



Home Office

# Grenfell Tower survivors' immigration cases

Version 6.0

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# About this guidance

This guidance tells UK Visas and Immigration (UKVI) and Immigration Enforcement (IE) staff how to consider applications for further leave to remain from individuals granted leave under the Grenfell Tower immigration policy for survivors. The policy is intended to provide support and stability to those directly affected by the Grenfell tragedy. This guidance tells UKVI and IE staff:

- what the requirements were to be granted an initial 12 months' leave under the dedicated Grenfell immigration policy for survivors of the devastating tragedy before the 31 January 2018 closing date
- how to consider applications for further leave to remain from those granted leave under the dedicated Grenfell survivors' immigration policy

This guidance does not cover:

- anyone outside the UK
- anyone who does not already have leave under the dedicated Grenfell immigration policy
- relatives of those directly affected by the fire

Individuals who are not covered in this guidance, including any survivors who come forward now that the policy is closed to new entrants, or any relatives of those directly affected by the fire, will be considered under existing policies as appropriate. In such cases, caseworkers should refer to relevant guidance on considering leave outside of the rules and on considering relatives' cases.

Other circumstances in which someone may be granted leave outside the rules (LOTR) are covered in separate guidance relating to European Convention on Human Rights (ECHR) Article 3 medical, Discretionary leave, or where there is an existing published concession. Caseworkers considering applications relating to LOTR on Article 8 family and private life grounds must refer to the 5-year or 10-year partner, parent and private life guidance.

The Home Office will give full consideration to the exceptional or compassionate circumstances in any immigration case in which an individual has been affected by personal tragedy.

## 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 Asylum policy.

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

## Publication

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

- version 6.0
- published for Home Office staff on 6 April 2018

## Changes from last version of this guidance

The latest version of the guidance:

- confirms the Grenfell immigration policy for survivors has closed to new entrants now that the 31 January 2018 has passed
- provides advice on which policy and guidance are applicable to anyone who comes forward after 31 January 2018
- sets out what criteria was used to determine whether someone was eligible for 12 months' initial leave, to assist caseworkers in identifying whether someone still continues to meet these requirements
- advises caseworkers how to consider applications for further leave to remain from those granted leave under the dedicated Grenfell immigration policy

### Related content

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# Leave outside the rules policy for Grenfell Tower survivor cases

## Background

The devastating fire which took place in the early hours of 14 June 2017 at Grenfell Tower in West London was a national tragedy. The Home Office have been clear that this tragedy will not be used to conduct immigration checks or enforce immigration control on those affected. However, we recognised that not all those directly affected would be in the UK lawfully and some may have had concerns about their immigration status.

On 5 July 2017, the government introduced a dedicated survivors' policy, to allow individuals with insecure immigration status who had lost their homes in the fire to regularise their stay. The policy was intended to give them time to deal with the exceptional circumstances in which they found themselves, to assist the police and other authorities with their enquiries about the fire, and to consider their future options. Regularising their immigration status provided those who were caught up in the fire with access to vital support and assistance.

To provide survivors with greater certainty over their long-term future in the UK, the government announced on 11 October 2017, that those who qualified under the dedicated survivors' policy would be able to apply for permanent residence after 5 years' lawful residence. Survivors were asked to come forward by 31 January 2018 and this deadline has now passed.

Individuals who were eligible under the policy were granted an initial 12 months' limited leave. Within 28 days of the end of the 12-month period of leave, individuals can apply for free for a further period of 2 years' limited leave under the dedicated policy. They will then be able to apply for a further period of 2 years' limited leave, before being eligible to apply for indefinite leave to remain (ILR) after 5 years' lawful residence under the policy. Those granted leave under the Grenfell survivors' policy will be granted with access to public funds and rights to work in the UK.

The policy also allowed those in the UK with valid leave on another basis to have the no recourse to public funds condition lifted where the existing leave was subject to that condition, or switch to 12 months' leave, as part of a 5-year route to ILR under the dedicated survivors' immigration policy. All applications under the Grenfell survivors' policy are subject to security, criminality and fraud checks.

This guidance tells caseworkers how to consider applications for further periods of leave on completion of the initial 12 months' leave. It also provides advice on what will happen at the ILR stage, but further guidance on applying for ILR will be published nearer the time. The first time anyone may become eligible to apply for ILR under this policy will be 2022.

## Policy intention

The government has stated publicly that the Home Office will not use the tragedy as a reason to carry out immigration checks on those involved, and that all victims, irrespective of their immigration status, will be able to access the services they need. Public authorities (including local authorities and the NHS) are assisting those directly affected by the fire notwithstanding their immigration status.

The government believes it is right to provide the specific group of survivors who are eligible for limited leave to remain under this dedicated immigration policy greater certainty over their long-term future in the UK. The policy allowed those who have been directly affected by the fire to be granted a period of 12 months' lawful residence in the UK which is extendable and can lead to ILR after a total period of 5 years' continuous leave granted under the policy, subject to meeting security, criminality and fraud checks. This is based on the fact that the Secretary of State has the power to grant leave on a discretionary basis outside the Immigration Rules under the Immigration Act 1971.

The deadline for people to come forward under this policy was extended twice to ensure that everyone had sufficient opportunity to come forward, particularly if there were individuals who were concerned about their immigration status or who needed to seek legal advice. The government is not aware that there is anyone else still to come forward but if any individuals are in this position, the Home Office can still help them and would encourage them to get in touch as soon as possible.

The government is committed to supporting those directly affected by the fire. Although the deadline has now passed, if anyone comes forward who has a good reason for not having done so earlier, caseworkers must consider them for leave to remain under our existing leave outside the rules policies, which cater for compelling compassionate grounds. Caseworkers should refer to the section of this guidance on [considering applications made after 31 January 2018](#).

The government will ensure that all those who are required to provide evidence in person, or who need to be in the UK to participate in the Grenfell Tower Inquiry are able to do so.

## Who was eligible under this policy?

This policy closed to new entrants on 31 January 2018. It applied to:

- individuals in the UK with no immigration status (including illegal entrants and overstayers)
- European Economic Area (EEA) nationals in the UK not exercising treaty rights
- individuals in the UK with limited leave to remain
- failed asylum seekers who did not have outstanding further submissions
- those refused asylum who were not appeal rights exhausted
- individuals with an immigration status (at the time they came forward) which was subject to a condition of 'no recourse to public funds'

To be eligible to apply under the policy, survivors of the Grenfell fire must have been:

- a resident of Grenfell Tower on the date of the fire, whether or not they were there at the time of the fire, including those who were renting unlawfully through an illegal sub-let or informal arrangement
- living close to Grenfell Tower and were significantly affected by the fire because they were displaced from their place of residence, which was destroyed or made uninhabitable by the fire

We anticipated that those living close to the Grenfell Tower that were significantly affected in this way were residents living in Grenfell Walk at the date of the fire.

Dependants of those who are eligible to apply for leave under this policy can be included in an application, if they were ordinarily residing with the qualifying individual on the date of the fire, providing they did not fall into one of the '[categories excluded from the policy](#)'.

## Categories excluded from the policy

The following categories were excluded from the policy and will continue to be excluded for all grants of leave under this policy, because it is in the public interest to apply this approach to maintain confidence in the immigration system:

- any foreign national offender (FNO), such as those subject to deportation proceedings or whose continued presence in the UK has been determined by the Home Office to be not conducive to the public good
- any person who, if they were to claim asylum, would fall for exclusion under Article 1F of the Refugee Convention
- any person subject to Terrorism Prevention and Investigation Measures (TPIMs)
- any person currently subject to a Deportation Order (including those appealing a Deportation Order)
- any person for whom there are concerns about criminality, character or associations, including extremist behaviour
- any person who has failed security checks
- any person who has refused to supply their biometrics

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# Consideration process for initial leave

The immigration status of the individual was considered when determining whether to grant initial leave under this policy. Caseworkers considered whether an individual qualified for limited leave to remain for 12 months outside the rules under this policy. If an individual did not qualify under this policy, caseworkers were then required to consider whether an individual qualified for leave to remain for 12 months or more under another immigration route with recourse to public funds, for example, where the person had an outstanding application or claim. If they qualified under the Immigration Rules, any grant of leave was then given with recourse to public funds.

## Individuals who had valid leave

A person directly affected by the fire who had valid leave to remain (under another Immigration Rule or policy) when they came forward and who met the requirements of this policy was invited to consider whether they would like:

- their existing valid leave to remain to continue but with the condition of no recourse to public funds lifted where that leave was subject to that condition, allowing them access to public funds, and with permission to work where they did not already have this
- to accept leave under the survivors' policy to replace their existing leave with a grant of leave outside the rules (LOTR) under this policy for an initial 12 months with access to public funds and permission to work

Individuals with leave on an existing route to settlement under the Immigration Rules were advised to consider the impact of switching to a grant of LOTR on the length of time it will take to reach settlement. Individuals were advised that they could not concurrently hold more than one type of leave to remain.

## Individuals who did not have valid leave

For the purposes of this policy, individuals in the UK with no immigration status, including illegal entrants and overstayers, European Economic Area (EEA) nationals in the UK not exercising treaty rights, failed asylum seekers with no outstanding further submissions and those refused asylum who were not appeal rights exhausted.

A person directly affected by the fire, who had no current valid leave to remain at the time they came forward, and who qualified under this policy, was invited to consider accepting a grant of leave to remain outside the Immigration Rules under this policy for an initial 12 months with access to public funds and permission to work.

## Those who had an outstanding asylum claim or further submissions

Where an asylum claim was being considered at the time someone came forward, this policy did not apply. This is because asylum seekers qualify for Home Office asylum support and accommodation if they would otherwise be destitute. This policy did not apply to failed asylum seekers, who had lodged further submissions which were outstanding, as they may also have qualified for asylum support.

However, where, before 31 January 2018, a failed asylum seeker had become appeal rights exhausted, or their further submissions had been rejected without a right of appeal, and no other form of leave was being granted, then consideration was given to granting leave to remain outside the Immigration Rules under this policy. Any grant was for an initial 12 months with access to public funds and permission to work.

Furthermore, where, before 31 January 2018, an individual had their asylum claim refused but they were not appeal rights exhausted, then consideration was given to granting leave to remain outside the Immigration Rules under this policy. Any grant was for an initial 12 months with access to public funds and permission to work.

## How we considered whether this policy applied

There was no application form or fee required for a person to be considered under this policy to see if they qualified for the initial grant of 12 months' limited leave. Home Office staff invited individuals to complete a short form to provide the necessary details. Subject to relevant security checks, the decision on whether a person qualified for leave under this policy was made as soon as possible by a dedicated team dealing with these cases.

This invitation had to be taken up in person at a designated location by 31 January 2018. Consideration of cases is continuing but no further invitations to come forward will be made now that this date has passed. Individuals cannot access this policy from 1 February 2018 (except for those already granted leave under this policy who are applying for further leave to remain or indefinite leave to remain (ILR)). If anyone does come forward, please refer to the section on [considering applications made after 31 January 2018](#).

## Providing evidence

As part of the consideration process for the initial grant of 12 months' limited leave, Home Office staff assisted individuals in providing relevant information and evidence and completing a brief form.

Caseworkers were mindful that those directly affected by the fire were unlikely to be able to provide documentary evidence of their address.

Caseworkers considering cases under this policy looked for evidence that the person was either a resident of Grenfell Tower on the date of the fire, or was living close to Grenfell Tower and was significantly affected by the fire because they were displaced from their place of residence, which was destroyed or made uninhabitable by the fire. This included but was not limited to:

- checking any evidence held by the Home Office to establish the last recorded address on a previous immigration application
- official correspondence with the address, for example from Department for Work and Pensions (DWP), HMRC, the local authority or from an energy supplier
- evidence that individuals had been receiving support as a result of the fire
- evidence that individuals were living close to Grenfell Tower and the fire resulted in their home being destroyed or made uninhabitable

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- checking with other agencies, such as the police, the local authority and the Ministry of Housing, Communities and Local Government as to whether they could confirm whether a person had provided information about their links to Grenfell Tower or Grenfell Walk
- evidence of a payment from the Grenfell Fire Emergency Fund such as a bank statement or BACS transfer
- evidence provided on their behalf by a leading member of the community or recognised support group setting out what they knew about the person
- evidence they were hospitalised as a result of the fire
- evidence from a local school or GP records
- contacting the local authority for information

Noting the difficult circumstances in which survivors and others directly affected by the fire found themselves, once the caseworker was satisfied that a person was eligible for consideration under the policy they did not need to obtain further evidence.

## Granting leave to remain

The granting of leave to remain under this policy is conditional on relevant security, identity, biometric and eligibility requirements being met.

## Length of leave and conditions

Leave to remain under this policy was for an initial period of 12 months. Leave was granted with recourse to public funds and permission to work in the UK. The Immigration Health Surcharge is not applicable to cases considered under this policy.

A person granted leave to remain under this policy can also enter higher education. However, those with limited leave are not eligible for higher education student finance under the Student Support Regulations. In addition, a study condition applies

to all adult temporary migrants granted leave outside the Immigration Rules which prohibits studies in particular subjects without first obtaining an Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office. Those granted leave to remain under this policy who are aged 18 or who will turn 18 before their limited leave expires will be subject to the relevant requirements set out in [part 15 of the Immigration Rules](#).

## Change of conditions

Where an individual with existing valid leave to remain had the conditions of that leave to remain changed to enable recourse to public funds and permission to work, it did not result in any extension of the current period of leave that was held. A new biometric residence permit (BRP) could be issued, setting out the change of conditions of the existing leave. Existing leave expires on the date set out in the individual's current BRP.

Where a Grenfell survivor was given a change of conditions allowing recourse to public funds and permission to work under this policy whilst remaining in another immigration route, they should continue to have the benefit of this change of conditions when they are granted limited leave to remain in another route and subsequent grants of limited leave should also reflect this.

## Switching

Individuals who had existing immigration leave and wanted to benefit from the Grenfell immigration policy were required to come forward before 31 January 2018 and meet relevant criteria as set out in this guidance. They were not able to use limited leave accrued under other immigration routes towards the 5-year limited leave period under this policy required for ILR.

Individuals who initially registered under the Grenfell process but since the fire were granted limited leave under other immigration routes, had the option to switch back into the 5-year route to ILR before 31 January 2018 if they chose to. They needed to meet all relevant requirements set out in the Grenfell policy to be granted leave. This specific group can use any limited leave already accrued since the fire under their current route towards the 5-year period required under this policy. This enabled caseworkers to grant leave to take the balance up to 12 months to ensure that they did not have to start from scratch at the time they switched into the policy.

There was no refund for an outstanding application being considered under another policy or where an application had been processed and leave granted where a fee or any other related charges had already been paid.

Anyone considering switching was advised to contact Home Office staff before 31 January 2018 through the designated process. It was open to anyone in this situation to seek independent legal advice on whether switching was an appropriate option for them.

## Considering applications made after 31 January 2018

The government is committed to supporting those directly affected by the fire. Although the deadline has now passed, if anyone comes forward for an initial grant of leave who has a good reason for not having done so earlier, they should apply for leave on the [FLR\(HRO\) form](#). In such cases you must refer to the LOTR guidance and consider them sympathetically for leave to remain under that policy, which caters for compelling compassionate grounds.

Anyone who does not qualify for leave on this basis, will need to make a valid application under the Immigration Rules if they wish to remain in the UK and pay the specified fee, unless they are applying in a category that is fee exempt, or qualify for a fee waiver.

### **Related content**

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# Applications for further leave

Those eligible under the scheme must initially have been granted 12 months' limited leave outside the rules (LOTR), or switched into that route and been granted up to 12 months. Eligible survivors are now able to apply free of charge for 2 further periods of 2 years' limited LOTR. They will then be able to apply for permanent residence after a minimum 5 years' lawful residence in the UK under this policy. All grants of leave are subject to security and criminality checks being met, and the relevant process being followed.

This guidance is subject to change and those who apply for further leave must continue to meet the requirements of the policy that applies at the time of the relevant decision.

## Applications for further limited leave

Where an individual seeks further limited leave under this policy before the initial 12 months' leave granted under this policy expires, they will need to submit a [FLR\(GT\) application form](#) no more than 28 days before their existing leave expires.

Individuals will be able to apply for further periods of 2 years' limited leave using the same application form without the requirement to pay application fees where they continue to meet the requirements set out in this policy.

## Considering applications for further limited leave

The same [eligibility criteria](#) which applies to the initial 12 months' grant of limited leave will continue to apply to the 2 further grants of limited leave. The exception to this is that immigration status criteria will not be applied because individuals will have already been granted leave under this policy.

The expectation is that those who are eligible will be eligible to apply for indefinite leave to remain (ILR) at the end of the 5 years, subject to the necessary security, criminality and fraud checks being met and the relevant process being followed.

Any grant of further leave will be subject to confirmation that relevant agencies (such as the Royal Borough of Kensington and Chelsea) continue to accept that the individual was a resident of Grenfell Tower or Grenfell Walk at the time of the fire. However, for the further grants of limited leave, survivors are not required to resubmit the evidence that was accepted as part of the previous grant of leave under this policy.

Where an individual has spent 5 years with limited leave under this policy but cannot meet the criteria for a grant of ILR under this policy, caseworkers may grant a further period of limited leave to remain as appropriate. This would be for a maximum of 2 years' limited leave at a time provided they continue to meet the criteria for a grant of limited leave to remain. For example, they may fail to meet criteria for a grant of ILR due to criminality.

## Dependants

Any dependants granted the initial 12 months' leave will need to meet the requirements of the policy for further leave, including the necessary security, criminality and fraud checks, in their own right.

Dependants for the purpose of this policy include:

- partners and children under 18 who were given permission to stay in the UK as dependants when the main applicant was given LOTR under the Grenfell Tower survivors' immigration policy
- any child born to the main applicant in the UK since 14 June 2017 who is not a British Citizen

## Conditions for grants of further limited leave

Further limited leave will be granted with recourse to public funds and permission to work in the UK for the duration of the leave. The Immigration Health Surcharge is not applicable to cases considered under this policy.

## Refusing further limited leave

There is no automatic right to further leave and those who apply must qualify under the policy in force at the time of the decision.

All cases will be considered on their individual merits in line with this policy. Where an application for further limited LOTR under the Grenfell Tower survivors' policy is considered and it is decided that the individual does not qualify for a grant of leave either under the policy or due to other exceptional or compassionate reasons, the application must be refused without a right of appeal. The individual will be advised in a letter of the reasons for this decision.

## Out of time applications for further limited leave

Everyone granted an initial 12 months' leave under the dedicated Grenfell immigration policy has received a letter advising them when to apply for further leave and what they need to do. Individuals granted further leave will be advised in the grant letter when they should make their next application.

However, if there are any applications received after an individual's leave has expired, they should be considered under our existing LOTR policies which cater for exceptional circumstances. They will need to provide reasons why they did not apply for further leave in time, that is before their extant leave expired.

## Applications for indefinite leave to remain

Where an individual seeks ILR under this policy they will need to submit a settlement application form no more than 28 days before their existing leave expires. Further



details about this process will be provided before the first applications for ILR are due to be considered in 2022.

There is currently no fee waiver in place for ILR applications under this policy. However, the government will consider and publish the approach for settlement applications in due course.

## Considering applications for indefinite leave to remain

This section applies to those eligible residents granted an initial period of 12 months' limited LOTR under the Grenfell immigration policy on or after 5 July 2017 and who have been granted 2 further periods of limited leave and have completed a total of 5 years' continuous lawful residence.

A person will become eligible to apply for settlement after completing a continuous period of 5 years' limited leave to remain granted under this policy. The whole duration of the 5 years' limited leave must have been granted under this policy for someone to be granted ILR under this policy. The only exception to this is where an individual switched in certain specified circumstances. Further details of this switching provision can be found in the section on [switching](#). Limited leave granted under other policies or immigration routes cannot be used towards the 5 years' continuous lawful residence required under this policy to be considered for ILR.

The same criteria that apply to grants of limited leave to remain under this policy will apply to grants of ILR and the individual will also need to meet the requirements of the Immigration Rules on [criminality](#). This guidance is subject to change and those who apply for ILR must continue to meet the requirements under the policy that applies at the relevant time. There is currently no fee waiver in place for ILR applications under this policy.

Periods of continuous residence in the UK whilst waiting for a valid application for further leave to be considered under this policy, may count towards the required period of leave for settlement, providing the application was made in time and leave was automatically extended in accordance with section 3C(2) of the Immigration Act 1971. See section 3C leave.

## Refusing indefinite leave to remain

Where a person does not qualify under the criteria set out in this policy either for ILR or further limited leave, the application for ILR should be refused and further LOTR must not be granted under this policy.

## Criminality

Where a person has held leave outside the rules under this policy for a continuous period of 5 years and still qualifies for leave under the policy, they will normally be granted settlement. If a person does not meet the requirements for settlement due to criminality or other conduct considered not to be conducive to the public good, further limited leave under the policy may be granted if they otherwise continue to be



eligible for such leave. This will be considered in line with the approach to criminality issues arising in applications outside the Immigration Rules, with reference to the general grounds for refusal.

## Appeal rights and administrative review

Refusal to grant limited or indefinite leave under this policy is not an appealable decision and cannot be considered for an administrative review. Those who wish to challenge such a decision will need to apply for Judicial Review.

## Individuals who are overseas

This policy only applies to people currently in the UK.

## Family reunion

A person granted limited leave under this policy is not eligible to sponsor a person to enter the UK. This is because they have not been granted protection based leave and have not claimed to have any fear of return to their country. Those who do fear return would need to claim asylum.

## Biometric enrolment

All individuals and any dependants considered under this policy were required to enrol their biometrics free of charge before being granted 12 months' leave. The results of the biometric checks were, and will continue to be, used to determine whether the individual falls to be excluded from consideration under this policy. Biometric information will be used and retained in accordance with powers contained in the [Immigration \(Biometric Registration\) Regulations 2008](#), as amended.

Individuals applying for further leave under the dedicated Grenfell immigration policy using a [FLR\(GT\) application form](#) must complete the biometric immigration document section of the form in order for the application to be valid and complete.

## Removal action

Immigration Enforcement will not pursue removal action against an individual without leave to remain who is being considered for leave under this policy.

## False claims

Any person who makes a false claim for leave under this policy must be referred to Immigration Enforcement to consider next steps in line with existing policies and procedures for those trying to use deception to obtain leave. Making a false claim to obtain leave by deception is a criminal offence and may lead to prosecution and up to 2 years' imprisonment.

## Recording statistics / CID

Cases granted and refused under this policy should be reported weekly to the Immigration Minister.

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## Review

This guidance will be kept under review.

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