



Home Office

Exemption from immigration control (Non armed forces)

Version 1.0

This guidance is intended for Home Office staff and covers persons exempt from immigration control (except armed forces personnel).

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About this guidance

This guidance covers [Sections 8\(2\), 8\(3\) \(as amended\), 8\(3A\), 8\(4c\), 8\(5\), 8\(5A\)](#) and [8A](#) of the Immigration Act 1971, together with Articles 3 & 4 of the [Immigration \(Exemption from Control\) Order 1972 \(as amended\)](#), and the [State Immunity Act 1978](#), which provide for the total or partial exemption from immigration control of certain persons not having the right of abode in the UK.

This guidance does not deal with those people who are covered by the armed forces rules, Section 8(4) (except sub-paragraph (c) in so far as it applies to defence attaches) of the Immigration Act 1971 (relating to home, Commonwealth or visiting forces) or Article 7 of the [Immigration \(Exemption from Control\) Order 1972 \(as amended\)](#). For more information on armed forces who are exempt from immigration control, see Armed Forces guidance.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or if you think that the guidance has factual errors, email the Visa Policy Team.

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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 **10 October 2024**

Related external links

[Sections 8\(2\), 8\(3\) \(as amended\), 8\(3A\), 8\(4C\), 8\(5\), 8\(5A\)](#) and [8A](#) of the [Immigration Act 1971](#)

Sections 6 and 7 of the [Immigration and Asylum Act 1999](#)
[Diplomatic Privileges Act 1964](#)

[Immigration \(Exemption from Control\) Order 1972 \(as amended\)](#)
[State Immunity Act 1978](#)

Introduction, FAQs and definitions

Some groups of people are exempt from immigration control, even though they do not have a right of abode in the UK, when travelling to the UK for specific purposes. This means that they will not be subject to the Immigration Rules as other foreign nationals travelling to the UK are. Further details are below, but officers and decision makers overseas, at the UK border, or in the UK may only check a person's identity and verify their entitlement to exemption from immigration control before allowing them to travel to the UK or enter the UK. There is no requirement for exempt individuals to have a visa or other entry clearance. Free of charge exempt vignettes are offered as a courtesy and to aid travel.

British and dual nationals

The following guidance is not applicable to British nationals (including dual nationals where one nationality is British) or those who have a right of abode in the UK. If undertaking a function described in this guidance, British nationals should use their British passport to enter or reside in the UK and those with the right of abode should apply for a [Certificate of Entitlement](#).

Categories of persons exemption from immigration control

There are 6 main categories of persons exempt from immigration control:

- [Persons posted to diplomatic missions in the UK](#)
- [Consular officers and employees based in the UK](#)
- [Sovereigns and Heads of State](#)
- [Members of governments](#)
- [Persons attending an international conference](#)
- [Employees of international organisations](#)

Further detail about who is in scope of these categories is set out below.

Do visa nationals who are exempt from immigration control need a visa?

No. Any person who is exempt from immigration control does not require an entry clearance, visa or permission to enter the UK. However, it is strongly advised that they obtain an exempt vignette before travelling to the UK to avoid any unnecessary delays on arrival or to avoid being refused boarding by the airline or other carrier. The visa national list is available at [Appendix Visitor: Visa National List](#) of the Immigration Rules.

What is an exempt vignette?

An exempt vignette is a sticker which is affixed into an exempt party's passport and issued to confirm that someone is exempt from immigration control. It is not an entry clearance or a visa as these can only be issued to those who are subject to

immigration control. An exempt vignette confirms an individual's exempt status and can facilitate the holder's travel to, and entrance into, the UK but it is not compulsory for exempt individuals to have one.

Most exempt individuals will apply for an exempt vignette prior to travelling to the UK. This guidance focusses on the assessment an entry clearance decision maker (also known as an Entry Clearance Officer or ECO) would make when deciding whether to issue an exempt vignette.

However, as possession of an exempt vignette is not mandatory, Border Force Officers (BFOs) may encounter a passenger at the border without an exempt vignette asserting to be exempt from immigration control. BFOs should use this guidance to determine whether the passenger is exempt from immigration control. The [On entry](#) section of this guidance provides more details for BFOs. If an exempt person applies for an exempt vignette once they are in the UK, in-country decision makers should use the [After entry](#) section of this guidance to determine whether they are exempt from immigration control before issuing an exempt vignette.

Exempt vignettes become invalid if the holder is no longer in the UK for the purpose which makes them exempt; for example, after a diplomatic posting expires. See the [Persons who cease to be exempt](#) section of this guidance for further examples and information on what happens next.

When can someone apply for an exempt vignette?

An individual may apply for an exempt vignette up to 3 months before they wish to come to the UK. See the [Exemption from Control: pre-entry](#) section of this guidance for further information about applying for a vignette.

Are visa waivers the same as exemption?

No. A visa waiver enabled people from certain countries to be excused from requirements to apply for entry clearance (a visa), pay relevant fees and submit their biometrics before they travelled to the UK for a visit of up to 6 months. Visa waivers are no longer available.

Electronic Travel Authorisations (ETAs) have been introduced for eligible non-visa nationalities and will be expanded in the future so that eventually all visiting nationals, except for British and Irish nationals and those who are free, or exempt, from immigration control, will need to apply for advanced permission to travel by holding an Electronic Travel Authorisation, visa or eVisa.

For a list of those nationalities who need to apply for an entry clearance before travelling to the UK as a visitor see: [Immigration Rules Appendix Visitor: Visa national list](#).

Individuals who are exempt from immigration control are different and have a particular status in law and are not required to apply for entry clearance or a visa before travel.

Are those exempt from immigration control required to pay for their exempt vignette if they apply for it?

No. An exempt vignette will be issued free of charge if the applicant is exempt from immigration control. However, aside from the User Pays Visa Application Centre (VAC) fee, applicants using other Added Value services (for example assisted scanning) will be required to pay for those. Those who would qualify as exempt if travelling to the UK in an official capacity but wishing to travel to the UK in a private capacity must pay for their application and must meet the requirements of the relevant rules to be granted a visa or entry clearance.

A person is not exempt, but we want to waive the visa fee

There may be instances where a decision is taken to waive the visa fee as a matter of international courtesy, but this does not confer exemption from control. Fees legislation sets out the circumstances in which visa and entry clearance fees can and should be waived. See [guidance on entry clearance fees](#) for further information. Each case should be considered on its merits, taking care not to create what foreign governments or organisations might regard as an automatic precedent.

Sponsor bodies (usually a UK Government Department) can also cover the visa fee for an applicant. Currently, UKVI can only offer free visas at point of application to those sponsored by the FCDO (using the Official UK Government Invitation visit application route). This route should only be used where FCDO at Post have agreed to an individual using it because the FCDO will be charged back the cost of the application. Other departments must arrange to pay on behalf of the applicant or reimburse them directly.

Do people who are exempt need to give their biometric information?

No. People who are exempt from immigration control are not required to give their biometric information. However, UKVI require a facial image to issue an exempt vignette. Applicants must either give a biometric facial image at a biometric enrolment location or submit a recent passport-sized photograph which meets the [Home Office passport photo requirements](#). For further information see the [pre-entry section](#) of this guidance.

A person is not exempt, but we want to excuse or defer the biometric requirement

There are some categories of people who are subject to immigration control but are not required to give their biometric information. For more details see the [Persons not exempt from immigration control](#) section of this guidance.

There may be instances where a decision is taken to defer or excuse the biometric requirement in relation to an entry clearance application, but this should not be confused with exemption from control. The biometric regulations:

- [The Immigration \(Provision of Physical Data\) Regulations 2006](#)
- [The Immigration \(Biometric Registration\) Regulations 2008](#)
- [The Immigration \(Collection, Use and Retention of Biometric Information and Related Amendments\) Regulations 2021](#)

set out who may be required to enrol their biometrics in connection with an application for a visa, entry clearance and or a biometric immigration document.

The Biometric Enrolment guidance sets out the policy on exempting, excusing or deferring the requirement to provide biometric information.

Are all holders of diplomatic, official or service passports exempt from immigration control?

No. A diplomatic passport is not in itself evidence of an individual's diplomatic status in the UK. It is the purpose of the individual visit to the UK that grants exemption from immigration control and not the type of travel or identity document they hold.

For example, diplomats and administrative, technical or service staff posted to the UK and those transiting the UK to or from a posting to a third country are exempt from immigration control – they would be exempt from immigration control whether they hold a diplomatic passport or not. Similarly, an official or service passport is not in itself proof that someone is entitled to exemption from immigration control.

You will need to determine what the holder of a diplomatic, official or service passport's position is and what they are intending to come to the UK to do to assess whether they are exempt. If you are unsure whether someone is exempt, you can refer to DMIOU.

For more information see the [Proof of Exemption](#) section of this guidance.

What is total exemption?

Complete exemption from immigration control.

What is partial exemption?

Exemption from immigration control except for parts relating to deportation.

General definition of family members

For the purposes of this guidance, the following may be considered as qualifying family members if they are a member of the household of the person from whom the exemption derives:

- spouses and civil partners
- dependent children under 18

However, this is not an exhaustive list and there may be other family members who could qualify as exempt from control. You will need to be satisfied that they are a dependant member of the household and not leading an independent life. See the relevant sections of this guidance for further information about [other family members](#).

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Proof of exemption

Entry clearance decision makers, Border Force Officers and in-country decision makers must be satisfied that the individual meets the requirements of one of the categories of exemption as detailed in this document.

Someone is exempt from immigration control based on what they are coming to do in the UK and their position, and not based on the travel documents they hold.

Diplomatic, official and service passports are alone not sufficient evidence to confirm an individual's diplomatic status.

You will need to judge according to local circumstances what documents are necessary to determine if an individual is exempt from immigration control. However, in most instances you would expect to see a letter of accreditation or authorisation, or a Note Verbale (a diplomatic note passing on information) from the government or international organisation concerned. This should detail the appointment that the individual will take up in the UK, its duration, and which family members will accompany them.

A Note Verbale supporting an exempt vignette application or presented at the UK border does not have to be taken at face value. If you have reasonable concerns that an applicant supported by a Note Verbale is not eligible for exemption from immigration control, you should make further enquiries. You may request further documentation (for example, marriage, birth and adoption certificates) where necessary. If there are still doubts as to the bona-fides of the relationship, or the documents submitted, refer the application to the FCDO's Protocol Directorate (DMIOU) for further advice.

You must be satisfied that all dependants are related as claimed and are genuinely members of the officer's family and form part of the officer's household. The UK defines a diplomatic household as the principal spouse/civil partner, and dependent children up to the age of 18. No other group has an automatic right to be considered exempt from immigration control, but additional members may qualify under certain circumstances. See section on [Family Members](#) for further information. In most circumstances an accompanying Note Verbale or a letter from the diplomat's Ministry of Foreign Affairs (MFA), or the applicable international organisation, may be sufficient. However, you are best placed to judge the extent to which these documents alone can be relied upon locally.

Foreign, Commonwealth & Development Office Identity Cards

The FCDO's Diplomatic Missions and International Organisations Unit (DMIU) issues identity cards to foreign diplomatic and consular staff and their families (over the age of 16) following their arrival at diplomatic and consular missions and international organisations in the UK. These cards should be accepted as confirmation of status and may be of assistance when a diplomat, based in the UK, or a member of their family, is encountered travelling on a newly issued passport with no indication of their immigration or exempt status. However, officers should note that identity cards are usually issued for 5 years, and that although these cards are requested to be returned by DMIU at the end of a posting, an individual could attempt to enter the UK while the card remains in date despite no longer having exempt status.

Any queries concerning proof of exemption including older versions of identity cards should be referred to DMIU.

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Related content

[Contents](#)

Persons posted to diplomatic missions in the UK

Section 8(3) of the Immigration Act 1971 (as amended) exempts from immigration control ([totally](#)) those posted to diplomatic missions in the UK. This includes:

- diplomatic agents of foreign and Commonwealth missions
- administrative and technical staff of foreign and Commonwealth missions provided they were resident outside the UK, and were not present in the UK when offered the post as members of that mission, and have not ceased to be a member of the mission after taking up their post
- service staff of foreign and Commonwealth missions provided they were resident outside the UK, and were not present in the UK when offered the post as members of that mission, and have not ceased to be a member of the mission after taking up their post
- qualifying family members who form part of household of the above – spouses, civil partners and dependent children under 18

Who are members of a diplomatic mission?

Diplomatic Agents

Diplomatic Agents perform diplomatic functions on behalf of their government and hold positions with titles such as (but not limited to): Ambassador; High Commissioner; Minister; Minister-Counsellor; Counsellor; First Secretary; Second Secretary; and Third Secretary.

Members of administrative and technical staff

Members of the staff of a diplomatic mission employed to perform administrative and technical duties in support of a mission's functions. They hold job titles such as (but not limited to): administrative attaché; accountant; financial attaché; personal assistant; secretary; and IT administrator.

Members of Service Staff at a diplomatic mission

Members of the staff in the domestic service of a mission. They are employed, paid by, and posted to the UK mission by the country's Ministry of Foreign Affairs. Job titles include (but are not limited to): drivers; butlers; cooks; and cleaners – but not hairdressers. (Private domestic staff in a diplomatic household are covered in the [Private servants](#) section of this guidance.)

If you have a query about whether a role is a legitimate mission function, you should refer the query to the FCDO's DMIOU, Protocol Directorate.

Family members

See: [General definition of family members](#).

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Endorsement

If an entry clearance decision maker is satisfied that the applicant is exempt from immigration control, they should issue an exempt vignette with the following endorsements.

Category	Endorsement and validity	Conditions	Notes
Diplomatic agents, admin and technical staff, service staff of diplomatic missions of States recognised by HMG posted to the UK	D: EXEMPT (DIPLOMAT) Validity: 5 years or length of posting, whichever is shorter Add. Endorsement: [Embassy/High Commission of <Country Name>]	None	No IHS or BRP
Qualifying Family Members (Spouse, civil partner, children under 18) of above, forming part of the household	D: EXEMPT (DIPLOMAT) Validity: In line with main applicant or until day before 18 th birthday, whichever is shorter Add. Endorsement: [INITIAL and SURNAME of main applicant and Embassy/High Commission of <Country Name>]	None	No IHS or BRP

Other family members of staff of diplomatic missions

Any queries concerning the eligibility of dependants should be referred to DMIOU.

Overage dependants (OADs) – children in education

Dependent children (of those posted to a diplomatic mission in the UK) over 18 and up to their 25th birthday may qualify as a family member forming part of the household if they are in full time education. They must:

- intend to study full-time in the UK at a [licensed educational institution](#) or holding valid accreditation – evidence of confirmed UK studies is required
- not be in full-time employment
- be genuinely financially dependent on their parent from whom the exemption derives
- be a member of the household of (such as, resident with) the person from whom the exemption derives
- have adequate funds available
- intend to complete their studies before their 25th birthday

If the child will turn 18 during the officer's (their parent's) posting to the UK, the exempt vignette should be valid only until the day before the child's 18th birthday, unless the child meets the requirements above, in which case you can extend the duration as set out below.

Exempt vignettes for dependent children over 18 who are in full-time education should be issued for the length of their studies; in line with the officer they are accompanying; or until the day before their 25th birthday, whichever is shorter.

If you are satisfied that the dependent child meets these requirements, you can issue an exempt vignette without referral to DMIOU.

Exempt vignettes for OAD children in education

If an entry clearance decision maker is satisfied that the applicant is exempt from immigration control, they should issue an exempt vignette with the following endorsements.

Category	Endorsement and validity	Conditions	Notes
Children aged between 18 and 25 who intend to study in the UK full time and who form part of the household of the diplomat	D: EXEMPT (DIPLOMAT) Validity: For duration of their confirmed studies, or for the duration of their parent's posting, or until the day before their 25th birthday, whichever is shorter Add. Endorsement: [INITIAL and SURNAME of main applicant and Embassy/High Commission of <Country Name>]	None	No IHS or BRP

Other Overage dependants (OADs)

You must consider if there are any [exceptional or compassionate circumstances](#) if you receive applications from OAD children who do not intend to study, whose intended studies extend beyond their 25th birthday, or who are 25 or older at the time of application, for example they need long-term care to do every day personal and household tasks because of illness or disability. OAD parents do not normally qualify for exempt status, unless satisfying exceptional or compassionate circumstances. All such applications **must** be referred to DMIOU.

Other family members (such as siblings, nephews/nieces or grandchildren) do not qualify for exemption from immigration control.

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Unmarried partners

In this guidance “Unmarried” means those who are neither married to nor in a partnership recognised by the Civil Partnership Act.

Unmarried partners may be recognised as ‘members of the family forming part of the household’ in certain circumstances, and where the sending state has confirmed that the relationship is durable and akin to marriage. Diplomatic missions should contact Protocol Directorate.

If an unmarried partner wishes to join a diplomatic agent, a member of administrative or technical staff, or a member of service staff for the duration of their posting in the UK, they need to apply for permission (leave). Information about the application process can be found in the [Exemption from Control: pre-entry section](#).

To qualify for entry clearance under this concession, the unmarried partner of a diplomat will have to show that:

- the relationship is recognised as durable by the sending state
- the relationship is akin to marriage
- the couple intends to live together in the UK for the duration of the posting

Applicants do not need to satisfy the usual 2-year cohabitation condition applied to other unmarried partner applications.

If the unmarried partner meets the above requirements, they will be issued a long-term non-settlement biometric entry clearance. The applicant is required to provide their biometric information. They do not need to pay the Immigration Health Surcharge. They are allowed to take employment in the UK but will not qualify for settlement on the basis of their relationship.

If whilst living in the UK an unmarried partner legally marries or forms a civil partnership with the person who is posted to the UK, then they will become exempt from immigration control and may apply for an exempt vignette. See [Exemption from Control: after entry](#).

The UK has entered reciprocal agreements with a limited number of countries, permitting for the mutual exempt status of unmarried partners. This only applies where the sending state offers reciprocal recognition for unmarried partners of British diplomats posted to diplomatic missions in their respective jurisdiction.

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Endorsement

Unmarried partners of exempt diplomats or international organisation staff not benefitting from the reciprocal exempt agreement should apply for entry clearance submitting biometrics using the following form: [Find and apply for other visas from outside the UK](#).

If an entry clearance decision maker is satisfied that the applicant is an unmarried partner of a member of staff of a diplomatic mission based in the UK, they should issue an entry clearance with the following endorsements.

Category	Exempt from Immigration Control?	Biometric exempt?	Fee?	Endorsement and validity	Conditions	Notes
Accompanying unmarried partner of staff of diplomatic missions of States recognised by HMG posted to the UK	No	No	No	D: TO JOIN/ACC PARTNER (DIPLOMATIC) Validity: In line with main applicant Add. Endorsement: [Partner's INITIAL and SURNAME and Embassy/High Commission of <Country Name>]	No recourse to public funds	No IHS BRP generated

Polygamous marriages

Any applications for exempt vignettes where a diplomat, member of the administrative and technical staff, or service staff is involved in a polygamous marriage must be referred to DMIOU.

The UK does not recognise polygamous marriages. If an exempt person is in a polygamous marriage, they will have to choose which spouse will be exempt and

entitled to privileges and immunities. If an exempt person has multiple spouses only one spouse may be issued with an exempt vignette to accompany or join the exempt person on their posting to the UK.

There is no provision under exempt guidelines or in the Immigration Rules for other spouses to join or accompany the person from whom the exemption derives. They may apply for leave, but they must meet the requirements of the respective Rules in their own right.

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Divorce

Those who are divorced from someone who is exempt from immigration control are not considered a family member who forms part of the household and are therefore not exempt from immigration control.

If the divorce is concluded whilst the diplomat and their spouse are in the UK, on ceasing to be exempt the former spouse will have permission to remain for 90 days as per section 8A of the Immigration Act 1971. They may make an application for further permission to stay in the UK if they qualify. See [Persons who cease to be exempt](#) section.

Private servants

Domestic staff members working for a Head of Mission who are employed and paid directly by the Ministry of Foreign Affairs of the sending state (otherwise known as [Service staff](#)) are exempt from immigration control as detailed above.

Private servants who are employed by a member of a diplomatic mission (including by a Head of Mission) in a personal capacity will be subject to immigration control and must enter under the 'Private servants in diplomatic households' sub-category of [Temporary Work \(International Agreement\)](#).

Diplomatic agents, administrative and technical staff, and service staff transiting through the UK to or from a posting in a third country

Diplomatic agents, administrative and technical, and service staff of a mission transiting through the UK to or from a posting in a third country are exempt from

immigration control under the provisions of Article 40 of the Vienna Convention on Diplomatic Relations.

Qualifying [Family members](#) who form part of the household of the above are also exempt from immigration control for these journeys.

These people are exempt for the period of their transit through the UK. In most instances you would expect to see a Note Verbale from the government concerned detailing the posting in a third country and the need to transit through the UK to or from that posting. Where someone applies for an exempt vignette for this purpose, an exempt vignette should be issued valid for 6 months.

Endorsement

If an Entry Clearance Officer is satisfied that the applicant is exempt from immigration control, they should issue an exempt vignette with the following endorsements.

Category	Endorsement and validity	Conditions	Notes
Diplomatic agents, administrative and technical staff, and service staff transiting through the UK to or from a posting in a third country	D: EXEMPT (DIPLOMAT) Validity: 6 months	None	No IHS or BRP
Qualifying Family Members (Spouse, civil partner, children under 18) of above, forming part of the household	D: EXEMPT (DIPLOMAT) Validity: In line with main applicant or until the day before their 18 th birthday, whichever is shorter	None	No IHS or BRP

Locally engaged staff of a diplomatic mission

Some staff at a diplomatic mission may be locally employed, meaning that they are paid directly by the mission rather than the Ministry of Foreign Affairs (MFA) of the sending state. Provided they are filling a legitimate mission function as described in [Who are members of a diplomatic mission?](#) and were recruited outside the UK (in that, they did not already have an immigration status in the UK), they will benefit from privileges and immunities, including being exempt from immigration control. Where a person applies in this category but there is evidence that they have recently spent time in the UK (aside from as a visitor), you must be satisfied that they were resident outside the UK when they were recruited for the post.

Qualifying [family members](#) who form part of the household of the locally engaged staff are also exempt from immigration control.

If you are satisfied that they are exempt from immigration control, you should issue an exempt vignette with a validity covering the duration of their contract or for up to 5 years, whichever is shorter.

Locally engaged staff who were recruited in the UK are not exempt from immigration control.

Related content

[Contents](#)

Consular officers and employees based in the UK

The Immigration (Exemption from Control) Order 1972 exempts from immigration control those posted to consulates in the UK. This includes:

- [consular officers](#) of foreign and Commonwealth consulates
- [consular employees](#) of foreign and Commonwealth consulates provided they were resident outside the UK, and were not present in the UK when offered the post as members of that mission, and have not ceased to be a member of the mission after taking up their post
- qualifying [family members](#) who form part of household of the above – spouses, civil partners and dependent children under 18

Who are members of a consular mission?

If you have a query about whether a role is a legitimate consular function, you should refer the query to FCDO's Protocol Directorate (DMIU).

Consular officers

Consular officers perform consular functions and hold titles such as (but not limited to): Consul General; Head of Consular Services; Consul; Pro-Consul; and Vice-Consul.

Consular employees

Consular employees are members of the staff of a consular mission employed performing administrative and technical duties in support of the mission's functions. They hold job titles such as (but not limited to): Consular assistant; administrative attaché; accountant; financial attaché; personal assistant; secretary; and IT administrator. They should be in the full-time service of the state concerned and not be engaged in the UK in any private occupation for gain.

Honorary Consuls and members of service staff at a consular mission

Honorary Consuls and service staff at consular missions and are not exempt from UK Immigration control.

Family members

See [General definition of family members](#) section.

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The information on this page has been removed as it is restricted for internal Home Office use.

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Other family members

The [other family members](#) referred to above under the diplomats posted to the missions in the UK section of the guidance, '[Overage dependants \(OADs\) – children in education](#)', '[Other Overage Dependants \(OADs\)](#)', '[Unmarried partners](#)', '[Polygamous marriages](#)' and [Divorce](#) are also applicable to the family members of consular officers and employees. The same considerations as above should be applied.

Endorsement for consular officers/employees and qualifying family members

If an Entry Clearance Officer is satisfied that the applicant is exempt from immigration control, they should issue an exempt vignette with the following endorsements.

Category	Endorsement and validity	Conditions	Notes
Consular officers and employees posted to the UK of offices States recognised by HMG posted to the UK	D: EXEMPT (DIPLOMAT) Validity: 5 years or length of posting, whichever is shorter Add. Endorsement: [Name of Consular Office]	None	No IHS or BRP
Qualifying Family Members (Spouse, civil partner, children under 18) of above, forming part of the household	D: EXEMPT (DIPLOMAT) Validity: In line with main applicant or until day before their 18 th birthday, whichever is shorter Add. Endorsement: [INITIAL and SURNAME of main applicant and Consular Office]	None	No IHS or BRP
Children aged between 18 and 25 who intend to study in the UK full time and who form part of the household of the officer	D: EXEMPT (DIPLOMAT) Validity: For duration of their confirmed studies, or for the duration of their parent's posting, or until the day before their 25th birthday, whichever is shorter Add. Endorsement: [INITIAL and SURNAME of main applicant and Consular Office]	None	No IHS or BRP

Endorsement for unmarried partners of consular officers/employees

If an Entry Clearance Officer is satisfied that the applicant is an unmarried partner of a consular officer or employee based in the UK, they should issue an entry clearance with the following endorsements.

Category	Exempt from Immigration Control?	Biometric exempt?	Fee?	Endorsement and validity	Conditions	Notes
Accompanying unmarried partner of consular officers / employees	No	No	No	D: TO JOIN/ACC PARTNER (DIPLOMATIC) Validity: In line with	No recourse to public funds	No IHS BRP generated

Category	Exempt from Immigration Control?	Biometric exempt?	Fee?	Endorsement and validity	Conditions	Notes
of offices of States recognised by HMG posted to the UK				main applicant Add. Endorsement: [Partner's INITIAL and SURNAME and Consular office]		

Locally employed staff of a consulate

Some staff at a consulate may be locally engaged, meaning that they are paid directly by the consulate rather than the Ministry of Foreign Affairs (MFA) of the sending state. Provided they are filling a legitimate consular function as described under [Who are members of a consular mission?](#), they will benefit from privileges and immunities, including being exempt from immigration control. Where a person applies in this category but there is evidence that they have recently spent time in the UK, the ECO must be satisfied they were resident outside the UK when they were recruited. Locally engaged staff who were recruited in the UK are not exempt from immigration control.

Qualifying [family members](#) who form part of household of the above are also exempt from immigration control.

If you are satisfied that they are exempt from immigration control, you should issue an exempt vignette with a validity covering the duration of their contract or for up to 5 years, whichever is shorter.

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Sovereigns and Heads of State

Under Section 20(3) of the [State Immunity Act 1978](#) the following are (totally) exempt from Immigration Control unless otherwise directed by the Secretary of State:

- Sovereigns and Heads of State recognised by the UK government
- qualifying [members of their family](#) who form part of their household
- private servants of the Sovereign/Head of State

Official state visits

If a Head of State is on an official visit to the UK, additional persons, beyond those described above, may also travel with the purpose of attending to the Head of State. If such individuals are on official business with their accompanying Head of State, they may be treated as part of a recognised delegation and if visa nationals, are required to apply for a VIP Delegate Visa, or another entry clearance product if exceeding the maximum cap of 20 persons. To be granted a VIP Delegate Visa, applicants must satisfy the eligibility criteria in Appendix: VIP Delegate Visa. All applicants must be employed as government officials. This cohort is not exempt from immigration control and must obtain entry clearance before travel.

Depending on the circumstances, it may be appropriate to consider a qualifying member of the Head of State's family as exempt from immigration control if they are travelling to the UK on an official visit without the Head of State. Cases such as this should be discussed with DMIOU.

Private individuals, such as journalists or businesspeople included in a party for an official visit of a Head of State are not exempt from immigration control. International Protection Officers (also known as Royal Protection Officers and Personal Protection Officers) are not exempt from immigration control, even if they are employed by the Head of State's household or government. In these cases, the Standard visitor route is likely to be the most appropriate route for the intended visit. Visa nationals must apply for entry clearance in the normal way.

Family members

See [General definition of family members](#) section.

If you encounter other family members outside of the [General definition](#), you will need to determine whether they are indeed a dependent member of the household. Political sections in UK diplomatic missions in the relevant country or territory, or colleagues in the FCDO or Home Office bilateral desks will be able to advise on the dependants who form part of the household. You should ensure that any dependants are not leading an independent life.

Former heads of state

Former heads of state, their families and servants **are not** exempt from immigration control, unless they meet the definition of any other exempt category in this guidance. They should be treated as private persons and must meet the requirements of the Immigration Rules for the route they are applying for.

Heads of ex-Reigning Houses

Heads of ex-Reigning Houses, who are personae gratae to HMG, may be exempt from immigration control. There are only a handful of individuals to which this category would apply. If you encounter an individual who states that they are the head of an ex-Reigning House, refer the application to FCDO's Protocol Directorate.

Endorsement

If you are satisfied to issue an exempt vignette, there is flexibility in the length of validity that you can give. The lengths of validity in the table below are a guide, however you can, for example, restrict the validity to the length of the visit or to single entry if there are operational or political reasons that would warrant this. You must refer a decision to restrict the validity to an entry clearance manager (ECM).

You must not issue an exempt vignette in this category with a validity longer than 2 years.

Category	Endorsement and guide to validity	Conditions	Notes
Sovereign / Head of State recognised by HMG	D: EXEMPT Validity: Normally 2 years* * See the information above about flexibility on validity.	None	No IHS or BRP
Qualifying Family Members (Spouse, civil partner, children under 18) of above, forming part of the household	D: EXEMPT Validity: In line with Head of State	None	No IHS or BRP
Private servants of the Sovereign / Head of State travelling with the Head of State	D: EXEMPT Validity: 6 months	None	No IHS or BRP

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Members of governments

(Article 4(a) of the [Order](#))

Serving government ministers of states recognised by His Majesty's Government, travelling to the UK on the official business of their government are [partially](#) exempt from control unless otherwise directed by the Secretary of State for the Home Department.

Political sections in UK diplomatic missions in the relevant country or territory, or colleagues on the FCDO or Home Office bilateral desks will be able to advise whether an individual holds a position equivalent to that of a serving government minister, for example a Governor General.

Qualifying [Family members](#) who form part of the exempt individual's household are also exempt from immigration control when accompanying a serving government minister on an official visit.

Serving government ministers and their family members travelling to the UK in a private capacity are not exempt from immigration control.

Endorsement

If you are satisfied to issue an exempt vignette, there is flexibility in the length of validity that can be given. The lengths of validity in the table below are a guide, however you can, for example, restrict the validity to the length of the visit or to single entry if there are operational or political reasons that would warrant this. Decisions to restrict the validity should be discussed with your ECM. An exempt vignette in this category should not be issued with a validity of longer than 2 years.

Category	Endorsement and guide to validity	Conditions	Notes
Members of governments on official government business	D: EXEMPT Validity: Normally 2 years* * See the information above about flexibility on validity.	None	No IHS or BRP
Qualifying Family Members (Spouse, civil partner, children under 18) of above, forming part of the household	D: EXEMPT Validity: In line with member of government	None	No IHS or BRP

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Persons attending an international conference

If agreed and legislated in advance of the conference beginning, representatives (which can include experts and advisers) or a member of the official staff of the government of a country attending a particular international conference in the UK may be [partially](#) exempt from immigration control. The conferences must be held in the UK and attended by representatives of the UK and representatives of any sovereign power.

An Order may be required for conferences to set out who is exempt from immigration control, although some International Organisation (IO) conferences may not require a separate Order before arrangements can be made.

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Employees of international organisations

The UK is a member state of certain International Organisations (IOs). Some of these IOs have bases or offices in the UK. Each IO operates in the UK under its own agreement with HMG. The exact terms of the agreement reached with each organisation sets out the people who are entitled to certain privileges and immunities, which may include exemption from immigration control. Some agreements are narrow and specific, while others are quite broad and include, for example, interns. The agreement will also detail whether family members are exempt from immigration control. The following list sets out those organisations which are based in the UK or whose representatives come to the UK most often and may not be exhaustive.

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If you encounter an individual claiming exemption and the organisation is not on this list, you must refer to DMIOU – International Organisations for further advice.

For a list of organisations holding agreements with the UK, see: [List of International organisations whose employees qualify for exempt entry clearances](#).

Documentation

Supporting documentation from the IO should clearly state how the applicant qualifies for exemption under the IO's legislation. You, as the entry clearance decision maker or BFO, with input from DMIOU – International Organisations, can question this if you feel that the IO is taking advantage of or misinterpreting the legislation. If you need to know the exact terms of an IO agreement to find out who and to what extent an individual is exempt in this category, contact DMIOU – International Organisations.

Long-term postings

If an individual is coming to the UK to undertake a posting at an IO based in the UK and they have been recruited overseas and you are satisfied that they qualify as exempt from immigration control, an exempt vignette valid for 5 years or for the length of their posting, whichever is shorter, should be issued.

Family members

In most instances, family members accompanying staff on longer term posting should be dealt in line with the [General definition of family members](#) section. The [other family members](#) referred to above under the diplomats posted to the missions in the UK section of the guidance, '[Overage Dependants \(OADs\) – children in education](#)', '[Other Overage Dependants \(OADs\)](#)', '[Unmarried partners](#)', '[Polygamous marriages](#)' and [Divorce](#) are also applicable to the family members of international organisation staff. The same considerations as above should be applied.

Short-term visits

There are also some IOs that do not have bases or offices in the UK but whose representatives or officials are exempt from immigration control when travelling to the UK in their official capacity on the official business of that organisation. The exempt vignette should be valid for the period of the visit, however there is discretion to add a week either side of the official engagement to allow for flexibility, for example if flights or visit dates change.

There will be occasions when representatives or officials of an IO headquartered in the UK but who are themselves based overseas, will need to travel to the UK regularly for activities such as committee meetings, special or plenary sessions. An exempt vignette valid for up to 2 years may be issued after consultation with DMIOU – International Organisations. The individual and IO will need to demonstrate an ongoing need for regular visits. Where the individual is coming to the UK outside of their official capacity as a representative of an IO when they would not usually enjoy privileges and immunities, they will not be exempt from immigration control and will need to meet the relevant requirements of the Immigration Rules.

There will be occasions where a government official, acting as a sending state's representative to an international organisation, might be eligible to derive exemption status from the IO agreement. If you encounter such cases, you should contact DMIOU – International Organisations for confirmation.

Family members of an International Organisation employee would not usually be exempt if they are coming for a short-term visit, but you should consult with DMIOU – International Organisations for the terms of each IO agreement.

Short-term employment

Two organisations whose agreements specify that people intending to undertake short-term employment (“internships”) at the organisations are exempt from control are the European Bank of Reconstruction and Development (EBRD) and the Commonwealth Secretariat. If you are satisfied the individuals qualify as exempt, an exempt vignette valid for the duration of their contract should be issued.

Applications from people applying as an intern to other IOs, or from people who are undertaking work for an IO but are not employed by that IO (for example, expert or

specialist contractors), must be referred to DMIOU – International Organisations to check the nature of the agreement.

Whether accompanying family members will be exempt from immigration control where someone is coming to the UK to undertake a short-term visit or short-term employment will depend on the nature of the IO agreement. If you need to know the exact terms of an IO agreement to find out who and to what extent an individual is exempt in this category, contact the DMIOU – International Organisations.

Endorsement

If you are satisfied that the applicant is exempt from immigration control, you should issue an exempt vignette with the following endorsements.

Category	Exempt from Immigration Control?	Endorsement and guide to validity	Conditions	Notes
Exempt official of IO with a base in the UK – long-term posting	Who is exempt is dependent on agreement/legislation – supporting document should explain	D: EXEMPT (INTERNATIONAL ORGANISATION) Validity: 5 years or length of posting, whichever is shorter Add Endorsement: [Name of International Organisation]	None	No IHS or BRP
Qualifying Family Members (Spouse, civil partner, children under 18) of above, forming part of the household	Who is exempt is dependent on agreement/legislation – supporting document should explain	D: EXEMPT (INTERNATIONAL ORGANISATION) Validity: In line with main applicant or until the day before their 18 th birthday, whichever is shorter Add Endorsement: [INITIAL and SURNAME of main applicant and name of International Organisation]	None	No IHS or BRP
Exempt official of IO visiting in an official capacity	Who is exempt is dependent on agreement/legislation – supporting document should explain	D: EXEMPT (INTERNATIONAL ORGANISATION) Validity: Duration of intended visit* Add Endorsement: [Name of International Organisation] *Where there is evidence of an ongoing	None	No IHS or BRP

Category	Exempt from Immigration Control?	Endorsement and guide to validity	Conditions	Notes
		need to visit on a regular basis, an exempt vignette with validity of up to 2 years may be issued after consultation with DMIOU – Int Orgs		
Officials undertaking short-term employment	Who is exempt is dependent on agreement/legislation – supporting document should explain. Consult DMIOU – Int Orgs	D: EXEMPT (INTERNATIONAL ORGANISATION) Validity: duration of contract Add Endorsement: [Name of International Organisation]	None	No IHS or BRP

The European Union

Occupants of the following 3 senior positions of the European Union (EU) are exempt, when travelling officially or privately:

- President of the European Commission
- President of the European Council
- High Representative for Foreign Affairs

This exemption is only applicable to occupants of the 3 specified posts and qualifying members of their family forming part of their household. This exemption does not automatically confer exemption from immigration control upon European Union employees or officials in any of the 3 roles not specified above.

An exempt vignette issued in line with this category should be valid for 2 years or for the length of the posting, whichever is shorter. If you are satisfied that the applicant holds one of these positions, you should issue an exempt vignette with the following endorsements:

Category	Endorsement and guide to validity	Conditions	Notes
Occupants of the following 3 senior positions of the European Union (EU): <ul style="list-style-type: none"> • President of the European Commission • President of the European Council • High Representative for Foreign Affairs 	D: EXEMPT Validity: 2 years, or for the length of the posting, whichever is shorter.	None	No IHS or BRP

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Persons not exempt from immigration control

This section of the guidance details those who are not exempt from immigration control.

Members of diplomatic missions or consulates based overseas (not in the UK)

Members of diplomatic missions or consulates based overseas who are travelling to the UK on an official visit are not ordinarily exempt from immigration control (unless they qualify under another category). Occasionally, staff may hold diplomatic or consular responsibilities for more than one country. Refer cases to the FCDO's Protocol Directorate (DMIOU) where a person claims to be a member of their mission in the UK but are based in a third country. DMIOU will hold a record if notification of a dual posting has been received and can confirm whether they are exempt from UK immigration control.

Diplomats, including diplomatic, official and service passport holders, based overseas and visiting the UK on the official business of their government are not exempt from immigration control. In these cases, the Standard visitor route is likely to be the most appropriate route for the intended visit. Visa nationals must apply for entry clearance in the normal way.

Diplomatic couriers

Diplomatic couriers are identifiable officials (but may not be directly employed by their government) who transport diplomatic bags. They are not exempt from immigration control. However, people in this category have personal inviolability when transporting diplomatic bags under the Vienna Convention on Diplomatic Relations 1961 and the Diplomatic Privileges Act 1964. They are therefore not required to provide biometrics and a visit visa will be issued free of charge if they are a visa national.

If satisfied that the applicant meets the Immigration Rules for visitors, an ECO should grant the following:

- Category: D
- Endorsement: VISIT – DIPLOMATIC COURIER
- Validity: 6 months

Non-visa nationals should be assessed against the Immigration Rules for visitors as normal.

Officials of foreign governments

Officials of foreign governments (for example civil servants), including diplomatic, official and service passport holders, **are not** exempt from immigration control, and they will be required to provide their biometric data. This is the case even if they are travelling on the official business of their government. It may not be appropriate to charge a fee depending on the purpose of the visit, or if special arrangements exist for a major international conference (see [Persons attending an international conference](#)).

For government officials accompanying Heads of State and serving Government Ministers on official visits to the UK, refer to the below section.

For government officials acting as a sending state's representative to an international organisation, refer to [short-term visits](#).

See also:

- [A person is not exempt, but we want to waive the visa fee](#)
- [A person is not exempt, but we want to exempt, excuse or defer the biometric requirement](#)
- [Are all holders of diplomatic, official or service passports exempt from immigration control?](#)

Head of States and Ministerial delegations

A capped number of government officials accompanying a serving government Minister (of 10 delegates) or Head of State (of 20 delegates) on an official visit to the UK, can apply for the VIP Delegate Visa. They do not have to provide biometric data or pay an application fee. Any delegate above these caps will have to apply for a visit visa.

Domestic servants of exempt employers

Private servants who are employed by the head of a diplomatic mission in a personal capacity or by other members of a diplomatic mission will be subject to immigration control and must enter under the 'Private servants in diplomatic households' sub-category of [Temporary Work – International Agreement visa](#).

The only exception to this is where a servant for a Head of Mission is employed and paid directly by the sending State, as detailed under the [Private Servants](#) section of this guidance. Such people will be treated as exempt from immigration control.

International Protection Officers

International Protection Officers (also known as Royal Protection Officers, Security Officers and Personal Protection Officers) are not exempt from immigration control, even if they are accompanying a person who is exempt. In these cases, the standard

visitor route is likely to be the most appropriate route for the intended visit and visa nationals must apply for entry clearance in the normal way.

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Other states

For further information about states not recognised by the UK, see [ECB08: what are acceptable travel documents for entry clearance](#).

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Exemption from Control: pre-entry

This section tells entry clearance decision makers (ECOs) about issuing exempt vignettes or withdrawing applications in the persons exempt from control category.

How to deal with applications for exempt vignettes

Applications for exempt vignettes must be made online through the Access UK 1 system. For information for applicants see: [Get an exempt vignette](#). Online applications should be completed by the applicant, or by their staff on their behalf. Applicants must either give a biometric facial image at a Visa Application Centre or submit a recent passport-sized photograph which meets the [Home Office passport photo requirements](#) to be issued an exempt vignette.

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Issuing exempt vignettes: validity and endorsements

You should issue an exempt vignette on a Cat D vignette if you are satisfied that an applicant falls into a category of exemption described in this guidance and they have provided evidence as set out in the [Proof of Exemption](#) section.

You should ensure that the appropriate EXEMPT endorsement is selected, and the correct validity of vignette issued. See the exempt vignette tables under the relevant category in this guidance detailing validity and endorsements.

People exempt from immigration control **must not** be granted entry clearance under the Immigration Rules. Although exempt vignettes and entry clearance are issued on the same vignettes, the endorsements will make clear what someone's status is.

Exempt persons are advised to apply for an exempt vignette in advance of their travel to the UK to facilitate quick and smooth entry.

Withdrawing exempt vignette applications

The Immigration Rules cannot be applied to people not subject to immigration control and any decision not to issue an exempt vignette application must **not** be served on a refusal notice.

Any decision not to issue an exempt vignette application must be made in line with the provisions of the relevant international framework, for example, the Vienna Convention on Diplomatic Relations 1961.

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Exemption from Control: on-entry

This section tells Border Force Officers (BFOs) about processing passengers who are exempt from control or are unmarried partners of those exempt from immigration control.

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Endorsing passports

People exempt from immigration control may be examined under [paragraph 2 of Schedule 2 of the Immigration Act 1971](#) to determine if they are indeed exempt.

Those exempt from immigration control are encouraged to apply for an exempt vignette prior to entry in the UK, however this is not mandatory.

If you are satisfied that a passenger is exempt from immigration control because they fall into one of the categories of exemption as detailed in this guidance and you are satisfied with the [documents](#) that have been provided, you should normally endorse an open date stamp in their passport on each arrival. You should **not** grant permission to enter. The Home Office cannot grant leave to a person who is exempt from immigration control. You do not need to open date stamp the passports of nationals of EU, EEA and Switzerland, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the United States.

Exemption from control legislation should not be confused with exceptions to the list of visa nationals or with memoranda of understanding that exempt the holder of a diplomatic passport from the requirement to obtain a visa before travel. These individuals are subject to immigration control and should be dealt with in the usual way.

Doubtful cases

People seeking entry to the UK on the basis of total or partial exemption will normally possess [satisfactory proof of entitlement](#), but cases may occasionally arise where proof of the passenger's status is not held.

Even if someone holds an exempt vignette, you should satisfy yourself that the individual is still exempt from immigration control. For example, an exempt vignette issued recently may be a good indication that their exempt status remains current. If you encounter an exempt vignette issued many years ago, you may want to check that the person is still in the position that exempts them from immigration control.

In such cases where a passenger does not hold proof of exemption from control, refer the case to your local Regional Command and Control Unit (RCCU) in the first instance, who will consider whether it should be escalated to Border Force NCC. You must also contact the following:

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When any person comes to notice who is seeking or has taken employment with a diplomatic mission which does not exempt them from control, you should refer the case to your local RCCU in the first instance, who will consider whether it should be escalated to Border Force NCC. Any decision must be taken in consultation with the FCDO's DMIOU, Protocol Directorate.

Refusing entry

The Immigration Rules cannot be applied to people not subject to immigration control. However, if you are satisfied that the passenger is not exempt from immigration control (for example, they do not qualify as a dependant of someone with exempt status), you should assess them against the relevant Immigration Rules for the purpose for which they are seeking entry. Any decision to refuse entry to someone who has an exempt vignette or who claims to be exempt from immigration control must be referred to the duty SO who must consult the FCDO's Protocol Directorate (DMIOU) and reported to your local Regional Command and Control Unit (RCCU) and to the Border Force NCC.

A person who is partially exempt from immigration control and against whom there is a deportation order in force should be refused leave to enter under paragraph 9.2.1.(c) of [Part 9: grounds for refusal of the Immigration Rules](#).

See the refusal of leave to enter guidance [for further information](#).

Asylum applications made by persons who are exempt

A person who is exempt from immigration control or has recently ceased to be exempt from immigration control may make an asylum or human rights claim. If this happens you should notify DMIOU.

For further details are see: [People who are exempt from immigration control: process](#).

Unmarried partners at the border

In this guidance “Unmarried” means those who are neither married nor have formed a civil partnership.

Unmarried partners of individuals exempt from immigration control are not exempt from immigration control except if qualifying under [Unmarried partners](#). Entry clearance is mandatory for an unmarried partner accompanying an accredited/appointed diplomat (or consular officer/employee of an international organisation) posted to the UK.

Landing an unmarried partner

You should open date stamp the passenger’s entry clearance unless they are an EU, EEA, Swiss, or B5JSSK national.

Refusal of leave to enter to an unmarried partner

Anyone who is seeking entry as an unmarried partner of an accredited/appointed diplomat (or consular officer/employee of an international organisation) posted to the UK and does not hold valid entry clearance – or is not otherwise treated as exempt – must be refused under paragraph 9.14.1 of [Part 9: grounds for refusal of the Immigration Rules](#).

You should consider whether there are any grounds for cancellation of a person’s permission in the normal way. You should also notify DMIOU.

Appeals for unmarried partners

Where a person seeks entry in this capacity and does not hold a valid UK entry clearance, they have no right of appeal or right to an administrative review.

Where a person seeks entry in this capacity and holds a valid UK entry clearance for this purpose, they will be entitled to an administrative review.

Powers to conduct immigration searches of vehicles / vessels

Under the Vienna Convention on Diplomatic Relations, a mission's vehicles may not be searched. This also applies to personal vehicles of those posted to a diplomatic mission in the UK.

This may not extend to other people exempt from immigration control. You should consult DMIOU if you are unsure.

Powers to conduct customs searches

See relevant HMRC guidance.

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Exemption from Control: after entry

This section tells in-country staff about dealing with applications for an exempt vignette or a further leave to remain application from an unmarried partner in country.

Applications for exempt vignettes from the UK

As exempt vignettes are not mandatory, situations may arise where a person who is exempt from immigration control is in the UK without an exempt vignette. They can apply for an exempt vignette from within the UK and also apply for an extension of an existing vignette if their posting has been extended. To arrange exempt vignettes for staff who are in the UK, missions should contact their usual FCDO Protocol Directorate contact, who will liaise with UK Visas and Immigration (UKVI) to manage the process.

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Issuing in-country exempt vignettes

First time applications for exempt vignettes from in the UK

Applications for first-time exempt vignettes from within the UK from those on postings should be considered in line with the guidance for applications from overseas.

Before issuing the vignette, you must contact DMIOU to confirm the validity of the vignette that should be issued. For example, if the applicant has recently arrived in the UK, it may be appropriate to issue an exempt vignette for 5 years or the length of the posting, whichever is shortest. However, where an exempt individual has been in the UK for a number of years but is applying for an exempt vignette for the first time, it may be more appropriate to issue a vignette with a shorter validity. The Note Verbale may give an indication of length of an applicant's remaining posting.

The 'additional endorsements', 'conditions' and 'notes' as set out in the tables throughout this guidance also apply for in-country applications.

Applications for extensions to existing exempt vignettes

If those on postings in the UK are applying for extensions to exempt vignettes, caseworkers must be satisfied that the applicant remains exempt from immigration control. If you are satisfied, you should issue a new exempt vignette with validity that is the shortest out of:

- in line with the remainder of their posting
- 2 years

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Applications for permission to stay from persons who are exempt

With the exception of those eligible under the EU Settlement Scheme, the Home Office cannot grant or refuse leave to a person who is exempt from immigration control. If you receive an application for leave from such a person, it must be recorded on the caseworking system as a void application and returned to the applicant with a letter explaining why.

See also: [Exemption from control and the EU Settlement Scheme](#)

Asylum applications made by persons who are exempt

A person who is exempt from immigration control or has recently ceased to be exempt from immigration control may make an asylum or human rights claim.

For further details see: [People who are exempt from immigration control: process.](#)

Persons who cease to be exempt

When the functions of a person enjoying privileges and immunities come to an end (such as a diplomat leaving their employment), that person has 31 days during which they continue to enjoy privileges and immunities and remain exempt from immigration control.

Beginning on the day they ceased to be exempt (after these 31 days), they are given deemed leave to remain for 90 days, in order to regularise their stay, or leave the UK. During this 90-day period, they are subject to control but without conditions,

such as restrictions on employment. They do not have to leave the UK and can switch to another category in-country.

The 90 days of deemed leave lapse when they leave the Common Travel Area.

Except for a status granted under the EU Settlement Scheme, you cannot grant leave to someone who is still exempt from control. If you receive an application for leave within the 31-day period when they continue to enjoy privileges and immunities and you are satisfied to issue, the leave must only begin once the individual no longer enjoys privileges and immunities (after the 31 days).

If someone who ceases to be exempt has continuing limited valid leave (granted prior to exemption) but it expires within 90 days of them ceasing to be exempt, you must treat it, and any conditions attached to it, as expiring at the end of the 90-day period of the deemed leave.

Occasionally the person may still have more than 90 days continuing limited leave which was granted prior to exemption. In such cases, the person can be dealt with under normal immigration procedures for those who have limited leave.

See also: [Exemption from control and the EU Settlement Scheme](#)

Persons who apply for permission when they cease to be exempt

If someone ceases to be exempt from immigration control and applies for permission to stay, you must consider them in the normal way under the current Immigration Rules. They can apply to regularise their stay from in the UK and can switch into any route which can be applied for from the UK.

Persons who do not apply in time

A person may be liable to administrative removal if they do not regularise their stay or leave the UK within 90 days of losing their entitlement to exemption.

Unmarried partners of exempt individuals

In this guidance 'Unmarried' is defined as those who are neither married nor have formed a civil partnership.

The only reasons for leave to remain applications in this category should be:

- if the exempt individual's posting is extended
- the duration of the posting was not known when leave to enter was granted

In these cases, you must be satisfied the:

- exempt partner is still employed by the mission / consulate / international organisation

- relationship is subsisting
- couple intend to live together for the remainder of the posting

This route does not lead to settlement.

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People treated in error as being exempt from immigration control

At the border

Under Paragraph 6(1) of Schedule 2 of the 1971 Act (as amended by the 1988 Act), where a person is examined at a port and no conditions are imposed within 24 hours of their arrival, they are deemed to have been granted 6 months permission to enter with employment prohibited (Code 3).

Exempt vignette issued in error where the holder remains outside the UK

Where it has come to light that an exempt vignette has been issued in error to someone who is not entitled and the holder remains outside the UK, you must contact the applicant to explain the error and arrange for the passport to be returned so that the exempt vignette can be physically cancelled. The application must also be withdrawn on the caseworking system. DMIOU should also be notified.

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Exempt vignette issued in error where the holder has travelled to the UK

Where it has come to light that an exempt vignette has been issued in error to someone who is not entitled and the holder has travelled to the UK, you **must** contact DMIOU. You can then liaise with the relevant mission or international organisation to arrange for the vignette to be cancelled, the applicant to leave the UK or regularise their stay if there is a suitable immigration route available.

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People given permission in error whilst exempt from control

Where an exempt person applies for permission (leave) and we have a record of them being exempt, you must advise them that they are exempt from immigration control and we cannot process their application and it is voided.

From time-to-time persons who are exempt from control are given leave by mistake, for example where the decision maker was not made aware that the individual was exempt from immigration control. Any grant of leave to someone who is exempt from immigration control is considered ultra vires (in that it is beyond the power that immigration officials have), and therefore not considered to have been granted.

Where such cases come to light, the applicants should be informed that as they continue to be exempt from immigration control, the grant of leave was made in error, and the application has been voided without prejudice. They should apply for leave at the end of their period of exemption. For further information see the [Persons who cease to be exempt](#) section of the guidance.

In all instances of incorrectly granted permission, you must notify DMIOU.

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Exemption from control and the EU Settlement Scheme

In order to ensure that the UK fulfils its obligation under the Citizen's Rights Agreement, where eligible, EU, EEA and Swiss nationals who were resident in the UK before 23:00 on 31 December 2020, and their family members, who are exempt from immigration control can be granted pre-settled or settled status under the EU Settlement Scheme (EUSS). A grant of pre-settled or settled status under the EUSS will enable them to access their rights under the Citizens Rights Agreements from the date EUSS status is granted. For those granted EUSS status whilst they remain exempt, their exemption from immigration control will continue to operate for the purposes of entry to and residence in the UK.

A grant of settled status may impact on the privileges and immunities of a person exempt from immigration control. Those eligible can choose to apply to the EUSS whilst they are exempt, or they can wait and apply to the EUSS within 90 days of the date on which they cease to be exempt (or later if they have reasonable grounds for missing that deadline). If they choose to apply to the EUSS whilst they are exempt, they must inform DMIOU.

For further information see:

- [EUSS applicant guidance](#)
- EUSS caseworker guidance

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Cancelling an exempt vignette where an individual is no longer exempt

If an individual who has previously been conferred with exempt status is no longer exempt, but the holder remains outside the UK and you have concerns that they may attempt to travel to the UK using a vignette that no longer reflects their status, you may cancel their vignette for administrative purposes. It may not be possible to physically cancel the exempt vignette, but their vignette can be cancelled on Home Office systems.

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