



Home Office

# Returning residents

Version 6.0

The guidance tells Entry Clearance officers how to make decisions on returning resident applications.

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# About this guidance

This guidance tells Entry Clearance officers about considering applications for returning residents.

## 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 Settlement 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 **6.0**
- published for Home Office staff on **05 October 2023**

## Changes from last version of this guidance

Reflecting the introduction of Appendix Returning Residents into the Immigration Rules.

### Related content

[Contents](#)

# Lapsing leave

This page provides decision-makers with information about who is considered a returning resident. When a person holds settlement (indefinite leave to enter or remain) they are only permitted to be outside of the UK for a particular period of time or under certain circumstances, before their settled status lapses through the operation of law. The preamble to [Appendix Returning Resident](#) sets out these periods, which reflects [The Immigration \(Leave to Enter and Remain\) Order 2000 \(legislation.gov.uk\)](#) (LTERO).

A person whose settlement has lapsed must apply for entry clearance to return to the UK, which can be as a returning resident, allowing them to return to and settle in the UK. Where that application is as a returning resident, it will be assessed by an Entry Clearance officer under Appendix Returning Resident of the rules.

## **Related content**

[Contents](#)

# Applications for entry clearance

This page tells Entry Clearance officers how to assess applications for entry clearance as a returning resident where a person has been absent from the UK for more than the relevant period specified in the Immigration (Leave to Enter and Remain) Order 2000 and their settled status has lapsed.

## Validity requirements for an application as a returning resident

The validity requirements for an application as a returning resident are that the applicant must:

- apply on the 'UKA/ROA/RR' form or (for applicants under the Windrush Scheme) the 'Windrush Scheme application (Overseas) form
- be outside the UK
- pay any required fee (no fee is required for the Windrush Scheme)
- provide any required biometrics
- establish their identity and nationality by providing a passport or other document
- have previously been granted settlement in the UK, which has lapsed by operation of law due to their absence from the UK

Where any of these requirements are not met the application is invalid and may be rejected without consideration of the application.

More information on validity requirements, and the process for considering whether to reject an invalid application, can be found in the Validation, variation and withdrawal of applications guidance.

## Suitability requirements for a returning resident

The suitability requirements for a returning resident are that the applicant must not fall for refusal under [Part 9 of the Immigration Rules – grounds for refusal](#). Also see the guidance on applying the grounds for refusal.

## Eligibility requirements for a returning resident

### Entry requirement for a returning resident

A person seeking to return to the UK as a returning resident must apply for and be granted an entry clearance as a returning resident before they arrive in the UK.

The applicant will also need to obtain a valid TB certificate if they have been continuously present in a country, or in multiple countries, listed in [Appendix TB of the Immigration Rules](#) for 6 months or more, which includes a period (of any length) within the 6 months before the date of the application.

Information on how an applicant can obtain a TB certificate can be found in the [Tuberculosis tests for visa applicants guidance](#).

## **Intention to settle requirement for a returning resident**

You must be satisfied the applicant genuinely intends to return to the UK for the purposes of settlement.

## **Previous departure from UK requirement for a returning resident**

Unless they are applying under the Windrush Scheme, the applicant must not have received assistance from public funds towards the cost of leaving the UK. Applicants who wish to be considered under the Windrush Scheme should be referred to the information about the [Windrush Scheme on GOV.UK](#).

## **Strong ties to the UK requirement for a returning resident**

### **Strength of ties to the UK**

A person's ties to the UK may be evident in a number of different ways. The nature of those ties, and the degree those ties have been maintained during a person's absence, will need to be considered when assessing whether a person should be readmitted as a returning resident. Such ties may include (but are not limited to):

- family ties
- property ties
- business ties
- length of original residence and length of time spent outside the UK

### **Family ties**

Where a person has close family ties in the UK which have been maintained during their absence, this will likely indicate strong ties to the UK. The more immediate the family members are, for example parents, spouse, partner, children or grandchildren, the greater the strength those ties are likely to have. However, relationships with wider family members, such as cousins or nieces and nephews, may also be taken into account if those ties have been closely maintained.

The nature of any contact will also need to be considered. For example, regular visits from, or to, the applicant from family members in the UK will help demonstrate the strength of those ties. Such contact does not, however, need to have been made physically in person, and strong ties can still be demonstrated where there has been regular contact through other means.

### **Property and business ties**

Ties may also be in the form of property or business interests. These may be, for example, where the applicant owns their own property in the UK or has an interest in an ongoing business venture within the UK. Ties on the basis of property or business interests alone are unlikely to demonstrate strong ties to the UK, but can be used in conjunction with other factors.

### **Length of original residence**

Generally, the longer the period of original residence, the more likely it is that the applicant will have developed strong ties to the UK and can be admitted as a returning resident. It is important to consider the length of the original residence together with all other relevant factors. You must not refuse an application solely based on a short period of original residence, if the other evidence points to the applicant having strong ties to the UK.

The length of time spent outside the UK will be an important factor to take into account when assessing whether a person can be readmitted as a returning resident. This must be assessed against all other factors, including the time spent in the UK before they left.

A person may leave the UK for a variety of reasons. This may include:

- to access health treatment overseas
- to care for family
- to retire
- for employment/self-employment
- study

In some cases, these reasons mean a person remains outside the UK for more than the permitted period, and so their settlement lapses. You must consider their reasons for leaving and for now wishing to return to the UK. For example, a person may have left the UK to care for family members and now wishes to return to the UK to retire.

### **Any other circumstances**

Other more specific circumstances which would support an application are:

- travel and service overseas with a particular employer before return to the UK with the employer
- a prolonged period of study abroad by a person who wishes to rejoin the family in UK on completion of studies
- prolonged medical treatment abroad of a kind not available in the UK
- unintended absences from the UK due to, for example, the COVID-19 pandemic

Additionally, there may be other compelling or compassionate circumstances not mentioned above which need to be considered. Each case must be considered on its individual merits.

Evidence to support an application may include:

- evidence of settled status - for those who were settled before 1 January 1973 when the Immigration Act 1971 came into force, this may not be evidenced through a vignette, biometric residence permit (BRP) or passport - other evidence, such as Doctor's records, or school letters may be taken into account
- details of any family in the UK and correspondence with them (to establish strong ties to the UK)
- evidence of property in the UK and/or any business interests (to establish strong ties to the UK)
- letters of enrolment/attendance at an education establishment if they have been studying outside the UK for long periods
- letter of employment where this has been reason for their absence from the UK
- a letter from a medical professional if their reason for their absence relates to caring for another person or for their own medical reasons

This list is not exhaustive and other evidence can be taken into account.

Where there are minor errors or omissions in the application, and there is sufficient evidence to suggest that the application would be granted, enquiries should be made to seek clarification or request missing documentation and information.

If the applicant is interviewed, questions put to the applicant may sometimes lead to an indication that the claim to be a returning resident is a fraudulent one. It is expected that the applicant can display sufficient knowledge relevant to their claimed life in the UK.

## **Parental consent requirement for a returning resident aged under 18**

If the applicant is aged under 18 on the date of application, they must have written consent from both their parents, one parent (if they have sole legal responsibility for the applicant), or the applicant's legal guardian. The written consent must confirm support for the application itself, the applicant's living and care arrangements in the UK, and their travel to, and reception arrangements in the UK.

## **Decision on an application as a returning resident**

### **Granting entry clearance**

Where a person's leave has lapsed, and they satisfy the requirements in Appendix Returning Resident of the rules, they must be issued entry clearance, with indefinite leave to enter. This will be granted on a visa valid for 90 days and endorsed with Indefinite Leave to Enter. A person must travel into the UK during the validity of the visa, where their BRP will be available for collection from the nominated Post Office.



Where a person's settlement has not lapsed but their passport has expired and they wish to have their indefinite leave vignette transferred into a new passport, they should be advised to apply for a 'Vignette Transfer', rather than as a returning resident. If they hold a BRP but this has been lost/stolen or is due to expire, they should apply for a 'Replacement BRP'.

## Endorsements

Endorsement Type: Settlement

Endorsement: RETURNING RESIDENT ILE

Duration: Other

Cat D endorsement: ILE Settlement: Indefinite Leave to Enter

Validity: From 7 days before intended travel date to expiry date of passport

## Refusing entry clearance

Where the applicant does not meet the requirements of Appendix Returning Resident of the rules, you must refuse entry clearance.

There is no right of appeal against the refusal of a returning resident visa. The applicant will have a right to an Administrative Review.

### **Related content**

[Contents](#)