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This guidance is based on the Immigration Act 1971, the Immigration Rules and Immigration (Exemption from Control) Order 1972



Home Office

Armed forces: exempt from immigration control

This guidance is based on section 8 of the Immigration Act 1971, the Immigration Rules and the Immigration (Exemption from Control) Order 1972, as amended by the Immigration (Exemption from Control) (Amendment) Order 2015.

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This guidance tells you about members of the armed forces who are exempt from immigration control under section 8(4)(a), (b) and (c) of the Immigration Act 1971 (the 1971 Act) and how armed forces personnel gain entry to the UK.

It also covers eligible dependants of US military personnel exempt from immigration control under the Immigration (Exemption from Control) Order 1972, as amended by the Immigration (Exemption from Control)(Amendment) Order 2015. The amendment comes into effect on 28 November 2015.

Within this guidance ‘armed forces rules’ means Appendix Armed Forces to the Immigration Rules.

‘HM Forces’ means a member of the Royal Navy, British Army or Royal Air Force who is serving as a member of the regular forces.

‘Gurkha’ means a person who is enlisted in the Brigade of Gurkhas as part of the British Army.

“The 1972 Exemption Order” means the Immigration (Exemption from Control) Order 1972 (as amended by the Immigration (Exemption from Control) (Amendment) Order 2015.

Changes to this guidance - This page tells you what has changed since previous versions.

Contacts - This page tells you who to contact for help if your senior caseworker or deputy chief caseworker cannot answer your question.

Information owner - This page tells you about this version of the document and who owns it.

Safeguard and promote child welfare - explains your duty to safeguard and promote the welfare of children and tells you where to find more information.

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Related links

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External links

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Armed forces: exempt from immigration control

Armed forces: exempt from immigration control: key facts

This page provides the key facts about members of the armed forces and eligible dependants of US serving military personnel who are exempt from immigration control.

In this guidance HM Forces refers to a member of the home forces (HM Forces) subject to service law.

Category: Members of armed forces	
Who is exempt	<p>The following are exempt from immigration control:</p> <ul style="list-style-type: none"> • a full time member of the home forces (HM Forces) subject to service law - regular (non-reserve) HM Forces personnel are subject to service law at all times whilst enlisted • a reservist with HM Forces deployed or due to be deployed - this means reserve forces are only exempt at those times they are subject to service law • member of a Commonwealth force or a force raised under the law of: <ul style="list-style-type: none"> ○ colony ○ protectorate ○ protected state, who is undergoing or due to undergo training in the UK with any body, contingent or detachment of the home forces including NATO forces • persons who are serving or posted for service in the UK as a member of a visiting force (including those referred to above) • persons who are serving or posted for service as a member of an international headquarters or defence organisation designated in the Order of Council • eligible dependants of serving US military personnel assigned to duty in the UK
Application forms	<p>Applications made in or outside UK for exempt status from serving military personnel – no application necessary as exempt status is conferred by the Immigration Act 1971.</p> <p>Applications for evidence of exempt status made outside the UK from an eligible dependant of US serving personnel – Visa4UK.</p> <p>Application made in country for exempt status from an eligible dependant of US serving personnel – request in writing. No form or fee required.</p>

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Cost of application:	Home Office - Fees for our services There is no charge for a request of evidence of exempt status.
Immigration Health Surcharge	Does not apply
Entry clearance mandatory?	No. Exempt
Is biometric information required for applications made in the UK?	No if exempt under the Immigration Act 1971 or the 1972 Exemption Order.
Code of leave to remain granted	Exempt
Entry clearance endorsements	Exempt
Conditions of leave to remain	It is a Ministry of Defence (MOD) requirement that HM Forces personnel may only take additional employment with the consent of the commanding officer.
How long is leave to remain normally granted for?	Will remain exempt from control whilst serving in the armed forces or, in the case of a reservist with HM Forces, during pre deployment training or deployment. Eligible dependants of US military personnel will cease to be exempt from immigration control on conclusion of their serving sponsor's assignment in the UK. Or if they fail to meet one of the conditions set out in the 1972 Exemption Order.
Are dependants allowed?	Yes, but they need entry clearance or leave to enter or remain unless they are an eligible dependant and meet the conditions under the 1972 Exemption Order. For the purposes of Appendix Armed Forces (and any transitional provisions that apply), dependants are regarded as: <ul style="list-style-type: none"> • spouses • civil partners • unmarried partners providing they have been living together in a relationship akin to marriage or civil partnership for at least two years • fiancés or proposed civil partners • children under the age of 18 • children over the age of 18 are eligible to apply for leave to enter or remain if they previously had leave as the child of a member of HM Forces but leave to remain only if their sponsor is a member of other armed forces • other dependants of international forces as defined in Appendix Armed Forces
Work and study allowed?	In general, yes
Switching into this category	Yes. From 11 July 2013 the MOD require a person to have five

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allowed?	years' legal residency in the UK at the time they apply to join HM Forces.
Does this category lead to settlement (indefinite leave to enter/remain)?	Yes for HM Forces personnel No – for international forces No – for eligible dependants of US military personnel considered exempt from immigration control.
Is knowledge of language and life required?	This is not required for discharged members of HM Forces applying for leave after discharge. For the dependants of HM Forces - language requirement for limited leave and KOLL for settlement if over 18. Bereaved partners of HM forces and those applying as victims of domestic violence need not demonstrate compliance with KOLL or other English language requirements. Dependants of non-HM Forces – no language requirements for limited leave, they have no entitlement to settlement. Eligible dependants of US military personnel – no language requirements as they are exempt from control.
CID case type	Exempt from control,
Immigration Rules and legislation	Appendix Armed Forces Section 8(4) of the Immigration Act 1971. Immigration (Exemption from Control) Order 1972 (as amended).

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Armed forces: changes to this guidance

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This page lists changes to the 'Armed forces: exempt from immigration control' guidance, with the most recent at the top.

Date of the change	Details of the change
	<p>Change request:</p> <ul style="list-style-type: none">• changes made throughout the guidance to reflect the amendments to the 1972 order
20 March 2014	<p>Change request:</p> <ul style="list-style-type: none">• Definitions:<ul style="list-style-type: none">○ sub-heading 'Members of HM Forces reserves' last sentence and bullet points below are new content• Countries designated under section 1 Visiting Forces Act 1952:<ul style="list-style-type: none">○ this is a new page• Countries designated by various orders:<ul style="list-style-type: none">○ this is a new page.• NATO: member states:<ul style="list-style-type: none">○ this is a new page

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Armed forces: exempt from immigration control

Armed forces: definitions

<p>About this guidance Key facts Definitions Rights of admission Verifying the right of admission: member of international forces Procedure on entry Procedure after entry Countries designated under section 1 Visiting Forces Act 1952 Countries designated by various orders NATO: member states</p>	<p>This page tells you how a member of HM Forces, or a serving member of an international force, is covered by the Immigration Act and Immigration Rules.</p> <p>From 28 November 2015 eligible dependants of serving US military personnel will be considered exempt from immigration control subject to certain conditions.</p> <p>Armed forces rules From 1 December 2013 the armed forces rules are in Appendix Armed Forces of the Immigration Rules. Guidance on dealing with applications under transitional arrangements for HM Forces families can be found in the related link.</p> <p>Definition of HM Forces The law defining whether someone is a member of HM Forces is set out in the Armed Forces Act 2006. To be a member of HM Forces they need to be a member of the Royal Navy (including Royal Marines), British Army (including Brigade of Gurkhas) or Royal Air Force. All members of HM Forces must have enlisted in the UK.</p> <p>Eligibility to enlist in HM Forces From 11 July 2013 it is a Ministry of Defence (MOD) requirement that:</p> <ul style="list-style-type: none">• Commonwealth nationals applying to enlist in HM Forces must demonstrate they hold 5 years' residency in the UK at the time of their initial application to enlist• those seeking to join the reserves (for example, the Territorial Army) must show they hold indefinite leave to enter or remain in the UK <p>Members of HM Forces reserves Members of the reserve forces (for example, the Territorial Army) cannot normally apply for leave to enter or remain solely on the basis of their reserve service.</p> <p>Only where reservists are on deployment or undergoing military exercises will they fall within the meaning of exemption under the Immigration Act.</p>	<p>External links Immigration Act 1971, Section 8 Appendix Armed Forces Armed Forces Act 2006 Immigration (Exemption from Control) Order 1972</p>
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Deployment includes, but is not limited to:

- postings to combat zones
- peacekeeping duties to provide humanitarian aid
- enforcing anti-terrorism measures
- helping combat the international drugs trade

Definition of international forces

A member of an international force is a person who is a member of a Commonwealth force or a force raised under the law of:

- colony
- protectorate
- protected state

who is:

- undergoing or about to undergo training in the UK with any body, contingent or detachment of the home forces, including NATO forces
- serving or posted for service in the UK as a member of a visiting force including a member of one of the forces referred to above, including NATO forces, or as a member of an international headquarters or defence organisation which is designated by Order in Council

Definition of an eligible dependant

From 28 November 2015 the definition of an eligible dependant is a spouse or child of serving US military personnel considered under the Immigration (Exemption from Control) Order 1972 (as amended by the Immigration (Exemption from Control) (Amendment) Order 2015).

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Armed forces: rights of admission

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This page tells you about the rights of admission to the UK for members of HM Forces and international forces.

Rights of admission to the UK

Where a member of HM Forces, or a member of an international force, is exempt from immigration control under section 8(4) of the Immigration Act 1971 and a Border Force Officer is satisfied that this is the case, the Border Force Officer may not refuse entry unless the member of the armed forces is subject to a deportation order.

Where a dependant of a serving member of US Forces is exempt from immigration control under the 1972 Exemption Order and the Border Force Officer is satisfied they meet the criteria they may not refuse entry unless they are subject to a deportation order.

Verifying the right of admission: HM Forces personnel

Members of HM Forces must demonstrate they are exempt from immigration control under the 1971 Act by providing the following pieces of evidence:

- their HM Forces identification (ID) card
- if they are a reservist, current movement orders (regular members of HM Forces do not need to show current movement orders because they are exempt from immigration control throughout their service)

Border Force officers undertaking checks on status

If you need to investigate whether an applicant is a member of HM Forces and exempt from immigration control but it is apparent that, were it not for these checks, the individual would meet the requirements of the Immigration Rules for leave to enter then they must be admitted to the UK whilst further investigations take place.

Individuals seeking to join HM Forces after 11 July 2013

It is a Ministry of Defence (MOD) requirement that anyone intending to join HM Forces must

Related links

[Immigration Rules](#)

External links

[Immigration Act 1971, Section 8](#)

[Immigration \(Exemption from Control\) Order 1972](#)

[Armed Forces Act 2006, section 367](#)

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demonstrate they have lived and held valid leave in the UK for a minimum of 5 years and be able to demonstrate they have been living in the UK for this period of time immediately before starting the recruitment process.

The only exceptions to this requirement will be those individuals who hold evidence from the Ministry of Defence dated before 11 July of either:

- a written valid job offer
- confirmation of a training place
- a confirmed date to attend an assessment centre
- a confirmed date to attend a psychometric test (Royal Air Force or Royal Navy only)

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International forces: verifying the right of admission

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This page tells you about verifying the right of admission for members of international forces.

The Partnership for Peace extends most (although not all) of the NATO SOFA (dated 19 June 1951) provisions to members of the Partnership. Article III is one of those provisions that extends to the Partnership for Peace and therefore we must allow entry upon presentation of military identity card and movement orders.

Members of international forces (for example, Commonwealth, NATO) or nationals of countries covered by The Partnership for Peace SOFA (dated 19 June 1995) must carry the following documentation:

- identity card issued by their national authorities showing their:
 - name
 - date of birth
 - rank and number
 - branch of the service
 - photograph
- all serving members of the United States forces are issued with a blue or green identity card, know as:
 - Air Force - 2AF
 - Army - 2AR
 - Navy and Marines – 2NA
- individual or collective 'movement orders', when travelling on duty or on leave, authorising journeys - these orders may be issued by either:
 - the force concerned
 - supreme headquarters
 - allied powers
 - EUROPE (SHAPE)
 - in some cases, by other allied headquarters, such as, those of the Commander-in-Chief Eastern Atlantic Area (CINCEASTLANT) and the Commander-in-Chief Air

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Dependants of serving US military personnel

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This page tells you about the eligibility requirements for dependants of US military personnel made exempt from immigration control as of 28 November 2015 by virtue of the 1972 Exemption Order.

The Exemption Order **only** covers certain eligible dependants of those serving in the US military personnel. Caseowners should make sure that all other dependants of international forces seek entry clearance or leave to enter or remain in the UK under part 10 of Appendix Armed Forces.

For the purpose of the 1972 Exemption Order an “eligible dependant” is:

- a person listed on the movement order or other official document issued by the US government confirming the sponsor is a serving member of the US military assigned to duty in the UK and is either:
 - a spouse of the serving member of the US military
 - a child under the age of 21 on the date the child enters the UK accompanying or to join their sponsor
- the dependant will not be exempt from immigration control if either:
 - they fail to meet the suitability requirements in Appendix Armed Forces of the Immigration Rules
 - they fail to provide evidence that their sponsor is able to maintain and accommodate them without recourse to public funds

Any ‘other dependant’ including children aged 21 or over **must** meet the requirements set out in Part 10 of Appendix Armed Forces to the Immigration Rules.

Pre entry

The following case types and endorsements will be available from January 2016.

External links
[Immigration Act 1971, Section 8](#)

[Appendix Armed Forces](#)

[The Immigration \(Exemption from Control\) \(Amendment\) Order 2015](#)

Eligible dependants should submit a request for evidence of their exempt status via VISA4 UK using the drop down menu:

Category: Type of Visa = Exempt
Purpose of Application = Exempt
Type of Application = MVF Exempt (US) Dependant

A specific vignette for this cohort will be issued with the following information:

TO ACC/JOIN AF –
EXEMPT DEP US MIL

No recourse to public funds

Expiry date of Vignette - the vignette should be valid for 5 years unless the sponsors posting is known to conclude earlier.

On Entry

Eligible dependants are encouraged to obtain an exempt vignette prior to travel as evidence of their exemption from immigration control in order to smooth the process of entry at the UK border and to demonstrate they have the right to remain and work in the UK.

There is no legal obligation for them to do so and those arriving at a point of entry without a vignette will need to demonstrate their eligibility for entry by holding:

- a valid passport that confirms identity and nationality and:
 - individual or collective 'movement orders' or other official document issued by the US government confirming their sponsor is assigned to duty in the UK and that the individual is recognised as their dependant
 - evidence that the sponsor is assigned to the UK as a serving member of the military
 - evidence that they can be maintained and accommodated without recourse to public funds

If the Border Force Officer is satisfied that the individual meets the criteria on the 1972

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Exemption Order they may endorse the passport with their personal date stamp. If a landing card has not been completed the Border Force Officer should complete a skeleton card for statistical purposes. Only the nationality and category needs to be completed. If a personal date stamp is put in the eligible dependant's passport the landing card should also be stamped and the category 'O' entered.

Not all movement or posting orders make it clear that the person assigned to the UK is serving in the US military or if they are a civilian working for the US military.

'Other dependants' including children aged 21 or over are not included within the scope of the MOU. They must meet the requirements set out in paragraph 62 (b)(iii) (aa) (bb) of Appendix Armed Forces.

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Dependants of serving US military personnel: in country requests

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This page tells you about the eligibility requirements for dependants of US military personnel exempt from immigration control by the 1972 Exemption Order as of 28 November 2015 who are already in the UK.

For the purpose of the 1972 Exemption Order an “eligible dependant” is:

- a person listed on the official order of the sponsor and the sponsor is a serving member of the US military assigned to duty in the UK and they are either:
 - a spouse of the serving member of the US military
 - a child under the age of 21 on the date the child enters the UK accompanying or to join the sponsor
- the dependant will not be exempt from immigration control if:
 - they fail to meet the suitability requirements set out in Appendix Armed Forces
 - they fail to provide evidence that their sponsor is able to maintain and accommodate them without recourse to public funds

Any ‘other dependant’ including children aged 21 or over (unless previously treated as a dependant under Appendix Armed Forces) **must** meet the requirements set out in Part 10 of Appendix Armed Forces to the Immigration Rules.

Dealing with after entry requests for confirmation of exemption (vignettes)

On 28 November 2015 eligible dependants of US serving military personnel will become exempt by virtue of the Immigration (Exempt from control) Order 1972 as amended by the Immigration (Exemption from Control) (Amendment) Order 2015.

There is no legal requirement for them to hold such a vignette but the majority will wish to do so in order to confirm their status, seek employment or to satisfy a landlord of their right to be in the UK.

No fee is required nor should they pay the health surcharge.

External links

[Immigration Act 1971, Section 8](#)

[Appendix Armed Forces](#)

[Armed Forces: Exempt from immigration control](#)

[The Immigration \(Exemption from Control\) \(Amendment\) Order 2015](#)

Process for dealing with requests for vignettes

All requests for a vignette from eligible dependants in the UK should be sent in writing together with:

- a valid passport
- 2 passport photographs
- individual or collective 'movement orders' or other official document issued by the US government confirming their serving sponsor is assigned to duty in the UK and the individual is recognised as their dependant
- a copy of their sponsor's passport details page or other official verification of sponsor's full name, date of birth and nationality
- reliable evidence that the sponsor is assigned to the UK as a serving member of the military
- the posting or movement order and/or marriage certificate to show evidence of the relationship (If a spouse)
- if a child, evidence of that relationship and evidence that their other parent either meets the criteria as an eligible dependant or holds entry clearance or leave to enter or remain under part 10 of Appendix Armed Forces

This information and supporting documents should be sent to:

Immigration & Settlement Group-UKVI
Home Office
Premium Service Centre Support – Armed Forces Team
3rd Floor, Lunar House
40 Wellesley Road
Croydon, CR9 2BY

A specific vignette will be issued with the wording below.

Exempt from limitation of leave in the UK while a dependant of visiting forces for as long as the sponsor is exempt from control

No recourse to public funds

Not all US military orders indicate whether the sponsor is serving in the US military or is a civilian seeking entry or leave as a relevant civilian employee. Caseowners should take care that proof of the sponsor's enlistment in the US military is seen.

'Other dependants' including children aged 21 or over are not included within the scope of the MOU. They must meet the requirements set out in paragraph 62 (b)(iii) (aa) (bb) of Appendix Armed Forces.

Switching

Those in the UK holding leave to enter or remain under a different category of the Immigration Rules will be considered exempt as of 28 November 2015 if they are an eligible dependant and do not fail any of the conditions in the 1972 Exemption Order. There is no legal requirement for them to apply to switch but they may wish to do so in order to hold evidence of their right to remain in the UK.

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This page tells you about the procedure to follow when a member of HM Forces or a member of a NATO Force arrives in the UK.

A passenger, who is exempt from control, must have their passport (if presented) endorsed with the Border Force officer's date stamp. No landing card is required.

Those seeking entry under the 1972 Exemption Order covering certain dependants of US Military personnel must produce a valid passport or travel document and evidence that they meet all of the necessary conditions. If they satisfy the Border Force Officer that they meet the criteria the passport may be endorsed with the Border Force Officer's personal date stamp.

If you are not satisfied the passenger has the status they claim you may consider them as a civilian who requires leave to enter and they should be examined for eligibility under the Immigration Rules.

If further enquiries are necessary, from any arm of the United States forces, the security police commander at the location where the passenger claims to be based can be consulted.

External links

[Immigration Act 1971, Section 8](#)

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This page tells you about the procedure to follow after a member of HM Forces enters the UK.

A person admitted as exempt from control will remain exempt provided they continue to fall within the provisions of section 8(4) of the Immigration Act 1971.

If a person admitted in another capacity (for example, student) wishes to enlist in HM Forces you must tell them to contact the Ministry of Defence (MOD) directly.

If, following the MOD intense selection process, a person attends an attestation ceremony they will be considered as enlisted in HM Forces.

They must submit their passport to the Home Office with a covering note from the military unit and evidence of their enlistment. No application form is required. Their passport must be endorsed with suspension of any limited leave to enter or remain.

A full time member of HM Forces (that is, a member of the regular rather than reserve forces) ceases to be exempt on discharge from HM Forces.

To enable discharged members of HM Forces who wish to, to apply for indefinite leave to remain following discharge, MOD or the individual themselves should provide the Home Office with their date of discharge. Home Office will then grant a period of 28 days leave to remain outside the rules to enable the person to submit their application for indefinite leave to remain (ILR).

This may not always be necessary because in practice the majority submit applications for indefinite leave to remain several weeks before discharge and these applications are processed before the 28 days has been granted. However where ILR is refused 28 days should be granted.

Persons with leave before they join HM Forces

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Where a HM Forces member had leave to enter or remain before they became exempt and that leave period is still valid at the point they cease to be exempt then section 8(5) of the 1971 Act sets out that that leave is automatically resumed.

For example, a person who joins HM Forces with indefinite leave to remain will upon enlisting become exempt from immigration control but, at the point they cease to be exempt will regain that settled status. In practice this type of situation only applies to reservists and those who are discharged after only a short period of service.

Where a person resumes an immigration status they no longer qualify for, for example a student visa despite no longer being a student, then caseworkers must consider curtailment of the leave.

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This page tells you which countries are designated under section 1 of the Visiting Forces Act 1952.

List of countries designated under Section 1 of the Visiting Forces Act 1952

Albania	Finland	Nauru	Tanzania
Antigua and Barbuda	France	Netherlands	Tonga
Armenia	The Gambia	New Zealand	Trinidad and Tobago
Australia	Georgia	Nigeria	Turkey
Austria	Germany	Norway	Turkmenistan
Azerbaijan	Greece	Pakistan	Tuvalu
Bahamas	Grenada	Papua New Guinea	Uganda
Bangladesh	Guyana	Poland	Ukraine
Barbados	Hungary	Portugal	United states of America
Belarus	Iceland	Romania	Uzbekistan
Belgium	India	Russia	Vanuatu
Belize	Ireland	Spain	Western Samoa
Bermuda	Italy	St Christopher and Nevis	
Bosnia-Herzegovina	Jamaica	St Lucia	
Botswana	Jordan	St Vincent & the Grenadines	
Brunei	Kazakhstan	Serbia	
Bulgaria	Kenya	Seychelles	
Canada	Kiribati	Sierra Leone	
Cameroon	Kyrgystan	Slovakia	
Croatia	Latvia	Slovenia	
Cyprus	Maldives	Solomon Islands	

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Czech Republic	Malta	South Africa	
Denmark	Mauritius	Sri Lanka	
DRC	Moldova	Swaziland	
Dominica	Montenegro	Sweden	
Estonia	Mozambique	Switzerland	
Fiji	Namibia	Tajikistan	

Partnership for Peace

The following countries are signed up to the Partnership for Peace - Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia and Herzegovina, Republic of Macedonia, Montenegro, Serbia, Austria, Finland, Ireland, Malta, Sweden, and Switzerland.

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Armed forces: contacts

<p>About this guidance Key facts Definitions Rights of admission Verifying the right of admission: member of international forces Procedure on entry Procedure after entry Countries designated under section 1 Visiting Forces Act 1952 Countries designated by various orders NATO: member states</p>	<p>This page explains who to contact for more help with a specific case in the armed forces: exempt from immigration control category and this includes eligible dependants of serving US Military personnel included in the MOU between Governments of UK and US.</p> <p>If you have read the relevant Immigration Rules (in relation to the partners and dependants of members of the armed forces) and this guidance and still need more help with this category, you must first ask your entry clearance manager, senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email (quoting who you have sought advice from):</p> <ul style="list-style-type: none">• for policy queries, caseworkers and entry clearance officers should email Armed Forces Policy• Border Force Officers can email BF OAS enquiries <p>Changes to this guidance can only be made by the Guidance, Rules and Forms team (GRaFT). If you think the policy content needs amending you must contact the armed forces policy team who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email Guidance - making changes.</p>	<p>Related links Changes to this guidance</p> <p>Information owner</p> <p>External links The Immigration (Exemption from Control) (Amendment) Order 2015</p>
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This guidance is based on the Immigration Act 1971, the Immigration Rules and Immigration (Exemption from Control) Order 1972

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