



Home Office

# Appendix ECAA: Settlement indefinite leave to remain (ILR) and further leave to remain (FLR) guidance

Version 3.0

This guidance is based on Appendix ECAA Settlement of the Immigration Rules

# Contents

Contents.....	2
About this guidance.....	5
Contacts .....	5
Publication .....	5
Changes from last version of this guidance .....	5
Turkish ECAA ILR applications: key facts .....	6
ECAA business person applying for ILR.....	6
ECAA worker applying for ILR.....	7
Partners (spouse, civil partner or unmarried partner) applying for ILR .....	8
Children (child or over 21 dependant) applying for ILR.....	9
Partners applying for further leave to remain (FLR).....	10
Background.....	13
Requirements for indefinite leave to remain: ECAA business persons .....	14
Qualifying criteria .....	14
When applicants can apply.....	14
The qualifying period .....	14
Calculating the continuous period.....	15
Absences from the UK.....	15
Overstaying: exceptions .....	16
Applications and Coronavirus .....	16
Applications under consideration .....	17
Knowledge of language and life in the UK (KoLL) requirement .....	17
The business requirement .....	17
General Grounds for Refusal and criminality .....	17
Registration with the police.....	17
Applicant is subject to an extant deportation order .....	18
Granting ILR to a Turkish ECAA business person.....	18
Refusing ILR to a Turkish ECAA business person .....	18
Requirements for indefinite leave to remain: ECAA workers.....	19
Qualifying criteria .....	19
When applicants can apply.....	19
The qualifying period .....	19
Calculating the continuous period.....	20
Absences from the UK.....	20

Overstaying: exceptions .....	21
Applications and Coronavirus .....	22
Knowledge of language and life in the UK requirement (KoLL) .....	22
Registration with the police .....	22
General Grounds for Refusal and criminality .....	22
Applicant is subject to an extant deportation order .....	22
Granting ILR to an ECAA worker .....	23
Refusing ILR to an ECAA worker.....	23
Requirements for indefinite leave to remain: Partners of ECAA Business Persons and Workers.....	24
Qualifying criteria .....	24
When applicants can apply .....	24
The relationship .....	25
The qualifying period .....	25
Calculating the continuous period.....	25
Absences from the UK.....	26
Overstaying: exceptions .....	26
Knowledge of language and life in the UK (KoLL) requirement .....	27
Registration with the police .....	27
General Grounds for Refusal and criminality .....	27
Applicant is subject to an extant deportation order .....	28
Granting ILR to the partner of an ECAA Business Person or Worker .....	28
Refusing ILR to the dependant of an ECAA Business Person or Worker .....	28
Requirements for indefinite leave to remain: Children of ECAA Business Persons and Workers.....	29
Qualifying criteria .....	29
Applications where an ECAA worker or business person has already obtained ILR .....	30
Knowledge of language and life in the UK (KoLL) requirement .....	31
Registration with the police .....	31
General Grounds for Refusal.....	31
Applicant is subject to an extant deportation order .....	31
Granting ILR to the child of an ECAA Business Person or Worker or their partner .....	32
Refusing ILR to the child of an ECAA Business Person or Worker or their partner .....	32
Refusal wording indefinite leave to remain .....	32
Knowledge of Language and Life in the UK (KoLL) .....	33

Indefinite leave to remain.....	33
General Grounds for Refusal .....	35
Police registration.....	36
Evidence: ILR applications from ECAA business persons and workers .....	37
Evidence: ILR applications from Partners of ECAA Business Persons and Workers.....	39
Applications and Coronavirus .....	40
Evidence: ILR applications from children of ECAA Business Persons or Workers or their partners .....	42
Granting further leave to remain to partners of ECAA Business Persons or Workers .....	45
Qualifying criteria .....	45
The relationship .....	45
Partners who have overstayed only because they did not meet the 2 year residence requirement under the previous guidance.....	46
Overstaying: exceptions .....	46
Registration with the police .....	47
Applicant is subject to an extant deportation order .....	47
Children .....	47
Granting Leave to Remain to the partner of a ECAA Business Person or Worker .....	48
Refusing Leave to Remain to the partner of a ECAA Business Person or Worker .....	48
Pre-decision casework .....	49
Biometric results .....	49
Refusal wordings.....	51
Refusal wording: indefinite leave to remain for ECAA Business Persons and Workers .....	52
Refusal wording: indefinite leave to remain for family members of ECAA Business Persons and Workers.....	55
Refusal wording: leave to remain for partners of Turkish Business Persons and Workers.....	59
Administrative review .....	61
Administrative reviews .....	61
Decision letters .....	61
The applicant’s status while an administrative review is being undertaken .....	61
Who should consider the request for administrative review.....	61

# About this guidance

This guidance tells you about what you must do when deciding applications from self-employed Turkish business persons, Turkish workers or their family members who have leave under the Turkish European Communities Association Agreement (ECAAA) and who now wish to apply for indefinite leave to remain (ILR) in the UK.

## 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 European Migration 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 **3.0**
- published for Home Office staff on **31 December 2020**

## Changes from last version of this guidance

- Update the changes detailed in HC 813
- Coronavirus guidance and link added

### Related content

[Contents](#)

# Turkish ECAA ILR applications: key facts

This page tells you about the key facts for Turkish European Communities Association Agreement (ECAA) seeking indefinite leave to remain (ILR).

## ECAA business person applying for ILR

Key facts	Summary
Eligibility requirements	<p>The applicant must:</p> <ul style="list-style-type: none"> <li>• be a Turkish national who has valid leave to remain under the ECAA for the purpose of establishing themselves in business in the UK</li> <li>• have completed 5 years of continuous leave, with the most recent period being under the ECAA business person route</li> <li>• have met the knowledge of language and life in the UK requirement (KoLL)</li> <li>• not fall for refusal under the General Grounds for Refusal (GGfR)</li> <li>• have been able to financially support any family members with them without recourse to public funds to which they are not entitled</li> <li>• have registered with the police where required</li> <li>• in relation to the business, or businesses:               <ul style="list-style-type: none"> <li>○ the applicant must have established, taken over or become a director and genuinely operate that business whilst she or he had leave as a ECAA business person</li> <li>○ the business related to the applicant's visa must be viable during any qualifying periods</li> <li>○ the applicant must intend to continue to operate one or more businesses in the UK</li> </ul> </li> </ul>
Application forms	Digital form ECAA4
Cost of application:	A fee is charged - <a href="#">Government Visa Fees</a>
Entry clearance mandatory?	No
Is biometric information required for applications made in the UK?	Yes
Code of ILR granted	Code 1A
Entry clearance endorsements	Not applicable
Conditions of ILR	<p>If granted ILR, the applicant will:</p> <ul style="list-style-type: none"> <li>• have full recourse to public funds on the same basis as a British citizen</li> </ul>

Key facts	Summary
	<ul style="list-style-type: none"> <li>• be able to work, study or establish a business without restriction</li> <li>• no longer be required to register with the police</li> </ul>
How long is leave to remain normally granted for?	For an indefinite period
Are dependants allowed?	Yes – partner and/or children under 21 (over 21 in specific circumstances) if they are applying as dependants. A partner means spouse, civil partner or unmarried partner.
Work and study allowed?	Yes
Is switching into this category allowed?	Only where an applicant has been last granted leave under the ECAA will they be eligible for this ILR category.
CID case type	ECAAILRB
Immigration Rules paragraphs	Appendix ECAA Part 4

## ECAA worker applying for ILR

Eligibility requirements	<p>The applicant must</p> <ul style="list-style-type: none"> <li>• be a Turkish national who has valid leave to remain under the ECAA for the purpose of working here</li> <li>• have completed 5 years of continuous leave with the most recent period being under the ECAA worker route</li> <li>• have met the knowledge of language and life in the UK requirement (KoLL)</li> <li>• not fall for refusal under the General Grounds for Refusal (GGfR)</li> <li>• have the ability to financially support any family members with them without recourse to public funds to which they are not entitled</li> <li>• have registered with the police where required</li> </ul>
Application forms	Digital form ECAA4
Cost of application:	A fee is charged - <a href="#">Government Visa Fees</a>
Entry clearance mandatory?	No
Is biometric information required for applications made in the UK?	Yes
Code of ILR granted	Code 1A
Entry clearance endorsements	Not applicable

Conditions of ILR	If granted ILR the applicant will: <ul style="list-style-type: none"> <li>• have full recourse to public funds on the same basis as a British citizen</li> <li>• be able to work, study or establish a business without restriction</li> <li>• no longer be required to register with the police</li> </ul>
How long is leave to remain normally granted for?	For an indefinite period
Are dependants allowed?	Yes – partner and/or children under 21 (over 21 in specific circumstances) if they are applying as dependants. A partner means spouse, civil partner or unmarried partner.
Work and study allowed?	Yes
Is switching into this category allowed?	Only where an applicant has been last granted leave under the ECAA will they be eligible for this ILR category.
CID case type	ECAAILRW
Immigration Rules paragraphs	Appendix ECAA Part 3

## Partners (spouse, civil partner or unmarried partner) applying for ILR

Eligibility requirements	The applicant must: <ul style="list-style-type: none"> <li>• be a spouse, civil partner or unmarried partner of an ECAA business person or worker who meets one of the following conditions: <ul style="list-style-type: none"> <li>○ already has ILR as a ECAA worker or business person</li> <li>○ is about to be granted ILR as a ECAA worker or business person</li> <li>○ is a British citizen, and before acquiring this status held ILR as a ECAA worker or business person</li> </ul> </li> <li>• have been last granted leave as the spouse, civil partner or unmarried partner of the ECAA worker or business person</li> <li>• be in a genuine and continuing relationship with that ECAA worker or business person at the time of the application</li> <li>• the applicant and partner must intend to live together permanently</li> <li>• have met the knowledge of language and life in the UK requirement (KoLL)</li> </ul>
--------------------------	--



	<ul style="list-style-type: none"> <li>• not fall for refusal under the General Grounds for Refusal (GGfR)</li> <li>• have lived continuously with the partner as their spouse, civil partner or unmarried partner for 5 years whilst the partner was an ECAA worker or business person or had leave under another category of the Rules</li> </ul>
Application forms	Digital form ECAA44
Cost of application:	A fee is charged - <a href="#">Government Visa Fees</a>
Entry clearance mandatory?	No
Is biometric information required for applications made in the UK?	Yes
Code of ILR granted	Code 1A
Entry clearance endorsements	Not applicable
Conditions of ILR to remain	<p>If granted ILR the applicant will:</p> <ul style="list-style-type: none"> <li>• have full recourse to public funds on the same basis as a British citizen</li> <li>• be able to work, study or establish a business without restriction</li> <li>• no longer be required to register with the police</li> </ul>
How long is leave to remain normally granted for?	For an indefinite period
Are dependants allowed?	Yes – This includes children under 21 if they are applying as dependants as well as children over 21 under certain conditions, applying under Part 5 Appendix ECAA.
Work and study allowed?	Yes.
Is switching into this category allowed?	No. The applicant must have leave under the ECAA to be eligible.
CID case type	ECAASPILR or ECAAJSILR
Immigration Rules paragraphs	Appendix ECAA Part 6

## Children (child or over 21 dependant) applying for ILR

Eligibility requirements	<p>The applicant must:</p> <ul style="list-style-type: none"> <li>• be a child of a parent who has ILR, or is about to be granted it, as an ECAA worker or business person, or the child of their spouse, civil partner or unmarried partner</li> </ul>

	<ul style="list-style-type: none"> <li>• have been granted leave as the child of an ECAA worker or business person, or their partner, or have been born in the UK</li> <li>• not be married or in a civil partnership, and must not exist in an independent family unit, away from his/her parents, or be leading an independent life</li> <li>• have both parents lawfully settled in the UK, or currently being granted ILR at the same time as the applicant unless exceptions apply</li> <li>• have met the knowledge of language and life in the UK requirement (KoLL) unless under the age of 18</li> <li>• have care and accommodation in the UK that is in line with current UK legislation and regulation</li> <li>• not fall for refusal under the General Grounds for Refusal (GGfR)</li> </ul>
Application forms	Digital form ECAA4
Cost of application:	A fee is charged - <a href="#">Government Visa Fees</a>
Entry clearance mandatory?	No
Is biometric information required for applications made in the UK?	Yes
Code of ILR granted	Code 1A
Entry clearance endorsements	Not applicable
Conditions of ILR	If granted ILR the applicant will: <ul style="list-style-type: none"> <li>• have full recourse to public funds on the same basis as a British citizen</li> <li>• be able to work or study</li> <li>• no longer be required to register with the police</li> </ul>
How long is leave to remain normally granted for?	For an indefinite period
Are dependants allowed?	n/a
Work and study allowed?	Yes
Is switching into this category allowed?	No. The applicant must have leave under the ECAA to be eligible.
CID case type	ECAAJCILR or ECAADILR (over 18)
Immigration Rules paragraphs	Appendix ECAA Part 5

## Partners applying for further leave to remain (FLR)

Eligibility requirements	The applicant must:
--------------------------	---------------------

	<ul style="list-style-type: none"> <li>• be a spouse, civil partner or unmarried partner of an ECAA business person or worker who has granted ILR and is in the UK because they have either <ul style="list-style-type: none"> <li>○ been granted entry clearance or leave to remain as a dependant of an ECAA worker or business person</li> <li>○ are in the UK without leave because their ECAA leave expired and they did not qualify for ILR due to not meeting the 2 years residency requirement and could not qualify as a dependant of an ECAA business person to gain further leave to remain, due to the fact that the ECAA business person had already acquired ILR.</li> </ul> </li> <li>• be in a genuine relationship, and living, with the ECAA worker or business person whom entry clearance or leave to remain was granted</li> <li>• not fall for refusal under the General Grounds for Refusal (GGfR)</li> <li>• have adequate accommodation and be maintained by the sponsor, who must do so without accessing unentitled public funds</li> <li>• be registered with the police where appropriate</li> <li>• not be the UK in breach of immigration laws except that exceptions apply</li> </ul>
Application forms	Digital form ECAA4
Cost of application:	A fee is charged - <a href="#">Government Visa Fees</a>
Entry clearance mandatory?	No
Is biometric information required for applications made in the UK?	Yes
Conditions of further leave to remain	If granted FLR the applicant will: <ul style="list-style-type: none"> <li>• be able to work or study</li> <li>• no longer be required to register with the police</li> </ul>
How long is leave to remain normally granted for?	3 years.
Are dependants allowed?	n/a
Work and study allowed?	Yes

Is switching into this category allowed?	No. The applicant must have previously had leave under the ECAA to be eligible. However certain exceptions apply to those previously refused ILR under the ECAA.
CID case type	ECAASLTR
Immigration Rules paragraphs	Appendix ECAA Part 7

**Related content**

[Contents](#)

# Background

This page tells you about the background to this category.

The ECAA was set up under the Ankara Agreement on 12 September 1963 with the general aim of promoting economic relations between Turkey and the European Economic Community (which later evolved into the European Union) and the eventual accession of Turkey to the Community. The UK became a signatory to the ECAA when it joined the European Economic Community in 1973.

The ECAA includes a standstill clause, prohibiting the introduction of new national restrictions on Turkish nationals which are less favourable than before the time the relevant ECAA provisions came into force in 1973. The Home Office's historical policy had treated the ECAA standstill clause as applying for indefinite leave to remain (ILR) for Turkish business persons and their dependants.

In the 2017 Upper Tribunal case of [Aydogdu v SSHD \[JR/15737/2015\]](#) the Upper Tribunal confirmed that the ECAA does not apply to ILR for Turkish business persons. As a consequence, the previous policy on ILR for ECAA business persons was withdrawn.

This brought Turkish ECAA business persons in line with Turkish ECAA workers, who have not had a route to ILR under the standstill clause since the Court of Appeal judgment in the case of [KP \(India\) \[2014\] EWCA Civ 1109](#).

However, a new route to ILR has been provided for Turkish ECAA business persons, workers and the family members of both groups. These are contained in Appendix ECAA to the Immigration Rules and came into force on 6 July 2018.

Following the UK's departure from the EU, and the ending of the transition period on 31 December 2020, the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 disapplied certain directly effective immigration rights under EU law including provisions within the ECAA between the EU and Turkey. This departure does not affect the ability of ECAA workers, business persons or their family members to apply for settlement under these Rules.

This guidance only applies to Turkish nationals and their family members who have previously been granted leave under the ECAA.

## Related content

[Contents](#)

# Requirements for indefinite leave to remain: ECAA business persons

This section tells you about the requirements to be met by ECAA business persons applying for indefinite leave to remain (ILR). All requirements need to be met before ILR can be granted. The relevant section of Appendix ECAA Settlement is ECAA4.

## Qualifying criteria

In order for an ECAA business person to be granted ILR in this category, the following criteria need to be met. The applicant must:

- be a Turkish ECAA business person
- have resided in the UK for a continuous period of 5 years under either the Turkish ECAA business person category, the Tier 1 (Entrepreneur) category or a combination thereof
- have last been granted leave as an ECAA business person
- meet the knowledge of language and life in the UK requirement in Appendix KOLL
- continue to run the business(s) s/he relies upon to be regarded as an ECAA business person and intends to continue running a viable business in the UK
- have been able to support any family members with them without recourse to public funds to which they are not entitled
- not fall for refusal under Part 9 of the General Grounds for Refusal

## When applicants can apply

Caseworkers should be aware that applicants can apply for ILR up to 28 days before they will reach the end of the qualifying period. If they apply earlier than that, their application may be refused. The qualifying period will be 5 years immediately before the date they apply for ILR or the 5 years immediately before the date the ILR application is decided, depending on which is most beneficial for the applicant. If they have spent more than the required time in the United Kingdom, caseworkers should only consider the most recent 5 years as applicable.

## The qualifying period

An applicant may only qualify under the ILR route for ECAA business persons if they have spent a continuous period of 5 years in the UK, of which the most recent period of leave must be as an ECAA business person and the rest made up of a combination of leave as either:

- an ECAA business person
- a Tier 1 (Entrepreneur) migrant

This means that the applicant must have been resident in the UK, with valid leave in one of the above categories, for an unbroken period of 5 years.

## Calculating the continuous period

The continuous period is to be calculated to end on whichever of the following dates is most beneficial to the applicant:

- the date of application
- the date of decision
- any date up to 28 days after the date of application- this means that an applicant may apply up to 28 days in advance of accruing their 5 year continuous period

For immigration purposes, 'UK' means Great Britain and Northern Ireland only. However, time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man shall, provided that the leave was granted for a purpose equivalent to UK leave as an ECAA business person or Tier 1 (Entrepreneur) migrant, be treated as time lawfully in the UK for these purposes. However, the leave covering the most recent period prior to the application must be leave as an ECAA business person or Tier 1 (Entrepreneur) migrant granted in the UK .

## Absences from the UK

Applicants applying for ILR are able to have up to 180 days of absence from the UK in a 12 month period during each year of the qualifying period.

When calculating whether the individual has had 5 years' unbroken residence in the UK, the following factors must be considered:

- the applicant must not have been absent from the UK for more than 180 days during any 12 month period during the continuous period
  - however, any absence from the UK which is for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 day limit
  - it is for the applicant to provide sufficient evidence to satisfy the Secretary of State that their absence from the UK was for this purpose
- if the applicant has left the UK and returned during the qualifying period, then they must have had existing leave to enter or remain upon their departure and return. There are 2 exceptions to this requirement:
  - if the individual's leave lapsed while they were outside the United Kingdom, then provided they made a further application for entry clearance within 28 days of that leave lapsing and prior to 6 July 2018 and that application was subsequently granted, the period without leave shall be disregarded if, after 6 July 2018, the applicant makes an application for further entry clearance during a period in which they have continuing limited leave which is subsequently granted, the period spent outside the UK with continuing leave and pending the applicant's re-entry into the UK shall be disregarded

- periods of overstaying will be disregarded only in the circumstances detailed in the [Overstaying: exceptions](#) section

## Overstaying: exceptions

Applications for ILR must be refused if applicants have overstayed beyond the end of the last period of leave to enter or remain granted. The only exceptions are where the application is made in any of the following circumstances:

- within 14 days of the applicant's previous leave expiring and we consider there is a good reason beyond the applicant's or their representative's control, provided in or with the application stating why the application could not be made in time
- within 14 days of:
  - the refusal of the previous application for leave
  - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971
  - the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable)
  - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing

If there are good reasons which prevented applying in time, applicants must submit evidence of these with their application. You should decide applications on their merits.

The threshold for what constitutes 'good reason' is high and will depend on the individual circumstances of the case, but for example may include delays resulting from unexpected or unforeseeable circumstances such as:

- serious illness which meant that the applicant or their representative were unable to submit the application in time (where supported by appropriate medical documentation)
- travel or postal delays which meant that the applicant or their representative were unable to submit the application in time
- inability to provide necessary documents- this would only apply to exceptional or unavoidable circumstances beyond the applicant's control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought)

## Applications and Coronavirus

If an applicant has been absent from the UK for more than 180 days as a result of either coronavirus illness and/or travel restrictions associated with coronavirus, that absence may be justified as a 'serious or compelling reason' and result in indefinite leave being granted outside the rules.



Applicants must provide evidence in the form of a supporting letter which outlines your absence, including:

- dates they were ill or in quarantine
- details of the compelling reason for the absence
- any supporting documents, for example medical certificate or evidence of disruption to travel arrangements where available

## Applications under consideration

Applicants should not make plans to travel outside of the Common Travel Area whilst their application is under consideration. If applicants request their passport back in order to travel prior to a decision being reached on their application, then such applications should be treated as being withdrawn in accordance with Paragraph 34J of the Immigration Rules.

## Knowledge of language and life in the UK (KoLL) requirement

To apply for ILR under the Appendix ECAA rules, applicants need to satisfy the knowledge of language and life in the UK (KoLL) requirement. Further guidance is available in the [KOLL](#) section, [Appendix KoLL](#) and [associated English Language guidance](#).

## The business requirement

You must ensure that the Turkish ECAA business person is actively running the business(s) upon which s/he is relying when they apply for ILR. In order to do this, they must meet the relevant requirements and assessments outlined in [the Turkish ECAA business guidance](#).

## General Grounds for Refusal and criminality

The applicant must not fall for refusal under the [General Grounds for Refusal](#). Refusals on this basis cover areas such as breaching immigration rules and criminality. Caseworkers should consult the specific guidance on [General Grounds for Refusal](#) before making a decision on an application.

## Registration with the police

Turkish nationals who are aged 16 or over are required to register with the police where they have been granted leave greater than 6 months.

Where an applicant is liable to police registration but has failed to do so caseworkers should refer to [Police registration section](#) in this guidance.

## Applicant is subject to an extant deportation order

An extant deportation order automatically invalidates any existing leave to enter or remain. An application for ILR cannot therefore be granted if there is an extant deportation order. Such a grant would be automatically invalidated by the order. Further, the ILR route requires the individual currently be on ECAA leave to remain. This requirement cannot be met for those who are subject to an extant deportation order, as any such leave would have been automatically invalidated.

## Granting ILR to a Turkish ECAA business person

Where it is decided that all the requirements above have been met, you must grant the applicant ILR. CID should be updated appropriately and ICD 2635 should be used.

## Refusing ILR to a Turkish ECAA business person

Where it is decided that the requirements above have not been met, you should refuse the application. ICD 0007 should be used with the appropriate refusal wording utilised. CID should be updated.

### Related content

[Contents](#)

[Relevant Immigration Rules – indefinite leave to remain](#)

[Police registration](#)

[Knowledge of Language and Life in the UK](#)

[General Grounds for refusal- indefinite leave to remain](#)

[Refusal wording indefinite leave to remain](#)

[Turkish ECAA Business Guidance](#)

[Coronavirus- Turkish applications for visas](#)

# Requirements for indefinite leave to remain: ECAA workers

This section tells you about the requirements to be met by ECAA workers applying for indefinite leave to remain (ILR). All requirements need to be met before ILR can be granted.

## Qualifying criteria

In order for an ECAA worker to be granted ILR in this category, the following criteria need to be met. The applicant must:

- be an ECAA worker
- have last been granted leave as an ECAA worker
- have resided in the UK for a continuous period of 5 years as either a Turkish ECAA worker or any combination of the following categories:
  - an ECAA worker or
  - Tier 2 (General Migrant) or
  - Tier 2 (Minister of Religion) or
  - Tier 2 (Sportsperson) or
  - As a work permit holder and
- have met the knowledge of language and life in the UK (KoLL) requirement
- not fall for refusal under Part 9 of the General Grounds for Refusal
- have been able to support any family members with them without recourse to public funds to which they are not entitled
- have complied with the police registration requirement where applicable

## When applicants can apply

Caseworkers should be aware that applicants can apply for ILR up to 28 days before they will reach the end of the qualifying period. If they apply earlier than that, their application may be refused. The qualifying period will be 5 years immediately before the date they apply for ILR or the 5 years immediately before the date the ILR application is decided, depending on which is most beneficial for the applicant. If they have spent more than the required time in the United Kingdom, caseworkers should only consider the most recent 5 years as applicable.

## The qualifying period

An applicant may only qualify under the ILR route for ECAA workers if they have spent a continuous period of 5 years in the UK, of which the most recent period of leave must be as a Turkish worker and the rest made up of a combination of leave as either :

- a Turkish ECAA worker
- a Tier 2 (General) migrant

- a Tier 2 (Minister of Religion) migrant
- a Tier 2 (Sportsperson) migrant
- a work permit holder

This means that the applicant must have been resident in the UK, with valid leave in one of the above categories, for an unbroken period of 5 years.

## Calculating the continuous period

The continuous period is to be calculated to end on whichever of the following dates is most beneficial to the applicant:

- the date of application
- the date of decision
- any date up to 28 days after the date of application. This latter criterion means that an applicant may apply up to 28 days in advance of accruing their 5 years continuous period

For immigration purposes, 'UK' means Great Britain and Northern Ireland only. However, time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man shall, provided that the leave was granted for a purpose equivalent to UK leave as a Turkish worker. However, the leave covering the most recent period prior to the application must be leave as a Turkish ECAA worker granted in the UK.

## Absences from the UK

Applicants applying for ILR are able to have up to 180 days of absence from the UK in a 12 month period during each year of the qualifying period.

When calculating whether the individual has had 5 years' unbroken residence in the UK, the following factors must be considered:

- the applicant must not have been absent from the UK for more than 180 days during any 12 month period during the continuous period:
  - however, any absence from the UK which is for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 day limit
  - it is for the applicant to provide sufficient evidence to satisfy the Secretary of State that their absence from the UK was for this purpose
- if the applicant has left the UK and returned during the qualifying period, then they must have had existing leave to enter or remain upon their departure and return- there are 2 exceptions to this requirement:
  - if the individual's leave lapsed while they were outside the United Kingdom, then provided they made a further application for entry clearance within 28 days of that leave lapsing and prior to 6 July 2018 and that application was subsequently granted, the period without leave shall be disregarded
  - if, after 6 July 2018, the applicant makes an application for further entry clearance during a period in which they have continuing limited leave which

is subsequently granted, the period spent outside the UK with continuing leave and pending the applicant's re-entry into the UK shall be disregarded

- periods of overstaying will be disregarded only in the circumstances detailed in the [Overstaying: exceptions](#) section.

## Overstaying: exceptions

Applications for ILR must be refused if applicants have overstayed beyond the end of the last period of leave to enter or remain granted. The only exceptions are where the application is made in any of the following circumstances:

- within 14 days of the applicant's previous leave expiring and we consider there is a good reason beyond the applicant's or their representative's control, provided in or with the application stating why the application could not be made in time
- within 14 days of:
  - the refusal of the previous application for leave
  - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971
  - the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable)
  - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing

If there are good reasons which prevented applying in time, applicants must submit evidence of these with their application. All cases will be decided on their merits. The threshold for what constitutes 'good reason' is high and will depend on the individual circumstances of the case, but for example may include delays resulting from unexpected or unforeseeable circumstances such:

- serious illness which meant that the applicant or their representative were unable to submit the application in time (where supported by appropriate medical documentation)
- travel or postal delays which meant that the applicant or their representative were unable to submit the application in time
- inability to provide necessary documents- this would only apply to exceptional or unavoidable circumstances beyond the applicant's control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought)

Applicants should not make plans to travel outside of the Common Travel Area whilst their application is under consideration. If applicants request their passport back from us in order to travel prior to a decision being reached on their application, applications will be treated as being withdrawn in accordance with Paragraph 34J of the Immigration Rules.

Applicants will need to send us documentary evidence as set out in this guidance and should check they have everything needed before making the application.

## Applications and Coronavirus

If an applicant has been absent from the UK for more than 180 days as a result of either coronavirus illness and/or travel restrictions associated with coronavirus, that absence may be justified as a 'serious or compelling reason' and result in indefinite leave being granted outside the rules.

Applicants must provide evidence in the form of a supporting letter which outlines your absence, including:

- dates they were ill or in quarantine
- details of the compelling reason for the absence
- any supporting documents, for example medical certificate or evidence of disruption to travel arrangements where available

## Knowledge of language and life in the UK requirement (KoLL)

To apply for ILR under the Appendix ECAA rules, applicants need to satisfy the knowledge of language and life in the UK (KOLL) requirement. Further guidance is available in the [KoLL](#) section, [Appendix KoLL](#) and [associated English Language guidance](#)

## Registration with the police

Turkish nationals who are aged 16 or over are required to register with the police where they have been granted leave greater than 6 months.

Where an applicant is liable to police registration but has failed to do so, caseworkers should refer to [Police registration section](#) in this guidance.

## General Grounds for Refusal and criminality

The applicant must not fall for refusal under the [General Grounds for Refusal](#). Refusals on this basis cover areas such as breaching immigration rules and criminality. Caseworkers should consult the specific guidance on [General Grounds for Refusal](#) before making such a decision on an application.

## Applicant is subject to an extant deportation order

An extant deportation order automatically invalidates any existing leave to enter or remain. An application for ILR cannot therefore be granted if there is an extant deportation order. Such a grant would be automatically invalidated by the order.

Further, the ILR route requires the individual currently be on ECAA leave to remain. This requirement cannot be met for those who are subject to an extant deportation order, as any such leave would have been automatically invalidated.

## Granting ILR to an ECAA worker

Where it is decided that all the requirements above have been met, you must grant the applicant ILR. CID should be updated appropriately and ICD 2635 should be used.

## Refusing ILR to an ECAA worker

Where it is decided that the requirements above have not been met, you should refuse the application. ICD 0007 should be used with the appropriate refusal wording utilised. CID should be updated.

### Related content

[Contents](#)

[Police registration](#)

[Sentencing thresholds](#)

[Knowledge of Language and Life in the UK](#)

[General Grounds for refusal- indefinite leave to remain](#)

[Refusal wording indefinite leave to remain](#)

[Coronavirus- Turkish applications for visas](#)

# Requirements for indefinite leave to remain: Partners of ECAA Business Persons and Workers

This section tells you about the requirements to be met by partners of ECAA business persons or workers applying for indefinite leave to remain (ILR). All requirements need to be met before ILR can be granted.

## Qualifying criteria

In order for a partner of an ECAA business person or worker to be granted ILR in this category, the following criteria need to be met. The applicant must:

- be the spouse, civil partner or unmarried partner of an ECAA business person or worker who has or is applying for ILR, or a former ECAA worker or business person who has become a British citizen
- have last been granted leave as the spouse, civil partner or unmarried partner of an ECAA business person or worker
- be in a genuine and subsisting relationship with the Turkish sponsor at the time of the application
- have resided in the UK with the ECAA sponsor for a continuous period of 5 years as the spouse, civil partner or unmarried partner of either an ECAA business person or worker- this includes when the ECAA business person or worker had leave under another permissible category
- have met the knowledge of language and life in the UK (KoLL) requirement
- not fall for refusal under Part 9 of the General Grounds for Refusal
- have complied with the police registration requirement where applicable

## When applicants can apply

Caseworkers should be aware that applicants can apply for ILR up to 28 days before they will reach the end of the qualifying period. If they apply earlier than that, their application may be refused. The qualifying period will be 5 years immediately before the date they apply for ILR or the 5 years immediately before the date the ILR application is decided, depending on which is most beneficial for the applicant. If they have spent more than the required time in the United Kingdom, caseworkers should only consider the most recent 5 years as applicable.

## The status of the Turkish sponsor

Provided the applicant is the spouse, civil partner or unmarried partner of the Turkish sponsor, that sponsor can be any of the following:

- a person who has ILR as an ECAA worker or business person (including those granted under previous ECAA guidance)



- a person who is, at the same time being granted ILR as an ECAA worker or business person
- a person who has become a British citizen where prior to that they held ILR as an ECAA worker or business person

## The relationship

In all cases the relationship to the Turkish sponsor must be genuine and subsisting at the point of application. The applicant and the ECAA worker or business person must have been living together in the UK in a marriage, civil partnership, or as an unmarried partner, throughout the 5 year qualifying period.

## The qualifying period

An applicant may only qualify under the ILR route for partners of former ECAA business persons or workers if they have spent a continuous period of 5 years in the UK with a combination of valid leave as:

- the spouse, civil partner or unmarried partner of an ECAA worker or business person
- the spouse, civil partner, or unmarried partner of an ECAA worker or business person during a period when the sponsor had leave under another category of the Immigration Rules

This means that the applicant must have been resident in the UK, with valid leave in one of the above categories, for an unbroken period of 5 years.

## Calculating the continuous period

The continuous period is to be calculated to end on whichever of the following dates is most beneficial to the applicant:

- the date of application
- the date of decision
- any date up to 28 days after the date of application. This latter criterion means that an applicant may apply up to 28 days in advance of accruing their 5 year continuous period

During the continuous period, the applicant must have met certain conditions. The applicant must have:

- been in a relationship with the same ECAA worker or business person for the entire period
- have spent the most recent period with leave in the UK as the spouse, civil partner or unmarried partner of that ECAA worker or business person
- have spent the remainder of the 5 year period with leave as the spouse, civil partner or civil partner of that person at a time when that person had leave under another category of the Immigration Rules

## Absences from the UK

Applicants applying for ILR are able to have up to 180 days of absence from the UK in a 12 month period during each year of the qualifying period.

When calculating whether the individual has had 5 years' unbroken residence in the UK, the following factors must be considered:

- the applicant must not have been absent from the UK for more than 180 days during any 12 month period during the continuous period:
  - however, any absence from the UK which is for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 day limit
  - it is for the applicant to provide sufficient evidence to satisfy the Secretary of State that their absence from the UK was for this purpose
- if the applicant has left the UK and returned during the qualifying period, then they must have had existing leave to enter or remain upon their departure and return. There are 2 exceptions to this requirement:
  - if the individual's leave lapsed while they were outside the United Kingdom, then provided they made a further application for entry clearance within 28 days of that leave lapsing and prior to 6 July 2018 and that application was subsequently granted, the period without leave shall be disregarded
  - if, after 6 July 2018, the applicant makes an application for further entry clearance during a period in which they have continuing limited leave which is subsequently granted, the period spent outside the UK with continuing leave and pending the applicant's re-entry into the UK shall be disregarded
- periods of overstaying will be disregarded only in the circumstances detailed in the [Overstaying: exceptions](#) section

## Overstaying: exceptions

Applications for ILR must be refused if applicants have overstayed beyond the end of the last period of leave to enter or remain granted. The only exceptions are where the application is made in any of the following circumstances:

- within 14 days of the applicant's previous leave expiring and we consider there is a good reason beyond the applicant's or their representative's control, provided in or with the application stating why the application could not be made in time
- within 14 days of:
  - the refusal of the previous application for leave
  - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971
  - the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable)
  - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing

If there are good reasons which prevented applying in time, applicants must submit evidence of these with their application. All cases will be decided on their merits. The threshold for what constitutes 'good reason' is high and will depend on the individual circumstances of the case, but for example may include delays resulting from unexpected or unforeseeable circumstances such as:

- serious illness which meant that the applicant or their representative were unable to submit the application in time (where supported by appropriate medical documentation)
- travel or postal delays which meant that the applicant or their representative were unable to submit the application in time
- inability to provide necessary documents- this would only apply to exceptional or unavoidable circumstances beyond the applicant's control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought)

Applicants should not make plans to travel outside of the Common Travel Area whilst their application is under consideration. If applicants request their passport back from us in order to travel prior to a decision being reached on their application, applications will be treated as being withdrawn in accordance with Paragraph 34J of the Immigration Rules.

Applicants will need to send us documentary evidence as set out in this guidance and should check they have everything needed before making the application.

## Knowledge of language and life in the UK (KoLL) requirement

To apply for ILR under the Appendix ECAA rules, applicants need to satisfy the knowledge of language and life in the UK (KOLL) requirement. Further guidance is available in the [KoLL](#) section, [Appendix KoLL](#) and [associated English Language guidance](#).

## Registration with the police

Turkish nationals who are aged 16 or over are required to register with the police where they have been granted leave greater than 6 months.

Where an applicant is liable to police registration but has failed to do so caseworkers should refer to [Police registration section](#) in this guidance.

## General Grounds for Refusal and criminality

The applicant must not fall for refusal under the [General Grounds for Refusal](#). Refusals on this basis cover areas such as breaching immigration rules and criminality. Caseworkers should consult the specific guidance on [General Grounds for Refusal](#) before making such a decision on an application.

## **Applicant is subject to an extant deportation order**

An extant deportation order automatically invalidates any existing leave to enter or remain. An application for ILR cannot therefore be granted if there is an extant deportation order. Such a grant would be automatically invalidated by the order. Further, the ILR route requires the individual currently be on ECAA leave to remain. This requirement cannot be met for those who are subject to an extant deportation order, as any such leave would have been automatically invalidated.

## **Granting ILR to the partner of an ECAA Business Person or Worker**

Where it is decided that all the requirements above have been met, you must grant the applicant ILR. CID should be updated appropriately and ICD 2635 should be used.

## **Refusing ILR to the dependant of an ECAA Business Person or Worker**

Where it is decided that the requirements above have not been met, you should refuse the application. ICD 0007 should be used with the appropriate refusal wording utilised. CID should be updated.

### **Related content**

[Contents](#)

[Relevant Immigration Rules – indefinite leave to remain](#)

[Police registration](#)

[Knowledge of Language and Life in the UK](#)

[General Grounds for refusal- indefinite leave to remain](#)

[Refusal wording indefinite leave to remain](#)

# Requirements for indefinite leave to remain: Children of ECAA Business Persons and Workers

This section tells you about the requirements to be met by children of ECAA business persons or workers applying for indefinite leave to remain (ILR). All requirements need to be met before ILR can be granted.

## Qualifying criteria

In order for a child of an ECAA business person or worker to be granted ILR in this category, the following criteria need to be met. The applicant must:

- be the child of an ECAA business person or worker or their partner who is being granted ILR at the same time or the child of an individual who has already been granted ILR under the ECAA business person or worker categories
- have last been granted leave as the child of an ECAA business person or worker, or was born in the UK to the ECAA business person or worker or their partner
- be applying for ILR when either both parents are already lawfully settled or being granted ILR at the same time unless certain exemptions apply
- not have formed or be leading an independent life
- meet the knowledge of language and life in the UK (KoLL) requirement if not exempt
- not fall for refusal under Part 9 of the General Grounds for Refusal
- have complied with the police registration requirement where applicable

## The definition of 'child'

For this category, a distinction is made between a child of an ECAA business person or worker who is under the age of 21 and a child of an ECAA business person or worker who is over the age of 21.

## Children over the age of 21 at the time of application for ILR

If the child of the ECAA sponsor or their partner has last been granted ECAA leave as a child, but has reached the age of 21 or over at the time of application for ILR, they may still qualify for ILR provided all the other criteria are met including:

- the child is the family member of an ECAA migrant
- the child is that of parents who have been granted (or are at the same time being granted) leave to remain as an ECAA business person or worker or spouse

Applicants who otherwise meet this requirement are not considered to be a 'child' family member where they:

- are married or in a civil partnership
- have formed an independent family unit
- are living an independent life

Examples of an applicant having an independent family unit or independent life may include (but are not restricted to) when the applicant:

- is living with their partner
- has children of their own
- is living away from the family home (except where due to academic endeavours, for example, attending a school or university)
- is in full time employment
- appears to be financially independent (their income exceeds their expenditure)

## The child's parents

In order for a child to qualify for indefinite leave to remain, applicants should consider applying together as a family and once both the ECAA worker or business person, and any dependent spouse and/or children are eligible. This may require an ECAA worker or business person to extend their leave under the ongoing ECAA provisions (based on Appendix ECAA Extension of Leave) to ensure that their spouse reaches the necessary 5 year qualifying period.

If the main applicant (ECAA worker or business person) wishes to apply earlier or has already obtained ILR, then a spouse should seek to extend their leave under Appendix ECAA Extension of Leave to reach the 5 year residency requirement. ECAA 5.1 (d) sets out that both of an applicant's parents must either be lawfully settled in the UK, or being granted ILR at the same time as the applicant, unless:

- the ECAA business person or worker is the applicant's sole surviving parent
- the ECAA business person or worker parent has and has had sole responsibility for the applicant's upbringing
- there are serious and compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made for the applicant's care
- one parent is, at the same time, being granted ILR as an ECAA business person or worker, the other parent is lawfully present in the UK or being granted leave at the same time as the applicant

## Applications where an ECAA worker or business person has already obtained ILR

In certain circumstances, an ECAA worker or business person may have already obtained ILR (including under pre 16 March 2018 policy under the ECAA) but an

ECAA spouse may not yet be eligible for ILR, for example because they have not yet completed 5 years of residence.

As ECAA 5.1 (d) sets out, if both parents are not settled or being granted ILR there are certain circumstances where a child may still qualify for ILR including

- 5.1 (d) (iv) if the parent is being granted ILR as an ECAA worker or business person and the other parent is either lawfully present or being granted leave at the same time as the applicant

Caseworkers can apply discretion to ECAA 5.1 (d) to also include scenarios where an ECAA worker or business person has already been granted ILR and where the other parent is lawfully present or being granted leave at the same time under ECAA 7.1. This means that a child can be granted ILR, if the main applicant already has ILR and the spouse is being granted under ECAA 7.1.

## Knowledge of language and life in the UK (KoLL) requirement

Applicants aged under 18 years on the date of their application are exempt from the knowledge of language and life in the UK requirement.

To apply for ILR under the Appendix ECAA rules, applicants aged between 18 and 65 years old need to satisfy the knowledge of language and life in the UK (KOLL) requirement. Further guidance is available in the [KoLL](#) section, [Appendix KoLL](#) and [associated English Language guidance](#).

## Registration with the police

Turkish nationals who are aged 16 or over are required to register with the police where they have been granted leave greater than 6 months.

Where an applicant is liable to police registration but has failed to do so caseworkers should refer to [Police registration section](#) in this guidance.

## General Grounds for Refusal

The applicant must not fall for refusal under the [General Grounds for Refusal](#). Refusals on this basis cover areas such as breaching immigration rules and criminality. Caseworkers should consult the specific guidance on [General Grounds for of Refusal](#) before making such a decision on an application.

## Applicant is subject to an extant deportation order

An extant deportation order automatically invalidates any existing leave to enter or remain. An application for ILR cannot therefore be granted if there is an extant deportation order. Such a grant would be automatically invalidated by the order. Further, the ILR route requires the individual currently be on ECAA leave to remain.

This requirement cannot be met for those who are subject to an extant deportation order, as any such leave would have been automatically invalidated.

## **Granting ILR to the child of an ECAA Business Person or Worker or their partner**

Where it is decided that all the requirements above have been met, you must grant the applicant ILR. CID should be updated appropriately and ICD 2635 should be used.

## **Refusing ILR to the child of an ECAA Business Person or Worker or their partner**

Where it is decided that the requirements above have not been met, you should refuse the application. ICD 0007 should be used with the appropriate refusal wording utilised. CID should be updated.

### **Related content**

[Contents](#)

[Relevant Immigration Rules – indefinite leave to remain](#)

[Police registration](#)

[Knowledge of Language and Life in the UK](#)

[General Grounds for refusal- indefinite leave to remain](#)

[Refusal wording indefinite leave to remain](#)



# Knowledge of Language and Life in the UK (KoLL)

A knowledge of English language has been a requirement for naturalisation as a British citizen for many years and, since 2005, applicants have also been required to show an understanding of life in the UK. The requirements were extended to indefinite leave to remain (ILR) applications in 2007.

To apply for ILR under Appendix ECAA Settlement, applicants must meet both parts of the requirement:

- knowledge of language
- knowledge of life in the UK

Further guidance on how to meet this requirement can be found in the [KoLL guidance](#).

People aged under 18 years or 65 years or older on the date of their application are exempt from the knowledge of language and life in the UK requirement. In all the circumstances of the case, the decision maker must consider whether, because of the applicant's mental or physical condition, it would be unreasonable to expect the applicant to fulfil the requirement. For those who claim an exemption, they must provide suitable evidence such as a passport or birth certificate (as proof of age) or medical documentation (as proof of a medical incapacity).

If not exempt, the applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with [appendix KoLL](#) and [associated guidance](#)

## Indefinite leave to remain

All those applying for ILR under a route which requires KoLL, must meet both parts of the requirement, unless they are exempt because of their age or because of a physical or mental condition.

For ILR applications, the only English language tests that are acceptable are qualifications covering speaking and listening at B1 or above from the Secure English Language Test (SELT) list in the Immigration Rules, [Appendix O](#).

No other tests are acceptable and the test must be taken at an approved test centre.

The English language test must have been taken no more than 2 years before the date of application. However, tests that have been taken more than 2 years ago and have since expired, can still be accepted where the qualification:

- is from one of the providers on the current SELT list

- has previously been accepted by us as part of another immigration application, such as for entry clearance- a qualification that is not from one of the providers on the current SELT list, is not acceptable even if previously accepted by us as part of another application

### **Related content**

[Contents](#)

[Relevant Immigration Rules – indefinite leave to remain](#)

[Police registration](#)

[Knowledge of Language and Life in the UK](#)

[General Grounds for refusal- indefinite leave to remain](#)

[Refusal wording indefinite leave to remain](#)

# General Grounds for Refusal

Caseworkers should consult the specific guidance on General Grounds for Refusal before making a decision on an application.

The General Grounds for Refusal are divided between mandatory and discretionary grounds for refusal. These include

- criminal history
- fraud and forgery
- false representation
- threat to national security
- non-disclosure of material facts
- adverse immigration history

Caseworkers should consider carefully whether an individual's circumstances are such as to require mandatory refusal or whether they fall for consideration on the discretionary ground of the refusal. Caseworkers should apply the specific guidance for the [General Grounds for Refusal](#).

In respect of further leave to remain applications from partners of ECAA workers or business persons, caseworkers should ensure that applicants are not refused on grounds of 322 (3) breach of conditions in the General Grounds for Refusal where applicants were without valid leave but meet the conditions of ECAA 7.1 (c).

## **Related content**

[Contents](#)

[General Grounds for refusal- leave to remain](#)

[Refusal wording indefinite leave to remain](#)

# Police registration

Turkish nationals who are over 16 are required to register with the police where they have been granted leave greater than 6 months. This requirement needs to be met to cover leave relied upon to meet the 5 year qualifying period.

Where an applicant is liable to police registration but is not registered the following process must be followed. Caseworkers must:

- return the passport and other relevant documentation
- inform the applicant that before you can consider their application they must:
  - register with the police
  - produce a police registration certificate (PRC), demonstrating they have registered
- instruct them to re-submit their passport, the PRC and any other relevant documents as required once they have registered

Caseworkers must make the covering letter to the individual detailed enough for it to be used as evidence to the police that an application is with the Home Office pending registration and endorsement of the PRC.

Once an applicant has complied with the requirement to register, you can process the application as normal.

If, after the above, the applicant is still unable to comply with the requirement to register with the police, the application should be refused on the basis of 322(3), failure to comply with conditions of leave, in the General Grounds for Refusal.

The only exception to the above circumstances is where discretion has been exercised previously to ignore the failure to register when granting leave.

## **Related content**

[Contents](#)

[Police registration](#)

[General Grounds for refusal- leave to remain](#)

# Evidence: ILR applications from ECAA business persons and workers

This section tells you about the kinds of evidence needed where an ECAA business person or worker is applying for indefinite leave to remain (ILR). All documents should be originals.

## Evidence of identity

The applicant must satisfy the Secretary of State that they meet the requirements of the Immigration Rules in order to qualify for ILR. This includes demonstrating that they are a Turkish national with leave in the United Kingdom as an ECAA business person or worker. Producing a valid passport in accordance with paragraph 34(5) of the Rules will be the easiest means of demonstrating the applicant's nationality.

## Evidence of the relevant leave covering the 5 year qualifying period.

This will normally be in the form of endorsements in the applicant's passport(s) and/or grant letters from the Home Office. Decision makers should also check the applicant's CID record to confirm the date of leave.

## Absences during the qualifying period

Where an applicant was absent from the UK for a period exceeding 180 days in any 12 month period, and claims that they fall within the exemption for those assisting with a national or international humanitarian or environmental crisis, then the applicant must provide sufficient evidence to satisfy the Secretary of State that this was the purpose of the absence.

## Evidence the KoLL requirement has been met

People who pass the Life in the UK test receive a pass notification letter. They must include this with their application. Applicants have had to sign their pass notification letters since 16 March 2008.

Life in the UK test results are sent to the Home Office electronically. This information is put onto Warehouse. You must check the applicant has passed the test on Warehouse.

If an applicant cannot supply the letter because it has been lost, you can accept a Warehouse record as proof they have passed the test.

The English language test must have been taken no more than 2 years before the date of application.

For English language tests , applicants do not need to supply any evidence – instead they must provide a unique reference number (URN). Caseworkers must use the URN to verify the test result on the providers online verification system. Further information on this can be found at the [Knowledge of language and life in the UK](#) guidance.

## Evidence of Police Registration

Turkish nationals over the age of 16 who are granted more than 6 months leave are subject to police registration. This can be evidenced by production of a Police Registration Certificate.

## ECAA Business Persons: Evidence that they continue to run the business

ECAA business persons will need to prove that they are continuing to run a business as proof that they are still eligible for the ECAA category under which they were last granted leave. The evidence may include but is not be limited to:

- invoices showing work done
- business bank statements
- proof of National Insurance contributions where eligible
- advertising materials
- proof of renting or having purchased business premises

An applicant is not required to provide all of the above evidence in order to demonstrate the continued running of the business. The decision maker must consider all of the available evidence in the round and make a decision accordingly.

Further information can be found within the [Turkish ECAA Business Guidance](#).

### Related content

[Contents](#)

[Turkish ECAA Business Guidance](#)

[Knowledge of Language and Life in the UK](#)

[Police Registration](#)

# Evidence: ILR applications from Partners of ECAA Business Persons and Workers

This section tells you about the kinds of evidence needed where the partner of a Turkish ECAA business person or worker is applying for indefinite leave to remain (ILR). All documents should be originals.

## Evidence of identity

The applicant must satisfy the Secretary of State that they meet the requirements of the Immigration Rules in order to qualify for ILR. This includes demonstrating that they are a person with leave in the United Kingdom as the partner of an ECAA business person or worker. Producing a valid passport in accordance with paragraph 34(5) of the Rules will be the easiest means of demonstrating the applicant's nationality.

## Evidence of relationship

Where the applicant is the partner of an ECAA business person or worker the fact that they have last been granted leave in this capacity should be clear from their passport, CRS or CID record. If there is some doubt, caseworkers can request a marriage certificate or civil partnership certificate, for example. Applicants should submit translated versions in English where appropriate.

## Evidence that partner is living with the ECAA sponsor

Where the applicant is the spouse/civil partner/unmarried partner of an ECAA business person or worker, evidence will need to be produced that they have been living in the UK with their sponsor during the qualifying period. Evidence may include but is not limited to joint commitments, such as:

- joint bank accounts
- investments
- tenancy agreements
- council tax bills, and
- mortgage and insurance documents

official correspondence which links both partners to the same address, such as:

- utility bills
- bank statements
- loan agreements
- letters from government departments
- doctor's records

- Department of Work and Pensions (DWP) records, and
- national insurance records

## Evidence of the relevant leave covering the 5 year qualifying period.

Caseworkers should first check the applicant's CRS or CID record to confirm the date of leave. Where there may be some doubt, caseworkers can check the endorsements in the applicant's passport(s) or request grant letters from the Home Office.

## Absences during the qualifying period

Caseworkers should first check the relevant CID or CRS record and/or passport(s) to determine the extent of any absences during the qualifying period, Where an applicant was absent from the UK for a period exceeding 180 days in any 12 month period, and claims that they fall within the exemption for those assisting with a national or international humanitarian or environmental crisis, then the applicant must provide sufficient evidence to satisfy the Secretary of State that this was the purpose of the absence.

## Applications and Coronavirus

If an applicant has been absent from the UK for more than 180 days as a result of either coronavirus illness and/or travel restrictions associated with coronavirus, that absence may be justified as a 'serious or compelling reason' and result in indefinite leave being granted outside the rules.

Applicants must provide evidence in the form of a supporting letter which outlines your absence, including:

- dates they were ill or in quarantine
- details of the compelling reason for the absence
- any supporting documents, for example medical certificate or evidence of disruption to travel arrangements where available

## Evidence the KoLL requirement has been met

People who pass the Life in the UK test receive a pass notification letter. They must include this with their application. Applicants have had to sign their pass notification letters since 16 March 2008.

Life in the UK test results are sent to the Home Office electronically. This information is put onto Warehouse. You must check the applicant has passed the test on Warehouse.



If an applicant cannot supply the letter because it has been lost, you can accept a Warehouse record as proof they have passed the test.

The English language test must have been taken no more than 2 years before the date of application.

For English language tests taken on or after 6 April 2015, applicants do not need to supply any evidence – instead they must provide a unique reference number (URN). Caseworkers must use the URN to verify the test result on the providers online verification system. Further information on this can be found at the [Knowledge of language and life in the UK](#) guidance.

## Evidence of Police Registration

Turkish nationals over the age of 16 who are granted more than 6 months leave are subject to police registration. This can be evidenced by production of a Police Registration Certificate.

### Related content

[Contents](#)

[Turkish ECAA Business Guidance](#)

[Knowledge of Language and Life in the UK](#)

[Police Registration](#)

[Coronavirus- Turkish applications for visas](#)

# Evidence: ILR applications from children of ECAA Business Persons or Workers or their partners

This section tells you about the kinds of evidence needed where a child of an ECAA business person or worker or their partner is applying for indefinite leave to remain (ILR). All documents should be originals.

## Evidence of identity

The applicant must satisfy the Secretary of State that they meet the requirements of the Immigration Rules in order to qualify for ILR. This includes demonstrating that they are a person with leave in the United Kingdom as the child of an ECAA business person or worker. Producing a valid passport in accordance with paragraph 34(5) of the Rules will be the easiest means of demonstrating the applicant's nationality.

## Evidence of relationship

Where the applicant is the child of an ECAA business person or worker, or their partner, the fact that they have last been granted leave in this capacity should be clear from their passport or CID record. If there is some doubt, caseworkers can request a birth certificate to show the child is under 21. This will need to be translated into English where appropriate.

## Evidence of the relevant leave being granted

Confirmation of the applicant last being granted leave as the child of an ECAA business person or worker should normally be in the relevant CRS or CID record. Alternatively, it will normally also be in the form of endorsements in the applicant's passport(s) and/or grant letters from the Home Office.

## Evidence the KoLL requirement has been met

People who pass the Life in the UK test receive a pass notification letter. They must include this with their application. Applicants have had to sign their pass notification letters since 16 March 2008.

Life in the UK test results are sent to the Home Office electronically. This information is put onto Warehouse. You must check the applicant has passed the test on Warehouse.

If an applicant cannot supply the letter because it has been lost, you can accept a Warehouse record as proof they have passed the test.

The English language test must have been taken no more than 2 years before the date of application.

For English language tests taken on or after 6 April 2015, applicants do not need to supply any evidence – instead they must provide a unique reference number (URN). Caseworkers must use the URN to verify the test result on the providers online verification system. Further information on this can be found at the [Knowledge of language and life in the UK](#) guidance.

## Evidence of Police Registration

Turkish nationals over the age of 16 who are granted more than 6 months leave are subject to police registration. This can be evidenced by production of a Police Registration Certificate.

## Evidence required where the child is 21 or over at date of application

An applicant over the age of 21 must submit 2 items from the list below confirming their residential address:

- bank statements
- credit card bills
- driving licence
- NHS registration document
- a letter from the applicant's current school, college or university confirming the applicant's address, the letter must be:
  - on official headed paper
  - bear the official stamp of the organisation
  - have been issued by an authorised official of that organisation

The documents submitted must be from 2 separate sources and dated no more than a month before the date of application.

If the applicant pays rent or board towards their keep, they must also provide details of how much this amounts to each calendar month.

Applicant's living separately from family members they claim to be dependent upon must provide the following information or documents:

- the reasons for living away from the family home - where this is related to study the applicant must provide a letter from their university or college confirming their enrolment and attendance of the specific course - this must be:
  - on official headed paper
  - bear the official stamp of that organisation
  - have been issued by an authorised official of that organisation

- evidence that they have been supported financially by their parents whilst living away from the family home - the following documents must be included with the application:
  - bank statements for the dependent child covering the 3 months before the application clearly showing the origin of the deposits
  - bank statements for their parents covering the 3 months before the application showing matching payments out of their account

**Related content**

[Contents](#)

[Turkish ECAA Business Guidance](#)

[Knowledge of Language and Life in the UK](#)

[Police Registration](#)

# Granting further leave to remain to partners of ECAA Business Persons or Workers

This section tells you how to assess applications for further leave to remain for partners of ECAA business persons or workers.

There will be circumstances where the Turkish ECAA business person or worker already holds indefinite leave to remain (ILR) but their partners do not have sufficient ECAA leave in order to qualify themselves. Appendix ECAA allows further leave to be granted to such partners that will subsequently allow them to apply for ILR under the ECAA category at a later date.

## Qualifying criteria

The applicant must:

- be the spouse, civil partner or unmarried partner of a Turkish ECAA business person or worker who has been granted ILR either:
  - in line with the ECAA guidance in force prior to 16 March 2018
  - under paragraphs 3.2 or ECAA 4.5 of Appendix ECAA Settlement
  - has British citizenship having previously been granted ILR under ECAA guidance prior to 16 March 2018 or under ECAA 3.2 or 4.5
- have last been granted entry clearance or leave to remain as a dependant of an ECAA business person or worker
- having last been granted leave to remain as a dependant of an ECAA business person, is currently in the United Kingdom without leave as, at the time of that leave expiring:
  - they did not qualify for ILR in line with the ECAA guidance in force prior to 16 March 2018 due to not meeting the 2 year residency requirement
  - did not qualify for further limited leave to remain as the dependant of an ECAA business person due to that ECAA business person having acquired ILR
- be living together and in a subsisting relationship with the ECAA business person or worker under whom entry clearance or leave to remain was granted
- not fall for refusal under the general grounds for refusal
- have a sponsor who can provide adequate accommodation for the parties and any dependants, without recourse to public funds
- be registered with the police where appropriate
- must not be in the UK in breach of immigration laws except that, where paragraph 39E of the Immigration Rules applies, any current period of overstaying will be disregarded or where applicants can satisfy ECAA 7.1c

## The relationship

In all cases the relationship to the Turkish sponsor must be genuine and subsisting at the point of application. The applicant and the ECAA business person or worker must have been living together in the UK in a marriage, civil partnership, or in a relationship similar to marriage.

## Partners who have overstayed only because they did not meet the 2 year residence requirement under the previous guidance.

A finite group of partners of ECAA business persons were:

- refused ILR prior to 16 March 2018 because they had not completed the 2 year qualifying period as set out in the previous guidance
- refused any further limited leave due to their sponsor having acquired ILR, thereby moving them outside the ECAA provisions

This meant the partner was unable to extend their leave under the ECAA route. As a consequence, these individuals are currently in the United Kingdom without leave and would normally fall for refusal.

Caseworkers should overlook periods of overstaying from those partners of ECAA business persons who were refused solely on the basis that they did not meet the 2 year residence requirement. Caseworkers should grant further leave to remain under Part 7 of Appendix ECAA provided they meet the other relevant conditions. Only upon completion of 5 years of such leave to remain will they then be eligible for ILR. This is an exception to the general rule that overstayers will be refused and should not be extended beyond the group described here.

## Overstaying: exceptions

Applications for leave to remain should be refused if applicants have overstayed beyond the end of the last period of leave to enter or remain granted. The only exceptions are where the application is made in the following circumstances:

- within 14 days of previous leave expiring and we consider there is a good reason beyond the applicant's control, provided in or with the application stating why the application could not be made in time
- within 14 days of:
  - the refusal of the previous application for leave
  - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971
  - the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable)
  - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing

If there are good reasons which prevented applying in time, applicants must submit evidence of these with their application. All cases will be decided on their merits.

The threshold for what constitutes 'good reason' is high and will depend on the individual circumstances of the case, but for example may include delays resulting from unexpected or unforeseeable circumstances such as:

- serious illness which meant that you or your representative were unable to submit the application in time (where supported by appropriate medical documentation)
- travel or postal delays which meant that you or your representative were unable to submit the application in time
- inability to provide necessary documents- this would only apply to exceptional or unavoidable circumstances beyond the applicant's control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought)

## Immigration Health Surcharge

All applicants who apply for further leave to remain in this category are subject to the Immigration Health Surcharge. This is paid as part of the online application process. Further guidance is available regarding the [Immigration Health Surcharge](#).

## General Grounds for Refusal and criminality

The applicant must not fall for refusal under the [General Grounds for Refusal](#). Refusals on this basis cover areas such as breaching immigration rules and fraud/abuse. Caseworkers should consult the specific guidance on [General Grounds for Refusal](#) before making such a decision on an application.

## Registration with the police

Turkish nationals who are over 16 are required to register with the police where they have been granted leave greater than 6 months.

Where an applicant is liable to police registration but has failed to do so caseworkers should refer to [Police registration section](#) in this guidance.

## Applicant is subject to an extant deportation order

An extant deportation order automatically invalidates any existing leave to enter or remain. An application for ILR cannot therefore be granted if there is an extant deportation order. Such a grant would be automatically invalidated by the order. Further, the ILR route requires the individual currently be on ECAA leave to remain. This requirement cannot be met for those who are subject to an extant deportation order, as any such leave would have been automatically invalidated.

## Children

As the child of an ECAA business person or worker does not need to complete a 5 year qualifying period to obtain ILR, there is no provision for them to apply for further leave to remain in this category. If such an application is made, they should normally be refused on the basis that they have applied for leave not covered by the Immigration Rules. Decision makers should discuss such cases with their senior caseworker who may seek policy advice as appropriate.

## **Granting Leave to Remain to the partner of a ECAA Business Person or Worker**

Where it is decided that all the requirements above have been met, you should grant the applicant LTR for 3 years. CID should be updated appropriately and ICD 3090 should be used suitably amended.

## **Refusing Leave to Remain to the partner of a ECAA Business Person or Worker**

Where it is decided that the requirements above have not been met, you should refuse the application. ICD 0007 should be amended as required and used with the appropriate refusal wording. CID should be updated.

### **Related content**

[Contents](#)

[Police registration](#)

[General Grounds for refusal- indefinite leave to remain](#)

[Immigration Health Surcharge](#)

[Refusal wording leave to remain](#)



# Pre-decision casework

This section tells you about the checks that you must make before you consider an application for indefinite leave to remain (ILR) as a self-employed ECAA business person or ECAA worker, or as their dependant.

Applicants must provide:

- evidence of identity and nationality in line with paragraph 34 of the Rules. This will normally take the form of a valid current passport, although it can also include a valid identity card for example
- evidence of identity and nationality for each dependant included in the application in line with paragraph 34 of the Rules. Again, this will normally take the form of a current passport or identity card for each dependant included as part of the application
- 2 identical passport-size photographs of each applicant taken within the last month
- an application form, which is compulsory as it also serves as an application for a biometric residence permit (BRP)

Before considering the application, you must check that:

- the applicant's identity has been confirmed through biometrics
- security checks have taken place within the last 3 months
- the 'person details' on CID match those in the passport
- the key documents tracking screen has been updated
- the address details on CID are up to date
- the representative's details have been entered
- the date of postmark and date of expiry of last leave are correct
- biometrics have been taken for the applicant (for applications submitted after 29 February 2012)

You must also carry out these checks for each dependant included in the application.

If any of the recorded details are incorrect, you must change them as necessary. You must refer suspected forged documents to the technical support team for advice.

You must check all previous cases on CID. You must also update the case notes on CID before deciding whether further information is required or whether a decision to grant or refuse the application can be made, based on the evidence already provided.

## Biometric results

You must check that biometrics have been verified before you make a decision. The results can be located on the 'admin events' screen on CID and the Identity Card for

Foreign Nationals (ICFN) database. If the applicant fails to provide this information, you must reject the case and return all documents to the applicant.

**Related content**

[Contents](#)

Biometric information

# Refusal wordings

This page tells you about suggested refusal notice wording to use when you are refusing either:

- a person who has applied for indefinite leave to remain (ILR) as a Turkish ECAA business person or worker under the new Appendix ECAA
- a family member of a Turkish ECAA business person or worker applying for ILR under the new Appendix ECAA
- a partner of a Turkish ECAA business person or worker applying for leave to remain under the new Appendix ECAA

The refusal wordings set out:

- the specific reasons for refusal based on the requirements of the new Appendix ECAA of the Immigration Rules, followed by:
  - the suggested wording for refusal notices describing why the requirements have not been met

You must always add to the refusal wording so that it accurately explains why the application falls for refusal against the relevant paragraphs of the Immigration Rules. The wording must explain exactly which requirements have not been met and why they have not been met due to the evidence provided.

If none of the examples are relevant, you must draft other wording that explains which requirements have not been met and why they have not been met.

## **Related content**

[Contents](#)

[Refusal wording: indefinite leave to remain for ECAA Business Persons and Workers](#)

[Refusal wording: indefinite leave to remain for dependants](#)

[Refusal wording: leave to remain](#)

[Rights of appeal](#)

# Refusal wording: indefinite leave to remain for ECAA Business Persons and Workers

This section tells you about suggested refusal wordings for when you refuse a person who has applied for indefinite leave to remain (ILR) as an ECAA business person or ECAA worker.

Reason	Suggested wording
<b>ECAA Business Persons</b>	-
<p>You are not still engaged in business</p> <p>Paragraph ECAA4.2</p>	<ul style="list-style-type: none"> <li>• you have not provided audited business accounts prepared by a qualified or chartered accountant for the past 12 months</li> <li>• you have not provided sufficient evidence of your business activities in the form of invoices and letters of recommendation for the past 12 months</li> <li>• your itemised bank statements for the past 12 months show that no income has been received from your business during that time</li> <li>• you have provided documents to show that your business carries with it significant debts /liabilities and insufficient evidence has been provided to show that you can bear your share of these liabilities</li> <li>• you were declared bankrupt on [date] and your business has ceased trading</li> </ul>
<p>You have not spent a continuous period of 5 years as a Turkish ECAA business person (including time spent as a Tier 1 Entrepreneur).</p> <p>Paragraph ECAA 4.1(b)</p>	<ul style="list-style-type: none"> <li>• you have not spent a continuous period of 5 years as an ECAA Business Person/Tier 1 Entrepreneur</li> <li>• from [insert date] to [insert date] you were absent from the UK. This absence exceeds 180 days within a 12 month period and is not covered by the international humanitarian or environmental crisis exemption detailed in paragraph ECAA2.1 (a) of the Rules. As a result, you have not completed the continuous period of 5 years needed to qualify for indefinite leave to remain</li> </ul>

<b>Reason</b>	<b>Suggested wording</b>
<p>You were not last granted leave as a business person under the ECAA.</p> <p>Paragraph ECAA 1.1(b)</p>	<ul style="list-style-type: none"> <li>in order to be eligible for indefinite leave to remain, applicants are required to show that they were last granted leave as a business person under the provisions of the ECAA. Your Home Office record/passport shows that your last grant of leave was [insert date] under the [insert] category</li> </ul>
<p><b>Turkish ECAA Workers</b></p>	<p>-</p>
<p>You are not an ECAA worker.</p> <p>Paragraph ECAA1.2</p>	<ul style="list-style-type: none"> <li>in order to qualify for indefinite leave to remain in this category, evidence has to be submitted to show that you are an ECAA worker. However, [insert reasons]. In light of the above, you have failed to meet this requirement</li> </ul>
<p>You have not spent a continuous period of 5 years as a Turkish ECAA worker (including any periods under a relevant Tier 2 category.)</p> <p>Paragraph ECAA 3.1(b)</p>	<ul style="list-style-type: none"> <li>you have not provided sufficient evidence to show that you have spent a continuous period of 5 years as an ECAA worker (including and periods under a relevant Tier 1 or 2 category)</li> <li>From [insert date] to [insert date] you were absent from the UK. This absence is not covered by any of the exemptions detailed in paragraph ECAA2.1(a) of the Rules. As a result, these absences exceed 180 days in any one year and as such you have not completed the continuous period of 5 years needed to qualify for ILR</li> </ul>
<p>You were not last granted leave as a worker under the ECAA.</p> <p>Paragraph ECAA 1.2(b)</p>	<ul style="list-style-type: none"> <li>in order to be eligible for ILR, applicants are required to show that they were last granted leave as a worker under the provisions of the ECAA. Your Home Office record/passport shows that your last grant of leave was [insert date] under the [insert] category</li> </ul>
<p><b>Applicable to both ECAA Business Persons and ECAA Workers</b></p>	<p>-</p>
<p>You have failed to provide evidence that you are a Turkish national</p>	<ul style="list-style-type: none"> <li>in order to qualify for ILR as a Turkish ECAA business person or worker, you</li> </ul>

Reason	Suggested wording
Paragraph ECAA1.2 (a)	must demonstrate that you are a citizen of the Turkish Republic. However [insert reasons] show you have failed to provide sufficient evidence
<p>You have failed to prove you have met the English/KoLL requirement.</p> <p>(ECAA business persons) Paragraph ECAA4.1(c) (ECAA workers) Paragraph ECAA 3.1(c)</p>	<ul style="list-style-type: none"> <li>in order to qualify for indefinite leave to remain in this category, you need to show that you have met the Knowledge of Language and Life in the UK (KoLL) requirement or are otherwise exempt from it. The evidence you have provided does not demonstrate any exemption. Equally, you have failed to provide documentary evidence that you have successfully met the KoLL requirement</li> </ul>
<p>You have failed to prove you have met the police registration qualification.</p> <p>(ECAA business persons) Paragraph ECAA1.2 (d) (ECAA workers) Paragraph ECAA 1.2(d) Both to include 'with reference to paragraph 322(3) of the General Grounds for Refusal</p>	<ul style="list-style-type: none"> <li>as a Turkish national over the age of 16 you are required under the Immigration Rules to register with the police when you have been granted more than 6 months leave in the UK. You have failed to provide evidence that you have met this requirement</li> </ul>
<p>Your refusal is justified on General Grounds.</p> <p>(ECAA business persons) Paragraph ECAA 4.1 (e) (ECAA workers) Paragraph ECAA 3.1(e)</p>	<ul style="list-style-type: none"> <li>under paragraph ECAA3.1 (e)/ECAA4.1 (e) you must not fall for refusal under the provisions of the General Grounds for Refusal. However, [insert reasons] With reference to paragraph [insert relevant paragraph of the General Grounds for Refusal] In light of these reasons your application is refused</li> </ul>

### Related content

[Contents](#)

[Refusal wording: indefinite leave to remain for dependants](#)

[Refusal wording: leave to remain](#)

[Rights of appeal](#)

# Refusal wording: indefinite leave to remain for family members of ECAA Business Persons and Workers

This page tells you about suggested refusal wordings for when you refuse a person who has applied for indefinite leave to remain (ILR) as a dependant of a Turkish ECAA business person or worker.

Reason	Suggested wording
<b>Partners</b>	-
You are not the spouse or civil partner of a Turkish ECAA business person or worker as claimed.  Paragraph ECAA 1.2	<ul style="list-style-type: none"> <li>• you have claimed to be the spouse/civil partner of a Turkish ECAA business person or worker. However, [add reasons]. In light of the above you have not met a requirement of the Rules</li> </ul>
You are not the unmarried partner of a Turkish ECAA business person or worker as claimed.  Paragraph ECAA 1.2	<ul style="list-style-type: none"> <li>• you have claimed to be the unmarried partner of a Turkish ECAA business person or worker. However [insert reasons]. In light of the above you have not met the condition of this category</li> </ul>
Your relationship is not genuine/subsisting.  Paragraph ECAA 6.1(c)	<ul style="list-style-type: none"> <li>• you have claimed to be the spouse/civil partner/unmarried partner of a Turkish ECAA business person or worker. However [insert reasons]. In light of the above you have not met the condition of this category</li> </ul>
You have not resided in the UK with your ECAA sponsor for the qualifying period.  Paragraph ECAA 6.1(f)	<ul style="list-style-type: none"> <li>• in order to qualify for indefinite leave to remain as a dependant of a Turkish ECAA business person or worker, you will need to have lived with your sponsor in the UK for the qualifying period of 5 years. However, [insert reasons]. In light of the above you have not met the condition of this category</li> </ul>
You have not spent a continuous period of 5 years as a dependant of a Turkish ECAA business person or worker.	<ul style="list-style-type: none"> <li>• your Home Office record/passport shows you have not spent a continuous period of 5 years as a dependant of an ECAA business person/worker</li> </ul>

<b>Reason</b>	<b>Suggested wording</b>
Paragraph ECAA 6.2 (a)/(b)	<ul style="list-style-type: none"> <li>from [insert date] to [insert date] you were absent from the UK. This absence exceeds 180 days within a 12 month period and is not covered by the international humanitarian or environmental crisis exemption. As a result, you have not completed the continuous period of 5 years needed to qualify for ILR</li> </ul>
<p>You were not last granted leave as a dependant of a business person or worker under the ECAA.</p> <p>Paragraph ECAA 6.1(b)</p>	<ul style="list-style-type: none"> <li>in order to be eligible for indefinite leave to remain, applicants are required to show that they were last granted leave as a dependant of a business person or worker under the provisions of the ECAA. Your Home Office record/passport shows that your last grant of leave was [insert date] under the [insert] category</li> </ul>
<b>Children of Turkish ECAA Business Persons or Workers</b>	-
<p>You have failed to prove you are the child of an ECAA business person or worker or their partner.</p> <p>Paragraph ECAA 5.1(a)</p>	<ul style="list-style-type: none"> <li>you have claimed to be the child of a Turkish ECAA business person or worker or their partner. However, there is insufficient evidence of this [add reasons as appropriate]. In light of the above you have not met a condition of this category</li> </ul>
<p>You are not met the definition of a 'child' for this category.</p> <p>Paragraph ECAA1.2d)</p>	<ul style="list-style-type: none"> <li>in order to qualify for indefinite leave to remain in this category, evidence has to be submitted to show that you meet the definition of 'child' under these Rules. This definition includes being under the age of 21, or where over 21 are dependent on your sponsor. However, [insert reasons]. In light of the above, you have failed to meet this requirement</li> </ul>
<p>You are living an independent life.</p> <p>Paragraph ECAA 5.1(c)</p>	<ul style="list-style-type: none"> <li>in order to be eligible for ILR as a child, such applicants must not have formed or be leading an independent life. However [insert reasons]. In light of the above, you have failed to meet this requirement</li> </ul>



Reason	Suggested wording
<p>You have not applied for ILR at the same time as the ECAA sponsor or their partner.</p> <p>Paragraph ECAA 5.1(d)</p>	<ul style="list-style-type: none"> <li>in order to be eligible for indefinite leave to remain, applicants need to apply at the same time as either their ECAA sponsor or his/her partner or show that both parent area already lawfully settled. The evidence submitted shows that the ECAA sponsor/partner applied on [insert date of application] while your application was submitted on [insert application date]. In light of the above you have failed to meet this requirement</li> </ul>
<p>You were not last granted leave as the child of a Turkish business person or worker under the ECAA.</p> <p>Paragraph ECAA 5.1(b)</p>	<ul style="list-style-type: none"> <li>in order to be eligible for ILR, applicants are required to show that they were last granted leave as a business person or worker under the provisions of the ECAA. Your passport shows that your last grant of leave was [insert date] under the [insert] category</li> </ul>
<p><b>Applicable to both partners and children of ECAA Business Persons and ECAA Workers</b></p>	<p>-</p>
<p>You have failed to prove you have met the English/KoLL requirement.</p> <p>(Partners) Paragraph ECAA6.1(e) (Children) Paragraph ECAA5.1 (e)</p>	<ul style="list-style-type: none"> <li>in order to qualify for ILR in this category, you need to show that you have met the Knowledge of Language and Life in the UK (KoLL) requirement or are otherwise exempt from it. The evidence you have provided does not demonstrate any exemption. Equally, you have failed to provide documentary evidence that you have successfully met the English language/KoLL condition</li> </ul>
<p>You have failed to prove you have met the police registration qualification.</p> <p>(Partners/family members) Paragraph ECAA1.2(g) (Children) Paragraph ECAA 1.2 (g)</p> <p>Both to include 'with reference to paragraph 322(3) of the General Grounds for Refusal</p>	<ul style="list-style-type: none"> <li>as a Turkish national over the age of 16 you are required under the Immigration Rules to register with the police when you have been granted more than 6 months leave in the UK. You have failed to provide evidence that you have met this requirement</li> </ul>

Reason	Suggested wording
<p>Your refusal is justified on General Grounds.</p> <p>(Partners) Paragraph ECAA6.1 (g)</p> <p>(Children) Paragraph ECAA5.1(i)</p>	<ul style="list-style-type: none"> <li>• under paragraph [insert] you must not fall for refusal under the provisions of the General Grounds for Refusal. However, [insert reasons] With reference to paragraph [insert relevant paragraph of the General Grounds for Refusal] In light of these reasons your application is refused</li> </ul>

### Related content

[Contents](#)

[Refusal wording: indefinite leave to remain for ECAA Business Persons and Workers](#)

[Refusal wording: leave to remain](#)

[Rights of appeal](#)

# Refusal wording: leave to remain for partners of Turkish Business Persons and Workers

This section tells you about suggested refusal wordings for when you refuse a person who has applied for leave to remain as a partner of an ECAA business person or worker who has acquired ILR.

Reason	Suggested wording
<b>Partners</b>	-
You are not the partner of a Turkish ECAA business person or worker who has acquired ILR/British citizenship as claimed.  Paragraph ECAA 7.1(a) (i)/(ii)/(iii)	<ul style="list-style-type: none"> <li>• you have claimed to be the unmarried partner of a Turkish ECAA business person or worker who has gained ILR/British citizenship. However [insert reasons]. In light of the above you have not met the condition of this category</li> </ul>
You are not living together in a subsisting relationship with the sponsor whom you relied on to obtain ECAA entry clearance of ECAA leave.  Paragraph ECAA 7.1(d)	<ul style="list-style-type: none"> <li>• you have claimed to be the spouse/civil partner/unmarried partner of a Turkish ECAA business person or worker. However [insert reasons]. In light of the above you have not met the condition of this category</li> </ul>
You were not last granted leave as a dependant of a business person or worker under the ECAA.  Paragraph ECAA7.1 (b)/(c)	<ul style="list-style-type: none"> <li>• in order to be eligible for leave to remain, applicants are required to show that they were last granted leave as a dependant of a business person or worker under the provisions of the ECAA. Your Home Office record/passport shows that your last grant of leave was [insert date] under the [insert] category</li> </ul>
You have failed to prove you have met the police registration qualification.  Paragraph ECAA 7.1(g)  Should include 'with reference to paragraph 322(3) of the General Grounds for Refusal	<ul style="list-style-type: none"> <li>• as a Turkish national over the age of 16 you are required under the Immigration Rules to register with the police when you have been granted more than 6 months leave in the UK. You have failed to provide evidence that you have met this requirement</li> </ul>

Reason	Suggested wording
<p>Your refusal is justified on General Grounds.</p> <p>Paragraph ECAA 7.1(e)</p>	<ul style="list-style-type: none"> <li>• under paragraph [insert] you must not fall for refusal under the provisions of the General Grounds for Refusal. However, [insert reasons] With reference to paragraph [insert relevant paragraph of the General Grounds for Refusal] In light of these reasons your application is refused</li> </ul>

**Related content**

[Contents](#)

# Administrative review

This section tells you about the administrative review process that is open to applicants who have been refused ILR.

## Administrative reviews

Administrative review will consider whether an 'eligible decision' is wrong because of a case working error and, if it is, correct that error. An eligible decision covers in country applications (unless the applicant applied as a visitor or made a protection or human rights claim) and that application resulted in a refusal.

## Decision letters

If you are refusing ILR under this category, you must use notice 0007 This notice contains important information for applicants regarding the administrative review process.

## The applicant's status while an administrative review is being undertaken

If the applicant has immigration leave and applies for administrative review within the time limit they will continue to have immigration leave until the administrative review is concluded, or they withdraw their application. Paragraph AR2.9 of appendix AR of the Immigration Rules states that the Home Office will not seek to remove an applicant from the UK while a valid application for administrative review is pending. This is to provide the applicant with the same protection from removal as if they had appealed the decision.

Once the administrative review process is concluded, you must restart removal action unless leave has been granted.

## Who should consider the request for administrative review

Where a request for an administrative review is made, it will be carried out by the administrative review team. This is a separate team that is independent from the team who made the original decision. This is because a review must be considered by a different person to the one who made the original decision. This will make sure there is independence and transparency in the review process.

### Related content

[Contents](#)

### Related external links

[Administrative review guidance](#)

[Apply for an administrative review](#)  
[Immigration Rules: Appendix AR](#)