



Home Office

# Settlement: family and private life

Version 2.0

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# About this guidance

This guidance tells you about applications for settlement by those on the family and private life routes. This includes:

- the 5-year family settlement route for partners and parents (Appendix FM)
- the 10-year family settlement route (Appendix Family Settlement)
- the private life settlement route (Appendix Private Life)
- the bereaved partner route (Appendix Bereaved Partner)

This guidance does not include settlement for victims of domestic abuse, adult dependent relatives, or bereaved partners (and dependent children) of members of HM Forces.

Guidance for bereaved partners (and dependent children) of members of HM Forces can be found in:

- HM Forces: partners and children
- Gurkhas or 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 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 **2.0**
- published for Home Office staff on **31 January 2024**

## Changes from last version of this guidance

Amendments include:

- introduction of Appendix Bereaved Partner
- clarification that under the 10-year parent route, parents living together with their child(ren) in a family unit, can qualify for settlement
- clarification that on the 5-year family settlement route for partners and parents only one episode of leave to enter can be used in the calculation of the 5-year qualifying period

- clarification of what qualifies as a 'route to settlement' for the purposes of aggregating permission on the 10-year family settlement route and the private life route
- clarification that partners of refugees, and partners and parents of pre-settled status holders meet the relationship requirements on the 10-year family settlement route
- clarification on early grants of settlement on the 10-year family settlement route and the private life route
- clarification that paragraph SETF 2.4. takes precedence in the consideration of litigation or NHS debt
- clarification that a person who is no longer a young adult, but was when they were first granted permission on the private life route, is eligible to apply for settlement

### **Related content**

[Contents](#)

# Considerations in all cases

## Burden and standard of proof, and evidential flexibility

The burden of proof is on the applicant to show that they meet the requirements of the Immigration Rules. The standard of proof is the balance of probabilities (in other words, it is more likely than not that a requirement is met). When applying the suitability requirements the burden of proof sometimes shifts to the Home Office (see Suitability guidance).

In all cases (except those that fall within Appendix FM to the Immigration Rules) you should apply the principles of evidential flexibility (see Evidential flexibility guidance). For Appendix FM cases, caseworkers should take a common-sense approach to flexibility, seeking advice from senior caseworkers where required. Evidential flexibility guidance for these applications can be found in the Family life (as a partner or parent) and exceptional circumstances guidance.

## Simultaneous EU Settlement Scheme applications

You must check Home Office systems to identify any pending EU Settlement Scheme (EUSS) applications. If there is an EUSS application, you must contact the relevant EUSS casework team. Generally, the casework team identifying the second application will be responsible for ensuring it, and the first application, are considered and then dealt with as follows:

1. Where one application falls to be refused, this can be done without having to wait for the outcome of the consideration of the other application. Otherwise, one application must not be granted before the other application has reached the point of decision.
2. Where both applications fall to be granted, the applicant must be informed in writing that they satisfy the relevant requirements in respect of both applications and asked to confirm in writing within 14 days (or longer where, following consultation with your senior caseworker, you are satisfied there is good reason for this in the particular circumstances of the case) which application they want to be decided and which they want to be treated as withdrawn. If the applicant does not confirm or contact you by then to advise that they need more time to respond (for example where they wish to seek immigration advice), the latest application will be decided and the other treated as withdrawn.

Further guidance on the process for considering simultaneous applications can be found in the Validation, variation and withdrawal of applications guidance.

### Related content

[Contents](#)



# Settlement on the family 5-year route

This page tells you about settlement on the 5-year family route as a partner (including a bereaved partner), or parent.

The Immigration Rules for settlement on the 5-year family route can be found in [Appendix FM](#). These rules are yet to be simplified and are different from those for settlement on the 10-year family route and private life route. Because these rules are different it is important that you refer to the correct rules and the correct parts of guidance during your decision-making process.

## Suitability for settlement on the family 5-year route

The suitability requirements for settlement on the family 5-year route (partner and parent) are contained in section S-ILR of [Appendix FM](#) to the Immigration Rules. These fall into 3 categories of refusal (must, should normally, or may refuse):

Rule	Description	Mandatory or discretionary refusal	Guidance
S-ILR 1.2.	Deportation orders	Must refuse	-
S-ILR 1.3. to 1.6.	Criminality	Must refuse	Criminality
S-ILR 1.7.	Offending	Must refuse	Criminality
S-ILR 1.8.	Not conducive to the public good	Must refuse	Suitability: non-conducive grounds for refusal or cancellation of entry clearance or permission
S-ILR 1.9.	Non-compliance	Must refuse	Suitability: failure to provide required information, attend interview
S-ILR 1.10.	Exclusion	Must refuse	Suitability: exclusion from asylum or humanitarian protection
S-ILR 2.2.	False representations	Should normally refuse	Suitability: false representations
S-ILR 2.4.	Non-compliance	Should normally refuse	Suitability: failure to provide required information, attend interview
S-ILR 4.2. to 4.3.	False representations	May refuse	Suitability: false representations
S-ILR 4.4.	Litigation debt	May refuse	Suitability: unpaid litigation costs
S-ILR 4.5.	NHS debt	May refuse	Suitability: debt to the NHS

When you are considering the discretionary requirements (where you should normally, or may refuse), you must look at the nature of the suitability issues in the context of the whole application. You will need to decide if those issues are

sufficiently serious to refuse the application or if there are compelling reasons not to refuse it.

Part 9 of the Immigration Rules (general grounds for refusal (GGFR)) does not apply to applications under Appendix FM except for the provisions set out in paragraph 9.1.1.(a) in [Part 9](#) of the Immigration Rules, which deal with the circumstances where entry clearance or leave can be cancelled, or permission to enter can be refused – you can find details in the General grounds guidance.

## Partners

The Immigration Rules (section R-ILRP of [Appendix FM](#)) allow a partner of a British citizen, a person settled in the UK, someone in the UK with refugee leave or with humanitarian protection, in the UK with leave under Appendix EU, or in the UK with leave under Appendix ECAA Extension of Stay, to be granted indefinite leave to remain (settlement) in the UK. The requirements (set out in section R-ILRP.1.1.) are that the:

- applicant and their partner must be in the UK
- applicant must have made a valid application for indefinite leave to remain as a partner
- applicant must not fall for refusal under any of the suitability requirements (set out in section S-ILR of the Immigration Rules) – see [Suitability – partner settlement on the 5-year route](#)
- applicant must meet all the eligibility requirements (set out in section E-ILRP of the Immigration Rules) – see [Eligibility – partner settlement on the 5-year route](#)

## Suitability – partner settlement on the family 5-year route

The suitability requirements are set out in section S-ILR (and Part 9) of the Immigration Rules – see [Suitability for settlement on the 5-year route](#).

Applicants must meet all of the suitability requirements of paragraphs S-ILR.1.2. to 3.1. to be granted indefinite leave to remain as a partner. However, if the applicant is able to meet all the suitability requirements other than S-ILR.1.5. or S-ILR.1.6., they can be considered for limited leave to remain – see [Decision – partner settlement on the 5-year route](#).

## Validity - partner settlement on the family 5-year route

Applicants must have made a valid application for indefinite leave to remain as a partner – see Validation, variation and withdrawal of applications guidance.

## Eligibility – partner settlement on the family 5-year route

There are four main requirements that applicants must satisfy to be eligible for settlement (set-out in paragraphs E-ILRP.1.2. to 1.6. of [Appendix FM](#) to the Immigration Rules). There are some nuances within these criteria (which are explained below) but, generally, an applicant must:

- be in the UK with valid leave as a partner under Appendix FM
- have completed a qualifying period of continuous residence of 60 months in the UK as a partner
- meet all of the eligibility requirements for leave to remain as a partner
- demonstrate sufficient knowledge of language and life in the UK

## Completing a continuous period of 60 months in the UK as a partner

The rules concerning calculating the qualifying period of continuous residence for a period of 60 months in the UK are set out in paragraphs E-LTRP.1.3. to 1.5A:

- the 60 months can be made up of one period of leave to enter as a partner, any periods of leave to remain as a partner, or a combination of the two
- any period of leave as a fiancé, fiancée, or proposed civil partner must be excluded
- only periods of time with the same partner count
- time overseas will count, where the partner is a Crown Servant overseas and the applicant is accompanying them (see paragraph 26A of [Appendix FM-SE](#) to the Immigration Rules)
- any current or previous periods of overstaying (for an application made after 23 November 2016) can be disregarded, where paragraph 39E (of [Part 1](#) of the Immigration Rules) applies – where an application was made before 24 November 2016, any period of overstaying can be disregarded if the application was made within 28 days of the expiry of leave (see Applications from overstayers guidance)

You can check the applicant has completed a continuous period of 60 months in the UK by looking at their immigration history on Atlas. Where there is a break in the 60-month period you must consider whether the application can be varied to one for leave to remain, before you refuse it – see Validation, variation and withdrawal of applications guidance.

## Knowledge of language and life (KoLL) requirement – partner settlement on the family 5-year route

All applicants for settlement are required to demonstrate the required level of English language ability and pass the Life in the UK test (in accordance with [Appendix KoLL](#) to the Immigration Rules).

For further information on the KoLL requirement, including exemptions, see Knowledge of language and life in UK guidance.

## Valid leave as a partner

You must check the applicant has valid leave as a partner by looking at their immigration history on Atlas.

Under paragraph GEN.1.2. of [Appendix FM](#) to the Immigration Rules, a 'partner' is defined as one of the following, a:

- spouse
- civil partner
- fiancé, fiancée or proposed civil partner
- person who has been living together as a couple in a relationship akin to a marriage or civil partnership for at least 2 years prior to the date of application (a durable relationship)

You do not need to consider evidence, such as a certificate, to establish a valid marriage or civil partnership where this has been demonstrated and accepted as valid in a previous application.

The 2-year period of living together for a couple who are not married or in a civil partnership must have been completed prior to the date of application. However, the 2-year period does not have to have been completed immediately preceding the date of application if, for example, the couple are currently living apart for work reasons, provided that the relationship continues to be genuine and subsisting at the date of application.

In demonstrating this requirement, applicants will also be satisfying those in paragraph E-LTRP.1.8, which also concerns valid marriage or civil partnership.

## Meeting the eligibility requirements for leave to remain as a partner

The eligibility requirements for leave to remain are set-out in section E-LTRP of [Appendix FM](#) to the Immigration Rules.

### Relationship requirements – partner settlement on the family 5-year route

To qualify for settlement the applicant must also meet the requirements for leave to remain as a partner. Generally, if they are with the same partner this status will be clear from the casework system, so you do not need to reassess these requirements.

The relationship requirements you **do not** need to reassess are:

- status of the partner (sponsor)
- minimum age
- prohibited degree of relationship
- couple have met in person
- previous relationship has broken down permanently

Further information on these requirements can be found in the Family life (as a partner or parent) and exceptional circumstances guidance.

## Intention to live together permanently in the UK

When considering paragraph E-LTRP.1.10., you must be satisfied that the applicant and their partner intend to live together permanently in the UK within the definition of 'intention to live together permanently with the other' or 'intend to live together permanently' in paragraph 6 of the [Introduction](#) to the Immigration Rules.

You need to consider evidence of past and current cohabitation provided by the applicant. This might include:

- council tax bills
- bank statements
- tenancy or mortgage documents
- household bills
- children's school letters

You can also use a credit score checker to establish that the applicant and their partner have been living at the same address between the last grant of permission and the application for settlement.

You will have already noted any periods the applicant has spent outside the UK when checking the applicant has completed a continuous period of 60 months in the UK by looking at their immigration history on Atlas. Where there have been limited periods of time spent outside the UK, this must be for good reasons and the reasons must be consistent with the intention to live together permanently in the UK. Good reasons could include time spent overseas in connection with the applicant's or their partner's work (including as a Crown Servant), holidays, training, or study.

If the applicant, their partner, or both have spent the majority of the 60-month period overseas, there may be reason to doubt that the couple intend to live together permanently in the UK. Each case must be judged on its merits, considering reasons for travel, length of absence and whether the applicant and partner travelled and lived together during the time spent outside the UK. These factors will need to be considered against the requirements of the rules.

If you have doubts about the applicant and their partner's intention to live together permanently in the UK, you can arrange an interview to establish if they meet this requirement.

## Genuine and subsisting relationship

The genuineness of the relationship will have been established in previous applications, but when considering settlement, you must be satisfied that the relationship between the applicant and their partner is subsisting.

Similar to the intention to live together requirement, you need to consider evidence of past and current cohabitation provided by the applicant. This might include:

- council tax bills
- bank statements

- tenancy or mortgage documents
- household bills
- children's school letters

You can also use a credit score checker to establish that the applicant and their partner have been living at the same address between the last grant of permission and the application for settlement.

If you have doubts about the subsisting nature of the relationship between the applicant and their partner, you can arrange an interview to establish if they meet this requirement.

### Financial requirements – partner settlement on the family 5-year route

The financial requirements that applicants must meet are set out in paragraphs E-LTRP.3.1 to 3.4. However, for settlement applications the wording of paragraph E-LTRP.3.1.(b)(ii) is amended so that the additional savings only need to make-up the difference between the gross annual income and the total amount required, they do not need to be 2.5 times the difference.

In all other respects, the applicant must meet all of the financial requirements (see 1.7 – Financial requirement guidance).

An applicant, who is exempt from the minimum income requirement under the financial requirement in Appendix FM (because their partner is in receipt of a specified benefit or allowance), must instead demonstrate that they are able to maintain themselves, their partner, and any dependent children 'adequately' without recourse to public funds. Specified evidence must be provided as set out in [Appendix FM-SE](#) to the Immigration Rules (see Appendix FM 1.7a: Maintenance guidance).

### Adequate accommodation - partner settlement on the 5-year route

The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family (including other family members who are not included in the application but who live in the same household), which the family own or occupy exclusively.

Accommodation will not be regarded as adequate if:

- it is, or will be, overcrowded
- it contravenes public health regulations

For further guidance on the accommodation requirement, see Part 8 - Family Migration: Adequate maintenance and accommodation guidance.

## Decision – partner settlement on the family 5-year route

### Granting indefinite leave to remain as a partner

If the applicant meets all of the requirements for indefinite leave to remain as a partner under paragraph R-ILRP.1.1. you must grant indefinite leave to remain under paragraph D-ILRP.1.1.

### Granting limited leave to remain following an application for indefinite leave to remain as a partner

There is provision within the Immigration Rules (paragraphs D-ILRP.1.2. to 1.3.) to vary an application for indefinite leave to remain to one for further leave to remain, in certain circumstances. This process is all set-out in the Varying a settlement application to permission to stay guidance.

As part of considering the settlement application you will normally be able to determine whether the applicant qualifies for limited leave to remain.

If granted further limited leave to remain, you must inform the applicant they will be eligible to make a further charged application for indefinite leave to remain at any time within the 30-month period once they are able to meet all of the requirements for settlement. Otherwise, they should make their next application no more than 28 days before their extant leave is due to expire.

The table below summarise how the settlement requirements compare to the requirements for limited leave to remain. You should refer to the Family life (as a partner or parent) and exceptional circumstances guidance for specific guidance on how to assess each requirement.

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
Eligibility	Requirement to have permission as a partner	This is same requirement for leave to remain as it is for settlement.  If the person has permission as a partner and they are still in a subsisting relationship with the same partner, they will meet all: <ul style="list-style-type: none"><li>• the relationship requirement</li><li>• the immigration status requirement</li><li>• the language requirement</li></ul>
Suitability	Suitability grounds for refusal requirements	The threshold to be granted settlement is higher than leave to remain.



Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
		<p>If the applicant meets the suitability requirements for settlement, they will meet them for leave to remain.</p> <p>If the applicant does not meet the suitability requirements the applicant may still be granted leave to remain as a partner, parent or on the basis of private life if they qualify but they cannot be granted on a 5-year route (such a grant in relation to family routes would usually be under paragraph GEN 3.2 of Appendix FM but see the relevant eligibility criteria and guidance).</p>
Suitability	Qualifying period	<p>This settlement requirement is not relevant to leave to remain.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted leave to remain.</p>
Suitability	Continuous residence	<p>This settlement requirement is not relevant to leave to remain.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted leave to remain so long as they still have a family life in the UK.</p>
Eligibility	English language	<p>The language threshold to be granted settlement is higher than leave to remain.</p> <p>If the applicant meets the language requirement for settlement, they will meet the requirement for leave to remain on a 5-year route.</p> <p>If the applicant does not meet the language requirement for settlement, they may still meet the requirement for a grant on the 5-year route. Or, if they cannot show language ability, they may meet the</p>



Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
		requirements on the 10-year route as a partner or parent or on the basis of private life.
Eligibility	Knowledge of life in the UK	<p>This settlement requirement is not relevant to leave to remain.</p> <p>if the applicant doesn't meet this settlement requirement, they can still be granted leave to remain.</p>
Eligibility	Partner status requirement	<p>This requirement is the same for leave to remain as it is for settlement, so if the applicant meets this requirement for settlement, they will also meet the requirement for leave to remain.</p> <p>If the applicant does not meet this requirement for settlement, the applicant may still qualify for leave to remain as a partner.</p>
Eligibility	Relationship as a partner requirement	<p>This requirement is the same for leave to remain as it is for settlement, so if the applicant meets this requirement for settlement, they will also meet the requirement for leave to remain.</p> <p>If they don't meet this requirement for settlement, the applicant may still be granted leave to remain as a partner, or parent if they meet the relevant criteria. Or they may be granted permission to stay on the basis of private life if they meet the private life requirements.</p>
Eligibility	Financial requirement	<p>This requirement is the same for leave to remain as it is for settlement, so if the applicant meets this requirement for settlement, they will also meet the requirement for leave to remain on the 5-year route to settlement.</p> <p>If they don't meet this requirement for settlement, the applicant may still be granted leave to remain as a partner or parent on the 10-year</p>

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
		route to settlement. Or they may be granted permission to stay on the basis of private life if they meet the private life requirements.

If the applicant is granted leave to remain, it should be for 30 months, subject to the following conditions:

- work permitted
- study permitted (subject to ATAS)
- no access to public funds, unless you consider, with reference to paragraph GEN 1.11A, that the applicant should not be subject to such a condition. You should refer to the Public funds guidance for information on how to assess this

## Refusing indefinite leave to remain as a partner

If the applicant does not meet the requirements for indefinite leave to remain under D-ILRP.1.1., or for further leave to remain under paragraph D-ILRP.1.2. or D-ILRP.1.3., you must refuse their application under the rules but you should consider whether to grant leave outside the Rules (LOTR) – see Leave outside the Immigration Rules guidance.

## Bereaved partners

[Appendix Bereaved Partner](#) to the Immigration Rules, allow a bereaved partner of a British citizen or a person settled in the UK to be granted indefinite leave to remain in the UK. The applicant must be in the UK unless they were last granted permission as a partner under Appendix Armed Forces. There is separate guidance on bereaved partners last granted under Appendix Armed Forces and bereaved partners of Gurkha or Hong Kong military unit veterans.

## Validity – bereaved partners

The validity requirements for settlement as a bereaved partner (paragraphs BP 1.1. to BP 1.4. of [Appendix Bereaved Partner](#) of the Immigration Rules) are that the applicant must:

- apply on the SET(O) form, unless they are a child applying separately from their parent in which case they must apply on the SET(F) form
- pay any required fee
- provide any required biometrics
- establish their identity and nationality by providing a passport or other document

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.

You can confirm an applicant is in the UK by checking the declaration on the application form.

## Suitability – bereaved partner settlement

The suitability requirements for bereaved partners are set out in paragraph BP 2.1. of [Appendix Bereaved Partner](#) to the Immigration Rules, which relates to [Part 9: grounds for refusal](#) of the Immigration Rules – see Grounds for refusal guidance.

## Eligibility – bereaved partner settlement

The eligibility requirements for bereaved partner settlement are set out in paragraphs BP 3.1. to BP 10.2. of [Appendix Bereaved Partner](#). Paragraphs BP 3.1. to BP 3.1. and BP 5.1. only relate to applications from outside of the UK, so are not considered here. See the guidance on HM Forces: partners and children.

## Immigration status requirements – bereaved partner

Under the requirements set out in paragraph BP 4.1. of [Appendix Bereaved Partner](#) to the Immigration Rules, an applicant who is in the UK at the date of application must have, or have last been granted, permission as one of the following:

- a partner under Appendix FM (except as a fiancé(e) or proposed civil partner) of a person who is a British citizen, settled in the UK or an EEA national in the UK with limited leave to enter or remain granted under paragraph EU3 of Appendix EU on the basis of meeting condition 1 in paragraph EU14 of Appendix EU
- a partner of a person present and settled in the UK under paragraph 285 or 295E of Part 8 of the rules
- a bereaved partner under Appendix FM

## Relationship requirements - bereaved partner

The relationship requirement set out in paragraphs BP 6.1. to 6.2. of [Appendix Bereaved Partner](#) to the Immigration Rules, for a person applying for settlement as a bereaved partner must be both:

- the person who was the applicant's partner at the time of the last grant of permission to the applicant must have died
- the applicant and their partner must have been living together in the UK in a genuine and subsisting relationship immediately before the partner's death.

If the eligibility requirements are met, you should grant indefinite leave to remain on the basis of the partner's death certificate. You should not make detailed enquiries about the subsistence of the relationship unless, for example, doubts were expressed when the initial period of leave to remain was granted, or allegations have since been made. Although you can refuse an application in these circumstances, where the applicant is unable to prove the subsistence of the relationship at the time of the partner's death, there needs to be clear evidence the relationship was not subsisting at the time of death. You must always make any enquiries with care and tact, to avoid any unnecessary distress to the applicant.

## Requirements for the dependent child of a bereaved partner

### Relationship requirements

The relationship requirements (set out in paragraph BP 7.1. of [Appendix Bereaved Partner](#) to the Immigration Rules) for a person applying as a dependent child (see Appendix Children guidance) must meet all the following requirements:

- relationship requirement for settlement
- care requirement
- age and independent life requirement

### English language requirements

The English language requirements for the dependent child of a bereaved partner are set out in paragraphs BP 8.1. and BP 8.2. of [Appendix Bereaved Partner](#) to the Immigration Rules. Unless an exemption applies, applicants are required to meet the English Language requirement at level B1 or above. How applicants can demonstrate they meet this English language requirement is set out in [Appendix English Language](#) (see English language guidance).

### Knowledge of life requirements

The knowledge of life requirements for the dependent child of a bereaved partner are set out in paragraph BP 9.1. of [Appendix Bereaved Partner](#) to the Immigration Rules. Unless an exemption applies, applicants must meet the Knowledge of Life in the UK as set out in [Appendix KOL UK](#) (see Knowledge of language and life in UK guidance).

### Maintenance and accommodation requirements

The maintenance and accommodation requirements for the dependent child of a bereaved partner are set out in paragraphs BP 10.1. and BP 10.2. of [Appendix Bereaved Partner](#) to the Immigration Rules. The applicant must provide evidence that they will be adequately maintained and accommodated in the UK without recourse to public funds.

For guidance on the maintenance requirements, see Appendix FM 1.7a: Maintenance).

Copies of all documentary evidence submitted should be retained on file, in chronological order.

The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family (including other family members who are not included in the application but who live in the same household), which the family owns or occupies exclusively.

Accommodation will not be regarded as adequate if:

- it is, or will be, overcrowded
- it contravenes public health regulations

For further guidance on the accommodation requirement, see Part 8 - Family Migration: Adequate maintenance and accommodation guidance.

## Decision – bereaved partner settlement

### Granting indefinite leave to remain as a bereaved partner

If the applicant meets all of the relevant requirements for settlement as a bereaved partner (set out in paragraph BP 11.1 of [Appendix Bereaved Partner](#) to the Immigration Rules) you must grant settlement (set out in paragraph BP 12.2. of [Appendix Bereaved Partner](#) to the Immigration Rules).

### Refusing indefinite leave to remain as a bereaved partner

Under paragraph BP 11.2. of [Appendix Bereaved Partner](#) to the Immigration Rules, if the applicant does not meet the relevant requirements for settlement, you must refuse their application. If the application is refused the person can apply for an Administrative Review under [Appendix Administrative Review](#).

## Parent settlement on the family 5-year route

The Immigration Rules (section R-ILRPT of [Appendix FM](#) to the Immigration Rules) allow a parent to be granted indefinite leave to remain in the UK after 5 years. The requirements (set out in section R-ILRPT.1.1.) are that the applicant must:

- be in the UK
- have made a valid application for indefinite leave to remain as a parent
- not fall for refusal under any of the suitability requirements (set out in section S-ILR of the Immigration Rules) – see [Suitability – parent settlement on the 5-year route](#)
- meet all the eligibility requirements (set out in section E-ILRPT of the Immigration Rules) – see [Eligibility – parent settlement on the 5-year route](#)

## Suitability – parent settlement on the family 5-year route

Parents applying for indefinite leave to remain are subject to the same suitability requirements as partners and bereaved partners on the 5-year settlement route. These are set out in section S-ILR (and relevant paragraphs of Part 9) of the Immigration Rules – see [Suitability for settlement on the 5-year route](#).

Applicants must meet all of the suitability requirements of paragraphs S-ILR.1.2. to 3.1. to be granted indefinite leave to remain as a parent. However, if the applicant is able to meet all the suitability requirements other than S-ILR.1.5. or S-ILR.1.6., they can be considered for limited leave to remain – see [Decision – parent settlement on the 5-year route](#).

## Validity - parent settlement on the family 5-year route

Applicants must have made a valid application for indefinite leave to remain as a parent – see Validation, variation and withdrawal of applications guidance.

## Eligibility – parent settlement on the family 5-year route

There are 4 main criteria that applicants must satisfy to be eligible for settlement, (set-out in paragraphs E-ILRPT.1.2 to 1.5A of the Immigration Rules). There are some nuances within these criteria (which are explained below) but, generally, an applicant must:

- be in the UK with valid leave as a parent
- have completed a continuous period of 60 months in the UK as a parent
- meet all of the eligibility requirements for **leave to remain** as a parent
- demonstrate sufficient knowledge of language and life in the UK

## Completing a continuous period of 60 months in the UK as a parent

The rules concerning calculating the continuous period of 60 months are set out in paragraphs E-LTRPT.1.3. and 1.5A):

- the 60 months can be made up of one period of leave to enter as a parent, any periods of leave to remain as a parent, or a combination of the two
- any current or previous periods of overstaying (for an application made after 23 November 2016) can be disregarded, where paragraph 39E (of [Part 1](#) of the Immigration Rules) applies – where an application was made before 24 November 2016, any period of overstaying can be disregarded if the application was made within 28 days of the expiry of leave (see Applications from overstayers guidance)

## Knowledge of language and life (KoLL) requirement – parent settlement on the family 5-year route

All applicants for settlement are required to demonstrate the required level of English language ability and pass the Life in the UK test (in accordance with [Appendix KoLL](#) to the Immigration Rules).

For further information on the KoLL requirement, including exemptions, see Knowledge of language and life in UK guidance.

## Meeting the eligibility requirements for leave to remain as a parent

The eligibility requirements for leave to remain are set-out in section E-LTRPT of [Appendix FM](#) to the Immigration Rules.

To qualify for settlement the applicant must also meet the requirements for leave to remain as a parent. Generally, this status will be clear from the casework system (particularly the immigration history section on Atlas), so you do not need to reassess these requirements.

## Relationship requirements – parent settlement on the family 5-year route

The child must meet one of the following:

- is under the age of 18 years at the date of application
- has turned 18 years of age since the applicant was first granted entry clearance or leave to remain as a parent under Appendix FM, and has not formed an independent family unit or is not leading an independent life as defined in paragraph 6 of the Immigration Rules

And the child must both:

- be a British citizen or settled in the UK (the part of paragraph E-LTRPT.2.2.1 relating to limited leave under Appendix EU, does not apply in settlement cases)
- have lived in the UK continuously for at least the 7 years immediately preceding the date of their first temporary leave application

'Living in the UK' means that the child concerned is living in the UK on the date of application, is physically present here, and the applicant intends to make the UK their home with the child, if the application is successful. You need to consider evidence from the applicant that their child is in the UK. This might include:

- letters from school
- letters from the child's doctor
- a letter from the child's other parent
- court documents
- bank statements showing maintenance payments



A parent cannot rely on their relationship with a child who is overseas to obtain leave in this route.

'Must not be leading an independent life' or 'is not leading an independent life' means that the applicant:

- does not have a partner (as defined in paragraph GEN.1.2. of [Appendix FM](#) to the Immigration Rules)
- is living with their parents (except where they are at boarding school, college, or university as part of their full-time education)
- is wholly or mainly dependent upon their parents for emotional support

If the child normally lives with their other British citizen or settled parent or carer, that person cannot be the partner of the applicant (which includes a person who has been in a relationship with the applicant for less than 2 years prior to the date of application), and the applicant must not be eligible to apply as a partner under Appendix FM.

The parent route is not for couples who are in a genuine and subsisting partner relationship if the applicant is eligible to apply under the partner route. Those eligible to apply as partners are those who meet the definition of partner in paragraph GEN.1.2. of Appendix FM, and who have a qualifying sponsor enabling them to access a 5 or 10-year partner route, for example a partner who meets the immigration status requirement. Applicants in this position must apply or will only be considered (where they are not required to make a valid application), under the partner route, or under the private life route.

### Relationship with the child

When considering paragraphs E-LTRPT.2.3. and E-LTRPT.2.4. you must be satisfied that one of the following applies:

- the applicant has sole parental responsibility for the child
- the child normally lives with the applicant and not their other parent (who is a British citizen or settled in the UK), and the applicant must not be eligible to apply for leave to remain as a partner under Appendix FM
- the parent or carer with whom the child normally lives is a British citizen or settled in the UK

If the child normally lives with their British or settled parent or carer, and not the applicant, the applicant:

- cannot be the partner of this British or settled parent or carer
- must not be eligible to apply for leave to remain as a partner under Appendix FM

Under paragraph E-LTRPT.2.4.(a) you must be satisfied that the applicant has provided evidence (see below) to show that they have either:



- sole parental responsibility for the child, or that the child normally lives with them
- direct access in person to the child, as agreed with the parent or carer with whom the child normally lives, or as ordered by a court in the –K - any court documents issued by the Family Court must have written permission for disclosure by the court to be used as evidence

You must also be satisfied under paragraph E-LTRPT.2.4.(b) that in all cases the applicant has provided evidence that they are taking, and intend to continue to take, an active role in the child's upbringing.

The applicant must provide evidence they meet the parental relationship requirement. Guidance on the meaning of 'sole parental responsibility', 'normally lives with' and 'direct access in person' can be found below.

### Sole parental responsibility

Sole parental responsibility for the purpose of the Immigration Rules, must be interpreted as set out in this guidance.

Sole parental responsibility means that one parent has abdicated or abandoned parental responsibility, and the remaining parent is exercising sole control in setting and providing the day-to-day direction for the child's welfare.

In assessing whether the applicant has sole parental responsibility for a child, you must consider if evidence has been provided to show that:

- decisions have been taken and actions performed in relation to the upbringing of the child under the sole direction of the applicant, without the input of the other parent or any other person
- the applicant is responsible for the child's welfare and for what happens to them in key areas of the child's life, and that others do not share this responsibility for the child
- the applicant has exclusive responsibility for:
  - making decisions regarding the child's education, health and medical treatment, religion, residence, holidays, and recreation
  - protecting the child and providing them with appropriate direction and guidance
  - the child's property
  - the child's legal representation

In addition, you should note that:

- sole parental responsibility is not the same as legal custody
- significant or even exclusive financial provision for a child does not in itself demonstrate sole parental responsibility
- where both parents are involved in the child's upbringing, it will be rare for one parent to establish sole parental responsibility

- sole parental responsibility can be recent or long-standing – you must scrutinise any recent change of arrangements to make sure it is genuine and not an attempt to circumvent immigration control

It is unrealistic for a child to have contact with no adults other than the parent exercising sole responsibility. The child will have contact with other adults, including relatives, and that these are likely to include some element of care towards the child, either generally or specifically, such as taking the child to school. Actions of this kind that include looking after the child's welfare may be shared with others who are not parents, for example, relatives or friends, who are available in a practical sense, providing the applicant has overall responsibility, on their own, for the welfare of the child.

You are not considering whether the applicant (or anyone else) has day-to-day responsibility for the child, but whether the applicant has continuing sole control and direction of the child's upbringing, including making all the important decisions in the child's life. If not, then they do not have sole parental responsibility for the child. You must carefully consider each application on a case-by-case basis. The burden of proof is on the applicant to provide satisfactory evidence. In some instances, it may be appropriate to interview an applicant to establish if they have sole responsibility for the child, or to contact the other parent (with the consent of the applicant) in order to confirm they have no parental responsibility.

### Normally lives with

This applies where both parents (one of whom is a British citizen or settled person) are no longer in a subsisting relationship, but have retained shared parental rights and responsibilities, and the child's primary custodial residence preceding the date of application, as demonstrated by a court order or consensual agreement, is with one of them. Any information which is submitted which relates to proceedings in the Family Court must not be disclosed without the Family Court's written permission. From 13 December 2012 applicants for leave to remain in the UK can apply in this category where they have either:

- a joint residence order
- other evidence of shared custody of a child or children in the UK

The purpose of this provision is to allow a migrant parent whose relationship with a British citizen or settled person has broken down, and who has shared or equal custody of a child here, to remain in the UK where it is in the child's best interest.

The fact that an applicant is simply a parent of a child in the UK is not enough to meet the requirements of the rules.

You must be satisfied that:

- the relationship between the applicant and the other parent has broken down and is no longer subsisting
- the applicant has joint or shared custody of the child

- evidence of shared custody has been provided in the form of a court order that has been permitted for disclosure by the family court or consensual agreement with the British citizen or settled parent
- evidence has been provided to demonstrate that the child normally lives with the applicant in the UK (and not their British citizen or settled parent), or that the child normally lives with their British citizen or settled parent and not the applicant, but has regular direct contact with them

The primary residence of the child is the residence where the child spends most of their time. For example, parents may have joint custody, but the child may spend the majority of the time with only one of their parents, thereby having their primary residence with that parent. You need to consider evidence from the applicant relating to the primary residence of their child. This might include:

- letters from school
- letters from the child's doctor
- an endorsement letter from the child's other parent

In legal terms, a child can only have one primary residence. However, where a child spends equal time with both parents, for example 7 days out of 14 with both throughout the year, for the purposes of this route, the child will be considered to 'normally live with' the applicant.

A child will not 'normally live with' a parent whom the child occasionally lives with, for example, only at weekends, during holidays or by an overnight stay once a week.

There is no specified evidence that the applicant has to provide in order to demonstrate whom a child normally lives with, but the onus is on the applicant to show that a child normally lives with them or with the British citizen or settled parent.

Evidence to show that a child normally lives with a person may include correspondence from:

- a court, in the form of a court order showing joint or shared custody that has been permitted for disclosure by the Family Court
- the other partner confirming joint or shared custody
- a doctor, hospital, or dentist
- a school, childcare provider, or playgroup
- the Department for Work and Pensions
- HM Revenue & Customs
- local authority children's services

However, other evidence will also be accepted, provided it enables you to be satisfied that a child normally lives with the stated person.

### **Child does not normally live with the applicant**

If the applicant does not have sole parental responsibility for the child and the child does not normally live with them, they must supply evidence to show that the parent

or carer with whom the child normally lives is a British citizen or settled in the UK, and that person cares for the child.

Evidence can include:

- a British passport
- a foreign passport endorsed with 'indefinite leave to remain' or 'no time limit'
- a letter from the Home Office confirming that the person is settled in the UK
- evidence that the child resides with the British citizen or settled parent

### Direct access in person

An applicant can qualify for leave as a parent if they have direct access in person to the child, as agreed with the parent or carer with whom the child normally lives or as ordered by a court in the UK. The applicant must prove they have direct access in person to the child by submitting evidence such as:

- a residence order or contact order granted by a court in the UK (any order issued by the Family Court must be accompanied by written permission confirming disclosure from the Family Court)
- a letter or affidavit from the UK-resident parent or carer of the child
- evidence from a contact centre detailing contact arrangements

The above evidence, or a reasonable equivalent, should establish that the applicant parent has direct access in person to the child, and describe in detail the arrangements which allow for this. If an affidavit is submitted, it should be sworn or affirmed by a lawyer.

It is not enough for the applicant to provide evidence only that they have been granted direct access to a child. The rules require the applicant to show that they have direct access in person to the child, are taking an active role in the child's upbringing, and will continue to do so. You must be satisfied that direct contact in person with the child is the main reason for the application.

### Financial requirement – parent settlement on the family 5-year route

The financial requirements that applicants must meet are set out in paragraph E-LTRPT.4.1. The applicant must provide evidence that they will be able to adequately maintain and accommodate themselves and any dependants in the UK without recourse to public funds.

For guidance on the maintenance requirements, see Appendix FM 1.7a: Maintenance).

Copies of all documentary evidence submitted should be retained on file, in chronological order.

## **Adequate accommodation requirement – parent settlement on the family 5-year route**

The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family (including other family members who are not included in the application but who live in the same household), which the family owns or occupies exclusively.

Accommodation will not be regarded as adequate if:

- it is, or will be, overcrowded
- it contravenes public health regulations

For further guidance on the accommodation requirement, see Part–8 - Family Migration: Adequate maintenance and accommodation guidance.

## **Decision – parent settlement on the family 5-year route**

### **Granting indefinite leave to remain as a parent**

If the applicant meets all of the requirements for indefinite leave to remain as a partner under paragraph R-ILRPT.1.1. you must grant indefinite leave to remain under paragraph D-ILRPT.1.1.

### **Granting leave to remain following refusal of indefinite leave to remain as a parent**

There is provision within the Immigration Rules (paragraphs D-ILRPT.1.2. to 1.3) to vary an application for indefinite leave to remain to one for further leave to remain, in certain circumstances. This is set out in the Varying a settlement application to permission to stay guidance.

As part of considering the settlement application you will normally be able to determine whether the applicant qualifies for leave to remain.

If granted further limited leave to remain, you must inform the applicant they will be eligible to make a further charged application for indefinite leave to remain at any time within the 30-month period, once they are able to meet all of the requirements for settlement. Otherwise, they should make their next application no more than 28 days before their extant leave is due to expire.

The table below summarise how the settlement requirements compare to the requirements for permission to stay. You should refer to the Family life (as a partner or parent) and exceptional circumstances guidance for specific guidance on how to assess each requirement.

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
Eligibility	Requirement to have permission as a parent	<p>This is not a leave to remain requirement.</p> <p>If this requirement is met for settlement, the parent will meet the following requirements for leave to remain:</p> <ul style="list-style-type: none"> <li>• the relationship requirement if the child has turned 18, but if they are under 18 additional requirements around ongoing parental involvement in the child’s life apply - note that the relationship requirement is not relevant to all grants of permission to stay on a 10-year route under Appendix FM, and</li> <li>• the immigration status requirement (where relevant), and</li> <li>• the language requirement (if they were previously granted on a 5-year route)</li> </ul> <p>If they don’t meet this requirement, the applicant may still be granted leave to remain as a parent if they meet the relevant criteria. Or they may be granted permission to stay on the basis of private life if they meet the private life requirements.</p>
Suitability	Suitability grounds for refusal requirements	<p>The threshold to be granted settlement is higher than leave to remain.</p> <p>If the applicant meets the suitability requirements for settlement, they will meet them for leave to remain.</p> <p>If the applicant does not meet the suitability requirements for settlement the applicant may still be granted leave to remain as a parent (but not on a 5-year route to settlement unless</p>

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
		they fall for refusal because they do not meet paragraphs S-ILR.1.5. or S-ILR.1.6. of Appendix FM and are being granted permission under paragraph D-ILRPT.1.2) on the family parent route where the exception under GEN 3.2 applies. Or if this exception does not apply, they may still be granted permission to stay on the basis of private life.
Suitability	Qualifying period	<p>This settlement requirement is not relevant to leave to remain.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted leave to remain.</p>
Suitability	Continuous residence	<p>This settlement requirement is not relevant to leave to remain.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted leave to remain.</p>
Eligibility	English language	<p>The required level to be granted settlement is higher than leave to remain.</p> <p>If the applicant meets the language requirement for settlement, they will meet the requirement for leave to remain.</p> <p>If they do not meet the language requirement for settlement, they may still meet the requirement for a grant of leave to remain as a parent at a lower level.</p>
Eligibility	Knowledge of life in the UK	<p>This settlement requirement is not relevant to leave to remain.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted leave to remain.</p>

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
Eligibility	Child status requirement	<p>This requirement is the same for leave to remain as it is for settlement, so if the applicant meets this requirement for settlement on a 5-year route, they will also meet the requirement for leave to remain.</p> <p>If the applicant does not meet this requirement for settlement, because their child had permission to stay, applied for settlement at the same time and did not qualify, the applicant may still qualify for leave to remain as a parent (or partner if relevant).</p> <p>If the child does not have permission, the applicant may still qualify for leave to remain under EX.1 or GEN 3.2.</p>
Eligibility	Financial requirement	<p>This requirement is the same for leave to remain as it is for settlement, so if the applicant meets this requirement for settlement on the 5-year route, they will also meet the requirement for leave to remain on the 5-year route to settlement.</p> <p>If they don't meet this requirement for settlement, the applicant may still be granted leave to remain as a parent on the 10-year route to settlement. Or they may be granted leave to remain on the basis of private life if they meet the private life requirements.</p>
Eligibility	Relationship requirement	<p>This requirement is the same for leave to remain as it is for settlement, so if the applicant meets this requirement for settlement, they will also meet the requirement for leave to remain.</p> <p>If they don't meet this requirement for settlement, they may still be granted permission as a parent on the family parent route where the exception under GEN 3.2 applies.</p>



Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for leave to remain
		If they fall for refusal under Appendix FM, they may meet the requirements on the basis of private life.

If the applicant is granted permission to stay, it should be for 30 months, subject to the following conditions:

- work permitted
- study permitted (subject to ATAS)
- no access to public funds unless you consider, with reference to paragraph GEN 1.11A, that the applicant should not be subject to such a condition. You should refer to the Public funds guidance for information on how to assess this

### Refusing indefinite leave to remain as a parent

If the applicant does not meet the requirements for indefinite leave to remain under D-ILRPT.1.1., or for further leave to remain under paragraph D-ILRPT.1.2. or D-ILRPT.1.3., you must refuse their application under the rules but you should consider whether to grant leave outside the Rules (LOTR) – see Leave outside the Immigration Rules guidance.

#### Related content

[Contents](#)

# Settlement under Appendix Settlement Family Life for partners and parents (and their dependants)

This page tells you about settlement under [Appendix Settlement Family Life](#). These rules are different to those for settlement as partners, parents and their dependants on the [5-year route](#) under [Appendix FM](#) to the Immigration Rules.

## Appendix Settlement Family Life 10-year route for partners and parents

### Suitability – partner or parent

The suitability requirements under [Appendix Settlement Family Life](#) are mostly the same as those in section S-ILR of [Appendix FM](#) to the Immigration Rules. The table (below) shows you how the suitability rules in Appendix Settlement Family Life relate to rules elsewhere and where you can find guidance to help you consider the suitability requirements.

Rule in App SETF	Cross-reference to rule	Subject to	Description	Guidance
SETF 2.1(a)(i)	S-ILR.1.2	-	Deportation orders	-
SETF 2.1(a)(i)	S-ILR.1.6	-	Criminality	Criminality
SETF 2.1(a)(i)	S-ILR.1.7	-	Offending	Criminality
SETF 2.1(a)(i)	S-ILR.1.8	-	Not conducive to the public good	Suitability: non-conductive grounds for refusal or cancellation of entry clearance or permission
SETF 2.1(a)(i)	S-ILR.1.9	-	Non-compliance	Suitability: failure to provide required information, attend interview
SETF 2.1(a)(i)	S-ILR.1.10	-	Exclusion	Suitability: exclusion from asylum or humanitarian protection
SETF 2.1(a)(ii)	S-ILR.2.2	SETF 2.4	False representations	Suitability: false representations
SETF 2.1(a)(ii)	S-ILR.4.2	SETF 2.4	False representations	Suitability: false representations
SETF 2.1(a)(ii)	S-ILR.4.3	SETF 2.4	False representations	Suitability: false representations

Rule in App SETF	Cross-reference to rule	Subject to	Description	Guidance
SETF 2.1(a)(ii)	S-ILR.4.4	SETF 2.4	Litigation debt	Suitability: unpaid litigation costs
SETF 2.1(a)(ii)	S-ILR.4.5	SETF 2.4	NHS debt	Suitability: debt to the NHS
SETF 2.1(b)	9.6.1	SETF 2.4	Sham marriage	Suitability: sham marriage or civil partnership
SETF 2.2	-	-	Criminality	Criminality
SETF 2.3	-	SETF 2.6	Criminality	Criminality
SETF 2.4(a)-(d)	SETF 2.1(a)(ii) and SETF 2.1(b)	SETF 2.6	False representations, litigation debt, NHS debt, sham marriage, and breach of conditions	Suitability: false representations, Suitability: unpaid litigation costs and debt to the NHS, Suitability: sham marriage or civil partnership, Suitability: previous breach of UK immigration laws
SETF 2.4(e)	-	SETF 2.6	Breach of conditions	Suitability: previous breach of UK immigration laws
SETF 2.5	-	SETF 2.6	Illegal entry	-
SETF 2.6	-	-	10-year qualifying period permissions	-
SETF 2.7(a)	-	39E	Breach of immigration laws	Suitability: previous breach of UK immigration laws and Applications from overstayers
SETF 2.7(b)	-	-	Immigration bail	-

### Suitability – criminal custodial sentences of 12 months or more

For applications under Appendix Settlement Family Life, the applicant must be refused settlement if they have been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of 12 months or more. You should refer to guidance on Criminality – Article 8 ECHR.

### Suitability – considering other settlement suitability requirements

In settlement applications made under Appendix Settlement Family Life, if the applicant does not qualify for settlement, they may have their application varied to an application for permission to stay - see Varying a settlement application to

permission to stay guidance. This applies to certain suitability requirements under Appendix Settlement Family Life as set out below:

- custodial sentences of less than 12 months
- sham marriage or civil partnership
- previous immigration breaches
- false representations, information, or deception
- litigation debt
- NHS debt

For applicants with a custodial sentence of less than 12 months, if you are considering a settlement application and the applicant has already spent at least 10 years with permission to stay on the basis of their private or family life, you should consider whether the applicant meets all the other requirements for settlement and whether they have completed 5 years continuous residence since the end of their sentence - see Continuous residence guidance.

The continuous residence must have been on one of the routes set out in the suitability requirements under Appendix Settlement Family Life. If the applicant meets these requirements, in the absence of any other reasons for refusal, you should grant settlement.

The same principle applies to sham marriage or civil partnership, previous immigration condition breaches, false representations, information, or deception, where the 5 years' continuous residence will be counted from the date of the first grant of permission since the relevant suitability reason came to the attention of the decision maker.

For applicants with outstanding litigation debt or NHS debt over £500, paragraph SETF 2.4. takes precedence. So, in an application for settlement where there is an outstanding NHS debt, the applicant must be refused unless the debt has been paid or the applicant has completed 10 years with permission. When refusing settlement you should consider whether to grant further permission to stay on their current route – see Varying a settlement application to permission to stay guidance. As soon as the applicant pays the debt in full, and if they meet all the other criteria, they will be eligible to apply for settlement immediately and will not have to accrue further permission to stay.

You should refer to the individual suitability guidance listed in the [table above](#) for further information on considering each of these suitability grounds.

## Validity – partner or parent under Appendix Settlement Family Life

The validity requirements for settlement as a partner or parent under [Appendix Settlement Family Life](#) are that the applicant must:

- apply on the 'Settlement as a partner or parent' form
- pay any required fee

- provide any required biometrics
- establish their identity and nationality by providing a passport or other document
- be in the UK on the date of application
- have, or have last been granted permission as a partner of parent

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.

You can confirm an applicant is in the UK by checking the declaration on the application form.

You must check the applicant was last granted permission as a partner or parent on the immigration history section of Atlas.

## Eligibility – partner or parent Appendix Settlement Family Life

### Qualifying period and continuous residence – Appendix Settlement Family Life

The qualifying period for settlement requirements are set out in paragraphs SETF 2.6. and 3.1. to 3.2., and the continuous residence requirements (paragraph SETF 4.1) are set out in [Appendix Continuous Residence](#) to the Immigration Rules (see Continuous residence guidance). Applicants are able to combine permissions in any route that leads to settlement towards their 10-year qualifying period. Where that permission is not included in paragraph SETF 3.1., the applicant must not have entered the UK illegally and must have had permission on the relevant part of the partner and parent route for at least one year immediately before the date of the settlement application.

For example, time spent as a skilled worker would count towards the qualifying period, whereas time spent on the Tier 1 post-study route would not. Anyone granted permission as a points based system dependant under Part 8 of the Immigration Rules can count that time towards the qualifying period for settlement, regardless of whether the person they were a dependent of was on a route to settlement. However, since changes made in 2020, only those dependants of economic migrants who are also on a route to settlement can count time as a dependant towards the qualifying period for settlement under these rules.

Where any periods of overstaying may be disregarded with respect to continuous residence, they are not included in the calculation of the qualifying period.

## English language – partner or parent settlement on the 10-year route

Unless an exemption applies, applicants are required to meet the English Language requirement at level B1 or above. How applicants can demonstrate they meet this English language requirement is set out in [Appendix English Language](#) (see English language guidance).

## Knowledge of Life in the UK – partner or parent settlement on the 10-year route

Unless an exemption applies, applicants must meet the Knowledge of Life in the UK as set out in [Appendix KOL UK](#) (see Knowledge of language and life in UK guidance).

## Relationship requirements – partner or parent Appendix Settlement Family Life

The relationship requirements for partners and parents are set out in paragraphs SETF 7.1. to 8.4. of [Appendix Settlement Family Life](#) to the Immigration Rules. In all cases the sponsor (partner or child) must either be a British citizen, present and settled in the UK, or applying for settlement at the same time as their partner or parent (including partners of refugees, and partners and parents of pre-settled status holders).

If you are able to see the relationship is the same as the one established at permission to stay stage, then the relationship requirements for the purposes of a settlement application will be satisfied.

## Relationship requirements – partner Appendix Settlement Family Life

Applicants applying as a partner must also meet the requirements in [Appendix Relationship with Partner](#) to the Immigration Rules (see the Relationship with partner guidance). Most of these requirements will have been met when permission to stay was granted and do not need to be tested again.

## Relationship requirements – parent settlement on the 10-year route

Applicants applying as a parent must also demonstrate one of the following:

- they have [sole parental responsibility](#)
- the child [normally lives with](#) them
- they have [direct access in person](#) to the child

You must also be satisfied in all cases the applicant has provided evidence that they are taking, and intend to continue to take, an active role in the child's upbringing. This is particularly important where the parent does not have sole parental responsibility, or the child does not normally live with the applicant. In these cases

(where the applicant has direct access in person), you will be looking for evidence such as:

- evidence from a contact centre detailing contact arrangements
- letters from school, for example showing that the applicant is attending parents' evenings
- a supporting letter from the child's other parent

Where the sponsoring child's parents live together, they will meet the requirement (at paragraph SETF 8.3) that the child must normally live with the applicant.

## Decision – partner or parent Appendix Settlement Family Life

### Granting indefinite leave to remain as a partner or parent under Appendix Settlement Family Life

If the applicant meets all of the requirements for indefinite leave to remain as a partner or parent, you must grant indefinite leave to remain under paragraph SETF 9.1.

The applicant may be granted settlement early for a variety of reasons, including:

- allowing for applications submitted 28 days before the applicant's existing permission expires
- mitigation for cases which have been previously dealt with incorrectly
- under general exceptional circumstances

Atlas will ask if the applicant is being granted settlement early. See the Family life (as a partner or parent) and exceptional circumstances guidance.

### Granting permission to stay following an application for indefinite leave to remain as a partner or parent on the 10-year route

There is provision under Appendix Settlement Family Life to vary an application for indefinite leave to remain to one for permission to stay, in certain circumstances. This is set out in the Varying a settlement application to permission to stay guidance.

As part of considering the settlement application you will normally be able to determine whether the applicant qualifies for permission to stay.

The table below summarise how the settlement requirements compare to the requirements for permission to stay as a partner. You should refer to the Family life (as a partner or parent) and exceptional circumstances guidance for specific guidance on how to assess each requirement.

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
Validity	Requirement to have permission as a partner	<p>This is not a permission to stay requirement.</p> <p>If the person has permission as a partner and they are still in a subsisting relationship with the same partner, they will meet:</p> <ul style="list-style-type: none"> <li>• the relationship requirement (so long as their partner continues to have the required permission under Appendix FM), and</li> <li>• the immigration status requirement</li> </ul> <p>If they don't meet the requirement to have permission as a partner for settlement, the applicant may still be granted permission to stay as a partner if they meet the relevant eligibility criteria. Or they may be granted permission to stay on the basis of private life if they meet the private life requirements.</p>
Suitability	Suitability grounds for refusal requirements	<p>The threshold to be granted settlement is higher than permission to stay.</p> <p>If the applicant meets the suitability requirements for settlement, they will meet them for permission to stay.</p> <p>If the applicant does not meet the suitability requirements the applicant may still be granted permission to stay as a partner or on the basis of private life if they qualify.</p>
Suitability	Qualifying period	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Suitability	Continuous residence	<p>This settlement requirement is not relevant to permission to stay.</p>



Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
		If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.
Eligibility	English language	<p>The required level to be granted settlement is higher than permission to stay.</p> <p>If they cannot show language ability, they may meet the requirements on the 10-year route as a partner or on the basis of private life.</p>
Eligibility	Knowledge of life in the UK	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Eligibility	Partner status requirement	<p>This requirement is different for settlement than it is for permission to stay.</p> <p>If the applicant meets this requirement for settlement because their partner is a British citizen (who is living in the UK) or is present and settled in the UK, they will also meet the requirement for permission to stay.</p> <p>If the applicant does not meet this requirement for settlement, because their partner had permission to stay, applied for settlement at the same time and did not qualify, the applicant may still qualify for permission to stay as a partner.</p>
Eligibility	Relationship as a partner requirement	<p>This requirement is different for settlement than it is for permission to stay.</p> <p>You must refer to the Family life (as a partner or parent) and exceptional circumstances guidance for specific guidance on how to assess this requirement for permission to stay as a partner.</p>

The table below summarise how the settlement requirements compare to the requirements for permission to stay as a parent. You should refer to the Family life (as a partner or parent) and exceptional circumstances guidance for specific guidance on how to assess each requirement.

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
Validity	Requirement to have permission as a parent	<p>This is not a permission to stay requirement.</p> <p>If this requirement is met for settlement, the parent will meet the following requirements for permission to stay:</p> <ul style="list-style-type: none"> <li>• the relationship requirement if the child has turned 18, but if they are under 18 additional requirements around ongoing parental involvement in the child’s life apply - note the relationship requirement is not relevant to all grants of permission to stay on a 10-year route under Appendix FM, and</li> <li>• the immigration status requirement (where relevant)</li> </ul> <p>If they don’t meet this requirement, the applicant may still be granted permission to stay as a parent if they meet the relevant criteria. Or they may be granted permission to stay on the basis of private life if they meet the private life requirements.</p>
Suitability	Suitability grounds for refusal requirements	<p>The threshold to be granted settlement is higher than permission to stay.</p> <p>If the applicant meets the suitability requirements for settlement, they will meet them for permission to stay.</p> <p>If the applicant does not meet the suitability requirements for settlement the applicant may still be granted</p>

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
		<p>permission to stay as a parent on the family parent route where the exception under GEN 3.2 applies or, if this exception does not apply, they may still be granted permission to stay on the basis of private life.</p>
Suitability	Qualifying period	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Suitability	Continuous residence	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Eligibility	English language	<p>The required level to be granted settlement is higher than permission to stay.</p> <p>If the applicant meets the language requirement for settlement, they will meet the requirement for permission to stay.</p> <p>If they do not meet the language requirement for settlement, they may still meet the requirement for a grant of permission to stay as a parent at a lower level.</p>
Eligibility	Knowledge of life in the UK	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Eligibility	Child status requirement	<p>This requirement is different for settlement than it is for permission to stay.</p> <p>You must refer to the Family life (as a partner or parent) and exceptional</p>

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
		circumstances guidance for specific guidance on how to assess this requirement for permission to stay as a partner.
Eligibility	Relationship requirement	<p>This requirement is the same for permission to stay as it is for settlement, so if the applicant meets this requirement for settlement, they will also meet the requirement for permission to stay.</p> <p>If they don't meet this requirement for settlement, they may still be granted permission as a parent on the family parent route where the exception under GEN 3.2 applies.</p> <p>If they fall for refusal under Appendix FM, they may meet the requirements on the basis of private life.</p>

If the applicant is granted permission to stay, it should be for 30 months, subject to the following conditions:

- work permitted
- study permitted (subject to ATAS)
- no access to public funds, unless you consider, with reference to paragraph GEN 1.11A, that the applicant should not be subject to such a condition. You should refer to the Public funds guidance for information on how to assess this

## Refusing indefinite leave to remain as a partner or parent on the 10-year route

If the applicant does not meet the requirements for indefinite leave to remain or for permission to stay as a partner or parent, you must refuse the application under paragraph SETF 9.5., but you should consider whether to grant leave outside the Rules (LOTR) – see Leave outside the Immigration Rules guidance.

## Appendix Settlement Family Life child dependants

### Suitability – child dependant settlement on the 10-year route

The suitability requirements for dependants are set out in paragraphs SETF 11.1. to 11.7. of [Appendix Settlement Family Life](#) to the Immigration Rules and, apart from

the numbering of the paragraphs, are exactly the same as those for partners and parents - see [Suitability – partner or parent settlement on the 10-year route](#).

## Validity – child dependant settlement on the 10-year route

The validity requirements for settlement as the dependent child of a partner or parent on the 10-year route are set-out in paragraphs SETF 10.1. to SETF 10.4. of [Appendix Settlement Family Life](#) to the Immigration Rules. These requirements are that the applicant must:

- apply on the 'Settlement as a child (including a child over 18 already in the UK as a dependent)' form
- pay any fee
- provide biometrics
- establish their identity and nationality by providing a passport or other travel document
- be in the UK on the date of application
- be applying as the child of someone who either has an undecided, valid application for settlement as a partner or parent on the 10-year route, or is already settled (or a British citizen), as long as when they settled, they had permission as a partner or parent (based on a 10-year qualifying period)
- have, or have last been granted permission as a dependent child, unless they were born in the UK

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

More information on the first four of these requirements, and the process for rejecting an invalid application, can be found in the Validation, variation and withdrawal of applications guidance.

## Eligibility – child dependant settlement on the 10-year route

### English language – child dependant settlement on the 10-year route

Paragraphs SETF 15.1. to 15.2. specify that unless an exemption applies (for example, those who are under 18 are exempt), applicants are required to show speaking and listening ability at the Common European Framework of Reference for Languages (CEFR) level B1 or above. How applicants demonstrate they meet this English language requirement is set out in [Appendix English Language](#) to the Immigration Rules (see English language guidance).

### Knowledge of Life in the UK – child dependant settlement on the 10-year route

Paragraph SETF 16.1. specifies that unless an exemption applies (for example, under-18s are exempt), applicants must meet the Knowledge of Life in the UK as set out in [Appendix KOL UK](#) to the Immigration Rules (see Knowledge of language and life in UK guidance).

## Relationship requirements – child dependant settlement on the 10-year route

The relationship requirements for settlement as a child of a partner or parent on the 10-year route are set out in paragraphs SETF 12.1. to 12.2. of the Immigration Rules.

The applicant must be the child of someone (parent 1) who either is being granted settlement as a partner or parent on the 10-year route at the same time or is already settled (or a British citizen), as long as when they settled, they had permission as a partner or parent (based on a 10-year qualifying period).

Where the applicant is under the age of 18, their other parent (parent 2) must be either being granted settlement at the same time, already settled or a British citizen, unless either:

- parent 1 is their sole surviving parent
- parent 1 has sole responsibility for the applicant's upbringing
- you are satisfied there are serious and compelling reasons to grant the application

## Age requirements – child dependant settlement on the 10-year route

The age requirements are set out in paragraphs SETF 13.1. to 13.2. of the Immigration Rules. The applicant must be under the age of 18 on the date of application unless they were last granted permission as the dependent child of their parent or parents. Where the applicant is aged 16 or over on the date of application, they must not be leading an independent life. Independent life as defined in paragraph 6 of the [Introduction](#) to the Immigration Rules, and means that the applicant:

- does not have a partner
- is living with their parents (except where they are at boarding school, college, or university as part of their full-time education)
- is not employed full-time (unless aged 18 years or over)
- is wholly or mainly dependent upon their parents for financial support (unless aged 18 years or over)
- is wholly or mainly dependent upon their parents for emotional support

## Care requirements – child dependant settlement on the 10-year route

The care requirements are set out in paragraph SETF 14.1. of the Immigration Rules. Where the applicant is under the age of 18 on the date of application, there must be suitable arrangements for their care and accommodation (which must comply with UK law).

The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family (including other family members who are not included in the application but who live in the same household), which the family own or occupy exclusively.

Accommodation will not be regarded as adequate if:

- it is, or will be, overcrowded
- it contravenes public health regulations

For further guidance on the accommodation requirement, see Part 8 - Family Migration: Adequate maintenance and accommodation guidance.

You must also consider your duty in section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard to the need to safeguard and promote the welfare of children aged under 18. See the statutory guidance [Every Child Matters - Change for Children](#), which sets out the key principles to take into account in all activities, as well as set out what the Secretary of State for the Home Department (SSHD) must demonstrate in terms of:

- fair treatment which meets the same standard a British child would receive
- the child's best interests being a primary, although not the only, consideration
- no discrimination of any kind
- timely processing of applications
- identification of those who might be at risk from harm

If you have concerns over child welfare you should discuss the application with a senior caseworker.

## Decision – child dependant settlement on the 10-year route

### Granting indefinite leave to remain as a child dependant on the 10-year route

If the applicant meets all of the requirements for indefinite leave to remain as a dependant you must grant indefinite leave to remain.

The applicant may be granted settlement early for a variety of reasons, including:

- allowing for applications submitted 28 days before the applicant's existing permission expires
- mitigation for cases which have been previously dealt with incorrectly
- under general exceptional circumstances

Atlas will ask if the applicant is being granted settlement early. See the Family life (as a partner or parent) and exceptional circumstances guidance.

## Granting permission to stay following an application for indefinite leave to remain as a child dependant on the 10-year route

There is provision within the Immigration Rules (paragraphs SETF 17.2. to 17.4.) to vary an application for indefinite leave to remain to one for permission to stay, in certain circumstances. This is all set-out in the Varying a settlement application to permission to stay guidance.

As part of considering the settlement application you will normally be able to determine whether the applicant qualifies for permission to stay.

The table below summarise how the settlement requirements compare to the requirements for permission to stay. You should refer to the Family life (as a partner or parent) and exceptional circumstances guidance for specific guidance on how to assess each requirement.

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
Validity	Requirement to have permission as a child, unless born in the UK	This settlement requirement is not relevant to permission to stay.  If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.
Suitability	Suitability grounds for refusal requirements	The threshold to be granted settlement is higher than permission to stay.  If the applicant meets the suitability requirements for settlement, they will meet them for permission to stay.  If the applicant does not meet the suitability requirements for settlement, they may still be granted permission to stay in some circumstances under GEN 3.2 of Appendix FM or on the basis of private life.
Eligibility	Relationship, parental status requirement	This requirement is different for settlement than it is for permission to stay.  If the parent is being granted settlement the child will meet this requirement for permission.  If the parent is not settled, but qualifies for permission to stay, the child will meet this requirement for permission to stay.



Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
		<p>If the parent does not meet this requirement for settlement, the child may still qualify for permission under EX.1 of Appendix FM and other exceptions, or on the basis of private life.</p>
Eligibility	Age requirement	<p>This requirement is different for settlement than it is for permission to stay.</p> <p>If the applicant meets this settlement requirement, then they will meet the requirement for permission to stay.</p> <p>If the applicant is over 16, they must not be leading an independent life. If they are not, they may be granted permission to stay.</p> <p>If they are leading an independent life, they may be considered for permission to stay under the private life rules in their own right (not as a dependant).</p>
Eligibility	Care requirement	<p>This requirement is different for settlement than it is for permission to stay.</p> <p>If the applicant meets this settlement requirement, then they will meet the requirement for permission to stay.</p> <p>If they do not meet this requirement the child may still qualify under exceptional circumstances (child safeguarding processes should be followed).</p>
Eligibility	English language requirement (if over 18)	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Eligibility	Knowledge of life in the UK requirement (if over 18)	<p>This settlement requirement is not relevant to permission to stay.</p>

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
		If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.

If the applicant is granted permission to stay, it should be for 30 months, subject to the following conditions:

- work permitted
- study permitted (subject to ATAS)
- no access to public funds unless you consider, with reference to paragraph GEN 1.11A, that the applicant should not be subject to such a condition. You should refer to the Public funds guidance for information on how to assess this

### Refusing indefinite leave to remain as a child dependant on the 10-year route

If the applicant does not meet the requirements for indefinite leave to remain or for permission to stay as a dependant, you must refuse the application under paragraph SETF 17.5., but you should consider whether to grant leave outside the Rules (LOTR) – see Leave outside the Immigration Rules guidance.

#### Related content

[Contents](#)

# Private life settlement

This page tells you about private life settlement. The Immigration Rules for this are set out in [Appendix Private Life](#).

## Private life settlement

Paragraphs PL 11.1. to 18.5. of [Appendix Private Life](#) to the Immigration Rules set-out the requirements for private life settlement.

## Suitability - private life settlement

The suitability requirements for dependants are set out in paragraphs PL 12.1. to 12.7. of [Appendix Private Life](#) to the Immigration Rules and, apart from the numbering of the paragraphs, are the same as those for partners and parents on the 10-year route – see [Suitability – partner or parent settlement on the 10-year route](#).

## Validity – private life settlement

The validity requirements for settlement on the private life route are set out in paragraphs PL 11.1. to 11.4. of [Appendix Private Life](#) to the Immigration Rules. These requirements are that the applicant must:

- apply on the specified form ('Settlement on the private life route' form)
- pay any fee
- provide any required biometrics
- establish their identity and nationality by providing a passport or other document
- be in the UK on the date of application
- have, or have last been granted permission on the private life route (unless they are a child who was born in the UK)

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

Guidance on the process for considering validity requirements, can be found in the Validation, variation and withdrawal of applications guidance.

You can confirm an applicant is in the UK by checking the declaration on the application form.

You must check the applicant was last granted permission on the Private Life route on the immigration history section of Atlas (unless they are a child born in the UK).

## Eligibility - private life settlement

### Qualifying period and continuous residence - private life settlement for children not born in UK

The qualifying period requirements are set out in paragraphs PL 12.6. and 14.1. to 14.4, and the continuous residence requirements (paragraph PL 15.1.) are set out in [Appendix Continuous Residence](#) to the Immigration Rules (see Continuous residence guidance).

A person applying for settlement on the private life route who was initially granted permission under either Appendix Private Life or paragraph 276ADE in Part 7 may no longer be in the young person age bracket (for example, they may be 25 or over) at the date of application. The applicant will be eligible to apply for settlement if they were initially granted as a person who was 18 or over but under 25 years old and met the half of life test when first granted permission to stay on the private life route.

Applicants are able to combine permissions in any route that leads to settlement towards their qualifying period. Where that permission is not included in paragraph PL 14.3, the applicant must not have entered the UK illegally and must have had permission on the relevant part of the private life route for at least one year.

For example, time spent as a skilled worker would count towards the qualifying period, whereas time spent on the Tier1 post-study route would not. Anyone granted permission as a PBS dependant under Part 8 of the Immigration Rules can count that time towards the qualifying period for settlement, regardless of whether the person they were a dependent of was on a route to settlement. However, since changes made in 2020, only those dependants of economic migrants who are also on a route to settlement can count time as a dependant towards the qualifying period for settlement under these rules.

Where any periods of overstaying may be disregarded with respect to continuous residence, they are not included in the calculation of the qualifying period (in line with R (on the application of Afzal) v Secretary of State for the Home Department [2021] EWCA Civ 1909).

### English language - private life settlement

Paragraphs PL 16.1. to 16.2. specify that unless an exemption applies, applicants are required to show speaking and listening ability at the Common European Framework of Reference for Languages (CEFR) level B1 or above. How applicants demonstrate they meet this English language requirement is set out in [Appendix English Language](#) to the Immigration Rules (see English language guidance).

### Knowledge of Life in the UK - private life settlement

Paragraph PL 17.1. specifies that unless an exemption applies, applicants must meet the Knowledge of Life in the UK as set out in [Appendix KOL UK](#) to the Immigration Rules (see Knowledge of language and life in UK guidance).

## Children born in the UK - private life settlement

To show that they were born in the UK, the applicant must provide a full UK birth certificate confirming this. They must have lived continuously in the UK since their birth and, at the date of application, for at least 7 years.

You must first check that the child is not a British citizen – see British citizenship automatic acquisition guidance.

When considering if the applicant has lived continuously in the UK for 7 years, they can include time in the UK with or without permission.

You can also ignore short breaks from the UK, as long as there are no periods of more than 6 months outside of the UK at any one time. You must check evidence submitted by the applicant, such as their passport or travel documents against absences they have declared on their application, and their immigration history on Atlas. Where there are discrepancies, you must ask for more information from the applicant.

## Reasonable to expect a child born in the UK to leave the UK

You must be satisfied that it is not reasonable to expect the applicant to leave the UK.

You must carefully consider all the information provided by the applicant, together with any other relevant factor and information of which you are aware.

In accordance with the findings in the case of AB Jamaica ([Secretary of State for the Home Department v AB \(Jamaica\) & Anor \[2019\] EWCA Civ 661](#)), consideration of whether it is reasonable to expect a child to leave the UK must be undertaken regardless of whether the child is actually expected to leave the UK.

In the caselaw of [KO \(Nigeria\) and Others \[2018\] UKSC 53](#), with particular reference to one of the appellants (NS (Sri Lanka)), the Supreme Court found that ‘reasonableness’ is to be considered in the real-world context in which the child finds themselves. The parents’ immigration status is a relevant fact to establish that context. The determination sets out that if a child’s parents are both expected to leave the UK, the child is normally expected to leave with them, unless there is evidence that that it would not be reasonable.

In relation to children whose parents do not have permission to stay, there is not a presumption in favour of them, and their parents, being granted permission to stay. It remains necessary in each case to evaluate all the circumstances in order to establish whether it would be reasonable to expect the child to leave the UK with their parents. If it would not be reasonable to expect the child to leave the UK, then the family as a whole may be entitled to remain.

This assessment must consider the child’s best interests as a primary consideration. See the statutory guidance [Every Child Matters - Change for Children](#), which sets

out the key principles to take into account in all activities, as well as set out what the Secretary of State for the Home Department (SSHD) must demonstrate in terms of:

- fair treatment which meets the same standard a British child would receive
- the child's best interests being a primary, although not the only, consideration
- no discrimination of any kind
- timely processing of applications
- identification of those who might be at risk from harm

If you have concerns over child welfare you should discuss the application with a senior caseworker.

You must carefully consider all the relevant points raised in the application and carefully assess any evidence provided. Decisions must not be taken simply on any assertions about the child, but rather on the basis of an examination of all the evidence provided. All relevant factors need to be assessed in the round.

There may be circumstances where it would be reasonable to expect a child to leave the UK with their parents. In deciding such cases you must consider the best interests of the child as a primary, but not the only, consideration and the facts relating to the family as a whole. You should also consider any specific issues raised by the family or by, or on behalf of, the child (or other children in the family).

It may be reasonable for a child who has lived in the UK for 7 years to leave the UK with the parent or primary carer where, for example:

- the parent or parents, or child, are a citizen of the country to which they would go and so able to enjoy the full rights of being a citizen in that country
- there is nothing in any country specific information, including as contained in relevant country information which suggests that relocation would be unreasonable
- the parent or parents or child have existing family, social, or cultural ties with the country and, if there are wider family or relationships with friends or community overseas who can provide support, you must consider:
  - the extent to which the child is dependent on or requires support from wider family members in the UK in important areas of their life and how a transition to similar support overseas would affect them
  - whether a person who has extended family or a network of friends in the country to which they would go should be able to rely on them for support to help (re)integrate there
  - whether parent or parents or a child who have lived in or visited the country before for periods of more than a few weeks should be able to adapt, or the parent or parents would be able to support the child in adapting, to life in the country
  - any evidence of exposure to, and the level of understanding of, the cultural norms of the country, for example, a period of time spent living amongst a diaspora from the country may give a child an awareness of the culture of the country

- whether the parents or child can speak, read, and write in a language of that country, or are likely to achieve this within a reasonable time period - fluency is not required so an ability to have a normal conversation would suffice
- removal would not give rise to a significant risk to the child's health
- there are no other specific factors raised by or on behalf of the child

The parents' situation is a relevant factor to consider in deciding whether they themselves, and therefore their child, are expected to leave the UK. Where both parents are expected to leave the UK, the natural expectation is that the child would go with them and leave the UK, and that expectation would be reasonable unless there are factors or evidence that means it would not be reasonable.

## Decision - private life settlement

### Granting indefinite leave to remain on the private life route

If the applicant meets all of the requirements for indefinite leave to remain you must grant settlement.

The applicant may be granted settlement early for a variety of reasons, including:

- allowing for applications submitted 28 days before the applicant's existing permission expires
- mitigation for cases which have been previously dealt with incorrectly
- under general exceptional circumstances

Atlas will ask if the applicant is being granted settlement early. See the Family life (as a partner or parent) and exceptional circumstances guidance.

### Granting permission to stay following an application for indefinite leave to remain on the private life route

There is provision within the Immigration Rules (paragraphs PL 18.2. to 18.4.) to vary an application for indefinite leave to remain to one for permission to stay, in certain circumstances. This is all set-out in the Varying a settlement application to permission to stay guidance.

As part of considering the settlement application you will normally be able to determine whether the applicant qualifies for permission to stay.

### Private life applicant aged over 18

You should refer to the Private life guidance for specific guidance on how to assess each requirement.

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
Validity	Requirement to have permission on the Private Life route	<p>This is not a permission to stay requirement.</p> <p>If the applicant does not meet this requirement for settlement, they may still qualify for permission to stay on the private life route if they meet the relevant criteria.</p>
Suitability	Suitability grounds for refusal requirements	<p>The threshold to be granted settlement is higher than permission to stay.</p> <p>If the applicant meets the suitability requirements for settlement, they will meet them for permission to stay.</p> <p>If the applicant does not meet the suitability requirements, they may still be granted permission to stay in some circumstances where they qualify under PL 8.1.</p> <p>Where there is serious criminality, but the applicant cannot be removed due to an Article 8 right, they may qualify for leave outside the rules.</p>
Eligibility	English language (if over 18)	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Eligibility	Knowledge of life in the UK (if over 18)	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Eligibility	Qualifying period	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>



Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
Eligibility	Continuous residence	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>

### Private life applicant aged under 18

You should refer to the Private life guidance for specific guidance on how to assess each requirement.

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
Validity	Requirement to have permission on the Private Life route (unless born in the UK)	<p>This is not a permission to stay requirement.</p> <p>Unless the applicant is aged under 18 and born in the UK, they must meet this requirement for settlement. If they do not, they may still be granted permission to stay if they meet the relevant requirements.</p>
Suitability	Suitability grounds for refusal requirements	<p>The threshold to be granted settlement is higher than permission to stay.</p> <p>If the applicant meets the suitability requirements for settlement, they will meet them for permission to stay.</p> <p>If the applicant does not meet the suitability requirements, they may still be granted permission to stay in some circumstances where they qualify under PL 8.1.</p> <p>Where there is serious criminality, but the applicant cannot be removed due to an Article 8 right, they may qualify for leave outside the rules.</p>

Type of requirement	Requirements the applicant must meet for settlement on this route	What this means for whether the applicant meets the requirements for permission to stay
Eligibility	Born in the UK and 7 years residence requirement	<p>This requirement is different for settlement than it is for permission to stay.</p> <p>If the applicant does not meet this requirement, they cannot be granted immediate settlement as a child, but they may qualify for settlement as a child on the private life route after a 5-year qualifying period, or for permission to stay if they meet the relevant criteria for a child under PL 3.1.</p>
Eligibility	Qualifying period	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>
Eligibility	Continuous residence	<p>This settlement requirement is not relevant to permission to stay.</p> <p>If the applicant doesn't meet this settlement requirement, they can still be granted permission to stay.</p>

## Private life period and conditions of grant

If the applicant is granted permission to stay, it should be for 30 months, subject to the following conditions:

- work (including self-employment and voluntary work) is permitted
- study is permitted, subject to the ATAS condition in Appendix ATAS
- no access to public funds, unless you are satisfied the applicant is destitute, as defined in section [95 of the Immigration and Asylum Act 1999](#), is at risk of imminent destitution, there are exceptional circumstances relating to the applicant's circumstances which requires a condition of no recourse to public funds [condition not to be imposed](#), or there are reasons relating to the welfare of the relevant child that outweigh the consideration for imposing or maintaining the relevant condition - see Family life (as a partner or parent) and exceptional circumstances guidance

## Refusing indefinite leave to remain on the private life route

If the applicant does not meet the requirements for indefinite leave to remain or for permission to stay, and refusal would not breach Article 8 of the Human Rights Convention, you must refuse the application under paragraph PL 18.5., but you should consider whether to grant leave outside the rules (LOTR) – see Leave outside the Immigration Rules guidance.

## Private life settlement – child born in the UK of a person on the private life route

Paragraphs PL 26.1. to 33.5. of [Appendix Private Life](#) to the Immigration Rules set-out the requirements for private life settlement for children born in the UK of a person on the private life route.

## Suitability - private life settlement – child born in the UK of a person on the private life route

The suitability requirements are set out in paragraphs PL 27.1. to 12.6. of [Appendix Private Life](#) to the Immigration Rules. These provisions are the same as those for partners and parents on the 10-year route (see [Suitability – partner or parent settlement on the 10-year route](#)) other than the numbering, and there is no equivalent requirement to SETF 2.5. (illegal entry).

## Validity - private life settlement – child born in the UK of a person on the private life route

The validity requirements for settlement as the child born in the UK of a person on the private life route are set out in paragraphs PL 26.1. to 26.3. of [Appendix Private Life](#) to the Immigration Rules. These requirements are that the applicant must:

- apply on the ‘Settlement as a child (including a child aged over 18 already in the UK as a dependent)’ form
- pay any fee
- provide biometrics
- establish their identity and nationality by providing a passport or other travel document
- be in the UK on the date of application
- be applying as the child (born in the UK) of someone who either has an undecided, valid application for settlement on the private life route, or is already settled (or a British citizen), as long as when they settled, they had permission on the private life route **and** the applicant was already born

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

More information on the first four of these requirements, and the process for rejecting an invalid application, can be found in the Validation, variation and withdrawal of applications guidance.

You can confirm an applicant is in the UK by checking the declaration on the application form.

## Eligibility - private life settlement – child born in the UK of a person on the private life route

### English language - private life settlement – child born in the UK of a person on the private life route

Paragraphs PL 31.1. to 31.2. specify that unless an exemption applies (pertinently, if an applicant is aged under 18), applicants are required to show a speaking and listening ability at the Common European Framework of Reference for Languages (CEFR) level B1 or above. How applicants demonstrate they meet this English language requirement is set out in [Appendix English Language](#) to the Immigration Rules (see English language guidance).

### Knowledge of Life in the UK - private life settlement – child born in the UK of a person on the private life route

Paragraph PL 32.1. specifies that unless an exemption applies (pertinently, if an applicant is aged under 18), applicants must meet the Knowledge of Life in the UK as set out in [Appendix KOL UK](#) to the Immigration Rules (see Knowledge of language and life in UK guidance).

### Relationship requirements - private life settlement – child born in the UK of a person on the private life route

The applicant must be the child of someone (parent 1) who either is being granted settlement on the private life route at the same time, or is already settled (or a British citizen), as long as when they settled, they had permission on the private life route and the applicant either:

- at the time had permission as the child of parent 1
- was born before parent 1 settled

Where the applicant is a child, their other parent (parent 2) must be either being granted settlement at the same time, already settled or a British citizen, unless either:

- parent 1 is their sole surviving parent
- parent 1 has sole responsibility for the applicant's upbringing
- you are satisfied there are serious and compelling reasons to grant the application

## Age requirements - private life settlement – child born in the UK of a person on the private life route

The age requirements are set out in paragraphs PL 29.1. to 29.2. of the Immigration Rules. The applicant must be under the age of 18 on the date of application unless they were last granted permission as the dependent child of their parent or parents. Where the applicant is aged 16 or over on the date of application, they must not be leading an independent life. Independent life as defined in paragraph 6 of the [Introduction](#) to the Immigration Rules, and means that the applicant:

- does not have a partner
- is living with their parents (except where they are at boarding school, college, or university as part of their full-time education)
- is not employed full-time (unless aged 18 years or over)
- is wholly or mainly dependent upon their parents for financial support (unless aged 18 years or over)
- is wholly or mainly dependent upon their parents for emotional support

## Care requirements - private life settlement – child born in the UK of a person on the private life route

The care requirements are set out in paragraph PL 30.1. of the Immigration Rules. Where the applicant is under the age of 18 on the date of application, there must be suitable arrangements for their care and accommodation (which must comply with UK law).

The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family (including other family members who are not included in the application but who live in the same household), which the family owns or occupies exclusively.

Accommodation will not be regarded as adequate if:

- it is, or will be, overcrowded
- it contravenes public health regulations

For further guidance on the accommodation requirement, see Part 8 - Family Migration: Adequate maintenance and accommodation guidance.

You must also consider your duty in section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard to the need to safeguard and promote the welfare of children aged under 18. See the statutory guidance [Every Child Matters - Change for Children](#), which sets out the key principles to take into account in all activities, as well as set out what the SSHD must demonstrate in terms of:

- fair treatment which meets the same standard a British child would receive
- the child's best interests being a primary, although not the only, consideration
- no discrimination of any kind
- timely processing of applications

- identification of those who might be at risk from harm

If you have concerns over child welfare you should discuss the application with a senior caseworker.

## Decision - private life settlement – child born in the UK of a person on the private life route

### Granting indefinite leave to remain as the child born in the UK of a person on the private life route

If the applicant meets all of the requirements for indefinite leave to remain as a dependant you must grant indefinite leave to remain under paragraph PL 33.1.

The applicant may be granted settlement early for a variety of reasons, including:

- allowing for applications submitted 28 days before the applicant's existing permission expires
- mitigation for cases which have been previously dealt with incorrectly
- under general exceptional circumstances

Atlas will ask if the applicant is being granted settlement early. See the Family life (as a partner or parent) and exceptional circumstances guidance.

### Granting permission to stay following an application for indefinite leave to remain as the child born in the UK of a person on the private life route

There is provision within the Immigration Rules (paragraphs PL 33.2. to 33.4.) to vary an application for indefinite leave to remain to one for permission to stay, in certain circumstances. This is all set-out in the Varying a settlement application to permission to stay guidance.

You should also refer back to the information on [Granting permission to stay following an application for indefinite leave to remain on the private life route](#).

### Refusing indefinite leave to remain as the child born in the UK of a person on the private life route

If the applicant does not meet the requirements for indefinite leave to remain or for permission to stay as a dependant, you must refuse the application under paragraph PL 33.5., but you should consider whether to grant leave outside the rules (LOTR) – see Leave outside the Immigration Rules guidance.

#### Related content

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