



Home Office

Appendix HM Armed Forces caseworker guidance

Version 1.0

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About this guidance

This guidance tells you how to consider applications under [Appendix HM Armed Forces](#). HM stands for His Majesty's. A partner or dependent child of a member of HM Armed forces or of a service leaver can also apply on this route. An application can be made up to 18 weeks prior to a HM Armed Forces member discharging from service.

An application can be made from in the UK or overseas.

The HM Armed Forces route is a route to settlement.

Those serving, or who have served in the Reserve Forces, or their family members, cannot apply on this route.

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 Armed Forces Policy.

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

Publication

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

- version **1.0**
- published for Home Office staff on **11 April 2024**

Changes from last version of this guidance

This is a new simplified Appendix HM Armed Forces guidance.

Related content

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Introduction

Background

This guidance was introduced in April 2024 with the introduction of the new [Appendix HM Armed Forces](#) alongside Appendix International Armed Forces and International Civilian Employees and [Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997](#) set out in HC590 Statement of Changes to the Immigration Rules, laid before Parliament on 14 March 2024. It forms part of a suite of guidance relating to Immigration Rules covering requirements for the Armed Forces, both domestic and international to come to, or stay in the UK.

Relevant legislation

Immigration Rules

This page tells you the requirements the applicant must meet to be granted settlement (also known as indefinite leave to enter (ILE) or indefinite leave to remain (ILR)), or permission to stay under Appendix HM Armed Forces to the Immigration Rules.

When you consider an application, you must check:

- it is valid
- the applicant does not fall for refusal on grounds of suitability
- the applicant meets the eligibility requirements

Guidance on validity, suitability and eligibility is contained in this document.

Definitions

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

HM Armed Forces means Regular service personnel in the Royal Navy, the Royal Marines, the Army (including the Brigade of Gurkhas), the Royal Air Force, and does not include the Reserve forces.

HM Armed Forces service leaver means Regular service personnel who was a member of HM Armed Forces but was discharged within two years of the date of this application, or a person who was within 18 weeks of their discharge date at the date of this application.

“Reckonable service” means service which counts towards an applicant's pension, and it starts from the first day of paid service in HM Armed Forces if over 18 or from their eighteenth birthday, but does not include time when the applicant is:

- absent without leave (AWOL)

- detained in military detention
- detained and serving a sentence in one of His Majesty's Prisons (HMP); or Young Offenders Institutions (YOI) or Youth Justice Board establishments (YJB)
- on a career break
- on special unpaid leave
- on a career intermission
- on secondment
- on additional maternity leave or adoption leave over 40 weeks
- on additional shared parental leave over 40 weeks
- on unpaid parental leave

Armed Forces Covenant

This page tells you about the Armed Forces Covenant. The Armed Forces Covenant reflects the nation's moral obligation to people who have sacrificed civilian freedoms and put themselves in danger on its behalf. It states:

“Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.”

There are differences between the Immigration Rules that provide for HM Armed Forces and their family members compared to other British or settled people, as a result of the unique role they play, the nature of their service, and the sacrifices, dangers and risk of injury or death they face. Appendix HM Armed Forces recognises the UK Government's moral obligations to service personnel and their families under the Armed Forces Covenant. These provisions recognise that families play a vital role in supporting the operational effectiveness of the Armed Forces and the lack of choice that service personnel and their families have over deployment.

For example:

- partners of members of HM Armed Forces get permission to enter or stay for 5-years, rather than 30 months, so they are not disadvantaged by having to extend their permission at the 30-month point when overseas, as this is more expensive
- partners of HM Armed Forces can spend their probationary period overseas if accompanying their sponsor on an overseas posting
- partners of members of HM Armed Forces with 4 years' service may make an application for settlement on the basis of domestic abuse before their partner settles - this is because 4 years' service is the point at which the sponsor could settle if discharged from HM Armed Forces and the partner should not be disadvantaged by the fact that the sponsor continues to serve (same rationale for appeal rights)

You must refer the case to a senior caseworker, who must seek advice from armed forces policy where necessary, if you feel that the applicant is disadvantaged through service in HM Armed Forces (either their own or that of a sponsor) when compared with a civilian, in a specific case.

An example of this might be where a soldier has been badly injured and relatives other than those provided for in the Immigration Rules have applied for leave to provide short-term care and support.

In these circumstances, applicants should apply on VAF(AF) or FLR(AF) and will normally be granted up to 30 months leave outside the rules (LOTR) so that the situation can be kept under review.

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Members of HM Armed Forces exempt from immigration control

This section tells you about members of HM Armed Forces who are exempt from immigration control.

Who is exempt from immigration control?

The following categories of HM Armed Forces are exempt from immigration control:

- a full-time member of the home forces (HM Armed Forces) subject to service law – regular (non-reserve) HM Forces personnel are subject to service law at all times whilst enlisted
- a reservist with HM Armed Forces deployed or due to be deployed - this means reserve forces are only exempt at those times they are subject to service law

However, for the purposes of the Immigration Rules, a reservist, or their family members are not eligible for consideration under [Appendix HM Armed Forces](#).

Application process

Exempt status is conferred by the Immigration Act 1971. Any person who is exempt from immigration control does not require prior entry clearance. However, it is strongly advised that visa nationals obtain an exempt vignette before travelling to the UK to avoid unnecessary delays on arrival.

There is no charge for a request of evidence of exempt status.

No biometric information is required for applications made in the UK if exempt under the Immigration Act 1971 or the 1972 Exemption Order.

Verification of status

Where a member of HM Armed Forces is exempt from immigration control under section 8(4) of the Immigration Act 1971 and a Border Force Officer is satisfied that this is the case, the Border Force Officer may not refuse entry unless the member of the armed forces is subject to a deportation order.

Members of HM Armed Forces must demonstrate they are exempt from immigration control under the 1971 Act by providing an exempt vignette, or their HM Armed Forces identification (ID) card.

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Family members of HM Armed Forces or an HM Armed Forces service leaver

This section tells you about the requirements for entry clearance for permission to enter or permission to stay as a partner or dependent child of a HM Armed Forces member or an HM Armed Forces service leaver making an application under [Appendix HM Armed Forces](#).

Validity

The validity requirements for a partner or child of a HM Armed Forces or an HM Armed Forces service leaver, are set out in paragraphs **AF 9.1. to AF 9.5. of Appendix HM Armed Forces**.

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

The Immigration Health Surcharge (IHS) does not apply.

Suitability

In considering the suitability criteria in **paragraphs 10.1. to 10.2. of Appendix HM Armed Forces** and [Part 9 of the Immigration Rules](#), you must refer to the Grounds for refusal: criminality caseworker guidance.

Eligibility

The requirements for entry clearance or permission to stay as a partner or child of a HM Armed Forces member or an HM Armed Forces service leaver, are set out in **paragraphs AF 11.1. to AF 19.2. of Appendix HM Armed Forces**.

Entry clearance

If applying from outside the UK as a partner or child of a member of HM Armed Forces, or an HM Armed Forces service leaver, the applicant must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

Tuberculosis (TB) certificate

If [Appendix Tuberculosis](#) applies, the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

You cannot consider an applicant who applies as a parent rather than a partner under Appendix Armed Forces as it has no parent route. An applicant who wishes to apply under the parent route should apply under [Appendix FM](#) using the relevant

application form and they will be considered against the requirements of the [Appendix FM](#) parent route.

Relationship – child

The applicant must meet the age, independent life, care and relationship requirements for a dependent child in [Appendix Children](#).

Relationship – partner

The applicant must be the partner of a person who either:

- is a member of HM Armed Forces who is exempt from immigration control
- has permission under this Appendix
- is settled or is a British citizen and that person had permission (or exemption) as a member of HM Armed Forces before they were granted citizenship or settlement

The requirements of [Appendix Relationship with Partner](#) must be met.

If the application is for entry clearance and the applicant is a fiancé or fiancée or proposed civil partner all of the following must be met:

- the applicant and their fiancé or fiancée or proposed civil partner must be aged 18 or over on the date of application
- the applicant and their fiancé or fiancée or proposed civil partner must have met in person
- the relationship between the applicant and their fiancé or fiancée or proposed civil partner must be genuine
- the applicant and their fiancé or fiancée or proposed civil partner must not be so closely related that they would be prohibited from marrying, or entering into a civil partnership with, each other as defined in the Marriage Acts 1949 to 1986, the Marriage (Scotland) Act 1977 and 1986, the Marriage (Northern Ireland) Order 2003, the Civil Partnership Act 2004 and the Marriage and Civil Partnership (Scotland) Act 2014
- neither the applicant nor their fiancé or fiancée or proposed civil partner can be married to, or in a civil partnership with, another person at the date of application
- the applicant must be seeking entry clearance to enable their marriage or civil partnership to take place in the UK within 6 months of the date of entry to the UK

If the application is for permission to stay as a fiancé or fiancée or proposed civil partner all of the following must be met:

- the applicant must have been granted entry clearance as a fiancé or fiancée or proposed civil partner
- the marriage or civil partnership must not have taken place

- the decision maker must be satisfied there is a good reason for the delay in the marriage or civil partnership taking place
- the decision maker must be satisfied the marriage or civil partnership will take place in the UK within 6 months of the date of application

English language requirement

Unless an exemption applies, the applicant must show English language ability on the [Common European Framework of Reference for Languages](#) in speaking and listening of at least level A1.

The applicant must show they meet the English language requirement, or are exempt, as set out in [Appendix English Language](#).

Financial requirements

In considering the financial requirements in paragraphs AF 16.1. to 17.7. of Appendix HM Armed Forces for a partner or child of a HM Armed Forces member or an HM Armed Forces service leaver, you must refer to the Family Migration: Appendix FM and Appendix HM Armed Forces Minimum income requirement guidance.

The applicant must show they meet the financial requirement as specified in [Appendix FM-SE](#).

Accommodation requirement

The applicant's accommodation in the UK must not be overcrowded or contravene public health regulations. For further guidance on the accommodation requirement, see Part 8 - Family Migration: Adequate maintenance and accommodation guidance.

Decision making

If you are satisfied that that applicant meets the validity, suitability and relevant eligibility requirements for a partner or child under Appendix HM Armed Forces, you must grant the application.

Where the applicant does not meet all the suitability or eligibility requirements for a partner or child of a member of HM Armed Forces, you must go on to consider whether refusal of the application would breach Article 8 of the Human Rights Convention because it would result in unjustifiably harsh consequences for the applicant or their family. This will be considered in line with the guidance on this approach which applies to [Appendix FM](#) partners and children.

If an application under Appendix HM Armed Forces is refused the applicant has the right to appeal to the Immigration Tribunal.

Period of a grant

You must grant permission to stay for whichever is shorter of:

- 5 years
- the remaining duration of the applicant's partner's enlistment
- the remaining duration of the applicant's partner's extant permission
- 6 months if the applicant is being granted entry clearance or permission to stay as a fiancé or fiancée or proposed civil partner

You must grant permission to stay as a dependent child to end on the same date as whichever of their parents' permission ends first, unless one parent is a British citizen or a person who has a right to enter or stay in the UK without restriction and is, or will be, ordinarily resident in the UK. In such case, you must grant permission to stay which ends on the same date as the parent who is granted as the partner of an HM Armed Forces service member, or an HM Armed Forces service leaver.

Conditions of a grant

The grant will be subject to all of the following conditions:

- no access to public funds
- work permitted (including self-employment and voluntary work) (unless granted as a fiancé or fiancée or proposed civil partner where no work is permitted)
- study permitted, subject to the ATAS condition in Appendix ATAS (unless granted as a fiancé or fiancée or proposed civil partner where no study is permitted)

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Settlement as a family member of a HM Armed Forces member, or an HM Armed Forces service leaver

Validity requirements

The validity requirements for settlement as a partner or child of a member of HM Armed forces or an HM Armed Forces service leaver, are set out in **paragraphs AF 22.1. to AF 22.3. of [Appendix HM Armed Forces](#)**.

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

The Immigration Health Surcharge (IHS) does not apply.

Suitability requirements

In considering the suitability criteria in **paragraphs 23.1. to 23.2. of Appendix HM Armed Forces** and [Part 9 of the Immigration Rules](#), you must refer to the Grounds for refusal: criminality caseworker guidance.

Eligibility requirements

The requirements for settlement as a partner or child of a HM Armed Forces member or an HM Armed Forces service leaver, are set out in **paragraphs AF 24.1. to AF 32.5. of Appendix HM Armed Forces**.

Entry requirements

If applying from outside the UK as a partner or child of a member of HM Armed Forces or an HM Armed Forces service leaver, the applicant must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

Tuberculosis (TB) certificate

If [Appendix Tuberculosis](#) applies, the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Relationship – child

The applicant must meet the age, independent life, care and relationship requirements for a dependent child in [Appendix Children](#).

Relationship – partner

The applicant must be the partner or child of a person who either:

- is a member of HM Armed Forces exempt from immigration control with at least five-years' [reckonable service](#)
- has been granted or, is at the same time applying for (and is being granted) settlement as a HM Armed Forces service leaver
- has leave to enter or remain under Appendix HM Armed Forces or Part 7 paragraphs 276E-QA of the Immigration Rules or under the concession which existed outside the Immigration Rules whereby the Secretary of State exercised discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged
- is settled or is a British citizen and had permission (or exemption) as a member of HM Armed Forces before they were granted settlement or citizenship

The requirements of [Appendix Relationship with Partner](#) must be met.

Qualifying period for settlement

The applicant must have completed a continuous period of 60 months with permission to enter or stay under this appendix as the partner or child of the same member of HM Armed Forces, or HM Armed Forces service leaver (excluding any period of entry clearance or permission to stay as a fiancé or fiancée or proposed civil partner).

If the applicant does not meet AF 27.1, the qualifying period of 60 months can be met by including periods of time spent with continuous residence on any other route to settlement if the applicant both:

- did not enter the UK illegally
- has permission as a partner of a member of an HM Armed Forces, or an HM Armed Forces service leaver, for at least one year immediately before the date of application

Continuous residence requirement

The applicant must meet the continuous residence requirement as set out in [Appendix Continuous Residence](#) for the qualifying period.

English language requirement

Unless an exemption applies, the applicant must show English language ability on the [Common European Framework of Reference for Languages](#) in speaking and listening of at least level B1.

The applicant must show they meet the English language requirement, or are exempt, as set out in [Appendix English Language](#).

Knowledge of life in the UK requirements

Unless an exemption applies, the applicant must meet the Knowledge of Life in the UK requirement as set out in [Appendix KOLL](#).

Financial requirements

In considering the financial requirements in paragraphs AF 31.1. to 32.5. of Appendix HM Armed Forces for a partner or child of a HM Armed Forces member, you must refer to the Family Migration: Appendix FM and Appendix HM Armed Forces Minimum income requirement guidance.

The applicant must show they meet the financial requirement as specified in [Appendix FM-SE](#).

Decision making

If you are satisfied that that applicant meets the validity, suitability and relevant eligibility requirements for a partner or child under Appendix HM Armed Forces, you must grant settlement.

If the applicant is outside the UK, entry clearance for settlement must be granted.

If the requirements for settlement are not met, but you believe the applicant is likely to meet the requirements for entry clearance or permission to stay as a partner or child of a member of HM Armed Forces or an HM Armed Forces service leaver under Appendix HM Armed Forces, you must vary the application to an application for permission to stay as a partner or child of a member of HM Armed Forces or HM Armed Forces Service leaver (as appropriate). Where this happens no additional application fee for entry clearance or permission to stay will be required and the settlement application fee will not be refunded.

Where the applicant does not meet all the suitability or eligibility requirements for settlement as a partner or child of a member of HM Armed Forces or an HM Armed Forces service leaver, you must go on to consider whether refusal of the application would breach Article 8 of the Human Rights Convention because it would result in unjustifiably harsh consequences for the applicant or their family. This will be considered in line with the guidance on this approach which applies to [Appendix FM](#) partners and children.

If you are not satisfied that the applicant meets the requirements for settlement or permission to stay, the application for settlement will be refused.

If an application under Appendix HM Armed Forces is refused the applicant has the right to appeal to the Immigration Tribunal.

Period of a grant where the requirements for settlement are not met and permission to stay is being granted

You must grant permission to stay for whichever is shorter of either:

- 5 years
- the remaining duration of the applicant's partner's enlistment
- the remaining duration of the applicant's partner's extant permission
- 6 months if the applicant is being granted entry clearance or permission to stay as a fiancé or fiancée or proposed civil partner

You must grant permission to stay as a dependent child to end on the same date as whichever of their parents' permission ends first, unless one parent is a British citizen or a person who has a right to enter or stay in the UK without restriction and is, or will be, ordinarily resident in the UK. In such case, you must grant permission to stay which ends on the same date as the parent who is granted as the partner of an HM Armed Forces service member.

Conditions of a grant

The grant will be subject to all of the following conditions:

- no access to public funds
- work permitted (including self-employment and voluntary work) (unless granted as a fiancé or fiancée or proposed civil partner where no work is permitted)
- study permitted, subject to the ATAS condition in Appendix ATAS (unless granted as a fiancé or fiancée or proposed civil partner where no study is permitted)

Leave to Enter and Remain (Amendment) Order 2015

The amendments to the Immigration (Leave to Enter and Remain) Order 2000 in relation to HM Armed Forces' families makes sure that any time spent accompanying the sponsor on an overseas posting will count towards the qualifying probationary period of 60 months. This is a requirement for settlement under Appendix HM Armed Forces. This means any family members who have valid leave as a dependant of a member of HM Armed Forces will not automatically lose their permission to stay if they remain on an accompanied posting overseas for a period longer than two years. Family members of HM Armed Forces personnel granted leave outside the Immigration Rules are not covered by this amendment and will need to apply for entry clearance under Appendix Armed Forces if:

- their leave has expired
- they have remained outside the UK for longer than 2 years

Related content

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HM Armed Forces service leavers

This section tells you about the requirements for an HM Armed Forces service leaver. The Immigration Rules for this are set out in [Appendix HM Armed Forces](#).

Validity

The validity requirements for a person applying for permission to stay in the UK as a service leaver are set out in **paragraphs AF 1.1. to AF 1.5. of Appendix HM Armed Forces** to the Immigration Rules.

Where any of these requirements are not met the application is invalid and may be rejected without consideration of the substantive application. The Immigration Health Surcharge (IHS) does not apply.

Suitability

The suitability requirements for a person applying for permission to stay in the UK as a HM Armed Forces service leaver are set out in **paragraphs AF 2.1. to AF 2.2. of Appendix HM Armed Forces**.

In considering the suitability criteria in Appendix HM Armed Forces and [Part 9 of the Immigration Rules](#), you must refer to the Grounds for refusal: criminality caseworker guidance.

Eligibility requirements

The eligibility requirements for a person applying for entry clearance for settlement, settlement, or permission to stay in the UK as a HM Armed Forces service leaver are set out in **paragraphs AF 3.1. to AF 6.2. of Appendix HM Armed Forces**.

Tuberculosis (TB) certificate

If [Appendix Tuberculosis](#) applies, the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Military service requirements

The military service requirements for a person applying for permission to stay in the UK as a service leaver are set out in **paragraphs AF 5.1. to AF 5.3. of Appendix HM Armed Forces**.

Medical discharge requirement

When a member of HM Armed Forces are medically discharged, they are provided with confirmation of their discharge, including discharge date, and the King's

Regulation under which they have been discharged. A person is medically discharged if they no longer meet the medical standards required which varies depending on the Service, rank and role they were employed in, and any treatment they have received from the Defence Medical Services and the NHS.

A member of HM Armed Forces is given a copy of their medical records when they leave. There are specific King's Regulations for a medical discharge. Medical records will have details about any injury or illness. An assessment on service attributability is made by the MOD veterans organisation.

You should be made aware of or seek to establish a lack of availability of relevant treatment outside the UK. A HM Armed Forces member who is discharging from service will receive a Certificate of Service which contains all relevant information for their period of engagement and includes details from all assignments where multiple assignments exist. It is intended as a personal record and a summary document to pass to future employers.

Decision making

If the applicant meets all the requirements as an HM Armed Forces service leaver under Appendix HM Armed Forces, and none of the general grounds for refusal apply, you must grant settlement.

If you are not satisfied that the applicant meets the suitability and relevant eligibility requirements, as an HM Armed Forces service leaver under Appendix HM Armed Forces, you must refuse the application.

If you are satisfied that the validity, suitability and eligibility requirements for permission to stay as a HM Armed Forces service leaver under Appendix HM Armed Forces, but not settlement, are met, the applicant will be granted permission to stay. Where the decision is to grant permission to stay, you must grant the applicant for a period not exceeding 30 months, such as you see appropriate.

The applicant will be subject to such conditions as to work, study and access to public funds as you consider appropriate.

If an application under Appendix HM Armed Forces is refused and the applicant thinks the Home Office has made an error in considering their application, they can apply for an [administrative review](#).

Related content

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