



Home Office

Afghan Locally Engaged Staff

Version 1.0

Contents

Contents.....	2
About this guidance.....	4
Contacts	4
Publication	4
Changes from the last version of this guidance	4
Introduction	5
Purpose of instruction	5
Background	5
Policy intention	6
Applications in respect of those with children	6
Relevant Legislation.....	8
Immigration Rules.....	8
Ex-gratia scheme	9
Ex-gratia scheme overview.....	9
Financial offer	9
Training offer	9
Relocation offer.....	10
Intimidation policy.....	11
How to make a claim under the intimidation policy	11
Decision on claims under the intimidation policy	11
Support available under the intimidation policy.....	12
Entry clearance applications	13
Relocation scheme: entry clearance process	13
Relocation process.....	14
Relocation.....	14
Local authority grant agreement	14
Dependants.....	15
Who can qualify as a dependent?	15
Pre-existing family members travelling later	15
Marriage after relocation.....	15
Family members: exceptional circumstances	16
UK born children	16
DNA evidence.....	17
Settlement applications	18

Settlement route	18
Fee exemption	18
How to submit a settlement application	18
Actions on receipt of the settlement application	19
Incomplete applications received	19
Actions if the application is rejected	19
Applications made early	19
Applications made after leave has expired	19
Criminality checks	20
Granting settlement	20
Refusing Settlement	20
Dependants and UK born children	20

About this guidance

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

It also explains to UK Visas and Immigration (UKVI) staff how to consider applications for entry clearance and for settlement for those granted limited leave under these schemes and how to process requests for leave in line for UK born children.

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

Contacts

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

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

Publication

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

- version **1.0**
- published for Home Office staff on **28 June 2019**

Changes from the last version of this guidance

This is the first version of this guidance published in this format. It brings together existing guidance on gov.uk and includes additional guidance on processing settlement applications from LES and their families and requests for leave in line for UK born children.

Related content

[Contents](#)

Introduction

Purpose of instruction

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

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

Background

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

The **ex-gratia redundancy scheme** caters for those made redundant as a direct consequence of the UK military drawdown in Afghanistan, providing they worked directly for HMG on 1 May 2006 and had served for more than 12 months when they were made redundant. The scheme provides a range of in-country packages of assistance and, for those who meet the criteria, relocation to the UK with their immediate dependants.

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

Those who qualify and choose to relocate to the UK with their families are not expected to return to Afghanistan. After completing five years limited leave they can apply for permanent residence in the UK, free of charge, ensuring that they can continue to build their lives and future here.

Policy intention

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

- honour their service by providing generous support that properly reflects their work and the risks involved, especially for interpreters who worked alongside UK Forces in frontline roles
- recognise the vital part that LES played in our efforts towards a more secure, stable and prosperous Afghanistan and enable them to go on contributing to a brighter future for them and their country by offering in-country support and relocation options
- ensure that those who choose to relocate to the UK can do so with their immediate families and can apply to settle here permanently so that they can build their lives and their future in the UK

Applications in respect of those with children

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

In practice, this requires you to consider the best interests of the child in decisions that have an impact on that child. This is particularly important where the decision may result in the child having to leave the UK, where there are obvious factors that adversely affect the child, or where a child or a person caring for the child ask us to take particular circumstances into account. All decisions must demonstrate that the child's best interests have been considered as a primary, but not necessarily the only, consideration. You must be vigilant that a child may be at risk of harm and be prepared to refer cases immediately to a relevant safeguarding agency where any child protection issues arise.

Afghan LES who qualify for relocation to the UK will be able to bring their immediate family members with them, including their children. They can also request limited leave in line on behalf of any children born in the UK after they have relocated, and this is free of charge. Children can also be included as dependants on settlement applications from Afghan LES following their initial period of limited leave. Settlement applications on this route are also free of charge. Any applications involving children must be processed in a timely way.

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

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

Related content

[Contents](#)

Relevant Legislation

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

Immigration Rules

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

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

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

Paragraph 276BE1 provides that a partner or minor dependent child can be included in an application for limited leave to enter as dependants.

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

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

Paragraphs 304-309 set out the provisions relating to UK born children.

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

Related content

[Contents](#)

Ex-gratia scheme

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

Ex-gratia scheme overview

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

The offers available under the scheme are:

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

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

Financial offer

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

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

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

Training offer

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

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

LES receive up to 5 calendar years of training or education funded by the UK Government and a fixed regular sum equivalent to their gross monthly salary (without allowances) at the date on which the offer is made. The LES can select any technical, vocational, academic or training course of their choosing provided it is

accredited. All training must be undertaken in Afghanistan. LES will also be able to gift the training offer to members of their close family.

Relocation offer

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

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

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

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

LES who meet the eligibility criteria will be offered a relocation package, which provides the opportunity to apply for limited leave to enter the UK under [Part 7 of the Immigration Rules](#). Successful applicants will receive a UK visa which grants 5 years limited leave to enter the UK, and an opportunity to apply for Indefinite Leave to Remain at the end of that 5-year period.

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

Related content

[Contents](#)

Intimidation policy

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

How to make a claim under the intimidation policy

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

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

LES who are concerned for their safety in Afghanistan due to intimidation should contact the Intimidation Investigation Unit (IIU) in Kabul on **0093 (0)792 907 303**. The IIU will make an initial assessment of the threat posed within 24 hours. Professional investigators within the IIU will then conduct a detailed investigation and interview the LES, so that the right support can be provided as quickly as possible.

To assist with the investigation and to ensure appropriate support can be provided, the LES will be asked to provide evidence of intimidation they have faced and its connection with their service with the UK government, which could include:

- written/mobile phone evidence of a threat
- evidence of an injury and its cause
- supporting evidence from a police investigation or medical treatment
- contact details for any witnesses to the intimidation
- any other evidence they may have

With the LES's agreement, the IIU may pass the information provided, and any background to the claims, to the Afghan National Police and National Directorate of Security for further investigation of the incident.

The length of time that the IIU may take to investigate the claim depends on the complexity and urgency of the claim, and the volume of supporting evidence. Necessary reasonable interim measures will be taken to keep the LES and their immediate family safe while the investigations are completed.

Decision on claims under the intimidation policy

Once the IIU has completed its investigation, a decision will be made by the in-country Theatre Intimidation Assessment Review Panel (TIARP) as to what level of support will be given and this will be conveyed to the LES by the IIU. A record will be kept of the investigation and of the final decision.

Support available under the intimidation policy

There are a range of measures that can be provided to the LES and their immediate family, dependent upon the level of risk and what is assessed as reasonable to address it.

Support can include one or more of the following:

- advice on increased security measures, for example, varying working hours, route to work, work location or changing phone number
- support in taking time off from their current job to reduce the threat
- funded relocation within Afghanistan
- relocation to the UK

Relocation to the UK is only provided in the most serious cases, where there is a significant and imminent threat to safety and all other measures have been exhausted and/or UK relocation is the only way to mitigate the threat.

Arrangements for relocation would be in line with the process set out in the relocation offer of the ex-gratia redundancy scheme.

The [Intimidation policy guidance](#) available on gov.uk provides further details on the eligibility criteria for support, the support available and how to access it.

Related content

[Contents](#)

Entry clearance applications

This section tells you about the entry clearance process for LES in Afghanistan who are seeking to relocate to the UK under the ex-gratia scheme or intimidation policy.

Relocation scheme: entry clearance process

LES who are in Afghanistan and meet the eligibility criteria for relocation will be offered a relocation package for themselves and their immediate family (one partner and children), with the opportunity to apply for limited leave to enter the UK under the [Immigration Rules](#).

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

Visa applications under the relocation schemes are exempt from fees. Applications are sent to Sheffield who will refer the applications to the Screening Information and Research Team (SIRT). Afghan LES, their spouse and any dependants are also referred for relevant security checks. UKVI staff will then decide whether leave to enter can be granted.

Successful applicants along with dependants who are also eligible to relocate will receive a UK visa which grants 5 years leave to enter the UK, with an opportunity to apply for Indefinite Leave to Remain at the end of that 5-year period. To be able to relocate to the UK, as well as being eligible under the scheme's eligibility criteria for the relocation offer, applicants must satisfy the requirements of Paragraphs 276BB1-276BC1 of the [Immigration Rules](#).

LES who qualify for leave to enter under the [Immigration Rules](#) will be:

- in Afghanistan
- an Afghan citizen
- over 18 years of age

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

They must also have been deemed to qualify for the ex gratia relocation redundancy package or for relocation under the intimidation policy by the MOD, FCO or DFID.

Related content

[Contents](#)

Relocation process

This section provides information on the process of arrival for Afghan LES and integration into the UK.

Relocation

When the visa is granted, the Afghan Ex Gratia Scheme team in the Home Office contact local authority providers to source suitable accommodation and agree an arrival date. The Home Office notify the International Organization for Migration (IOM) to book flights. The BEK then contact the LES to let them know the relocation date and arrange pre-flight briefings and 'fit to travel assessments' before departure. The Home Office also notify Border Force of all planned arrivals. The LES is accompanied to the UK by an IOM escort.

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

The Local Authority provider assume responsibility for the LES and any dependants from the IOM at the airport and take the LES and any dependants to their accommodation.

Local authority grant agreement

The local authority is responsible for providing integration support including arrangements for obtaining school places, health services and National Insurance Numbers. The local authority provides a 4-month integration support package that includes helping arrivals to access education places for children, health services and access to mainstream benefits.

LES are not eligible for benefits until they have been resident in the UK for a 3-month period so the local authority support those who arrive under the relocation schemes for up to four months under the terms of the grant agreement and assist with benefits applications after 3 months. Integration support is funded by MOD, but all requests for payments are dealt with by the Home Office. The local authority claims an initial payment on arrival and a further payment after the 4-month period has ended.

Related content

[Contents](#)

Dependants

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

Who can qualify as a dependent?

LES who qualify for relocation under the Immigration Rules may include a partner and any minor dependent children in their application for limited leave to enter the UK as their dependants.

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

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

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

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

Pre-existing family members travelling later

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

Marriage after relocation

Only those dependants who are eligible and were included on the application at the time the LES applied are eligible for relocation under the schemes. Where people choose to marry or start a relationship after relocating to the UK, their wife or partner

will not be eligible to relocate to the UK under either of the relocation schemes available to interpreters. They can instead choose to apply for a visa to come to the UK under the family migration Immigration Rules. They would need to apply for leave to enter at the nearest Visa Application Centre and meet the relevant requirements of the Rules or demonstrate exceptional circumstances to justify granting leave to enter outside the Immigration Rules.

Further information can be found on the [Family Visa](#) page on gov.uk and at Family Migration: Appendix FM.

Applications should also contain details of any reasons why applicants believe that their application should be considered under the [Leave outside the Rules](#) guidance.

Family members: exceptional circumstances

All applications are assessed on their individual merits and any evidence provided is carefully considered in accordance with the Family Migration: Appendix FM policy guidance. Where a dependent does not qualify under the requirements set out in Appendix FM of the Immigration Rules, you must consider whether there are exceptional circumstances or compelling compassionate reasons to justify granting leave to enter outside the Rules in accordance with the [LOTR guidance](#). An applicant would need to provide sufficient evidence to demonstrate that such exceptional reasons exist to warrant a grant of leave where they cannot meet the requirements of the Rules.

For those who wish to apply under the family migration rules, relevant information and links to application forms are available on the [family visa page on GOV.UK](#).

UK born children

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

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

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

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

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

DNA evidence

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

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

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

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

For further detailed guidance on the Home Office DNA policy, see DNA policy guidance.

Related content

[Contents](#)

Settlement applications

This section provides information on the route to settlement for Afghan LES.

Settlement route

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

All applications for settlement under these provisions must be made on [SET\(AFG-LES\)](#) available on the gov.uk website. Any attempt to make an application by any other way, i.e. by telephone or email, cannot be accepted. The address to send applications is on the [SET\(AFG-LES\)](#) form and the gov.uk website. Applications should not normally be made more than one month before the expiry of limited leave.

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

- a person who was granted 5 years' limited leave to enter as Afghan LES under the ex-gratia relocation scheme or intimidation policy under paragraphs 276BA1 to 276BS1 of the Immigration Rules
- a dependant granted limited leave under the relocation scheme or intimidation policy in line with the main applicant under paragraphs 276BA1 to 276BS1 of the Immigration Rules, including any UK born children

Fee exemption

Afghan LES who have relocated to the UK can apply for settlement free of charge after completing 5 years' limited leave. Whilst settlement applications are normally subject to a charge there is specific provision within Immigration and Nationality Fees legislation that enables Afghan LES to apply without charge. This is in recognition of the unique contribution they made to UK forces in Afghanistan.

How to submit a settlement application

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

SET(AFG-LES)
Department 289
UK Visas and Immigration
The Capital
New Hall Place
Liverpool
L3 9PP

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

Actions on receipt of the settlement application

The following actions must be completed:

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

Incomplete applications received

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

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

Actions if the application is rejected

If the application is to be rejected as you must:

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

Applications made early

Applications must not normally be processed until 28 days before the applicant's limited leave expires. Any applications received more than a month, but less than 3 months, before the applicant's leave expires, should normally be held until a month before their limited leave expires and then processed. CID must be noted accordingly.

Applications received more than 3 months before leave expires should be returned to the applicant explaining that they should apply up to one month before their limited leave expires.

Applications made after leave has expired

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

Criminality checks

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

Granting settlement

Where the applicant and any qualifying dependants meet the requirements of Immigration Rule 276BS2 settlement must be granted.

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

Where a decision is made to grant settlement:

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

Refusing Settlement

Settlement can only be refused on the grounds set out in paragraph 276BS4 of the [Immigration Rules](#). An applicant refused settlement may apply to have their residence permit extended in accordance with paragraphs 276BA1, 276BJ1 or 276BO1 of the Immigration Rules.

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

Dependants and UK born children

Dependants granted leave under paragraph 276BJ1 or 276BO1 and children born in the UK to parents who have relocated under the ex-gratia scheme or intimidation policy can be included in settlement applications. There is no fee associated with this application.

Related content

[Contents](#)