



Home Office

Child staying with or joining a non-parent relative (protection)

Version 1.0

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About this guidance

This guidance tells decision makers how to consider applications for a child seeking to stay with or join a non-parent relative with protection status in the UK in serious and compelling circumstances under [Appendix Child staying with or joining a Non-Parent Relative \(Protection\)](#) (CNP) of the Immigration Rules. It also provides guidance on how to consider any exceptional circumstances for applications which do not meet the validity and eligibility requirements of Appendix CNP.

This guidance does not cover applications for refugee family reunion. For this instruction see the Family reunion: caseworker guidance.

This guidance does not cover applications for permission to stay in the UK on the basis of family life under [Appendix FM](#) of the Immigration Rules. For more information, decision makers should refer to the immigration staff guidance.

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 Asylum 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 **12 April 2023**

Changes from last version of this guidance

This is new guidance.

Related content

[Contents](#)

Introduction

This guidance explains how you must consider applications for a child applying to stay with or join a non-parent relative with protection status.

You must read this guidance in conjunction with other key guidance products. All relevant guidance documents can be found below:

- Biometric Enrolment: policy guidance
- Criminality guidance
- [Every Child Matters – Change for Children](#)
- [United Nations Convention on the Rights of the Child](#)
- [Safeguarding children: detailed information.](#)
- [Victims of human trafficking – guidance for frontline staff](#)
- Revocation of refugee status
- Exclusion from protection grounds
- Previous breach of UK immigration laws
- False representations
- Failure to provide information
- Asylum decision making guidance: dependents and former dependents.
- Appendix FM family members
- Leave outside the Immigration Rules
- Family life (as a partner or parent), private life and exceptional circumstances
- [Settlement: Refugee or humanitarian protection](#)
- Knowledge of language and life in the UK
- Country Information and Guidance
- [Biometric residence permits](#)
- [Correcting an incorrect endorsement: ECB19](#)
- [Family members under Part 8 and Appendix FM](#)
- [Home Office Immigration and Nationality fees](#)
- Adequate maintenance guidance
- [Appeal against a visa or immigration decision](#)
- Implementing allowed appeals

Background

The refugee family reunion policy acknowledges that families may become fragmented due to the speed and manner in which those seeking asylum are often forced to flee their country of origin. In addition to this policy, Appendix CNP allows for extended family with protection status in the UK to sponsor children to join them where there are serious and compelling circumstances. This can be in situations where a child has no parents or relatives to care for them, or where the parents or relatives in their own country cannot safely care for the child. Appendix CNP requires sponsors to demonstrate that suitable arrangements have been made for the child's care which serves to both ensure that children may only come to the UK under this route where it is in their best interest and prevents further strain on local authorities.

Protection status includes individuals with refugee leave, refugee permission to stay, temporary refugee permission to stay, humanitarian protection and temporary humanitarian protection.

Under Section 55 of the Borders, Citizenship and Immigration Act 2009, you must take into account the need to safeguard and promote the welfare of children in the UK. This route allows a child to join a relative in the UK only where that child could not be adequately cared for by their parents or relatives in their own country, and therefore, you must adhere to the spirit of the Section 55 duty. For more information, please see the [Application in respect of children](#) section.

This approach is consistent with the European Convention on Human Rights (ECHR) and the internationally accepted principle that a child should first and foremost be cared for by their parent or, if this is not possible, by their natural relatives in the country in which the child lives. Only if the parents or relatives in their own country cannot adequately care for the child should consideration be given to the child joining relatives in another country. This will only be in serious cases, where for example:

- there are safeguarding concerns in relation to the child remaining in their own country or in the country where the child resides
- where an exceptional level of dependency is shown between the sponsor relative in UK and child applicant, including where parents have delegated responsibility of their child to someone else (a quasi-parental relationship) or sole responsibility for the child
- the child has disabilities or requires medical treatment which may be unavailable in their own country, and they can access medical treatment and support that can only be provided by their relatives in the UK
- parents or relatives in their own country may have cut all ties with the child or abdicated responsibility, meaning the child is unaccompanied
- ill-health of parents or relatives in their own country and are unable to care for the child
- the whereabouts of parents or relatives in their own country may be unknown and no one other than the sponsor in the UK can look after the child
- parents or relatives in their own country may be destitute and it is in the best interests for the child to join the sponsor in the UK

Policy intention

The policy objective is primarily to deliver a fair and effective application process to enable children to join or stay with their relative with protection status in serious and compelling circumstances. This is delivered by:

- ensuring applications are properly considered in a timely and sensitive manner on an individual, objective and impartial basis, acknowledging the vulnerable situation that applicants may find themselves in and, where possible, prioritising applications without unnecessary delay
- meeting our international obligations under the European Convention of Human Rights (ECHR) by considering any exceptional circumstances where an

application may not meet the requirements of the validity or eligibility requirements of the rules

- preventing abuse of the policy by carefully reviewing applications where fraudulent documents are submitted or there is evidence that the sponsor obtained leave by deception, and refusing such applications where appropriate
- preventing those who would be excluded from the Refugee Convention from obtaining permission under the Appendix CNP rules by subjecting them to the same security checks as asylum seekers

Application in respect of children

[Section 55 Borders, Citizenship and Immigration Act 2009](#) requires the Home Office to ensure that immigration and nationality functions are discharged having regards to the need to safeguard and promote the welfare of children in the UK. The consideration of the child's best interests is a primary, but not the only consideration in applications made under the Appendix CNP rules.

Although Section 55 only applies to children in the UK, the statutory guidance, [Every Child Matters - Change for Children](#), provides guidance on the extent to which the spirit of the duty should be applied to children overseas. You must adhere to the spirit of the Section 55 duty and make enquiries when you suspect that there may be safeguarding or welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of other countries. You must abide by these arrangements and work with local agencies in order to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

You must carefully consider all of the information and evidence provided to ascertain how a family member in the UK who is a child will be affected by a decision and this must be addressed when assessing whether an applicant meets the requirements of the rules. You must carefully assess the quality of any evidence provided. Original documentary evidence from official or independent sources must be given more weight in the decision-making process than unsubstantiated statements about a child's best interests. For all refusals, the decision notice or letter must demonstrate that all relevant information and evidence provided about the best interests of a child in the UK have been considered.

Where an applicant meets the validity and suitability requirements of the rules but does not meet the eligibility requirements, including any exceptional circumstances which would render a refusal a breach of Article 8 ECHR, you must consider whether there are any compelling compassionate factors which may warrant a grant of leave outside the rules (LOTR).

For more information on the key principles to take into account, see:

- [Every Child Matters – Change for Children](#)
- [United Nations Convention on the Rights of the Child](#)
- [Victims of human trafficking – guidance for frontline staff](#) (where appropriate)

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Legislation

Internal obligations

The [1951 United Nations Convention](#) relating to the Status of Refugees and the 1967 Protocol (the 'Refugee Convention') is the primary source of the framework for international refugee protection.

The [European Convention on Human Rights](#) (ECHR) provides the framework for ensuring the rights and fundamental freedoms of individuals in signatory states including the UK. Article 8 of the ECHR sets out the 'Right to respect for private and family life'.

Signatory states to the [United Nations Convention on the Rights of the Child](#) recognise the family as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children. Children should be afforded the necessary protection and assistance so that the family can fully assume its responsibilities within the community.

Domestic legislation

Domestic legislation which you must consider:

The Immigration Act 2014

[Section 15 of the Immigration Act 2014](#) specifies that an appeal can only be brought against a decision to refuse a human rights or protection claim, or a decision to revoke protection status.

Nationality, Immigration and Asylum Act 2002

The right of appeal is subject to the exceptions and limitations set out in [Part 5 of the Nationality, Immigration and Asylum Act 2002](#), including the place from where an appeal may be brought or continued. See Rights of appeal guidance for further information.

Human Rights Act 1998

An appeal under section 82(1)(b) of the Nationality, Asylum and Immigration Act 2002 (refusal of human rights claim) must be brought on the ground that the decision is unlawful under section 6 of the [Human Rights Act 1998](#). The refusal of an application for leave to enter or remain on the basis of the Appendix CNP (or on an exceptional basis) is a human rights claim for the purposes of section 82(1)(b).

Section 92(4) specifies that in the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was outside the UK, the appeal must be brought from outside the UK.

Immigration Rules

Appendix: Child staying with or joining a Non-Parent Relative (Protection) (CNP) sets out the requirements for a child applying to stay with or join a non-parent relative with protection status in the UK. It may also be appropriate to consider other provisions of the rules. The following are of particular relevance to this instruction:

Part 11 of the rules

Paragraphs 339A to 339AC and 339BA set out when refugee status granted under paragraph 334 may be revoked or renewed and paragraphs 339G to 339GD set out similar provisions for those granted humanitarian protection.

Paragraphs 344A(i) to 344A(ii) cover the circumstances for dealing with applications for a Convention Travel Document (CTD) for refugees and those with humanitarian protection and Certificate of Travel (CoT) for those unable to obtain a national passport.

Part 9 of the rules

Part 9 sets out the grounds for refusal and applies to Appendix CNP applications - see General grounds for refusal for more information.

Introduction of the rules

“Adequate” and “adequately” in relation to a maintenance and accommodation requirement are defined as: after income tax, national insurance contributions and housing costs have been deducted, there must be available to the person or family the level of income or funds that would be available to them if the person or family was in receipt of income support.

Related content

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The application process for a child applying to stay with or join a non-parent relative

Applications for a child to stay with or join a non-parent relative with protection status can be made from both within the UK “in-country” and overseas “out-of-country”. Under this route there is an application fee, in addition to maintenance and accommodation requirements which the sponsor must meet, unless there are exceptional circumstances. Further information on this can be found in the adequate maintenance and accommodation guidance.

Applicants must apply for permission to stay using the [FLR \(P\) application form](#). Once the application has been received, applicants will be required to make an appointment to enrol their biometrics. Biometric information can be provided at a UKVI Service and Support Centre (SSC). Details of an applicant’s nearest SSC can be found at [gov.uk](#). For applicants over 5 years of age, this will be a scan of their fingerprints and a digital photograph. Applicants who are under 5 are not required to provide their fingerprints but must still provide a digital photo of their face at a SSC.

Applicants must apply for entry clearance using the [online application form](#), under ‘Child of a non-parent relative with protection status in the UK.’ Biometric information must usually be provided at a visa application centre (VAC) for out-of-country applications. For applicants over 5 years of age, this will be a scan of their fingerprints and a digital photograph. Applicants who are under 5 are not required to provide their fingerprints but must still provide a digital photo of their face at a VAC. Details of an applicant’s nearest VAC can be found on [gov.uk](#). There is a mandatory charge for applicants to use some VACs, and our commercial partners may offer optional charged services. Further information on circumstances where it may be appropriate for the requirement to enrol biometrics to be deferred or excused can be found in the [proof of identity](#) section.

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Considering applications under Appendix CNP

All applications under this route must be carefully considered by applying paragraphs CNP.1.1 to 5.4 of the Appendix CNP in accordance with this guidance. Appendix CNP sets out a four-stage decision-making process: validity, suitability, eligibility and decision.

Four-stage decision-making process

First, you must consider whether the application is valid, in line with paragraph CNP.1.1.

Second, you must consider whether the applicant meets the suitability requirements, set out in paragraph CNP.2.1 to 2.2. Where the applicant does not meet the suitability requirements, you must refuse the application without considering any exceptional circumstances which would render a refusal a breach of Article 8 European Convention on Human Rights (ECHR) or compelling compassionate grounds which would warrant a grant of leave outside the rules (LOTR). Where the applicant does meet the suitability requirements, you must then turn to the eligibility requirements.

Next, you must consider whether the sponsor and applicant are eligible for this route by meeting the requirements set out in paragraphs CNP.3.1 to 3.3. Where they do not meet the eligibility requirements, you must consider whether there are any exceptional circumstances which would render a refusal a breach of Article 8 ECHR, as set out in CNP.3.4. Where the application does not meet the eligibility requirements and the circumstances do not warrant a grant of leave on the basis of Article 8, you must consider whether a grant of LOTR is warranted on compelling compassionate grounds.

Finally, where you are satisfied that the sponsor and applicant meet the validity, suitability and eligibility requirements of this route, you must grant the application in line with paragraph CNP.4.1. The period and conditions of the permission granted would be in line with paragraph CNP.5.1 to 5.4.

Where you refuse the application under the rules, you must consider whether a grant of LOTR is warranted on compelling and compassionate grounds – see [compelling compassionate factors](#). Where you assess there to be no compelling compassionate factors, you must refuse the application, in line with paragraph CNP.4.1.

Most applications are considered on the information provided in the application form, the supporting evidence that the applicant submits and the results of other checks and enquiries about the sponsor and applicant. However, in some cases it may be appropriate to interview the applicant or sponsor either by telephone or in person, depending on the circumstances of the case. Where this is appropriate, the relevant

safeguards must be put in place, such as the child's legal guardian and legal representative being present.

Security and identity checks must be completed on the applicant and their sponsor before considering the application.

Validity requirements for a child to stay with or join a non-parent relative

Definition of a valid application under Appendix CNP

Paragraph CNP.1.1 of Appendix CNP sets out the validity requirements which an application must meet in order to be considered a valid application, including:

- the applicant's UK based relative must have protection status
- the applicant's UK based sponsor must not be a British Citizen or settled in the UK
- the applicant must have made an application for entry clearance on form on the [gov.uk](https://www.gov.uk) website under 'Child of a non-parent relative with protection status in the UK'

Proof of identity

In all cases, it is the responsibility of the applicant to satisfy the decision maker about their identity. To do this, applicants will be required to give their biometrics in most circumstances.

Where you consider that it may be appropriate for the requirement for applicant to enrol their biometrics to be deferred or excused, you must refer to the Biometric Enrolment: policy guidance.

Applicants must submit all original documents or scanned copies that they are able to provide to establish their identity and to support their claim to be related to the sponsor. This could include:

- a passport or travel document
- national identity cards
- an expired passport or travel document
- other official documents, such as, for example, school ID cards or letters or identity cards

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Confirmation of the sponsor's status

In all cases you must be satisfied that the sponsor currently has protection status in the UK. You must ensure that the sponsor's protection status is not under reconsideration and has not been revoked.

Suitability requirements for a child to stay with or join a non-parent relative

Paragraph CNP.2.1. sets out the suitability requirements for applications for a child to stay with or join a non-parent relative with protection status. An application must be refused where the Secretary of State, either:

- has at any time decided that paragraph 339AA (exclusion from Refugee Convention), 339AC (danger to the UK), 339D (exclusion from a grant of humanitarian protection) or 339GB (revocation of humanitarian protection on grounds of exclusion) of these rules applies to the applicant
- has decided that paragraph 339AA, 339AC, 339D or 339GB of these rules would apply, but for the fact that the person has not made a protection claim in the UK, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB

You must also assess whether the applicant would fall for refusal under Part 9: grounds for refusal.

Where you are not satisfied that the applicant meets paragraph CNP. 2.1 you must refuse the refugee application. You do not need to consider any exceptional circumstances which would render a refusal a breach of Article 8 ECHR or compelling compassionate factors which would warrant a grant of LOTR.

Part 9: grounds for refusal

The Home Office is responsible for maintaining effective immigration control. This includes preventing abuse of the system. A number of the grounds for refusal in [part 9 of the Immigration Rules](#) apply to CNP applications. You must consider all the relevant grounds for refusal, including:

- Exclusion (paragraph 9.2.1)
- Non-conducive (paragraph 9.3.1)
- Criminality (paragraphs 9.4.1 – 9.4.3) – before deciding an application, you must check if the applicant has been convicted of a criminal offence and been sentenced - you must refer to the criminality guidance to assess whether any criminal offence meets the threshold for refusal
- Exclusion from asylum or humanitarian protection (paragraph 9.5.1)
- False representation and deception (paragraph 9.7.1 and 9.7.2) as part of the application it is important that individuals provide supporting evidence to establish their identity and evidence that they are related to their sponsor as

claimed - you must consider whether any false representation or deception has been made as part of the application

- Previous breach of immigration laws (paragraphs 9.8.1 – 9.8.4)
- Failure to provide information (paragraph 9.9.1)

You must consider refusing an applicant where there is evidence that their background, behaviour, character, conduct or associations shows they should not be granted entry clearance or permission to stay in the UK for one or more of the grounds set out in part 9 of the Immigration Rules. For further guidance see General grounds for refusal.

Eligibility requirements for a child to stay with or join a non-parent relative

Definition of an eligible sponsor for the purpose of applications under Appendix CNP

In order to meet the requirements of this route, a sponsor must have protection status in the UK. Protection status means – refugee leave, permission to stay, temporary permission to stay, humanitarian protection or temporary humanitarian protection. This also includes resettlement schemes which confer protection status such as:

- [Gateway Protection Programme](#)
- [Mandate Refugee Programme](#)
- [Syrian Vulnerable Persons Resettlement \(VPR\) scheme](#)
- [Community Sponsorship Scheme](#)
- [UK Resettlement Scheme \(UKRS\)](#)
- [Afghan Citizens Resettlement Scheme: Pathway 2 \(ACRS\)](#)

Definition of an eligible applicant for the purpose of applications under Appendix CNP

Where you are satisfied that the sponsor of the application is eligible, you must also assess the eligibility of the applicant.

Paragraphs CNP.3.1 to 3.4 set out the requirements for a child applying to join a non-parent relative with protection status in the UK. When considering an application, you must be satisfied to the required standard of proof that the applicant meets all of the following:

- is aged 18 or under on the date of application
- is not married or in a civil partnership
- has not formed an independent family unit
- has an existing, genuine family relationship with the UK-based relative
- has satisfactorily established their identity and nationality

You must also be satisfied that the applicant meets all of the following requirements as set out in paragraph CNP.3.2:

- the applicant can, and will, be accommodated and maintained adequately by the UK based relative, without recourse to public funds and in accommodation which the relative owns or occupies exclusively
- there are suitable arrangements for the applicant's care and accommodation in the UK, which must comply with relevant UK law (see Adequate maintenance and accommodation guidance)
- there are serious and compelling family or other considerations which make exclusion of the applicant undesirable

Where an applicant does not meet the requirements of paragraph CNP.3.2, the you must consider whether a grant of entry clearance is appropriate based on the following exceptional circumstances set out in paragraph CNP.3.3:

- the applicant has no parent with them
- the applicant has no family other than in the UK that could reasonably be expected to support them
- there is an existing, genuine family relationship between the applicant and the UK-based relative
- the applicant is dependent on the UK based relative

Where you are not satisfied that the applicant meets the exceptional circumstances set out in paragraph CNP.3.3, consideration must be given to whether there are any exceptional circumstances which would render a refusal a breach of Article 8 of the ECHR, because such refusal would result in unjustifiably harsh consequences for the applicant or their relevant family member.

Where an applicant does not meet the requirements of CNP.3.1 to 3.4, you must consider whether there are compelling compassionate factors which may justify a grant of LOTR. For more information on making this consideration, see [compelling compassionate factors section](#).

In applications where a child reaches the age of 18 after an application under Appendix CNP has been made, but before it has been decided, and is still not leading an independent life, you must consider the child as being under 18, as they were at the time of the application.

Cases where a dependant's age is disputed

Where an application is made under Appendix CNP, you must be satisfied that the applicant is in fact a child, as claimed. If there is any doubt about a child's age, consideration should be given to interviewing individuals to make an initial assessment of age. In such cases, all available sources of relevant information and evidence should be considered since no single assessment technique, or combination of techniques, is likely to determine the applicant's age with precision.

Further information on the evidence which will be accepted to evidence the applicant's age, in addition to disputing age can be found in the Assessing age guidance.

Maintenance and accommodation requirements

Paragraph 3.2(b) of Appendix CNP sets out the requirement that an applicant must be accommodated and maintained adequately by their UK based non-parent relative, without recourse to public funds and in accommodation which the relative owns or occupies exclusively.

For instruction on assessing whether an applicant meets this requirement, see the Adequate Maintenance and Accommodation guidance.

Exceptional circumstances and compassionate factors

Exceptional circumstances under Article 8 ECHR

Where an application under Appendix CNP meets the suitability requirements but does not meet the validity requirements and/or paragraphs CNP.3.1 to 3.3 of the eligibility requirements, you must go on to consider whether there are exceptional circumstances which would render refusal of permission to stay or entry clearance a breach of Article 8 ECHR, because such refusal would result in unjustifiably harsh consequences for the applicant or their relevant family member. This is in line with Appendix FM GEN.3.2 – guidance on making this consideration can be found in the Family life (as a partner or parent) and exceptional circumstances guidance.

Relevant factors under Article 8

You should consider all relevant factors in the light of all the information and evidence provided by the applicant when deciding whether to issue entry clearance under Article 8 ECHR, the test for which is set out above. Extra attention should be given to cumulative factors raised and these should be weighed against the public interest of maintaining effective immigration control and preventing burdens on the taxpayer. Relevant factors include, but are not limited to the nature and extent of the family relationships involved, including such matters as:

- the evidence that the applicant and sponsor have a genuine family life together
- how frequently the applicant currently has direct contact with the sponsor, with the consideration of what is practicably possible

The sponsor having severe mental or physical health conditions which can only be improved by the applicant joining them in the UK. Independent medical evidence must be provided to show that the sponsor has exhausted all treatment options and that the medical condition of the sponsor can only be improved by the applicant joining the sponsor in the UK. Consideration should be given to the applicant's ability to care for the sponsor in the UK.

The applicant being in a conflict zone or dangerous situation. This is likely to be common given the nature of the route and circumstances of the sponsor. Where an application raises a protection need, you should be mindful that this route is not a protection route and asylum cannot be claimed from outside the UK. Individuals should apply for asylum in the first safe country they reach. You must also assess whether family life within the meaning of Article 8 ECHR can be enjoyed anywhere other than in the UK.

Compelling compassionate factors

Compassionate factors are, broadly speaking, exceptional circumstances that warrant a grant of discretionary leave for a non-Article 8 reason.

If any compassionate factors are raised in the application, caseworkers should consult the leave outside the rules (LOTR) guidance. You must ensure that where an applicant is granted limited leave to remain on the basis of compassionate factors, the decision letter clearly shows that the grant has been given outside the Immigration Rules on the basis of compassionate factors and must be clear that the grant is not being made on the basis of their ECHR Article 8 family or private life rights.

The applicant should demonstrate as part of their application what the compelling compassionate factors are in their case, and/or what unjustifiably harsh consequence would be faced should they be refused leave to enter or remain in the UK. Each case must be decided on its individual merits.

Where a decision is to be made on entry clearance outside the Immigration Rules, the caseworker must refer the case to the Referred Casework Unit (RCU). A full recommendation must be included based on an assessment of the application and all the evidence considered. For details of the referral process and the appropriate referral form contact the Entry Clearance Referral Inbox.

Related content

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Evidence

The Immigration Rules do not require specified evidence to support an application for a child to join a non-parent relative with protection status. The onus is on the individual making an application under Appendix CNP to provide sufficient evidence to prove the relationship between the applicant and sponsor. You will consider the 'balance of probabilities' to identify whether there is sufficient evidence to prove the individuals are related as claimed and whether this relationship is genuine and subsisting.

You must be mindful of the difficulties individuals may face in providing documentary evidence. Those fleeing conflict zones or dangerous situations may not have time to collect supporting documents or have realised they would be required. In addition, you should be aware that governments of other countries may not always issue the same types of documents as would be expected in the UK

Genuine documentation may not be readily available for a number of reasons:

- applicants may have needed to leave their home under duress and without the time or capacity to collect documents
- there may not have been a functioning administrative authority to issue documents such as birth certificates or even passports
- the applicant may also be reluctant to approach authorities, which may have prevented what would otherwise be a standard administrative process
- documents may have been lost or destroyed in the conflict or on the journey to safety

Where original documents are not available to submit with any application, such as a passport, the onus is on the applicant to provide a reasonable alternative or an explanation of their absence and to satisfactorily demonstrate that they are related to, or in a relationship, as claimed to their sponsor.

Original documents such as a passport may not be available to submit with an application because they have been lost or they could not be issued due to there being no authority to issue in the country the sponsor and their family have left. Where original documents are not available to submit with any application, the onus is on the applicant to provide a reasonable alternative or an explanation of their absence, including any attempts to obtain them, and to satisfactorily demonstrate that they are related to, or in a relationship, as claimed to their sponsor. See [Requesting further evidence](#).

Submitting false documents or evidence, whatever the motives for so doing, may lead to refusal and this is covered in the [Part 9: grounds for refusal](#) section of this guidance.

Standard of proof

All evidence submitted must meet the civil law standards, which is the balance of probabilities. You must consider whether, after looking at all the evidence, it is more likely than not that the applicant and their sponsor are related as claimed. It is for the applicant and their sponsor to provide sufficient evidence to show they are related.

Requesting further evidence

You may request further information to support the application. Requests for further evidence should bear in mind the situation which has prompted the refugee to leave their country of origin or habitual residence. For example, the applicant may be residing in a refugee camp without easy access to the internet, telephone or postal services and may have fled their home with few belongings. They may not be in a position to provide further documents or have any safe or regular access to the internet.

If you consider that an explanation about the lack of documents or further evidence is required to support the claimed relationship, appropriate enquiries should be made through either the applicant's representative or by arranging a telephone call to the sponsor or applicant. If you are still not satisfied with the evidence, you may arrange an interview with the sponsor in the UK and/or with the applicant overseas.

Proof of relationship

The evidence provided must establish that a genuine relationship between the sponsor and the applicant exists, and that the sponsor is not the applicant's parent but another relative. Applicants and sponsors in Appendix CNP cases may not be able to provide the level of evidence that would be required for other applications under the Immigration Rules, due to the nature of refugee journeys. The onus is on the applicant to provide a plausible explanation and establish that they are in a relationship or related as claimed to their sponsor.

Applicants could include any number of documents to support their claim that they are related as claimed, this could be:

- DNA evidence offered voluntarily at the applicant's expense from an accredited laboratory as set out in Home Office DNA policy guidance;
- birth certificates
- adoption orders
- biometric resident permit (BRP) or original letter from UKVI or Immigration Enforcement (IE) confirming the sponsor has leave and status as claimed
- family photographs
- witness statements (from the sponsor and applicant, wedding guests, family members, or person who conducted the ceremony)
- communication records (telephone records, emails and letters for the period they have been apart, or social media messages)
- financial transfer records
- any other evidence indicating the relationship is as claimed

You must take into account any other evidence previously available to the Home Office as part of any other application. For example, evidence submitted as part of the asylum claim (statement of evidence form (SEF), witness statements, asylum interview or evidence from any appeal hearing). Where there are factors that undermine the credibility of the application, you must consider refusing the application.

In cases where an application cannot be decided based on the information provided, you may ask for further evidence – see [requesting further evidence](#). You may defer the application and make further enquiries into the evidence to assess whether the relationship is as claimed. Further information is available in the document verification guidance.

DNA testing

The onus lies on applicant and their sponsor to provide sufficient evidence to prove their relationship and satisfy you that they are related as claimed. You must not require DNA evidence. Applicants can choose to volunteer DNA evidence from an accredited testing laboratory either proactively or in response to an invitation to submit further relevant evidence, which may include DNA evidence. Where applicants choose not to volunteer DNA evidence, no negative inferences can be drawn from this. Further information is available in the Home Office DNA policy guidance.

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Decisions under Appendix CNP

Grant entry clearance

Applications made for a child to join a non-parent relative under Appendix CNP that meet the relevant requirements of the rules will be granted permission to expire at the same time as the permission granted to the sponsor, but they will not be granted protection status. This is because the assessment as to whether a person has a protection need is an individual assessment. Where the sponsor has indefinite leave to remain (ILR) and protection status, the applicant will be granted leave in line.

The endorsement you must use when granting under CNP.1.1 to CNP.3.2. is TO JOIN RELATIVE code 1, which is subject to the following conditions:

- work is permitted (including self-employment and voluntary work)
- study is permitted (subject to the Academic Technology Approval Scheme (ATAS) requirement when the applicant is 18 or over)
- no access to public funds

Where an applicant is granted under paragraph CNP.3.3 or CNP.3.4 and you are satisfied that, either:

- the sponsor is destitute (as defined in section 95 of the Immigration and Asylum Act 1999), or is at risk of imminent destitution
- there are reasons relating to the welfare of the applicant or another relevant child which outweigh the considerations for imposing or maintaining the condition (treating the best interests of the relevant child as a primary consideration), the applicant will not be subject to a condition of no access to public funds

For the purposes of the requirements above, 'relevant child' means a person who meets both of the following:

- is under the age of 18 at the date of application
- it is clear from the information provided by the applicant, is a child who would be affected by a decision to impose or maintain the no access to public funds condition

The endorsement you must therefore use when granting under CNP.3.3 or CNP.3.4 is TO JOIN RELATIVE code 1A which is subject to the following conditions:

- work is permitted (including self-employment and voluntary work)
- study is permitted (subject to the ATAS requirement when the applicant is 18 or over)
- access to public funds

Grant entry clearance outside of the Immigration Rules

Where you determine that an application does not meet the rules, but that there are compelling compassionate factors which justifies a grant of leave, you should make a referral to the Referred Casework Unit (RCU) to grant leave outside the Immigration Rules.

Permission should be granted in line with the sponsor up to a maximum of 33 months and be subject to the same conditions in accordance with the leave outside the rules guidance (LOTR). Applicants granted entry clearance outside of the rules have no recourse to public funds unless sufficient evidence to show why this condition should not be applied can be provided.

The endorsement you must use when granting leave outside the rules is LOTR. RCU will recommend the required code which sets the conditions according to the circumstances of the case.

A biometric residence permit (BRP) visa should be issued for permission greater than 6 months.

Refuse entry clearance

Where you determine that an application does not meet the rules and there are no compelling compassionate factors which may justify a grant of LOTR, you must refuse the application. The decision letter should detail the reasons for refusal under the relevant paragraph of the rules.

Appeals

Where an applicant is not content with the outcome of their application, they can lodge an appeal on the decision. Appeals can be lodged online or by post. Further information on how to appeal against a visa or immigration decision can be found on [gov.uk](https://www.gov.uk).

For guidance on rights of appeals against immigration decisions, see the rights of appeals guidance. Instruction on how to implement an appeal that is allowed and is not being challenged can be found in the implementing allowed appeals guidance.

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Once in the UK

Arrival in the UK with entry clearance under Appendix CNP

[Part 1 of the Immigration Rules](#) detail the powers afforded to Immigration Officers upon arrival in the UK. On arrival, a Border Force officer must be satisfied as to the identity of the family member and will examine the individual's entry clearance visa to ensure that the family member is joining family in the UK for the purposes of Appendix CNP.

Where an applicant is granted permission to enter for a duration of 6 months or less in line with their sponsor, they will not receive a biometric residence permit (BRP) and the full duration of their leave will be recorded on their vignette (visa sticker).

Where an applicant is granted more than 6 months permission to enter, they will receive a vignette valid for 90 days. It allows individuals to travel to the UK and collect their BRP when they are in the UK. If the 90-day visa vignette expires before individuals travel to the UK, they will need to replace it by transferring their visa, which will attract a cost. Details are available on gov.uk: [Transfer your visa from your passport or replace your visa - GOV.UK \(www.gov.uk\)](#). If an applicant needs longer to make travel preparations, they should make clear on the application form the earliest date they intend to travel to the UK so that the visa can be issued to start on that day. Applicants should give themselves enough time to make travel arrangements when completing the application form.

If for some reason the visa has been endorsed in error with leave that is different to that held by the sponsor the applicant, sponsor or their representative can ask to have it amended by contacting UKVI. Details are available on gov.uk: [Correcting an incorrect endorsement: ECB19](#).

Travel documents

A person granted entry clearance for Appendix CNP purposes is normally expected to keep their own national passport valid or obtain a passport from their own country of origin.

A person granted entry clearance can apply for a Convention Travel Document, to use to travel outside of the UK, except to the country the sponsor has been recognised as a refugee from.

A person cannot be in possession of their national passport (valid or expired) and a Convention Travel Document at the same time. The national passport will be impounded when a Convention Travel Document is issued.

All Convention Travel Documents issued to successful applicants since 21 February 2011 should contain an endorsement making it clear that the holder cannot be a sponsor under the rules in their own right.

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Applying for settlement as the child of a UK based non-parent relative

Requirements for settlement as the child of a UK based non-parent relative

Validity requirements for settlement under Appendix CNP

Paragraph 6.1 of Appendix CNP sets out the validity requirements which an application for settlement as the child of a non-parent relative with protection status must meet in order to be considered a valid application, including:

- the application must be made on the [gov.uk](https://www.gov.uk) website on form 'Child of a non-parent relative with protection status in the UK'
- the applicant must have, or have last had, permission as the child of a UK based non-parent relative or under the previous paragraph 319X
- the UK based relative must be a British Citizen or present and settled in the UK
- the applicant must have provided any required biometrics
- the applicant must have satisfactorily established their identity and nationality

Suitability requirements for settlement under Appendix CNP

Paragraph CNP.7.1 sets out the suitability requirements which applicants must meet before you move on to consider eligibility. An application must be refused if the Secretary of State either:

- has at any time decided that paragraph 339AA (exclusion from Refugee Convention), 339AC (danger to the UK), 339D (exclusion from a grant of humanitarian protection) or 339GB (revocation of humanitarian protection on grounds of exclusion) of Part 11 of the rules applies to the applicant
- has decided that paragraph 339AA, 339AC, 339D or 339GB of Part 11 would apply, but for the fact that the person has not made a protection claim in the UK, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB

You must also assess whether the applicant would fall for refusal under Part 9: grounds for refusal.

Where you are not satisfied that the applicant meets paragraph CNP.7.1 you must refuse the application in line with paragraph CNP.13.2.

Eligibility requirements for settlement under Appendix CNP

In order to be eligible for settlement as the child of a non-parent relative with protection status in the UK, there a range of requirements which must be met. You must assess the application against the following:

Relationship requirements

To meet the requirements of paragraph 8.1, the applicant's UK based non-parent relative must either:

- at the same time as the applicant be granted settlement
- be settled in the UK or have become a British citizen, providing they had protection status when they settled

Care requirements

To meet the requirements of paragraph 9.1, you must be satisfied that where the applicant is under 18, there must be suitable arrangements for the child's care and accommodation in the UK, which complies with the relevant UK legislation and regulations.

Age requirements

To meet the requirements of paragraph 10.1, you must be satisfied that the child is under 18 on the date the application for settlement was made, unless they were granted permission as the child of a UK based non-parent relative. In addition, you must be satisfied that if the applicant is aged 16 and over on the date of application for settlement, they are not leading an independent life.

English language requirements

To meet the requirements of paragraphs 11.1 to 11.2, you must be satisfied that the applicant has shown English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1, unless an exemption applies such as the applicant being aged under 18. More information on English language requirements can be found in Appendix English Language.

Knowledge of life in the UK requirements

To meet the requirements of paragraph 12.1, you must be satisfied that the applicant meets the knowledge of life requirement, unless an exemption applies such as the applicant being aged under 18. More information on the knowledge of life requirement can be found in Appendix KOL UK.

Decision on an application for settlement under Appendix CNP

Applications for settlement as the child of a UK based non-parent relative with protection status which meets the suitability and eligibility requirements will be granted.

Where the applicant meets the eligibility requirements for settlement but does not meet the suitability requirements for settlement, the applicant may be granted permission to stay for a period not exceeding 30 months, and subject to the same conditions as set out in CNP.5.1 to 5.4, otherwise the application for settlement will be refused.

Appeals

Where an applicant is not content with the outcome of their application, they can lodge an appeal on the decision. Appeals can be lodged online or by post. Further information on how to appeal against a visa or immigration decision can be found on [gov.uk](https://www.gov.uk).

For guidance on rights of appeals against immigration decisions, see the rights of appeals guidance. Instruction on how to implement an appeal that is allowed and is not being challenged can be found in the implementing allowed appeals guidance.

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