



Home Office

# Grenfell Tower Survivors' Settlement Policy

Version 1.0

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# About this guidance

This guidance tells UK Visas and Immigration (UKVI) and Immigration Enforcement (IE) staff how to consider applications from individuals applying for settlement under the dedicated immigration policy for Grenfell Tower survivors.

This guidance does not cover:

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

Individuals who applied after 31 January 2018 are not eligible for settlement under this policy. In such cases you must refer to relevant guidance on considering leave outside the rules.

## Contacts

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

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

## Publication

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

- version **1.0**
- published for Home Office staff on **02 January 2023**

## Changes from last version of this guidance

This is new guidance.

### 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 has been clear that this tragedy will not be used to conduct immigration checks or enforce immigration control on those affected. However, we recognise that 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, including the opportunity to regularise their immigration status and access vital support and assistance.

To be eligible for the policy a person must have been:

- a resident of Grenfell Tower on the date of the fire, whether they were there at the time of the fire or not, including anyone who was renting unlawfully through an illegal sub-let or informal arrangement
- 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

and included:

- 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
- anyone refused asylum who was 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'

On 11 October 2017, it was announced that any person who qualified under the dedicated survivors' policy would be able to apply for permanent residence after 5 years' lawful residence. To be eligible for the scheme, survivors were asked to come forward by 31 January 2018.

To be eligible for the policy, a person must have been granted an initial 12 months' limited leave. Within 28 days of the end of the 12-month period of leave, they could apply for a further period of 2 years' limited leave and then another period of 2 years' limited leave, making a total of 5 years before being eligible to apply for settlement.

Any person granted leave under the policy was given access to public funds and the right to work in the UK.

The policy also allowed any survivor 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 allow them to switch to 12 months' leave, as part of the 5 year route to settlement under the dedicated survivors' policy. All applications under the Grenfell survivors' policy were, and continue to be, subject to security, criminality, and fraud checks.

## Categories excluded from the policy

To maintain public confidence in the immigration system, the following categories are excluded from the policy and will continue to be excluded for all grants of leave under this policy:

- applications that fall for refusal on criminality grounds or grounds of non-conducive behaviour
- 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 subject to a deportation decision that has not been withdrawn or has not been overturned at a related appeal
- any person against whom the Secretary of State is considering making a deportation decision
- any person involved in a sham marriage or sham civil partnership
- any person who has failed security checks
- any person who has refused to supply their biometrics

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# Considering applications for settlement

This section applies to eligible residents who have completed a total of 5 years' continuous lawful residence under the Grenfell Tower survivors' policy, or who switched into the Grenfell Tower survivors' route to settlement.

Limited leave granted under other policies or immigration routes cannot be used towards the 5 years' continuous lawful residence required to be considered for settlement under this policy.

From July 2022, a person granted limited leave under the survivors' policy who has completed 5 years' lawful residence is eligible to apply for settlement.

Where an individual seeks to apply for settlement, they must submit a [SET\(GT\) application form](#) no later than 28 days before their existing leave expires. No fee is payable.

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.

## Dependants

Dependants for the purpose of this policy include:

- partners and children who were given leave to remain in the UK as dependants when the main applicant was given leave outside the rules (LOTR) under the dedicated immigration policy for Grenfell Tower survivors
- any child born to the main applicant in the UK since 14 June 2017 who is not a British citizen
- any dependant who was ordinarily residing with the qualifying individual on the date of the fire, providing they do not fall into one of the [categories excluded from the policy](#)

Any dependants granted the initial 12 months' leave and 2 further grants of limited leave under the dedicated immigration policy for Grenfell Tower survivors will need to meet the requirements of the policy for settlement and must not fall within one of the categories excluded from the policy, including the necessary security, criminality, and fraud checks. Any dependant spouse or partner who was granted the initial 12 months' leave and 2 further grants of limited leave later than the main applicant can apply for settlement after 5 years. They will not be granted settlement at the same time as the main applicant.

Any child born to the main applicant in the UK after 14 June 2017 who is not a British citizen can be added as a dependant on the [SET\(GT\) application form](#) and will be granted settlement in line with and at the same time as their parent.

## Out of time applications

To ensure applications for settlement are made on time, the Home Office has a record of all survivors who are eligible under this scheme and has alerted them or their representative of when they need to apply for settlement.

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

However, if there are any applications received after an individual's leave has expired, they must be considered under our existing LOTR policies which cater for exceptional circumstances. The applicant will need to provide reasons why they did not apply for further leave before their previous leave expired. If granted, applicants would not be eligible for settlement under this policy and would need to apply for further LOTR when their leave expires.

## Refusing an application for settlement

Where a person does not qualify under the criteria set out in this policy for settlement, the case must be referred to the Family Policy team before any decision to refuse is issued.

## Criminality

You must refuse an application for settlement under this scheme where the applicant, either:

- has been convicted of an offence in the UK or overseas for which they have received a custodial sentence of 12 months or more
- is a persistent offender who shows a particular disregard for the law
- has committed a criminal offence, or offences, which caused serious harm

You may also refuse an application for settlement under this scheme where the applicant:

- has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months
- has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record

Further information see guidance on refusing an application on criminality grounds.

If a case is to be refused on these grounds, you must refer to the Family Policy team before any decision is issued.

## Non-conductive

An application for settlement under this scheme must be refused where the applicant's presence in the UK is considered not to be conducive to the public good because of their conduct, character, associations, or other reasons which do not fall within criminality grounds for refusal.

Further information on assessing applications on non-conductive grounds can be found in the non-conductive guidance.

If a case is to be refused on these grounds, you must refer to the Family Policy team before any decision is issued.

## Sham marriage or sham civil partnership

You may refuse an application under this scheme where you are satisfied that it is more likely than not that an applicant is, or has been, involved in a sham marriage or a sham civil partnership.

If a case is to be refused on these grounds, you must refer to the Family Policy team before any decision is issued.

## False representations and previous breaches

Applicants who fail to disclose or provide false information in their application for settlement or have previously breached immigration laws may have their application for settlement refused because of their conduct (see Grounds for refusal and cancellation guidance).

If a case is to be refused on these grounds, you must refer to the Family Policy team before any decision is issued.

## Deportation

Where an individual meets the threshold for deportation, the case must be referred to the Foreign National Offender Returns Command (FNO RC). If the case is accepted by FNO RC, they will own and make any decisions regarding leave or pursuit of deportation. Please see Transfer or Refer a case guidance which includes how to refer to FNO RC.

It is only in cases where FNO RC have not accepted a case or deportation is no longer being pursued that other caseworking areas should make decisions on leave. Where an individual has spent 5 years with limited leave under this policy but cannot meet the criteria for a grant of settlement as they have previously committed a criminal offence which met the threshold for deportation, you must consider whether they have any exceptional or very compelling circumstances outside of the rules on the basis of Article 8 of the European Convention on Human Rights (ECHR). These



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

If the Article 8 ECHR claim is accepted, limited leave will be granted for a period not exceeding 30 months in line with our guidance on criminality in Article 8 ECHR cases.

If the Article 8 ECHR claim is not accepted, no leave will be granted, and the individual must leave the UK or be referred for enforcement action. Where this is the case, you must refer to the Family Policy team before any decision is issued.

Where criminality does not meet the threshold for automatic deportation, which is a single sentence in the UK of 12 months or longer, then deportation can still be considered under provisions pursuant to section 3(5) or (6) of the Immigration Act 1971. See Suitability: deportation and exclusion.

## Appeal rights and administrative review

There is no right of appeal against a decision to refuse settlement under this policy. There is also no entitlement to an administrative review.

## Individuals who are overseas

This policy only applies to people currently in the UK with leave under the immigration policy for survivors of Grenfell Tower.

## 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 immigration policy for Grenfell Tower survivors using a [SET\(GT\) 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 must not pursue removal action against an individual without leave to remain who is being considered for leave under this policy. Removal action must only be pursued if the application for settlement is refused on criminality grounds.

See relevant section on [criminality](#) above.

## 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 anyone 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.

## Review

We will review this guidance on 01 May 2023.

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