

Immigration and Nationality Directorate
Highly Skilled Migrant Programme (HSMP)
Revised Programme effective from 31 October 2003

HSMP Guidance – Contents

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GUIDANCE TO APPLICANTS

1.1 The following explains the programme for highly skilled individuals wishing to come to or remain in the United Kingdom to seek and take work or self-employment. The programme has been revised further in light of experience gained since its launch on 28 January 2002. A summary of these changes is given below. The revised programme including the new young person's assessment will apply to applications received from 31 October 2003. Any applications received before then should be made on the application form for the existing programme and will be considered under the pre-31 October 2003 on the HSMP 1 application form.

1.2 The programme is designed to allow individuals with exceptional personal skills and experience to come to or remain in the United Kingdom to seek and take work.

1.3 This information should be seen as a guide and aims to give a potential applicant an outline of whether they can qualify and how the application process works.

1.4 If you need more information about an immigration matter, please look at the Immigration and Nationality Directorate (IND) website www.ind.homeoffice.gov.uk or write to IND at the address provided at the end of this guidance.

THE HIGHLY SKILLED MIGRANT PROGRAMME (HSMP)

2.1 The UK government operates a programme to allow individuals to seek entry to work in the United Kingdom without having a prior offer of employment, or to take up self-employment opportunities.

2.2 HSMP aims to provide an individual route for highly skilled people who have the skills and experience required by the United Kingdom to compete in the global economy. Applications made under HSMP are applications for an immigration status and an adverse decision will be recorded and could be taken into account when considering any subsequent UK immigration application you may wish to make.

Any individual can apply; if you are outside the United Kingdom you apply directly to Work Permits (UK), part of the Home Office. The HSMP Team in Work Permits (UK) will consider your application and notify you of the decision. If successful you will receive an official HSMP approval letter and you can then apply for entry clearance to come to the UK on the basis of the HSMP approval. The entry clearance application should be submitted to the British Embassy, High Commission or Consulate in the country where you are currently resident.

If you are already resident in the United Kingdom you also apply directly to Work Permits (UK). Applications made in the UK will be scored against the HSMP criteria but whether leave to remain is granted will also be determined by your current immigration status. Further details are provided in the later section entitled "the application process for those currently living in the United Kingdom."

SUMMARY OF CHANGES TO HSMP FROM 31 OCTOBER 2003

3.1 Summary of Changes to HSMP from 31 October 2003

- Reduction of points threshold required for HSMP approval to 65 points
- Introduction of Young Person Assessment for those aged under 28.
- Introduction of 10 points allowance for those with a skilled partner.

HOW YOU CAN QUALIFY UNDER THE PROGRAMME

4.1 To make a successful application you will need to provide evidence that you score 65 points or more in the categories set out below and demonstrate that you will be able to continue your career in the United Kingdom. Please note that you do not have to score points in all categories to qualify under the programme, as long as you score a total of at least 65 points.

YOUNG PERSON ASSESSMENT (UNDER 28 YEAR OLDS ONLY)

5.1 A Young Person assessment has been introduced into HSMP in recognition of the greater potential that young highly skilled individuals have to be active in the labour market for longer. The designated young person's assessment involves separate criteria for work experience and past earnings from the standard HSMP assessment and the award of an age allowance of 5 points. This will apply only to applicants who have yet to reach their 28th birthday when their HSMP application is received by WP(UK).

5.2 Applicants under 28 years of age should complete the "Application as a Young Person for Highly Skilled Migrant Status" application form HSMP 1 (28). Those applying on this form should provide evidence that the application will be received before their 28th birthday. This evidence should preferably be in the form of a birth certificate, although some other official documents with your date of birth will be acceptable (for example a copy of the personal details page of your passport or driving licence).

5.3 Those over 28 years will be assessed according to the established criteria and should complete the standard HSMP application form HSMP 1. Applicants of all ages will benefit from the universal lower points threshold of 65 points.

5.4 If you are applying from inside the UK you will also need to submit a separate extension of stay application form – a FLR (IED). In this document you will need to show that you can support yourself and your family in the UK without using public funds during your stay.

HOW YOUR APPLICATION WILL BE CONSIDERED

6.1 A points based system of qualification is used to assess applications. You can score points in six areas. The HSMP application form allows you to self assess your score. A caseworker considering your application will only concur with your score where appropriate evidence has been supplied. Any evidence you provide should be an original where possible. Where it is not in English it must be accompanied by fully certified translations by an officially recognised translator.

SCORING AREAS FOR THOSE APPLYING ON THE YOUNG PERSON APPLICATION FORM (UNDER 28 YEARS)

7.1 (1) Educational background (page 2 of application form)

7.1.1 In this category you can score according to the educational qualifications you hold:

PhD	Master's (e.g. MBA)	Graduate degree (e.g. BA or BSc)
30	25	15

Qualifications have to be equivalent to the recognised British standard of Bachelor's, Master's or PhD to be awarded the respective points for each level of qualification, which has been validated by the National Academic Recognition Information Centre (NARIC) database.

7.1.2 Vocational and professional qualifications can also score points in this area if satisfactory evidence can be produced to show the qualification is equivalent to an applicable level British qualification. This will be validated, where necessary, by reference to the NARIC database.

7.1.3 Points will only be awarded where evidence is provided that the individual has completed the course successfully and been awarded the relevant academic or professional qualification from an accredited institution.

7.2 (2) Work Experience (page 2 of application form)

7.2.1 Graduate level work experience would normally be a role within a company or institution that would require you to have a minimum educational standard of a UK first-degree level qualification or equivalent. You do not necessarily have to hold a degree but the post held would normally require one.

7.2.2 Senior level work experience would normally be a role at board level in a small company, in a larger business it could amount to a department head or leader of a project management team. Those working in academia may have run a department or headed a research team. We will usually consider those who run their own businesses that employ a number of staff as demonstrating senior level work experience.

7.2.3 A specialist position is normally one that may not have any particular managerial role but requires a very high level of technical or artistic expertise.

7.2.4 The type of evidence required to demonstrate work experience is:

- Employer references on their letter headed paper, clearly showing the start and end dates of each position held during the employment, the job title and a description of duties and responsibilities held.
- Those who have been self-employed should provide (where relevant):
 - ◆ Business plans
 - ◆ Annual business accounts
 - ◆ Tax returns for the business
 - ◆ Client contracts
 - ◆ Number of staff employed
 - ◆ Number of shareholders in the company
 - ◆ Evidence of your role within the company

Personal references will not be accepted as evidence.

This list is not exhaustive and we may need to request additional information in order to award the correct number of points

7.2.5 The following points can be scored:

At least 2 years' full time graduate level work experience	At least 4 years' full time graduate level work experience	At least 4 years' full time graduate level work experience including at least 1 year in a senior or specialist role
25	35	50

These criteria acknowledge that those under 28 may be highly skilled but will have had limited time in the labour market.

7.3 (3) Past Earnings (page 3 of the application form)

7.3.1 This category requires you to demonstrate a minimum earned income in your country of residence over the last 12 months prior to the application being made in order to score points. In order to reflect differences in income levels across the world the level required to qualify varies depending on where you live. The country you are currently residing and working in rather than your nationality determines the income band. Applicants should provide evidence that the earned income has been declared for tax purposes.

7.3.2 For example a Chinese national (under 28) residing and working in the United States of America would be required to demonstrate a minimum annual income level over the past 12 months of £27,000 in order to score 25 points, whilst a Canadian national working in South Africa would be required to demonstrate a minimum annual income level over the past 12 months of £8,450 to score 25 points.

7.3.3 It is important to note that not all income will be considered. Unearned income such as dividends from investments (unless it is in a company in which you are active in day-to-day management), property rental income, and interest on savings or funds received through an inheritance are not used when calculating your income.

7.3.4 The minimum past earnings requirements have been revised for those under 28 to reflect the lower earnings that young highly skilled individuals earn, on average, compared to their older counterparts. The past earnings requirements for under 28s and 28s and over are both broadly equivalent to the top decile earnings of all full time workers in the respective age groups.

7.3.5 The income levels you are required to demonstrate including the young person assessment are as follows:

Young Person's Minimum Income level (under 28 year olds)	Code	Some examples of countries requiring this income level.
£27,000 per annum = 25 points £40,000 per annum = 35 points £60,000 per annum = 50 points	A	Germany, France, Sweden, Ireland, USA, Canada, Australia, Bermuda, Japan, Singapore, UK
£11,800 per annum = 25 points £17,500 per annum = 35 points £26,250 per annum = 50 points	B	Portugal, Spain, New Zealand, Poland, Hungary, Argentina, Mexico, Czech Republic, South Korea, Saudi Arabia
£8,450 per annum = 25 points £12,500 per annum = 35 points £18,750 per annum = 50 points	C	Jamaica, Russia, Iran, Bulgaria, Romania, Peru, Egypt, Turkey, South Africa, China
£5,000 per annum = 25 points £7,500 per annum = 35 points £11,250 per annum = 50 points	D	India, Pakistan, Sri Lanka, Ukraine, Zimbabwe, Kenya, Bangladesh, Vietnam, Cameroon, Guyana
£2,350 per annum = 25 points £3,500 per annum = 35 points £5,250 per annum = 50 points	E	Nigeria, Cambodia, Nepal, Uganda, Tanzania, Ethiopia, Eritrea, Somalia

A full list of countries and their respective codes can be found in Annex A: Income Categories

7.3.6 If you have lived in more than one country during the past 12 months we will normally assess your income against the country where you have spent the longest period, on a pro-rata basis. In addition, if you have been seconded overseas and your salary continues to be paid elsewhere, the country where you receive your salary would normally be considered. For example if you have spent 8 of the last 12 months in the United Kingdom and 4 in Nigeria, we will take your earned income in the United Kingdom divide it by eight and multiply it by 12 to give an

annual income figure. You will then be allocated points appropriate to that figure. You need to submit two forms of evidence for consideration.

Examples of the types of evidence we will require in order to award you points for your earnings include:

- 12 months' wage slips
- Income Tax return
- Letter from Accountants
- Letter from employer detailing salary

This list is not exhaustive and we may need to request additional information in order to award the correct number of points

7.4 (4) Achievement in your chosen field (page 3 of the application form)

7.4.1 In order to score in this category you will need to produce a body of evidence showing how your work has been acknowledged by your peers and has contributed significantly to the development of your field.

7.4.2 Examples of this could be:

- An acknowledged breakthrough in your field of expertise with a piece of original published research
- A recognised artistic achievement
- A lifetime achievement award from an industry body
- An invention, which is likely to be or has been a commercial success.

7.4.3 Two scoring levels are available. Those who can show **significant** achievement may not be known outside their field of expertise, or not yet be recognised on an international basis but have developed a body of work that is acknowledged by their peers as contributing significantly to the development of their area of work.

7.4.4 Those with an **exceptional** achievement in their chosen field will be at the top of their profession, be recognised beyond their field of expertise and have obtained international recognition.

7.4.5 The points awarded for significant achievement is 15 and for exceptional achievement 25.

More details of the levels of achievement required to score points in this category are set out in Annex B: Achievement in your chosen field.

7.5 (5) HSMP Priority Applications for General Practitioners

7.5.1 This area provides a mechanism for the UK government to encourage people with a particular skill or profession to move to work in the United Kingdom. The decision to provide an avenue for General Practitioners in this area has been agreed with the Department of Health.

7.5.2 For further information on how to obtain the evidence required to qualify in this criterion please see section one of the "GP Registrar Scheme: Vocational Training for General Medical Practice: The UK guide" which can be found at www.doh.gov.uk/medicaltrainingintheuk/gptraining.htm.

In order to score points in this area you must hold full GMC registration and also one of the other three credentials listed below. This scoring area is for General Practitioners (GPs) only and is not

open to Veterinary Surgeons or Dentists. You must also intend to work as a GP in the UK.

Full GMC Registration, **and** A vocational training certificate issued by the UK **or** another EEA member state; **or** A certificate of acquired right issued by the UK or another EEA member state: or A certificate of equivalent experience issuers by the Joint Committee on Postgraduate Training for General Practice.”

7.6 (6) Partner’s achievements

7.6.1 This category has been created to recognise the contribution that skilled spouses and long term partners of those successful under HSMP can make to the UK economy given their entitlement to work in the UK.

7.6.2 In order to provide evidence of your relationship you must supply documents of the kind described below to demonstrate that you and your spouse or partner live together.

7.6.3 If you are applying as a married couple you must supply a marriage certificate/ licence plus three items of correspondence of the kind, or from the sources, listed below, which have been addressed to you and your spouse over the past two years, and which clearly show that you have been living together at the same address. If you have not received any such correspondence that is addressed to you both, jointly, it is acceptable to provide two items addressed to one of you and one item addressed to the other partner so long as they show the same address.

7.6.4 If you are applying as an unmarried partner you should supply four items of correspondence of the kind, or from the sources, listed below, which are addressed to you and your partner over the past two years, which clearly show that you have been living together at the same address. If you have not received any such correspondence that is addressed to you both, jointly, it is acceptable to provide two or three items addressed to one of you and one or two items addressed to the other partner provided they show the same address:

- telephone bills or statements
- gas bills or statements
- electricity bills or statements
- water rates
- council tax
- local social services department
- local health authority
- government department or agency (e.g. Inland Revenue,)
- bank or building society
- credit card statements
- insurance certificates complete with address
- mortgage statements or agreement
- tenancy agreement

7.6.5 In order to score in this category, you must provide evidence that your spouse or unmarried partner is educated to degree level (e.g. BA or BSc) or an equivalent vocational or professional qualification. Alternatively, you can provide evidence that they are currently or have previously been employed in a graduate level job (for definition see work experience section). Your spouse or partner must accompany or join you in the UK. In addition your spouse or partner must not already have been granted settlement (permanent residence) in the UK.

7.6.6 If you are unmarried, to be eligible for points in this category you must have been living with your partner in a relationship akin to marriage which has subsisted for two years or more and you must intend to live together as partners during your stay in the United Kingdom. Also, any previous marriage or similar relationship by either partner must have permanently broken down.

SCORING AREAS FOR THOSE APPLYING ON THE STANDARD HSMP APPLICATION FORM (28 YEARS OR OVER)

8.1 (1) Educational background (page 2 of application form)

In this category you can score according to the educational qualifications you hold:

PhD	Master's (e.g. MBA)	Graduate degree (e.g. BA or BSc)
30	25	15

8.1.1 Qualifications have to be equivalent to the recognised British standard of Bachelor's, Master's or PhD to be awarded the respective points for each level of qualification which will be validated by NARIC.

8.1.2 Vocational and professional qualifications can also score points in this area if satisfactory evidence can be produced to show the qualification is equivalent to an applicable level British qualification. This will be validated, where necessary, by reference to the NARIC database.

8.1.3 Points will only be awarded where evidence is provided that the individual has completed the course successfully and been awarded the relevant academic or professional qualification from an accredited institution.

8.2 (2). Work Experience (page 2 of application form)

8.2.1 Graduate level work experience would normally be a role within a company or institution that would require you to have a minimum educational standard of a UK first-degree level qualification or equivalent. You do not necessarily have to hold a degree but the post held would normally require one.

8.2.2 Senior level work experience would normally be a role at board level in a small company, in a larger business it could amount to a department head or leader of project management team. Those working in academia may have run a department or headed a research team. We will usually consider those who run their own businesses that employ a number of staff as demonstrating senior level work experience.

8.2.3 A specialist position is normally one that may not have any particular managerial role but requires a very high level of technical or artistic expertise.

8.2.4 The type of evidence required to demonstrate work experience is:

- Employer references on their letter headed paper, clearly showing the start and end dates of each position held during the employment, job title and a description of duties and responsibilities held.
- Those who have been self-employed should provide (where relevant):
 - ◆ Business plans
 - ◆ Annual business accounts
 - ◆ Tax returns for the business
 - ◆ Client contracts
 - ◆ Number of staff employed
 - ◆ Number of shareholders in the company
 - ◆ Evidence of your role within the company

Personal references will not be accepted as evidence.

This list is not exhaustive and we may need to request additional information in order to award the correct number of points.

8.2.5 The following points can be scored:

8.3 (3) Past Earnings (page 3 of the application form)

At least 5 years' full time graduate level work experience (or 3 years if you have a PhD)	At least 5 years' full time graduate level work experience including at least 2 years' in a senior or specialist role	At least 10 years' full time graduate level work experience including at least 5 years' in a senior or specialist role
25	35	50

8.3.1 This category requires you to demonstrate a minimum earned income in your country of residence over the last 12 months prior to the application being made in order to score points. In order to reflect differences in income levels across the world the level required to qualify varies depending on where you live. The country you are currently residing and working in rather than your nationality determines the income band. Applicants should provide evidence that the earned income has been declared for tax purposes.

8.3.2 For example a Chinese national (over 28) residing and working in the United States of America would be required to demonstrate a minimum annual income level over the past 12 months of £40,000 in order to score 25 points, whilst a Canadian national working in South Africa would be required to demonstrate a minimum annual income level over the past 12 months of £12,500 to score 25 points.

8.3.3 It is important to note that not all income will be considered. Unearned income such as dividends from investments (unless it is in a company in which you are active in day-to-day management), property rental income, and interest on savings or funds received through an inheritance are not used when calculating your income.

8.3.4 The past earnings requirements for under 28s and 28s and over are both broadly equivalent to the top decile earnings of all full time workers in the respective age groups.

8.3.5 The income levels you are required to demonstrate are as follows:

A full list of countries can be found in Annex A: Income Categories

Minimum Income level (over 28 year olds)	Code	Some examples of countries requiring this income level.
£40,000 per annum = 25 Points £100,000 per annum = 35 Points £250,000 per annum = 50 Points	A	Germany, France, Sweden, Ireland, USA, Canada, Australia, Bermuda, Japan, Singapore, UK
£17,500 per annum = 25 Points £43,750 per annum = 35 Points £109,375 per annum = 50 Points	B	Portugal, Spain, New Zealand, Poland, Hungary, Argentina, Mexico, Czech Republic, South Korea, Saudi Arabia
£12,500 per annum = 25 Points £31,250 per annum = 35 Points £78,125 per annum = 50 Points	C	Jamaica, Russia, Iran, Bulgaria, Romania, Peru, Egypt, Turkey, South Africa, China
£7,500 per annum = 25 Points £18,750 per annum = 35 Points £46,875 per annum = 50 Points	D	India, Pakistan, Sri Lanka, Ukraine, Zimbabwe, Kenya, Bangladesh, Vietnam, Cameroon, Guyana
£3,500 per annum = 25 Points £8,750 per annum = 35 Points £21,875 per annum = 50 Points	E	Nigeria, Cambodia, Nepal, Uganda, Tanzania, Ethiopia, Eritrea, Somalia

8.3.6 If you have lived and worked in more than one country during the past twelve months we will normally assess your income against the country where you have spent the longest period, on a pro-rata basis. In addition, if you have been seconded overseas and your salary continues to be paid elsewhere, the country where you receive your salary would normally be considered. For example if you have spent eight of the last 12 months in the United Kingdom and 4 in Nigeria, we

will take your earned income in the United Kingdom divide it by 8 and multiply it by twelve to give an annual income figure. You will then be allocated points appropriate to that figure. You need to submit two forms of evidence for consideration. Examples of the types of evidence we will require in order to award you points for your earnings include:

- 12 months' wage slips
- Income Tax return
- Letter from Accountants
- Letter from employer detailing salary

This list is not exhaustive and we may need to request additional information in order to award the correct number of points.

8.4 (4) Achievement in your chosen field (page 3 of the application form)

8.4.1 In order to score in this category you will need to produce a body of evidence showing how your work has been acknowledged by your peers and has contributed significantly to the development of your field.

8.4.2 Examples of this could be:

- An acknowledged breakthrough in your field of expertise with a piece of original published research
- A recognised artistic achievement
- A lifetime achievement award from an industry body
- An invention, which is likely to be or has been a commercial success.

8.4.3 Two score levels can be obtained. Those who can show **significant** achievement may not be known outside their field of expertise, or not yet be recognised on an international basis but have developed a body of work that is acknowledged by their peers as contributing significantly to the development of their area of work.

8.4.4 Those with an **exceptional** achievement in their chosen field will be at the top of their profession, be recognised beyond their field of expertise and have obtained international recognition.

8.4.5 The points awarded for significant achievement is 15 and for exceptional achievement 25.

8.4.6 More details of the levels of achievement required to score points in this category are set out in Annex B: Achievement in your chosen field

8.5 (5) HSMP Priority Applications for General Practitioners

8.5.1 This area provides a mechanism for the UK government to encourage people with a particular skill or profession to move to work in the United Kingdom. The decision to provide an avenue for General Practitioners in this area has been agreed with the Department of Health.

8.5.2 For further information on how to obtain the evidence required to qualify in this criterion please see section one of the "GP Registrar Scheme: Vocational Training for General Medical Practice: The UK guide" which can be found at

www.doh.gov.uk/medicaltrainingintheuk/gptraining.htm.

In order to score points in this area you must hold full GMC registration and also one of the other three credentials listed below. This scoring area is for General Practitioners (GPs) only and is not

open to Veterinary Surgeons or Dentists. You must also intend to work as a GP in the UK.

Full GMC Registration, and A vocational training certificate issued by the UK or another EEA member state; or A certificate of acquired right issued by the UK or another EEA member state; or A certificate of equivalent experience issued by the Joint Committee on Postgraduate Training for General Practice.”

8.6 (6) Partner’s achievements

8.6.1 This category has been created to recognise the contribution that skilled spouses and long term partners of those successful under HSMP can make to the UK economy given the entitlement to work in the UK.

8.6.2 In order to provide evidence of your relationship you must supply documents of the kind described below as evidence that you and your spouse or partner live together.

8.6.3 If you are applying as a married couple you must supply a marriage certificate/ licence plus three items of correspondence of the kind, or from the sources, listed below, which have been addressed to you and your spouse over the past two years, and which clearly show that you have been living together at the same address. If you have not received any such correspondence that is addressed to you both, jointly, it is acceptable to provide two items addressed to one of you and one item addressed to the other partner so long as they show the same address

8.6.4 If you are applying as an unmarried partner you should supply four items of correspondence of the kind, or from the sources, listed below, which are addressed to you and your partner over the past two years, which clearly show that you have been living together at the same address. If you have not received any such correspondence that is addressed to you both, jointly, it is acceptable to provide two or three items addressed to one of you and one or two items addressed to the other partner provided they show the same address:

- telephone bills or statements
- gas bills or statements
- electricity bills or statements
- water rates
- council tax
- local social services department
- local health authority
- government department or agency (e.g. Inland Revenue,)
- bank or building society
- credit card statements
- insurance certificates complete with address
- mortgage statements or agreement
- tenancy agreement

8.6.5 In order to score in this category, you must provide evidence that your spouse or unmarried partner is educated to degree level (e.g. BA or BSc) or an equivalent vocational or professional qualification. Alternatively, you can provide evidence that they are currently or previously been employed in a graduate level job (for definition see work experience section). Your spouse or partner must accompany or join you in the UK. In addition your spouse or partner must not already have been granted settlement (permanent residence) in the UK.

8.6.6 If you are unmarried, to be eligible for points in this category you must have been living with your partner in a relationship akin to marriage which has subsisted for two years or more and you must intend to live together as partners during your stay in the United Kingdom. Also, any previous marriage or similar relationship by either partner must have permanently broken down.

OTHER EVIDENCE REQUIRED

9.1 In addition to scoring at least 65 points you will also need to demonstrate:

a) Your ability to continue to work in your chosen field in the United Kingdom.

b) That you have enough savings and/or potential income to be able to support yourself and your family. You will not be allowed any use of UK public funds (please see Q&A section for list of public funds) whilst in the United Kingdom with permission to stay under the programme.

c) That you are willing and able to make the United Kingdom your main home. We will ask you to provide a written undertaking to that effect. You will be expected to make the UK your country of habitual residence. Secondments abroad that are an integral part of a job based in the UK are permitted by HSMP, however they will be considered as time outside of the UK for settlement eligibility purposes. To qualify for settlement in the UK you must have spent a continuous period of four years in the UK except for short holidays or business trips. Any secondment that requires you to be outside the UK for an unbroken period of over three months will make your previous stay in the UK ineligible as a continuous period in the UK.

9.2 If you are applying from abroad, in order to consider your application we will require the HSMP 1 form to be completed and sent to the HSMP Team in Work Permits (UK). If you are applying from the UK we will require the HSMP 1 form to be completed in addition to the extension of stay FLR (IED) application form. It will be important that you provide full documentary evidence to back up statements made on the form if you wish us to count the points claimed. Without satisfactory evidence to support at least 65 of the points you are claiming for, your application will be refused.

ALTERNATIVE ROUTES OF ENTRY TO THE UNITED KINGDOM

10.1 The Highly Skilled Migrant Programme is only one of a variety of legal routes open to individuals wishing to move to the United Kingdom. You will be best placed to judge if this route is for you, but the programme is designed for those who wish to seek work or self-employment in the UK on an individual, flexible basis, and who are at the top of their chosen profession.

10.2 Those specifically wanting to establish a business may wish to look to entry as an Innovator or under the business rules. Writers, composers and artists may also enter under the immigration category specific to them.

10.3 If an UK employer wants to employ you for a specific post, your prospective employer may wish to seek a work permit for you. This must be obtained before you travel to the United Kingdom to take up that post. Those who wish to make the UK their main home but not to work, and who have significant capital, should consider the Investor or retired person of independent means categories of the Immigration rules.

10.4 Further information about these routes of entry to the UK can be found on the IND website at www.ind.homeoffice.gov.uk

APPLICATION PROCESS FOR THOSE CURRENTLY LIVING OUTSIDE THE UK

11.1 Applications should be submitted to:

HSMP Team
Home Office IND
Heavens Walk
Doncaster Carr
Doncaster
DN4 5HZ

11.2 The HSMP Team will consider your HSMP application and notify you of the decision. If successful, you can then apply for entry clearance to come to the UK on the basis of the HSMP approval. The entry clearance application should be submitted to the British Embassy, High Commission or Consulate in the country where you are currently resident.

11.3 An application for entry clearance must ordinarily be lodged within three months of the approval of the HSMP application.

11.4 You will not normally be allowed to submit an application in a country where you are based as a visitor or other temporary basis. Where there is no UK mission in your country of residence or where the nearest mission does not issue entry clearances, another mission will have been designated to handle applications. If you are not sure where to apply, any UK mission will be able to advise you.

WHAT YOU WILL GENERALLY NEED TO DO TO MAKE AN APPLICATION FOR ENTRY CLEARANCE OUTSIDE THE UK

12.1 You must supply the entry clearance officer with:

- A fully completed entry clearance application form (available on UK Visas web site and at British Missions overseas);
- An official HSMP approval letter from Work Permits (UK)
- Two passport sized photographs; and,
- The appropriate fees.

APPLICATION PROCESS FOR THOSE LIVING IN THE UK

13.1 If you are currently resident in the United Kingdom and have current leave in an immigration category other than visitor, you may make an HSMP application on a HSMP(1) form directly to the HSMP Team in Doncaster, UK. The exception to this would be if an overseas government was sponsoring your stay in the UK and you did not have their written consent to extend your stay in the UK.

13.2 Those in the UK who do not fall into one of the categories set out above including those on temporary admission into the UK should return overseas and make an entry clearance application.

13.3 Asylum seekers who have current immigration leave in an immigration category other than visitor, for example as a student are eligible to apply for HSMP approval in the UK, however this will only be considered once they have withdrawn their asylum application.

WHAT YOU WILL NEED TO MAKE AN APPLICATION IF IN THE UK

14.1 You must submit directly to the HSMP Team at Doncaster, the following:

- a fully completed Highly Skilled Migrant Programme application form.
- The correct payment.

In addition you should send separately to Work Permits (UK) at Cannock, the following:

- a fully completed FLR(IED) form which you can download from the IND website or can obtain by calling the applications form line on 0870 5210 224. You should not submit this form until you have submitted a fully completed Highly Skilled Migrant Application form to the HSMP Team in Doncaster, UK
- two passport sized photographs
- your passport and those of any dependants accompanying you
- the correct payment

14.2 A final decision cannot be made until all forms and documents have been received by the HSMP Team. You should not submit the FLR (IED) before you have fully completed and submitted the Highly Skilled Migrant application form. If you choose to submit both the HSMP application form and the FLR (IED) form together, you will not receive a refund if either part of the application is rejected..

14.3 You should also supply any original documentation required by the FLR (IED) or HSMP application form to support statements made on them.

14.4 You should send the fully completed HSMP application form and accompanying documentation to the HSMP team at:

HSMP Team
Home Office IND
Heavens Walk
Doncaster Carr
Doncaster
DN4 5HZ

You should send the fully completed FLR (IED) form and accompanying documentation to Work Permits (UK) at:

Work Permits (UK) – FLR(IED)
Home Office
Walsall Road
Cannock
WS11 0WS

14.5 Any leave application made by an individual who does not have leave in a capacity from which in country applications are accepted will be refused.

WHAT YOU WILL NEED TO MAKE AN APPLICATION IF IN THE UK

15.1 The amount and type of evidence required to support your application will depend on your previous experience and your future plans. The evidence you submit should support any statements you make. For example if you say that you have a degree you will need to provide your degree certificate.

15.2 You should submit original documentation as evidence (with certified translations if necessary). It should be from a clear source and relevant to your application. (Please be selective, as submitting a large amount of irrelevant or poor quality documentation may extend the consideration of your application).

15.3 Some examples of appropriate evidence for demonstrating that you meet the six criteria are listed below. The HSMP application form will help guide you as to the minimum level of documentation and evidence required:

- Academic Certificates
- Professional/vocational qualification certificates
- Academic references
- Employer references
- Evidence of ownership of business
- Wage slips
- Income tax returns
- Audited company accounts demonstrating personal income
- Copy of C.V. with supporting testimonials
- Published work
- Press articles
- Scholarship/Research awards
- Industry Awards/prizes
- Ownership of intellectual property rights
- Research output

15.4 Suitable evidence for demonstrating you will be able to continue your work successfully in the United Kingdom could include:

- English Language qualifications (This can include other qualifications such as a degree which have been taught in English)
- Membership of appropriate professional organisation (e.g. Association of Chartered Certified Accountants)
- Relevant professional qualifications, with evidence of recognition of these in the United Kingdom.
- Potential employment offers/contracts/arranged interviews

15.5 Suitable evidence for demonstrating that you will be able to support yourself and your family could include:

- UK bank statements in your name
- Overseas bank statements (with confirmation of transferability to UK if appropriate)
- Personal assets in UK and Overseas generating an income disposable in the United Kingdom
- A firm job offer
- Confirmed job interviews or acceptance onto employment agency books
- Prospective contracts of employment or accepted freelance bids
- Breakdown of projected expenditure and income in first 12 months in United Kingdom
- Evidence of appropriate accommodation

15.6 The HSMP application form asks you a number of questions about your plans in the United Kingdom. You will need to submit the type of evidence suggested above to support your replies to those questions.

WHEN DOES THE REVISED PROGRAMME START AND HOW LONG WILL IT OPERATE FOR?

16.1 The revised programme takes effect from 31 October 2003. Postal applications received on or after that date will be considered according to the revised scoring criteria. Applications received before that date will be considered according to the previous scoring criteria. HSMP has been extended indefinitely, although the Home Office may decide it is appropriate to make further changes to HSMP in the future.

HOW THE APPLICATION IS CONSIDERED AND HOW LONG IT WILL TAKE?

17.1 Your application will be referred to a dedicated team in Work Permits (UK) that is based in Sheffield, England. Please refer to our website www.workingintheuk.gov.uk for full details of our service standards and current processing times.

17.2 The WPUK website www.workingintheuk.gov.uk will publish the average turnaround times on HSMP applications on a monthly basis from November 2003.

EXTENSION OF STAY IN THE UNITED KINGDOM

18.1 If your application is successful you will be given permission to enter the United Kingdom for a period of 12 months. In the last month before the end of that period you will be able to apply for further permission to stay as a Highly Skilled Migrant. You should apply directly to Work Permits (UK) in Cannock, using the form FLR (IED) available from the IND website. You will be asked to provide evidence of your economic activity during your period of stay in the UK and evidence of your personal earnings during the period, if you are employed. If you are self-employed a business plan and evidence that you have established a business bank account, which has been active, will suffice. If you have been active in employment and self-employment then you should submit evidence of both. You will also need to declare that you and your family have not had access to public funds and have not received a criminal conviction. If your application is approved you will normally be given permission to remain for a further three year period. Further details on the application process for an extension of stay after one year will be provided to successful applicants.

18.2 If you have been granted permission to stay in the United Kingdom as a Highly Skilled Migrant for four years and wish to remain in the United Kingdom on a permanent basis you can apply at the end of the four-year period for permanent residence. This is otherwise known as indefinite leave or settlement. In addition those applicants who have been approved under HSMP and are applying for permanent residence as a Highly Skilled Migrant will be able to amalgamate leave to remain under HSMP with previous leave from other categories that lead to settlement. For example if you had previously stayed in the UK with two years leave for work permit employment and then switched to the HSMP you would be eligible to apply for settlement after a further two years in the UK as a Highly Skilled Migrant. Further information on whether an immigration route leads to settlement can be found on the IND website at www.ind.homeoffice.gov.uk. If you meet the requirements for settlement your spouse or unmarried partner and children under the age of 18 will also be able to obtain permanent residence with you.

FAMILY MEMBERS' APPLICATION PROCESS

19.1 Your spouse or long term unmarried partner (see definition in paragraph below) and dependant children under the age of 18 may apply to accompany you or to join you in the UK. They will also need to seek entry clearance for this purpose before travelling to the United Kingdom. If entry clearance is approved your spouse or unmarried partner and dependant children will be granted leave to enter on the same conditions of stay as yourself. They will be able to work if they wish. All dependants of in country applicants should be listed on the FLR (IED) form. Please note that dependants continued stay in the United Kingdom is conditional on them remaining in the United Kingdom as your dependants.

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

RETURN OF INFORMATION

20.1 Once the HSMP Team has considered your application, a decision letter will be sent to you along with the original documents submitted to support your application. For applications made within the UK, all documents will be dispatched using Recorded Delivery. For applications made from outside of the UK, this information will be sent by first class post.

20.2 If you wish to arrange for a courier to collect your documents you may do so. However, all costs and responsibility for making arrangements for a courier will need to be borne by the individual. If you arrange for a courier to collect your documents, we will delay posting for one week. If however after one week your documents have not been collected we will post them out by first class post.

CONTACT DETAILS

21.1 If you have any general enquiries regarding the HSMP scheme, you can contact our Customer Relations team at

Customer Relations
Work Permits (UK)
Level 5
Moorfoot
Sheffield
S1 4PQ

Telephone 0114 2594074
Fax: 0114 259 3776
Email: Customrel.workpermits@wpuk.gov.uk

QUESTION AND ANSWERS

22. Introduction – Who can apply and how.

22.1 Q: Is the Highly Skilled Migrant Programme for me?

A. The Highly Skilled Migrant Programme sets exacting criteria and is designed for those who have made a significant contribution in their chosen field. However, there are many other ways of coming to the UK. If you already have an offer of employment in the UK your employer can seek a work permit on your behalf from Work Permits UK. Alternatively, if you have an innovative business plan or wish to invest in the UK you can seek entry under the Innovator or Investor schemes respectively. In addition, depending on your plans, nationality and personal background, it may be more appropriate to enter under one of the business categories. Further information on these other entry routes can be obtained from the IND website at www.ind.homeoffice.gov.uk.

22.2 Q: When can I make an application under the revised Programme?

A. The revised programme takes effect from 31 October 2003. All applications received on or after that date will be considered according to the revised scoring criteria. All applications received before that date will be considered according to the original scoring criteria.

22.3 Q: Can I apply for this scheme if I am already in the United Kingdom?

A: Yes, if you are currently resident in the United Kingdom and have current leave in an immigration category other than visitor you may normally apply in the United Kingdom. However if you are a government-sponsored student you will need the government's written consent to extend your stay in the UK.

Those in the UK who do not fall into one of the categories set out above including those on temporary admission into the UK or who are liable to enforcement action, for example an illegal entrant should return overseas and make an entry clearance application.

Asylum seekers who have current immigration leave in an immigration category other than visitor, for example as a student are eligible to apply for HSMP approval in the UK. However this will only be considered once you have withdrawn your asylum application.

The onus is on the applicant to corroborate the authenticity of any evidence supplied in support of the application.

23. The criteria - explained

23.1 Q: What do you mean by graduate level work experience?

A: This means experience working in a post that normally requires the holder to have a degree. You do not have to have a degree but the post you hold will normally require one and you will have demonstrated through your experience that you have the necessary appropriate skills to work at that level.

23.2 Q: What is a specialist or senior level role within a company?

A: Senior level work experience would normally be a role at board level in a small company, in a larger business it may be as a department head or leader of project management team. Those working in academia may have run a department or lead a research team. We are likely to

consider those who run their own businesses that employ a number of staff as demonstrating senior level work experience.

A specialist position is normally envisaged to be one that may not have any particular managerial role but requires a very high level of technical or artistic expertise.

23.3 Q: I have been studying for the past year, and cannot show earnings for that period. Will my salary before studying be taken into account?

A: Where you have been a full time student in the last 12 months, we will count your earnings for the 12 months immediately prior to you becoming a student.

23.4 Q: What do you mean by significant achievement in my chosen field?

A: Normally, this will mean that your work in your chosen career has been acknowledged by your peers and has contributed significantly to the development of your field.

This could be through an acknowledged breakthrough in your field of expertise with a piece of original published research, a recognised artistic achievement, a lifetime achievement award from an industry body, or an invention which is likely to or has been commercially successful.

What amounts to a significant achievement will of course vary from industry to industry and the stage of a person's career. A 22 year old who has recently won a national award, could be said to have achieved significantly in their field, whereas a 40 year old who won that same award 20 years ago but has not followed up that level of achievement in their subsequent career would not be considered as making a significant achievement.

23.5 Q: How is this different to exceptional achievement?

A: Those demonstrating exceptional achievement will be at the very top of their chosen profession, be recognised as an international expert in their field even by those outside the profession, and have received international recognition.

23.6 Q: What is a Young Person assessment?

A: This is a new category for HSMP applicants who are under 28 years of age. It involves separate criteria for work experience and past earnings to the standard HSMP assessment and an age allowance of 5 points for all applicants under 28 years of age. Accordingly those under 28 years of age have a designated application form for HSMP approval HSMP 1 (28).

23.7 Q: Why have you introduced a Young Person assessment?

A: It recognises experience that under the previous criteria it was more difficult for a highly skilled young graduate to score the necessary points than an older counterpart with the same level of skills. The changes recognise the greater potential young highly skilled individuals have to be active in the labour market for longer. They also reflect research evidence that younger migrants are generally more likely to integrate successfully into life in the UK

23.8 Q: Why does the Young Person assessment only apply to under 28 year olds?

A: Research indicates that highly skilled individuals aged 28 years and older were applying successfully under the existing HSMP. However those under 28 found it exceedingly difficult to meet even the lowest thresholds in work experience and past earnings sections because of their relatively short period of time in the workforce.

23.9 Q: Why have you introduced an allowance for having a skilled partner?

A: In recognition of the contribution skilled spouses and long term partners can make to the UK economy given their ability to work here. The requirement for the partner to have a degree or be in a graduate level post reflects the likely greater contribution of those spouses/unmarried partners with skills at degree level. Naturally in order to receive the allowance the spouse/partner must accompany or join the highly skilled migrant applicant. The spouse/partner must also not already have permanent residence in the UK.

23.10 Q: What do you mean by being able to continue my chosen career?

A: Even if you have the relevant overseas qualifications, you may not be able to pursue a profession in the UK for a number of reasons. For example UK legislation or industry regulations may require specific qualifications to work. (e.g. doctors) or you may need language skills at a specific level. To make an accurate assessment of your ability to contribute to and benefit from coming to the UK we need to be confident that you will be able to continue to do the type of work you do in your home country.

23.11 Q: How much money do I need to bring with me to the United Kingdom?

A: There is no set amount of money you need to bring with you; it will depend on your personal circumstances. However it should be sufficient to ensure that you and your family are able to find appropriate accommodation and not need any UK public funds while you look for work. The Entry Clearance Officer will assess this for applications made abroad.

23.12 Q: Do I need a job before coming to the United Kingdom?

A: No, you do not need a job before entering the United Kingdom as a highly skilled migrant. We will however ask if you have a job offer and what efforts you have made so far in finding work in order to assist our assessment of your ability to maintain and accommodate yourself and family and continue your chosen career. You will be expected to have been economically active in the UK in employment, self-employment or a combination of the two for at least some of the time within the twelve-month period before you apply for further leave to remain. If you have been unable to put your business or employment plans into operation we will expect you to provide evidence (e.g. several job application forms or a business plan) that you have taken all reasonable steps to become economically active in the UK and what steps you are currently taking.

24. Processes – how your application is dealt with**24.1 Q: Is there a charge for the processing of the application?**

A: Yes. All applications will be charged unless you are an exempt nationality. Annex C of this guidance provides information on which nationalities are exempt. Charging for HSMP processing is consistent with the charge for the consideration of work permit applications. In addition all in country applications will also be subject to an additional charge for the consideration of leave to remain from 01 April 2004. It is fair that those that use the HSMP consideration process pay the administration costs of the process.

24.2 Q: How do I pay the charge?

A: Information about the payment process can be found at Annex C of this guidance.

24.3 Q: How much evidence do I need to supply?

A: The amount will vary depending on your personal background and plans, it should, however, be of a high standard, original, with certified translations if not in English and relevant to your application.

24.4 Q: Why do you need more than one form of evidence for salary and achievement?

A: It is important that we are able to establish clearly your salary, and the level of achievement you have attained in your field. Having different forms of evidence helps us to do this quickly and efficiently. We understand that in some cases applicants will not find it easy to satisfy the requirements for more than one form of evidence. We would urge you to think carefully about what else may help you to establish your case – for example, if you do not submit income tax returns, then wage slips together with bank statements could suffice as proof of earnings. In terms of achievement, testimonials from academics, or from senior people in your field would complement other forms of evidence.

24.5 Q: What if I don't have any evidence?

A: It is highly unlikely your application will be approved if you are not able to support your statements with appropriate evidence. If this is the case you should reconsider whether to make an application under this programme.

24.6 Q: Why do you need to know about my expected costs?

A: Costs of living vary between different parts of the UK, but it is worth remembering that compared to many countries, the UK is an expensive place to live. Consideration will need to be given to determine whether you will be able to maintain and accommodate yourself and your family. You may choose to live cheaply when you first come to the UK and will therefore need a smaller amount of savings than if you choose to live in expensive accommodation. It is important to ensure that you have thought about the costs associated with living in the UK for the required period.

24.7 Q: What are UK public funds?

A: At time of publication, 'public funds' means income support/Jobseekers' Allowance (JSA), Housing and Homelessness assistance, Housing Benefit and Council Tax Benefit, Child Benefit, Attendance Allowance, Severe Disablement Allowance, Invalid Care Allowance, Disability Living Allowance, Disabled Person's Tax credit, Working Families Tax credit or a social fund payment. Child Tax credit and Working Tax credit will become public funds shortly after the publication of this guidance.

24.8 Q: Is private medical insurance a compulsory requirement of the programme?

A: No, however you will need to inform us of any pre existing medical condition that you may have and provide evidence of your ability to finance any continued appropriate treatment. You may be required to provide a medical certificate to the entry clearance officer before you obtain your entry clearance certificate.

24.9 Q: What if the scheme changes?

A: As with any immigration scheme we reserve the right to adapt some of the criteria or documentation associated with the scheme and will inform you via our websites of any such changes. All applications will be treated on the basis of the HSMP provisions at the time that they were submitted.

24.10 Q: I have already applied successfully under HSMP. How does the revised HSMP affect me?

A: Not at all. It is important to note that once you have entered under the programme you are in a category that has an avenue to settlement. Those who have already entered under HSMP will be allowed to stay and apply for settlement after four years qualifying residence regardless of these revisions to HSMP

24.11 Q: How long will it take to process my application?

A: Please refer to our website www.workingintheuk.gov.uk for details of our service standards and current processing times..

25. Appeals

25.1 Q: Can I appeal if my application is unsuccessful?

A: **Applications from outside of the UK:** there is no right of appeal for unsuccessful entry clearance applicants under Section 88(2)(b) of the Nationality Immigration and Asylum Act 2002. However you do have the ability to ask the HSMP casework team to review an adverse decision in respect of eligibility under the Highly Skilled Migrant Programme. A maximum of two reviews may be requested. To request a review the applicant should complete form HSMP (Rev)

Applications from inside the UK: whether you can appeal depends on your grounds for appealing the decision. If you are seeking to challenge the refusal to approve your application for eligibility under the Highly Skilled Migrant Programme then no right of appeal exists under Section 88(2)(b) of the Nationality Immigration and Asylum (NIA) Act 2002. However if you are appealing the decision on the basis that the decision is not in accordance with the Immigration Rules then there is a right of appeal. This may be heard by an immigration adjudicator in the UK under Section 82(1) of the NIA Act 2002. Irrespective, of whether you have a right of appeal before an immigration adjudicator you still have the ability to ask the HSMP casework team to review an adverse decision. This should be made on an HSMP (Rev) form which can be obtained from the Work Permits UK website at www.workingintheuk.gov.uk.

26. The conditions/restrictions

26.1 Q: What kind of work can I do?

A: You can undertake any work, for example it could be as an employee, a contract worker or on a self-employed basis or a combination of these. It will usually be expected that you will be lawfully economically active when you apply to extend your stay in the UK under the programme. However if you have been unable to put your business or employment plans into operation we will expect you to provide evidence that you have taken all reasonable steps to become lawfully economically active.

26.2 Q: Can my spouse/unmarried partner work in the United Kingdom?

A: Yes. If your spouse or unmarried partner obtains entry clearance and is granted leave to enter as your dependant they will be able to seek and take employment. However, that employment must not be necessary to support you or any other dependants.

26.3 Q: How do the Immigration Rules define an unmarried partner?

A: To be eligible for entry and stay in the UK as an unmarried partner you must have been living together in a relationship akin to marriage which has subsisted for a minimum of two years and you must intend to live together as partners during your stay in the UK. Moreover any previous marriage or similar relationship by either partner must have permanently broken down. The complete requirements for entry as an unmarried partner can be found at Paragraph 295J of the Immigration Rules which can be found in the Law and Policy section of the IND website at www.ind.homeoffice.gov.uk.

26.4 Q: Can my family come with me to the United Kingdom?

A: Yes, you can apply for your spouse or unmarried partner (meeting the definition above) and dependant children (aged under 18) to come with you to the UK. They must obtain entry clearance before they travel to the UK and you will need to demonstrate that you can support them once they are here.

26.5 Q: How long can I stay in the UK if I enter as a skilled migrant?

A: You will initially be given 12 months stay. If you want to remain in the UK under the HSMP, you should apply for an extension of your stay in the last month before the expiry of your permission to stay in the UK. For further information, please see "Extension of stay in the United Kingdom" section. You will be able to amalgamate leave in other categories that lead to settlement for example, please see "Extension of stay in the United Kingdom section." towards the end of that period you can apply to remain in the same capacity for a further period of up to three years.

After four years in the UK as a highly skilled migrant you can apply for settlement. The main criteria for settlement will be that you have spent a continuous period of four years in the UK (except for trips abroad of three months or less, totalling less than six months in the four year period) in a category leading to settlement and that you continue to be economically active in the UK as a highly skilled migrant.

26.6 Q: What will I need to do to qualify to stay after the first 12 months?

A: You will need to show that you are lawfully economically active or, if you are not, that you have taken all reasonable steps to become lawfully economically active (e.g. evidence of several job application forms or a business plan)..Applications are made to Work Permits (UK) in Cannock, using a form FLR (IED) together with supporting HSMP evidence. The evidence that you will be required to provide is covered in the section "Extension of stay in the United Kingdom" in this guidance. Details of the application process for an extension of stay after one year in the programme will also be provided to successful HSMP applicants with their approval papers.

26.7 Q: Do I have to place my children in private schools?

A: No, dependent children up to the age of 18 who enter with you will be able to attend UK primary and secondary state education. Children that attain the age of 18 whilst a parent is in the UK under the HSMP scheme will not be eligible for free higher education. The level of fees charged for those going into higher education will vary. The fees charged will be decided by the individual higher education establishment and the local authority where you are living. Successful applicants with dependent children should contact the local education authority where they intend to live and the higher education establishment they wish their dependants to study at for further information on this.

GLOSSARY

Accredited Institution	A place of study that is recognised as an institution of higher education by NARIC. Professional bodies must be recognised by the equivalent UK regulatory authority.
Certified translations	Translations that have been made by an officially registered translator.
Declared Earnings	Earned income that has been declared to the appropriate tax authorities.
Entry Clearance Application	An application for a visa to allow the individual to enter the UK. An entry clearance application must be made after an HSMP application, which was made from outside the UK, has been approved. Entry clearance applications are administered by UK Visas and further information about making such applications can be found on the UK Visas website at www.ukvisas.gov.uk
Entry Clearance Officer	A UK government official who works at a British Embassy or High Commission overseas. Entry Clearance Officers consider entry clearance/ visa applications from individuals wishing to enter the UK.
FLR (IED)	The application form for leave to remain as a Highly Skilled Migrant. This application form must be completed by all HSMP applicants who are making applications from inside the UK. Out of country applicants do not need to complete this form.
Graduate Level Experience	Work experience in a position that normally requires education to at least bachelor degree level. The individual need not necessarily have a bachelor degree in order to score points for graduate level experience. However, the applicant must supply satisfactory evidence that the job in question would usually only be offered to candidates who had at least a bachelor level degree.
In Country Application	An application submitted by an individual who is living in the UK.
Leave to Remain	The period of time for which an individual has been granted permission to stay once they have entered the UK. An applicant's leave to remain is valid until the expiry date stamped in the applicant's passport.
NARIC	The National Academic Recognition Information Centre. A private company that specialises in the evaluation of overseas academic and professional qualifications.

Notary Public	A public official who is legally authorised to certify that a document is a true copy of an original.
Out of Country Application	An application submitted by an individual who is currently residing outside the UK.
Out of Country HSMP approval letter	The letter issued to successful out of country applicants. This letter is presented by the individual to the Entry Clearance Officer when the individual makes an Entry Clearance application.
Senior Level Experience	Work experience in a senior capacity within a company. In a large company, a senior position will be one requiring extensive responsibility for the management of other staff and/or large-scale projects. In a small company, senior level experience will be indicated by active involvement in the running of the company at board level.
Specialist Level Experience	A position recognised as specialised within the individual's field of employment. Work experience gained in jobs that normally require specialist skills or in shortage occupations does not in itself count as specialist level work experience. For example, a dentist would have to demonstrate specialised expert knowledge of a particular area within the field of dentistry in order to score points for specialist level work experience.

ANNEX A: INCOME CATEGORIES

Category A Countries:

Earnings Requirement of £27,000/£40,000/£60,000 (under 28 category)

Earnings Requirement of £40,000/£100,000/£250,000 (28 and over category)

Andorra	French Polynesia	Monaco
Aruba	Germany	Netherlands
Australia	Gibraltar	Norway
Austria	Guam	Qatar
Belgium	Hong Kong	San Marino
Bermuda	Iceland	Singapore
Canada	Ireland	Sweden
Cayman Islands	Italy	Switzerland
Channel Islands	Japan	UAE
Denmark	Kuwait	United Kingdom
Finland	Liechtenstein	United States
France	Luxembourg	Vatican

Category B Countries:**Earnings Requirement of £11,800/£17,500/£26,250 (under 28 category)****Earnings Requirement of £17,500/£43,750/£109,375 (28 and over category)**

American Samoa	Grenada	Palau
Antigua and Barbuda	Hungary	Panama
Argentina	Israel	Poland
Bahamas	Korea, Rep. of (South Korea)	Portugal
Bahrain	Latvia	Puerto Rico
Barbados	Lebanon	Saudi Arabia
Botswana	Libya	Seychelles
Brunei	Macao, China	Slovak Republic
Chile	Malaysia	Slovenia
Costa Rica	Malta	Spain
Croatia	Mauritius	St. Kitts and Nevis
Cyprus	Mexico	St. Lucia
Czech Republic	Netherlands Antilles	Taiwan (Territory of)
Estonia	New Caledonia	Trinidad and Tobago
Faeroe Islands	New Zealand	Uruguay
Greece	Northern Mariana Islands	Venezuela
Greenland	Oman	Virgin Islands

Category C Countries:**Earnings Requirement of £8,450/£12,500/£18,750 (under 28 category)****Earnings Requirement of £12,500/£31,250/78,125 (28 and over category)**

Albania	Gabon	Philippines
Algeria	Guatemala	Romania
Belarus	Honduras	Russian Federation
Belize	Iran	Samoa
Bolivia	Jamaica	South Africa
Bosnia and Herzegovina	Jordan	St. Vincent and the Grenadines
Brazil	Kazakhstan	Suriname
Bulgaria	Lithuania	Swaziland
Cape Verde	Macedonia	Syrian Arab Republic
China (excluding Hong Kong)	Maldives	Thailand
Colombia	Marshall Islands	Tonga
Dominica	Micronesia	Tunisia
Dominican Republic	Morocco	Turkey
Ecuador	Namibia	Turkmenistan
Egypt	Nauru	Vanuatu
El Salvador	Paraguay	West Bank and Gaza
Fiji	Peru	Yugoslavia

Category D Countries:

Earning Requirement of £5,000/£7,500/£11,250 (under 28 category)

Earnings Requirement of £7,500/£18,750/£46,875 (28 and over category)

Angola	Georgia	Nicaragua
Armenia	Guinea	Pakistan
Azerbaijan	Guyana	Papua New Guinea
Bangladesh	Haiti	Senegal
Benin	India	Solomon Islands
Bhutan	Indonesia	Sri Lanka
Cameroon	Iraq	Sudan
Comoros	Kenya	Ukraine
Congo, Republic of the,	Kiribati	Uzbekistan
Cote d'Ivoire	Lesotho	Vietnam
Cuba	Mauritania	Yemen
Djibouti	Moldova	Zambia
Equatorial Guinea	Mongolia	Zimbabwe
Gambia	Myanmar	

Category E Countries:

Earnings Requirement of £2,350/£3,500/£5,250 (under 28 category)

Earnings Requirement of £3,500/£8,750/£21,875 (28 and over category)

Afghanistan	Korea (N)	Nigeria
Burkina Faso	Kyrgyz Republic	Rwanda
Burundi	Lao PDR	Sao Tome and Principe
Cambodia	Liberia	Sierra Leone
Central African Republic	Madagascar	Somalia
Congo, Democratic Republic of the,	Malawi	Tajikistan
Chad	Mali	Tanzania
Eritrea	Mayotte	Togo
Ethiopia	Mozambique	Uganda
Ghana	Nepal	
Guinea-Bissau	Niger	

ANNEX B: ACHIEVEMENT IN YOUR CHOSEN FIELD

One of the six qualifying areas on which your application will be considered is:

- that you demonstrate a record of exceptional achievement in your chosen field of work = 25 points

Or

- that you can demonstrate a record of significant achievement in your chosen field of work = 15 points

In order to provide you with some guidance as to what we regard as an exceptional or significant achievement this annex gives a few examples in different areas of work of those who are likely to meet this criterion and those who would not. This annex can only be taken as a guide as your

application will be considered on its own merits.

It is important that you supply clear credible evidence when you make an application and the HSMP application form gives guidance on the kind of documentation expected.

EXCEPTIONAL ACHIEVEMENT

Those with an exceptional achievement in their chosen field will be at the top of their profession, be recognised beyond their field of expertise and have obtained international recognition. The examples below provide an illustration of the kind of person likely to be considered exceptional.

Example One

Dr Sahai is head of a research team of 20 in Uttar Pradesh. He has published numerous papers in leading journals and is a regular keynote speaker at international conferences. He won the international Passano Award for his outstanding contribution to biochemistry as well as numerous national awards both in India and abroad. He holds an honorary fellowship at Imperial College London.

Dr Sahai plans to work part-time as a consultant to the pharmaceutical industry and continue his research work in collaboration with a number of universities. He has plans to set up a research team developing gene technology.

Dr Sahai has made an exceptional achievement in his field and is internationally recognised as a leading figure in his area of work. No one individual award or honour shows exceptional achievement, the body of work provides this. Because he wants to pursue both research, employment and set up a business this is the most appropriate route for him.

Example Two

Sophie is a well-known international supermodel who has won numerous modelling awards and advertised the products of several household name companies. Sophie wishes to relocate to the UK to give her easy access to the fashion centres of London, Paris and Milan. In addition, she has been offered a part in a West End musical and has been offered a recording contract by a British record company.

Sophie is internationally recognised as a leading figure in a high profile industry. She wishes to enter the UK to continue this work but she also wishes to diversify into various other high profile industries. HSMP gives her the freedom to do this.

Example Three

Davis Brooks is an astronaut; he has been into space on numerous occasions as part of the NASA space programme. Davis wishes to come to the UK to set up his own business as an aeronautical consultant. He also wishes to spend time writing his memoirs having been offered a publishing deal by a London publishing house.

Davis wishes to use his very specialist experience to set up as a consultant in the UK advertising aeronautical companies on a freelance basis. HSMP gives him the flexibility to operate on this basis.

SIGNIFICANT ACHIEVEMENT

Those demonstrating a significant achievement are likely to be able to demonstrate a body of work that means they are recognised nationally in their field or are well known if not at the top of their profession.

Example One

Chen Cai-Xia has been the lead computer architect on projects for JP Morgan, Taiwan Industrial semiconductors and a number of international organisations. She took one year out to write a book on computing architecture, which received critical acclaim from the IT industry.

Chen Cai-Xia intends to work as a freelance contractor whilst continuing to work on a new book in collaboration with academics in the UK.

Chen Cai-Xia's experience on large computing projects would be recognised by peers as a measure of significant achievement. As she wishes to pursue a number of different activities in the UK HSMP is for her.

Example Two

Mohammed Hosni, who is 31 graduated in economics from Cairo University in 1991. He worked for the Egyptian Ministry of Energy for 5 years before taking up a Fulbright scholarship. He went to Stanford University obtaining a Masters in Economics. By the time he had finished, he had published two articles in international journals. He returned to Cairo three years ago and works as a freelance economic consultant. His clients include the World Bank and IMF. He writes occasional columns for the Egyptian press and regularly speaks at international conferences.

Mohammed has demonstrated significant academic achievement by winning a Fulbright Scholarship, and publishing articles in international journals. Although there are a number of better known economic commentators in Egypt, they are all much older than Mohammed is. For someone who is 31, Mohammed's track record is very impressive and shows significant achievement in his field. As Mohammed wishes to continue to work on a freelance basis HSMP is the most appropriate route for him.

Example Three

Isabella Rodriguez, who is 25, is a young Brazilian entrepreneur. She obtained a beautician's diploma in Rio de Janeiro in 1995. She went into business with a friend who had invented a new brand of cosmetic – based on fruit extracts. Together, they developed a chain of retail outlets across Brazil. By 1999, they had 50 stores and decided to expand to other Latin American countries. With 120 outlets now across 6 countries, the success of the chain is often quoted in marketing magazines and textbooks. She has been offered a technical Consultants contract with Boots but also wishes to investigate the UK market place with an option of expanding her company into the UK.

Isabella is clearly a very successful entrepreneur – both at a national and international level. Her business success represents significant achievement. She, at the moment, has no firm plans to engage in business in the UK and therefore the Innovator and business routes do not suit her. She can combine her job offer with her tentative business proposals under HSMP.

Example Four

Phil Jones is a specialist trauma counsellor, he was tasked with organising and co-ordinating the huge counselling operation for the survivors of the 9/11 terror attacks on the World Trade Centre in New York City. Previously he had spent time in Bosnia and Kosovo counselling the survivors of ethnic genocide. Phil plans to operate in the UK as a freelance counsellor and as consultant counselling strategist advising local authorities and NHS trusts.

Phil is internationally recognised as an expert in his own field. He has worked on several high profile projects. He wishes to operate on a freelance basis and HSMP gives him the freedom to do this.

Example Five

Suminala Bose is a telecommunications engineer who has developed and patented a microchip that is now used by many leading mobile phone manufacturers to enhance signal reception on their handsets. Suminala wishes to come to the UK to work as a freelance product developer in the telecommunications sector.

Suminala's work has had a significant impact on the development of the products of many multi-national electrical manufacturers. She is now recognised as a leader in her field.

Example Six

Philip Strasberg is a consultant business manager. He has been head hunted by many ailing large companies to help turn their businesses around. The last company Philip worked with was transformed from operating at a loss of \$1.5 million a year to producing a profit of \$4.2 million at the end of his third and final year with them. Philip has been contacted by several British companies with a view to coming and working with them on short term contracts. Philip would like to come to the UK to establish it as his main home but he does not wish to tie himself to one employer.

HSMP affords Philip the opportunity to come and set up home in the UK without tying him to one employer in the fashion that a work permit does.

Example Seven

Ivana Kishishev has spent the last three years involved in research into the causes of Parkinson's disease. She has had three articles published in US medical journals, all of which were well received by the medical world. She is one of very few working on research in this area. She wishes to come to the UK to access better facilities and to eventually branch out into developing treatments for Parkinson's and other similar diseases.

Ivana's is working in a specialist area of medical research and her achievements to date have been recognised as significant by her peers.

Example Eight

Ade Akinbola carried out extensive research into performance management as part of his thesis for his PhD in Development Administration. Ade wrote an article about his research, which was published in the International Journal of public sector management. His thesis has since been used in the development of the performance management policies of four local councils in the UK. Ade wishes to work as a public speaker on performance management whilst continuing his research in this area.

Ade has made significant achievements in his chosen field, which have already benefited several UK institutions.

ANNEX C: PAYMENT GUIDANCE

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

Introduction

1. Applications for Highly Skilled Migrant status under the **Highly Skilled Migrant Programme (HSMP)** will be subject to a charge from 31 October 2003.

2. The purpose of these guidance notes is to provide details of the charge and the payment procedures to follow when making applications under the HSMP arrangements. Guidance on the general arrangements for the scheme is available on the Immigration and Nationality Directorate (IND) website at www.ind.homeoffice.gov.uk or may be requested by telephone from our distribution centre on +44 (0)8705 210224.

How much will it cost?

3. The fee for the consideration of an HSMP application is £150 per application. This fee will apply **for initial HSMP applications** and **reviews of decisions** made under the HSMP arrangements.

4. The fee for consideration of an FLR (IED) application is £121.00. This fee will apply for all in country applications, including all applications seeking an extension of stay as a HSM.

Consideration Procedure

5. The fee charged is for the consideration of the application and not for the issue of a decision. A valid fee, if applicable, must accompany the application form otherwise the case cannot be considered.

Exemptions

6. Under European Law, we are obliged to exempt nationals of countries which have signed and ratified the Council of Europe Charter or the European Social Charter (revised). These are Czech Republic, Hungary, Slovakia, Bulgaria, Estonia, Lithuania, Romania, Slovenia, Poland, Turkey, Cyprus, Malta, Latvia and Moldova. Nationals from these countries are exempt from the charge.

7. On 01 May 2004, all of these countries apart from Turkey, Romania, Bulgaria and Moldova are due to accede to the European Union. From this date, their nationals will not be required to apply for either an immigration employment document (IED), or the associated leave to remain. Nationals of Turkey, Romania Bulgaria and Moldova will still be required to apply for both an IED and the associated leave to remain but will continue to be exempt from the relevant charges.

8. Details of further countries who sign and ratify the Council of Europe Charter or the European Social Charter (revised) and subsequently become exempt, will be included in the Work Permits (UK) website at www.workingintheuk.gov.uk. There are no other exemptions to the charge.

9. If you are making an HSMP application and you are a citizen of one of the exempt countries

listed above, please complete Sections 1 and 2 of the payment slip ensuring you have ticked the 'exempt' box. You should also tick the 'exempt' box on the top left corner of the first page of the HSMP1 form.

How Do I Pay?

10. If your application does not meet the exempt rules, the payment must accompany the application and the payment slip **must** be fully and accurately completed.

11. Payment can be made by:-

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

Payment by any other method will **not** be accepted.

12. When making the application it is required to be accompanied by a fee of (£150). If the payment submitted does not cover the total cost of the application (£150), it will not be possible to consider the application. **Work Permits (UK) will return it to you without consideration.**

Paying by Cheque and Postal Order

13. UK Cheques and Postal Orders should be made payable to 'Home Office, Work Permits (UK).'

14. All the relevant information must be completed including the payer details, the date, the amount, and the signature.

15. The cheque or postal order must be attached to the front of the payment slip to avoid them being 'missed' amongst the documents that are sent with the application. You should also make sure you complete Section 3 of the payment slip.

Credit or Debit Card Payments

16. Applications paid for by credit or debit card should include the card number, the expiry date, the payer details and signature at Section 3.

Completing the payment page

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

18. Please complete the whole of Section 1 and Section 2.

19. For paid applications, you should tick the 'paid' box on the top left corner of the first page of the HSMP1 form. For exempt applications, you should tick the 'exempt' box on the top left corner of the first page of the HSMP1 form.

More detailed guidance for the completion of the payment slip can be found in paragraphs 29-33

Procedure for Applications Received

20. Completed applications for HSMP initial applications and HSMP reviews should be sent using an HSMP (1) to:

Highly Skilled Migrant Programme (HSMP)
Home Office IND
Heavens Walk
Doncaster Carr
Doncaster
DN4 5HZ

All in country HSMP applications will also need to separately submit an FLR(IED) form to Work Permits (UK) at:

Work Permits (UK) – FLR(IED)
Home Office
Walsall Road
Cannock
WS11 0WS

21. This is the address of a Government approved Payment Handling Service which will check the following:

- i) If payment is applicable.
- ii) The payment slip is completed correctly.
- iii) The payment method is acceptable.
- iv) The application has been identified correctly as paid or exempt.

22. The Payment Handling Service will not be responsible for considering any aspect of the HSMP application.

23. Please note that the Payment Handling Service has entered into a contractual agreement with Work Permits (UK) to guarantee that all valid HSMP applications with appropriately completed payment slips will be delivered to Work Permits (UK), Sheffield by 10am every working weekday morning.

Therefore the standard of service currently provided by Work Permits (UK) will not be compromised, unless the payment slip or payment method is invalid.

Extending your stay as a Highly Skilled Migrant.

24. The fee for consideration of an FLR (IED) application is £121.00. This fee will apply for all in country applications, including all the applications seeking an extension of stay as a HSM. These applications should be sent to:

Work permits (UK) – FLR (IED)
Home Office
Walsall Road
Cannock
WS11 0WS

Please note that sending the forms to the wrong address will delay your application.

Withdrawn Applications

25. Once an application has been received by the payment handling service, the application process has fundamentally started and the appropriate fee will be charged. It is therefore the full responsibility of the person submitting the application to ensure that they wish to enter into the application process.

Duplicate Applications

26. In the event of more than one application being received for the same individual, each application will be subject to the standard charge (£150).

Reviews

27. You may ask for your case to be reviewed if you think the original decision was wrong. If the review results in the original decision being changed, an ex-gratia payment may be made to cover the cost of the review.

28. The decision to issue an ex-gratia payment will be made at a senior operational level. An ex-gratia payment will only be made where we are satisfied that the original decision was wrong and a review application was unnecessary. Please refer to the relevant guidance notes for full details of the review process and how to submit an application for a review.

29. An ex-gratia payment will not be given where:

- i) The review is approved on the basis of new information or evidence not previously submitted.
- ii) The original decision is upheld.

Guidance for completion of the Payment Slip

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

31. You must complete the whole of Section 1 and Section 2. You will need to complete Section 3 only if the application is to be paid for.

32. Section 1: Contact Details

Please enter the details of where you can be contacted if we have a payment enquiry.

33. Section 2: Application Details

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

34. Section 3: Payment Details

Please complete this section if you have indicated in Section 2 that you are paying for the application. You need only complete the relevant sections. If you have indicated that the application is exempt there is no need to complete this section.

Other Details

Submission of Application Forms

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

- i) Application form with cheque or postal order (if applicable) secured to page one.
- ii) Covering letter.
- iii) Passport(s) (if in UK).
- iv) Supporting documents.

Postal Applications

36. If the application is an initial application or a review of an initial application, please post the application form to:

Highly Skilled Migrant Programme (HSMP)
Home Office IND
Heavens Walk
Doncaster Carr
Doncaster
DN4 5HZ

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

Address for Further Leave to Remain applications.

37. The fee for consideration of an FLR (IED) application is £121.00. This fee will apply to all in country applications, including all applications seeking an extension of stay as a HSM. These applications should be sent to:

Work Permits (UK) – FLR (IED)
Home Office
Walsall Road
Cannock
WS11 0WS

Applications sent by Courier

38. If you wish, you may send your application by courier to the addresses given above. These must arrive during normal business hours (8.30am to 4.30pm on weekdays). Acceptance of the form after these hours cannot be guaranteed.

How to contact us

If you want further advice about general immigration issues you should contact:

Immigration and Nationality Directorate
Lunar House,
40 Wellesley Road,
Croydon, CR9 2BY.

Telephone: 0870 606 7766.
Minicom: 0800 38 98 28 9

www.ind.homeoffice.gov.uk.

If you want further advice on the HSMP scheme, write to:

HSMP TEAM
Work Permits (UK)
Immigration and Nationality Directorate
Home Office
Level 5
Moorfoot
Sheffield
S1 4PQ
ENGLAND

Birmingham

Public Enquiry Office,
Dominion Court,
41 Station Road,
Solihull, Birmingham,
B91 3RT.

0121 704 5450

Glasgow

Public Enquiry Office,
Festival Court 1,
200 Brand Street,
Govan, Glasgow,
G51 1DH.

0141 419 1258

Croydon

Public Enquiry Office,
Lunar House,
40 Wellesley Road,
Croydon,
CR9 2BY.

0870 606 7766

Liverpool

Public Enquiry Office,
Reliance House,
20 Water Street,
Liverpool,
L2 8XU.

0151 237 0405