



Home Office

Gurkhas and Hong Kong military unit veterans discharged before 1 July 1997 and their family members

Version 1.0

Contents

| | |
|---|----|
| Contents..... | 2 |
| About this guidance..... | 4 |
| Contacts | 4 |
| Publication | 4 |
| Introduction | 5 |
| Background | 5 |
| Policy intention | 5 |
| Definitions..... | 5 |
| Relevant legislation | 8 |
| Immigration Rules..... | 8 |
| Validity for settlement applications | 9 |
| Suitability for settlement applications | 10 |
| Eligibility for settlement..... | 11 |
| Tuberculosis (TB) certificate | 11 |
| Evidence of employment | 11 |
| Settlement applications..... | 12 |
| Grant or refuse | 13 |
| Gurkha or Hong Kong military unit veteran discharged before 1 July 1997: grant settlement | 13 |
| Gurkha or Hong Kong military unit veteran discharged before 1 July 1997: refuse settlement | 13 |
| Rights of appeal and administrative review | 13 |
| Dependants of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 | 14 |
| Partner of a Gurkha or member of a Hong Kong military unit veteran discharged before 1 July 1997 | 14 |
| Dependent child (“child”) of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 | 14 |
| Bereaved partner of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 | 14 |
| Bereaved child of a Gurkha or member of a Hong Kong military unit veteran discharged before 1 July 1997 | 14 |
| Adult child of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 | 15 |
| Relationship to sponsor..... | 15 |
| Living apart | 15 |

| | |
|--|----|
| Criminality checks..... | 15 |
| Decision on an application as a partner, bereaved partner or child of a Gurkha or member of a Hong Kong military discharged before 1 July 1997 | 15 |

About this guidance

This guidance tells you about applications for settlement under [Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997](#).

This guidance covers settlement applications from:

- Gurkhas and Hong Kong military unit veterans discharged before 1 July 1997
- Family members of Gurkhas and Hong Kong military unit veterans discharged before 1 July 1997

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or if you think that the guidance has factual errors, then email the Armed Forces 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 **05 October 2023**

Related content

[Contents](#)

Introduction

Background

On 1 July 1997, control of Hong Kong was transferred to China from the UK. At the same time, the Brigade of Gurkhas moved its headquarters from Hong Kong to the UK; Gurkhas discharged on or after that date would therefore have had more opportunity to develop close physical ties with the UK.

In May 2009, the Home Secretary announced to Parliament that any former Gurkha with at least 4 years' continuous service who had been discharged from the Brigade of Gurkhas before 1 July 1997 would be eligible for settlement in the UK. It was introduced using a concession outside the Immigration Rules to recognise the unique nature of the service given by the Brigade of Gurkhas and the concession was available to them alone, and their family members, on a discretionary basis.

The concession applied to those who served in the Brigade of Gurkhas from January 1948 when it became part of the British Army. Applications from former Gurkhas who were discharged before January 1948 were considered on a case-by-case basis and the concession was available to former Gurkhas, their partners and their children aged under 18. The concession was subsequently widened to include bereaved partners of former Gurkhas and, in certain circumstances, children aged 18 or over.

In March 2023, the government announced it intended to enable pre-1997 Hong Kong military unit veterans to settle in the UK. This was done by extending the provisions of the concession that already existed for former Gurkhas and their families to Hong Kong military unit veterans and their families.

Policy intention

The policy intention is to:

- provide for eligible Gurkhas and Hong Kong military unit veterans who were discharged before 1 July 1997, and their eligible family members, by providing policy under the Immigration Rules rather than on a discretionary basis outside of them
- ensure those eligible, along with eligible family members, who wish to settle in the UK, are able to do so

Definitions

For the purposes of this guidance, the following terms apply.

HM Armed Forces means a member of the Royal Navy, including the Royal Marines, British Army, or Royal Air Force who is serving as a member of the regular forces.

Pre-97 Gurkha or Gurkha discharged before 1 July 1997, means a national or citizen of Nepal who served in the Brigade of Gurkhas of the British Army and was discharged from service before 1 July 1997.

Pre-97 Hong Kong military unit veteran or Hong Kong military unit veteran discharged before 1 July 1997, means a national or citizen of China, enlisted in Hong Kong (Hong Kong Chinese locally enlisted personnel) who served in the Hong Kong Military Service Corps (HKMSC) of the British Army and was discharged before 1 July 1997; or a national or citizen of China, enlisted in Hong Kong (Hong Kong Chinese locally entered personnel) who served in the Hong Kong Squadron of the Royal Navy and was discharged before 1 July 1997.

All locally enlisted/entered personnel were discharged before Hong Kong was handed back to China on 1 July 1997. In service, these personnel had had their own 'terms and conditions of service', pay rates and pension scheme. They are analogous to pre-97 Gurkha veterans who were discharged from service prior to 1 July 1997.

Enlisted or entered means served in one of the units defined above.

Discharged means an HM Armed Forces member who has permanently left HM Armed Forces. All those who have been discharged will hold a certificate of discharge. Those about to be discharged will hold a letter from their commanding officer confirming their date and reasons for discharge. Anyone compelled to leave HM Armed Forces following a court martial has not been discharged but dismissed.

Medical discharge means an HM Armed Forces member who is discharged because their health prevents effective service.

Reckonable service refers to the actual years and days that count towards an HM Forces pension. Different Armed Forces pension schemes have different criteria for when reckonable service starts to accumulate. Generally, it does not include certain absences including any period of detention, unauthorised absence or unpaid leave. For definition of reckonable service in a particular scheme please refer to [pensions and compensation for veterans](#).

Gurkha Records Office means the records database, held in Nepal, with key data on current and former Gurkhas, including the Kindred Roll.

Kindred Roll is the British Army document that records the details of close relatives of Gurkha personnel until 2007/2008.

Pension means in receipt of a Ministry of Defence pension.

Award for gallantry means operational and non-operational or civilian awards for specific acts of gallantry including the Victoria Cross, the George Cross, the Distinguished Service Order and the Conspicuous Gallantry Cross. Details about all medals can be found here: [medals campaigns descriptions and eligibility](#).

Related content

[Contents](#)

Relevant legislation

Immigration Rules

From 2009, a concession outside the Immigration Rules enabled settlement applications from Gurkhas discharged before 1 July 1997, and their family members.

In March 2023, the government announced it intended to enable former Hong Kong military unit veterans discharged before 1 July 1997 to settle in the UK. This was done by extending the provisions of the 2009 settlement concession that already existed for former Gurkhas and their families to Hong Kong military unit veterans and their families; bringing both cohorts into the Immigration Rules providing greater transparency on these routes.

HC1780, which detailed these changes, was laid before Parliament on 7 September 2023.

Related content

[Contents](#)

Validity for settlement applications

This section tells you where to find the validity requirements that an applicant must meet when they apply for settlement as a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 or as a dependant of a Gurkha or Hong Kong military unit veteran discharged prior to 1 July 1997.

The requirements to be met for an application to be valid are set out in:

- paragraphs AF (GHK) 1.1. to AF (GHK) 1.3. of **Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997**
- paragraphs AF (GHK) 7.1. to AF (GHK) 7.4. of **Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997 for dependants**

The Immigration Health Surcharge does not apply.

Related content

[Contents](#)

Suitability for settlement applications

This section tells you where to find the suitability requirements that an applicant must meet when they apply for settlement as a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 or as a dependant of a Gurkha or Hong Kong military unit veteran discharged prior to 1 July 1997.

The requirements to be met for an application to be valid are set out in:

- paragraphs AF (GHK) 2.1. and 2.2. of **Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997**

In considering the suitability criteria in Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997 and Part 9 of the Immigration Rules, you must refer to the Grounds for refusal: criminality guidance.

Related content

[Contents](#)

Eligibility for settlement

This section tells you the requirements an applicant must meet to be granted settlement as a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997.

The requirements can be found in paragraphs AF (GHK) 3.1. to AF (GHK) 4.2. of **Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997**.

Tuberculosis (TB) certificate

Where an applicant is applying under **Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997**, they will need to provide a valid TB certificate with their application if they have been residing within a country listed in [Appendix TB](#) to the Immigration Rules for the 6 months immediately preceding the application. This only applies to entry clearance applications.

If a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 has not supplied a valid TB test certificate when they are required to do so, the application should be refused under Appendix AF(GHK) 3.2.

Further information regarding which applicants are required to obtain a TB certificate before applying and the valid test centres can be found at <https://www.gov.uk/tb-test-visa>.

Evidence of employment

For an applicant to qualify as a Gurkha or a Hong Kong military unit veteran discharged before 1 July 1997, they must be one of the following:

- a national or citizen of Nepal who served in the Brigade of Gurkhas of the British Army and was discharged before 1 July 1997
- a national or citizen of China, enlisted in Hong Kong (Hong Kong Chinese locally enlisted personnel) who served in the Hong Kong Military Service Corps (HKMSC) of the British Army and was discharged before 1 July 1997
- a national or citizen of China, enlisted in Hong Kong (Hong Kong Chinese locally enlisted personnel) who served in the Hong Kong Squadron of the Royal Navy and was discharged before 1 July 1997

You must be satisfied that the applicant is a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 whose established military service must have been for a continuous period of at least 4 years, unless there is evidence that one or both of the following applies:

- the applicant is in receipt of a Ministry of Defence (MoD) war pension
- the applicant has a medal awarded by the MoD for gallantry

Applicants must provide sufficient documentation to demonstrate their eligibility under the Immigration Rules. This could include enlistment papers and discharge papers.

Settlement applications

Applications from a Gurkha and Hong Kong military unit veteran discharged before 1 July 1997 and their family members must be made on [form VAF \(AF\)](#) from outside the UK, or the [form SET\(AF\)](#) in the UK.

Successful settlement applicants who are outside the UK will be issued with entry clearance.

Related content

[Contents](#)

Grant or refuse

This section tells you how to grant or refuse a settlement application under **Appendix Gurkha or Hong Kong military unit veteran discharged before 1 July 1997**.

Gurkha or Hong Kong military unit veteran discharged before 1 July 1997: grant settlement

If the applicant meets all the requirements of **Appendix Gurkha or Hong Kong military unit discharged before 1 July 1997**, and none of the [general grounds for refusal](#) apply, you must grant settlement.

If the applicant is outside the UK, entry clearance must be granted. You must use the SET-AF endorsement.

Gurkha or Hong Kong military unit veteran discharged before 1 July 1997: refuse settlement

If you are not satisfied that the applicant meets all the requirements of Appendix Gurkha or Hong Kong military unit veteran discharged before 1 July 1997, you must refuse the application.

Rights of appeal and administrative review

If an application under Appendix Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 is refused and the applicant thinks the Home Office has made an error in considering their application, they can apply for an [administrative review](#).

Related content

[Contents](#)

Dependants of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997

This section tells you the requirements to be met by partners, children, bereaved partners, bereaved children and adult dependent children making settlement applications under **Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997**.

Partner of a Gurkha or member of a Hong Kong military unit veteran discharged before 1 July 1997

If the applicant is applying as a partner, they must meet the relationship requirements as specified in [Appendix Relationship with Partner](#).

Dependent child (“child”) of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997

If the applicant is applying as a child, they must meet the requirements for a dependent child as specified in [Appendix Children](#).

Bereaved partner of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997

A bereaved partner must meet the relationship requirements set out in paragraph AF (GHK) 11.3. of Appendix Gurkha or Hong Kong military unit veteran discharged before 1 July 1997.

Bereaved child of a Gurkha or member of a Hong Kong military unit veteran discharged before 1 July 1997

If the applicant is applying as a bereaved child of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997, in addition to meeting the requirements for a dependent child, they must provide a death certificate for the Gurkha or Hong Kong military unit veteran.

If the Gurkha or Hong Kong military unit veteran is deceased at the date of application, the applicant must show that their parent would have met the requirements for settlement as a Gurkha or Hong Kong military unit veteran had they not died.

Adult child of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997

If the applicant is aged 18 or over on the date of application and is applying as the child of a Gurkha or Hong Kong military unit veteran discharged before 1 July 1997, they must meet all of the requirements of paragraph 13.2 of **Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997**.

Relationship to sponsor

The applicant must be the child of the former Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 for which the former Gurkha or Hong Kong military unit veteran assumed parental responsibility before the child was 18 years of age.

Where a child is not a biological child (including adoption / de-facto adoption) the former Gurkha will be required to demonstrate that he was legally responsible for the child's welfare before the child reached 18 years of age.

Where necessary, you can carry out further checks with the Gurkha Records Office.

Where the relationship to the sponsor has not been adequately demonstrated, the application should be refused on this basis.

Living apart

The applicant must not normally have lived apart from the Gurkha or Hong Kong military unit veteran discharged before 1 July 1997 sponsor for more than 2 years.

Exceptions to this can be found in AF (GHK) 13.2.(d) of Appendix Gurkha or Hong Kong military unit veteran discharged before 1 July 1997.

If these conditions are not met and an exception does not apply, the application should normally be refused on this basis.

Criminality checks

If there is a positive result on criminality checks, you must contact the Armed Forces policy team for further guidance.

Decision on an application as a partner, bereaved partner or child of a Gurkha or member of a Hong Kong military discharged before 1 July 1997

If you are satisfied that all the suitability and eligibility requirements for either a partner, bereaved partner or child of a Gurkha or Hong Kong military unit veteran are met, the application for settlement will be granted, otherwise the application will be refused.

If the application is refused, the applicant can apply for an Administrative Review under [Appendix AR: Administrative Review](#).

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[Contents](#)