



Home Office

# No time limit (NTL)

Version 22.0

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 (NTL) 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 an eVisa 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 Review, Atlas and Forms team.

## Publication

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

- version **22.0**
- published for Home Office staff on **13 May 2025**

## Changes from last version of this guidance

Minor amendments made following review, in particular to the section on open date stamps.

### Related content

[Contents](#)

# No time limit – digital status

From 31 October 2024, successful no time limit (NTL) applicants receive an [eVisa](#).

They are no longer issued with a biometric residence permit (BRP).

If individuals already have an eVisa, they should not make an NTL application and any NTL application they make will be voided.

## **Related content**

[Contents](#)

# Purpose of no time limit application

This page explains the reasons why a person may make a no time limit (NTL) application.

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 in the form of an eVisa. A person who has ILE or ILR is free of immigration time restrictions and considered to be 'settled' in the UK (if they are ordinarily resident).

A person may apply for NTL:

- to upgrade their non-digital proof of ILE or ILR, 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 eVisa
- 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 ILE or ILR and want to be issued proof of their status in this new identity in the form of an eVisa

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

## Related content

[Contents](#)

# No time limit: eligibility

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

## Persons eligible to apply

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

- have been granted indefinite leave to enter (ILE) or indefinite leave to remain (ILR) in the UK (other than under Appendix EU to the Immigration Rules), including those who were considered 'settled' in the UK on or before 1 January 1973 - note that customers with long residence may qualify under the [Windrush Scheme](#)
- have not [lost their ILE or ILR](#) (for example by being absent from the UK for a continuous period of more than 2 consecutive years, or the period otherwise permitted, since 2000)
- continue to have and 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 are able to leave the Common Travel Area (CTA) while their NTL application is being considered, without their NTL application being withdrawn.

NTL applications are not covered by the Immigration Rules, but [the general validity policy](#) within paragraph 34 of the Immigration Rules is applied to NTL applications, where appropriate.

Applicants who have limited leave cannot make an NTL application. 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. Such a person will only be issued with an NTL eVisa if they do in fact have ILE or ILR. See the section below on [Temporary permission granted to a person with indefinite leave](#).

## 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 ILE or ILR. You may, therefore, receive NTL applications from people who have been issued ILE or ILR in the Channel Islands or the Isle of Man and are now applying for confirmation of this status in the UK.

## People who are not eligible to apply

You must not approve an NTL eVisa application where the person:

- is a British citizen
- has the right of abode in the UK
- is an Irish citizen
- is an EEA or Swiss national or their family member who has been granted status under the EU Settlement Scheme (EUSS)
- 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, and has no other immigration status
- a person who already has a UKVI account and an eVisa

## 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 eVisa because they are not subject to immigration control.

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.

If a person has previously renounced British citizenship, you must check their immigration status. When a person becomes a British citizen, any immigration leave that they have falls away, as they are no longer subject to immigration control. If they then renounce British citizenship, their former leave is not reactivated, and they must apply for leave to remain. If they have not been granted ILE or ILR since renouncing, they will not qualify for NTL.

## 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.

## Irish citizens

Irish citizens are not normally subject to immigration control 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 note, Irish citizens who are subject to a deportation order, exclusion direction or international travel ban do require leave).

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 eVisa regime entirely and we cannot issue them with an NTL eVisa. 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.

## EEA nationals and their family members

The term EEA nationals, here and in the following sections, includes Swiss nationals.

EEA nationals who were resident in the UK before the end of the post-EU exit transition period at 11pm on 31 December 2020, and their family members, are able to apply for settled status (ILE or ILR) under the [EU Settlement Scheme \(EUSS\)](#) under Appendix EU to the Immigration Rules. This is generally once they have accrued 5 years' continuous residence in the UK.

The deadline for most people to apply to the EUSS was 30 June 2021, but people can still apply after that date if there are reasonable grounds for their delay in making their application or if they are a joining family member. Where they have been granted pre-settled status under the EUSS (5 years' limited leave to enter or remain), there is no deadline for them to reapply to the scheme for settled status (ILE or ILR) once they are eligible for it.

Some EEA nationals and their family members may have obtained ILR under other Immigration Rules routes, for example Appendix Victim of Domestic Abuse.

## EEA nationals with ILE or ILR (other than under Appendix EU)

Where an EEA national has been granted ILE or ILR under the Immigration Rules (other than under Appendix EU), they will be eligible for an NTL eVisa. 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 country of which they are a national 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
- was granted indefinite leave under Appendix Victim of Domestic Abuse

Holders of ILR under Appendix ECAA Settlement to the Immigration Rules or another route associated with the European Communities Association Agreement with Turkey (ECAA) are also eligible for an NTL eVisa.

## **EEA nationals with ILE or ILR (settled status) under Appendix EU**

An EEA national with ILE or ILR (also referred to as 'settled status') granted under the [EU Settlement Scheme](#) (EUSS) under Appendix EU will already have received an eVisa and is not eligible for NTL.

Individuals who held ILE or ILR under the Immigration Rules (other than under Appendix EU) and who are subsequently granted ILE or ILR (settled status) under Appendix EU will also have received an eVisa and will not be eligible for NTL. Any NTL application made by such a person should be voided.

## **EEA nationals without indefinite leave**

EEA nationals who have not been granted ILE or ILR are not eligible for NTL. In your letter, you must point them to the [guidance on making an EUSS application](#) if there is evidence that they were resident in the UK by 31 December 2020 (or are the joining family member of such an EEA national) and they do not already hold status under the scheme.

## **EEA nationals who had a right of permanent residence**

Under the Immigration (European Economic Area) Regulations 2016, EEA nationals who had been exercising Treaty rights in the UK for five continuous years automatically acquired a right of permanent residence in the UK, as did their family members resident with them for that period. They could apply for a document certifying permanent residence (or a permanent residence card if they were a non-EEA national family member) if they wished to evidence this status but were not required to do so.

Permanent residence and documents issued under the EEA Regulations 2016 ceased to be valid at the end of the grace period on 30 June 2021. EEA nationals and their family members who acquired a right of permanent residence under the EEA Regulations 2016 should have made an application to the EUSS before the 30 June 2021 deadline to regularise their immigration status in the UK. They can still apply to the EUSS where they can show that there are reasonable grounds for their delay in applying.

They should not make an application for an NTL eVisa. If they do, it must be voided. As above, the relevant void paragraph for this scenario should be copied into the Rejection template on ATLAS. In your letter, you must point them to the guidance on making an EUSS application.

## Non-EEA national family members of EEA nationals

If a non-EEA national family member of an EEA national has been granted ILE or ILR other than under Appendix EU, they can apply for an NTL eVisa, where they meet the requirements for this.

If a non-EEA national family member of an EEA national makes an NTL eVisa application, but holds status under the EUSS, the application must be voided because they already hold an eVisa. The relevant void paragraph for this scenario should be copied into the Rejection template on ATLAS.

### Related content

[Contents](#)

### Related external links

[EU Settlement Scheme caseworker guidance](#)

[Permanent residence documents for EU, EEA or Swiss citizens](#)

[Residence documents for foreign nationals in the 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 both the:

- application is [valid](#)
- applicant's passport or travel document (and any supporting documentation provided) is genuine

Once you are satisfied the application is valid and any 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 visa
  - 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
- the [identity](#) of the applicant has not changed (or where the identity has changed, that 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

If the person does not have one of the above forms of identity, you must refer to the Identity Standards guidance and Windrush guidance

- 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, Irish citizen, EEA national or family member with EUSS settled status, a person who has a UKVI account and access to an eVisa, or a person with the right of abode in the UK
- all documents and records relate to the applicant

## Related content

[Contents](#)

# 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, and is 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, they can apply to the Windrush Scheme.

If the person has not already been granted ILR, they 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 2 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 2 years, or on their later return if they had a sufficient connection to the UK.

#### **Related content**

[Contents](#)

# 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.

Those who have a BRP can use it to create a UKVI account to access their eVisa. They will not qualify for NTL. Those granted protection status who do not have a passport will have a UKVI account created for them so that they can access their eVisa.

## Exceptional leave to remain or discretionary permission

If the applicant has been granted indefinite leave following 4 years' exceptional leave to remain or discretionary permission and submits a convention identity document, you can return this to the applicant on concluding their application unless their eVisa is being issued in a different [identity](#). If the eVisa is being issued in a different identity you must send the convention identity document by bag to the travel documents team:

Travel Document Team  
1st Floor, The Capital

A convention identity document is a brown travel document.

When sending a convention document to the travel documents section you must add a case note explaining what the change is and that the documents has been sent to the travel documents team.

## Refugee status

If an applicant has been granted indefinite permission 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 an eVisa 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 the Status Review Unit (SRU) may be required. Discuss with your Senior Caseworker if necessary.

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

#### **Related content**

[Contents](#)

# 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) or other form of evidence, 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. Applicants are expected to provide a crime reference number or police report. If they do not, you must consider the reasons why it has not been provided and if you can still be satisfied that the document was lost or stolen. 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

## Related content

[Contents](#)

# Loss of indefinite leave

This page tells you how to check whether a person applying for a no time limit (NTL) eVisa has lost their indefinite leave 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 Immigration Leave to Enter and Remain Order 2000, a person will lose their indefinite leave where they have been outside the UK for more than 2 consecutive years unless any of the following apply:

- they are the partner or child of a member of HM Armed Forces and they have been accompanying them overseas
- they are the partner or child of a British citizen / settled person in permanent employment Crown service or the British Council and they have been accompanying them overseas
- they return to the UK in circumstances where they do not require leave to enter

A person who has been outside the UK for more than the permitted period may nevertheless be able to return following an application for entry clearance as a [returning resident](#).

Longer periods of absence are permitted for people who were granted settlement under the EU Settlement Scheme, but they already have digital confirmation of their status and so will not need to apply for NTL.

For the purposes of an NTL application, you may normally accept a declaration that the person has not been outside the UK for more than 2 consecutive years. Evidence of UK residence will not be requested up front as part of the application: the person will only be asked to provide the document showing ILE or ILR and the passport showing their last entry to the UK.

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

- indefinite leave was granted more than 2 years ago
- they are not the partner or child of either a member of HM Armed Forces or a British citizen / settled person employed in Crown service or the British Council, who has been accompanying them overseas

and there is information to suggest that their statement about not having been out of the UK may not be correct, such as:

- information on Home Office systems, or in any documentation provided, to suggest that the applicant's indefinite leave may have lapsed through absence from the UK
- the applicant's immigration history shows previous illegal entry or deception

Applications for NTL made before changes were made to the application forms in September and October 2024 will have been asked to provide evidence of their residence since being granted ILE or ILR. You must apply a consistent approach to these cases and consider them in the same way as those received after the form changes took place.

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**Official – sensitive: end of section**

## Proof of residence in the UK

If you have concerns, based on the information available, that the person may have lost their indefinite leave to enter or remain as a result of continuous absence, you must make further enquiries. If their presence in the UK cannot be confirmed by checking Home Office or other department records, you must contact them for evidence. In such cases, examples of other evidence of UK residence 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.

## Returning residents

If a person has been absent from the UK for more than 2 consecutive years (or the period otherwise permitted), and has lost their indefinite leave, they can apply for re-admission to the UK as a [returning resident](#).

A person with indefinite leave who has been outside of the UK for more than 2 consecutive years (or the period otherwise permitted), must apply for entry clearance as a returning resident.

## Open date stamps

### Entry before 6 July 2018

Before 6 July 2018, a person could apply for re-admission as a returning resident 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 status where all other requirements are met.

### Entry after 6 July 2018

If a person was permitted to enter the UK with an open date stamp after 6 July 2018 but had been outside the UK for more than 2 years, their indefinite leave to enter or remain will have expired. An open date stamp does not grant indefinite leave to enter or remain. Paragraph 6 of Schedule 2 to the Immigration Act 1971 provides that if notice of permission is not given within 24 hours of being examined, the person is deemed to have been given 6 months leave to enter, with a condition prohibiting employment. If you come across this, you must consider the circumstances of the case and whether it is appropriate to grant permission outside the rules. You must bear in mind that the person may have assumed that they were settled in the UK, possibly for many years, and will not be aware that they are technically in the UK without leave.

## Temporary permission granted to a person with indefinite leave

Before 6 July 2018, 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 1 conditions. They would also have been advised to apply to the Home Office for their settled status to be confirmed. Although this is no longer the practice, you may still find applications where the applicant was given limited leave to enter for 2 months. If it was established that their ILR had not lapsed, the grant of limited leave will not have revoked the person's indefinite leave and they may still be eligible for an NTL eVisa.

### Related content

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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. This only applies where the person holds a legacy document (such as a vignette, Home Office letter or stamp in a passport) and is applying for NTL in order to create a UKVI account to access an eVisa. If the person already has an eVisa they should [report a change of circumstances](#).

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 are 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](#), 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 abuse 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.

Where a person has applied to change their name and they have been convicted of identity enabled criminality, such as fraud or sex offences, you must refer the matter to a senior caseworker for advice as to whether the change of name should be

rejected. Checks should also be made for identity-related criminality. See the [change of name guidance](#).

## 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 an enrolled 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 that 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 confirmation of 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.

For guidance on change of date of birth see: Identity checks and biometrics.

## Change of gender

Transgender people who hold non-British passports and identity cards in their former name and gender can apply for NTL 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.

### Related content

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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.

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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 application 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 NTL, 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) eVisa 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 2024 an application for NTL was submitted in the identity of Mr P. Mr P provides a deed poll dated 2023 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 an eVisa 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 an eVisa in the identity of Ms R provided all other requirements of NTL have been met.

### Example 3

Ms C was granted ILR in 2022 under Tier 1. She applies for NTL in 2024 and shows a birth certificate which shows her identity as Ms T. Her date of birth and nationality are unchanged. Ms T was asked but 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 12/03/2000. He was granted discretionary leave in 2016 as an unaccompanied minor following an unsuccessful asylum claim and was granted ILR in 2021. He subsequently applies for NTL and provides a birth certificate showing his date of birth as 12/03/1998. 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 2022. Mr E's BRP confirming ILR stated his DOB as 11/10/1982. He applies for NTL in 2024 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 an NTL eVisa 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 eVisa 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 2024 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 a no time limit (NTL) eVisa.

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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 eVisa 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 (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 be sought if required)
- there is not enough evidence the applicant has indefinite leave (if the applicant holds limited leave do not refuse outright – refer first to relevant caseworker instructions on re-confirming applications that have been incorrectly made for NTL and follow this process if relevant)
- the applicant has submitted false documentation or made false representations
- the applicant has lost their indefinite leave status (for example due to absences), or it 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
- the applicant has status under the EUSS, or a pending valid EUSS application – see the section above on [EEA nationals](#)

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
- there is evidence that fraudulent documents have been presented in support of the application
- there is no evidence held on Home Office systems that the applicant has a valid pending EUSS application awaiting an initial decision, administrative review or appeal, evidenced by a Certificate of Application (CoA)

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
- the applicant may be eligible for the EU Settlement Scheme

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 on 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, the relevant template letter 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 to a biometric residence permit / eVisa, 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 create a UKVI account for an eVisa for 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, for example 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 ATLAS 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 appealable decision, under section 82 of the Nationality, Immigration and Asylum Act 2002.

## **Reconsideration requests, pre-action protocols or judicial reviews – change of identity cases**

If you receive a reconsideration request, pre-action protocol letter or judicial review claim, you must first check the ATLAS notes from the original refusal. If the ATLAS 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 request can be refused.

Alternatively, if there were no case-working notes you must request the HO files 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 was 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.

### **Related content**

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# Issuing an eVisa

This page tells you how to issue an eVisa depending on the document the applicant holds.

## Passport

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