



Home Office

# Appendix Children

Version 4.0

Guidance on applying Appendix Children, which sets out requirements for applications from children, including those applying as child dependants.

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# About this guidance

This guidance is for decision-makers who are deciding applications from children, including those applying as a dependent child where [Appendix Children](#) applies. For the purposes of this guidance a child means a person aged under 18, unless applying as a dependent child, where the applicant may be aged 18 or over if they have previously been granted as a dependent child.

This guidance includes requirements on:

- age
- independent life
- care
- relationship
- parental consent

This guidance applies to the following routes (to the extent set out in the Immigration Rules for the route), where the applicant is applying as a dependent child:

- Appendix HM Armed Forces
- Appendix International Armed Forces and International Civilian Employees
- Appendix Settlement Protection
- Appendix Student
- Appendix Graduate
- Appendix Skilled Worker
- Appendix Global Business Mobility – Senior or Specialist Worker
- Appendix Global Business Mobility – Graduate Trainee
- Appendix Global Business Mobility – UK Expansion Worker
- Appendix Global Business Mobility – Service Supplier
- Appendix Global Business Mobility – Secondment Worker
- Appendix T2 Minister of Religion
- Appendix Representative of an Overseas Business
- Appendix UK Ancestry
- Appendix Global Talent
- Appendix High Potential Individual
- Appendix Scale-up
- Appendix Start-up
- Appendix Innovator Founder
- Appendix International Sportsperson
- Appendix Domestic Workers in a Private Household
- Appendix Temporary Work – Creative Worker
- Appendix Temporary Work – Religious Worker
- Appendix Temporary Work – Charity Worker
- Appendix Temporary Work – International Agreement
- Appendix Temporary Work – Government Authorised Exchange
- Appendix Hong Kong British National (Overseas)
- Appendix Family Reunion (Protection)

- Appendix Child staying with or joining a Non-Parent Relative (Protection)
- Appendix Victim of Domestic Abuse
- Appendix Adoption
- Appendix Bereaved Partner
- Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997

This guidance also applies to the following routes where the applicant is a child (and not applying as a dependent child):

- Appendix Child Student
- Appendix International Sportsperson
- Appendix Returning Resident
- Appendix Short-term Student (English language)
- Appendix Student
- Appendix Temporary Work – Creative Worker
- Appendix Temporary Work – Government Authorised Exchange
- Appendix UK Ancestry

The guidance on [definition of parent](#) applies across the Immigration Rules.

## Standard and burden of proof

The burden of proof is on the applicant to show they meet the requirements in Appendix Children. The standard of proof is the balance of probabilities (which means it is more likely than not they meet a requirement). When considering the application, you should have regard to all the relevant information and you should request more information, or clarification, if you think you need to do so. You should consider any discretion under the rules and also the guidance on consideration of discretion outside the rules.

## 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 Simplification and Systems Unit.

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 **4.0**
- published for Home Office staff on **06 June 2024**

## Changes from last version of this guidance

This version of the Appendix Children guidance includes reference to Appendix Adoption, and includes guidance on the definition of parent.

### Related content

[Contents](#)

### Related external links

[Immigration Rules Appendix Children](#)

# The children duty

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

Although Section 55 only applies to children in the UK, the statutory guidance, [Every Child Matters - Change for Children](#), provides guidance on the extent to which the spirit of the duty should be applied to children overseas. When considering out-of-country applications you must adhere to the spirit of the Section 55 duty and make enquiries when you suspect that there may be safeguarding or welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of another country. You must abide by these arrangements and work with local agencies to develop arrangements that protect children and reduce the risk of trafficking and exploitation. You must carefully consider all the information and evidence provided to ascertain how a child will be affected by a decision. You must carefully assess the quality of any evidence provided. Original documentary evidence from official or independent sources must be given more weight in the decision-making process than unsubstantiated statements about a child's best interests. For all refusals, the decision notice must demonstrate that all relevant information and evidence provided about the best interests of a child in the UK have been considered.

Where it is relevant to a decision, when considering out-of-country applications you must make it clear in the refusal letter that the child's welfare has been considered in the spirit of section 55 without stating that it is a duty to do so.

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

- [Every Child Matters – Change for Children](#)
- [United Nations Convention on the Rights of the Child](#)
- [Modern slavery: how to identify and support victims](#) (where appropriate)

## Related content

[Contents](#)

# Applicant applying as a dependent child

Note that if a child has previously been granted entry clearance or permission as the dependent child of a parent there must be clear evidence of either a change of circumstances or that the previous grant was in error in order to refuse further permission as a dependent child.

## Age requirement

This section tells you about the age requirement for dependent children.

You must check the date of birth of the applicant on the casework system and check this against any passport or other document establishing identity and nationality.

A dependent child must be aged under 18 on the date of application, unless they are making an application as a dependent child, and last held permission as a dependent child of the same parent or parents as in their current application.

## Independent life requirement

This section tells you about the independent life requirement for dependent children.

The independent life requirement applies to all dependent children regardless of their age.

'Must not be leading an independent life' means that the applicant meets both of the following requirements:

- does not have a partner
- is living with their parent (except where they are at boarding school, college or university as part of their full-time education)

'Does not have a partner' means that the applicant must not be married, in a civil partnership or in a relationship similar to marriage which has lasted for 2 years or more at the date of application: see also the guidance on Relationship with a Partner.

The age that a person can marry or enter into a civil partnership varies from country to country. You should check partner status on the application form which you can access on the case work system.

You should also check the application form to see if the applicant is living at the same address as their parent or parents. If the applicant is not living with their parent or parents due to attending boarding school, college or university, you will need to be satisfied that the child normally lives with their parent. If the applicant is living at a

different address to their parent or parents, you must be satisfied that this is due to study elsewhere. If the applicant is studying, the name of the school, colleague or university will be on the application form alongside the duration of the studies.

It is a common occurrence for students to live in university or shared accommodation while they study. Living in shared accommodation with a boyfriend or girlfriend where you are satisfied that the applicant is studying would not mean they are living an independent life, provided there are not indications that the relationship is one similar to marriage and has subsisted for 2 years or more, such as evidence of shared finances (for example, shared bank statements).

## Care requirement

This section tells you about the care requirement for dependent children under the age of 18.

All arrangements for children's care and accommodation in the UK must comply with relevant UK legislation and regulations, including but not limited to the relevant housing legislation and regulations and fire safety regulations. This is to ensure that care and accommodation is suitable and safe for the child.

You must be satisfied the applicant will be living with their parent or their parent's partner who has permission on the route under which the applicant is applying (for example Skilled Worker). Information on the casework system will tell you where the child lives or plans to live and with whom. If you have concerns, you can use open source checks to ensure that the proposed address exists and is residential. You can also ask for information about the number of rooms in the property to ensure it is not over maximum occupancy. Where there is a private fostering arrangement, you should seek confirmation that the local authority have been notified.

In most cases, where the child will be living with a parent, or at school, college or university, there is no need to undertake further checks on the suitability of the care arrangements. However, if you have any concerns about whether the care arrangements are suitable, for example you have concerns about the care or accommodation arrangements during school holidays, you can request further information from the applicant.

For applications where the parent is applying from overseas as a Victim of Domestic Abuse, the arrangements for where the parent and child or children will be staying in the UK may not be easily evidenced. If the parent plans to stay with a relative or friend, or to be accommodated with the help of a charity, or in other credible accommodation, you should not refuse the application under the care requirement unless you have concerns about risk to the child's well-being, beyond not having firm plans.

If you have any concerns that the child is at risk of trafficking or modern slavery, or any other situation which may be against the child's best interests you should speak to your Safeguarding Lead Officer, and refer to the Home Office Safeguarding Advice and Children's Champion (SACC) as required.



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### **Relationship requirement**

This section tells you about the relationship requirements for dependent children. There are separate requirements for entry clearance, permission to enter and permission to stay applications, and for settlement applications.

Dependent children need to submit evidence that they are related to the person who is applying for, or has been granted, entry clearance or permission to enter or stay. See [Definition of parent](#) for guidance on what parent means. This can be evidenced by the child's birth certificate that shows the name of the child and parent or parents, however other documentation can also be used to evidence the parental relationship with the child.

Acceptable evidence of a parental relationship would usually be a full birth certificate (which can include the names of one or both parents).

Other forms of documentation, such as a government issued household registration certificate, can also be used to demonstrate that the applicant is the child of the person they say is their parent.

Official documents issued by overseas governments may not always be in the same format as a UK birth certificate, but these can be accepted if the document has been issued by a government or a court, clearly demonstrates the relationship, and is either in English or is accompanied by a verified translation.

## Where a non-parent has parental responsibility for a child

There may also be circumstances where the person with parental responsibility for the child is not the child's natural parent, but has assumed the parental role through circumstances, such as de facto adoption.

See guidance on adoption for further information.

## A dependent child must be applying on the same route as their parent or parents

The requirement for the child's parent to have or be applying for entry clearance, permission to enter or stay or settlement 'on the same route the child is applying for' means that, for example, if a child is applying as a dependent child of a Skilled Worker, their parent must have, or be applying for, entry clearance, permission to stay or settlement on the Skilled Worker route, either as a Skilled Worker or the partner of a Skilled Worker. This information about the status of the parent can be found on the casework system.

The requirements for the other parent (including if on the same route) are set out in the [Parental immigration status requirement](#) section.

## Applications for Entry Clearance and Permission to Enter or Stay

Where the parent is settled or has become a British citizen, the parent must have had permission on the same route that the applicant is applying for when they settled, and the applicant must have either:

- had permission as the dependent child of the parent when the parent settled
- been born since the parent's last grant of permission and before the parent settled

Where the application is as a dependent child on the UK Ancestry route and the parent is settled or has become a British citizen, the parent must have had permission on the UK Ancestry route when they settled or became a British citizen. In this case the applicant does not need to have had permission as a dependant before their parent settled (unless the dependent child has turned 18 by the time they apply for permission).

Where the application is as a dependent child under Appendix HM Armed Forces, the applicant, in line with any other route, can apply for entry clearance or permission as a dependent child of the main applicant or of the main applicant's partner (for example they can apply as a child of a member of HM Forces or the child of a partner of a member of HM Forces). Unlike other routes, the parent who is a member of HM Armed Forces may not require permission in the UK as they are exempt from immigration control, therefore the child cannot seek permission under the same route as their parent. Dependent children on the Armed Forces route therefore have a different approach under Appendix Children.

Where the applicant is applying as a dependent child under Appendix HM Armed Forces their parent may have permission or be applying for (and granted) entry clearance or permission on the HM Armed Forces route, be settled or a British citizen as set out [above](#).

Alternatively, the parent may be one of the following:

- a member of HM Armed Forces who is exempt from immigration control
- at the same time applying for (and is being granted) settlement as a HM Armed Forces service leaver
- settled or a British citizen and P had permission (or exemption) as a member of HM Armed Forces before they were granted citizenship

Exemption or permission as a member of HM Armed Forces or a service leaver should be evidenced by documentation which must include the military service history of the parent who is serving or had served in HM Armed Forces.

Where the application is as a dependent child under Appendix International Armed Forces, their parent must:

- have permission or be applying for (and granted) entry clearance or permission on the International Armed Forces route, be settled or a British citizen as described above, or be a member of an International Armed Force who is exempt from immigration control

Membership of the above should be evidenced by documentation which must include the International Armed Forces member's military movement orders or equivalent civilian posting letter of the parent.

## **Applications for Settlement as a child dependent**

Where the applicant is applying for settlement as a dependent child they must either:

- have last been granted permission as a dependent child of their parent who is settled or being granted settlement
- have been born in the UK and be applying as a dependent child of their parent who is settled or being granted settlement

If the applicant is applying for settlement as a dependent child on the UK Ancestry route and they are aged under 18 on the date of application, there is no requirement for them to have had previous permission as a dependent child on that route, provided they meet the validity requirements for that route and their parent is either applying for settlement on the UK Ancestry route at the same time, or settled or has become a British citizen, provided they previously had permission on the UK Ancestry route when they settled or became a British citizen. Where the applicant is aged 18 or over, they must have previously had permission as a dependent child of one of their parents on the UK Ancestry route.

If the applicant is applying for settlement as a dependent child on the HM Armed Forces route, their parent must:

- be settled, being granted settlement on the HM Armed Forces route, or a British citizen who previously had permission on the HM Armed Forces route
- be a member of HM Armed Forces who is exempt from immigration control with at least 5 years' reckonable service
- have been granted or, is at the same time applying for (and is being granted) settlement as a HM Armed Forces service leaver
- have leave to enter or remain under Appendix HM Armed Forces or Part 7 paragraphs 276E-QA or under the concession which existed outside the Rules and the Secretary of State exercised their discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged
- be settled or a British citizen and P had permission (or exemption) as a member of HM Armed Forces before they were granted citizenship

Exemption or permission as a member of HM Armed Forces or a service leaver should be evidenced by documentation which must include the military service history of the parent who is serving or had served in HM Armed Forces.

If the above circumstances **do not apply** (such as, the child has not last been granted permission as a dependent child, was not born in the UK, and the application is not under Appendix UK Ancestry or Appendix HM Armed Forces) and the applicant is applying for settlement as a dependent child on either the Bereaved Partner or Victim of Domestic Abuse routes, the applicant must have been born overseas after their parent's last grant of permission as a partner and be applying as a child of their parent who is settled or being granted settlement.

## Parental immigration status requirement

### Applications for Entry Clearance and Permission to Stay

Both parents of a dependent child applicant must be either applying at the same time as the applicant or have entry clearance or permission (other than as a visitor) or have settled, unless one of the following applies:

- the parent applying for, or with, entry clearance or permission is the sole surviving parent (for example, the other parent has died)
- the parent applying for, or with, entry clearance or permission has sole parental responsibility for the child's upbringing (see [Sole parental responsibility](#) section)
- the parent who does not have entry clearance or permission is a British citizen or a person who has a right to enter or stay in the UK without restriction, for example, as an Irish citizen or person with right of abode (and who therefore would not need permission) – this parent must, however, live, or intend to live, in the UK
- you are satisfied there are serious and compelling reasons to grant the applicant entry clearance or permission to stay with the parent with entry clearance or permission or who does not need permission. – see [Serious and compelling reasons](#) section

## Applications for Settlement as a dependent child

Both parents of a dependent child applicant must be either applying for settlement at the same time as the applicant or have settled unless one of the following applies:

- the parent with applying for or who has settled is the sole surviving parent (such as, the other parent has died)
- the parent with permission has [sole responsibility](#) for the child's upbringing
- the parent who does not have permission is a British citizen or a person who has a right to enter or stay in the UK without restriction (and who therefore would not need permission) – that parent must, however, live, or intend to live, in the UK
- you are satisfied there are serious and compelling reasons to grant the applicant settlement – see [Serious and compelling reasons](#) section

## Sole parental responsibility

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

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

- decisions have been taken and actions performed in relation to the upbringing of the child under the sole direction of one parent
- only one parent is responsible for the child's welfare and for what happens to them in key areas of the child's life, and the other parent does not share this responsibility for the child
- one parent has sole 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

If this evidence is not provided with the application, you can contact the applicant to request it.

Note that:

- sole responsibility is not the same as sole legal custody - a parent may have sole legal custody for a child where the other parent is still involved in the child's life
- making significant or even sole 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 – any recent change of arrangements should be scrutinised to make sure you are satisfied this is

genuine - if you think it necessary, you should contact both the applicant's parents for more information

It is unrealistic for a child to have contact with no other adult other than the parent exercising sole parental responsibility. The child is likely to have contact with other adults, including relatives, and they may provide some element of care for 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 parent has sole overall responsibility for the welfare of the child.

You are not considering whether the child's parent (or anyone else) has day-to-day responsibility for the child, but whether the parent 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 that a parent has sole parental responsibility.

For entry clearance cases, it may be necessary to use local intelligence relating to the applicant's home country or location to advise on what evidence you should expect to see, or what is likely to be available that you could reasonably ask for, as well as how much weight to give to particular types of evidence. Country-specific information can be found in the country of origin information or via the relevant UK embassy or high commission staff.

If you are not satisfied that one of the child's parents has sole responsibility, you should consider whether there are serious and compelling reasons to grant the child's application.

## Serious and compelling reasons

While you must normally be satisfied that a child is accompanying or joining both parents, or the sole surviving parent, or a parent who has sole parental responsibility, there may be cases where this is not the case, but it is appropriate to grant the application.

As with all decisions involving children, you must consider as a primary factor the best interests of the child. There is more information in [The children duty: Applications in respect of children](#) section.

When considering whether there are serious and compelling reasons to grant the child entry clearance or permission or settlement, you should consider the particular circumstances of the case and the evidence available.

Where one parent is coming to the UK and the other is remaining overseas, you should consider the following factors:

- are there are good reasons why the other parent is not coming to the UK

- are there are good reasons for the child not to stay overseas with the other parent
- whether coming to the UK or staying in the UK would be in the best interests of the child

Where one parent is in the UK or coming to the UK and the other parent is remaining overseas and is involved in the child's life, written consent for the child's application will be a positive factor in your assessment of the child's best interests.

Factors that are more likely to indicate that there are serious and compelling reasons, if supported by evidence:

Only one parent is coming to the UK, but the other parent is:

- living somewhere which make it impossible for them to care for the child, for example they are filming in a hostile location, going on military manoeuvres, or there is another reason why it would not be safe for the child to live with them
- living in a country where the child cannot go, for example where being a single parent is not allowed
- planning to join the family after undergoing medical treatment or after completing their current work or study commitments within the period of the grant of permission that the child applicant is applying for
- looking after a relative overseas who requires care, such as an elderly parent
- no longer in a relationship with the parent coming to the UK, and unwilling to move to the UK, and the child currently lives with the parent coming to the UK

This list is not exhaustive or definitive. Any reasons or claims should be backed up by credible evidence.

Factors that are more likely to indicate that there are not serious and compelling reasons:

- the child lives with the parent who is not coming to the UK in a settled environment and that parent could continue to care for the child
- the child lives with another relative overseas who could continue to provide care (for example grandparents)

It is not a requirement for the other parent to be eligible to and intend to join the child in the UK, but that where there is satisfactory evidence that this is likely in the future, you must consider this a positive factor in your assessment.

If you think there may be compelling or compassionate factors that would justify a grant of entry clearance or permission, you must refer the case to a senior case worker to ensure a consistent approach and assurance.

If a dependent child application is being refused but the parent has been, or is being, granted you must refer the dependent child application to the relevant senior case worker for authority to refuse.

## UK born child requirements

If a child makes a first application for permission to stay, having been born in the UK, they must provide a full UK birth certificate showing the names of their parent or parents. If the birth certificate has been accepted on a previous application, it does not need to be provided again.

### Related content

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# Child applicants (when not applying as a dependent child)

This section applies to the following routes, where the applicant can be under the age of 18:

- Child Student
- International Sportsperson
- Returning Resident
- Short-term Student (English language)
- Student
- Temporary Work – Creative Worker
- Temporary Work – Government Authorised Exchange
- UK Ancestry

## Parental consent requirement

This section tells you about the parental consent requirement for applicants who are aged under 18.

To meet the parental consent requirement, the applicant must have written consent from either:

- both of their parents
- one parent, if that parent has sole responsibility for the applicant
- their legal guardian or guardians

See the section on [sole responsibility](#).

Where one of the child's parents is deceased, written consent will be required from the surviving parent. If there is reason to believe that another person shares parental responsibility with the surviving parent, their consent will also be required.

The applicant must provide evidence of their relationship with their parent or parents or legal guardian who have provided consent in support of their application. This can be in the form of a copy of one or more of the following documents:

- a birth certificate that shows the names of the applicant's parent or parents
- a certificate of adoption that shows the name of the applicant's parent or parents
- a court or government issued document naming the applicant's legal guardian
- where one parent is deceased, a copy of the death certificate

Equivalent documents will not always be formatted in the same way, there is some variation between countries in how these documents are presented. Provided the

document contains the required information and is in English (or Welsh) or is accompanied by a verified translation, the document can be accepted.

Parental consent is a requirement for applicants aged under 18. The caseworker must ensure the written consent from the applicant's parent or parents or legal guardian:

- includes contact details for the parent, parents or legal guardian
- confirms that the parent, parents or legal guardian consent to the child's application
- confirms that the parent, parents or legal guardian consent to the child's living and care arrangements in the UK
- confirms that the parent, parents or legal guardian consent to the child's travel to and reception arrangement in the UK, if the application is for entry clearance

The caseworker should be satisfied the person giving consent is the applicant's parent or legal guardian.

If written parental consent is not provided, or is provided by only one parent when both parents share responsibility for the child, you should consider any explanation given for the absence of written consent and whether it is appropriate to exercise discretion to grant the application without it.

Examples of where you might exercise discretion include:

- they are estranged from one or both of their parents
- one or both of their parents is/are not contactable for some reason, for example, on military service and there is evidence of this, such as an official letter or payslip, or reliable country information which confirms that country's arrangements for military service
- there is evidence of domestic abuse in the family and the applicant is unwilling or unable to seek consent from one or both parents

In these circumstances you should also consider the child's age and how competent they might be to make decisions for themselves, and guidance on [The children duty](#).

## **Related content**

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# Definition of parent

The new definition of parent, which applies across the Immigration Rules, was introduced on 6 June 2024. A birth certificate should be provided in the application and state the names of the child's parent or parents.

Parents can be biological parents, legal parents, or adoptive parents.

Most parents named on a birth certificate will be biological parents. Note that births can be re-registered if new information comes to light. This is the process in the UK: [Correct a birth registration: What corrections can be made - GOV.UK \(www.gov.uk\)](https://www.gov.uk/correct-a-birth-registration)

A person can be the legal parent of a child even if they are not biologically related. This can include situations such as:

- the birth mother of a child where the child is not genetically related to the birth mother, for example due to egg donation or embryo transfer - this person would be named on the birth certificate as the mother or parent one
- a person who is married to or in a civil partnership with the birth mother at the time of the child's birth, whether or not they are biologically related to the child - this person would usually be named on the birth certificate as the father or parent 2 - further evidence could include a marriage or civil partnership certificate
- a person with a parental order under section 54 or section 54A of the [Human Fertilisation Act 2008](#) - the parental order should be provided as evidence

An adoptive parent must provide an adoption certificate or relevant adoption paperwork to show their relationship to the child – see the guidance on Adoption.

The online forms make reference to step parents as well as parents. This is so that we have a clear picture of who is involved in a child's life. A step parent is not included in the definition of parent as they may not have parental responsibility for a child. A step parent will only be included in the definition of parent if they are the legal or adoptive parent, which would be evidenced as above.

## Related content

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