

This guidance is based on Appendix Armed Forces of the Immigration Rules.



## **HM Forces: partners and children**

This guidance is based on the Immigration Rules Appendix Armed Forces

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## HM Forces: partners and children

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This guidance tells you about partners and children of British, foreign or Commonwealth nationals serving in HM Forces and is based on the Immigration Rules.

In this guidance 'armed forces rules' means the Immigration Rules in Appendix Armed Forces.

'HM Forces' means a member of the Royal Navy, British Army or Royal Air Force who is serving as a member of the regular forces. 'Gurkha' means someone enlisted in the Brigade of Gurkhas as part of the British Army.

'Reckonable service' means the service which counts towards pension, which starts from the first day of paid service in HM Forces.

See related link for guidance on the discretionary arrangements for dealing with applications from family members of Gurkhas discharged from the armed forces before 1 July 1997.

For more information on transitional arrangements, see annex J of the related link: IDI chapter 15, section 2A.

#### Definition of a dependant

The definition of a 'partner' is in the Immigration Rules Appendix Armed Forces and defined in paragraph 2(h) (unless a different definition applies elsewhere in Appendix Armed Forces) as:

- the spouse
- civil partner
- fiancé(e)
- proposed civil partner
- a person who has been living together with the applicant in a relationship akin to a

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#### Related links

Safeguard and promote child welfare

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HM armed forces: applications on discharge

Armed forces 2A – Persons seeking settlement on discharge from HM forces

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#### External links

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	<p>marriage or civil partnership for at least two years before the date of application</p> <p>A 'child' is defined through their relationship with the sponsor parent, as set out in the eligibility requirements. See link on left: Entry or extension requirements.</p> <p>For more information on child eligibility requirements, see related link.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker, entry clearance manager or line manager cannot answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p><a href="#">Appendix KoLL of the Immigration Rules</a></p> <p><a href="#">Part 7 of the Immigration Rules</a></p> <p><a href="#">Part 8 of the Immigration Rules</a></p>
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## HM Forces: partners and children

This page shows you the key facts for partners and children of HM Forces personnel.

Eligibility requirements	<p>For partners:</p> <ul style="list-style-type: none"><li>• be a partner of a serving British citizen including one who has naturalised after five years' reckonable service in HM Forces</li><li>• be a partner of a serving foreign or Commonwealth national serving in HM Forces (including Gurkhas)</li><li>• be a partner of someone discharged from HM Forces, within the two years before the date of application, who is a British citizen or who has leave or is being granted leave at the same time under paragraphs:<ul style="list-style-type: none"><li>○ 276E-QA of the Immigration Rules</li><li>○ 13-19 of Appendix Armed Forces</li></ul></li><li>• be aged 18 or over</li><li>• intends to live together with their sponsor permanently</li><li>• not be within the prohibited degree of relationship with the sponsor as defined in paragraph 6 of the Immigration Rules</li><li>• have met the sponsor in person</li><li>• be in a genuine and subsisting relationship with the sponsor</li></ul> <p>In addition:</p> <ul style="list-style-type: none"><li>• any previous relationship of the applicant or sponsor must have broken down unless it is a relationship that comes under <a href="#">paragraph 278(i)</a> of the rules</li><li>• if the applicant and sponsor are married or in a civil partnership, it must be a valid marriage or civil partnership as specified in <a href="#">Appendix FM-SE</a></li><li>• if the applicant is the sponsor's fiancé(e) or proposed civil partner, they must be seeking entry to allow the marriage or civil partnership to take place</li></ul> <p>For children:</p> <ul style="list-style-type: none"><li>• be under the age of 18 at the date of application</li><li>• if aged 18 or over at the date of application, was last granted leave as a dependant of a member of HM Forces</li><li>• be a child of a British citizen in HM Forces including one who was naturalised after five years reckonable service</li><li>• be a child of a foreign or Commonwealth citizen serving in HM Forces</li><li>• be a child of a discharged member of HM Forces, discharged within the two years immediately before the</li></ul>
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	<p>application, who has either been granted, or is being granted at the same time as the applicant under paragraphs:</p> <ul style="list-style-type: none"> <li>○ 276E-QA of the Immigration Rules</li> <li>○ 13-19 of Appendix Armed Forces</li> </ul> <p>The child must not:</p> <ul style="list-style-type: none"> <li>● be married or in a civil partnership</li> <li>● have formed an independent family unit</li> <li>● be leading an independent life</li> </ul> <p>They must also meet one of the following:</p> <ul style="list-style-type: none"> <li>● their other parent must: <ul style="list-style-type: none"> <li>○ have been granted or be being granted at the same time as the applicant, leave as the partner of a member of HM Forces under Paragraphs 23, 27, 28, 32 of Appendix Armed Forces or paragraph 276E-276AI of the Immigration Rules</li> <li>○ have died</li> </ul> </li> <li>● the sponsor parent in HM Forces must have sole responsibility for the child's upbringing</li> <li>● there are serious and compelling family or other considerations which make the applicant's exclusion from the UK undesirable and suitable arrangements have been made for their care</li> </ul>
Application forms	<p>Application made outside UK – VAF (AF)  Extension (within UK) – FLR (AF)  Indefinite leave to remain – SET (AF)  Domestic Violence – SET (DV)</p>
Cost of application:	<a href="#">Fees for Home Office services</a>
Entry clearance mandatory?	Yes
Immigration Health Surcharge required?	No
Is biometric information required for applications made in the UK?	Yes
Code of entry clearance / remain granted	Code 1 or 1a ILE/ILR
Entry clearance endorsements	No recourse to public funds. Fiancés and proposed civil partners, no work
Conditions of leave to remain	Work no access to public funds unless otherwise specified
How long is leave to remain normally granted for?	5 years
Work and study allowed?	Yes, unless granted leave as a fiancé or proposed civil partner (no work)
Switching into this category	Yes, unless in the UK as a visitor or with valid leave granted for

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allowed?	a period of 6 months or less
Does this category lead to settlement (indefinite leave to remain)?	Yes
Is knowledge of language and life required?	Yes, for applications for indefinite leave to enter or remain
Immigration Rules paragraphs	<a href="#">Appendix Armed Forces</a>

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## HM Forces: partners and children

### Changes to this guidance

<p><a href="#">About this guidance</a>  <a href="#">Key facts</a>  <a href="#">Entry or extension requirements</a>  <a href="#">Bereaved dependants</a>  <a href="#">Victims of domestic violence</a>  <a href="#">Leave to enter the UK</a>  <a href="#">Leave to remain in the UK</a>  <a href="#">Indefinite leave to enter for settlement</a>  <a href="#">Indefinite leave to remain (settlement)</a>  <a href="#">Armed Forces Covenant</a></p>	<p>This page lists changes to the 'HM Forces: partners and children' guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="490 440 831 483">Date of the change</th> <th data-bbox="831 440 1532 483">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="490 483 831 703">08 February 2018</td> <td data-bbox="831 483 1532 703">           Change request:           <ul style="list-style-type: none"> <li>Reference to immigration bail added under section on Eligibility requirements-general requirements.</li> </ul> </td> </tr> <tr> <td data-bbox="490 703 831 932">18 May 2015</td> <td data-bbox="831 703 1532 932">           Change request:           <ul style="list-style-type: none"> <li>Armed Forces Covenant – new page added</li> </ul> </td> </tr> <tr> <td data-bbox="490 932 831 1406">21 March 2014</td> <td data-bbox="831 932 1532 1406">           Change request:           <ul style="list-style-type: none"> <li>About this guidance:               <ul style="list-style-type: none"> <li>Sub-heading 'Definition of a dependant', first sentence has been reworded.</li> </ul> </li> <li>Leave to enter the UK:               <ul style="list-style-type: none"> <li>New sub-headings and guidance on 'Validity of a visa' and 'School children'.</li> </ul> </li> </ul> </td> </tr> </tbody> </table>	Date of the change	Details of the change	08 February 2018	Change request: <ul style="list-style-type: none"> <li>Reference to immigration bail added under section on Eligibility requirements-general requirements.</li> </ul>	18 May 2015	Change request: <ul style="list-style-type: none"> <li>Armed Forces Covenant – new page added</li> </ul>	21 March 2014	Change request: <ul style="list-style-type: none"> <li>About this guidance:               <ul style="list-style-type: none"> <li>Sub-heading 'Definition of a dependant', first sentence has been reworded.</li> </ul> </li> <li>Leave to enter the UK:               <ul style="list-style-type: none"> <li>New sub-headings and guidance on 'Validity of a visa' and 'School children'.</li> </ul> </li> </ul>	<p><b>Related links</b></p> <p><a href="#">Contacts</a></p> <p><a href="#">Information owner</a></p> <p>Armed forces - archive</p>
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## HM Forces: partners and children

### Eligibility requirements

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This section tells you the eligibility requirements for partners and children of members of HM Forces.</p> <p><b>General requirements</b></p> <p>To apply under these rules the applicant must meet the eligibility requirements set out in the related links:</p> <p>If in the UK an applicant must not be here:</p> <ul style="list-style-type: none"><li>• as a visitor</li><li>• with valid leave granted for a period of six months or less, unless that leave:<ul style="list-style-type: none"><li>○ is as a fiancé(e) or proposed civil partner</li><li>○ was granted pending the outcome of family court or divorce proceedings</li></ul></li><li>• on temporary admission or temporary release</li><li>• after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted</li></ul> <p>They must not fall to be refused on grounds of suitability, however a person who does not satisfy suitability requirements for indefinite leave may instead be granted limited leave.</p> <p><b>Suitability requirements</b></p> <p>For guidance on suitability requirements see related links. Suitability requirements under Appendix Armed Forces are the same as those under Appendix FM plus the following subparagraphs from the general grounds for refusal: 320(3), 320(7B), 320(10), 320(11), 321(iii), 321(4A), 322(2), 322(3) and 323(i).</p> <p>For transitional arrangements see related link: IDI Chapter 15 Section 2A.</p>	<p><b>In this section</b></p> <p><a href="#">Partner eligibility requirements</a></p> <p><a href="#">Child eligibility requirements</a></p> <p><a href="#">English language requirement</a></p> <p><a href="#">Knowledge of life</a></p> <p><b>Related links</b></p> <p>Knowledge of language and life in the UK</p> <p>General grounds for refusal</p> <p>2A – Persons seeking settlement on discharge from HM forces</p> <p><b>External links</b></p> <p><a href="#">Appendix KoLL of the Immigration Rules</a></p> <p><a href="#">Paragraphs 22-26 of Appendix FM-SE</a></p>
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

		<a href="#">Appendix Armed Forces Part 8 of the Immigration Rules</a>  <a href="#">Marriage Act 1949</a>  <a href="#">Immigration Act 1971</a>  <a href="#">Appendix FM</a>
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## HM Forces: partners and children

### Partner's eligibility requirements

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This page tells you about the eligibility requirements for a partner of a member of HM Forces.</p> <p>Appendix Armed Forces paragraphs 20A and 34A make clear that for the purpose of the rules on partners and bereaved partners, a reference to a member of HM Forces includes a former member of HM Forces who was discharged more than 2 years ago if they:</p> <ul style="list-style-type: none"><li>• are a British citizen</li><li>• they were last granted leave under Appendix Armed Forces</li></ul> <p>This means if the partner began their probationary period within 2 years of the sponsor's discharge, the sponsor may have been discharged more than 2 years ago when their partner subsequently applies for further leave under Appendix Armed Forces.</p> <p>The applicant must:</p> <ul style="list-style-type: none"><li>• be a partner of a serving British citizen including one who has naturalised after five years' reckonable service in HM Forces</li><li>• be a partner of a serving foreign or Commonwealth national serving in HM Forces (including Gurkhas)</li><li>• a partner of someone discharged from HM Forces, within the two years before the date of application, who is a British citizen or who has leave or is being granted leave at the same time under paragraphs:<ul style="list-style-type: none"><li>○ 276E-QA of the Immigration Rules</li><li>○ 13-19 of Appendix Armed Forces</li></ul></li><li>• be aged 18 or over</li><li>• intend to live together with their sponsor permanently</li></ul>	<p><b>In this section</b> <a href="#">Child eligibility requirements</a>  <a href="#">English language requirement</a>  <a href="#">Knowledge of life</a></p> <p><b>Related links</b> 1.7 - Financial requirement  1.7A – Maintenance</p> <p><b>External links</b> <a href="#">Appendix Armed Forces</a>  <a href="#">Paragraphs 22-26 of Appendix FM-SE</a>  <a href="#">Part 8 of the Immigration Rules</a>  <a href="#">Marriage Act 1949</a></p>
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- not be within the prohibited degree of relationship with the sponsor as defined in paragraph 6 of the Immigration Rules
- have met the sponsor in person
- be in a genuine and subsisting relationship with the sponsor

In addition:

- any previous relationship of the applicant or sponsor must have broken down unless it is a relationship which falls within paragraph 278(i) of the rules
- if the applicant and sponsor are married or in a civil partnership, it must be a valid marriage or civil partnership as specified in Appendix FM-SE
- if the applicant is the sponsor's fiancé(e) or proposed civil partner, they must be seeking entry to allow the marriage or civil partnership to take place

#### **Leave to enter or remain**

If the applicant is applying for leave to enter or remain they must meet all the requirements above as well as meeting the following:

- English language requirement (see related link)
- financial requirement (see related link)

#### **Indefinite leave to enter or remain**

If they are applying for indefinite leave to enter or remain (settlement) they must meet all the eligibility requirements as well as meeting the following:

- knowledge of language and life in the UK requirement (see related link)
- financial requirement (see related link)
- not be a fiancé(e) or proposed civil partner
- have completed a continuous period of 60 months leave to enter or remain as a partner of the same member of HM Forces, excluding any period of leave as a fiancée or proposed civil partner

[Paragraph 6 of the Immigration Rules](#)

This guidance is based on Appendix Armed Forces of the Immigration Rules.

	<p><b>Leave to Enter and Remain (Amendment) Order 2015</b></p> <p>The amendments to the Immigration (Leave to Enter and Remain) Order 2000 in relation to HM Forces' families makes sure that any time spent accompanying the sponsor on an overseas posting will count towards the qualifying probationary period of 60 months. This is a requirement for settlement under Appendix Armed Forces.</p> <p>This means any family members who have valid leave as a dependant of a member of HM Forces will not automatically lose their permission to stay if they remain on an accompanied posting overseas for a period longer than 2 years.</p> <p>Family members of HM Forces personnel granted leave outside the Immigration Rules are not covered by this amendment and will need to apply for entry clearance under Appendix Armed Forces if:</p> <ul style="list-style-type: none"><li>• their leave has expired</li><li>• they have remained outside the UK for longer than 2 years</li></ul>	
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## HM Forces: partners and children

### Child eligibility requirements

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Appendix Armed Forces to or paragraph 276E-276AI of the Immigration Rules

- have died
- the sponsor parent in HM Forces must have sole responsibility for the child's upbringing
- there are serious and compelling family or other considerations which make the applicant's exclusion from the UK undesirable and suitable arrangements have been made for their care

In addition to meeting the general eligibility requirements, if the child is applying for limited leave to enter or remain, they must also meet the financial requirements in part 12 of Appendix Armed Forces unless Appendix Armed Forces indicates they must meet a maintenance requirement. See related link: [Financial requirements](#).

**Child applicants over the age of 18**

Children of serving members of HM Forces who are aged 18 or over will only qualify under the armed forces rules for leave to enter, remain or settlement in the UK if they last held leave as the child of a member of HM Forces under Appendix Armed Forces or paragraph 276AH of the Immigration Rules.

If they are applying for indefinite leave to remain (settlement) and are over 18 years of age, the applicant must demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the UK, in accordance with Appendix KoLL (see related link: [Knowledge of language and life in the UK](#)).

If this requirement is not met they may be granted 30 months limited leave to enter or remain subject to conditions of no recourse to public funds.

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### English language requirement

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		<a href="#">UK NARIC</a> <a href="#">Part 8 - English language requirement</a>
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## HM Forces: partners and children

### Knowledge of life

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This page tells you about the knowledge of life in the UK (KoLL) requirement for HM Forces members' dependants.</p> <p>To qualify for settlement, partners and children between the ages of 18 and 65 will have to demonstrate their knowledge of language and life in the UK in line with the provisions set out in Appendix KoLL to the rules.</p> <p>This will involve passing the Life in the UK test and holding an intermediate level English language speaking and listening qualification.</p> <p>For more information see related link: Knowledge of language and life in the UK.</p> <p>In considering whether the knowledge of life requirement is met caseworkers and entry clearance officers must consult Appendix KoLL in addition to this guidance.</p> <p>The KoLL requirement does not apply in the following settlement case-types made under the Immigration Rules:</p> <ul style="list-style-type: none"><li>• HM Forces personnel who are applying for settlement on discharge under Appendix Armed Forces</li><li>• bereaved partners applying for settlement under Appendix Armed Forces</li><li>• partners of members of HM Forces who are applying for settlement as the victim of domestic violence</li><li>• dependants applying for settlement under Appendix Armed Forces who are under 18 or over 65 years of age or who are otherwise exempt from the requirement under Appendix KoLL</li></ul>	<p><b>In this section</b> <a href="#">Partner eligibility requirements</a>  <a href="#">Child eligibility requirements</a>  <a href="#">English language requirement</a></p> <p><b>Related links</b> Exemption because of physical or mental condition  Exemption because of age – indefinite leave  Knowledge of language and life in the UK</p> <p><b>External links</b> <a href="#">Appendix KoLL of the Immigration Rules</a></p>
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## HM Forces: partners and children

### Bereaved dependants

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This page tells you how to handle applications from the bereaved dependants of HM Forces personnel.

#### Bereaved partner

A partner other than a fiancé(e) or proposed civil partner qualifies for settlement as a bereaved partner if they make a valid application and their deceased partner was either:

- a British citizen in HM Forces (including one who has naturalised after five years reckonable service)
- a foreign or Commonwealth citizen serving in HM Forces
- a discharged member of HM Forces who is a British citizen or had been granted or was seeking at the same time as the applicant leave to enter or remain under paragraphs:
  - 276E-QA of the Immigration Rules
  - 13-19 of Appendix Armed Forces

And, at the time of their partner's death, their relationship met the following criteria:

- they and their partner:
  - were both aged 18 or over
  - were not within the prohibited degree of relationship (not be so closely related that their marriage would not be valid in the UK)
  - intended to live together permanently
  - had met in person
- the relationship was genuine and subsisting and each of the parties intended to live together permanently

#### Bereaved child

The requirements for qualification as a bereaved child are that they have made a valid

#### Related links

General grounds for refusal

#### External links

[Immigration Act 1971](#)

[Appendix Armed Forces](#)

[Appendix FM](#)

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application and the parent who has died was at the time of their death:

- a British citizen in HM Forces including one who has naturalised after five years reckonable service
- a foreign or Commonwealth citizen serving in HM Forces
- a discharged member of HM Forces who is a British citizen or had been granted or was seeking at the same time as the applicant leave to enter or remain under paragraphs:
  - 276E-QA of the Immigration Rules
  - 13-19 of Appendix Armed Forces

They must also meet one of the following criteria:

- their other parent must also:
  - be a member of HM Forces who was granted or is being granted at the same time, leave to enter or remain under paragraphs 23-33 or 35-37 of Appendix Armed Forces or paragraph 276S, V or AE of the Immigration Rules or under the concession for bereaved partners of foreign or Commonwealth members of HM Forces
  - have died
- the HM Forces parent has had sole responsibility for the applicant's upbringing
- there are serious or compelling family or other considerations which would make exclusion of the child from the UK undesirable and suitable arrangements have been made for the applicant's care

#### **Suitability requirement**

They must not fall for refusal on grounds of suitability, however a person who does not satisfy suitability requirements for indefinite leave may instead be granted limited leave.

For guidance on suitability requirements see attached links. Suitability requirements under Appendix Armed Forces are the same as those under Appendix FM plus the following subparagraphs from the general grounds for refusal: 320(3), 320(7B), 320(10), 320(11), 321(iii), 321(4A), 322(2), 322(3) and 323(i).

This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM Forces: partners and children

### Victims of domestic violence

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This page tells you how to handle applications under Appendix Armed Forces from the partners of HM Forces personnel who are victims of domestic violence.</p> <p>For more guidance on how to assess cases which involve domestic violence, see related links.</p> <p>A person qualifies for indefinite leave to remain as a victim of domestic violence if they are in the UK and:</p> <ul style="list-style-type: none"><li>• they had leave as the partner of a British citizen in HM Forces</li><li>• they had leave as a partner of a foreign or Commonwealth citizen serving in HM Forces with at least four years reckonable service at the date of application</li><li>• the applicant was last admitted to the UK under paragraph 276AD of the Immigration Rules or paragraphs 23, 27, 28 or 32 of Appendix Armed Forces</li><li>• was last granted leave to remain under a concession which exists outside the Immigration Rules, whereby the Secretary of State exercised their discretion to grant leave to remain to a victim of domestic violence, and the applicant:<ul style="list-style-type: none"><li>○ has made a valid application for indefinite leave to remain as a victim of domestic violence on application form SET (DV)</li><li>○ does not fall to be refused under suitability grounds but note that a person who does not satisfy suitability requirements for indefinite leave may instead be granted limited leave</li><li>○ has provided evidence that during the last period of their limited leave as a partner their relationship with their partner broke down permanently as a result of domestic violence</li></ul></li></ul> <p>For guidance on suitability requirements see attached links. Suitability requirements under Appendix Armed Forces are the same as those under Appendix FM plus the following sub-</p>	<p><b>Related links</b> General grounds for refusal</p> <p>Domestic violence</p> <p><b>External links</b> <a href="#">Immigration Act 1971</a> <a href="#">Appendix Armed Forces</a> <a href="#">Appendix FM</a></p>
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

	paragraphs from the general grounds for refusal: 320(3), 320(7B), 320(10), 320(11), 321(iii), 321(4A), 322(2), 322(3) and 323(i).	
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM Forces: partners and children

### Leave to enter the UK

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This page tells you about granting or refusing leave to enter for the partner or child of a member of HM Forces.</p> <p>The applicant must:</p> <ul style="list-style-type: none"><li>• be outside the UK</li><li>• have made an application on form VAF(AF)</li><li>• not fall for refusal under the suitability grounds</li><li>• meet part 12 - Financial requirement of Appendix Armed Forces</li><li>• for a partner meet all the requirements of:<ul style="list-style-type: none"><li>○ paragraph 20 and 23 of Appendix Armed Forces</li><li>○ part 11 – English language requirement</li></ul></li><li>• for a child meet all the requirements of paragraph 42 and 43 of Appendix Armed Forces</li></ul> <p>Entry clearance will be issued for whichever is the shorter period of either:</p> <ul style="list-style-type: none"><li>• 5 years</li><li>• in line with their partner’s or parent’s leave</li><li>• if they are a fiancé(e) or proposed civil partner, 6 months</li></ul> <p><b>Conditions of leave</b> The conditions of leave are:</p> <ul style="list-style-type: none"><li>• no recourse to public funds</li><li>• if they are a fiancé(e) or proposed civil partner, no work</li></ul> <p><b>Validity of visa</b> The Armed Forces covenant states the Armed Forces community should not be</p>	<p><b>Related links</b> General grounds for refusal</p> <p><a href="#">Indefinite leave to enter</a></p> <p><b>External links</b> <a href="#">Appendix KoLL of the Immigration Rules</a> <a href="#">Immigration Act 1971</a> <a href="#">Appendix Armed Forces</a> <a href="#">Appendix FM</a></p>
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

disadvantaged through service. This means members of HM Forces and their family members should not be disadvantaged as a result of an overseas posting.

There will be partners and/or children who have accompanied their serving partner or parent on an overseas posting and have not travelled for several months after entry clearance has been issued under the relevant armed forces rules.

All visas are valid until the expiry date unless we can prove a change of circumstances, for example the applicant:

- made false representations
- withheld material evidence
- changed the purpose for their travel to the UK

If a partner or child of an individual serving in the armed forces presents entry clearance that was issued some time before travel this could be considered a reason to question them and confirm there has not been a change of circumstances .

However you must not cancel the entry clearance of a partner or child only because they did not travel immediately, or soon after, the issue of entry clearance if they are on an accompanied posting.

If there is a reason to cancel the visa you must formally refuse the passenger and give them a right of appeal, unless you could prove a change of purpose.

### **School children**

Where a child holds valid entry clearance or leave to remain as the dependant of a serving member of HM Forces but the family are currently on overseas posting the child may use that leave to come to the UK as part of a school trip without either parent accompanying them and return to their overseas posting.

This also applies to any child who holds such leave who comes to the UK to attend boarding school. Although such children are coming to the UK primarily to study they remain



This guidance is based on Appendix Armed Forces of the Immigration Rules.

	<p>dependants of HM Forces personnel and you must not refuse entry because they are not being accompanied by or joining a parent.</p> <p><b>Refusing leave to enter</b> You must refuse the application if the applicant does not meet the requirements of Appendix Armed Forces of the Immigration Rules, and/or they fail on suitability grounds.</p> <p>For guidance on suitability requirements see attached links. Suitability requirements under Appendix Armed Forces are the same as those under Appendix FM plus the following subparagraphs from the general grounds for refusal: 320(3), 320(7B), 320(10), 320(11), 321(iii), 321(4A), 322(2), 322(3) and 323(i).</p> <p>For further information on leave outside the rules and the special provision for HM Forces please refer to this section at the related link: Indefinite leave to enter for settlement.</p>	
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM Forces: partners and children

### Leave to remain in the UK

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This page tells you about granting or refusing leave to remain for the partner or child of a member of HM Forces.</p> <p>The applicant must:</p> <ul style="list-style-type: none"><li>• be in the UK</li><li>• have made a valid application on application form FLR(AF)</li><li>• meet part 12 - Financial requirement of Appendix Armed Forces</li><li>• not fall for refusal under the general suitability criteria set out in Appendix Armed Forces</li><li>• if a partner meets all the requirements of:<ul style="list-style-type: none"><li>○ paragraph 20 and 28 of Appendix Armed Forces</li><li>○ part 11- English language requirement</li></ul></li><li>• if a child meets all the requirements of paragraph 42 and 47 of Appendix Armed Forces - for leave to remain applications, a child can meet the eligibility requirements where they normally live with the parent who is the HM Forces sponsor, even though that parent does not have sole responsibility for the child's upbringing</li></ul> <p><b>Period of leave</b> Leave to remain can be granted for 5 years with the following exceptions:</p> <ul style="list-style-type: none"><li>• the partner must be granted limited leave in line with the remainder of the sponsor's period of leave under paragraph 14, 17 or 18 of Appendix Armed Forces</li><li>• the partner is a fiancé(e) or proposed civil partner, in which case you must grant 6 months leave - you may only extend this where the applicant is in the UK with entry clearance as the fiancée or proposed civil partner of the same sponsor under paragraph 23 of the Appendix Armed Forces and there is a good reason why the marriage or civil partnership has not taken place during that period of leave and there is evidence the marriage or civil partnership will take place within the next 6 months</li></ul>	<p><b>Related links</b> General grounds for refusal</p> <p><b>External links</b> <a href="#">Immigration Act 1971</a> <a href="#">Appendix Armed Forces</a> <a href="#">Appendix FM</a></p>
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

	<p><b>Conditions of leave</b> The conditions of leave are:</p> <ul style="list-style-type: none"><li>• no recourse to public funds</li></ul> <p><b>Refusing leave to remain</b> You must refuse the application if the applicant does not meet the:</p> <ul style="list-style-type: none"><li>• requirements of paragraphs Appendix Armed Forces of the Immigration Rules</li><li>• suitability grounds</li></ul> <p>For guidance on suitability requirements see attached links. Suitability requirements under Appendix Armed Forces are the same as those under Appendix FM plus the following subparagraphs from the general grounds for refusal: 320(3), 320(7B), 320(10), 320(11), 321(iii), 321(4A), 322(2), 322(3) and 323(i).</p> <p>For further information on leave outside the rules and the special provision for HM Forces please refer to this section at the related link: Indefinite leave to enter for settlement.</p>	
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM Forces: partners and children

### Indefinite leave to enter

[About this guidance](#)  
[Key facts](#)  
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[Leave to enter the UK](#)  
[Leave to remain in the UK](#)  
[Indefinite leave to enter for settlement](#)  
[Indefinite leave to remain \(settlement\)](#)  
[Armed Forces Covenant](#)

This page tells you about granting or refusing indefinite leave to enter for the partner or child of a member of HM Forces.

#### Indefinite leave to enter

The applicant must:

- be outside the UK
- not fall for refusal under the suitability criteria set out in Appendix Armed Forces
- meet the financial requirement in part 12 of Appendix Armed Forces unless Appendix Armed Forces indicates they must meet a maintenance requirement
- if between the ages of 18 and 65 be able to demonstrate sufficient knowledge of English language and sufficient knowledge about life in the UK in accordance with the requirements of Appendix KoLL
- if a partner has completed a continuous period of 60 months leave to enter or remain as the partner of the same member of HM Forces, excluding any period of leave to remain as a fiancé(e) or proposed civil partner
- if a partner, meet all the requirements of paragraphs 20 and 25 of Appendix Armed Forces
- if a child, meet all the requirements of paragraphs 42 and 45 of Appendix Armed Forces

The amendments to the Immigration (Leave to Enter and Remain) Order 2000 in relation to HM Forces' families makes sure that any time spent accompanying the sponsor on an overseas posting would count towards the qualifying probationary period of 60 months. This is a requirement for settlement under Appendix Armed Forces.

This means any family members who have valid leave as a dependant of a member of HM Forces will not automatically lose their permission to stay if they remain on an accompanied

#### Related links

General grounds for refusal

1.0 - Partners

#### External links

[Appendix KoLL of the Immigration Rules](#)

[Immigration Act 1971](#)

[Appendix Armed Forces](#)

[Appendix FM](#)

This guidance is based on Appendix Armed Forces of the Immigration Rules.

posting overseas for a period longer than 2 years.

Family members of HM Forces personnel granted leave outside the Immigration Rules are not covered by this amendment and will need to apply for entry clearance under Appendix Armed Forces if:

- their leave has expired
- they have remained outside the UK for longer than 2 years

**Bereaved partners or children**

The applicant must:

- be outside the UK
- if a partner meet all the requirements of paragraphs 34 and 35 of Appendix Armed Forces
- if a child meet all the requirements of paragraphs 51 and 52 of Appendix Armed Forces
- not fall for refusal under the general suitability criteria set out in section 1, part 2 of Appendix Armed Forces

**Refusing indefinite leave to enter**

You must refuse the application if the applicant does not meet the requirements of Appendix Armed Forces of the Immigration Rules, and/or they fail on suitability grounds

For guidance on suitability requirements see attached links. Suitability requirements under Appendix Armed Forces are the same as those under Appendix FM plus the following subparagraphs from the general grounds for refusal: 320(3), 320(7B), 320(10), 320(11), 321(iii), 321(4A), 322(2), 322(3) and 323(i).

**Leave outside the rules - special provision for HM Forces**

Where an application as a partner or child under Appendix Armed Forces falls for refusal, you must consider this section to see if there are grounds to warrant a grant of leave outside the Immigration Rules.

This guidance is based on Appendix Armed Forces of the Immigration Rules.

Special provision is being made for:

- the partner and child of a member of HM Forces
- who fall for refusal under Appendix Armed Forces
- were accompanying their sponsor on an overseas posting before 1 December 2013 but were unable to obtain leave to enter or remain under parts 7 or 8 of the Immigration Rules before 1 December 2013, solely because the category of leave for which they qualified was not available from overseas

These applicants would have been in the UK were it not for the overseas posting and may have been in a better position to qualify for leave in the UK under the rules which applied before 1 December 2013.

**Example**

The partner of a British member of HM Forces who would have qualified for indefinite leave to remain if they were able to apply in the UK before 1 December but could not apply for settlement from overseas because they did not meet the requirements under part 8 of the rules for indefinite leave to enter as a partner.

This may be because they had not been living together overseas for at least four years which is a requirement for indefinite leave to enter (ILE) - this route was only open to them before 1 December 2013 under earlier transitional arrangements.

In this scenario, the applicant must apply under Appendix Armed Forces, but where they do not meet the requirements, that would not have applied to them if they had been able to apply under part 8, you must grant the applicant leave outside the rules on a five year route to settlement.

This only applies in cases where, but for the overseas posting, the dependants would have been in the UK and been able to apply for leave under the rules in place before 1 December 2013. The leave granted should be five years or in line with the remainder of their sponsor's posting or limited leave.

This guidance is based on Appendix Armed Forces of the Immigration Rules.

	<p><b>Leave outside the rules: exceptional circumstances</b> Where the partner or child of a member of HM Forces is considered under Appendix Armed Forces and falls for refusal under those rules and does not meet the requirements, and does not fall into the special provision category above, you must consider if there are exceptional circumstances which warrant a grant of 30 months leave outside the rules on a 10 year route to settlement because refusal would result in unjustifiably harsh consequences for the applicant or their family.</p> <p>This will be considered in line with the guidance on this approach which applies to Appendix FM partners and children.</p> <p><b>Application as a parent</b> You cannot consider an applicant who applies as a parent rather than a partner under Appendix Armed Forces as it has no parent route. An applicant who wishes to apply under the parent route should apply under Appendix FM using the relevant application form and they will be considered against the requirements of the Appendix FM parent route.</p>	
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM Forces: partners and children

### Indefinite leave to remain (settlement)

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This page tells you about granting or refusing indefinite leave to remain (settlement) for the partner or child of a member of HM Forces.</p> <p>Appendix Armed Forces paragraphs 20A and 34A make clear that for the purpose of the rules on partners and bereaved partners, a reference to a member of HM Forces includes a former member of HM Forces who was discharged more than 2 years ago if they:</p> <ul style="list-style-type: none"><li>• are a British citizen</li><li>• they were last granted leave under Appendix Armed Forces</li></ul> <p>This means if the partner began their probationary period within 2 years of the sponsor's discharge, the sponsor may have been discharged more than 2 years ago when their partner subsequently applies for further leave under Appendix Armed Forces.</p> <p><b>Grant indefinite leave to remain (ILR)</b> The applicant must:</p> <ul style="list-style-type: none"><li>• be in the UK</li><li>• meet part 12 – financial requirements of Appendix Armed Forces, however in the case of a child this is a maintenance and accommodation requirement rather than the income threshold</li><li>• none of the suitability grounds for refusal apply (see related link)</li><li>• not be in breach of immigration laws, except for any period of overstaying for 28 days or less which will be disregarded</li><li>• if between the ages of 18 and 65 be able to demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the UK in accordance with the requirements of Appendix KoLL</li><li>• if a partner, the applicant meets all the requirements of paragraphs 20 and 31 of Appendix Armed Forces</li></ul>	<p><b>Related links</b> General grounds for refusal</p> <p>1.0– Partners</p> <p><b>External links</b> <a href="#">Immigration Act 1971</a></p> <p><a href="#">Appendix Armed Forces</a></p> <p><a href="#">Appendix FM</a></p> <p><a href="#">Appendix FM 1.0 – Partners Guidance</a></p> <p><a href="#">Guidance on Paragraphs EX.1 consideration of a child's best interest under Appendix FM (Family Rules)</a></p>
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

- if a child, meets the requirements of paragraphs 42 and 49 of Appendix Armed Forces

#### **Limited leave to remain on refusal of ILR**

You must grant an applicant limited leave to remain for 30 months subject to a condition of no recourse to public funds if the applicant fails to meet the requirement for indefinite leave because:

- their sponsor is being granted limited leave under paragraph 14, 17 or 18 of Appendix Armed Forces
- they cannot meet the knowledge of language and life in the UK
- they fail to meet the suitability criteria in respect of indefinite leave to remain but not in respect of limited leave to remain

#### **Bereaved partners or children**

The applicant must:

- be in the UK
- have submitted a valid application for ILR as a bereaved partner or child
- meet all the requirements of paragraphs 34 and 36 of Appendix Armed Forces, if a partner
- meet all the requirements of paragraphs 51 and 53 of Appendix Armed Forces, if a child
- not fall for refusal under the suitability criteria set out in Appendix Armed Forces

You can grant limited leave to remain for a period of 30 months under paragraph 37 or 54 to a bereaved partner or child of a member of HM Forces who fails to meet the requirements of ILR because they do not meet the suitability requirements for ILR (but meet the requirements for a grant of limited leave to remain).

#### **Victims of domestic violence**

The applicant must:

This guidance is based on Appendix Armed Forces of the Immigration Rules.

- be in the UK
- have submitted a valid application for ILR as a victim of domestic violence on form SET(DV)
- meet all the requirements of paragraph 39 of Appendix Armed Forces

Limited leave to remain for a period of 30 months may be granted under paragraph 41 of Appendix Armed Forces to a partner of a member of HM Forces who is a victim of domestic violence who fails to meet the requirements of ILR because they fail to satisfy the suitability requirements in respect of ILR (but not a grant of limited leave to remain).

#### **Refuse indefinite leave to remain**

You must refuse indefinite leave to remain if:

- the applicant does not meet all of the requirements of Appendix Armed Forces
- any of the suitability grounds are not met (see related link)

#### **Suitability requirement**

For guidance on suitability requirements see attached links. Suitability requirements under Appendix Armed Forces are the same as those under Appendix FM plus the following subparagraphs from the general grounds for refusal: 320(3), 320(7B), 320(10), 320(11), 321(iii), 321(4A), 322(2), 322(3) and 323(i).

#### **Leave outside the rules: special provision for HM Forces**

Where an application as a partner or child under Appendix Armed Forces falls for refusal, you must consider this section to see if there are grounds to warrant a grant of leave outside the Immigration Rules.

Special provision is being made for:

- the partner and children of a member of HM Forces
- who fall for refusal under Appendix Armed Forces
- were accompanying their sponsor on an overseas posting before 1 December 2013 but were unable to obtain leave to enter or remain under parts 7 or 8 of the Immigration

This guidance is based on Appendix Armed Forces of the Immigration Rules.

Rules before 1 December 2013, solely because the category of leave for which they qualified was not available from overseas

These applicants would have been in the UK were it not for the overseas posting and may have been in a better position to qualify for leave in the UK under the rules which applied before 1 December 2013.

**Example**

The partner of a British member of HM Forces who would have qualified for indefinite leave to remain if they were able to apply in the UK before 1 December but could not apply for settlement from overseas because they did not meet the requirements under part 8 of the rules for indefinite leave to enter as a partner.

This may be because they had not been living together overseas for at least four years which is a requirement for indefinite leave to enter (ILE) - this route was only open to them before 1 December 2013 under earlier transitional arrangements.

In this scenario, the applicant must apply under Appendix Armed Forces, but where they do not meet the requirements, that would not have applied to them if they had been able to apply under part 8, you must grant the applicant leave outside the rules on a five year route to settlement.

This only applies in cases where, but for the overseas posting, the dependants would have been in the UK and been able to apply for leave under the rules in place before 1 December 2013. The leave granted should be five years or in line with the remainder of their sponsor's posting or limited leave.

**Leave outside the rules: exceptional circumstances**

Where the partner or child of a member of HM Forces is considered under Appendix Armed Forces and falls for refusal under those rules and does not meet the requirements, and does not fall into the special provision category above, you must consider if there are exceptional circumstances which warrant a grant of 30 months leave outside the rules on a 10 year route to settlement because refusal would result in unjustifiably harsh consequences for the

This guidance is based on Appendix Armed Forces of the Immigration Rules.

	<p>applicant or their family.</p> <p>This will be considered in line with the guidance on this approach which applies to Appendix FM partners and children.</p> <p><b>Application as a parent</b> You cannot consider an applicant who applies as a parent rather than a partner under Appendix Armed Forces as it has no parent route. An applicant who wishes to apply under the parent route should apply under Appendix FM using the relevant application form and they will be considered against the requirements of the Appendix FM parent route.</p>	
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM Forces: partners and children

### Armed Forces Covenant

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[Indefinite leave to enter for settlement](#)  
[Indefinite leave to remain \(settlement\)](#)  
[Armed Forces Covenant](#)

This page tells you about the Armed Forces Covenant.

The Armed Forces Covenant reflects the nation's moral obligation to people who have sacrificed civilian freedoms and put themselves in danger on its behalf.

It states:

“Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.”

For example:

- partners of members of HM Forces get a 5 year visa:
  - this is so they are not disadvantaged if they have to renew their leave at the 30 month point (in line with partners of British and settled civilians) as this is more expensive from overseas
  - they can also spend their probationary period overseas if accompanying their sponsor on an overseas posting
- partners of foreign or Commonwealth members of HM Forces with 4 years' service may make an application for settlement on the basis of domestic violence, this is because:
  - 4 years' service is the point at which the sponsor could settle if discharged from HM Forces
  - and the partner should not be disadvantaged by the fact that the sponsor continues to serve (same rationale for appeal rights)

#### In this section

##### Related links

Safeguard and promote child welfare

Armed Forces: exempt from immigration control

HM armed forces: applications on discharge

Armed forces  
2A – Persons seeking settlement on discharge from HM forces

[Child eligibility requirements](#)

##### External links

[Appendix Armed Forces](#)

[Appendix KoLL of the Immigration Rules](#)

[Part 7 of the Immigration Rules](#)

This guidance is based on Appendix Armed Forces of the Immigration Rules.

	<p>Under the existing guidance you do not have to refer an application to the SCS if a dependant of a member of HM Forces falls for refusal under the Immigration Rules.</p> <p>However, you must refer the case to SCW/SCS, who must seek advice from armed forces policy where necessary, if you feel that the applicant is disadvantaged through service in HM Forces (either their own or that of a sponsor) when compared with a civilian.</p> <p>An example of this might be where a soldier has been badly injured and relatives other than those provided for in the Immigration Rules have applied for leave to provide short-term care and support.</p> <p>In these circumstances, applicants should apply on VAF(AF) or FLR(AF) and will normally be granted up to 30 months leave outside the rules (LOTR) so that the situation can be kept under review.</p> <p>Other circumstances where covenant issues are raised will be dealt with on a case by case basis and you must seek advice as above.</p>	<p><a href="#">Part 8 of the Immigration Rules</a></p>
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM Forces: partners and children

### Contact

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Entry or extension requirements</a> <a href="#">Bereaved dependants</a> <a href="#">Victims of domestic violence</a> <a href="#">Leave to enter the UK</a> <a href="#">Leave to remain in the UK</a> <a href="#">Indefinite leave to enter for settlement</a> <a href="#">Indefinite leave to remain (settlement)</a> <a href="#">Armed Forces Covenant</a></p>	<p>This page explains who to contact for more help with a specific case in the HM Forces: partners and children category.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level:</p> <ul style="list-style-type: none"><li>• entry clearance officers and caseworkers can email: Armed forces policy</li><li>• Border Force officers can email: BF OAS enquiries (see related link).</li></ul> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the armed forces policy team, who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: guidance, rules and forms team.</p>	<p><b>Related links</b> <a href="#">Changes to this guidance</a>  <a href="#">Information owner</a></p> <p><b>External links</b> Email: Armed forces policy  Email: BF OAS enquiries  Email: guidance, rules and forms team</p>
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This guidance is based on Appendix Armed Forces of the Immigration Rules.

## HM forces: partners and children

### Information owner

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This page tells you about this version of the 'HM Forces: partners and children' guidance and who owns it.

Version	5.0
Published for Home Office staff on	08 February 2018
Policy owner	Official – sensitive: information removed
Cleared by	Official – sensitive: information removed
Role	Official – sensitive: information removed
Clearance date	08 February 2018

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the armed forces policy team, who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: guidance, rules and forms team.

**Related links**  
[Changes to this guidance](#)

[Contacts](#)

**External links**  
Email: Armed forces policy

Email: guidance, rules and forms team