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STATUTORY INSTRUMENTS

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**2004 No. 581**

**IMMIGRATION**

**The Immigration (Leave to Remain) (Prescribed Forms and Procedures) (Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>3rd March 2004</i>
<i>Laid before Parliament</i>		<i>10th March 2004</i>
<i>Coming into force</i>	- -	<i>1st April 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 31A of the Immigration Act 1971<sup>(1)</sup>, hereby makes the following Regulations:

1. These Regulations may be cited as the Immigration (Leave to Remain) (Prescribed Forms and Procedures) (Amendment) Regulations 2004 and shall come into force on 1st April 2004.

2. The Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2003<sup>(2)</sup> shall be amended as follows.

3. After regulation 3, insert—

“(3A) The form set out in Schedule 1A is hereby prescribed for an application for limited leave to remain in the United Kingdom:

- (a) for work permit employment,
- (b) as a highly skilled migrant,
- (c) as a seasonal agricultural worker,
- (d) for the purpose of employment under the Sectors-Based Scheme, or
- (e) for Home Office approved training or work experience,

for the purposes of the immigration rules.”.

4.—(1) In regulation 6(2)—

- (a) for “paragraphs (3) and (4)” substitute “paragraph (4)”, and
- (b) after “regulations 3,” insert “ 3A,”.

(2) Regulation 6(3) is omitted.

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(1) 1971 c. 77. Section 31A was inserted by section 165 of the Immigration and Asylum Act 1999 (c. 33) and amended by section 121 of the Nationality, Immigration and Asylum Act 2002 (c. 41).

(2) S.I. 2003/1712.

5. In regulation 10, after “as a dependant of the main applicant”, insert “, insofar as this is permitted by the immigration rules”.
6. In regulation 11(c), after subparagraph (ii), insert—
  - “;
  - save that an application for which a form is prescribed in regulation 3A above shall be sent by prepaid post or by courier to Work Permits (UK) at the Immigration and Nationality Directorate of the Home Office and may not be submitted in person at a Public Enquiry Office.”.
7. In regulation 12(2)—
  - (a) after paragraph (a), delete “and”; and
  - (b) after subparagraph (b), insert—
    - “, and
    - (c) in the case of an application sent by courier, the date on which the application is delivered to Work Permits (UK) at the Immigration and Nationality Directorate of the Home Office.”.
8. After Schedule 1, insert as Schedule 1A the form which is set out in the Schedule to these Regulations.

Home Office  
3rd March 2004

*Beverley Hughes*  
Minister of State



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**Application for an extension of stay (limited leave to remain) in the United Kingdom as the holder of an immigration employment document.**

**To be completed by the applicant**

**Section 4: Type of Application**

13.	Is this application to be: <small>(Please indicate by ticking the relevant box)</small>	Paid for <input type="checkbox"/>	Exempt from payment <input type="checkbox"/>
14.	Under which category are you applying for an extension of stay in the UK?		
	<input type="checkbox"/> Highly Skilled Migrant Programme (HSMP)	Complete Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & if applicable, 13	
	<input type="checkbox"/> Seasonal Agricultural Workers Scheme (SAWS)	Complete Sections 1, 2, 3, 4, 5, 6, 8, 9, 11, 12 & if applicable, 13	
	<input type="checkbox"/> Sectors-Based Scheme (SBS)	Complete Sections 1, 2, 3, 4, 5, 6, 8, 9, 11, 12 & if applicable, 13	
	<input type="checkbox"/> Training or Work Experience (TWES)	Complete Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12 & if applicable, 13	
	<input type="checkbox"/> Work permit arrangements (WP)	Complete Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12 & if applicable, 13	

**Section 5: Personal Details of Applicant**

15.	Title	Mr. <input type="checkbox"/>	Mrs. <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other (please state) <input type="text"/>
16.	Surname/family name	<input type="text"/>				
17.	Surname/family name at birth (if different)	<input type="text"/>				
18.	First names	<input type="text"/>				
19.	Sex	Male <input type="checkbox"/> Female <input type="checkbox"/>				
20.	Date of birth	<input type="text"/> day	<input type="text"/> month	<input type="text"/> year		
21.	Nationality	<input type="text"/>				
22.	Passport number	<input type="text"/>				
23.	Address in the UK, including post code <small>(Please let us know if this changes)</small>	<input type="text"/>				
24.	Your daytime telephone number (if you have one)	<input type="text"/>				
25.	Name of your employer (for SAWS, SBS, TWES & WP)	<input type="text"/>				
26.	SAWS applicants, please also state the name of your operator.	<input type="text"/>				
27.	Your job title	<input type="text"/>				
28.	Your WP, SBS, TWES or HSMP reference number or SAWS work card number.	<input type="text"/>				
29.	Your Home Office reference number (if you have one)	<input type="text"/>				

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**Section 6: Immigration Status**

30. From which British Diplomatic post overseas did you obtain entry clearance and/or a visa?

31. What is your current immigration status in the UK?

32. When does your leave expire?  day  month  year

**Section 7: Details of your family (for HSMP, TWES and single entry WP)**

Please note that this section does not apply to SAWS and SBS participants and multiple-entry work permit holders. Under the immigration rules, dependants are not allowed to accompany the worker as a dependant.

33. If you have a partner and/or children currently living with you in the UK and you are applying on their behalf for an extension of stay as your dependants, please give their details below.

Name	Date of birth	Nationality	Passport number	Relationship to you

**Section 8: Your Home and Finances**

34. Is your home in the UK:

- Owned by you?
- Rented from a local authority by you?
- Privately rented by you?
- Owned or rented by a relative or friend?
- Other (please give details)

35. Do you or your spouse (or both) pay any mortgage or rent for your home? No  Yes   
 If you have answered yes, how much do you or your spouse (or both) pay each month? £

36. Are you receiving any public funds? (See the guidance for a definition of public funds under the immigration rules) No  Yes   
 If you have answered yes, which are you receiving?

37. Are you working in the UK? No  Yes   
 If you have answered yes, what is your net pay each month? £

38. Does a relative or friend regularly give you money? No  Yes   
 If you have answered yes, how much money do you receive each month? £

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**Section 9: Criminal Convictions**

39. Have you ever received a prison sentence in the UK or elsewhere? No  Yes

If you answered yes to the above question, please give details as required below, starting with the most recent. If you have received more than three sentences you should continue on another sheet and provide it with your application.

	First sentence	Second sentence	Third sentence
Nature of offence			
Date sentenced			
Length of sentence			
Country where sentenced			

**Section 10: Additional Information for HSMP extension applicants only**

If you have previously been given permission to stay in the UK under the Highly Skilled Migrant Programme (HSMP) and you are applying to extend your stay in this category please, complete questions 40-44 and provide additional documentary evidence as indicated in Part 6 of the Guidance Notes.

40. What is your current profession?

41. What business sector are you currently working in?

42. Are you self-employed?  Yes, go to question 43  No, go to Question 44

43. How many people do you employ in the UK?  (state number)

44. How many people does your employer employ in the UK?  0 to 249 (State number)  250 or more (Tick box)

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## Section 11: Documentary Evidence

- The documents and photographs required in support of your application, as well as those of any dependants included in the application, are listed below.
- You only have to provide those that are relevant to your application.
- Tick the boxes next to the relevant items to show the documents and photographs you are sending.
  - Two recent passport-sized photographs of yourself with your name written on the back of each photograph.
  - HSMP, TWES and WP applicants only.** Two recent passport-sized photographs of each dependant applying for an extension of stay in the UK with you with each dependant's name written on the back of the photograph.
  - Your current passport or travel document – if you last entered the UK on a previous passport or travel document, please also provide this document if you have it.
  - HSMP, TWES and WP applicants only.** Current passport(s) or travel document(s) for each dependant applying for an extension of stay in the UK with you – if they last entered the UK on a previous passport(s) or travel document(s), please also provide these documents if you have them.
  - Your police registration certificate (if you have been asked to register with the police).
  - HSMP, TWES and WP applicants only.** The police registration certificate(s) for each dependant applying for an extension of stay in the UK with you (if they have been asked to register with the police).
  - Evidence that you have the funds to maintain and accommodate yourself and any dependants without recourse to public funds. The evidence must be formal documents such as bank statements, a building society passbook, or wage slips (but do not send us cheques, travellers cheques or credit cards). If a relative or friend is supporting you, the evidence should be a letter from him/her confirming this together with formal documents showing their financial situation. (The documents provided should cover at least the last 3 months).
  - HSMP, TWES and WP applicants only.** A full birth certificate (i.e. one which shows the parents' name) for each dependant child whom you are applying for an extension of stay in the UK with you.
  - HSMP, TWES and WP applicants only.** Your marriage certificate if you are applying for an extension of stay in the UK for your spouse.
  - HSMP, TWES and WP applicants only.** If you are applying for an extension of stay in the UK for an unmarried partner, you should provide document(s) showing that you and your partner have been living together in a relationship akin to marriage which has subsisted for 2 years or more.
  - If you have applied for a HSMP extension, you must send us documents showing your economic activity over the last 12 months. See the guidance notes for further details.
  - If you are applying under SAWS, please provide a letter from your operator confirming your employment has been extended.

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### Section 12: Applicants Declaration

You must now read the declaration below and sign it. It must be signed by you (the applicant) and not by a representative or other person acting on your behalf.

- I hereby apply for an extension of stay in the UK for myself, and any dependants listed in this form.
- The information I have given in this form is complete and is true to the best of my knowledge.
- I declare that the photographs submitted with this form are a true likeness of myself and any dependants included in the application, as named on the back of each photograph.
- I confirm that if, before this application is decided, there is a material change in my circumstances or new information relevant to this application becomes available, I will inform Work Permits (UK).
- I understand that all information given by me will be treated in confidence by the Home Office but that it may be disclosed to other government departments, agencies, local authorities and other bodies where necessary for immigration and nationality purposes or to enable them to carry out their functions.
- I agree to co-operate with Work Permits (UK) officials, or any other officials charged by the Secretary of State for the Home Department, with conducting pre issue and post issue checks on compliance with the immigration employment document application.
- I am aware that it is an offence under the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999 and the Nationality, Immigration and Asylum Act 2002, to make to a person acting in execution of any of those Acts a statement or representation which I know to be false or do not believe to be true, or to obtain or seek to obtain leave to remain in the United Kingdom by means which include deception.
- If this leave to remain application is linked to a Training or Work Experience, Seasonal Agricultural Workers' Scheme or Sectors Based Scheme application, I understand and accept that I must return overseas at the end of the employment period.

Please tick this box if you do not wish to receive further information and publicity from Work Permits (UK)

Your signature	<input type="text"/>	Date	<input type="text"/>
Name (CAPITALS please) <input type="text"/>			

Would you like correspondence and documents relating to this application to be sent to the employer, representative, or in the case of SAWS, your operator? No

If you answer yes please get them to complete the declaration on the next page. Yes



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### Section 13: Representative Declarations

If a representative or your employer is dealing with this application on your behalf, please complete the details below.

Name of the employer or representative company	
Address (including post code)	
Name of contact (if different from below)	
Telephone number	
Fax number	
E-mail address	

This declaration **MUST** be signed by an employer or representative.

- I have been appointed by the applicant to make this application.
- I confirm that the applicant has completed and signed the application, and that the application is, to the best of my knowledge and belief, true and complete.
- Once the application is decided I will provide the applicant with all correspondence from you relating to your decision.
- I agree to co-operate with Work Permits (UK) officials, or any other officials charged by the Secretary of State for the Home Department, with conducting pre and post issue checks on compliance with the immigration employment document application.
- I declare that I am permitted to provide immigration advice and immigration services by section 84 of the Immigration and Asylum Act 1999.
- I am (tick as appropriate)

Registered or exempted by the Office of Immigration Service Commissioner (OISC)

My OISC number is:

Authorised to practice by a designated professional body or supervised by such a person

- The Law Society
- The Law Society of Scotland
- The Law Society of Northern Ireland
- The Institute of Legal Executives
- The General Council of the Bar
- The Faculty of Advocates
- The General Council of the Bar of Northern Ireland

Designated professional body is:

My supervisor is (if appropriate):

Registered with or authorised by an EEA body responsible for regulation of the provision of legal advice in that EEA state; or employed or supervised by the person registered as defined in section 84(2) (d), (e) and (f).

The registered or authorised EEA body is:

My supervisor is (if appropriate):

Within a category of person specified in an Order made by the Secretary of State under subsection 84 (4) (d) of the Immigration and Asylum Act 1999.

Please tick this box if you do not wish to receive further information and publicity from Work Permits (UK)

Signed		Date	
Name (CAPITALS please)			
Position			
For and on behalf of (the representative/employer)			

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2003 (“the 2003 Regulations”). The 2003 Regulations prescribe forms to be used for applications for leave to remain in the United Kingdom and the procedures to be followed in relation to an application for which a form is prescribed.

Regulation 3 of these Regulations inserts into the 2003 Regulations a new regulation 3A which prescribes the form to be used for an application for limited leave to remain in the United Kingdom for work permit employment, as a highly skilled migrant or a seasonal agricultural worker, for the purpose of employment under the Sectors-Based Scheme, or for Home Office approved training or work experience. The form, which is set out in the Schedule to these Regulations, is inserted by Regulation 8 as Schedule 1A to the 2003 Regulations.

Regulation 6 of these Regulations amends the prescribed procedures to provide that an application for which a form is prescribed in new regulation 3A must be sent by prepaid post or by courier to Work Permits (UK) at the Immigration and Nationality Directorate of the Home Office.