



Home Office

No time limit (NTL)

Version 16.0

This guidance tells caseworkers how to make decisions on no time limit applications.

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About this guidance

This guidance tells caseworkers about no time limit applications.

People who have indefinite leave in a legacy document, in a passport that is valid, lost, stolen or expired, or have no proof of their indefinite leave status, can have their indefinite leave transferred to a biometric residence permit by making a no time limit application.

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 Nationality Policy.

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 **16.0**
- published for Home Office staff on **06 April 2022**

Changes from last version of this guidance

- updated guidance to reflect the changed status of EEA nationals (and their family members) in the UK following the end of the grace period on 30 June 2021
- provided further instruction for adopting a 'balance of probabilities' approach when conducted casework assessments of continuous UK residence to establish leave has not lapsed
- remove reference to the application fee as there will be no charge for applications for an NTL BRP from 6 April 2022 onward

Related content

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Purpose of no time limit application

This page explains the reasons why a person may apply for a no time limit (NTL) biometric residence permit (BRP).

NTL is an administrative process by which a person with indefinite leave to enter (ILE) or indefinite leave to remain (ILR) can apply for confirmation of this status on a BRP. A person who has ILE or ILR is free of immigration time restrictions and considered to be 'settled' in the UK (if ordinarily resident).

A person may apply for NTL:

- to 'upgrade' their non-digital proof of ILR or ILE, for example, if they have a vignette in their passport, they can exchange this for digital confirmation of their status in the form of an NTL BRP
- if their passport containing an ILE, ILR or NTL endorsement has been lost, stolen or has expired
- where they are settled in the UK, but they do not have any documentary evidence confirming this (for example because they were deemed settled in the UK on 1 January 1973 in line with section 1(2) of the Immigration Act 1971)
- where they have legitimately changed their identity since being granted indefinite leave and want this confirmed on a BRP

It is not mandatory for a person to apply for an NTL BRP but there are benefits to doing so, for example, an NTL BRP:

- has enhanced security features which cannot be found on an old-style vignette (sticker) which means there is less chance of it being used fraudulently by another person
- is evidence that a person has the right to stay permanently in the UK and has a right to work and access certain benefits
- it enables individuals to prove their right to work or rent using the Home Office online checking services, which are simple and secure and will need to be used by BRP holders from 6 April 2022
- will facilitate travel to and from the UK

Applications for NTL must be made in the UK on the [NTL application form](#) and are free of charge.

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No time limit: eligibility

This page tells you about whether a person is eligible to apply for a no time limit (NTL) biometric residence permit (BRP).

Persons eligible to apply

In order to qualify for an NTL BRP, the applicant must:

- have indefinite leave to enter (ILE) or indefinite leave to remain (ILR) in the UK, including those who were considered 'settled' in the UK on or before 1 January 1973
- have not lost their ILE or ILR (for example by being absent from the UK for a continuous period of 2 years or more since 2000)
- continue to be entitled to ILE or ILR (for example the ILE/ILR has not been or will not be revoked)
- apply from within the UK using an [NTL application form](#)

Applicants who have limited leave cannot make an NTL application. They must make a [transfer of conditions](#) application if they wish to have their status confirmed on a BRP. The only circumstances in which a person with limited leave can make an NTL application is if they were given 2 months' leave to enter at port because the Border Force officer was not completely satisfied that they had indefinite leave on entry following their absence from the UK.

Crown Dependencies - Channel Islands and the Isle of Man

The Channel Islands and the Isle of Man do not form part of the UK. However, Schedule 4 to the Immigration Act 1971 states that persons who were given leave to enter or remain in the Channel Islands or the Isle of Man will also have valid leave in the UK. This also applies to indefinite leave. You may, therefore, receive NTL applications from people who have been issued indefinite leave in the Channel Islands or the Isle of Man and are now applying for confirmation of this status in the UK.

EEA nationals with indefinite leave to remain (not under the EUSS)

In some cases, an EEA national may have been granted indefinite leave under the Immigration Rules (other than Appendix EU to the Immigration Rules) and will be eligible for an NTL BRP. This may have happened, for example, where the EEA national:

- was granted indefinite leave as an EEA national before 30 April 2006 (the date on which the right of permanent residence was created under the EEA Regulations), or before the EU country which they are a national of, joined the EU

- is the spouse or partner of a person present and settled in the UK and was granted indefinite leave under the Immigration Rules (for example, Appendix FM) on this basis

Holders of ILR under the routes associated with the European Communities Association Agreement with Turkey (ECAA) are also eligible for NTL.

Dependants

Applicants can include the following dependants on their application form:

- spouse
- civil partner
- unmarried partner
- same-sex partner
- children who are under the age of 18

Children aged 18 or over cannot be included as dependants and must apply separately. Children aged over 18 who are included as dependants must have their application [rejected as invalid](#).

You must consider each dependant in the same way as the main applicant and be satisfied that each person has indefinite leave.

People who are not eligible to apply

You must not issue an NTL BRP where the person either:

- is a British citizen
- has the right of abode in the UK
- is an Irish citizen
- is a European Economic Area (EEA) national or their family member who acquired a right of permanent residence under the Immigration (European Economic Area) Regulations 2016 before they were revoked on 31 December 2020 subject to certain savings provisions
- is an EEA national or their family member who has been granted status under the EU Settlement Scheme (EUSS)
- has been granted permission on the British National (Overseas) (BN(O)) route

British citizens

British citizens have the right of abode in the UK and are not subject to immigration control. Any one of the following documents will normally be enough to determine whether a person is a British citizen:

- current British citizen passport
- certificate of registration or naturalisation as a British citizen
- UK birth certificate showing birth in the UK before 1 January 1983

- UK birth certificate showing birth in the UK on or after 1 January 1983 and evidence that either parent was either a British citizen or settled in the UK at the time of the birth
- a certificate of entitlement showing confirmation of British citizenship

Alternatively, you may be able to confirm a person is a British citizen by entries on relevant case-working systems.

If, at the point of making a decision on the NTL application, you confirm the applicant is a British citizen, you must void the application and send the applicant the appropriate decision letter, advising that they are not eligible for an NTL BRP because they are not subject to immigration control. If a fee was paid with an application made before 6 April 2022, a refund should be issued.

If a person has applied for naturalisation as a British citizen but their application has not yet been decided, you must grant the NTL application if they meet the requirements.

Right of abode

Some Commonwealth citizens who are not British citizens have the right of abode in the UK. This means that they are not subject to immigration control. A Commonwealth citizen may present a certificate of entitlement to the right of abode endorsed in a non-UK passport or travel document as evidence of the right of abode.

Alternatively, you may be able to confirm a person has the right of abode by entries on ATLAS.

If an individual with the right of abode made a paid application prior to 6 April 2022, a refund should be issued.

Irish citizens

Irish citizens are not normally subject to any form of immigration control on arrival in the UK. Ireland is part of the Common Travel Area and, because of section 3ZA of the Immigration Act 1971, Irish citizens do not generally require leave to enter or remain in the UK (although please note Irish citizens who are subject to a deportation order, exclusion direction or international travel ban do require leave to enter or remain in the UK). Because they do not generally require leave to enter or remain, Irish citizens who fall within section 3ZA of the 1971 Act are outside the scope of the BRP regime entirely and we cannot issue them with a BRP. Because of the special status of Irish citizens, it would be unnecessary in most cases for an Irish citizen to apply for an NTL BRP as confirmation of status.

British Nationals (Overseas)

British Nationals (Overseas) (BN(O)s) granted settlement under the Hong Kong BN(O) route are not eligible to make an NTL application as they will usually already have a secure digital status instead of a physical document. Some applicants, who were unable to verify their identity using the [‘UK Immigration: ID Check’ app](#) when applying for the BN(O) route, will have enrolled their biometrics as part of the

application process and will have automatically received a route-specific BRP upon the successful conclusion of their application. When this latter cohort apply for settlement, they will receive a fresh BRP issued under the Hong Kong BN(O) route. The online account of those who already had a digital status, meanwhile, will be updated to reflect their indefinite leave once issued. Where holders of settlement under the Hong Kong BN(O) route incorrectly apply for an NTL BRP using form BRP/RS, the application should be voided.

EEA nationals without indefinite leave to remain/ with indefinite leave under the EUSS

EEA nationals who were not granted ILR either prior to the Immigration (European Economic Area) Regulations 2006 coming into force on 30 April 2006 (or prior to their respective countries joining the EU), or who do not have ILR under the Immigration Rules (not including Appendix EU to the Immigration Rules) as the spouse or partner of a settled person in the UK, are not eligible for NTL.

An EEA national with ILR granted under the [EU Settlement Scheme](#) (EUSS) is not entitled to a BRP and will instead have received a secure, digital status.

Individuals who held ILR under the Immigration Rules (other than Appendix EU to the Immigration Rules) but who are subsequently granted EUSS ILR, will no longer be eligible for a BRP and any NTL application they may make should be voided.

Non-EEA family members of EEA nationals

Non-EEA family members of EEA nationals who were resident in the UK before 31 December 2020 are also not entitled to a BRP and will instead need to make an EUSS application to receive confirmation of their leave to remain. The exception is if they hold leave other than under Appendix EU.

Family members who apply to the EUSS whilst already holding a Biometric Residence Card (BRC), issued under the EEA Regulations as the family member of an EEA national, will not automatically receive an EUSS BRC (BRCE) following a successful grant of status under the EUSS. Rather, such individuals can [apply online](#) to exchange their current BRC for a BRCE. They must use the BRC replacement service and are not entitled to an NTL BRP.

Should EEA nationals or their non-EEA family members who hold status under the EUSS (or those who have not yet applied to the EUSS but may be eligible to make a [late application](#) to do so) proceed to make an NTL application, therefore, it must be voided as inappropriate. The relevant void paragraph for this scenario should be copied into the Rejection template on Atlas.

EEA nationals with permanent residence

Under the Immigration (EEA) Regulations 2016, EEA nationals who had been exercising treaty rights in the UK for five continuous years, automatically attained permanent residence status. They could apply for a document certifying permanent residence (or, if the non-EEA national family member of an EEA national, a

permanent residence card) if they wished to evidence this status but were not required to do so.

Permanent residence status under the EEA Regulations is not valid after the end of the grace period on 30 June 2021 (or once the holder has been granted EUSS status, if sooner). The exception is if they had a pending application made before 30 June 2021, or an ongoing appeal against a refusal to issue EUSS leave. EEA nationals or their family members who hold permanent residence should have already made an application to the EUSS to exchange their permanent residence for settled status before the scheme deadline, although they may be able to make a late application if they meet the criteria.

They should not make an application through the NTL route. Should they do so, it must also be voided as inappropriate. As above, the relevant void paragraph for this scenario should be copied into the Rejection template on ATLAS.

Related content

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Related external links

[EU Settlement Scheme caseworker guidance - GOV.UK \(www.gov.uk\)](#)

[Permanent residence documents for EU, EEA or Swiss citizens - GOV.UK \(www.gov.uk\)](#)

[Residence documents for foreign nationals in the UK - GOV.UK \(www.gov.uk\)](#)

[Hong Kong BN\(O\) \(publishing.service.gov.uk\)](#)

No time limit: consideration

This page tells you how to consider a no time limit (NTL) application.

Before considering an application for NTL, you must check that the:

- application is [valid](#)
- applicant's passport or supporting documentation is genuine

Once you are satisfied the application is valid and the documents presented are genuine, you must check that:

- the applicant has been granted indefinite leave, evidence of which includes the following:
 - an indefinite leave to enter (ILE) endorsement
 - an indefinite leave to remain (ILR) endorsement
 - previous no time limit endorsements
 - returning resident visas
 - open date stamps after ILE/ILR has been granted
 - records on databases, such as central reference system (CRS) or ATLAS, or paper files that show indefinite leave has been granted
 - proof the applicant was settled in the UK on or before 1 January 1973 and this status has not been lost or revoked
 - a biometric residence permit (BRP) showing the applicant has ILE/ILR and the date of issue
- the identity of the applicant has not changed (or where the identity has changed, this is legitimate)
- the applicant has provided photographic documentary evidence confirming their identity such as a:
 - passport
 - convention travel document
 - Home Office travel document
 - driving licence
 - national identity card
- the applicant has not lost their indefinite leave due to absences from the UK
- the applicant has not had their indefinite leave revoked, or there are no grounds for revoking their indefinite leave
- the applicant has not previously renounced their indefinite leave status of their own free will
- the applicant is not a British citizen, EEA national with EUSS settled status, or does not otherwise have the right of abode in the UK
- all documents and records relate to the applicant

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People who were settled in UK on or before 1 January 1973

This page tells you how to consider applications from people who were settled in the UK on or before 1 January 1973.

Under Section 1(2) of the Immigration Act 1971, which came into force on 1 January 1973, persons who were ordinarily resident and free of immigration time restrictions in the UK on this date are treated as having been given Indefinite Leave to Enter or Remain (ILR) when the Act came into force, unless they were either:

- exempt from immigration control on this date
- had the right of abode in the UK

As long as the applicant has continued to reside in the UK and has not had their indefinite leave revoked, or are not otherwise ineligible, they will have retained their status. If a person who was settled in the UK before 1 January 1973 wishes to have their status documented and confirmed on a biometric residence permit (BRP), they must make a [no time limit \(NTL\) application](#) instead of making a fresh application for indefinite leave.

The applicant should provide evidence they were present and settled in the UK on 1 January 1973 and have continued to reside here since. Evidence may include official correspondence. As these applicants are stating they have been in the UK for a long time it is important you treat these cases in a careful and sensitive manner. The applicant must be given every reasonable opportunity to provide evidence to support their claim.

For example, if the applicant is struggling to provide sufficient evidence in support of their application, any circumstances that may indicate, on the balance of probabilities, that they were settled in the UK on 1 January 1973 should be taken into consideration. This could include if they got married or raised a family in the UK before this date. Evidence will be assessed on a case-by-case basis and throughout the process of engagement with the applicant, you may exercise discretion in their favour where appropriate.

It is important for the applicant to provide a photographic identity document. This will enable you to ensure that the documentation supplied to demonstrate residence, belongs to the person making the application.

Loss of indefinite leave due to absence from the UK

Applicants who were deemed to have acquired indefinite leave through being settled in the UK on 1 January 1973 may have lost their indefinite leave if they have since been outside the Common Travel Area.

Before 30 July 2000, where a person travelled to a place outside the Common Travel Area their leave would automatically lapse, and they required a further grant of leave upon re-entry in order to resume settlement in the UK. Prior to 30 July 2000, an

individual would normally have met the returning residence requirements provided they had been ordinarily resident in the UK within the previous two years.

Until it was repealed on 1 August 1988, Section 1(5) of the 1971 Act ensured that Commonwealth citizens and their wives and children, who were settled in the UK on 1 January 1973, were not by virtue of the Immigration Rules, any less free to come and go from the United Kingdom than if the Act had not been passed. Section 1(5) did not, however, prevent individuals' leave from lapsing on leaving the Common Travel Area prior to 1 August 1988. Individuals falling under Section 1(5) who left the UK prior to 1 August 1988 and subsequently returned to the UK would still have needed a further grant of leave in order resume their settlement. The immigration rules in force at the time provided for leave to be granted on a person's return within two years, or on their later return if they had a sufficient connection to the UK.

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Indefinite leave following an asylum claim

This page tells you how to consider applications from persons who have been granted indefinite leave following an asylum claim

Exceptional leave to remain

If the applicant has been granted indefinite leave following 4 years' exceptional leave to remain and submits a convention identity document, you can return this to the applicant on concluding their application unless the biometric residence permit (BRP) is being issued in a different identity. If the BRP is being issued in a different identity you must send the convention identity document to the travel documents section:

Travel Document Section Support Team
15th Floor, Lunar House

A convention identity document is a brown travel document.

When sending a convention document to the travel documents section you must complete the relevant proforma.

Refugee status

If an applicant has been granted indefinite leave as a refugee, you will usually need to issue a letter, advising of the potential consequences of travelling abroad where:

- they have obtained a national passport and want a biometric residence permit (BRP) confirming NTL
- they have a passport or travel document that clearly shows they have travelled back to the country from which they previously sought asylum

In some circumstances, such as when there is evidence of the applicant returning multiple times to the country from which they sought asylum, a referral to SRU may be required. Please discuss with your SCW if necessary.

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

Official – sensitive: end of section

Asylum applicants who were granted indefinite leave following exceptional leave to remain, humanitarian protection or discretionary leave must be considered as normal.

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No documentary evidence of indefinite leave

This page tells you how to consider cases where the previous passport is not included with the application or does not show the applicant has indefinite leave.

If the applicant does not include their previous passport, biometric residence permit (BRP) or immigration status document (ISD), you must check all available systems and files for evidence to show they have been granted indefinite leave. This includes the:

- relevant case-working system (CID whilst still in use, or ATLAS)
- central reference system (CRS)
- Home Office files
- visa application form (VAF)

You must also do this if the passport, BRP or ISD has been provided but it does not show that the applicant has indefinite leave to enter or remain.

If the applicant claims their previous passport, BRP or ISD was lost or stolen you must apply extra scrutiny to their case and the applicant must provide a crime reference number or police report. You must update notes on the relevant case-working system to show they have lost their passport or document. You must be satisfied the applicant is the same person who was previously granted indefinite leave.

You can grant the application provided you are satisfied the applicant:

- has indefinite leave
- has not lost this status
- is not otherwise ineligible

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Loss of indefinite leave

This page tells you how to check whether a person applying for a no time limit (NTL) biometric residence permit (BRP) has lost their indefinite leave status following an absence abroad.

Immigration Act 1971

Before 30 July 2000 if a person left the Common Travel Area, their leave would lapse and they needed a further grant of leave upon re-entry (unless, for example they were exempt from immigration control).

Leave to Enter and Remain Order 2000

In line with section 3(4) of the 1971 Act and articles 13 to 13B of the Leave to Enter and Remain Order 2000, a person will now lose their indefinite leave where they have been outside the UK for more than 2 continuous years unless any of the following apply:

- they are the dependant of a member of HM Armed Forces and they have been accompanying them overseas
- they are the dependant of a British citizen/settled person in permanent employment in the Foreign and Commonwealth Office, Department for International Development, the Home Office or British Council and they have been accompanying them overseas
- they return to the UK in circumstances where they don't require leave to enter

It may not always be clear whether a person has been outside of the UK for more than 2 years and has lost their indefinite leave. Generally, you can establish a person's travel history by examining passports (where these have been submitted with the application) and looking for visas and immigration stamps issued since indefinite leave was granted.

You may need to contact the applicant to request proof of residence in the UK since indefinite leave was granted if:

- indefinite leave was granted more than 2 years ago
- the evidence available in support of the application is not conclusive
- you are not satisfied that, on the balance of probabilities, the applicant's indefinite leave has not lapsed

You do not need to request additional evidence of residency from the applicant if they have travelled outside the UK since they were granted indefinite leave and either:

- it is clear they have not lost their indefinite leave status as they re-entered the UK within 2 years
- they were issued indefinite leave less than 2 years ago

Proof of residence in the UK

Where you have not been able to determine through other means whether the person has not been absent from the UK for more than 2 years, you may need to contact them to request additional evidence of their residence in the UK. Examples of other evidence of residency you can accept include:

- council tax letters
- letters confirming tenancy or mortgage payments
- electricity, gas or water bills
- letters from employers that confirm employment
- wage slips or P60s
- school, college or university attendance records
- letters that confirm registration with a doctor and/or dentist which also show dates of appointments

This list is not exhaustive. You should work flexibly with applicants to help them evidence their residence in the UK by the best means available to them and should exercise discretion in favour of the applicant where appropriate. If the applicant does not respond to requests for additional evidence and no supporting documentation is provided, you will need to make a decision based on the evidence currently available.

If you are looking to adopt a 'balance of probabilities' approach, or to exercise discretion over small gaps in an applicant's evidence of residence, please refer to your senior caseworker before making a decision.

Returning residents

If a person has been outside the UK for more than 2 continuous years, and has lost their indefinite leave, they can apply for re-admission to the UK as a [returning resident](#).

From 6 July 2018, a person with indefinite leave who has been outside of the UK for more than 2 continuous years, must apply for entry clearance as a returning resident. Prior to this date, a person could apply for re-admission at the border. Where the Border Force officer was satisfied they met the requirements of a returning resident, they would endorse the passport with an open date stamp. In such cases, you can issue a person with NTL where all other requirements are met.

Previously, if a person wanted re-admission as a returning resident, but there were doubts that they fully met the requirements, they may have been granted limited leave to enter for 2 months on code one conditions. They would also have been advised to apply to the Home Office. Although this is no longer the practice, you may still find applications where the applicant was given limited leave to enter for 2 months. The grant of limited leave is not, in itself, a revocation of indefinite leave and the person may still be eligible for an NTL BRP.

If you find this type of application, you must be satisfied the applicant:

- had indefinite leave on the last occasion they left the UK

- submitted a successful application before the expiry of the limited leave to enter granted at port

You may grant the application provided you are satisfied the requirements are met.

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Change of identity

This page tells you how to consider no time limit (NTL) applications where there has been a legitimate change of identity.

Most people living in the UK change their identity on official documents issued by the Home Office for perfectly legitimate reasons, such as when they get married. A change of identity may include a change to a person's:

- name
- gender
- nationality

A person cannot change their date of birth, but they may apply to change the date that is recorded on their documents.

Where the change is legitimate and is supported by documentary evidence, you can grant NTL in the person's new identity where all other requirements have been met.

In some cases, a person may apply for NTL in what they now claim to be their 'true identity' after falsely claiming to have another identity for the purposes of their application for settlement. You must give close scrutiny to these applications and follow the guidance on identity deception for further information.

Change of name

If an applicant wishes to [change their name](#) on their BRP, this must be supported by documentary evidence which connects the claimed name and the previous name.

Where there is a need to protect persons from risk of harm separate arrangements should be implemented which protect the identity of the person who is seeking to change their name. In addition, consideration will be given to allowing the person to use more than one name for all purposes. The type of people who are included in this group are:

- vulnerable victims of crime (for example victims of domestic violence or stalking)
- vulnerable witnesses

Where a vulnerable victim or witness is seeking to change their name to prevent them from harm, their application should be supported by an appropriate authority, such as the police, refuge service or other accredited organisation.

Documentary evidence

Documentary evidence of a change of name may include one of the following:

- deed poll
- statutory declaration
- marriage certificate

This list is not exhaustive and there are other forms of evidence that may be used to show a change of name.

A statutory declaration of name change is similar to a deed poll. However, a person cannot have a statutory declaration officially registered.

It is also essential that the applicant provides evidence to show that they are using the new name for all purposes. They must have amended the details in any other passports and any national identity cards they hold, unless there are exceptional circumstances that would seriously adversely affect their life in the UK. The names used in these documents take precedence over names used in other supporting documents, such as marriage certificates and deed polls.

Where a foreign national applies to change their identity and claims not to hold a foreign issued passport or a European Economic Area (EEA) identity card, you must only change their identity where this is a legitimate change. The applicant must also be one of the following:

- a recognised refugee
- a stateless person
- a person who has been granted Humanitarian Protection

In addition, it must also be accepted they cannot approach their national authorities. Where recognised refugees hold a passport that was issued before they claimed asylum they should be treated in the same way as other recognised refugees who are unable to approach their national authorities. All other foreign nationals must produce a passport or their EEA identity card in the new identity.

Legitimate reasons for a change of name

There are many reasons why a person may legitimately change their name. Examples of this include (but are not limited to):

- changing a name to the anglicised version of a different script such as Chinese, Arabic or Tigrinya - this may be legitimately done in order for their name to be easier to spell, pronounce or understand in English
- taking a spouse or civil partner's surname following a marriage /civil partnership
- reverting back to a person's previous name following divorce
- personal choice

Where evidence has been provided for the change of name and you are satisfied this is legitimate, you can issue NTL in the new identity.

Change of date of birth (DOB)

Where the change includes a change to the applicant's DOB you must give close scrutiny to the reason for the change. The full circumstances of the case must be considered to establish why there is a discrepancy. For example, does the applicant want to change their DOB so that they are closer to pension age, or do they want to

make themselves younger so that they are able to access education? Has a person changed their date of birth to avoid checks on their character or conduct? To grant a change to a person's DOB you must be satisfied that it is a legitimate change and that they are using one DOB for all purposes.

Change of gender

Transgender people who hold non-British passports and identity cards in their former name and gender can apply for an NTL biometric residence permit in their acquired name and gender. They will normally be expected to align their other passports or identity cards to reflect their acquired name and gender. This is to show that they are using one name for all purposes. However, an exception can be made where they are from a country that does not recognise their acquired gender and are unable to obtain a foreign passport in their new details.

Change of nationality

It is not uncommon for a person to change their nationality or hold dual nationality. When considering an applicant's request to amend their nationality you must be satisfied that:

- it is a genuine change in circumstances
- the original decision to grant leave would not have been affected by this new information

If a refugee or beneficiary of humanitarian protection is seeking to change their nationality, you must refer the case to the Status Review Unit who will consider whether the change affects the applicant's right to remain in the UK.

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Identity deception

This page tells you how to consider an application where a person has used a false identity prior to being granted indefinite leave and they are now applying for no time limit (NTL) in another identity.

If you receive an NTL application in an identity that differs from that in which indefinite leave was granted, you must be satisfied that the change is legitimate and supported by the appropriate documentation, for example a marriage certificate or deed poll.

If you suspect that the identity change is not on a legitimate basis, for example, where a person has used a fraudulent identity for the purposes of an asylum claim in an attempt to influence the outcome of that claim or to prevent them being removed from the UK, you must refer the case to Status Review Unit (SRU) to review whether the deception was material to the grant of indefinite leave.

Official – sensitive: start of section

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Official – sensitive: end of section

If a decision is made by SRU to revoke the person's indefinite leave, you can proceed to refuse the NTL application.

If a decision is made by SRU to keep the indefinite leave in place, you can proceed to grant the NTL on a biometric residence permit (BRP) in the person's identity that the Home Office accept to be valid.

Home Office previously informed of identity change

Prior to the grant of indefinite leave, an applicant or their representative may have informed the Home Office of their true identity in the following ways:

- an explicit declaration
- an implicit declaration, for example a letter which has been headed regarding 'Mr B previously known as Mr A'

If the Home Office accepted this for the purposes of that application, then you must also accept this for NTL purposes. There is no need to refer these cases to SRU to review.

Nullity of British citizenship

Where a grant of citizenship is a nullity, the person to whom the purported grant of citizenship was made never acquired British citizenship in the first place. This is

different to deprivation of citizenship where a person has their citizenship removed but we recognise they held British citizenship up until the point of deprivation.

Where British citizenship has been declared a nullity, the applicant will revert to their status at the time of the purported grant of citizenship. In most cases, this will be indefinite leave to enter or remain.

When considering an application for an NTL BRP, you must check the relevant case-working systems to confirm whether:

- the applicant has acquired British citizenship which has since been declared a nullity
- the reasons for the nullity

Where a person has had their citizenship declared a nullity because they had either assumed the identity of another person or created a new identity, this may mean that they never had indefinite leave in the first place. You must check the relevant case-working systems for details of previous immigration history. If you are unsure, you must contact your senior caseworker for advice.

Return of immigration documentation

In all cases where a person has applied in a new identity to that in which they were granted indefinite leave, you must request the return of any immigration documentation which contains their previous identity.

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Case examples

This page provides examples of cases where a person has applied for a no time limit (NTL) biometric residence permit (BRP) in a different identity to that in which they have previously been granted.

Change of name

Example 1

Mr A arrived in the UK as a student and was granted ILR on the grounds of long residence in 2010 in the name of Mr A. In 2012 an application for NTL was submitted in the identity of Mr P. Mr P provides a deed poll dated 2011 with an explanation that he no longer wishes to be known by the name of Mr A. He also produces a passport which confirms his new identity as Mr P. In these circumstances, you can issue a BRP in the identity of Mr P, provided all other requirements of NTL have been met.

Example 2

Mrs B was granted ILR in 2005 in the UK following 4 years' exceptional leave to remain. An application for NTL is made in the identity of Ms R on the basis that she has recently got divorced and wishes to revert to her maiden name. Evidence of her marriage certificate and divorce certificate has been provided along with her latest passport showing her identity as Ms R. You can issue a BRP in the identity of Ms R provided all other requirements of NTL have been met.

Example 3

Ms C was granted ILR in 2015 under Tier 1. She applies for NTL in 2017 and shows a birth certificate which shows her identity as Ms T. Her date of birth and nationality are unchanged. Ms T has provided no explanation as to why she has previously used a different identity. You must refer the case to SRU for review.

Change of date of birth (DOB)

Example 1

Mr D has a DOB of 12/03/90. He was granted discretionary leave in 2006 as an unaccompanied minor following an unsuccessful asylum claim and was granted ILR in 2011. He subsequently applies for NTL and provides a birth certificate showing his date of birth as 12/03/1988. There is no evidence that this information was available at the time of his asylum claim or his application for ILR. As the original date of birth given would have meant he was considered a minor at the time instead of an adult, this may have influenced the grant of DL. You must refer the case to SRU to consider whether the ILR should now be revoked before a decision is taken on the NTL application.

Example 2

Mr E was granted ILR as the spouse of a British citizen in 2012. Mr E's BRP confirming ILR stated his DOB as 11/10/1982. He applies for NTL in 2014 and asks for his date of birth to be amended from 11/10/1982 to 10/11/1982 as this was incorrectly recorded by the Home Office. He submits his birth certificate and passport which confirms his date of birth as 10/11/1982. In these circumstances where you

are satisfied the change is legitimate and was recorded incorrectly, you can issue NTL in the new identity.

Change of nationality

Example 1

Mr F was granted ILR as an Indian national on the basis of long residence. He subsequently marries an Australian national and applies for naturalisation as an Australian citizen which he is granted. As a result, he automatically loses his Indian nationality. Mr F applies for NTL as an Australian citizen and provides evidence of this in the forms of an Australian passport as well as a letter from the Indian authorities that he has lost his Indian citizenship. In this example, you can issue an NTL BRP to Mr F in his new identity provided all other requirements of NTL have been met.

Example 2

Mrs G was granted ILR following a successful asylum application as a Kosovan national in 2011. In 2017 he applies for NTL claiming to be an Albanian national. He claims that he was told to falsely claim to be Kosovan by an agent who smuggled him into the UK as it would help with his asylum claim. In this instance you must refer the case to SRU to consider whether the false identity was material to his claim for asylum.

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Additional checks

This page tells you what additional checks should be made when considering whether to grant no time limit.

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Refusing a no time limit application

This page tells you how to refuse an NTL application.

An application for an NTL BRP must be refused if:

- you are not satisfied that there are genuine reasons why a person has changed their identity and/or that the new identity will be used for all purposes (please note there must be sufficient documentation to support this view if you plan to refuse on the grounds of the identity change not being genuine - SCW advice should have been sought if required)
- there is not enough evidence the applicant has indefinite leave (if the applicant holds limited leave do not refuse outright – please refer first to relevant caseworker instructions on re-confirming applications that have been incorrectly made for NTL instead of using the TOC application form or the BRP replacement service and follow this process if relevant)
- the applicant submitted false documentation or made false representations
- the applicant has lost their indefinite leave status, or this has been revoked

Referring to Immigration Enforcement

When refusing an application, you must consider signposting the refusal to Immigration Enforcement.

A referral is not required where:

- the applicant is a British citizen or otherwise has the right of abode in the UK
- the applicant holds valid leave to enter or remain, indefinite leave to enter or indefinite leave to remain
- the applicant is an EEA national and/or has a right of residence under EU law

A referral will be required where:

- there is no evidence presented from the applicant or held on Home Office systems to show that the applicant holds valid leave to remain, indefinite leave to enter or indefinite leave to remain
- there is evidence that fraudulent documents have been presented in support of the application

You must seek advice from a senior caseworker where the applicant has failed to provide sufficient evidence that they currently hold indefinite leave and either:

- the applicant was born in the UK
- the applicant has lived in the UK for more than 20 years

If it is agreed that a referral is not required, but that the application falls for refusal, your refusal letter must include the following paragraph:

Those who cannot prove that they have the right to remain in the UK are unable to legally work or access public funds and may be removed from the UK. You should

therefore make a fresh application and provide (specify missing documents) as soon as possible. If you are unable to provide these, you should seek advice about your immigration status as a matter of urgency. Further information is available at <https://www.gov.uk/find-an-immigration-adviser>.

Refusal on basis of change of identity

If there is no evidence on file that the applicant informed the Home Office of a change of identity, template letter ICD 1100 should be used with the following wording:

‘On [01 January 20**] you made an application for your indefinite leave to be transferred from your passport / Immigration Status Document on to a biometric residence permit, but your application has been refused.’

or

‘On [01 September 2009] indefinite leave to remain was granted to [Mr AAAA BBBB], born [09 September 1982, Chinese] national.

You have requested that the indefinite leave/No Time Limit stamp be transferred from the Immigration Status Document of [Mr AAAAA BBBB], born [09 September 1982, Chinese] national to a biometric residence permit in the identity of [Mr CCCCC DDDD], born [26 August 1982, Iranian] national.

Your application has been refused as the Secretary of State is not able to provide a biometric residence permit in an identity which differs from the one in which you were granted leave, unless there are legitimate reasons why your details have changed. We are not satisfied you have provided any evidence of legitimate reasons as to why your identity has changed i.e. marriage.

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The passport you provided in support of this application has been retained by the Home Office pending further investigation.

There is no right of appeal against this decision.’

Following refusal, the outcome should be recorded on CID and a special conditions marker ‘Identity Dispute’ set. The notes section should be clearly annotated to state that a full HO file search has been conducted. This will negate the need to perform a repeat search if a reconsideration or JR is received.

Right of appeal

If you refuse a no time limit application, the applicant has no right of appeal against your decision. This is because a refusal of a no time limit application is not an immigration decision, according to section 82(2) of the Nationality, Immigration and Asylum Act 2002.

Reconsideration requests, pre-action protocols or judicial reviews

If you receive a reconsideration request, pre-action protocol letter or judicial review claim, you must first check the case information database (CID) notes from the original refusal. If the CID notes clearly state that a full Home Office (HO) file search was conducted and no evidence of a declaration of the true identity found then the reconsideration can be refused.

Alternatively, if there were no case-working notes on CID you must request the HO file(s) and conduct a thorough examination to ensure that the HO has no record of being notified of the alternative identity prior to the grant of leave. If there is evidence that the HO were notified, you must overturn the decision to refuse and grant NTL. If there is no evidence on the HO file that the applicant informed the HO then you must maintain the refusal.

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Issuing a biometric residence permit

This page tells you how to issue a biometric residence permit (BRP) depending on the document the applicant holds.

Passport

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Biometric residence permit

In certain circumstances, a person may apply for a no time limit (NTL) BRP when they have already been issued with a BRP confirming their settled status.

If a person makes an NTL application whilst they hold a valid BRP confirming their indefinite leave and the application is more than 2 years from the date of issue of the BRP or they are asking to change their identity details, you must:

- check the applicant has not lost their settled status
- cancel the BRP confirming indefinite leave on the identity card for foreign national (ICFN)
- hole punch the chip
- forward the cancelled card to biometric immigration document management unit (BIDMU)

- order the new BRP confirming NTL

If a person makes an NTL application whilst they hold a valid BRP confirming their indefinite leave and the application is less than 2 years from the date of issue of the BRP and they are not asking to change their identity details, you must:

- reject the application
- tell the applicant to make a new application using form BRP(RC)

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