Chapter

Understanding how immigration leave can end before its stated expiry date is essential for Level 1 advisers. Curtailment, cancellation, and lapse of leave each have different legal meanings and consequences.

At Level 1, advisers must be able to:

- Explain what each term means
- Identify when a client's leave may have ended
- Advise on basic next steps within Level 1 scope

11.2 Curtailment of Leave

Curtailment occurs when the Home Office shortens a person's existing period of leave.

Curtailment may occur where:

- The purpose of stay no longer applies (e.g. job or course ends)
- Conditions of leave are breached
- False information was provided

Curtailment is normally communicated by:

- A Home Office curtailment notice
- An updated decision letter

After curtailment, the individual is usually given a short period to either:

- Leave the UK, or
- Make a new application

11.3 Cancellation of Leave

Cancellation of leave usually occurs:

- At the UK border, or
- Before entry to the UK

Leave may be cancelled where:

- Entry clearance conditions are no longer met
- There is deception or non-disclosure
- A person's circumstances have changed significantly

Cancellation has immediate effect and may prevent entry to the UK.

Level 1 advisers may explain the concept of cancellation but must not advise on border disputes or complex challenges.

11.4 Lapse of Leave

Lapse of leave occurs automatically when a person:

- Leaves the UK while holding limited leave
- Does not have permission to return

Once leave has lapsed:

- The individual no longer has permission to re-enter
- A fresh application is usually required

Lapse is not a decision and does not require notice from the Home Office.

11.5 Common Consequences

Curtailment, cancellation, or lapse of leave may result in:

- Loss of lawful status
- Requirement to leave the UK
- Impact on future applications

Advisers must warn clients promptly when such risks arise.

11.6 Evidence and Records

Evidence of curtailment or cancellation may include:

- Home Office letters

- Email notifications
- Updated immigration records

Advisers must keep copies on file and record advice given.

11.7 Level 1 Boundaries

At Level 1, advisers may:

- Explain curtailment, cancellation, and lapse
- Assist with straightforward follow-up applications

Advisers must not:

- Challenge Home Office decisions
- Advise on appeals or judicial review

Where a matter becomes complex, the adviser must state:

"This matter is outside Level 1 scope."

Part D - Applications and Decision-Making

Chapter 12: Types of Immigration Applications

12.1 Purpose of This Chapter

A core function of a Level 1 adviser is to identify what type of immigration application is required and to explain the process to the client clearly and lawfully.

At Level 1, advisers must be able to:

- Distinguish between different application types
- Identify where an application must be made
- Explain basic procedural requirements

Selecting the wrong application type can lead to refusal, invalidity, or loss of lawful status.

12.2 Entry Clearance Applications

Entry clearance is permission granted outside the United Kingdom allowing a person to travel to the UK for a specific purpose.

Entry clearance applications are usually required where a person:

- Is outside the UK
- Does not already hold valid UK leave

Common entry clearance routes at Level 1 include:

- Visitors
- Family members
- Students
- Work routes (basic awareness only)

Entry clearance applications:

- Are made online
- Require biometrics at a Visa Application Centre

- Must be granted before travel to the UK

12.3 Leave to Remain Applications

Leave to remain applications are made inside the UK by individuals who already hold valid leave and wish to:

- Extend their stay
- Switch into another route (where permitted)

Leave to remain applications:

- Must usually be made before existing leave expires
- May attract Section 3C leave if valid and in-time

Level 1 advisers may assist with straightforward extensions and switches permitted under the Immigration Rules.

12.4 Variation of Leave

A variation of leave occurs where a person changes the basis of their application while it is under consideration.

At Level 1, advisers may explain:

- What a variation is
- That it must normally be made before a decision is issued

Complex variation issues may fall outside Level 1 scope.

12.5 Validity of Applications

For an application to be valid, it must:

- Be made on the correct form
- Include payment of the correct fee
- Include payment of the Immigration Health Surcharge (where applicable)
- Include biometrics

Invalid applications are not decided on their merits and may place the applicant at risk of becoming an overstayer.

12.6 Where Applications Are Made

Applications may be made:

- Outside the UK (entry clearance)
- Inside the UK (leave to remain)

Advisers must ensure the client is eligible to apply from their location under the Immigration Rules.

12.7 Level 1 Boundaries

At Level 1, advisers may:

- Explain application types and processes
- Assist with straightforward applications

Advisers must not:

- Advise on complex switching rules
- Handle appeals or litigation

Where complexity arises, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 13: Making a Valid Immigration Application

13.1 Importance of Application Validity

Before the Home Office considers the merits of an immigration application, it must first be valid. Validity is a procedural requirement and is distinct from eligibility.

At Level 1, advisers must understand that:

- An invalid application is not considered on its merits
- An invalid application may place the applicant at risk of overstaying
- Validity errors are a common cause of avoidable refusal or rejection

Ensuring validity is therefore a core Level 1 responsibility.

13.2 Online Application Systems

Most immigration applications must be made using the online Home Office application system via GOV.UK.

Level 1 advisers must:

- Select the correct online form
- Ensure all mandatory sections are completed
- Check that information provided is accurate and consistent

Incorrect form selection or incomplete forms may render an application invalid.

13.3 Application Fees

Most immigration applications require payment of a Home Office application fee.

Key points for Level 1 advisers:

- Fees vary by application type
- Fees must be paid in full at the time of submission

- Incorrect or missing fee payment may invalidate the application

Advisers must always check the current fee on GOV.UK, as fees change regularly.

> *2026 update note: Do not put fixed application fees in client letters or training notes unless they have been checked on GOV.UK on the same day. Fee maxima and fee regulations can change, and the application portal amount should be treated as decisive at the point of submission.*

13.4 Immigration Health Surcharge (IHS)

Many applicants are required to pay the Immigration Health Surcharge (IHS) as part of their application.

The IHS:

- Is paid in addition to the application fee
- Must normally be paid before the application is submitted
- Covers access to NHS services during the period of leave

Failure to pay the correct IHS may result in invalidity or delay.

> *2026 IHS awareness note: the commonly published annual IHS rates are £1,035 for most applicants and £776 for students, student dependants, Youth Mobility Scheme applicants and under-18 applicants. Always check the GOV.UK IHS calculator/current guidance before advising or submitting because exemptions, route-specific rules and part-year calculations can change.*

13.5 Biometrics Requirement

Applicants are usually required to provide biometric information, including fingerprints and a photograph.

> *Digital status note: biometrics remain relevant, but status evidence is increasingly digital through a UKVI account/eVisa rather than a new physical BRP.*

Biometrics may be provided:

- At a Visa Application Centre (outside the UK)
- At a UK Visa and Citizenship Application Services (UKVCAS) centre (inside the UK)

Failure to enrol biometrics within the required timeframe may lead to rejection or refusal.

13.6 Supporting Documents

A valid application must normally be supported by required documents.

Level 1 advisers must:

- Identify mandatory documents under the relevant Immigration Rules
- Ensure documents are uploaded or submitted correctly
- Check translations where required

Missing mandatory documents may result in refusal even if the application is valid.

13.7 Deadlines and Timing

Timing is critical in immigration applications.

At Level 1, advisers must:

- Ensure in-country applications are made before leave expires
- Explain the effect of in-time applications on lawful status
- Warn clients of the risks of late applications

Late or out-of-time applications may lead to overstaying.

13.8 Level 1 Boundaries

At Level 1, advisers may:

- Assist with preparing and submitting valid applications
- Explain procedural requirements

Advisers must not:

- Advise on complex validity disputes

- Challenge Home Office procedural decisions

Where issues become complex, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 14: Evidence and Supporting Documents

14.1 Importance of Evidence in Immigration Applications

Evidence and supporting documents are critical to the success of any immigration application. Even where an applicant meets the requirements of the Immigration Rules, an application may be refused if the required evidence is missing, incorrect, or does not meet specified standards.

At Level 1, advisers must be able to:

- Identify mandatory and optional evidence
- Explain evidence requirements clearly to clients
- Ensure documents meet formal requirements

14.2 Types of Supporting Documents

Supporting documents vary depending on the immigration route, but commonly include:

- Passports and travel documents
- Immigration status documents (BRP or digital status)
- Financial documents
- Relationship evidence
- Educational documents

Advisers must always check the specific Appendix of the Immigration Rules relevant to the application.

14.3 Mandatory vs Discretionary Evidence

Some evidence is mandatory, meaning the Immigration Rules require it to be provided. Failure to submit mandatory evidence will normally result in refusal.

Other evidence may be discretionary or supportive, used to strengthen the application.

Level 1 advisers must:

- Identify which documents are mandatory
- Ensure mandatory documents are included before submission

14.4 Specified Evidence Requirements

Certain routes contain specified evidence requirements. These set strict rules on:

- Format of documents
- Time period covered
- Information that must be shown

Where specified evidence is required, advisers must follow the rules precisely. Discretion is limited.

14.5 Translations of Documents

Any document not in English or Welsh must be accompanied by a certified translation.

A certified translation must include:

- Confirmation it is an accurate translation
- Date of translation
- Translator's name and signature
- Translator's contact details

Failure to provide a proper translation may result in refusal.

14.6 Certified Copies

Where original documents cannot be submitted, certified copies may be accepted.

A certified copy should:

- Be a true copy of the original
- Be signed and dated by a suitable certifier
- Clearly state that it is a true copy

Level 1 advisers may explain certification but must not certify documents unless authorised as a Commissioner for Oaths.

14.7 Uploading and Submitting Evidence

Most applications now require documents to be uploaded electronically.

Level 1 advisers must:

- Ensure documents are clear and legible
- Upload documents in the correct category
- Confirm all documents have uploaded successfully

Poor quality or mislabelled uploads may negatively affect the application.

14.8 Common Evidence Errors

Common mistakes include:

- Missing mandatory documents
- Submitting outdated evidence
- Incorrect translations
- Poor quality scans or photographs

Advisers should carry out a final evidence check before submission.

14.9 Level 1 Boundaries

At Level 1, advisers may:

- Advise on evidence requirements
- Assist with compiling and submitting documents

Advisers must not:

- Argue discretionary evidence issues
- Challenge refusals based on evidential discretion

Where evidential disputes arise, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 15: Home Office Decision-Making

15.1 Purpose of This Chapter

A key part of Level 1 practice is understanding how the Home Office makes decisions and how those decisions are communicated. Advisers must be able to explain decisions clearly, identify the reason for an outcome, and advise on basic next steps within Level 1 scope.

At Level 1, advisers must:

- Understand how decisions are reached
- Identify common reasons for refusal
- Explain decisions to clients accurately and responsibly

15.2 How the Home Office Makes Decisions

Home Office decision-makers assess applications by:

- Applying the relevant Immigration Rules
- Considering the evidence submitted
- Checking suitability and eligibility requirements
- Verifying immigration history and compliance

Decisions are made on the basis of:

- Information provided by the applicant
- Home Office records and systems
- Official guidance in force at the time of decision

15.3 Types of Home Office Decisions

The Home Office may issue several types of decisions, including:

- Grant of leave
- Refusal of leave
- Grant with conditions
- Curtailment or cancellation decisions

Level 1 advisers must be able to recognise the type of decision and its immediate effect on the client's immigration status.

15.4 Reasons for Refusal

Refusals usually occur because:

- Eligibility requirements are not met
- Mandatory evidence is missing or incorrect
- Suitability requirements are not met
- There are credibility or compliance concerns

Refusal notices normally explain:

- Which Immigration Rules were not met
- The evidence relied upon
- Any future restrictions or consequences

15.5 Grounds for Refusal:

- Part 9 of the Immigration Rules explains common reasons why the Home Office can refuse an
- immigration application, regardless of the visa route being applied for. These grounds apply across many different applications and are considered in addition to the specific requirements of each route.
- One ground for refusal is criminality. An application may be refused if the applicant has a criminal
- conviction, depending on the type of offence, the length of sentence, and how recent the conviction is. The Home Office will consider whether the criminal history makes the person unsuitable to enter or stay in the UK.
- Another ground for refusal is deception or false information. An application can be refused if the applicant
- has provided false documents, given incorrect information, or failed to disclose important facts. This includes using fake documents or misleading the Home Office during an application process.

- A further ground for refusal is previous immigration breaches. This includes overstaying, entering the UK
- illegally, breaching visa conditions, or failing to comply with immigration control in the past. Previous non- compliance can affect future applications even if the current application is otherwise valid.
- Applications may also be refused for non-compliance with conditions. This includes failing to follow the
- conditions attached to a previous visa, such as working when not permitted, studying outside the permitted course, or failing to report when required by the Home Office.
- Part 9 allows the Home Office to refuse an application even where the applicant meets the requirements of
- the visa route, if one or more of these general grounds apply.
- At Level 1, advisers may explain that these grounds exist, describe them in simple terms, and explain how

they affected the Home Office decision. Advisers must not argue whether the Home Office applied Part 9 correctly or advise on legal challenges.

Part E - Core Level 1 Immigration Routes

Chapter 16: Visitors (Appendix V)

16.1 Purpose of the Visitor Route

The Visitor route under Appendix V of the Immigration Rules allows individuals to come to the United Kingdom for a temporary and specific purpose. Visitors must intend to leave the UK at the end of their visit and must not make the UK their main home.

At Level 1, advisers must be able to:

- Explain the purpose and limits of the Visitor route
- Identify permitted and prohibited activities
- Explain length of stay and conditions

16.2 Types of Visitors

Appendix V covers several visitor categories, including:

- Standard Visitors
- Business Visitors
- Academic Visitors
- Visitors for medical treatment

Although sub-categories exist, all visitors must meet the core visitor requirements.

> *2026 ETA note: many non-visa national visitors must obtain an Electronic Travel Authorisation (ETA) before travelling. An ETA is permission to travel, not permission to enter, and it does not replace the need to satisfy Appendix V at the border.*

16.3 Core Eligibility Requirements

To qualify as a visitor, an applicant must demonstrate that they:

- Intend to leave the UK at the end of their visit
- Will not live in the UK for extended periods through frequent visits

- Have sufficient funds to cover travel and maintenance
- Can meet the cost of onward or return travel
- Do not intend to work or access public funds

Failure to meet any mandatory requirement will normally result in refusal.

16.4 Permitted Activities

Permitted activities for visitors may include:

- Tourism and leisure
- Visiting family and friends
- Certain business activities (e.g. meetings, conferences)
- Short recreational courses (subject to limits)

Permitted activities depend on the type of visitor and must be checked carefully against Appendix V.

16.5 Prohibited Activities

Visitors must not:

- Undertake paid or unpaid work
- Access public funds
- Study beyond permitted limits
- Intend to settle in the UK

Breaching visitor conditions may result in refusal of future applications and adverse immigration history.

16.6 Length of Stay

Standard visitors are usually granted leave for:

- Up to 6 months

In limited circumstances, longer periods may be granted (e.g. academic visitors), subject to specific rules.

Visitors must leave the UK before their leave expires.

16.7 Evidence and Credibility

Common evidence used in visitor applications includes:

- Evidence of travel plans
- Financial evidence
- Evidence of ties to the home country
- Invitation letters (where applicable)

Decision-makers assess credibility by considering the overall circumstances of the applicant.

16.8 Switching and Extensions

In most cases:

- Visitors cannot switch into other routes from within the UK
- Extensions are limited and strictly controlled

Advisers must check the Immigration Rules carefully before suggesting any in-country application.

16.9 Level 1 Boundaries

At Level 1, advisers may:

- Assist with visitor applications
- Explain visitor conditions and restrictions

Advisers must not:

- Argue complex credibility refusals
- Advise on appeals against visitor refusals

Where complexity arises, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 17: Family Routes - Appendix FM (Level 1 Overview)

Family Routes - Appendix FM (Detailed and Deep Explanation)

A. Purpose and policy behind Appendix FM

Appendix FM is the main part of the Immigration Rules that governs applications based on family life. Its purpose is to decide when a person can enter or remain in the UK because removing them would interfere with genuine family relationships. The Rules are designed to reflect how the UK balances family life against immigration control, public interest, and fairness.

Appendix FM is not simply about proving that people are related. It is about deciding whether a family relationship is strong, genuine, lawful, and sufficiently established to justify permission to live together in the UK. This is why Appendix FM is detailed, evidence-heavy, and structured.

B. Who Appendix FM is designed for

Appendix FM applies mainly to two family categories only:

A) People applying on the basis of family life with a partner B) People applying on the basis of family life as a parent of a child in the UK

It does not apply to siblings, cousins, grandparents, or extended family unless another specific route applies. This reflects a deliberate policy choice to limit family migration to close, dependent relationships.

The UK-based family member is called the sponsor, and their immigration status is crucial. Appendix FM generally expects the sponsor to have stable status in the UK, such as British citizenship or settled status, because

family life is expected to be built around someone lawfully and permanently based in the UK.

C. Core concepts that control Appendix FM decisions

Appendix FM works around several core ideas:

A) Genuine family life - the relationship must be real, ongoing, and not created solely for immigration purposes B) Compliance and conduct - immigration history and honesty matter C) Self-sufficiency - families should normally be able to support themselves D) Integration - applicants should have basic English ability E) Child welfare - children's interests carry special weight

Every requirement in Appendix FM links back to one or more of these ideas.

D. Structure of Appendix FM decision-making

Appendix FM applications are decided in a fixed order. This order matters.

First, the Home Office considers suitability. This asks: "Is there any reason why this person should not be granted leave, regardless of the family relationship?"

Second, the Home Office considers eligibility. This asks: "Does this person meet the specific family route requirements?"

Third, the Home Office considers evidence. This asks: "Has the applicant proven each requirement in the correct way?"

Failing any one of these stages usually leads to refusal.

E. Suitability: conduct before relationship

Suitability is about behaviour, not relationships.

An applicant may be refused under suitability if there is:

- Serious criminal history
- Use of deception or false documents

- Failure to disclose important facts
- Repeated immigration breaches
- Conduct that undermines trust in the immigration system

This means a genuine marriage or genuine parent-child relationship does not guarantee success. Suitability can override everything else. This reflects the principle that family life does not excuse serious misconduct.

F. Partner route: relationships recognised by Appendix FM

The partner route is the most commonly used family route.

Appendix FM recognises the following partners:

- Spouse
- Civil partner
- Fiancé(e) or proposed civil partner
- Unmarried partner (minimum two years' relationship similar to marriage)

Each category carries different expectations. For example, unmarried partners must prove long-term cohabitation, whereas spouses must prove the marriage is legally valid and genuine.

The Home Office looks closely at:

- How the relationship started
- How long it has existed
- Whether the couple have lived together
- How they communicate
- Whether previous relationships have ended

The key question is whether the relationship is genuine and subsisting, not just legally valid.

G. Financial requirement: policy and purpose

The financial requirement exists to ensure that families can live in the UK without relying on public funds.

In partner cases, this usually means meeting a minimum income threshold. The Home Office is strict because this requirement is treated as a matter of public interest.

> *2026 Appendix FM financial update: for most new partner/spouse family applications the minimum income requirement is £29,000. Transitional protection may apply where the person first applied as a partner before 11 April 2024 and is extending with the same partner, where the older £18,600 structure may still be relevant. Advisers must check Appendix FM, Appendix FM-SE and current Home Office guidance before giving any calculation.*

Financial evidence must:

- Cover the required time period
- Come from acceptable sources
- Be in the correct format
- Clearly show ongoing income

Many refusals occur not because income is insufficient, but because documents do not meet strict formatting rules.

H. English language requirement: integration focus

The English language requirement exists to support integration into UK society.

Applicants must normally show basic English ability through:

- An approved English language test, or
- Nationality of an English-speaking country, or
- A recognised degree taught in English

Failure to meet this requirement usually results in refusal unless an exemption applies.

I. Parent route: child-focused decision-making

The parent route is fundamentally different from the partner route.

The focus is not on the adult relationship but on:

- The child's welfare
- The child's stability
- The child's relationship with the parent

To succeed, the applicant must show:

- The child lives in the UK
- The applicant is genuinely involved in the child's life
- The relationship is direct and meaningful
- Removal would disrupt the child's upbringing

This route is particularly sensitive where the child is British, as British children are not expected to leave the UK.

J. Five-year route and ten-year route explained properly

Appendix FM operates two timelines:

The five-year route applies where all standard requirements are met. This is the normal path.

The ten-year route applies where:

- Some requirements are not met, but
- Refusal would cause unfairly harsh consequences

The ten-year route is not a shortcut. It is deliberately longer to reflect partial non-compliance while still protecting family life.

K. Exceptional circumstances: safety valve, not loophole

Exceptional circumstances exist to prevent unjust outcomes.

They apply where:

- Refusal would seriously harm family life

- The impact would be disproportionate
- Children would be significantly affected

This is not a general discretion. It is a narrow safeguard used where strict application of the Rules would lead to unacceptable hardship.

L. Evidence: why Appendix FM cases fail

Appendix FM is evidence-driven.

Meeting the requirement is not enough. The applicant must prove it exactly as required.

Common failure points include:

- Missing bank statements
- Wrong document dates
- Incorrect document format
- Unverified electronic evidence
- Incomplete relationship evidence

This is why careful document checking is critical in family cases.

M. Level 1 boundaries in Appendix FM work

At Level 1, advisers may:

- Explain Appendix FM clearly
- Explain partner vs parent routes
- Explain refusal reasons
- Assist with straightforward applications
- Check documents against requirements

At Level 1, advisers must not:

- Argue complex human rights proportionality
- Draft appeal grounds
- Conduct litigation
- Challenge the Home Office legally

When complexity arises, the adviser must clearly say: "This matter is outside Level 1 scope."

N. Final learning summary

Appendix FM is about protecting genuine family life while maintaining immigration control. Suitability comes first. Eligibility comes second. Evidence controls everything. Children's welfare matters most. Most refusals happen because of documents, not relationships.

Chapter 18: Children's Applications (Appendix Children - Level 1 Overview)

18.1 Purpose of Children's Applications

Children's applications under the Immigration Rules are designed to protect the welfare of children while regulating entry and stay in the United Kingdom. Applications relating to children may arise under Appendix Children or in connection with family routes.

At Level 1, advisers must be able to:

- Explain the basic routes available to children
- Identify who qualifies as a child under the Rules
- Apply the best interests principle at an overview level

Children's cases can be sensitive and complex, requiring careful attention to scope limits.

18.2 Definition of a Child

Under the Immigration Rules, a child is generally a person under the age of 18 at the date of application.

Key points for Level 1 advisers:

- Age is assessed at the date of application
- Different rules may apply once a person turns 18
- Evidence of age and relationship is essential

18.3 Routes for Children

Children may apply to:

- Enter the UK to join a parent or parents
- Remain in the UK with a parent or parents
- Extend existing leave as a child

Eligibility depends on:

- The immigration status of the parent(s)
- Living arrangements
- Responsibility for the child's care

18.4 Parental Responsibility and Living Arrangements

In children's applications, the Home Office considers:

- Whether both parents are present in the UK
- Whether one parent has sole responsibility
- Whether there are serious and compelling family considerations

Level 1 advisers may explain these concepts but must avoid detailed legal argument or family law analysis.

18.5 Best Interests of the Child (Overview)

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires decision-makers to have regard to the best interests of the child.

At Level 1:

- Advisers may explain that the child's welfare is a primary consideration
- Advisers must not undertake detailed welfare assessments

Complex best interests arguments fall outside Level 1 scope.

18.6 Evidence in Children's Applications

Common evidence includes:

- Child's birth certificate
- Evidence of parental relationship
- Evidence of residence and care arrangements
- Immigration status of parents

Failure to provide clear evidence often leads to refusal.

18.7 Common Issues and Risks

Common issues include:

- Disputes over parental responsibility
- Changes in family circumstances
- Children turning 18 during the process

These issues may affect eligibility and must be identified early.

18.8 Level 1 Boundaries

At Level 1, advisers may:

- Explain children's routes and requirements
- Assist with straightforward children's applications

Advisers must not:

- Prepare complex human rights arguments
- Handle disputed family responsibility cases
- Advise on appeals or litigation

Where complexity arises, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 19: Students (Appendix Student - Level 1 Overview)

19.1 Purpose of the Student Route

The Student route under Appendix Student of the Immigration Rules allows eligible individuals to come to the United Kingdom to study at an approved education provider. The route is points-based and subject to strict compliance requirements.

At Level 1, advisers must be able to:

- Explain the purpose and structure of the Student route
- Identify basic eligibility requirements
- Explain key conditions attached to student leave

19.2 Approved Education Providers and CAS

To qualify under the Student route, an applicant must have a Confirmation of Acceptance for Studies (CAS) issued by a licensed student sponsor.

Key points for Level 1 advisers:

- The CAS is an electronic reference number
- It confirms the course, provider, and start/end dates
- Applications cannot succeed without a valid CAS

Advisers must ensure the CAS details match the application.

19.3 Basic Eligibility Requirements

To be granted leave as a student, an applicant must generally demonstrate:

- Acceptance onto an approved course
- Sufficient funds to cover tuition fees and living costs
- English language ability (where required)
- Genuine intention to study

Failure to meet any mandatory requirement will normally result in refusal.

19.4 Financial Requirements (Overview)

Students must meet specific maintenance requirements, usually evidenced by bank statements or official financial sponsorship.

At Level 1, advisers may:

- Explain that funds must be held for a required period
- Explain that the amount depends on location and course length

Detailed financial calculations and evidential disputes may fall outside Level 1 scope.

19.5 Conditions of Student Leave

Student leave is normally subject to conditions, including:

- Restrictions on work hours
- Limitations on self-employment
- Requirement to study with the sponsoring institution

Breaching student conditions may result in curtailment or refusal of future applications.

19.6 Switching, Extensions and Changes

In some circumstances, students may:

- Extend their stay
- Switch into another route (where permitted)

Switching rules are strict and must be checked carefully against the Immigration Rules.

> *2026/2027 Graduate route awareness note: GOV.UK states that a Graduate visa gives 2 years if the application is made on or before 31 December 2026, and 18 months if the application is made on or after 1 January 2027. This is an awareness point only; check the route guidance before advising.*

19.7 Evidence and Common Issues

Common evidence includes:

- CAS reference
- Financial documents
- English language evidence
- Academic qualifications

Common issues leading to refusal include:

- Insufficient funds
- Incorrect or expired CAS
- Credibility concerns

19.8 Level 1 Boundaries

At Level 1, advisers may:

- Assist with straightforward student applications
- Explain student conditions and obligations

Advisers must not:

- Argue credibility refusals
- Handle sponsor compliance issues
- Advise on appeals or litigation

Where complexity arises, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 20: Work Routes - Level 1 Awareness

(Appendix Skilled Worker and Other Routes)

20.1 Purpose of This Chapter

This chapter provides high-level awareness of UK work routes for Level 1 advisers. Work routes are primarily points-based and often involve employer sponsorship, which can introduce complexity.

At Level 1, advisers must be able to:

- Explain the existence and purpose of main work routes
- Identify when a client may need a work visa
- Recognise when a matter exceeds Level 1 scope

20.2 Overview of the Skilled Worker Route

The Skilled Worker route (Appendix Skilled Worker) allows individuals to work in the UK for an approved sponsor in an eligible role.

Key features include:

- Sponsorship by a Home Office-licensed employer
- A Certificate of Sponsorship (CoS)
- Minimum skill and salary thresholds
- English language requirement

Skilled Worker applications are points-based and assessed against mandatory criteria.

20.3 Sponsorship and the Certificate of Sponsorship (CoS)

A Certificate of Sponsorship (CoS) is an electronic record issued by a licensed sponsor.

Key Level 1 awareness points:

- A valid CoS is essential for a Skilled Worker application

- The CoS contains details of the role, salary, and sponsor
- Errors on a CoS may lead to refusal

Advisers must not advise on sponsor licensing or compliance at Level 1.

20.4 Other Work Routes (Awareness Only)

Other work routes may include:

- Temporary Worker routes
- Global Business Mobility routes
- Graduate route (post-study)

Each route has specific requirements and conditions. Advisers may provide general information only and must check the relevant Appendix.

20.5 Conditions of Work Leave

Work visas are subject to conditions, which may include:

- Restrictions to a specific employer and role
- Limits on supplementary employment
- No recourse to public funds

Breaching work conditions can have serious immigration consequences.

20.6 Switching and Extensions (High-Level)

In some circumstances, applicants may:

- Switch into a work route from another route
- Extend their permission to stay

Switching rules are strict and fact-specific. Advisers must verify eligibility carefully.

20.7 Level 1 Boundaries

At Level 1, advisers may:

- Explain work routes at a high level

- Assist with straightforward applications only where clearly within competence

Advisers must not:

- Advise on sponsor licence applications or compliance
- Draft complex representations
- Handle appeals or disputes

Where a work matter involves sponsorship compliance or complex eligibility, the adviser must state:

"This matter is outside Level 1 scope."

a. Purpose and policy behind work routes

Work routes exist to allow people from outside the UK to work lawfully where there is an economic or labour market need, while at the same time protecting resident workers and maintaining immigration control. These routes are designed around economic contribution rather than humanitarian considerations. Permission to work in the UK is conditional and time-limited, and applicants must strictly meet the requirements set out in the Immigration Rules.

The policy aim is to attract skills, experience, and talent that benefit the UK economy, while preventing exploitation, undercutting of wages, and abuse of the immigration system.

b. Overall structure of work routes

UK work routes can broadly be divided into two categories. The first category consists of sponsored work routes, where a UK employer must sponsor the worker. The second category consists of unsponsored or limited- sponsorship routes, where the individual applies independently or with reduced employer involvement.

Most long-term work routes fall under the sponsored category, making the employer a central part of the immigration process.

c. Sponsorship as the foundation of work routes

Sponsorship is the cornerstone of most work routes. A sponsoring employer must hold a valid sponsor licence and must be a genuine organisation operating lawfully in the UK. By sponsoring a worker, the employer accepts responsibility for monitoring the worker's employment and reporting certain changes to the Home Office.

The worker's immigration permission is linked directly to the sponsoring employer. If sponsorship ends, the worker's permission to stay in the UK may be curtailed.

d. The Skilled Worker route as the main work route

The Skilled Worker route is the primary long-term work route in the UK. It allows individuals to work in skilled roles where there is a recognised need.

To qualify, the job must meet the required skill level, the role must fall within an eligible occupation, the employer must be licensed, and the salary must meet the required threshold. The worker must also meet language and suitability requirements.

This route reflects the UK's policy of filling skilled vacancies while maintaining control over who can enter the labour market.

e. Certificate of Sponsorship and its importance

A Certificate of Sponsorship is an electronic record issued by the sponsor. It is not a physical document but a reference number used in the visa application.

The Certificate confirms the job role, salary, work location, duration, and confirms that the sponsor believes the role is genuine. Without a valid Certificate of Sponsorship, a work route application cannot succeed.

f. Skill level and salary requirements

Skill and salary thresholds exist to ensure that work routes are used for genuine employment rather than low- skilled or exploitative work. Salary must normally meet both the general salary threshold and the occupation-specific rate.

Even where an applicant is highly experienced, failure to meet the salary requirement will usually result in refusal. This reflects the priority given to protecting the UK labour market.

> *2026 Skilled Worker salary update: the standard threshold in Appendix Skilled Worker is commonly presented as at least £41,700 per year and the occupation going rate, subject to tradeable points, transitional arrangements, health/education rules, immigration salary list rules, new entrant discounts, PhD discounts, and SOC 2020 going rates. A new entrant route may require at least £33,400 and 70% of the going rate in relevant cases. Do not advise from memory: check Appendix Skilled Worker, Appendix Skilled Occupations and sponsor guidance on the date of advice.*

g. English language requirement in work routes

Most long-term work routes require the applicant to demonstrate English language ability. This supports workplace integration, communication, and long-term settlement.

English language ability can usually be shown through approved tests, nationality, or academic qualifications. If this requirement is not met, the application will normally be refused.

h. Temporary work routes

Temporary work routes exist to meet short-term labour needs. These routes are designed for specific sectors such as seasonal work, creative industries, charity work, and religious roles.

These routes are time-limited, more restrictive, and generally do not lead to settlement. They allow flexibility without encouraging permanent migration.

i. Global Business Mobility routes

Global Business Mobility routes allow overseas businesses to move staff to the UK for business-related purposes. These routes support international trade, investment, and corporate operations.

They are not designed for permanent settlement and assume the worker's long-term base remains outside the UK.

j. Unsponsored and special work routes

Some work-related routes do not require sponsorship. These include routes designed to attract graduates, highly skilled individuals, or exceptional talent.

Although more flexible, these routes still involve strict eligibility, suitability, and compliance requirements.

k. Conditions attached to work visas

Work visas usually carry conditions, such as restrictions on who the person can work for, what type of work they can do, and whether they can access public funds.

Breaching these conditions can lead to refusal of future applications, curtailment of leave, or removal action.

l. Dependants under work routes

Many work routes allow the main applicant to bring dependants, such as partners and children. Dependants' permission is usually linked to the main worker's status.

If the main worker's permission ends, the dependants' permission normally ends as well.

m. Settlement and long-term residence

Some work routes lead to settlement after a qualifying period, usually five years. Settlement depends on continued sponsorship, salary level, lawful residence, language ability, and good character.

Temporary work routes usually do not lead to settlement.

n. Common refusal reasons in work routes

Applications under work routes are commonly refused due to technical issues such as incorrect sponsorship, salary below threshold, non-genuine roles, missing evidence, or failure to meet language requirements.

Many refusals occur even where the applicant is otherwise suitable.

o. Level 1 adviser role in work routes

At Level 1, advisers may explain different work routes, explain sponsorship in general terms, assist with straightforward applications, and explain refusal reasons.

Level 1 advisers must not advise on sponsor licence matters, draft complex legal arguments, or handle appeals or litigation. Where a matter becomes complex, the adviser must state: "This matter is outside Level 1 scope."

Part F - Compliance, Ethics and Professional Practice

IAA Level 1 - Training & Study Material

Chapter 21: Professional Conduct and Client Care (Practical Application)

21.1 Purpose of Professional Conduct Rules

Professional conduct and client care are central to the regulation of immigration advisers by the Immigration Advice Authority (IAA). The purpose of these rules is to ensure that clients receive lawful, competent, and ethical advice, and that advisers act in a way that maintains confidence in the immigration advice sector.

At Level 1, advisers must understand that compliance is not limited to technical knowledge of the Immigration Rules, but extends to how advice is delivered, how clients are treated, and how risks are managed.

21.2 Adviser Duties Under the Code of Standards

IAA-regulated advisers must comply with the IAA Code of Standards (2024) at all times.

Core duties include:

- Acting honestly and with integrity
- Acting independently and in the client's best interests
- Providing advice only within authorised competence
- Avoiding misleading statements or guarantees

Advisers must never exaggerate prospects of success or provide reassurance that is not supported by the Immigration Rules.

21.3 Client Care Letters and Terms of Business

Before providing immigration advice, advisers must ensure that clients clearly understand:

- The scope of the service being provided
- The adviser's regulatory status and level of authorisation
- Fees and payment arrangements

- Any limitations or risks associated with the advice

This is normally achieved through a client care letter and terms of business.

At Level 1, advisers must ensure that client care documentation is:

- Clear and accurate
- Issued before substantive advice is given
- Retained on the client file

21.4 Managing Client Expectations

Managing expectations is a key aspect of ethical practice.

Advisers must:

- Explain that immigration decisions are made by the Home Office
- Avoid promises of success or timescales
- Explain risks and alternative outcomes

Poor expectation management is a common cause of complaints and regulatory action.

21.5 Conflicts of Interest

A conflict of interest arises where an adviser's duty to one client conflicts with the duty owed to another client or with the adviser's own interests.

At Level 1, advisers must:

- Identify potential conflicts early
- Decline to act where a conflict cannot be managed
- Record decisions on the client file

Acting despite a conflict may breach the Code of Standards.

21.6 Communication and Record Keeping

Professional conduct includes maintaining clear and accurate records of advice and communication.

Advisers must:

- Keep contemporaneous attendance notes
- Confirm important advice in writing
- Retain copies of correspondence

Good records protect both the client and the adviser.

21.7 Complaints Awareness

IAA-regulated organisations must have a complaints procedure.

At Level 1, advisers must:

- Inform clients how to raise concerns or complaints
- Cooperate with internal complaint handling
- Refer unresolved complaints to the appropriate regulator where required

Complaints must be handled professionally and without retaliation.

21.8 Level 1 Boundaries and Ethical Refusal to Act

Advisers must refuse to act where:

- The matter is outside Level 1 authorisation
- The adviser lacks competence
- The client seeks unlawful or dishonest outcomes

In such cases, the adviser must clearly state:

"This matter is outside Level 1 scope."

Chapter 22: Complaints Handling, Redress and Regulatory Action

22.1 Purpose of Complaints Handling

Complaints handling is a key regulatory requirement under the Immigration Advice Authority (IAA) framework. Effective complaints procedures protect clients, support transparency, and demonstrate that an organisation takes professional standards seriously.

At Level 1, advisers must understand:

- Why complaints procedures are required
- How complaints should be handled internally
- The potential regulatory consequences of poor complaint management

22.2 What Is a Complaint

A complaint is an expression of dissatisfaction by a client about:

- The quality of advice provided
- The service received
- Fees charged
- Professional conduct

Complaints may be made verbally or in writing and must be taken seriously regardless of form.

22.3 Internal Complaints Procedure

IAA-regulated organisations must have a written complaints procedure.

An effective complaints procedure should:

- Explain how a client can make a complaint
- Identify who will handle the complaint
- Set out clear timescales for response
- Be fair, transparent, and accessible

At Level 1, advisers must ensure clients are informed of the complaints procedure and must cooperate fully with internal investigations.

22.4 Handling Complaints Professionally

When dealing with complaints, advisers must:

- Remain professional and impartial
- Acknowledge complaints promptly
- Avoid defensive or dismissive behaviour
- Keep clear records of the complaint and response

Retaliation against a client for making a complaint is strictly prohibited and may itself constitute a regulatory breach.

22.5 Redress and Resolution

Where a complaint is upheld, appropriate redress may include:

- An explanation or apology
- Correction of errors
- Refund or fee adjustment (where appropriate)

Redress should be proportionate and aimed at resolving the issue fairly.

22.6 Escalation and the Role of the IAA

If a complaint cannot be resolved internally, clients may escalate the matter to the Immigration Advice Authority.

The IAA has powers to:

- Investigate complaints
- Request files and records
- Impose conditions or sanctions

Advisers and organisations must cooperate fully with any regulatory investigation.

22.7 Regulatory Action and Consequences

Where breaches of the Code of Standards are identified, the IAA may take regulatory action, including:

- Issuing warnings or guidance
- Imposing conditions on authorisation
- Suspending or cancelling authorisation

Serious or repeated breaches may also result in reputational damage and loss of business.

22.8 Level 1 Boundaries and Adviser Responsibilities

At Level 1, advisers must:

- Follow internal complaints procedures
- Cooperate with investigations
- Recognise when matters require senior or regulatory involvement

Advisers must not:

> *Current boundary note: Level 1 may explain what Administrative Review is and assist only where the matter remains straightforward and within competence. Detailed error-of-law analysis, complex caseworker-error arguments, refusal challenges requiring legal submissions, or any appeal/JR strategy must be referred.*

- Attempt to conceal complaints
- Mislead clients or the regulator

Where regulatory engagement is required beyond Level 1 involvement, the adviser must escalate internally in accordance with organisational procedures.

Part G - IAA Level 1 Exam Preparation and Regulatory Boundaries

IAA Level 1 - Training & Study Material

Chapter 23: Administrative Review

22.1 What Administrative Review Is

Administrative Review (AR) is a process that allows an applicant to ask the Home Office to correct a case-working error in an immigration decision. It is not a full appeal and does not involve a tribunal.

Administrative Review usually applies where:

- An application under the points-based system has been refused
- The Immigration Rules specifically provide for Administrative Review

The purpose of Administrative Review is limited to identifying errors made by the decision-maker, not to submit new evidence or make new legal arguments.

22.2 When Administrative Review Applies

Administrative Review may be available where:

- The wrong Immigration Rule was applied
- Mandatory evidence already submitted was overlooked
- A calculation or factual error was made by the Home Office

Administrative Review does not normally allow:

- Submission of new evidence
- Re-arguing the merits of the application
- Human rights or discretionary arguments

22.3 Level 1 Role and Limitations

At Level 1, advisers may:

- Explain what Administrative Review is
- Explain when it may be available
- Direct clients to the relevant Home Office information

At Level 1, advisers must not:

- Draft detailed Administrative Review submissions
- Identify or argue complex legal errors
- Represent clients in contested Administrative Review matters

Where detailed error analysis or representations are required, the adviser must state:

"This matter is outside Level 1 scope."

Chapter 24: Appeals - Level 1 Boundaries

23.1 Right of Appeal (Overview)

In some immigration cases, an applicant may have a right of appeal to the First-tier Tribunal (Immigration and Asylum Chamber). Appeal rights arise only where they are provided by statute.

Appeals are most commonly linked to:

- Human rights decisions
- Protection decisions

Not all refusals carry a right of appeal. Many immigration refusals provide no appeal right and may instead allow Administrative Review or a fresh application.

23.2 Tribunal Appeals - Awareness Only

An appeal involves:

- Legal grounds
- Evidence
- Tribunal procedures
- Oral or written hearings

Tribunal appeals are formal legal proceedings and require higher-level authorisation.

23.3 Level 1 Boundaries and Referral

At Level 1, advisers may:

- Explain whether a right of appeal exists (at a basic level)
- Explain appeal time limits in general terms

At Level 1, advisers must not:

- Draft grounds of appeal
- Prepare appeal bundles

- Represent clients before a tribunal

Appeals fall within Level 2 or Level 3 authorisation depending on complexity. Where an appeal issue arises, the adviser must refer the client appropriately and state:

"This matter is outside Level 1 scope."

Chapter 25: Complaints and Redress - Level 1 Boundaries

24.1 Client Complaints Handling

IAA-regulated organisations must maintain a clear internal complaints procedure. Clients must be informed of how to raise concerns and how those concerns will be addressed.

At Level 1, advisers must:

- Treat complaints seriously and professionally
- Follow internal complaints procedures
- Avoid defensive or dismissive behaviour

Complaints may relate to:

- Quality of advice
- Service standards
- Fees or communication

24.2 Redress and Resolution

Where a complaint is upheld, appropriate redress may include:

- An explanation or apology
- Correction of errors
- Refund or fee adjustment where appropriate

Resolution should be fair, proportionate, and clearly recorded.

24.3 Legal Ombudsman - Overview

Where a complaint cannot be resolved internally, clients may be able to escalate the matter to an external complaints body, such as the Legal Ombudsman (where applicable).

At Level 1, advisers may:

- Explain that external redress options exist

- Direct clients to published complaints information

Advisers must not:

- Attempt to obstruct or discourage lawful complaints
- Misrepresent the role of external oversight bodies

Appendices

Appendix A: Glossary of Immigration Terms

Administrative Review - A Home Office process to correct a case-working error in certain immigration decisions; it is not an appeal.

Appeal - A legal challenge to an immigration decision heard by the First-tier Tribunal where a statutory right of appeal exists.

Biometric Residence Permit (BRP) - former physical evidence of immigration status. All BRPs have expired and have been replaced by eVisas/digital status records.

CAS (Confirmation of Acceptance for Studies) - An electronic reference issued by a licensed student sponsor for Student visa applications.

Certificate of Sponsorship (CoS) - An electronic record issued by a licensed employer for certain work routes.

Entry Clearance - Permission granted outside the UK allowing a person to travel to the UK.

Immigration Rules - Rules made under the Immigration Act 1971 governing entry and stay in the UK.

Indefinite Leave to Remain (ILR) - Permission to stay in the UK without time limit.

Leave to Enter/Leave to Remain - Permission to enter or stay in the UK subject to conditions.

No Recourse to Public Funds (NRPF) - A condition restricting access to most state benefits.

Overstayer - A person who remains in the UK beyond the expiry of their leave.

eVisa - A digital record of a person's immigration status and conditions, usually accessed through a UKVI account.

Electronic Travel Authorisation (ETA) - Digital permission to travel to the UK for eligible visitors; it is not a visa and does not guarantee entry.

Share code - A time-limited code used to evidence status, right to work or right to rent through an official GOV.UK checking service.

Appendix B: Common Immigration Forms and Online Systems

Most immigration applications are now made online via GOV.UK.

Common systems and processes include:

- Online visa application forms (GOV.UK)
- UK Visa and Citizenship Application Services (UKVCAS)
- Visa Application Centres (VACs) overseas
- Immigration Health Surcharge (IHS) payment portal

Level 1 advisers must always ensure the correct form and system is used and that current guidance is followed.

UKVI account/eVisa status service

GOV.UK share-code services for right to work, right to rent and immigration status checks

Electronic Travel Authorisation (ETA) application/check service

Appendix C: Useful GOV.UK Links (Official Sources Only)

Advisers must rely only on official government sources. Key GOV.UK resources include:

- Immigration Rules
- Visa application guidance
- Immigration fees
- Immigration Health Surcharge information
- Right to work and right to rent guidance
- Home Office policy guidance

Advisers must ensure they are using the most up-to-date versions of guidance.

Additional current source checks for May 2026 edition:

IAA Code of Standards 2024 and IAA guidance on levels of authorisation

IAA Level 1 Exam Resource Book - December 2025 version

GOV.UK ETA guidance and Appendix Electronic Travel Authorisation

GOV.UK eVisa and former BRP guidance

Appendix FM/Appendix FM-SE and family-route financial requirement guidance

Appendix Skilled Worker, Appendix Skilled Occupations, and sponsor guidance

Student route and Graduate route guidance

Immigration fees and Immigration Health Surcharge guidance/calculator

Appendix D: Level 1 Scope Checklist

Before providing advice, Level 1 advisers should confirm:

- ☐ Is the advice within Level 1 authorisation?
- ☐ Is the matter straightforward and non-contentious?
- ☐ Does it avoid appeals, litigation, or complex representations?
- ☐ Am I competent to advise on this issue?
- ☐ Have I explained limitations clearly to the client?

If the answer to any of the above is No, the adviser must state:

"This matter is outside Level 1 scope."

Bibliography

Legislation

Immigration Act 1971.

Immigration and Asylum Act 1999.

Nationality, Immigration and Asylum Act 2002.

British Nationality Act 1981.

Parliamentary Materials

Immigration Rules (HC 395).

Statements of Changes in Immigration Rules (various).

Government Guidance

> *Home Office, Immigration Rules and Guidance (GOV.UK).*
>
> *Home Office, Nationality policy guidance (GOV.UK).*
>
> *Home Office, Administrative review guidance (GOV.UK).*

UK Visas and Immigration, Immigration decision-making guidance (GOV.UK).

Regulatory Materials

Immigration Advice Authority, Code of Standards 2024.

Immigration Advice Authority, guidance on levels of authorisation and exam resource materials.

Immigration Advice Authority, Audit and Compliance Guidance.

Tribunal and Procedure (Contextual Reference)

First-tier Tribunal (Immigration and Asylum Chamber) Rules of Procedure.

Online Sources

UK Government, immigration and citizenship services, Immigration Rules, route guidance, fees, IHS, ETA and eVisa guidance - accessed 28 May 2026.

Immigration Advice Authority, guidance and regulatory materials - accessed 28 May 2026.

Appendix E: Detailed Financial, English and Route Requirements Reference (May 2026)

Training and compliance note: This appendix is designed for Level 1 training and audit preparation. It gives structured learning detail, but it must not be treated as a substitute for checking the current Immigration Rules, route guidance, fees pages and IAA materials on the date of advice or application. Amounts and requirements below reflect the official sources reviewed on 28 May 2026.

E1. Purpose and Level 1 boundary

A Level 1 adviser should be able to identify the correct immigration route, explain the basic eligibility requirements, identify the documents normally required, recognise where the case becomes complex, and refer the matter where Level 1 authorisation is not sufficient. This appendix expands the core route requirements so that learners understand the most common financial, English-language, salary, relationship and evidence requirements encountered in Level 1 work.

- Use this appendix as a training reference, not as final advice for a live client matter without checking GOV.UK on the
- same day.
- Do not give complex statutory interpretation, appeal grounds, human rights submissions, asylum protection advice,
- or judicial review work at Level 1.
- Where a route requires judgement on exceptional circumstances, outside-the-Rules discretion, historic overstaying,
- deception, refusal history, criminality or complex dependants, mark the matter as potentially outside Level 1 and refer or supervise appropriately.
- For each client, record why the case is within Level 1 scope and keep a clear evidence checklist on the file.

E2. Universal application requirements - every route

Most UK immigration applications require a combination of validity, suitability and eligibility requirements. Learners should separate these three questions before advising.

> **Requirement area:** Validity
>
> **What the adviser must check:** Correct online form, correct fee, IHS

where required, biometrics/identity process, passport or identity document, submission before leave expires where applying in-country.

Common evidence/action: Application summary, payment confirmation, UKVCAS/VAC confirmation, passport/eVisa, proof of submission date.

Requirement area: Suitability

What the adviser must check: Part Suitability, immigration breaches, deception, criminality, unpaid litigation costs, NHS debt, false documents, previous refusal reasons.

Common evidence/action: Client declaration, refusal letters, immigration history, criminal record certificate where route requires it.

Requirement area: Eligibility

What the adviser must check: Route-specific requirements such as sponsorship, salary, English, relationship, accommodation, funds, course, CAS, genuine visitor/student/worker tests.

Common evidence/action: Route checklist, adviser attendance note, official guidance check, documents uploaded.

Requirement area: Evidence quality

What the adviser must check: Documents must be genuine, clear, translated where necessary, and relevant to the rule being met.

Common evidence/action: Certified translations, bank statements, payslips, employer letters, CAS/CoS, tenancy/property evidence.

Requirement area: Scope control

What the adviser must check: Identify whether the matter remains

straightforward. If not, refer to Level 2/3 or solicitor.

Common evidence/action: Level 1 scope note, referral note, client warning in writing.

E3. Master financial requirements reference

Financial requirements are one of the most common refusal areas. The adviser must distinguish between salary, maintenance funds, income thresholds, cash savings, course fees and IHS/fees. These are different legal concepts and should not be mixed.

Route/issue Current key figure or rule Important training note

Field 1: Skilled Worker salary - standard Option A

Field 2: Normally at least £41,700 per year and at least the full going rate for the occupation code.

Field 3: The worker must meet BOTH the general threshold and the going rate. The higher figure normally controls. Check the SOC 2020 code and Appendix Skilled Occupations.

Field 1: Skilled Worker discounted salary options

Field 2: Relevant PhD £37,500/90%; STEM PhD £33,400/80%; Immigration Salary List £33,400/full going rate; new entrant £33,400/70%.

Field 3: Discounts apply only where the Immigration Rules allow them. Do not assume a discount applies just because the applicant is young or has a degree.

Field 1: Skilled Worker maintenance

Field 2: Main applicant: £1,270 unless exempt. Dependants: £285 partner, £315 first child, £200 each additional child.

Field 3: Funds usually held for 28 days, ending within 31 days of application, unless the applicant has been in the UK with valid permission for 12 months or the A-rated sponsor certifies maintenance where allowed.

Field 1: Family partner/spouse income

Field 2: Usually £29,000 gross annual income for applications as a partner/spouse.

Field 3: For new post-11 April 2024 partner applications, there is no extra child amount above £29,000. Transitional cases can be different.

Field 1: Family partner/spouse cash savings

Field 2: Formula: £16,000 + 2.5 x shortfall. Savings-only example for £29,000 = £88,500.

Field 3: Savings must meet specified evidence rules. Always check Appendix FM-SE and financial requirement guidance.

Field 1: Family transitional financial requirement

Field 2: If first successful partner application was before 11 April 2024 and same partner/five-year route: £18,600 plus £3,800 first child and £2,400 each additional child, capped at £29,000 where applicable.

Field 3: This is a key transitional rule. Do not apply the old £18,600 threshold to new partner applications.

Field 1: Student maintenance - main applicant

Field 2: London: £1,529 per month up to 9 months. Outside London:

£1,171 per month up to 9 months, plus course fees for one academic year as shown on CAS.

Field 3: No proof normally required if the applicant has been in the UK with valid permission for at least 12 months on the date of application.

Field 1: Student dependant maintenance

Field 2: London: £845 per month up to 9 months for each dependant. Outside London: £680 per month up to 9 months for each dependant.

Field 3: Dependants are restricted for most courses starting from 1 January 2024; see route-specific dependant rules.

Field 1: IHS

Field 2: £1,035 per year for most applicants; £776 per year for students, student dependants, Youth Mobility Scheme and under-18 applicants.

Field 3: IHS is separate from the visa application fee and separate from financial maintenance funds.

Field 1: ETA

Field 2: ETA costs £20 and allows travel permission checks for eligible non-visa nationals.

Field 3: ETA is not a visa and does not guarantee entry at the border.

E3.1 Financial calculation examples

Scenario: Partner visa - no income, savings only, current £29,000 threshold

Calculation £16,000 + (2.5 x £29,000) = £88,500: £16,000 + (2.5 x

£29,000) = £88,500

Training answer: Applicant/sponsor normally need £88,500 specified cash savings if relying only on savings.

Scenario: Partner visa - income £20,000, current £29,000 threshold

Calculation £16,000 + (2.5 x £29,000) = £88,500: Shortfall £9,000. £16,000 + (2.5 x £9,000) = £38,500 £1,270 + £285 + £315 = £1,870

Training answer: Specified savings of £38,500 may cover the shortfall, subject to Appendix FM-SE evidence rules.

Scenario: Skilled Worker with partner and one child needing maintenance

Calculation £16,000 + (2.5 x £29,000) = £88,500: £1,270 + £285 + £315 = £1,870 £1,270 + £285 + £315 + £200 = £2,070

Training answer: Required funds if no exemption and no sponsor certification.

Scenario: Skilled Worker with partner and two children needing maintenance

Calculation £16,000 + (2.5 x £29,000) = £88,500: £1,270 + £285 + £315 + £200 = £2,070

Training answer: Required funds if all apply together and no exemption/certification.

Scenario: Student in London for 9-month course

Calculation £16,000 + (2.5 x £29,000) = £88,500: £1,529 x 9 = £13,761, plus unpaid course fee for one academic year

Training answer: Main applicant living-cost evidence before dependants.

Scenario: Student outside London with spouse for 9 months

Calculation £16,000 + (2.5 x £29,000) = £88,500: Student: £1,171 x 9 = £10,539; spouse: £680 x 9 = £6,120

Training answer: Total living-cost evidence £16,659 plus unpaid course fee, unless exempt.

E4. English language requirements quick reference

English requirements depend on the route, application stage and date of previous permission. Learners must check the route guidance and Appendix English Language. Do not assume one English certificate works for every route.

Route: Skilled Worker

Typical CEFR level: B2 for entry clearance and most switching; B1 may apply only where previous Skilled Worker permission was subject to B1 and the applicant extends/updates under the relevant rule.

Components/method: Reading, writing, speaking and listening. UK degree, qualifying overseas English- taught degree with Ecctis, approved SELT, or nationality exemption.

Important note: The 2026 guidance confirms B2 for Skilled Worker, with limited B1 transitional wording.

Route: Health and Care Worker

Typical CEFR level: B2 A1

Components/method: Reading, writing, speaking and listening.

Important note: Some regulated health professionals may rely on professional body English assessment rules where accepted.

Route: Family partner/spouse - first application

Typical CEFR level: A1

Components/method: Speaking and listening if relying on SELT; UK degree or Ecctis route may also be used. Speaking and listening.

Important note: Exemptions apply, for example age over 65 or certain physical/mental conditions.

Route: Family partner/spouse - extension after 2.5 years

Typical CEFR level: A2 if previous test was A1; higher prior levels may be reused if still accepted and not withdrawn.

Components/method: Speaking and listening.

Important note: Ten-year route and exceptional circumstances may have different treatment; check carefully.

Route: Settlement/ILR and citizenship

Typical CEFR level: Normally B1 plus Life in the UK, subject to route and exemptions.

Components/method: Speaking and listening for English; Life in the UK test separately.

Important note: Some work-route settlement applicants may not need to prove English again because it was already proved on the route.

Route: Student

Typical CEFR level: B2 for degree level or above; B1 below degree level.

Components/method: Reading, writing, speaking and listening, usually assessed by CAS/sponsor or SELT depending on course/provider.

Important note: Do not confuse Student English requirement with family-route A1/A2.

Route: Graduate route

Typical CEFR level: No separate new English test normally because it follows successful Student route completion.

Components/method: Eligibility depends on completion of eligible course and valid Student/Tier 4 permission at application.

Important note: The applicant must be in the UK when applying.

> *SELT training note: For routes requiring a SELT, the test must be from an approved provider and at an approved test location. Results are normally valid for 2 years, and the SELT unique reference number is checked online.*

E5. Skilled Worker route - detailed Level 1 reference

E5.1 Points and core eligibility

The Skilled Worker route is a sponsored work route. At Level 1, the adviser should understand the mandatory points, the salary options, the CoS requirements, English, maintenance, dependants, conditions and common refusal risks.

Requirement: Sponsorship

Points/rule: 20 points

What to check: Valid CoS, correct route, correct sponsor, A-rated sponsor where required, start date no more than 3 months after application, job and salary details correct, PAYE details where required, ISC paid where required.

Requirement: Job at appropriate skill level

Points/rule: 20 points

What to check: SOC 2020 occupation code is eligible, role genuinely matches the code, duties

Requirement: Salary

Points/rule: 20 points

What to check: Applicant must meet one valid salary option. Check annual salary, hourly rate, weekly hours, going rate, deductions, unpaid hours and whether discount is permitted.

Requirement: English

Points/rule: 10 points

What to check: B2 in reading, writing, speaking and listening unless a specific transitional B1 rule applies.

Requirement: Financial requirement

Points/rule: Mandatory where not exempt

What to check: £1,270 or sponsor certifies maintenance, unless applicant has been in the UK with valid permission for at least 12 months.

Requirement: Suitability

Points/rule: Mandatory

What to check: Part Suitability, immigration history, criminality, deception, false documents, sham job concern, third-party work concern.

E5.2 Skilled Worker salary options - CoS assigned on or after 22 July 2025

Option: A

Who it applies to: Standard salary - no discount

Minimum salary rule: At least £41,700 and at least the full going rate for the occupation code.

Option: B

Who it applies to: Relevant PhD

Minimum salary rule: At least £37,500 and at least 90% of the going rate.

Option: C

Who it applies to: Relevant STEM PhD

Minimum salary rule: At least £33,400 and at least 80% of the going rate.

Option: D

Who it applies to: Job on Appendix Immigration Salary List

Minimum salary rule: At least £33,400 and at least the full going rate.

Option: E

Who it applies to: New entrant at start of career

Minimum salary rule: At least £33,400 and at least 70% of the going rate.

Option: F

Who it applies to: Specified Health and Care/transitional salary

Minimum salary rule: At least £31,300 and at least the full going rate from the relevant health/care/transitional table.

Option: G

Who it applies to: Specified Health and Care/transitional + relevant PhD

Minimum salary rule: At least £28,200 and at least 90% of the going rate.

Option: H

Who it applies to: Specified Health and Care/transitional + STEM PhD

Minimum salary rule: At least £25,000 and at least 80% of the going rate.

Option: I

Who it applies to: Specified Health and Care/transitional + ISL

Minimum salary rule: At least £25,000 and at least the full going rate.

Option: J

Who it applies to: Specified Health and Care/transitional + new entrant

Minimum salary rule: At least £25,000 and at least 70% of the going rate.

Option: K

Who it applies to: Listed health or education occupation

Minimum salary rule: At least £25,000 and at least the applicable going rate for the listed health/education occupation.

> *Critical salary warning: Do not advise that £41,700 alone is enough. The applicant must meet the relevant general threshold AND the going rate calculation for the SOC code. Going rates can be higher than the general threshold. The salary must also comply with National Minimum Wage and Working Time rules.*

E5.3 New entrant rule - training detail

A new entrant discount may apply only where the Immigration Rules allow it. Common new entrant categories can include applicants under a specified age, those switching from Student/Graduate in certain circumstances, those working towards recognised professional qualifications, and certain postdoctoral roles. The adviser must check the current rule and evidence. A CoS for a new entrant is normally limited to a maximum of 4 years including time already spent as a new entrant on Skilled Worker/Tier 2 and time on the Graduate route.

- Check the applicant's age on the date of application where relying on age.
- Check whether Student-to-Skilled-Worker switching restrictions apply.
- Check Graduate route time already used because it can count towards the 4-year new entrant limit.

- Keep a written note explaining why the new entrant rule applies and which evidence proves it.
- If uncertain, do not present the discounted salary as safe; check the Rules or refer.

E5.4 Skilled Worker dependants

A dependent partner or child can normally apply if they meet relationship, age, care, suitability and financial requirements. The dependant visa normally ends on the same date as the main Skilled Worker. Dependants do not normally need to meet English for permission, but English and Life in the UK may apply at settlement stage, subject to age and exemptions.

Field 1: Dependant issue

Field 2: Requirement

Field 1: Partner relationship

Field 2: Marriage/civil partnership or durable partner relationship must meet Appendix Relationship with Partner. Evidence must be consistent and credible.

Field 1: Child requirement

Field 2: Child must meet Appendix Children requirements, including relationship, care, age and independent life requirements.

Field 1: Financial funds

Field 2: £285 partner, £315 first child, £200 each additional child, unless exempt. These funds are in addition to the main applicant's £1,270 where the main applicant also needs funds.

Field 1: Student switching restriction

Field 2: A partner or child currently on a Student visa can switch only if the course has been completed or, for PhD, at least 24 months have been studied.

Field 1: Settlement

Field 2: Normally 5 years as dependent partner/child with continuous residence and settlement requirements. English and Life in UK apply to adults, subject to rules/exemptions.

E6. Family partner/spouse route - detailed Level 1 reference

E6.1 Main requirements

The partner/spouse route under Appendix FM is one of the most common Level 1 routes, but it becomes complex quickly where there are exceptional circumstances, domestic abuse, suitability issues, previous refusals, overstaying, children, benefits, or human-rights arguments. Level 1 advice should focus on straightforward eligibility and evidence.

Field 1: Requirement

Field 2: Training explanation

Field 3: Typical evidence

Field 1: Sponsor status

Field 2: Sponsor is British, Irish, settled, has EUSS settled/pre-settled where relevant, refugee/humanitarian protection status, or other qualifying status.

Field 3: Passport, BRP/eVisa/share code, settled status evidence, naturalisation certificate.

Field 1: Relationship

Field 2: Applicant and sponsor are married/civil partners or unmarried partners meeting the durable relationship requirement. Relationship must be genuine and subsisting.

Field 3: Marriage certificate, civil partnership certificate, cohabitation evidence, photos, travel records, communication records, joint bills, witness letters where appropriate.

Field 1: Age

Field 2: Both applicant and partner normally 18 or over.

Field 3: Passports/birth certificates.

Field 1: Financial requirement

Field 2: Usually £29,000 gross annual income, cash savings, or permitted combination. Benefits cases use adequate maintenance rules.

Field 3: Payslips, bank statements, employer letter, P60, tax returns, accounts, benefit award letters, savings statements.

Field 1: Accommodation

Field 2: Adequate accommodation without overcrowding or public-health breach.

Field 3: Tenancy, mortgage statement, landlord letter, property inspection report where useful.

Field 1: English

Field 2: A1 first application; A2 extension where required; B1 normally for settlement.

Field 3: SELT, UK degree, Ecctis confirmation, nationality exemption, medical/age exemption evidence.

Field 1: Suitability

Field 2: No refusal under suitability rules such as criminality, deception, unpaid NHS debt or serious immigration breaches.

Field 3: Immigration history, criminality checks, prior refusal letters, client declaration.

E6.2 Financial requirement - spouse/partner

The current standard minimum income requirement for a partner/spouse application is usually £29,000 gross per year. This is the figure learners must remember for new family partner applications. The old £18,600 figure must not be used unless the transitional provisions apply.

Financial route: Employment income

What can count: Salaried or non-salaried employment of sponsor and/or applicant where permitted by the route and application type.

Common evidence: 6 months or 12 months payslips depending on category, matching bank statements, employer letter, P60 where useful.

Financial route: Self-employment/company director income

What can count: Specified income from last full financial year or relevant accounting period depending on category.

Common evidence: SA302/tax calculation, tax year overview, accounts,

accountant certificate, business bank statements, personal bank statements, dividend vouchers.

Financial route: Cash savings

What can count: Specified savings above £16,000; formula £16,000 + 2.5 x shortfall.

Common evidence: 6 months bank statements, proof of ownership/source of funds where required.

Financial route: Pension income

What can count: Specified pension income of applicant/sponsor where allowed.

Common evidence: Pension statements, bank statements, award letters.

Financial route: Non-employment income

What can count: Property rental, dividends, interest and other specified income where allowed.

Common evidence: Tenancy agreements, bank statements, tax evidence, dividend vouchers.

Financial route: Benefits/adequate maintenance

What can count: Where the sponsor receives specified disability/carer/armed forces benefits, the £29,000 income threshold may not apply; adequate maintenance and accommodation must be shown.

Common evidence: Benefit award letter, bank statements,

income/outgoings calculation, accommodation evidence.

Spouse financial warning: Always check Appendix FM-SE. Many refusals happen because the amount is correct but the evidence is technically wrong - missing employer letters, payslips not matching bank deposits, wrong accounting period, online statements not accepted, or cash savings held for too short a period.

E6.3 Transitional family financial requirement

Where the applicant made a successful first partner application before 11 April 2024 and is continuing with the same partner on the five-year route, transitional financial rules may apply. The base threshold is £18,600 with child additions of £3,800 for the first relevant child and £2,400 for each additional relevant child, but where the calculation exceeds £29,000, evidence of £29,000 is sufficient under the relevant rule. This area should be checked carefully before advice is finalised.

E7. Student route - detailed Level 1 reference

The Student route is CAS-based. A Level 1 adviser should understand the course, CAS, English, funds, dependants, switching and conditions. Student route advice becomes complex where there are credibility concerns, sponsor compliance issues, previous refusals, deception allegations, academic progression concerns or dependants affected by the 2024 restrictions.

Student requirement: CAS

Training detail: The applicant needs a valid Confirmation of Acceptance for Studies from a licensed student sponsor. Check course details, course fees, start/end dates, sponsor licence, academic progression and

ATAS where relevant.

Student requirement: Course fees

Training detail: Applicant must show funds for course fees for 1 academic year, unless already paid or exempt. Amount appears on CAS.

Student requirement: Living costs

Training detail: London £1,529 per month up to 9 months; outside London £1,171 per month up to 9 months.

Student requirement: Financial evidence exemption

Training detail: If the applicant has been in the UK with valid permission for at least 12 months on the date of application, they normally do not need to prove course-fee and living-cost funds.

Student requirement: English

Training detail: B2 for degree level or above; B1 below degree level, subject to route and sponsor assessment rules.

Student requirement: Dependants

Training detail: Usually limited to government-sponsored students on courses over 6 months, PhD/doctorate or research-based higher degrees, and certain protected categories. Check current rules before advising.

Student requirement: Work conditions

Training detail: Check visa conditions: term-time hour limits, full-time vacations, no self-employment/business activity unless expressly allowed, no professional sportsperson/coach.

Student requirement: Graduate route

Training detail: Student must usually successfully complete an eligible UK course and apply in the UK before Student permission expires.

E8. Graduate route - detailed Level 1 reference

The Graduate route gives post-study permission to stay in the UK after successful completion of an eligible course. The applicant must apply in the UK and normally must have current Student or Tier 4 permission. Government guidance now states that a Graduate visa allows 2 years if applying on or before 31 December 2026 and 18 months if applying on or after 1 January 2027; PhD/doctoral students have different duration rules and should be checked on GOV.UK at the time of advice.

- Check the provider has reported successful course completion to the Home Office before application.
- Check the applicant is physically in the UK on the date of application.
- Check the current Student/Tier 4 permission has not expired.
- Check whether dependants are allowed to continue as dependants; new dependants may be restricted except
- children born in the UK in certain circumstances.
- Graduate route is unsponsored, but it does not lead directly to settlement. It may support a later Skilled Worker

switch if requirements are met.

E9. Visitor route and ETA - detailed Level 1 reference

Visitors must satisfy Appendix V. The core question is whether the applicant is a genuine visitor who will leave the UK at the end of the visit and will not live in the UK through frequent or successive visits. ETA is separate digital permission to travel for eligible non-visa nationals and does not guarantee entry.

Field 1: Visitor/ETA issue

Field 2: Training detail

Field 1: Genuine visitor

Field 2: Purpose is temporary, applicant will leave, has funds for trip, will not work or study except permitted activities, will not live in UK through repeated visits.

Field 1: Financial evidence

Field 2: No fixed minimum amount; evidence must match the trip length, accommodation, sponsor support and applicant circumstances.

Field 1: Permitted activities

Field 2: Tourism, family visit, certain business activities, short study/research/medical/private medical treatment rules depending on purpose.

Field 1: Prohibited activities

Field 2: Work for a UK employer, self-employment in the UK, accessing

public funds, living in the UK, marrying/civil partnership unless on correct visitor category.

Field 1: ETA

Field 2: Costs £20, usually allows travel for visits up to 6 months for eligible nationals, but border entry can still be refused if requirements are not met.

Field 1: Level 1 risk

Field 2: Complex refusal histories, suspected deception, previous overstaying or repeated long visits may require referral/supervision.

E10. Settlement, nationality and Life in the UK - Level 1 awareness

Settlement and nationality advice can be Level 1 only where straightforward and within competence. It can become complex where there are absences, criminality, good character issues, unlawful residence, deception, historic nationality law, children born abroad, or British citizenship by descent questions.

Area: ILR/settlement

Basic training requirement: Check route-specific qualifying period, continuous residence, absences, immigration status, English, Life in the UK, criminality and route-specific salary/relationship requirements.

Area: Skilled Worker settlement

Basic training requirement: Usually 5 years qualifying permission, route-specific employment/salary requirements, Life in the UK and English rules/exemptions.

Area: Partner settlement

Basic training requirement: Usually 5-year or 10-year route depending on grant history; financial/accommodation/English/Life in UK rules differ.

Area: British citizenship

Basic training requirement: Naturalisation and registration are distinct. Check residence, absences, good character, language/life, referees and lawful residence carefully.

Area: Children born in the UK

Basic training requirement: Not automatically British unless at birth a parent was British or settled, or other specific rule applies. Registration options may apply later.

Area: Referral trigger

Basic training requirement: Complex nationality by descent, historic discrimination, deprivation, nullity, disputed paternity, adoption or statelessness should be referred.

E11. Evidence standards - practical compliance checklist

The adviser must keep a file that shows not only what documents were uploaded, but why those documents meet the rule. A good Level 1 file explains eligibility, evidence, scope and risk.

Document type: Passport/travel document

What to check before upload: Valid identity document, correct name, date of birth, nationality and expiry. Explain any name changes.

Document type: eVisa/share code

What to check before upload: Correct UKVI account, correct status, valid permission, linked travel document, conditions checked.

Document type: Bank statements

What to check before upload: Correct period, closing balance, account holder, bank name/logo, no unexplained large deposits where source is relevant, online statements accepted where permitted.

Document type: Payslips

What to check before upload: Correct months, gross/net amounts, matching bank deposits, employer name, salary frequency.

Document type: Employer letter

What to check before upload: On letterhead, signed/dated, confirms employment, salary, length of employment, type of employment, payslips authentic.

Document type: Translations

What to check before upload: Full certified translation, translator details, date, confirmation of accuracy, original document kept.

Document type: Relationship evidence

What to check before upload: Consistent timeline, addresses, communication, cohabitation, financial links, travel and family evidence where relevant.

Document type: Sponsor documents

What to check before upload: CoS/CAS details correct, sponsor licence active, role/course matches documents, start dates align.

Document type: Refusal history

What to check before upload: Old refusal letters reviewed; adviser note explains relevance and current evidence addressing concerns.

Document type: Level 1 scope note

What to check before upload: Written note confirms why matter is straightforward or why it was referred.

E12. Common refusal risks and adviser warnings

- Using an outdated salary threshold or failing to check the going rate for the SOC code.

- Treating £41,700 as automatically enough for Skilled Worker without checking the occupation going rate.
- Using £18,600 for a spouse application where the transitional rule does not apply.
- Submitting payslips without matching bank statements or missing the required employer letter.
- Bank funds not held for the required 28 days or the closing date falling outside the 31-day window.
- Assuming a UK degree automatically proves English for every route without checking route rules.
- Not identifying previous refusals, overstaying, deception allegations or criminality at initial enquiry.
- Advising on appeals, judicial review, asylum merits or complex human rights arguments at Level 1.
- Giving a guarantee of success or overstating prospects.
- Failing to give a written client care letter, fee information and scope limitation.

E13. Initial client interview checklist for Level 1 advisers

Question area: Identity and immigration history

Questions to ask: Full name, DOB, nationality, passport, current/previous visas, entry dates, absences, refusals, overstaying, curtailment/cancellation, enforcement contact.

Question area: Route objective

Questions to ask: What immigration outcome is requested, by when, and why this route rather than another route?

Question area: Financial position

Questions to ask: Employment, salary, payslips, bank statements, savings, benefits, dependants, sponsor support, course fees, maintenance funds.

Question area: English

Questions to ask: Nationality exemption, UK degree, overseas English-taught degree/Ecctis, SELT result, previous successful English proof.

Question area: Relationship/dependants

Questions to ask: Marriage/partnership evidence, cohabitation, children, custody/care, previous relationships, dependant status.

Question area: Work/study

Questions to ask: Sponsor licence, CoS/CAS, job duties, salary, working hours, course details, completion status, ATAS.

Question area: Risk and scope

Questions to ask: Any criminality, deception allegation, NHS debt, public funds issue, litigation, appeal/JR/asylum/human rights complexity.

Question area: Client care

Questions to ask: Explain Level 1 scope, fees, likely evidence, no guarantee, referral if outside scope, data protection and complaints process.

E14. Official source list for this appendix

The following official sources were reviewed for this expanded appendix. Before using the manual for teaching or advice, open the current GOV.UK/IAA pages and confirm that figures and rules have not changed.

Source area: Skilled Worker sponsor guidance - salary thresholds

Official URL: https://www.gov.uk/government/publications/sponsor-a-skilled-worker/workers-and-temporary-workers-sponsor-a-skilled-worker-accessible

Source area: Immigration Rules Appendix Skilled Worker

Official URL: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-skilled-worker

Source area: Skilled Worker visa - costs and maintenance Skilled Worker visa - partner and children

Official URL: https://www.gov.uk/skilled-worker-visa/how-much-it-costs https://www.gov.uk/skilled-worker-visa/your-partner-and-children

Source area: Skilled Worker visa - English language

Official URL: https://www.gov.uk/skilled-worker-visa/knowledge-of-english

Source area: Family visa - financial requirement Immigration Rules Appendix FM

Official URL: https://www.gov.uk/uk-family-visa/proof-income-partner https://www.gov.uk/guidance/immigration-rules/immigration-rules-

appendix-fm-family-members

Source area: Immigration Rules Appendix FM-SE

Official URL: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-fm-se-family-members-specified-evidence

Source area: Family visa - English language English language levels for immigration applications

Official URL: https://www.gov.uk/uk-family-visa/knowledge-of-english https://www.gov.uk/government/publications/english-language-requirement-levels-for-immigration-applications/english-language-requirement-levels-for-immigration-applications

Source area: Approved SELT guidance

Official URL: https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt

Source area: Student visa - money requirement Student visa - dependants

Official URL: https://www.gov.uk/student-visa/money https://www.gov.uk/student-visa/family-members

Source area: Graduate visa

Official URL: https://www.gov.uk/graduate-visa

Source area: Immigration Health Surcharge

Official URL: https://www.gov.uk/healthcare-immigration-application/how-much-pay

Source area: Electronic Travel Authorisation

Official URL: https://www.gov.uk/eta