



Home Office

Calais leave

Version 5.0

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About this guidance

This guidance tells Home Office staff how to consider granting settlement to individuals who were granted Calais leave in the UK. Calais leave was granted to a group of unaccompanied children who were transferred to the UK between 17 October 2016 and 13 July 2017, in relation to the clearance of the Calais camp, with the intention of reuniting them with their families.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Asylum Policy Secretariat mailbox.

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 **5.0**
- published for Home Office staff on **12 November 2024**

Changes from last version of this guidance

This guidance has been updated to indicate that references in the Calais leave Immigration Rules to a residence permit shall include Biometric immigration documents such as an eVisa and to set out the policy on handling cases where there is an impending prosecution.

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Introduction

Purpose of guidance

This guidance is for Home Office staff who are considering granting settlement to individuals who were transferred to the UK as unaccompanied asylum-seeking children, in connection with the clearance of the Calais camp, for the purpose of being reunited with their families and were granted Calais leave.

All individuals who were granted Calais leave are now eligible to be considered for settlement. These considerations must only be made by a decision maker who has received appropriate training for the role.

Policy intention

As part of the clearance of the Calais camp in October 2016, the government transferred 769 unaccompanied children to the UK. Of those, 549 were transferred to reunite with family in the UK. All those children claimed asylum on arrival in the UK. After careful consideration, it was determined that a number of those cases would likely fall to have their asylum claims refused under existing Immigration Rules.

Paragraphs 352I to 352X were inserted into [Part 11 of the Immigration Rules](#) to specifically enable those transferred to the UK between 17 October 2016 and 13 July 2017 as part of the Calais camp clearance in order to reunite with qualifying family, and who did not qualify for protection status, to remain in the UK long term subject to suitability considerations. This became known as the 'Calais leave' cohort.

The original policy intention was for those granted Calais leave, and their dependants who received leave in line, to receive a residence permit with a validity of 5 years. At the end of the 5-year period, if the individual's Calais leave had been renewed, then they would have been issued with a new residence permit, valid for a further period of 5 years. After a total of 10 years on the Calais leave route, they would have been eligible to apply for settlement. The policy intention has now been revised so that those who have completed 5 years Calais leave are now eligible to be considered for settlement. References in the Calais leave Immigration Rules to a residence permit shall include Biometric immigration documents such as an eVisa.

Calais leave is a separate form of leave to section 67 of the Immigration Act 2016 leave, granted under paragraphs 352ZG-352ZS of the Immigration Rules. Section 67 of the Immigration Act 2016 required the government to make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe. Although not all of those who qualify for section 67 leave will have transferred to the UK as a result of the Calais camp clearance, both forms of leave involve individuals transferred to the UK in connection with the clearance of the Calais camp. Therefore, you must take care to distinguish between the 2 policies. For more guidance on Section 67 leave, see: Section 67 of the Immigration Act 2016 leave: caseworker guidance.

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Relevant legislation and legal framework

Immigration Rules

The Calais leave rules are in the [Immigration Rules part 11: asylum](#), (at paragraphs 326A to 352X).

This guidance details a concession to the Immigration Rules relating to the requirements for settlement (indefinite leave to remain) for a person granted Calais leave.

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Settlement for individuals granted Calais leave

When the Calais leave route was introduced into the Immigration Rules, the policy intention was to provide eligible individuals with a route to settlement after 10-years on the route.

The route to settlement has now changed with eligible individuals qualifying for settlement after 5-years of continuous Calais leave. This change in policy is being made via a concession to the Immigration Rules.

Some individuals who are eligible to be considered for settlement under this revised policy may have submitted an application for further leave to remain in the UK (this includes an application made when an online fee waiver request is submitted, pursuant to paragraph 34G(4) of the Immigration Rules) prior to the expiry of their initial 5-year grant of Calais leave. For more guidance on how to deal with such scenarios see [Other applications for leave to remain](#).

Concession to the Immigration Rules

The concession covers individuals who meet all of the following requirements. The individual must:

- be present within the UK
- have been granted Calais leave under paragraph 352J of the Immigration Rules
- have held a residence permit issued under paragraph 352L for a continuous period of 5 years in the UK
- not have had their residence permit revoked within that 5-year period
- continue to meet the requirements of paragraph 352J

When assessing whether an individual is eligible for consideration under the concession, you must assess paragraph 352J(v). For further guidance see the Grounds for refusal and cancellation (suitability).

The concession works by waiving some requirements of the Immigration Rules for granting settlement (indefinite leave to remain) to those whom the concession applies. The provisions waived mainly relate to the qualifying time required before an individual is granted settlement in the UK on the Calais leave route.

Under paragraph 352Q(i), paragraph 352Q(ii) and paragraph 352R(ii), a “continuous period of ten years” is not required. Instead, a “continuous period of five years” is required.

Under paragraph 352R(iv), reference is made to ‘paragraph 339R(iii)(a-e)’. Instead, refer to STP2.1(a-g) in [Appendix Settlement Protection](#).

Under paragraph 352S, an application for settlement is not required. The Home Office will contact eligible claimants who can be considered under this revised policy.

All other requirements in paragraphs 352Q, 352R and 352S continue to apply when considering if an individual qualifies for settlement under this revised policy.

An individual will not be granted settlement if their Calais leave has been revoked. Individuals who were previously granted Calais leave but have subsequently been granted settlement or acquired British Citizenship will not be eligible for a consideration of settlement under this revised policy.

Cases where there are criminal charges pending

Where an individual is subject to criminal prosecution and successful prosecution could mean that they do not meet the suitability criteria outlined in paragraph 352J(v), you must keep the application on hold pending the outcome of the prosecution. Where you are holding the application for the conclusion of criminal prosecutions, you must write to the applicant to inform them that their application will not be decided until the criminal proceedings are completed.

Operational process

First, you must send all individuals who were previously granted Calais leave the appropriate initial contact letter (depending on whether they have an outstanding application for further leave to remain or not). This letter must also be sent to any legal representative on record with the Home Office. This letter will seek to obtain the individual's latest contact details, including any details of a legal representative (if not already on record).

Following the response to an initial contact letter, you must then send the individual and any legal representative on record a Calais leave questionnaire. This questionnaire will seek to obtain the relevant information from the individual to ensure they are eligible and suitable for a grant of settlement under this revised policy.

Where an individual did not apply for an extension of leave to remain prior to the expiry of their Calais leave, they will not be subject to any immigration enforcement action while completing their questionnaire, or while we consider their response to the questionnaire.

Individuals who have been sent a Calais leave questionnaire will receive instructions on how to provide their biometric information if required. Guidance on enrolling biometrics is available at: [Biometric information: caseworker guidance and failure to provide biometrics may prevent the consideration of settlement proceeding](#).

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Once a questionnaire has been returned and biometrics have been enrolled (if required), you must consider whether the individual is eligible for a grant of settlement. If the criteria above are met, then you must grant settlement to the individual.

You must serve the decision letter to the individual and their legal representative (if applicable).

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Dependants

Child dependants of main applicants may also be granted settlement under the revised Calais leave policy. In summary, this means that where an individual is granted settlement under this revised policy, any child dependants who were previously granted leave to remain under paragraph 352T of the Immigration Rules will be considered for settlement in-line with paragraph 352T of the Immigration Rules. In-line with paragraph 352T of the Immigration Rules, child dependants must still meet the requirements of paragraph 352J (except for (ii)); and 352R (iv) in order to be granted settlement in-line with their parent/s under this revised policy.

Any other dependants who wish to join the individual in the UK or stay in the UK must apply for permission to stay under the relevant family route: [Family visas: apply, extend or switch: Overview](#).

Other applications for leave to remain

No application form or fee will be required for the consideration of settlement under this revised policy. Some individuals who are eligible to be considered for settlement under this revised policy may have submitted an in-time application for further leave to remain in the UK. Individuals who have already made an application will be asked in their Calais leave questionnaire whether they would instead like to be considered for settlement under the Calais leave policy.

Where an individual opts to be considered under this revised policy and is granted settlement, and they have made an application for further leave to remain on another immigration route, you must void the other application for leave to remain. You must not void the outstanding application for leave to remain until you have served the decision to grant the individual settlement.

Furthermore, you must contact the relevant operational team to arrange the refund of any application fee and/or Immigration Health Surcharge paid.

These individuals will not be considered overstayers at any point between the point they made their in-time application for further leave to remain and the grant of settlement under this revised policy as their initial grant of Calais leave will be extended by the in-time application under [section 3C of the Immigration Act 1971](#).

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Any individual who has made an application for further leave to remain on another immigration route and does not qualify for settlement under this revised policy, for example paragraph 352R(iv) has not been met, will continue to have their application for further leave to remain considered in-line with the relevant policy.

Impact of overstaying on British citizenship applications

Some individuals in this cohort did not make an application for further leave to remain in the UK following the expiry of their original grant of Calais leave, becoming an overstayer as a result. Should an individual granted settlement under this policy proceed to apply for British citizenship, their application will be considered under the published policy at: Naturalisation as a British citizen: caseworker guidance. You can also find further information for applicants at: [Guide AN: Naturalisation booklet – The requirements and the process](#).

Under changes introduced by the Nationality and Borders Act 2022, an applicant will normally be able to meet the lawful residence requirement where they have been

granted indefinite leave to enter or remain in the UK. This means that, in most cases, they will only need to demonstrate that they hold valid indefinite leave in the UK in order to also meet the lawful residence requirement. They will not normally need to provide evidence of their immigration status during the 5 (or 3) year residential period preceding their citizenship application. This approach also does not require there to be any special circumstances in a particular case.

Where that approach is not able to be used, the Secretary of State, in the special circumstances of any particular case, may also still treat the applicant as fulfilling the requirement specified in paragraph 1(2)(d) of Schedule 1 to the British Nationality Act 1981 not to have been in the United Kingdom in breach of the immigration laws in the relevant 5 (or 3) year period preceding their application (the lawful residence requirement). The Secretary of State, in exercising his discretion, may take into account all reasons for any failure to meet the requirement.

Travel documents

Individuals with Calais leave including those granted settlement as part of the Calais leave cohort may be eligible for a Home Office travel document. See: [Apply for a Home Office travel document](#).

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