



Home Office

Afghan Locally Employed Staff – relocation schemes

Version 3.0

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About this guidance

This guidance explains the two schemes designed to help current and former locally employed staff (LES) in Afghanistan: the ex-gratia scheme (EGS) and the Afghan relocations and assistance policy (ARAP), and the process for LES who qualify to relocate to the UK under those schemes. Eligibility for the schemes is assessed by the employing Government department and not the Home Office.

It also explains to UK Visas and Immigration (UKVI) staff how to consider applications for entry clearance and for settlement for those already granted limited leave under these schemes; how to process applications from family members seeking to join the relocated LES; and how to process requests for leave in line for UK born children of parents with limited leave.

This guidance sets out the following policy adjustments in advance of changes to current published policy under Part 7, paragraphs 276BA1 to 276BS1 of the Immigration Rules (Limited Leave to Enter for Relevant Afghan Citizens). These changes will be formalised in a Statement of Changes to the Immigration Rules to be laid in Parliament which will come into effect on 6 October 2021:

- LES can apply for relocation under the ARAP and EGS from outside Afghanistan (including those already in the UK), despite the Immigration Rules currently stating they must be in Afghanistan to apply under the Schemes
- LES who meet the requirements for entry clearance will be issued with indefinite leave to enter, despite the Immigration Rules currently stating they will be granted limited leave to enter for a period of 5-years
- Relevant Afghan citizens (as defined in paragraph 276BB1) already in the UK with limited leave can apply for indefinite leave to remain at any time, despite the Immigration Rules currently stating they must have completed at least 5-years with limited leave before they are eligible for settlement

If LES ask to relocate with additional family members not covered by the Immigration Rules, you must refer to ARAP additional dependants guidance.

This guidance does not cover asylum applications from Afghan LES. Staff dealing with asylum claims must refer to the Asylum claims by former locally engaged staff in Afghanistan guidance.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Armed Forces Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **3.0**
- published for Home Office staff on **01 September 2021**

Changes from the last version of this guidance

This is the third version of this guidance published in this format. It sets out policy change in advance of those changes being set out in a Statement of Changes to the Immigration Rules to be laid in Parliament in the Autumn of 2021 which will:

- allow LES to apply to the EGS or ARAP schemes from outside Afghanistan
- allow LES who meet the requirements for entry clearance to be granted indefinite leave to enter
- allow LES (and their family members) already in the UK to apply for indefinite leave to remain before the end of their current period of 5 years' limited leave

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Introduction

Purpose of instruction

This guidance tells you about the two schemes designed to help current and former Afghan Locally Employed Staff (LES) who worked for or with Her Majesty's Government (HMG) in Afghanistan. It provides guidance on the requirements for those applying for leave to enter the UK under either the ex gratia scheme (EGS) or the Afghan relocations and assistance policy (ARAP); on considering settlement applications from those granted limited leave under the schemes; and on processing requests for leave in line for UK born children of parents with limited leave.

This guidance does not cover considering asylum claims from former local staff. Where such matters arise caseworkers must refer to Asylum claims by former LES in Afghanistan.

Background

Following the drawdown of UK military operations in Afghanistan, the Government introduced two schemes to support current and former LES who worked for British Forces, often in dangerous and challenging situations. This was in recognition of the commitment and bravery shown by local staff who supported UK forces in Afghanistan. These policies are designed to provide appropriate support that honours their service and properly reflects their work and the risks involved.

The ex-gratia scheme caters for those who worked directly for HMG on 1 May 2006 and had served for more than 12 months when they were made redundant or resigned. The scheme provides a range of in-country packages of assistance and, for those who meet the criteria, relocation to the UK with their dependent partner and child(ren). It will run until November 2022 at which point the ARAP (see below) will be the sole route to relocation in the UK for Afghan former LES.

The intimidation policy, introduced in 2010, ran until 31 March 2021 when it was replaced with the ARAP. The intimidation policy was designed to support LES whose safety was threatened in Afghanistan and who were at genuine risk due to their work with the UK, and was open to all current or former LES employed directly by HMG in Afghanistan since 2001, regardless of their role, job, length of service or reason for leaving. Where there was evidence of a threat, appropriate mitigation measures were put in place ranging from security advice, financial assistance or relocation to a safer part of the country or in the most serious cases, relocation to the UK.

The ARAP reflects the changing situation in Afghanistan. There are three channels for relocation to the UK under the ARAP. The first channel offers urgent relocation by priority to those assessed to be at risk of serious threat to life due to their work with HMG. This channel is open to all current or former staff employed directly by HMG in Afghanistan since 2001, regardless of their role, job, length of service or reason for leaving. The assessment process is informed by regular strategic and operational intelligence reporting. The second channel offers relocation by default to a select group of directly employed current and former employees in exposed roles, such as

certain embassy support staff, those in political or counter-terrorism roles, or cultural advisors and interpreters, who could face threats related to their occupation. The third channel offers relocation to a small group of special cases who worked in highly sensitive roles, by ministerial approval.

Those who either do not want to relocate or who are not eligible will be offered other support such as security advice and relocation within Afghanistan.

Those who qualify and choose to relocate to the UK with their families are not expected to return to Afghanistan. The deteriorating security situation in Afghanistan has hastened the need to relocate those who are eligible and their families as a matter of urgency, hence changes set out in this guidance are coming into effect immediately, in advance of changes in the Rules coming into effect.

Accelerated Afghan relocation and assistance policy

In light of the changing security situation in Afghanistan, the Government is significantly accelerating the pace of relocations. As part of that, some of the processes set out in this guidance may be subject to change quick catch up at short notice in order to facilitate speedy relocation of LES.

If you need more information on any of these processes, you should contact the Armed Forces Policy team.

Policy intention

The policy objective in offering a range of support packages under these schemes, which includes an option to relocate to the UK for those who are eligible, is to:

- honour their service by providing generous support that properly reflects their work and the risks involved, especially for interpreters who worked alongside UK Forces in frontline roles
- ensure that those who choose to relocate to the UK can do so permanently with their partner and child(ren), to build their lives and their future in the UK

Applications in respect of those with children

When applying this guidance, you must take into account the circumstances of each case and the impact on children, or those with children, in the UK. Section 55 of the Borders, Citizenship and Immigration Act 2009 places an obligation on the Secretary of State to take account of the need to safeguard and promote the welfare of children in the UK when carrying out immigration, asylum and nationality functions.

In practice, this requires you to consider the best interests of the child in decisions that have an impact on that child. This is particularly important where the decision may result in the child having to leave the UK, where there are obvious factors that adversely affect the child, or where a child or a person caring for the child ask us to take particular circumstances into account. All decisions must demonstrate that the child's best interests have been considered as a primary, but not necessarily

the only, consideration. You must be vigilant that a child may be at risk of harm and be prepared to refer cases immediately to a relevant safeguarding agency where any child protection issues arise.

Afghan LES who qualify for relocation to the UK can bring their partner and child(ren) with them free of charge. Where the LES entered the UK with limited leave to enter, their child(ren) can also apply for settlement when their parent(s) does(do). Settlement applications on this route are also free of charge. Any applications involving children must be processed in a timely way.

A child born in the UK to a settled parent (where the child is born in the UK after the relevant Afghan citizen parent enters the UK with indefinite leave to enter, or is born in the UK after their parent is granted indefinite leave to remain), is automatically British in accordance with the British Nationality Act 1981 and can apply for a British passport, or ask for a letter confirming citizenship to show their immigration status. Those who are automatically British do not need to apply for leave. Guidance on British citizenship is found here: [Check if you can become a British citizen - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-if-you-can-become-a-british-citizen)

Where there are child welfare or protection concerns that may involve safeguarding issues within the family unit the case must be referred immediately to the local safeguarding team, who will refer the case to the relevant local authority in accordance with guidance on making safeguarding referrals. In an emergency the case must be referred to the police. The Office of the Children's Champion can also offer advice on issues relating to children, including family court proceedings and complex cases.

The Home Office guidance on '[Every Child Matters – Change for Children](#)' sets out the key principles to take into account in all cases involving a child in the UK.

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Relevant Legislation

This section tells you which section of the Immigration Rules relates to Afghan LES.

Immigration Rules

[Part 7 of the Immigration Rules](#) provides the legal framework for those eligible for relocation under the ex-gratia scheme or who have been assessed as being in need of relocation under the ARAP.

Paragraphs 276BA1 to 276BS1 cover Afghan LES relocating under the schemes.

Paragraphs 276BE1 to 276BS1 define who can qualify as a partner and minor dependent child under the relocation schemes:

Paragraph 276BE1 provides that a partner or minor dependent child to apply for leave to enter as dependants.

Paragraphs 276BK1 to 276BK2 set out the definition of a partner and 276BL1 sets out the relationship requirements of a partner.

Paragraph 276BP1 sets out the definition of a minor dependent child and 276BQ1 sets out the relationship requirements of a minor dependent child.

Paragraphs 304-309 set out the provisions relating to UK born children who are not British citizens.

Paragraphs 276BS2 to 276BS4 refer to indefinite leave to remain for relevant Afghan citizens granted limited leave to enter.

These Rules will be changed to allow for the policy set out in this guidance in Autumn 2021.

Related content

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Ex-gratia scheme

This section explains the ex-gratia scheme, which is available to Locally Employed Staff (LES) who have worked, or are working, in Afghanistan. Eligibility for the scheme is assessed by the Government department responsible for employing the member of staff and not by the Home Office.

Ex-gratia scheme overview

On 4 June 2013, the Secretary of State for Defence announced the scheme to make ex-gratia offers to eligible LES who have been or would be made redundant as a direct consequence of the UK's military drawdown from Afghanistan.

In October 2020, the scheme was expanded to make ex gratia offers to eligible LES who resigned having worked for the UK Government in Afghanistan.

The scheme will close on 30 November 2022, at which point the Afghan relocations and assistance policy will be the sole route for assistance, including relocation to the UK, for Afghan LES.

The offers available under the ex gratia scheme are:

- a financial package
- a training with financial support package
- the possibility for some LES to relocate to the UK

Eligible LES can only accept one of the offers available under the scheme.

Financial offer

The eligibility criteria for the financial offer under the scheme are that the LES must have been:

- employed directly by the UK Government
- made redundant on or after 12 December 2012
- in the UK Government's employment for a minimum of 12 months

Eligible LES receive payments calculated by reference to their gross salary, excluding allowances. In the first month, eligible LES will be paid an equivalent of 3 months' salary, followed by an additional 15 monthly payments, each equivalent to their monthly salary.

Training offer

The eligibility criteria for the training offer under the scheme are that the LES must have been:

- employed directly by the UK Government

- made redundant on or after 12 December 2012
- in the UK Government's employment for a minimum of 12 months

LES receive up to 5 calendar years of training or education funded by the UK Government and a fixed regular sum equivalent to their gross monthly salary (without allowances) at the date on which the offer is made. The LES can select any technical, vocational, academic or training course of their choosing provided it is accredited. All training must be undertaken in Afghanistan. LES will also be able to gift the training offer to members of their close family.

Relocation offer

The relocation offer provides the possibility for some LES to relocate to the UK. The eligibility criteria for relocation under the scheme are that the LES must have been:

- employed directly by the UK Government at the time of their redundancy or resignation in a role which took them regularly 'outside the wire' on the frontline in Helmand
- made redundant or resigned on or after 1 May 2006
- directly employed by the UK Government on the frontline for a minimum of 12 months continuously

LES eligible for the relocation offer will have been based in Helmand where they faced regular danger from threats, including insurgent forces and improvised explosive device attacks. They fulfilled roles such as clerk, interpreter, translator or cultural advisor and equivalent LES roles in other government departments. Those who served for a minimum of 12 months in a qualifying role but who were moved for departmental or operational reasons into non-qualifying roles will be treated as eligible for the relocation offer.

Seriously injured LES will be eligible for relocation where they would have been eligible had their employment not been terminated due to injuries sustained.

LES who meet the eligibility criteria will be offered a relocation package, which provides the opportunity to apply for limited leave to enter the UK under [Part 7 of the Immigration Rules](#). In accordance with this guidance, those who meet the requirements for entry clearance as LES will receive indefinite leave to enter the UK. Those who relocated to the UK before publication of this guidance, were granted five years' limited leave to enter.

The [Ex-Gratia Scheme guidance](#) on gov.uk provides further detail regarding the three offers available under the scheme and the eligibility criteria, which is assessed by the employing government department.

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Afghan relocations and assistance policy

This section tells you about the Afghan relocations and assistance policy (ARAP) and the support available to LES in Afghanistan. Eligibility under the policy is assessed by the Government department responsible for employing the member of staff and not by the Home Office.

How to make a claim under the Afghan relocations and assistance policy

The UK Government provides support to current and former locally employed staff in Afghanistan who face intimidation or threat as a direct result of their employment with the UK.

A claim can be made by any current or former local staff who has been employed directly by the UK Government in Afghanistan since 2001, from the first day of their employment, regardless of their role, job or length of service.

The relocations and assistance policy is administered by a specialist team based in Kabul – the Afghan Threat and Risk Evaluation Unit (ATREU) – which was set up to assist and support local staff who are threatened as a result of their work with the UK.

It operates under a tiered approach, with high risk local staff who face imminent threat being relocated urgently. Local staff who are in the public eye and who could be at risk as the security situation evolves are relocated to the UK on a routine basis, and those not eligible to move are offered other support such as security advice and relocation within Afghanistan.

There will continue to be other assistance available such as internal moves in country and bespoke security advice, where appropriate and accepting that not all are able or willing to relocate.

Relocations under the new scheme are two-speed with a fast track for relocation of priority cases, and a routine track for less urgent cases. Initial assessment of exposure due to work with HMG dictates which track is most suitable in each case.

There are four categories of applicant:

- Category 1 High risk: imminent threat requiring urgent relocation
- Category 2 Eligible for relocation by default: routine relocation required
- Category 3 Not eligible for relocation: Other support offered
- Category 4 Special cases: Case-by-case basis

Responsibility for assessing applications rests with the department which employed the LES.

LES who are concerned for their safety should contact the Afghan Threat and Risk Evaluation Unit (ATREU) in Kabul on **0093 (0)792 907 303** or at LocalStaff-Afghanistan@mod.gov.uk.

Further information, including an online application form, can be found on the [GOV.UK ARAP page](#). LES applying from outside Afghanistan should be aware those within Afghanistan will be prioritised, unless there is a risk of imminent deportation from their current location, when LES may inform the Ministry of Defence using the details above.

Cases assessed as requiring urgent relocation will be given priority with an expected timeline of 2 weeks for the relocation process to begin.

LES assessed as being at medium risk will be informed of the outcome of their case within 4 weeks of the case being submitted. The LES will be offered an in country move to an area within Afghanistan of the claimant's choice. They will be eligible for like for like accommodation. The LES will be provided with bespoke security advice on how the claimant can best maintain the security of themselves and their family while remaining in Afghanistan.

Where a claimant has accepted the offer of assistance to move in country a payment should be calculated by the in-country team. Three months of payments are to be made when moving property comprised of moving costs and 3 months' rent.

LES assessed as being at low risk level will be informed of the outcome of their case within 4 weeks of the case being submitted. The LES will be provided with bespoke security advice on how the claimant can best maintain the security of themselves and their family while remaining in Afghanistan.

The LES will be supported in the completion of an application form by the Afghan Threat and Risk Evaluation Unit in Afghanistan which will be considered by the Home Office and assessed in accordance with paragraphs 276BA1 to 276BS1 and following of the Immigration Rules.

Decision on claims under the Afghan relocations and assistance policy

Once a decision has been made about an application under the policy about the level of support that should be given, this will be conveyed to the LES by the Afghan Threat and Risk Evaluation Unit (ATREU). A record will be kept of the investigation and of the final decision.

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Entry clearance applications

This section tells you about the entry clearance process for LES who are seeking to relocate to the UK under the ex-gratia scheme or Afghan relocations and assistance policy.

Relocation scheme: entry clearance process

LES who meet the eligibility criteria for relocation will be offered a relocation package for themselves and their immediate family (one partner and children). They will be granted indefinite leave to enter the UK.

For those LES in Afghanistan, the British Embassy Kabul (BEK) arrange for LES to complete a Visa Application Form (VAF) and for their biometrics to be taken. The BEK also arrange for medical screening and marriage verification if necessary.

For LES outside Afghanistan, including those who are in the UK, applications will be dealt with on a case by case basis depending on their location. Further information, including an online application form, can be found at [GOV.UK ARAP](#). LES applying from outside Afghanistan should be aware those within Afghanistan will be prioritised, unless there is a risk of deportation from their current location, in which case the LES may inform the Ministry of Defence of this using the details above

Visa applications under the relocation schemes are exempt from fees. Applications are forwarded to the Home Office in Sheffield which will refer the applications to the Screening Information and Research Team (SIRT). Afghan LES, their partner and any dependants are also referred for relevant security checks. UKVI staff will then decide the requirements for entry clearance and indefinite leave to enter are met.

Applicants who meet the requirements for entry clearance to the UK will be granted indefinite leave to enter the UK.

To qualify for leave to enter, the LES must be:

- an Afghan citizen
- 18 years of age or older

Those relocated under the ex gratia scheme will have been employed in Afghanistan by the Ministry of Defence (MOD), the Foreign, Commonwealth and Development Office (FCDO) (or previously the Foreign and Commonwealth Office (FCO) or the Department for International Development (DFID)) and have been made redundant or resigned on or after 1 May 2006.

They must also have been deemed to qualify for the ex gratia relocation package or for relocation under the ARAP by the MOD or FCDO.

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Relocation process

This section provides information on the process of arrival for Afghan LES.

Relocation

When the entry clearance is granted, the Resettlement Operations team in the Home Office contact local authority providers to source suitable accommodation and agree an arrival date. The British Embassy Kabul (BEK) then contacts the LES to let them know the relocation date and arrange pre-flight briefings and 'fit to travel assessments' before departure. The Home Office also notifies Border Force of all planned arrivals.

On arrival in the UK, information letters are issued to LES by the Home Office which detail various aspects of life in the UK. From October 2017, all arrivals have been issued with a Biometric Residence Permit (BRP) which is sent by the Home Office to the local authority for them to issue. The BRP is sent to the provider on the day of arrival in the UK and it is issued by the provider who will explain what it is as part of the integration support that they receive. The BRP confers the persons immigration status and enables them to prove their right to be in the UK.

Local authority responsibilities

The local authority is responsible for providing integration support including arrangements for obtaining school places, health services and National Insurance Numbers. The local authority provides a 12 month integration support package that includes helping arrivals to access education places for children, health services and access to mainstream benefits.

LES are not eligible for benefits until they can satisfy the Habitual Residency Test set by the Department of Work and Pensions (DWP) which can take up to 3 months, so the local authority supports those who arrive under the relocation schemes for up to 12 months. The support provided by local authorities is funded by the relevant employing department, but all requests for payments are dealt with by the Home Office. The local authority claims an initial payment on arrival and a further payment after the 12 month period has ended.

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Dependants

This section explains how to deal with dependants of Afghan LES.

Who can qualify as a dependant?

A partner and any minor dependent children of a LES can apply for entry clearance to the UK when the LES does.

Paragraphs 276BE1 to 276BS1 of the [Immigration Rules](#) define who can qualify as a partner and minor dependent child of a LES.

All dependants under the ex-gratia scheme or Afghan relocations and assistance policy must be Afghan citizens when the applications are made. The LES' application must include details of all dependants seeking relocation at the time the application is made, including any dependants who intend to relocate to the UK after the LES. Where the LES is in a polygamous marriage, only one partner can apply to enter the UK.

It is the responsibility of the applicant and their dependants to provide sufficient evidence to demonstrate they are related as claimed. Where sufficient evidence to prove the claimed relationship has not been provided, for example, because there are concerns about any documentary evidence previously submitted, you may request further information. Such requests should be sensible and realistic, bearing in mind the situation in Afghanistan. Where documents cannot be produced or verified or where an application is based on a relationship akin to marriage you may interview the LES.

Further information should normally be provided within 4 weeks of the invitation being sent but you should exercise discretion where an applicant provides this evidence after more than 4 weeks, as there are often good reasons for delays in Afghanistan.

Pre-existing family members travelling later

Pre-existing family members, who qualify for relocation under the schemes, can travel to the UK separately to the LES. The requirement for dependants to travel to the UK at the same time was removed through the [Statement of changes to the Immigration Rules](#) dated 7 March 2019, which came into force on 6 April 2019.

Marriage after relocation

Only those dependants who are eligible and were included on the application at the time the LES applied are eligible for relocation under the schemes. Where people choose to marry or start a relationship after relocating to the UK, their partner will not be eligible to relocate to the UK under either of the relocation schemes. They can instead choose to apply to come to the UK under the Immigration Rules, or apply under the additional dependants guidance to be considered on an exceptional basis

outside the Immigration Rules. They would need to apply for leave to enter at the nearest Visa Application Centre and meet the relevant requirements of the Rules or demonstrate exceptional circumstances to justify granting leave to enter outside the Immigration Rules.

Additional family members: exceptional circumstances

For those cases where the LES would like additional family members to relocate with them due to exceptional circumstances related to the level of risk or the level of dependency, the guidance on ARAP - additional family members must be followed. An applicant must provide sufficient evidence to demonstrate that such exceptional reasons exist to warrant a grant of leave on an exceptional basis.

Children born in the UK to a relevant Afghan citizen with limited leave to enter or remain

Paragraphs 304 to 309 of the [Immigration Rules](#) set out eligibility requirements for UK born children to be granted leave in line with parents who have limited leave to enter or remain in the UK but who are not settled for the purposes of the Immigration Rules.

UK born children of Afghan LES who have relocated under the schemes who hold limited leave to enter or remain, can be granted limited leave in line with their parents on request. There is no fee associated with this application.

Such children may apply for indefinite leave to remain when their parent does.

Requests for leave in line for UK born children should be sent to: Linda Critchley, Leave in Line team, 7th Floor, The Capital Building, Liverpool, L2 0QN, with the following information:

- covering letter requesting leave in line with the details of the parent that has relocated and their Home Office reference number
- original long birth certificate for the UK born child
- two recent passport photographs with the name of the child on the back

The original Biometric Residence Permit (BRP) for the parents is not needed.

Children born in the UK to a settled parent

Where the LES enters the UK with indefinite leave to enter or has been granted indefinite leave to remain in the UK is considered present and settled in the UK. A child born to a settled parent in the UK is automatically a British citizen. As a British citizen they have an automatic right of abode in the UK and do not need to apply for any other status. They can apply for a British passport or ask for a letter confirming citizenship to show their immigration status.

DNA evidence

Applicants cannot be required to provide DNA evidence to support an immigration application. However, in some circumstances applicants may choose to do so as it may be the simplest and most effective means for them to prove their claimed relationship. Applicants may choose to do so proactively, or, where evidence already provided is insufficient to demonstrate the claimed relationship, you may invite them to submit further evidence, which could include DNA evidence as one of a range of options to prove the relationship. It must be entirely voluntary, and it is the applicant's choice whether to provide DNA evidence.

Any DNA evidence which is provided must be from an ISO-accredited testing laboratory, and it is strongly recommended that the applicant provide evidence that the DNA sampling process met adequate collection standards. Every person aged over 16 who has agreed to provide a DNA sample must provide evidence of their consent in writing to the DNA testing laboratory. The person who has parental responsibility for the child, must provide written consent to the testing laboratory on behalf of children who are aged under 16.

Where a decision can be made on whether the claimed biological relationship exists without further evidence, such as DNA evidence, the applicant must not be invited to volunteer further evidence. If an applicant chooses not to provide DNA evidence, no negative inferences can be drawn from this. In the absence of DNA evidence, an application must be determined by carefully considering the available evidence.

Where DNA evidence is voluntarily provided to prove paternity, it is advised that DNA samples from both parents and the child are tested, as this produces more accurate results. However, there may be circumstances where this is not always possible.

For further detailed guidance on the Home Office DNA policy, see [DNA policy guidance](#).

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Settlement applications

This section provides information on the route to settlement for Afghan LES who arrived prior to the publication of this guidance. All those who arrived after the publication of this guidance will have been granted settlement already.

Settlement route

LES who apply for and meet the requirements for entry clearance will be granted indefinite leave to enter the UK. Those with limited leave can apply at any point for indefinite leave to remain/settlement.

The Immigration Rules (paragraphs 276BS2 to 276BS4) provide a specific route to settlement for relevant Afghan nationals and their immediate family members who were granted limited leave to enter under Immigration Rules 276BA1 to 276BS1 and any dependants granted limited leave in line.

All applications for settlement under these provisions must be made on [SET\(AFG-LES\)](#) available on the [GOV.UK](#) website. Any attempt to make an application by any other way, i.e. by telephone or email, cannot be accepted. The address to send applications is on the [SET\(AFG-LES\)](#) form and the gov.uk website.

Only applications for settlement from individuals in one of the following categories can be accepted:

- a person who was granted 5 years' limited leave to enter as Afghan LES under the ex-gratia scheme, intimidation or Afghan relocations and assistance policy under paragraphs 276BA1 to 276BS1 of the Immigration Rules
- a dependant granted limited leave under the ex gratia scheme, intimidation or the relocations and assistance policy in line with the main applicant under paragraphs 276BA1 to 276BS1 of the Immigration Rules, including any child born in the UK to a parent who did not hold indefinite leave to enter or remain at the time of their birth

Fee exemption

Afghan LES can apply for leave free of charge. Whilst applications are normally subject to a charge there is specific provision within Immigration and Nationality Fees legislation that enables Afghan LES to apply without charge. This is in recognition of the unique contribution they made to UK forces in Afghanistan.

How to submit a settlement application in the UK

The applicant must complete the [SET\(AFG-LES\)](#) application form and send it to the following address along with any supporting documents:

SET(AFG-LES)
Department 289

UK Visas and Immigration
The Capital
New Hall Place
Liverpool
L3 9PP

Completed applications are received by Nationality Post Team and recorded as delivered. If the applicant has used a tracked mail service, they will be notified that their application has been delivered. If you receive a completed application from another area of UKVI you can accept this and should speak to a technical specialist about the application raised date.

Actions on receipt of the settlement application

The following actions must be completed:

- record the application on GCID under case type: Afghan LE Staff - ILR
- scan photographs of the main applicant and any dependants onto CID
- complete Standard CID Note for Data Entry
- mandatory security checks
- issue biometric enrolment letter to all applicants within application

Incomplete applications received

If any mandatory sections of the [SET\(AFG-LES\)](#) application form are not completed, you must write to the applicant to request the missing information and if no response is received within 14 days, the application may be rejected.

You can use discretion and accept the application as valid if a mandatory section of the form is not completed but the applicant provides the required information elsewhere in the application.

Actions if the application is rejected

If the application is to be rejected as you must:

- mark the application as 'invalid', sign and date the top of section 1
- record the reasons why the form is invalid in the case notes field of CID
- enter 'reject' into the CID outcome field

Applications made in the UK for indefinite leave to remain after the person's limited leave to enter or remain has expired

Where an individual does not make an application for settlement before their leave expires, they become an overstayer and can no longer benefit from any conditions that accompanied their grant of leave – such as the right to work or access to

mainstream benefits. They should seek to regularise their immigration status in a route available to them, or leave the UK.

Criminality checks

If there is a positive result on criminality checks, you must contact the Armed Forces Policy team for further guidance.

Granting settlement

Where the applicant and any qualifying dependants meet the requirements for entry clearance and are granted indefinite leave to enter, or to be granted settlement in the UK, they will be granted indefinite leave.

Everyone granted leave of 6 months or more will receive a Biometric Residence Permit (BRP) to indicate their status in the UK. If an applicant presents an Immigration Status Document (ISD) as proof of status and a grant of leave is appropriate, the updated document will be a BRP.

Where a decision is made to grant settlement:

- check the status of the main applicant and all dependants included in the application
- check photographs of the main applicant and any dependants included in the application are scanned onto CID and the 'condition code' is completed
- enter condition code 'ILR'

Refusing Settlement

Settlement can only be refused on the grounds set out in paragraph 276BS4 of the Immigration Rules and otherwise where the requirements for limited leave to enter under paragraphs 276BA1 to 276BS1. An applicant refused settlement in the UK may apply to have their residence permit extended in accordance with paragraphs 276BA1, 276BJ1 or 276BO1 of the Immigration Rules.

If you are considering refusing settlement you must contact the Armed Forces Policy team as soon as possible for further guidance before a decision is made.

Dependants and UK born children

Dependants granted leave under paragraph 276BJ1 or 276BO1 and children born in the UK to parents who have relocated under the ex-gratia scheme or intimidation policy who have limited leave to enter or remain can apply for settlement with their parent(s). There is no fee associated with this application.

Divorced spouses

In cases where partners have relocated to the UK, but subsequently divorced, both must apply for status at the end of their limited leave, along with any children.

Applications must be made individually, but with full details of current marital status and details of arrangements concerning children, if appropriate.

You must contact the Armed Forces Policy team before a decision is made.

Complex cases

In complex cases such as, but not limited to, those involving children, adoption, relatives who do not qualify under the rules and other cases that require exceptional consideration, reference must be made to the Armed Forces Policy team with full details as soon as possible for further guidance before a decision is made.

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