



Home Office

Immigration Rules

Appendix I

Pay requirements which the Secretary of State intends to apply to applications for indefinite leave to remain from Tier 2 (General) and Tier 2 (Sportspersons) migrants made on or after 6 April 2016.

This is a consolidated version of the current Immigration Rules

The Immigration Rules are subject to change and applicants will need to meet the Rules in force at the date of application. However, it is the Secretary of State's intention that these rules, as they relate to pay, will replace paragraph 245HF from that date.

245HF.

Requirements for indefinite leave to remain as a Tier 2 (General) or Tier 2 (Sportsperson) Migrant

To qualify for indefinite leave to remain as a Tier 2 (General) Migrant or Tier 2 (Sportsperson) Migrant an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.
- (b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (c) The applicant must have spent a continuous period of 5 years lawfully in the UK, in any combination of the following categories of which the most recent period must have been spent with leave as a Tier 2 Migrant either:
 - (i) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant or a Tier 1 (Graduate Entrepreneur) Migrant,
 - (ii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant.
- (d) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing:
 - (i) that he still requires the applicant for the employment in question, and
 - (ii) subject to sub-paragraph (iii), at the point of a Tier 2 (General) or Tier 2 (Sportsperson) Migrant applying for settlement, that they are being paid for the employment in question either:
 - (1) at or above the appropriate rate for the job, as stated in the the Codes of Practice in Appendix J, or
 - (2) a gross annual salary of at least:
 - (a) £35,000 if applying on or after 6 April 2016,
 - (b) £35,500 if applying on or after 6 April 2018,

(c) £35,800 if applying on or after 6 April 2019,

(d) £36,200 if applying on or after 6 April 2020,

whichever is higher, where the appropriate rate or salary includes basic pay and allowances as set out in paragraph 79E or paragraph 100A of Appendix A.

(iii) where a Tier 2 (General) Migrant applying for settlement is recorded (at the time of application for settlement) by the Certificate of Sponsorship Checking Service as being sponsored to do a job that either:

(1) appears on the Shortage Occupation List in Appendix K, or has appeared on that list during any time the applicant was being sponsored to do that job and during the continuous period of 5 years referred to in paragraph (c) above, or

(2) appears on the occupations skilled to PhD-level as stated in the Codes of Practice in Appendix J, or has appeared on that list during any time the applicant was being sponsored to do that job and during the continuous period of 5 years referred to in paragraph (c) above,

sub paragraph (d)(ii) does not apply and the Sponsor that issued the Certificate of Sponsorship for the employment in question must certify that the Tier 2 (General) migrant applying for Indefinite Leave to Remain is being paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, where the appropriate rate or salary includes basic pay and allowances as set out in paragraph 79E of Appendix A.

(e) The applicant provides the specified documents in paragraph 245HF-SD to evidence the sponsor's certification in subsection (d) (ii).

(f) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made.

245HG. Requirements for indefinite leave to remain as a Tier 2 (Minister of Religion) Migrant

To qualify for indefinite leave to remain as a Tier 2 (Minister of Religion) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

(a) The applicant must not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

(b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.

(c) The applicant must have spent a continuous period of 5 years lawfully in the UK, in any combination of the following categories of which the most recent period must have been spent with leave as a Tier 2 Migrant (Minister of Religion):

(i) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant, or

(ii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant,

(d) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing that he still requires the applicant for the employment in question, and

(e) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made.

2. In Appendix A - Attributes, after 79D insert:

79E. Appropriate salary for indefinite leave to remain

An applicant applying for Indefinite Leave to Remain under paragraph 245HF is expected to demonstrate that he is being paid either at or above the appropriate rate for the job, as stated in the Codes of Practice in Appendix J , or a gross annual salary as set out in paragraph 245HF(d)(ii)(2), whichever is higher. The appropriate rate or gross annual salary as set out in paragraph 245HF(d)(ii)(2) will be based on the applicant's gross annual salary to be paid by the Sponsor, as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, subject to the following conditions:

(i) Salary will be based on basic pay (excluding overtime);

(ii) Allowances, such as London weighting, will be included in the salary where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;

(iii) Other allowances and benefits, such as a bonus or incentive pay, travel expenses and subsistence (including travel to and from the applicant's home country), will not be included.

3. In Appendix A - Attributes, after paragraph 100 insert:

Appropriate salary for indefinite leave to remain

100A.

An applicant applying for Indefinite Leave to Remain under 245HF is expected to demonstrate that he is being paid either at or above the appropriate rate for the job, as stated in the Codes of Practice in Appendix J, or a gross annual salary as set out in paragraph 245HF(d)(ii)(2), whichever is higher. The appropriate rate or gross annual salary as set out in paragraph 245HF(d)(ii)(2) will be based on the applicant's gross annual salary to be paid by the Sponsor, as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, subject to the following conditions:

- (i) Salary will be based on basic pay (excluding overtime);
- (ii) Allowances, such as London weighting, will be included in the salary where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;
- (iii) Other allowances and benefits, such as a bonus or incentive pay, travel expenses and subsistence (including travel to and from the applicant's home country), will not be included.