



Home Office

# **Family members of HM Forces**

## **Statement of Intent: changes to the Immigration Rules from December 2013**

July 2013

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# Introduction

New rules relating to family immigration were introduced in July 2012. Under temporary transitional arrangements, these rules have not yet been applied to applications from non-European Economic Area (non-EEA) nationality dependants of British citizens and settled persons serving in HM Forces. Those dependants have continued to apply under Part 8 of the Immigration Rules rather than under the new Appendix FM family Immigration Rules.

The transitional arrangements in place since July 2012 ensured that the dependants of British and settled personnel did not suffer differential treatment by comparison with family members of Foreign and Commonwealth citizens serving in HM Forces, dealt with under Part 7 of the Immigration Rules, while we reviewed the two sets of rules affecting these two groups.

The rules affecting dependants of Armed Forces personnel have now been reviewed. This Statement of Intent sets out the rules that the Government intends should apply in future to the family members of those serving in HM Forces. The measures outlined in this Statement should not be seen as a definitive account of the requirements that will apply in the future. The definitive version will be set out in the Immigration Rules, which will be laid before Parliament in September to come into force on 1 December 2012, and in published formal guidance for applicants. This Statement does however represent the Government's current intentions. All Immigration Rules are subject to review and change and applicants must meet the rules in place at the time of application.

We recognise the unique contribution the Armed Forces make to our nation, protecting our security and way of life, facing danger and, sometimes, suffering serious injury or death as a result of their commitment. In developing our proposals we have been conscious of our obligation, as enshrined in the Armed Forces Covenant, to ensure that they and their families do not suffer disadvantage as a result of service. The Armed Forces are subject to service law, and this distinguishes them from others in that once they have made their commitment, they have no choice in being deployed overseas. The review of the Immigration Rules for the family members of those serving in HM Forces has taken full account of those issues, and they are reflected in the measures set out in this Statement of Intent.

## **1. Alignment with the new family immigration framework**

In future, the rules affecting dependants of Armed Forces personnel will be aligned with the new family immigration framework set out in Appendix FM to the Immigration Rules. Other than in certain specified circumstances relating to service in the Armed Forces, Armed Forces families should be treated in the same way for immigration purposes as other families. The suitability requirements will mirror those in Appendix FM.

## **2. Applications will be made under a single set of new rules**

In future, there will be a single new set of rules for the families of members of HM Forces, including Gurkhas discharged since 1 July 1997. Subject to the transitional arrangements set out below, this means that new applicants will no longer apply under Part 7 or Part 8 of the Immigration Rules but under this new set of rules - Appendix AF - designed specifically for the families of members of HM Forces. This will ensure consistency in the treatment of all Armed Forces families and will provide clarity for applicants. It will also provide continuity for those whose Foreign and Commonwealth sponsor in the Armed Forces becomes a British citizen as the requirements will not change at that point.

### 3. The new rules remove unnecessary differences in treatment for family members based on the sponsor's immigration status

A key outcome of the review is that the single new set of rules will remove unnecessary differences in treatment based on the immigration status of the Armed Forces sponsor. In the majority of circumstances, it is not right that the families of two people serving alongside each other should have different rules applied to them.

The rules relating to Armed Forces families have developed in a piecemeal fashion and there are now unjustifiable differences in the way families are treated depending on the immigration status of their Armed Forces sponsor. For example, currently under Part 8 of the Immigration Rules, British personnel are required to demonstrate that their dependants can be maintained and accommodated without recourse to public funds whereas Foreign and Commonwealth citizens serving in HM Forces whose dependants currently apply under Part 7 of the rules are not expected to meet this requirement. Partners<sup>1</sup> of British personnel are also subject to English language requirements (basic level on entry and a knowledge of language and life in the UK requirement at settlement) but partners of Foreign and Commonwealth citizens serving in HM Forces are not. In addition, partners of British personnel can qualify for settlement after 2 years, whereas partners of Foreign and Commonwealth citizens serving in HM Forces may not settle until the sponsor has completed 4 or 5 years' service, depending on whether the sponsor is being discharged or remains in service and provided the relationship is of at least 2 years' duration. The new rules aim to ensure that the families of Armed Forces personnel are able to integrate into British society to the same degree as any other families.

The review has taken particular account of very practical issues which arise from accompanied service. In order to ensure that those families on accompanied postings overseas are not disadvantaged, we are applying the principle that time spent overseas on an accompanied posting is treated as time spent in the UK. The review has had regard to the principles of the Armed Forces Covenant, particularly the principle that there should be no disadvantage through service overseas. The new single set of rules will therefore ensure there is flexibility to accommodate overseas service.

### When do the new rules come in effect?

The new rules will come into effect on 1 December 2013. There will be transitional arrangements, which are explained later in this Statement of Intent.

### What are the new requirements?

The new rules for Armed Forces families will be aligned with the family Immigration Rules in Appendix FM. This will mean that:

- **Members of HM Forces wishing to sponsor a non-EEA dependant to come to or remain in the UK will have to meet a minimum income threshold. This will be £18,600 for a partner, £22,400 for a partner and child, and £2,400 for each additional child.** The general policy and evidential requirements will be in line with the family Immigration Rules but further guidance will be issued in due course on matters

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<sup>1</sup> Partners includes spouses, civil partners, unmarried partners and same sex partners. Unmarried and same sex partners must have been living together with the sponsor in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application.

such as service personnel allowances. The income threshold is a fundamental component of the policy on family immigration, and is designed to ensure that sponsors can support their dependants financially so that they do not become a burden on the taxpayer and can integrate effectively in British society. It will be a new requirement for both British and Foreign and Commonwealth citizens serving in HM Forces. In line with Appendix FM, the income threshold will not apply to British children; the British Nationality Act 1981 makes provision for children born to serving personnel to be registered as British, thus children born while the sponsor is serving will not be subject to the income threshold if they are registered as a British citizen.

- **A basic English language requirement, at A1 level on the Common European Framework of Reference (CEFR), will apply to all non-EEA partners seeking leave to enter or remain in the UK as a dependant of a member of HM Forces.** This will be a new requirement for the partners of Foreign and Commonwealth citizens serving in HM Forces, but we consider that their integration needs are no less than the partners of British personnel who are already expected to meet the A1 requirement. For those on accompanied assignments overseas limited leave will be available if a dependant is unable to apply because this requirement is not yet met. Information on how to meet the English language requirement is available at: <http://www.ukba.homeoffice.gov.uk/visas-immigration/partners-families/citizens-settled/spouse-cp/can-you-apply/english-language/>.
- **To qualify for settlement<sup>2</sup>, all non-EEA partners and children between the ages of 18 and 65 will be required to pass the Life in the UK test and hold an intermediate speaking and listening qualification, at B1 level on the CEFR.** Further limited leave will be available if a dependant is unable to apply for settlement because this requirement is not yet met. A new, more robust knowledge of language and life in the UK requirement is being introduced across the immigration system from 28 October 2013, and will apply to partners and children of British citizens from that date. Details can be found in the Statement of Intent *Knowledge of Language and Life in the UK for Settlement and Naturalisation*, which was published on 8 April 2013 and is available at: <https://www.gov.uk/government/publications/knowledge-of-language-and-life-in-the-uk-for-settlement-and-naturalisation-statement-of-intent><sup>3</sup>. The requirement will not apply to the partners and children of Foreign and Commonwealth citizens serving in HM Forces until these Armed Forces Rules changes are implemented on 1 December 2013.
- **All non-EEA partners of HM Forces personnel granted leave under the Immigration Rules will serve a 5 year probationary period before being eligible to apply for settlement.** This is in line with the probationary period for non-EEA partners of civilian British citizens under Appendix FM. Applicants will be required to demonstrate that the relationship is genuine both on entry to the route and at settlement. Further leave to remain may be granted after 5 years if the applicant is not eligible to apply for settlement because they do not meet the requirements on knowledge of language and life in the UK or other suitability requirements.

Further information on the family Immigration Rules in Appendix FM is in the Statement of Intent of June 2012 available at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/soi-fam-mig.pdf>.

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<sup>2</sup> Indefinite Leave to Remain.

<sup>3</sup> Service personnel themselves will continue to be exempt from the requirement at settlement, as it is considered that service in HM Forces demonstrates adequate knowledge of the English language and life in the UK. However, as now, service personnel will be required to meet the requirements if they wish to naturalise as a British citizen, unless they are exempt on the basis of age or physical or mental capacity.

## Are you making any changes to the rules affecting children?

Under these new Armed Forces Family Rules, the minimum income threshold will apply in the majority of circumstances where members of HM Forces are seeking to sponsor a non-EEA child to come to the UK. So, for example, a serviceperson seeking to sponsor a non-EEA partner and non-EEA child would need to meet an income threshold of £22,400.

Non-EEA children of service personnel and/or their partners who are admitted to the UK under the Armed Forces Family Rules will continue to be eligible for settlement once both parents are settled or eligible to settle in the UK, or in the cases of sole responsibility when the responsible parent becomes eligible to settle. Children of Foreign and Commonwealth citizens serving in HM Forces may settle while a serving parent remains exempt from immigration control provided the parent(s) have served continuously for 5 years or more. Where the serving member of HM Forces has sole responsibility for a child, they must show that appropriate arrangements have been made for the child's care.

The Rules will allow a child who is aged 18 or over but who had leave as the child of a member of HM Forces before they were 18 to complete their route to settlement providing that they are still living as part of the family unit and provided they can satisfy the knowledge of language and life in the UK requirement. Further limited leave will be available if they are unable to meet the requirement and are still living as part of the family unit.

Under Part 8 of the Immigration Rules, separate rules apply where a non-EEA child of a parent, parents or relative present and settled in the UK is seeking leave to enter. These Part 8 provisions will continue to be available to British service personnel and to Foreign and Commonwealth citizens serving in HM Forces and their dependants once they have obtained settlement or naturalised as a British citizen. They deal, amongst other things, with situations where the settled parent (e.g. a British service person) has sole responsibility for a non-EEA child; and with adoption of non-EEA children by a parent or parents present and settled in the UK (e.g. if a British serviceperson and his/her partner wished to adopt a non-EEA child). The income threshold does not apply to cases dealt with under Part 8 of the Immigration Rules.

## Additional flexibilities available for those serving in HM Forces

- All applications under the new Armed Forces Family Rules will be able to be submitted from overseas as well as in the UK. There will be specific Armed Forces application forms, which will enable identification, and where appropriate, prioritisation, of applications from the Armed Forces community. This builds on the process we have already introduced to ensure that Foreign and Commonwealth members of HM Forces may obtain settlement the day or the day after discharge.
- The new Armed Forces Family Rules will include an Indefinite Leave to Enter (ILE) route for overseas applications from partners of HM Forces who meet the new 5 year probationary period and other requirements for Indefinite Leave to Remain (ILR). This observes the principle that time spent overseas accompanying the sponsor on a military posting is equivalent to time spent in the UK.

- The new rules address the situation where dependants currently have to switch from being dependants of a Foreign and Commonwealth member of HM Forces to dependants of a British citizen and re-start their probationary period if their Foreign and Commonwealth sponsor naturalises in service. Those dependants will be able to complete a single 5 year probationary period even if their sponsor becomes a British citizen during that period.
- The validity of the initial visa for non-EEA dependants of Foreign and Commonwealth citizens serving in HM Forces is 4 years under the current rules. Under the new rules it will be 5 years for all Armed Forces dependants. This means that Armed Forces dependants can qualify for settlement without needing to renew their leave and pay an additional fee. This will remove the existing financial disadvantage faced by those who are overseas where renewal is £250 more expensive than in the UK as the cheaper “further leave to remain” is not available. It will also resolve some of the practical problems caused when leave lapses during overseas postings.

## Other changes as a result of aligning the rules for families of British and Foreign & Commonwealth personnel

- The new rules align the treatment of bereaved non-EEA partners of Foreign and Commonwealth citizens serving in HM Forces with bereaved non-EEA partners of British personnel. Under the current rules, bereaved non-EEA partners of Foreign and Commonwealth citizens serving in HM Forces may only apply for settlement immediately if the sponsor died as a result of service. The new rules will permit bereaved non-EEA partners of all Armed Forces personnel to settle in the UK provided the sponsor died while serving and the non-EEA partner holds leave as an Armed Forces dependant. We are aligning the position with that of bereaved non-EEA partners of British personnel as we believe there is no justification for treating partners differently when a Foreign and Commonwealth and a British sponsor could die in the same incident whilst off duty, just as they could be killed in action alongside each other.
- The new rules make provision for Foreign and Commonwealth citizens serving in HM Forces to sponsor a fiancé(e) or proposed civil partner, in line with the current rules for British citizens and persons settled here (Appendix FM). Fiancé(e)s and proposed civil partners will be granted leave to enter for 6 months, with provision then to switch into a 5 year route to settlement as a partner once they have married or entered into a civil partnership. To be granted leave to enter, they will need to meet the basic English language requirement and the minimum income threshold. Fiancé(e)s and proposed civil partners will not have permission to work in the UK.

## Who will be affected?

The new Armed Forces Family Rules will apply to applications for leave to enter or remain that are made on or after 1 December 2013.

Transitional arrangements will mean that those family members already granted leave on a route to settlement before 1 December 2013 will be able to complete that route under the rules in place prior to 1 December 2013. This will be either the family Immigration Rules in Part 8 (with the new knowledge of language and life in the UK requirement applying from 28 October



2013) for the families of British personnel, or the HM Forces rules in Part 7 for the families of Foreign and Commonwealth citizens serving in HM Forces. Those who submit an application before 1 December 2013 but have not had a decision by that date will be considered under the rules in place when they applied.

Therefore, the new Armed Forces Family Rules will apply to applications from the non-EEA family members of:

- those who enlist on or after 1 December 2013;
- those in service before 1 December 2013 who establish a family life on or after 1 December 2013;
- those in service whose families seek to join them, e.g. from their country of origin, on or after 1 December 2013;
- those in service overseas whose families have accompanied them but do not have valid leave to enter the UK (e.g. because they have never been to the UK or have allowed their leave to lapse while overseas) and who are posted back to the UK on or after 1 December 2013.

Where families of those in service before 1 December 2013 fall to be dealt with under the new rules only because they were on an accompanied posting overseas and the service person is subsequently posted back to the UK (the last group above), and they fall for refusal under the new rules, there may be a case for granting leave outside the rules on an exceptional basis, on the grounds that this group would have been in the UK and subject to the transitional arrangements described above were it not for the overseas posting. In all cases where an application falls to be refused under the new rules, consideration will be given as to whether there are exceptional circumstances which warrant a grant of leave outside the rules. Further guidance will be issued on this in due course.

A table demonstrating how these groups will be affected is at **Annex A**.

## How will the minimum income threshold operate?

Where a non-EEA dependant of a member of HM Forces applies to come to or remain in the UK, and where they apply after 5 years to settle here, the applicant, together with their Armed Forces sponsor, must meet a new minimum income threshold. The threshold that will apply will be a gross annual income of £18,600 for a partner and £22,400 for a partner and child, with an additional £2,400 for each additional child. This is the level of income which, based on advice from the independent Migration Advisory Committee, means that a couple, once settled in the UK and taking account of any children, generally cannot access income-related benefits. It therefore represents a level of income at which we can be reasonably assured that the family will be financially independent, will not become a burden on the taxpayer and will be well enough supported to enable the migrant partner and any children to integrate effectively in British society.

Where the couple's income – from the sponsor's employment (and from that of the applicant if they are already in the UK with permission to work) and the couple's non-employment income – does not meet the required threshold, the sponsor and applicant may demonstrate that they have sufficient cash savings to count against the shortfall. The amount of cash savings above £16,000 (which is the level of savings which also generally precludes access to income-related benefits) can be counted towards any shortfall against the £18,600 income threshold (or the relevant higher figure where a child or children are also being sponsored). This will be done on a basis that either multiplies the amount of the shortfall by 5 – the probationary period (of 5



years) to be served before the applicant can apply for settlement – or, at the Indefinite Leave to Remain stage, is equal to the amount of the shortfall, and then adds £16,000 to give the total amount of cash savings required.

For example, an applicant whose sponsor has a gross annual salary of £18,000 would need, in addition, to show cash savings of £19,000 to be granted leave to enter or remain on a 5 year route to settlement ( $£600 \times 5 = £3,000 + £16,000 = £19,000$ ).

This differs from the family Immigration Rules in Appendix FM (where savings at the leave to enter or remain stage are assessed on the basis of 2.5 times the shortfall against the threshold to be met) because dependants of members of HM Forces who meet the requirements of the new rules will be given a single period of 5 years' limited leave before they can apply for settlement whereas dependants granted under Appendix FM are given 2 periods of 30 months' leave (2.5 years).

Applicants will need to meet the evidential requirements within the Armed Forces Family Rules, which will mirror those in Appendix FM-SE. For example, cash savings will need to have been held by the applicant, the sponsor or the couple jointly for at least the 6 months prior to the date of application to help show that the money is under their control.

Work is underway to identify any pensions, benefits and allowances which are specific to members of HM Forces, for the purposes of determining which of these should count towards the income threshold and which, if any, might render the applicant exempt from the income threshold.

Further detail on how the income threshold currently operates under Appendix FM is available at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/chp8-annex/section-FM-1.7.pdf?view=Binary>

## What if a relationship breaks down?

Under the family Immigration Rules in Appendix FM, where the relationship between the British citizen or settled person and their non-EEA partner breaks down during the 5 year probationary period, the non-EEA national is generally expected to return home as the basis for their leave to remain in the UK no longer applies. The same approach will be reflected in the new Armed Forces Family Rules.

If the relationship breaks down as a result of domestic violence by a British citizen sponsor or a Foreign and Commonwealth sponsor who has acquired Indefinite Leave to Remain in the UK, their non-EEA partner can immediately apply for settlement under the family Immigration Rules in Appendix FM. Although a Foreign and Commonwealth member of HM Forces is exempt from immigration control whilst serving, this is not considered the same as having settled status (holding Indefinite Leave to Remain) and the partners of Foreign and Commonwealth citizens serving in HM Forces will not have access to the domestic violence provision in Appendix FM. Exceptionally, where the sponsor is a Foreign and Commonwealth member of HM Forces, the Secretary of State may exercise discretion to grant settlement outside the Rules where links to the country of origin have broken down due to the victim accompanying the sponsor in service, or where the sponsor has completed the 5 years' service which would make him or her eligible for settlement on discharge.

Where a relationship breaks down during the non-EEA partner's 5 year probationary period and there is a child in the UK involved (who is a British citizen or settled in the UK), there is a route under the family Immigration Rules in Appendix FM for the non-EEA parent to apply for entry clearance or leave to remain, on a new 5 year route to settlement, where they have sole parental responsibility for, or access rights to, the child and they are taking, and intend to continue to take, an active role in the child's upbringing. The relevant requirements of those rules, including as to maintenance, accommodation and English language, would need to be met.

## Can members of HM Forces sponsor dependants other than a partner and children?

From 1 December 2013, members of HM Forces in the UK who are British citizens or settled here will be able to sponsor adult dependent relatives to come to settle in the UK who meet the requirements set out in the family Immigration Rules in Appendix FM.

Adult dependent relatives of members of HM Forces who are British citizens or settled here who have applied under paragraph 317 in Part 8 of the Immigration Rules before 1 December 2013 but have yet to receive a decision by that date will have their application considered under the rules in place when they applied.

Foreign and Commonwealth members of HM Forces and non-EEA partners of members of HM Forces will not be able to sponsor an adult dependent relative unless and until they settle in the UK or naturalise as a British citizen, at which point they may sponsor adult dependent relatives who meet the requirements set out in the family Immigration Rules in Appendix FM. This is consistent with the treatment of others who are not yet permanently settled in the UK. Since July 2012, non-EEA adult dependent relatives have only been able to settle in the UK from overseas if they can demonstrate that as a result of age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their relative here and without recourse to public funds. It would be inappropriate to permit a person whose status in the UK is not yet permanent to sponsor a relative in these circumstances.

## Family members of Reservists

Foreign and Commonwealth members of HM Forces Reserves are exempt from immigration control only during the period of their deployment. Between deployments they revert to their former immigration status. As such, the new Armed Forces Family Rules will not apply to non-EEA family members of Reservists who should continue to apply under the Immigration Rules relating to their sponsor's immigration status. Family members of British Reservists should apply under Appendix FM.

## Annex A

### ARMED FORCES FAMILY RULES CHANGES - NEW APPLICATIONS ON OR AFTER 1 DECEMBER 2013

	Status of serving personnel	Status of dependant	Application options	Requirements
(a)	(b)	(c)	(d)	(e)
1	British (including naturalised in service); Foreign and Commonwealth (including Gurkhas)	Has no leave under Appendix AF (or has completed less than 5 years which started after 1 Dec 13).	If overseas apply for 5 year settlement visa on VAF(AF).  If in UK apply for 5 years leave to remain on FLR(AF).	Basic level English language;  Minimum income threshold applies.  Where the requirements are not met, consideration will be given as to whether exceptional circumstances apply.
2	British (including naturalised in service); settled on discharge after 4 years service; Foreign or Commonwealth (including Gurkhas ) with 5 years reckonable service.	Has completed 5 years leave under Appendix AF which started after 1 Dec 13.	If overseas apply for settlement on VAF(AF).  If in UK apply for settlement on SET(AF).	Applicants must pass the Life in the UK test and hold an intermediate level English language qualification.  Minimum income threshold applies.  Further limited leave will be given instead of settlement if you have a minor conviction or don't meet the language requirements.

**ARMED FORCES FAMILY RULES CHANGES - APPLICATIONS BEFORE 1 DECEMBER 2013 (OLD RULES MAY CONTINUE TO APPLY)**

	Status of serving personnel	Status of dependant	Application options	Requirements	Comments
1	Foreign and Commonwealth citizens (including Gurkhas) with less than 4 years' service	No leave under paragraph 276AD of the immigration rules or has leave but will not qualify for settlement under paragraph 276R or 276U before 30 Nov 13.	If overseas apply for 4 year settlement visa under paragraph 276AD on form VAF4A.  If in UK apply for 4 years leave to remain under paragraph 276AD on form (FLR(O)).	No language requirement. Route to settlement takes 4 years if sponsor settles or discharge or 5 years if sponsor continues in service.  Sponsor is required to maintain and accommodate partner without recourse to public funds.	A grant of leave under paragraph 276AD of the immigration rules prior to 1 December 2013 will mean that a partner can complete their probationary period under the rules in place before 1 December 2013 i.e. they will benefit from the transitional arrangements provided that there is no gap in leave prior to the next application. Next application will be either a renewal under paragraph 276AD or a settlement application under paragraph 276R or 276U. No language requirement at settlement.
2	Foreign or Commonwealth citizens (including Gurkhas) with more than 4 years service on discharge/ 5 years if still serving; who have been in a relationship for at least 2 years	No leave under paragraph 276AD of the immigration rules.	If overseas apply for indefinite leave to enter under paragraph 276R on form VAF4A.	No language or financial requirement.  There is no probationary period providing the relationship has lasted for at least 2 years and the sponsor has completed 4 years service if settling on discharge or 5 if continuing in service.	A grant of leave under paragraph 276R of the immigration rules prior to 1 December 2013 will mean that a partner has settlement.
3	Foreign and Commonwealth citizen (including Gurkhas)	Has leave under paragraph 276AD of the immigration rules	As 1 above if yet to qualify for settlement; If qualifies for settlement, apply under paragraph 276R on form VAF4A if overseas or under paragraph 276U on form SET(O) if in the UK.	No language requirement. Sponsor is required to maintain and accommodate partner without recourse to public funds for limited leave but not at settlement.	A grant of leave under paragraph 276AD of the immigration rules prior to 1 December 2013 will mean that a partner can complete their probationary period under the rules in place before 1 December 2013 i.e. they will benefit from the transitional arrangements provided that there is no gap in leave prior to the next application. Next application will be either a renewal under paragraph 276AD or a settlement application under paragraph 276R or 276U.

	Status of serving personnel	Status of dependant	Application options	Requirements	Comments
					<p>A grant of leave under paragraph 276R or 276U of the immigration rules will mean that a partner has settlement.</p> <p>If you are overseas and unable to apply for leave until after 30 November 2013 you will need to apply under the new rules. Where the requirements are not met, consideration will be given as to whether exceptional circumstances apply.</p>
4	British (including Foreign and Commonwealth citizens who have naturalised in service)	No leave under paragraph 281 or 284 of the immigration rules or have leave as the dependant of a Foreign and Commonwealth member of HM Forces under paragraph 276AD of the immigration rules.	<p>If overseas apply for 27 months leave to enter on form VAF4A.</p> <p>If in the UK, apply for 24 months leave to remain on form FLR(M).</p>	<p>A basic level language requirement applies.</p> <p>Probationary period is 2 years.</p> <p>The sponsor is required to maintain and accommodate dependants without recourse to public funds.</p>	<p>A grant of 27 months leave under paragraph 281 (or 284) of the immigration rules before 1 December 2013 will mean that the partner can complete their probationary period under the rules in place before 1 December 2013 i.e. they benefit from the transitional arrangements.</p> <p>Next application will be an application for settlement (after 24 months leave under 281) under paragraph 287. This can only be made in the UK.</p> <p>If you are unable to travel to the UK to apply before 1 December 2013 and your leave under paragraph 281 has expired by the time you come to the UK you will need to apply under the new rules. Where the requirements are not met, consideration will be given as to whether exceptional circumstances apply.</p>
5	British (including Foreign and Commonwealth citizens naturalised in service)	No leave under paragraph 281 or 284 of the immigration rules or have leave as the dependant of a Foreign and Commonwealth member of HM Forces under paragraph	Apply for settlement under paragraph 295A on form VAF4A,	Language requirement applies: prior to 28 October 2013 this is either the Life in the UK test or an ESOL qualification. From 28 October 2013, it will change to a B1	<p>A grant of leave under paragraph 295A of the immigration rules will mean that the partner has settlement.</p> <p>If you are unable to travel to the UK to apply before your leave under paragraph 295A before 1 December 2013 you will need to apply under the new rules. Where the requirements are not met,</p>

	Status of serving personnel	Status of dependant	Application options	Requirements	Comments
		276AD of the immigration rules. Have lived together overseas for 4 years.		qualification and Life in the UK test. You may get limited leave if this requirement is not met. The sponsor is required to maintain and accommodate dependants without recourse to public funds.	consideration will be given as to whether exceptional circumstances apply.
6	British (including Foreign and Commonwealth citizens naturalised in service)	Has leave under paragraph 281 of the immigration rules.	Apply for settlement under paragraph 287 on form SET(M) 28 days prior to expiry of probationary period. It is not possible to apply from overseas.	Language requirement applies: prior to 28 October 2013 this is either the Life in the UK test or an ESOL qualification. From 28 October 2013, it will change to a B1 qualification and Life in the UK test. You may get limited leave if this requirement is not met. The sponsor is required to maintain and accommodate dependants without recourse to public funds.	A grant of leave under paragraph 287 of the immigration rules will mean that the partner has settlement.  If you are on an accompanied assignment overseas you may travel to the UK to apply. If you are unable to travel to the UK to apply for settlement before 1 December 2013 and your leave under paragraph 281 has expired by the time you come to the UK, you will need to apply under the new rules. Where the requirements are not met, consideration will be given as to whether exceptional circumstances apply.