



Home Office

HM forces: reserve forces

Version 1.0

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About this guidance

This guidance tells you when and in what circumstances a member of HM forces reserves will be considered exempt from immigration control under section 8(4) of the Immigration Act 1971.

This guidance covers the following people:

- members of HM reserve forces
- dependants of HM reserve forces personnel

Section 8(4) (a) of the [Immigration Act 1971](#) provides that members of the home forces are exempt from immigration control as long as they are subject to service law.

Section 8 (5) of the [Immigration Act 1971](#) covers those who hold limited leave to enter or remain in the UK but who are then entitled to an exemption under section 8(4). This section states that any leave held by a person continues to apply after the entitlement to the exemption ceases until that leave expires.

There is no provision within the Immigration Rules for members of the reserve forces (for example, the army reserve) to apply for leave to enter or remain on the basis of their reserve service. This includes full time reserve service (FTRS).

From 11 July 2013 it is a Ministry of Defence (MOD) requirement that anyone seeking to join the reserves must provide evidence to show they have a permanent right to live and work in the UK, for example, they are British citizens or have indefinite leave to enter or remain.

Those who enlisted before that date may continue to serve with the reserve forces provided they have valid leave to remain and are on immigration conditions that allow them to undertake employment 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 Armed Forces Policy team

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

Clearance and publication

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

- version 1.0
- published for Home Office staff on 22 June 2017

Changes from last version of this guidance

New guidance

Related content

[Contents](#)

Related external links

[Immigration Rules Appendix Armed Forces](#)

[Joint Service Policy \(JSP\) 753](#)

HM forces reservists: definitions

This page explains some of the terms used in HM forces and in this guidance.

Armed forces rules

This refers to [Appendix Armed Forces](#).

Exempt vignette

This is the vignette issued to reservists' passport confirming exempt status under the Immigration Act 1971.

Man training days

Man training days are the working hours that a reservist is required to undertake to fulfil their commitment to HM forces.

Mobilisation or deployment

Mobilisation or deployment means being called up for operational duties: reservists can be sent anywhere in the world where regular forces are operating.

Full time reserve service

Full time reserve service (FTRS) is an additional voluntary full-time reserve commitment.

Service law

Service law means the regulations governing the conduct of men and women in the armed services in relation to their military (not civilian) activities.

The act

The act referred to is the Immigration Act 1971.

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[Immigration Act 1971](#)

HM forces: confirming exempt status

This page tells you when, and in what circumstances, a member of HM forces reserves is considered exempt from immigration control under the Immigration Act 1971 section 8 (4)(a).

Those enlisted as reservists are only obliged to complete either 19 days' or 27 days' (depending on the type of unit) training per year. More days can be done but these are voluntary and are under the authority of [Reserve Forces Act 1996 Section 27 – Voluntary Training other Duties](#).

Reservists are paid a Man Training Day rate, which could be one-quarter, one-half, three-quarters or full day pay, depending on the number of hours completed. For example, if they did 8 hours they would be paid for a full day.

Whilst carrying out duties as a reservist, an individual becomes subject to service law.

The Home Office only considers issuing a vignette to confirm that an individual has exempt status for periods of pre-mobilisation training, mobilisation or deployment. Reservist activity is considered to be supplementary to the purpose for which the individual is in the UK and they should therefore have evidence of continued right to live and work in the UK, either by way of leave to enter/remain endorsed in their passport or by means of a Biometric Residence Permit (BRP).

Mobilisation or Deployment includes but is not restricted to:

- a deployment to an operational area
- undertaking peacekeeping duties to provide humanitarian aid
- enforcing anti-terrorism measures
- helping combat the international drugs trade
- defence engagement
- mobilisation in support of a UK operation in support of the Civil Power

Prior to 2013, when a vignette confirming exempt status was issued, a reservist would have received a letter explaining that their exemption from immigration control ceased the date they were discharged from HM forces. As reservists remain enlisted throughout their service, the Home Office now issues a letter indicating that, because they are a reservist, their exemption from immigration control is not continuous. In 2014, a vignette specifically for reservists was introduced to clarify this further.

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[Immigration Act 1971](#)

[Immigration Rules Appendix Armed Forces](#)

[Joint Service Publication \(JSP\) 753 – Regulations for the Mobilisation of UK Reserve Forces](#)

HM forces: reservists: process for issuing and cancelling an exempt vignette

This page tells you when, and in what circumstances, a vignette confirming that an individual is exempt from control under the Immigration Act 1971 must be issued.

There are a number of mobilisation centres across the UK which prepare all branches of the reserve forces for service with the regular forces. This preparation can range from pre-mobilisation training ready for deployment into an operational theatre or commitment for a peace time attachment.

The Reserve Forces (Safeguard of Employment) Act 1985 provides reservists who have a liability to be mobilised with two types of protection:

- protection of employment: the act provides protection from unfair dismissal and makes it a criminal offence for an employer to terminate a reservist's job without their consent solely, or mainly, because he or she has a liability to be mobilised
- rights to reinstatement: the act provides a legal right to reinstate the reservist to their former job, subject to certain conditions

By law, an employer does not have to give a reservist additional leave for training, either paid or unpaid, but many employers choose to do so because skills gained through training can be transferred directly to the workplace.

There is no such protection in law for students.

Reservists stood ready for mobilisation

Once a decision has been made by the Ministry of Defence (MOD) to stand a reservist ready for mobilisation the following process must be followed:

- the MOD warns the reservist they are stood ready for mobilisation
- the MOD submits a request to the Home Office enclosing the reservists passport and 2 photographs to the Armed Forces team to issue the vignette confirming exempt status
- the Armed Forces team will consider the request in line with the individual's immigration status
- if the exempt endorsement is issued, the reservist will also receive a covering letter outlining their immigration status and confirming that when they cease deployment they are no longer considered exempt from immigration control

Reservists stood down from mobilisation

The following process is applied:

- the MOD stand down the reservist from mobilisation
- the MOD will notify the Armed Forces team that the individual is no longer on active duty and request that the vignette is cancelled
- the Armed Forces team will cancel the exempt vignette/note records
- if that person has extant leave to enter or remain, they are expected to continue to meet the requirements of that leave
- in cases where the person has no valid leave, they will normally be granted 28 days' leave to remain outside the rules on conditions prohibiting work and access to public funds: [see Reservists holding no valid leave](#)

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[Immigration Act 1971](#)

[Immigration Rules Appendix Armed Forces](#)

[Joint Service Policy \(JSP\) 753 – Regulations for the Mobilisation of UK Reserve Forces](#)

Reservists holding no valid immigration leave

This page tells you how to deal with reservists who no longer hold valid leave in the UK because they have been relying on their exempt vignette and have failed to regularise their stay.

A reservist issued a vignette confirming exempt status before August 2013

Prior to August 2013, when they received confirmation of their exempt status by means of issuing a vignette, a reservist would also receive an accompanying letter confirming that they remained exempt from immigration control under the Immigration Act 1971 section 8(4) until they were discharged from HM forces.

Like regular HM forces personnel, reservists are enlisted members of HM forces. Guidance has always been clear when the Home Office considers a member of the [reserve forces as exempt from control](#). Prior to August 2013, the letter that accompanied the vignette may have unintentionally given the impression that the holder remained exempt throughout their enlistment even though they were a member of a reserve force.

This led to some individuals relying on their exempt vignette rather than seeking leave to remain under the Immigration Rules.

Therefore, if the Home Office receives notification from the MOD that a reservist is no longer mobilised or deployed, and they have been discharged as they hold no valid leave to stay in the UK, the Armed Forces team will issue a period of leave for 28 days.

A reservist issued a vignette confirming exempt status after August 2013

The accompanying Home Office letter issued to a reservist who had their exempt status confirmed by means of a vignette after August 2013 clearly states that they are not continuously exempt from immigration control. On completion of their tour they should, if not holding valid immigration leave in another capacity, either submit an application under the Immigration Rules or make arrangements to leave.

Once the Home Office is notified that they are no longer deployed and/or have been discharged, if they have no valid leave on which to fall back on you must grant them 28 days' leave to remain outside the rules on a condition prohibiting employment and access to public funds.

A reservist not holding confirmation of their exempt status

In a number of cases the Home Office will not have been told that a person was enlisted as a reservist until the MOD notifies the Home Office that they have discharged that person.

This may be because they have neither been mobilised, deployed nor undertaken a period of exercise overseas. In cases which have already been referred to enforcement teams, and that person is subject to reporting restrictions or removal notice, you must not grant leave but must note the records to show that person was a reservist but has now been discharged.

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[Immigration Act 1971](#)

[Immigration Rules Appendix Armed Forces](#)

[Joint Service Policy \(JSP\) 753 – Regulations for the Mobilisation of UK Reserve Forces](#)

Dependants

There are no provisions within the Immigration Rules for the dependant of a reservist to enter or remain in the UK solely on the basis of their sponsor's reserve service. This includes family members of those mobilised or the full time reserve service (FTRS).

All dependants must have valid immigration leave on conditions to remain in the UK in line with that of their sponsor.

When issuing an exempt vignette to a reservist, the status of any of their dependants will not change. The dependant will remain on the immigration conditions for which they were given leave to enter or remain.

If a reservist is granted 28 days' leave outside the rules as they no longer hold valid leave on return from deployment, their dependants are not entitled to be considered in line.

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