Home Office

Permission to stay as a stateless person

Version 9.0

This guidance is based on Appendix Statelessness.

Contents

About this guidance

This guidance is for all staff dealing with applications for permission to stay in the UK on the basis of statelessness. It explains the policy, process and procedure which must be followed when considering applications made under Appendix Statelessness.

Any outstanding applications made under Part 14 of the Immigration Rules remain subject to the rules and guidance in force at the time of application. For such cases, refer to the previous version of this guidance.
Applicants previously granted permission to stay or enter under Part 14 of the Immigration Rules and currently seeking settlement (also known as indefinite leave to remain) are required to submit their application under Appendix Statelessness, provided they meet the relevant requirements.
This guidance provides specific instructions on the validity, suitability, and eligibility requirements for applications on the Statelessness route. It also provides instructions on the considerations that you must make where an applicant does not qualify on the Statelessness route.

Apart from limited exceptions detailed at section relationship requirements for a child this guidance does not apply to applications from dependants (partners or children) to join a stateless sponsor, where the dependant formed part of the family unit after the stateless person was granted permission. These applicants are instead required to apply under Appendix FM: family members. For more information, see the Family life (as a partner or parent) and exceptional circumstances guidance.

This instruction must be read in conjunction with policy guidance products, Immigration Rules, and associated guidance signposted within this document.

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 team.

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

Publication

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

- version **9.0**
- published for Home Office staff on **11 November 2025**

Changes from last version of this guidance

- this guidance has been updated to reflect changes to Appendix Statelessness in respect of the statement of changes to the Immigration Rules: HC 1333, 14 October 2025
- removal of references to Part 9: general grounds for refusal which has been replaced by Part Suitability

Previous versions of this guidance can be found in the archive.

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Introduction

This guidance explains the policy, process and procedure which must be followed when considering applications for permission to stay as a stateless person in the UK, and applications for a partner or child of a stateless person. It applies to all staff dealing with statelessness applications and covers:

- the definition of statelessness
- evidence gathering and how to consider applications applying exclusion provisions and suitability requirements when considering statelessness applications

Background

Statelessness occurs for a variety of reasons, including discrimination against minority groups in nationality legislation, failure to include all residents in the body of citizens when a state becomes independent (state succession) and conflicting laws between states. In some countries, citizenship can be lost automatically after prolonged residence in another country. The absence of proof of birth, origins or legal identity in several countries can also increase the risk of statelessness.

Possession of nationality is considered essential for full participation in society and a prerequisite for the enjoyment of the full range of human rights. Stateless people are not necessarily at risk of persecution or serious harm in their country of habitual residence, but they are potentially vulnerable to serious discrimination. They may, for example, be denied the right to own land or exercise the right to vote. They are often unable to obtain identity documents. They can be denied access to education and health services or blocked from obtaining employment.

In 1954, the United Nations adopted the Convention Relating to the Status of Stateless Persons, which the UK ratified in April 1959. The Office of the United Nations High Commissioner for Refugees (UNHCR) has a mandate to work with governments to prevent and reduce statelessness and to identify and protect stateless persons. In April 2013, the UK incorporated a new procedure under the Immigration Rules to allow stateless persons to be formally determined as stateless and granted permission to stay where they have no other permissions under the rules but cannot leave voluntarily or be removed from the UK because they have no right of permanent residence in their country of former habitual residence or in any other country.

The guidance in this instruction is drawn from the UNHCR guidelines, set out in its 2014 Handbook on Protection of Stateless Persons, although it does not follow those guidelines in every respect. Where there are differences, this instruction must be applied.

Policy intention

The underlying policy objectives of the Statelessness route are to:

- provide a means for considering if someone is stateless and assist those unable to return to their country of former habitual residence because they are stateless and have no right of residence there, to ensure we comply with our obligations under the UN Stateless Conventions
- provide a means for stateless persons in the UK who cannot obtain admission to any other country for the purposes of permanent residence, to access their basic human rights by granting them permission to stay in the UK as part of our efforts to address wider global issues facing stateless persons
- allow a partner or child of those granted permission to stay or settle as a stateless person on the stateless route to join or stay with them in the UK, where they formed part of the family unit before their stateless sponsor was granted permission to stay in the UK
- tackle abuse from those who are not stateless but make an application in an attempt to frustrate legitimate removal action and ensure that criminals and those who are a threat to our security do not benefit from the Statelessness route

Application in respect of children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Office to make arrangements for ensuring that immigration, asylum and nationality functions are discharged whilst having regard to need to safeguard and promote the welfare of children who are in the UK.
You must comply with the section 55 duty when carrying out the actions set out in this instruction, in respect of children and those with children. You must follow the principles set out in the statutory guidance under section 55, Every Child Matters – Change for 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. 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 other countries. You must abide by these arrangements and work with local agencies in order 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, and this must be addressed when assessing whether an applicant meets the requirements of the Immigration Rules. 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 an application involves an unaccompanied child applying for statelessness in the UK and is being accommodated by a local authority.

For further information, see: Children's Act 1989).

You should be mindful the local authority may be in the process of discharging their duties with regard to the protection of children, considering the best interests of children in their care and making decisions about the child's permanence, which may include family tracing.

The statutory duty to children includes the need to demonstrate that applications are dealt with in a timely and sensitive way where children are involved. In accordance with the UN Convention on the Rights of the Child (UNCRC) and the Supreme Court judgment in ZH (Tanzania) (FC) (Appellant) v SSHD, the best interests of the child are a primary consideration, although not necessarily the only consideration, when making decisions affecting children. This applies whether the child is the main applicant, or an adult applicant is the primary parent or guardian of a child in the UK or has genuine and subsisting family life with a child in the UK.

Article 7 of the UNCRC provides that children have the right to a nationality. Children, especially unaccompanied children, may face acute challenges in communicating basic facts about their nationality. Close attention must always be given to the welfare and best interests of the child when considering their nationality and potential that they may be stateless. This involves the same procedural and evidentiary safeguards for child claimants as apply in asylum claims, including priority processing of their claims and provision of appropriately trained caseworkers. It also requires you to assist in the determination of statelessness by making enquiries with relevant national authorities, which the child may not be in a position to undertake themselves.

Considering the welfare and best interests of a child also applies where a child is included as a dependant on a statelessness application. Whether or not parents or children are stateless or have the right to reside in another country will be a mixed assessment of fact and law. Where statelessness is accepted for any members of the family and the question of admissibility is at issue, whilst the best interests of any children will be a primary consideration, a decision as to whether they qualify under statelessness provisions will depend on whether they are admissible to another country for purposes of permanent residence there.

For children born in the UK to be considered stateless, evidence must be provided to show they, or their parents, have made a genuine attempt to register their birth with the relevant authorities but have been refused for reasons beyond their control. In R (JM (Zimbabwe)) v SSHD (2018), the Court of Appeal confirmed that a child, born in the UK of a foreign national, who can under the law of the parent's nationality, obtain

citizenship of that country by descent by registering their birth, can properly be regarded as admissible to that country, as reflected at S 3.3. of Appendix Statelessness.

Where you are concerned about child welfare or protection issues that may involve safeguarding issues within the family unit, you must immediately contact the relevant safeguarding team within your operational unit, who will refer the case to the relevant local authority in accordance with guidance in making safeguarding referrals. In an emergency, you must refer the case to the police. You can ask the Office of the Children's Champion for advice on issues relating to children, including family court proceedings and complex cases. For further information on the important principles to consider, see the Section 55 children's duty guidance. Our statutory duty to children means you must demonstrate:

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

You must keep this duty in mind throughout the process.

Modern slavery

Modern slavery encompasses human trafficking and slavery, servitude and forced labour. The essence of human trafficking is that the victim is deceived into a situation where they are exploited. UN Convention number 29 concerning forced or compulsory labour defines 'forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

UNHCR research suggests there may be a link between statelessness and human trafficking, whereby a stateless person is at greater risk of becoming a victim of human trafficking because it increases risk factors such as poverty, lack of education and the ability to deal with a sudden crisis. A combination of risk factors may push stateless people to decide to migrate and take risks to find a solution to their plight. You should be aware of the nexus between modern slavery and statelessness, to ensure that you take the necessary action in cases where you identify an applicant who you consider may have experienced modern slavery.

For further guidance on dealing with possible victims of modern slavery, including how to refer someone to the National Referral Mechanism (NRM), see the Competent Authority guidance.

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Relevant legislation

Statelessness conventions

The 1954 Convention relating to the Status of Stateless Persons regulates the status of non-refugee stateless persons and ensures that they enjoy human rights without discrimination. It sets out a common framework with minimum standards of treatment for stateless persons, provides them with an internationally recognised legal status, for example: offers access to travel documents for those lawfully staying in a territory.

The 1961 Convention on the Reduction of Statelessness is intended as the primary international legal instrument adopted to deal with the means of avoiding statelessness.

Signatory states to the United Nations Convention on the Rights of the Child recognise the family as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children. Children should be afforded the necessary protection and assistance so that the family can fully assume its responsibilities within the community.

Immigration Rules

The statelessness rules were introduced in 2013 by the statement of changes to the Immigration Rules: HC1039.

Changes to the statelessness Immigration Rules were laid in Parliament on 7 December 2023 and commenced on 31 January 2024. These introduced Appendix Statelessness which replaced the provisions for stateless persons in Part 14 of the Immigration Rules. The changes also introduced a requirement for dependants to apply under Appendix FM, but this was quashed in light of the High Court's determination in Asylum Aid v SSHD [2025]EWHC 316 (Admin).

Changes to the Immigration Rules in Appendix Statelessness were laid on 14 October 2025 and commenced on 11 November 2025. These simplified and updated the provisions in Part 14 relating to dependants.

The Appendix FM rules have also been updated to make clear that dependants who are not eligible to apply under Appendix Statelessness (because their relationship was formed after the stateless person was granted permission as a stateless person) should apply under Appendix FM.

As set out in the transitional arrangements at 417 of Part 14 of the Immigration Rules, dependant applications made prior to 11 November 2025will be considered under Part 14, as they were prior to these changes.

Appendix Statelessness contains the validity (S1), suitability (S2) and eligibility (S3) requirements for permission to stay as a stateless person. S5 of Appendix Statelessness states that successful applicants will be granted 5 years permission to stay in the UK.

Applications for permission to stay as a stateless person must be made on the relevant stay in the UK as a stateless person application form.

Part Suitability of the Immigration Rules sets out the suitability requirements for refusing an application. These requirements apply to statelessness applications.

Children Act 1989

Local Authorities in England have various duties under the Children Act 1989, in particular, a duty under sections 17 and 20 of the Children Act 1989. Similar duties are placed on local authorities in Scotland under sections 22 and 25 of the Children (Scotland) Act 1995. The equivalent duties of Welsh local authorities are set out in parts 3, 4 and 6 of the Social Services and Well-being (Wales) Act 2014. In Northern Ireland the duties of Health and Social Care Trusts in Northern Ireland are set out in articles 18 and 21 of the Children (Northern Ireland) Order 1995.

In England, Section 17 places a general duty on every local authority to safeguard and promote the welfare of children in need within their area by providing services appropriate to those children's needs. Section 20 requires every local authority to provide accommodation for children in need within their area who appear to them to require accommodation in some circumstances. Section 66 sets out that where a child, under the age of 16 and who is cared for and accommodated for more than 28-days by someone other than their parent is considered as being a privately fostered child in England. Section 67 outlines a duty to English local authorities to satisfy themselves of the welfare of children who are, or are proposed to be, privately fostered within their area is being satisfactorily safeguarded and promoted.

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Considering statelessness applications

Definition

Article 1(1) of the 1954 UN Stateless Convention defines a stateless person, for the purpose of the convention, as a person who is not considered as a national by any state under the operation of its law.

An individual is a stateless person from the moment the conditions in Article 1(1) of the 1954 Convention are met. This means that any finding by a state, or UNHCR, that an individual satisfies the test in Article 1(1) is a declaratory act. The definition is reflected in the preamble of Appendix Statelessness.

Application process and admissibility

All applications must be made on the specified online application form, FLR(S), which is available on the GOV.UK website, in accordance with paragraph 34 of the Immigration Rules. Any attempt to make an application in any other way, for example by telephone, email or on the old paper form, will be invalid and not considered. Forms may be updated so applicants must use the latest version available online when they apply.

Paragraph 34BB of the Immigration Rules makes clear that an applicant may only have one outstanding application for permission to stay at a time. If a new application for permission to stay is made while a previous application is still outstanding, it will be considered as a variation of the previous application. However, for instructions on how to consider statelessness applications where applicants have outstanding protection claims.

For further information, see the sections on outstanding asylum claims in this guidance.

Claims that are based on a need for protection from persecution or serious harm should not be made by way of a statelessness application. Those who wish to claim asylum must make an appointment with the Asylum Intake Unit. Failed asylum seekers wishing to lodge further submissions must do so in person in accordance with the published Further submissions policy.

Those previously granted permission to stay in another capacity who wish to apply for permission to stay as a stateless person should make an application up to 28 days before their existing permission expires. Whilst an application can be submitted earlier, such applications will normally be held until 28 days before their permission to stay expires before being considered. This is to ensure applications from those who do not have any permission to stay are prioritised.

All statelessness applications must be carefully considered in accordance with this guidance. Applications should be progressed without unnecessary delay as

applicants may be in vulnerable situations whilst awaiting a decision. The Appendix Statelessness rules apply a 3-stage decision-making process: validity, suitability, and eligibility.

Family members

Partners and children, whether in the UK with the main applicant at the time of application or not, should, irrespective of their own nationality or lack of nationality, be included in the application form, along with details about their immigration history and countries of former residence that may be relevant to the application. This is because it will be necessary to consider whether the applicant may be admissible to their partner or child's country of nationality or habitual residence.

For further information, see: definition of statelessness – applying the 'by any state' element.

If a partner or child wishes to be considered individually and be recognised as a stateless person and are in the UK, they can submit a separate application under Appendix Statelessness. Where the factual basis for family members is the same, any related applications must be linked and considered together.

Partners and children may apply and be granted permission as a partner or child of a stateless person providing they meet the relevant dependant requirements of the Immigration Rules under paragraphs S11.1. to S17.2. of Appendix Statelessness. See section on partner or child of a stateless person in this guidance.

If the main applicant is granted permission under the statelessness provisions, family members should normally be granted permission in line with the stateless person, providing they meet the requirements of the Immigration Rules and do not fall for refusal under Part Suitability.

Partners and children who form a relationship with the stateless person after they have been granted permission under Appendix Statelessness should apply for permission under Appendix FM.

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Decision-making process

Three stage process

First, you must consider whether the application is valid, in line with S1 of Appendix Statelessness. Where the application does not meet the validity requirements, you may reject the application as invalid and not consider it. Where the application does meet the validity requirements, you must then consider the suitability requirements.

Second, you must consider whether the applicant meets the suitability requirements, set out in S2 of Appendix Statelessness. Where the applicant does meet the suitability requirements, you must then consider the eligibility requirements. Where the applicant does not meet the suitability requirements, you must refuse the statelessness application, but you should still consider the eligibility requirements.

Third, you must consider whether the applicant meets the eligibility requirements – even where the applicant falls for refusal as a stateless person under the suitability requirements. This is because individuals who are stateless and are not admissible to any other country will normally be granted a more restrictive form of permission to stay. Consult the Discretionary leave guidance where this is applicable.

Stage 1: Validity requirements for a stateless person

For an application on the statelessness route to be considered, first, you must assess whether a valid application has been made.

The validity requirements for an application on the statelessness route are outlined in S1 of Appendix Statelessness.

Application form

A person applying for permission to stay as a stateless person must apply online on GOV.UK on the specified form Further Leave to Remain – Stateless Person. Applicants must apply on their own application form. For child applicants under the age of 18, a responsible adult may apply on their behalf.

Biometrics

The applicant must have enrolled any required biometrics in order to make a valid application. The applicant is informed of this requirement to enrol biometrics within 45 working days from the date they made an application for permission to stay as a Stateless Person. Biometrics are required for the purposes of the Biometric Immigration Document should an applicant be granted for permission to stay in the UK.

Should an applicant fail to enrol their biometrics within 45 working days, you must send the applicant a biometric enrolment reminder letter. Should biometric enrolment still not have been completed after a further 10 working days, and the application fails to meet any other validity requirements, then the application may be rejected as invalid. Should biometrics still not be enrolled after a further 10 working days, but all other validity requirements are met, then you must proceed to consider whether the applicant meets the suitability and eligibility requirements. Should an applicant who has failed to enrol their biometrics qualify for settlement or further permission to stay, they must enrol their biometrics before a Biometric Immigration Document is provided.

Establishing identity

To be considered a valid application, an applicant must complete all the mandatory sections of the form. Where this has not been completed, or an attempt is made to make an application in another way (such as by telephone or email), an application must be rejected as invalid without consideration. This information will be used to help establish an individual's identity.

Present in the UK

To make an application for permission to stay as a stateless person, the applicant must be present in the UK on the date it is submitted.

Rejecting applications

In-line with the guidance above, should an applicant not meet the validity requirements set out in S1 of Appendix Statelessness, then you may reject the application as invalid without consideration using the relevant template. Applications should be rejected promptly. You must complete all validation checks before rejecting an application.

Stage 2: Suitability requirements for a stateless person

The suitability requirements for an application on the Statelessness route are outlined in S2 of Appendix Statelessness.

Part Suitability of the rules

The Home Office is responsible for maintaining effective immigration control. This includes preventing abuse of the immigration system. The suitability requirements set out in Part Suitability of the Immigration Rules apply to the consideration of statelessness applications. Where an individual falls for refusal under the suitability requirements the application must be refused. However, you must still consider whether an applicant meets the definition of a stateless person under S 3.1 of Appendix Statelessness. This is because those refused under suitability requirements who are stateless and not admissible to any other country cannot be

removed, because there is nowhere to remove them to, and as such may be granted permission outside the Immigration Rules.

Official – sensitive: start of section

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Official – sensitive: end of section

S 2.1 permits the refusal of an application if any of the grounds set under Part Suitability apply. Where an application falls for refusal under the suitability requirements, you should refer to all reasons for refusal in your decision.

Further details on applying the suitability requirements can be found in the Suitability requirements guidance.

Exclusion

The Immigration Rules set out instances where exclusion from recognition as a stateless person will apply or where permission to stay should be refused on grounds of the applicant's character or conduct.

Existing protection arrangements

Paragraph S 2.2(a) of Appendix Statelessness mirrors the provision of Article 1(2)(i) of the 1954 Stateless Convention. This means that in practice, Palestinians do not come within the scope of the Stateless Convention if they are already given the protection and assistance of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). However, they may come within the scope of the Stateless Convention if they have not received that assistance or have ceased to receive assistance for reasons beyond their control and independent of their volition. For further information see Article 1D guidance on asylum claims by persons from the Occupied Palestinian Territories.

Habitual residence cases

Paragraph S 2.2(b) of Appendix Statelessness reflects Article 1(2)(ii) of the Stateless Convention. It excludes from the Convention's scope those who do not have the nationality of the state in which they are habitually resident but who have, to all intents and purposes, the rights of those in that state who do. A strict test is required to be excluded under Article 1(2)(ii).

This reflects provisions in Article 1E of the Refugee Convention and means that an individual will not be suitable for permission to stay as a Stateless Person where they have:

secure residence in the country with respect to which the application of Article 1(2)(ii) is being examined and have been recognised by the competent authorities of that country as having the rights and obligations attached to possession of nationality of that country UNHCR's note on the interpretation of Article 1E of the 1951 Convention relation to the Status of Refugees provides further guidance on criteria relating to residency and the rights and obligations attached to possession of nationality relevant to the interpretation of Article 1(2)(ii). This applies to cases where the person is currently recognised by the country concerned as having these rights and obligations. If the competent authorities of the country concerned recognised the person as having such rights in the past but no longer endorse this recognition, Article 1(2)(ii) and paragraph S 2.2 of Appendix Statelessness are inapplicable. You should also consider paragraph 17 of this note, where an individual is recognised by the competent authority but holds a well-founded fear of being persecuted or other serious harm there.

Serious criminality

Article 1(2)(iii) of the 1954 Convention excludes from its scope those persons for whom there are serious reasons for considering that they have committed war crimes, crimes against peace or humanity, serious non-political crimes, or acts contrary to the purposes and principles of the United Nations. This reflects the provisions of Article 1F of the Refugee Convention. Paragraph S 2.3 of Appendix Statelessness are to be understood in a manner consistent with guidance on Exclusion under Article 1F and Article 33(2) of the Refugee Convention.

The burden of proving that an individual falls within these provisions lies with the Secretary of State, and you must have 'serious reasons for considering' that an individual meets the criteria. This requires 'strong' or 'clear and credible evidence' that the individual has committed the crimes or performed the acts in question. The standard of proof is not as high as the criminal standard of 'beyond reasonable doubt' but requires you to weigh up all the evidence and come to a reasoned conclusion – 'considering' is nearer to 'believing' rather than 'suspecting'.

Stage 3: Eligibility requirements for a stateless person

Once you are satisfied that the application has met the validity and suitability requirements for a stateless person, you must go on to consider whether the applicant meets the eligibility requirements.

Core requirement

To be considered eligible for permission to stay as a stateless person an application must be from an individual who is not considered as a national by any state under

the operation of its law, as set out in Article 1(1) of the 1954 Statelessness Convention.

Relevant country and competent authority

A relevant country for the purposes of assessing the eligibility of a stateless person is defined as countries with which the applicant has relevant links, such as on the basis of birth on the territory, descent, marriage, adoption or habitual residence.

A competent authority is a recognised government body which has the legal authority to confirm whether a person applying for permission to stay as a stateless person is recognised as a national or has the right or status leading to permanent residence in a relevant country.

The applicant must have taken all reasonable steps, but nonetheless failed to both:

acquire, or re-acquire, nationality with the competent authorities of any relevant countries
establish a right to admission as a permanent resident, or a status leading to permanent residence, in any relevant countries

Evidence

The applicant must have obtained and submitted all reasonably available evidence to the Home Office as part of their application which shows that they meet the eligibility requirements. You must consider the evidence section of this guidance when assessing eligibility.

Child applicants

If the applicant is a child born in the UK, their parent or legal guardian must have taken all reasonable steps to register the child's birth with the competent authorities and have been unsuccessful. You must consider representations from the child applicant where there are reasonable grounds for not being able to do this where applicable.

It is important to recognise that registering a child's birth does not necessarily confer nationality to that child. Birth registration is the permanent recording of a child's existence and does not confer nationality. Nationality is acquired through the operation of a state's nationality law.

The two processes are distinct. Nonetheless, birth registration helps to prevent statelessness because it establishes a legal record as to where a child was born and who their parents are, elements of information key to proving entitlement to nationality.

If a child's parent or legal guardian has been unsuccessful in registering their birth, where applicable, you must consider representations from the child applicant where there are reasonable grounds for not being able to do this.

When considering representations or any applications from children, you should be aware that children, especially unaccompanied children, may face acute challenges in communicating basic facts with respect to their nationality. They will require additional procedural and evidentiary safeguards. Consult the section on applications in respect of children.

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Statelessness interviews

You may consider arranging an interview to address any outstanding issues or ambiguities. An interview may be required if you consider that the statelessness application is lacking information needed to make an informed decision, which cannot be obtained through other means, for example, writing to or arranging a telephone call with the applicant's legal representatives. In other instances, questions about evidence submitted as part of the application may be resolved through additional written communications. An interview may also be required to address any adverse credibility findings. This provides the individual with the opportunity to refute, explain or provide mitigating circumstances in respect of any evidence that appears inaccurate, contradictory, vague, implausible, or inconsistent.

An interview will not be required where there is already sufficient evidence that an individual is stateless, is not admissible to any other country and is eligible for permission to stay on this basis. An interview will also not be required, and the application will be refused, where recent and reliable information including the applicant's previous evidence or findings of fact made by an immigration judge, have established that the applicant is not stateless or is clearly admissible to another country for purposes of permanent residence and where no evidence to the contrary has been provided.

In cases where you consider an interview is required to gather further evidence on which to make an informed decision, the applicant should be invited to an interview by sending a letter to the applicant and representative (where relevant). If an applicant has a legal representative, then you should also send a covering letter to them. Letter templates are available on Atlas. For further information consult the guidance on asylum interviews.

Conducting statelessness Interviews

Paragraph 100 of the UNHCR Handbook on Protection of Stateless Persons sets out how interviews should be approached. An interview provides an opportunity for the applicant to fully set out their case, present relevant supporting evidence and answer questions about key issues that remain outstanding. You should ask open-ended questions to encourage applicants to deliver as full an account as possible. You must bear in mind that applicants can only be expected to reply to the best of their knowledge and in some cases even basic information may not necessarily be known, for example, their place of birth or whether their birth was registered.

During the interview, you must establish what steps the applicant has taken to obtain relevant documentation, including details of any enquiries with relevant authorities in the country of origin or habitual residence or through contact with embassies or high commissions in the UK. The interview should also be used to put any inconsistencies to the applicant, to give them the opportunity to explain so that you can make an informed decision on whether to accept their account on the balance of probabilities.

The burden of proof is on the applicant to prove they are stateless and have taken reasonable steps to facilitate admission to their country of former habitual residence or any other country but have been unable to secure the right of admission and attempted to re-establish their nationality with the relevant authorities. However, you should consider whether officials are more likely to receive a response, particularly if the state has previously demonstrated their cooperation with the Home Office. As such, whilst you will need to explore the extent to which the applicant has tried to obtain evidence during interview, you must consider liaising directly with relevant authorities where the information available (from the application and interview) is not determinative.

Those who refer in correspondence or at interview to a fear of return to their country of habitual residence, or to family, private life, or other human rights grounds, must be advised that such issues are not part of the statelessness determination procedure, but will be considered as part of their application. Applicants who want to raise protection grounds must do so in person by claiming asylum at the Asylum Intake Unit in Croydon or by lodging further submissions in person in Liverpool if they have previously made an asylum claim. Applicants who wish to apply on any other ground must do so using the appropriate application form available on the GOV.UK website.

In cases where an interview has been arranged and the applicant fails to attend without a reasonable explanation or fails to reply to a written request for information, the application may be refused on the basis that they have failed to provide the required evidence, taking into account the general grounds for refusal in paragraphs 322(9)-(10) of the Immigration Rules.

For further guidance on the broad principles and standards on conducting interviews, you can refer to the published policy on asylum interviews.

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Evidence

Burden and standard of proof

In all cases, the burden of proof rests with the applicant, who is expected to cooperate with you to provide sufficient evidence to demonstrate that they are stateless and that there is no country to which they can be removed for purposes of permanent residence. The standard of proof that applies in considering statelessness is that of a balance of probabilities, as confirmed by the Court of Appeal in AS (Guinea) v SSHD [2018] EWCA Civ 2234.

Paragraph S 3.4 of Appendix Statelessness requires applicants to obtain and submit all reasonably available evidence to enable the Secretary of State to determine that they are stateless and are not admissible to another country under the meaning of paragraph S 3.2. It is not enough, for example, for the applicant to rely on an unsupported assertion of statelessness or provide no explanation or evidence to support their application, particularly where this runs contrary to previously available information. Paragraph S 3.4 require applicants to evidence that they have sought and failed to obtain or re-establish their nationality with the appropriate authorities of the relevant country. This includes parents taking the required steps to register their child's birth with the relevant authorities. Applicants are expected to make enquiries with relevant national authorities unless there is a very good reason not to, or with friends or relatives who may be able to assist and should provide information about their endeavours in their application, subsequent correspondence or during the interview.

However, you must make a distinction between applicants who show no interest in genuinely co-operating or providing supporting information, such as evidence of their attempts to obtain or re-establish their nationality with the relevant authorities, and those who may be unable to submit much evidence or information because, for example, they do not have the resources or knowledge to obtain information about the nationality laws of a given state. In such circumstances, where the available information is lacking or inconclusive, you must assist the applicant by interviewing them to elicit further evidence, undertaking relevant research and, if necessary, making enquiries directly with the relevant authorities and organisations. See gathering and assessing evidence below.

The applicant is required to establish that they are not considered a national of any state to the standard of the balance of probabilities (that is more likely than not), since the factual issues to be decided justify a higher standard of proof than the reasonable likelihood required to establish a well-founded fear of persecution in asylum claims, where the issue may be the threat to life, liberty and person.

Gathering evidence

Statelessness determination requires a mixed assessment of fact and law. The information that may be relevant can be divided into 2 categories:

evidence relating to the individual's personal circumstances submitted as part of the application process or as part of previous applications or claims
evidence about the law and practice in the country in question, both regarding the individual concerned, and the group (or groups) of individuals to which the applicant belongs

You may need to make further enquiries as part of the consideration process. This may be undertaken before or after any interview has taken place. If an interview is considered necessary you should make relevant enquiries when preparing for the interview where possible, so that you are able to ask questions of the applicant on matters arising following those enquiries.

Documentary and testimonial evidence

Evidence documenting an applicant's personal history can help identify the state (or states) whose nationality laws and procedures need to be considered to determine nationality status.

This is not an exhaustive list, but examples of evidence may include:

- testimony of the applicant (written application and/or oral evidence at interview)
- responses from relevant foreign authorities to an enquiry regarding nationality status of an individual
- identity documents - for example:
  - birth certificate
  - extract from civil register / national identity card / voter registration document
  - passports (see passports below)
  - other travel documents (including expired ones)
- documents regarding applications to acquire or obtain proof of nationality
- certificate of naturalisation or certificate of renunciation of nationality
- previous responses by states to enquiries on the nationality of the applicant
- marriage certificate
- military service record / discharge certificate
- school certificates, medical certificates / records for example:
  - attestations issued from hospital on birth
  - vaccination booklets
- identity and travel documents of parents / spouse and children / immigration documents such as:
  - residence permits of their country
  - countries of habitual residence
- other documents pertaining to countries of residence - for example:
  - employment documents
  - property deeds
  - tenancy agreements
  - school records
  - baptismal certificates
  - record of sworn oral testimony of neighbours and community members

You must ensure that requests for information are realistic and reasonable. For example: there is no point asking for school records if there is no established practice in the country of origin of producing them. In some countries, women (including pregnant women) or members of ethnic minorities may have difficulty obtaining documents due to discrimination. Where feasible, it may therefore be necessary for you to undertake your own further research to assist the applicant.

Country of origin information (COI)

You should undertake research into nationality and other relevant laws, including their implementation and the practices of the relevant state. This information can usually be found in published Home Office COI products or provided by the COI request service, who may contact the Foreign, Commonwealth and Development Office (FCDO) and overseas posts where necessary. Where further research is considered necessary, information should be obtained through the Country Policy and Information Team (CPIT) useful sources list, reliable news media or from databases such as UNHCR Refworld. The reliability of the information obtained must be carefully considered and evidence corroborated from other sources where possible. Any COI gathered through independent research must be fed back to CPIT.

Passports

Apparently genuine, unexpired passports will usually raise a presumption that the passport holder is a national of the country that issued the passport and is entitled to reside there unless there is evidence from COI that an individual in the applicant's circumstances is not normally considered to be a national of that state. This may include, for example, where the document is shown to be a passport of convenience, or the passport has been issued in error by an authority that is not competent to determine nationality issues.

In such cases the passport does not demonstrate that the individual is a national of that country. Equally, no presumption is raised by passports that are shown to be counterfeit or otherwise fraudulently issued. The burden of proof is on the applicant to demonstrate why their passport does not confer nationality, but you should consider checking with national authorities to confirm whether a passport has been genuinely and correctly issued where it is alleged otherwise.

Enquiries with relevant national authorities

Enquiries of the authorities of the country of former habitual residence which disclose the applicant's personal details will be necessary in some cases to make an informed decision. Such details may be disclosed through the applicant approaching relevant authorities or any enquiries that you make directly. For example, this may be for the purposes of verifying information which the applicant has provided in support of an application. Such requests may include seeking to verify documents, information, or identity with private and public authorities in the UK and other

countries. When making enquiries with foreign national authorities, there must be no disclosure of the rejection of any previous asylum claim, if applicable.

For further information, see section on outstanding asylum claims.

Where a response from the state includes reasoning that appears to involve a mistake in applying the local law to the facts of the case or an error in assessing the facts, you must seek clarification from the state concerned. Whilst it is the subjective position of the other state that is critical in determining whether an individual is its national for the purposes of the stateless person definition, you must consider the evidence provided to the state by the applicant. If it is clear that the applicant has provided false or misleading information to state officials, this may be viewed as evidence of false representations and may lead to a refusal of the Statelessness application.

Evidence from previous asylum claims

Findings of fact relevant to determining whether a person is stateless which have previously been established during an asylum claim may be relied upon when considering a subsequent statelessness application. External enquiries undertaken as part of the asylum process may also be relevant. For example, enquiries may have been made to national embassies or consulates to secure travel documents in relation to removal action following the refusal of asylum. Evidence of credibility from previous asylum claims can also be drawn upon for the statelessness determination. However, you must not rely on any credibility findings that have subsequently been overturned on appeal.

Language analysis

Although language analysis cannot determine the nationality of an individual or whether they are stateless, it can provide evidence regarding linguistic origin, which may be useful evidence in cases where there is doubt as to their country or region of origin. Those refusing to participate in the language analysis process must be asked to explain why. Their response must be taken into account when considering their Statelessness application. More information, including the bases for carrying out language analysis, can be found in guidance on language analysis.

Assessing evidence

An individual's nationality must be assessed as a matter of fact and law at the time the statelessness application is determined. The question as to whether a person is stateless is not a historic or predictive exercise. You must consider whether at the point of making your decision, an individual is or is not a national of the country or countries in question.

This means that if an individual is partway through a process for acquiring a nationality, but those procedures have not been completed at the date the

statelessness application is determined, they cannot be considered a national for the purposes of Article 1(1) of the 1954 Convention. You must establish with the applicant, and with the relevant authorities, if necessary, the nature of any ongoing enquiries before making a decision on the application. Similarly, where requirements or procedures for loss, deprivation or renunciation of nationality have only been partially fulfilled or not been completed, the individual is still a national for the purposes of the stateless person definition.

A determination that the individual is currently stateless does not mean that they are inadmissible to any other country, particularly where they have the means to obtain a nationality to which they can reasonably expect to be entitled. In R (JM (Zimbabwe)) v SSHD (2018) the Court of Appeal considered the correct approach to admissibility and held that, if it lies within an applicant's power to obtain admission, for example, through registration of a person's birth which would confer citizenship, then, absent any evidence to the contrary, the applicant is admissible.

Appendix Statelessness makes clear that applicants are required to take reasonable steps to facilitate admission to their country of former habitual residence or any other country in which they could reasonably expect to have a right of permanent residence, and that the applicant must obtain and submit all reasonably available evidence to enable the Secretary of State to determine whether they are stateless and whether they are admissible to another country within the meaning of S 3.1-S 3.4.

Credibility

With reference to paragraph 101 to 107 of the UNHCR Handbook on Protection of Stateless Persons, you should consider the credibility of the application where there is little or no documentary evidence available and there is a greater reliance on an individual's testimony. This could include reviewing the specificity and sufficiency of details provided, consistency in their statements and COI information as well as plausibility of the statements.

Definition of statelessness

Applying the 'by any state' element

It is only necessary to consider states with which an individual may be linked, whether by birth on the territory, descent, marriage, through a child or habitual residence. In some instances, consideration of this element alone may be decisive, if the only country or entity to which an individual has a relevant link is not recognised as a state. However, in such cases, there may be other states in the region (or elsewhere) with which the applicant may be linked and where nationality may have been acquired. In addition, in relation to Palestine, the applicant may be excluded from recognition as a stateless person under S 2.2.

For further information, see: existing protection arrangements.

It will not be difficult in most instances to determine which country or entity is a ‘state’ and which is not, but for the purposes of this guidance, a ‘state’ is one recognised as such by the UK. This is regardless of the effectiveness of its government. A state which loses an effective central government because of internal conflict will nevertheless remain a ‘state’ for the purposes of Article 1(1) for as long as it remains recognised as such by the UK.

Applying the ‘not considered as a national’ element

An understanding of the laws of nationality and their administration in practice in the applicable state (or states) concerned is required when considering a whether a person is stateless. You must refer to relevant published COI, consider whether a request should be made to CPIT and, where appropriate, to the FCDO, where further information is required to make an informed decision.

Determining nationality under operation of state laws

The law and practice of determining nationality can be complex. The following paragraphs, drawn from the UNHCR Handbook on Protection of Stateless Persons, highlight the main elements in establishing nationality, or the lack of it. The reference to ‘law’ in Article 1(1) should be read broadly to encompass not just legislation, but also ministerial decrees, regulations, orders, judicial case law (in countries with a tradition of precedent) and, where appropriate, customary practice. However, it is important that you do not apply provisions of foreign law selectively or in isolation from other relevant law or practices because you need to make a decision based on all the evidence available.

You will need to assess the evidence provided in the application to consider the way in which statelessness may have arisen. An understanding of the particular circumstances of the case will assist in making appropriate enquiries with relevant national authorities and in reaching an informed decision

A person may be Stateless, or become stateless, because they have:

- never held a nationality and have always been stateless
- acquired and subsequently lost a nationality
- been denied a nationality by the national authorities of their country of former habitual residence despite providing evidence
- voluntarily renounced a nationality
- not registered for a nationality to which they are entitled having been born outside the country of their parents’ nationality
- genuinely been unable to provide evidence that they are a national of their country of former habitual residence

Those not considered as nationals under state law and practice

Establishing whether an individual is not considered a national under the operation of its law requires an analysis of how a state applies its nationality laws in practice and has applied them to the individual applicant, taking account of any review or appeal decisions that may have had an impact on the individual's status. Reference to 'by the operation of its law' in the definition of a stateless person in Article 1(1) is intended to refer to those situations where state practice does not always follow the letter of the law.

The question to be answered is whether, at the point of decision, an individual is a national of the country in question. This also applies where an individual provides evidence that they have made an application to the national authority only to find more and more evidence is requested by the state in question, combined with long delays, which in practice amounts to a denial of recognition. Similarly, where requirements or procedures for loss, deprivation, or renunciation of nationality (see section below on voluntary renunciation) have not been completed, the individual is still, at the point of determination, a national for the purposes of the Stateless Person definition.

Acquiring nationality

In most countries, nationality is acquired automatically by birth on the territory or by descent, or a combination of the 2. Nationality may also be acquired automatically by most individuals affected by state succession (for example, successor states to those which have ceased to exist, those which separate from a state and become independent, or acquire territory from another state). The law in some states provides for automatic loss of nationality, when certain conditions are met, such as prescribed periods of residency abroad or failure to register or make a declaration within a specific period.

Where nationality is acquired automatically, documents are generally not issued by the state as part of the mechanism. In such cases, it is usually birth registration that provides proof of place of birth and parentage and thereby provides evidence of nationality, either by jus soli (literally 'right of the soil' – a right by which nationality or citizenship is acquired by birth in the territory) or jus sanguinis ('right of blood' – acquired by parentage). Documents which serve as proof of nationality (for example, passports, citizenship certificates, identity cards) are typically not issued until later.

In non-automatic procedures, where an act of the state is required for acquisition of nationality, there will generally be a document recording that act, such as a citizenship certificate, and such documentation will usually be decisive in proving nationality. Where the applicant claims that the necessary action was not taken and therefore nationality was not acquired, you may decide it is necessary to obtain further evidence from the applicant or to ask the relevant overseas authority to confirm whether nationality was acquired by the applicant.

Where a person could acquire a nationality by registering with the relevant national authorities, but they have not taken the necessary steps to apply, they may be Stateless but will not be eligible for permission to stay as a stateless person under S 3.2 and S 3.3.

Decisions made by the national authorities

Where the national authorities have in practice treated an individual as a nonnational even though:

the applicant appears to meet the criteria for automatic acquisition of nationality under the operation of a country's laws
the applicant has cooperated with reasonable requests from the state and has made a genuine attempt to acquire nationality

It is the position of the national authorities rather than the letter of the law that is likely to be decisive in concluding that the state does not consider such an individual as a national. For example, this may occur where discrimination against a particular group is widespread in government departments or where, in practice, the law governing automatic acquisition at birth is systematically ignored and individuals are required instead to prove additional ties to a state.

Where there are difficulties in obtaining relevant travel documents to facilitate removal this does not, in itself, mean that the applicant is stateless or inadmissible to the country of return.

Absence of evidence of the national authorities' position

There may be cases where an individual has never come into contact with state authorities, perhaps because acquisition of nationality was automatic at birth and a person has lived in a region without public services or has never applied for identity documents or a passport. In such cases, it is important to assess the state's general attitude in terms of nationality status of those in a similar situation.

If the state has a good record in terms of recognising, in a non-discriminatory way, the nationality status of all those who appear to come within the scope of the relevant law, for example in the manner in which identity card applications are handled, this may indicate that the person who appears to fulfil the criteria in the nationality law is considered as a national by the state. Written enquiries of the state's representatives may be required to resolve any doubts. If evidence exists that the individual belongs to a group whose members are routinely denied identification documents issued only to nationals, this may indicate that they are not considered as a national by the state. You must not assume or accept this without further inquiry.

Response to enquiries with overseas governments

Enquiries may be met either with silence or a refusal to respond to the specific request whether this is made by the individual applicant or by you. It is a matter for judgement in the individual case as to how long it is reasonable to wait for any response. Wherever possible, you must progress the case to conclusion within a reasonable timeframe and where a response is not received for a protracted period you may decide the case without waiting for a response, particularly if the state's representatives have a general policy or practice of never replying to such requests. However, you must chase up outstanding requests on a regular basis and liaise with Returns Logistics Operations, who may be able to assist in pressing relevant national authorities for a response. You must not make any automatic assumptions as the result of another state's failure to respond.

In cases where a state has previously routinely responded to similar queries from the Home Office, a lack of response can usually be taken as evidence that the individual is not known to the state. Where a state representative responds to an enquiry and it is evident that the authority has not examined the particular circumstances of an individual's position, you should attach little weight to that response in considering the application.

Voluntary renunciation of nationality

Voluntary renunciation occurs when an individual gives up their nationality through choice, usually by oral or written declaration. The subsequent withdrawal of nationality by the state may be automatic or at the discretion of the authorities. Although many states have safeguards in their nationality laws to prevent this from leading to statelessness, it continues to occur.

Sometimes individuals have to renounce their nationality to naturalise in another state and may then remain stateless if they do not acquire the second nationality. In other cases, individuals voluntarily renounce their nationality because they do not wish to be nationals of a particular state, or in the belief that this will lead to the grant of a protection status or other permission to stay in another country. Those who have renounced their nationality voluntarily may be able to reacquire such nationality, unlike other stateless persons.

The question of an individual's free choice is not relevant when determining whether a person meets the statelessness definition under Article 1(1) of the 1954 Convention, even if it appears that the applicant may have been motivated by the prospect of securing permission to stay as a stateless person. The applicant must nevertheless be asked the reason for renunciation and the possibility of re-acquiring that nationality must be examined very carefully in such cases. Loss of nationality and consequential statelessness will not necessarily prevent re-admission to the country concerned. Where there is evidence to suggest that someone has deliberately renounced nationality to benefit from the statelessness provisions, and there remains an option for them to approach the relevant state to reacquire their former nationality, the statelessness application must be refused.

Nationality acquired in error or bad faith

If an individual acquires nationality based on an error by the overseas government in a non-automatic mechanism, for example, because of a misunderstanding of the law that applies or in bad faith, this does not in itself invalidate the individual's nationality status. This flows from the ordinary meaning of the terms in Article 1(1) of the 1954 Convention.

The same is true if the individual's nationality status changes as a result of a fraudulent application, or one which inadvertently contained mistakes regarding material facts. For the purposes of the definition, conferrals of nationality under a non-automatic mechanism are to be considered valid even if there is no legal basis for such conferral. However, in some cases the state, on discovering the error or bad faith involved in the nationality procedure in question, will subsequently have taken action to deprive the individual of nationality and this will need to be taken into account in determining the state's position on the individual's current status.

The impact of fraud or mistake in the acquisition of nationality is to be distinguished from the fraudulent acquisition of documents which are presented as evidence of nationality. These documents will not necessarily support a finding of nationality as in many cases they will be unconnected to any nationality mechanism, automatic or non-automatic, which was actually applied in respect of the individual.

Related content
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Deciding applications

Granting permission to stay

S 4.1 of Appendix Statelessness sets out the requirements that must be met for a grant of permission to stay as a stateless person, namely that the application meets the relevant eligibility requirements. Permission to stay will be granted where the person meets the validity, suitability, and eligibility requirements of paragraph S 1.1 to 3.4.

Permission to stay as a stateless person is granted in accordance with paragraphs S 4.1 and S 5.1 of Appendix Statelessness Immigration Rules, which states that permission to stay will normally be granted to the applicant (and their family members where applicable) for an initial period of no more than 5 years. Those granted permission to stay have the right to work and access to public funds.

For applications that include a dependant partner or child, their application will be decided under Part 14 provisions.

Refusal of permission to stay

An applicant who does not meet the requirements of paragraph S 4.1 must be informed of the decision in a letter which sets out the reasons for refusal and informs the applicant how to seek an administrative review of the decision.

Where an applicant does not meet the requirements of paragraph S 4.1, because they do not meet the suitability and relevant eligibility requirements, the decision letter must clearly indicate whether they are nevertheless recognised as Stateless in accordance with paragraph S 3.1 of Appendix Statelessness.

This may occur when the applicant falls for refusal as a stateless person after considering the suitability and relevant eligibility requirements. In this instance, you must consider whether a more restrictive form of permission to stay is applicable. This is because individuals who are stateless and are not admissible to any other country will normally be granted a form of permission to stay. Consult the discretionary leave guidance where this is applicable.

Applications for permission to stay as a stateless person will normally be decided and the decision communicated to the applicant before removal arrangements are made. However, a statelessness application is not a barrier to removal where someone does not have any existing permission to stay in any other capacity and an Emergency Travel Document (ETD) is available. If an ETD has been secured or a passport used to arrange to remove the individual, then this can be accepted as evidence that they are re-admissible to the country of return. If this is the case, a decision letter should be drafted, to formally refuse the statelessness application, citing that the ETD is one piece of evidence which shows that the applicant is admissible.

The decision letter (and all other correspondence with the applicant) must be served in accordance with the guidance on drafting, serving and implementing decisions.

Administrative reviews

There is no statutory right of appeal against a decision to refuse to grant permission to stay as a stateless person but unsuccessful applicants can apply for an administrative review, in accordance with paragraph AR3.2 of Appendix AR of the Immigration Rules.

Applicants must be advised in the decision letter that they are entitled to apply for an administrative review which must be made online using the form at: Apply for an administrative review. There is no fee payable for this review because there is no fee for the underlying Statelessness application. For further details see: Administrative review guidance.

An administrative review will consider whether an 'eligible decision' is wrong because of a case working error and correct that error if necessary.

If a case returns from administrative review for reconsideration, a different caseworker should reconsider the case within 3 months and any decision will be subject to a second pair of eyes check by a Higher Executive Officer or Senior Executive Officer.

Further submissions and repeat applications

There is no provision within Appendix Statelessness to accept further submissions following a decision on a statelessness application. Where an applicant has been refused and has been notified of the decision, any further information or evidence must be submitted as part of a new application using the appropriate FLR(S) application form available on the GOV.UK website.

Removal to safe third countries

Where a protection claim is made on or after 28 June 2022 may be considered to be to inadmissible under the decision framework set out in sections 80B and 80C of the Nationality, Immigration and Asylum Act 2002 and paragraph 327F of the Immigration Rules. A statelessness application is not a barrier to removal, therefore any removal to a safe country should proceed if applicable. Any outstanding statelessness application will lapse if the applicant is removed to a safe third country. For more information see the Inadmissibility guidance.

Outstanding asylum claims

If an asylum seeker whose asylum claim remains outstanding makes a statelessness application, you must first write to the applicant to explain why it may not be

appropriate to consider their statelessness application before their asylum claim is decided and ask whether they wish to withdraw their asylum claim. You will need to make clear that if they approach relevant national authorities to support their statelessness application this may prejudice any future asylum claim based on fear of persecution from those authorities.

If no reply is received or the applicant confirms they wish to pursue both their asylum claim and statelessness application, you must consider if you can make a decision on whether they are eligible for permission to stay as a stateless person without making enquiries with the national authorities from which the claimant is seeking protection, as doing so would breach our duty of confidentiality in respect of asylum claims under paragraph 339IA of the Immigration Rules.

Where you can determine the statelessness application without contacting the national authorities, or the person's asylum claim is not based on a fear of those authorities such that any enquiries would not breach our duty of confidentiality, the asylum and statelessness procedures may proceed in parallel. However, you must consult relevant operational colleagues considering the asylum claim as findings of fact from one procedure may be relevant in the other.

In cases where enquiries with relevant national authorities are required to make an informed decision on statelessness matters, and the applicant's asylum claim is based on a fear of those authorities, this will mean that enquiries cannot be made unless and until the asylum claim has been refused (and appeal rights exhausted). This is because approaching the national authorities would breach our obligation to treat information provided in support of their asylum claim in confidence. Where an asylum claim has been refused, any necessary enquiries subsequently made to the relevant national authorities should not disclose the fact that an asylum claim was lodged. As such, you must place the statelessness application on hold until the asylum claim has been decided or withdrawn. You must write to the applicant to tell them their application has been placed on hold and the reasons why.

The same principles apply to any further submissions lodged on protection grounds if they are based on a fear of persecution from the national authorities of their country of origin or former habitual residence.

Further leave applications

Applications for further leave for applicants who have previously been granted 30 months discretionary leave as a stateless person, prior to the rule changes of April 2019, should be considered in line with the requirements for discretionary leave as a stateless person under Paragraph S 4.1 of Appendix Statelessness. Such applications must be considered in line with the principles set out in the considering statelessness applications section of this guidance. Consult the https://ukhomeoffice.sharepoint.com/sites/BICSGuidance/SitePages/considering-and-deciding-a-claim.aspx where this is applicable.

You should also consider whether the exclusion provisions set out in Paragraph S 2.1-S 2.3 and the suitability requirements in Paragraph 322 apply. If they do, but you still consider the individual to be Stateless and not admissible to any other country, you should look to grant leave outside the rules instead.

For those applicants who continue to meet the requirements under Paragraph S 4.1, you should grant a period of 5 years permission to stay. However, you should advise in your grant letter that they are eligible to apply for settlement as a stateless person after having accrued a continuous period of 5 years permission to stay on the statelessness route.

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Settlement applications

Applications for settlement (also referred to as indefinite leave to remain) as a stateless person must be made in the UK on the applicant's last month of permission to stay on the specified FLR(S) form. Where an applicant has previously provided evidence to support that they are stateless and not admissible to any other country, there is no need for them to repeat this evidence within their settlement application.

Establishing identity for settlement can be achieved through the previous submission of biometrics and issued identity documents from the Home Office following the grant of a previous period of permission to stay.

Applications must not be processed until one month before the applicant becomes eligible for settlement (based on the need to have a continuous period of 5 years' permission to stay as a stateless person). Any applications received more than a month, but less than 3 months, before the applicant is eligible, should be held until a month before the date they become eligible and then processed. The file must be noted accordingly. Applications received more than 3 months before the applicant becomes eligible for settlement should be refused.

Some individuals do not need to have spent a continuous period of 5 years in the UK with permission as a stateless person to qualify for settlement. If the applicant has permission as a stateless person for at least one year immediately before the date of a settlement application and did not enter the UK illegally; the 5-year qualifying period can be met by also counting time on any other route that allows a person to qualify for settlement.

If an individual does not qualify, you should advise the individual that they do not qualify for settlement at this time because they have not accrued a continuous period of 5 years permission to stay as a stateless person or by other applicable routes, and that they should apply again when their permission to stay is due to expire within a month or when they have accrued 5 years' permission to stay.

Settlement may be granted under S 10.1 of the Appendix Statelessness after the applicant has spent a continuous period of 5 years in the UK with permission to stay granted under paragraph S 5.1. To qualify for settlement, an applicant must meet the requirements set out in paragraph S 6.1-S 8.2 of Appendix Statelessness and not fall for refusal under paragraph S 10.2-S 10.3.

For further information, see the sections on exclusion and Part Suitability.

If you are not satisfied that all the suitability and eligibility requirements or settlement as a stateless person are met but are satisfied that the applicant meets the requirements for permission to stay as a stateless person, you must grant the applicant a further period of permission to stay as a stateless person for 5 years.

Where clear evidence comes to light that the individual is not stateless and/or is admissible to another country for the purpose of permanent residence, you must refuse the settlement application under paragraph S 9.1. The individual will then need to make a valid application for permission to stay under other provisions of the Immigration Rules or leave the UK. You must refer such cases to the relevant enforcement team to consider whether removal action is appropriate.

Applicants who apply for settlement as a stateless person but have never been granted permission to stay on the statelessness route must be refused settlement on this route as they do not meet the requirements of paragraph S 10.3 of the rules.

Where an application is refused because they do not meet the requirements of the Immigration Rules but permission to stay is granted outside the rules there is a right of administrative review.

Related content
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Travel documents

People who are recognised as stateless are entitled to apply for a stateless person's document which will be issued in accordance with the UK's obligations under the 1954 UN Statelessness Convention.

This can include person's granted permission to stay in accordance with this policy and those who are recognised as being stateless, but do not qualify for permission to stay as a stateless person. For example, this may include those who are refused under suitability requirements but who are granted leave outside the Immigration Rules.

Applications for a stateless person's document must be made online.

For further information see: applying for a Home Office travel document.

A partner or child of a stateless person granted permission to stay can apply for a Certificate of Travel in the UK if for example they have been refused a passport or travel document by their country's national authorities.

Related content
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Partner or child of a stateless person

Validity

Definition of a valid application

Paragraphs S 11.1. to S 11.3. of Appendix Statelessness sets out the validity requirements which an application must meet in order to be considered as valid. This includes:

- if the applicant is applying in the UK for permission to stay, they must apply online using on the GOV.UK - FLR (S) form
- if the applicant is applying for entry clearance, they must apply online on the GOV.UK website using the specified form:
  - 'Child of a close relative with protection status in the UK or child or partner of a person who is officially stateless and in the UK with permission to stay'
- the applicant must have provided biometrics when required
- the person the applicant is seeking to stay with or join in the UK must either:
  - have permission to stay in the UK on the statelessness route
  - have made a valid application to stay in the UK on the statelessness route
  - be settled or have become a British Citizen - providing they had permission to stay on the statelessness route when they settled and the applicant either had permission as their partner or child at that time
  - the applicant is applying as a child of the sponsor and the applicant was born in the UK before the sponsor settled.

Application does not meet all of the validity requirements

If an application does not meet all the validity requirements under S11.1. to S11.3., this application may be rejected as invalid and not considered further under paragraph S 11.4.

For more information, see the validation, variation and withdrawal of applications guidance.

If the application is valid

If the application meets all of the validity requirements under paragraphs S11.1 to S11.3. you must continue the decision-making process and go on to consider whether suitability requirements are met.

Suitability

Under paragraph S12.1. you must be satisfied that that the application should not be refused under Part Suitability.

Addressing suitability

As part of your suitability consideration, and in line with safeguarding duties under Section 55 of the Borders, Citizenship and Immigration Act 2009, decision makers should conduct checks both on the sponsor and applicant.

In considering whether the application should not be refused under Part Suitability, you must refer to the:

- Criminality guidance
- Restricted leave guidance
- Exclusion from the UK guidance
- Travel bans guidance
- Non-conducive grounds for refusal or cancellation guidance

Where you are satisfied that the applicant should not be refused under Part Suitability, you must continue the **decision-making** process and go on to consider whether the application meets the eligibility requirements.

Eligibility

Proof of identity and nationality

Under paragraph S13.3. the applicant must satisfactorily establish their identity and nationality. In the absence of biometrics, where it comes to establishing identity, the standard of proof is to the balance of probabilities. For further information on how to establish identity, you should refer to the UKVI Identity Standards guidance alongside the evidence and proof of identity sections of this guidance.

Relationship requirements for a partner

Paragraph S14.1 to S14.3 set out the relationship requirements for a partner applying to stay with or join their sponsor with permission to stay as a stateless person or settlement under Appendix Statelessness. In considering all the requirements, you must be satisfied that, on the balance of probabilities, the evidence produced demonstrates that these are met.

For further information, see: evidence and proof of relationship section.

Paragraph S14.1 makes clear that a partner, as defined above, must have formed part of the family unit before the stateless person was granted permission to stay as a stateless person (also termed as a ‘pre-grant’ relationship). Where the partner forms part of the family unit after the stateless person was granted permission to stay as a stateless person, then this is a post-grant relationship. Post-grant dependants would not fulfil S 14.1. of Appendix Statelessness and instead are required to apply under Appendix FM.

This is because the stateless route is intended to uphold the principle of family unity (for family members) for individuals with permission to stay as a stateless person or settlement on the stateless route in the UK whose family life was disrupted before they were granted permission to stay or settlement due to the main applicant's statelessness.

Paragraphs S 14.2 makes clear that the applicant must be a partner of the sponsor, which is defined under paragraph 6.2 of the Immigration Rules:

(a) spouse; or
(b) civil partner; or
(c) unmarried partner, where the couple have been in a relationship similar to marriage or civil partnership for at least 2 years.

Paragraph S 14.3. sets out that the applicant must meet the requirements set out in Appendix Relationship with Partner of the rules.

Relationship requirements for a child

Paragraphs S15.1. to S.15.2. set out the relationship requirements for a child applying to stay with or join their sponsor with permission to stay as a stateless person or settlement on the stateless route under Appendix Statelessness. These paragraphs should be considered in accordance with Appendix Children.

In considering all the requirements under paragraph S15.1.to paragraph S15.2., you must be satisfied to the balance of probabilities that the evidence produced demonstrates that these are met.

For further information, see sections on evidence and proof of relationship.

S.15.2. sets out that the applicant must have been born before the stateless person was granted permission to stay as a stateless person, or after the stateless person was granted permission to stay, if the applicant is the child of that person and their other parent is applying for, or already has, permission to stay under the statelessness route.

Part 8 of the Immigration Rules, which applies to applications made under Appendix Statelessness, sets out the requirements for spouses and civil partners, fiancés and proposed civil partners, unmarried and same-sex partners as well as children. Specific to children of polygamous marriages, you should be mindful of paragraphs 296.

For further information, see: partners, divorce and dissolution guidance.

Children under the age of 18

Under paragraph S15.1(a). if the applicant is a child under the age of 18, they must submit evidence to support their claimed age and demonstrate they were under the

age of 18 on the date they submitted their application. Where you dispute the age of the applicant as a child under the age of 18, refer to the section on cases where an applicant's age is disputed.

Under paragraph S15.1 (b) you must be satisfied the applicant meets the independent life requirement for a dependent child in Appendix Children. You should assess this in accordance with the Appendix Children guidance.

The care requirement at Paragraph 15.1.(c) ensures that appropriate care and accommodation arrangements are in place for the child in the UK. The relationship requirement paragraph 15.1.(d) requires the applicant to demonstrate that they are the child of a stateless person and that the relationship is genuine and recognised.

Under paragraph S15.2 (a) the applicant must demonstrate their relationship with their sponsor is pre-grant. Under paragraph 15.2 (b) where a child was born after the sponsor was granted permission to stay as a stateless person in the UK, and their other parent is applying for permission, or has permission on the statelessness route, you must treat that child as part of the pre-grant family of the sponsor.

For further information ,see sections on evidence, and Children born in the UK.

Children born in the UK

Requests to be added to the claim before an initial decision

Children born in the UK to parents with an existing stateless application may be included as a dependant on the main applicant's application before an initial decision is made, providing that they meet the requirements set out in paragraphs S.11.1-S.15.2 of Appendix Statelessness.

If the main applicant wants to add a child born in the UK as a dependant prior to an initial decision being made, they must make a written request to add them by sending an email to the Statelessness Determination inbox

The request must include the purpose of the request and provide the full name and date of birth of the proposed dependant. Any available supporting evidence must also be included in the correspondence, for example, a birth certificate.

The Home Office will then consider whether the proposed dependant qualifies to be treated as a dependant on the stateless application. If they do, the child should then be treated in the same way as any other dependent child.

Requests for permission after an initial decision

Children born in the UK to parents after the stateless person was granted permission to stay, may be themselves be granted permission if the applicant is the child of that person and their other parent is applying for permission as a pre-grant partner of a

stateless person, or they already have existing permission on, the statelessness route.

If the stateless person with permission wishes to add a child born in the UK as a dependant, they must follow the process outlined above in this section.

Adopted children

Where a child is seeking to join their pre-grant adopted parent or parents, they must be able to demonstrate that their sponsor holds an adoption order and that it was granted either by the administrative authority in the third country, or by a court which has the legal power to decide such applications. You should ensure that the adoption order issued overseas is recognised as valid for the purposes of UK law. The Adoption (Recognition of Overseas Adoptions) Order 2013 and the Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013 and its amendment provide further detail on the countries which automatically recognise adoptions.

Appendix Adoption allows a child under the age of 18 to apply to come to the UK, to be adopted or having been adopted overseas. Under Appendix Adoption there are 4 adoption routes, which include:

- Hague Convention Adoptions
- Recognised Overseas Adoptions
- De facto Adoptions
- Coming to the UK for adoption

If you receive an entry clearance application from an adopted child, you should be mindful of the existing routes which facilitate entry clearance to the UK as an adopted child or prospective child. Where applicable, you should consider the definition of de facto adoption children contained within paragraphs AD 28.1. – AD 28.3. of Appendix Adoption to the Immigration Rules.

For further information, see: the adoption guidance.

Compelling compassionate factors

Where a partner or child does not meet the requirements under Appendix Statelessness, and reasons for discretion are raised, you should consider whether there are compelling compassionate factors that warrant further consideration. This may include circumstances where refusal would result in unjustifiably harsh consequences for the dependant. In such cases, you should consult the Private Life and Leave Outside the Rules (LOTR) guidance.

Evidence of relationship with partner or child

The onus is on the individual making an application under Appendix Statelessness to provide sufficient evidence to demonstrate they meet the requirements of the rules.

You must be mindful of the difficulties individuals may face in providing documents or evidence. For example:

- there may not have been a functioning administrative authority to issue documents such as:
  - birth and marriage certificates
  - Passports
  - courts who can provide copies of adoption orders
- the applicant may also be reluctant to approach authorities - which may have prevented what would otherwise be a standard administrative process, for example: the registration of marriage or the birth of a child
- stateless individuals may not have any evidence, for example:
  - of the existence of a same-sex relationship, where there may be no avenue to legally marry / have a civil partnership
  - having photographs in the country from which the sponsor has fled may have put them in danger
- documents may have been lost or destroyed in the conflict or on the journey to safety

Documents provided with the application must be originals and applicants should provide photocopies of documents including any pages of their passport or passports that contain personal details, visas or immigration stamps (foreign or UK). These do not have to be notarised by a solicitor or legal representative, but they should be high quality and in colour so that you can examine the documents. Where original documents or evidence are not available to submit with any application, the onus is on the applicant to provide a reasonable alternative or a reasonable explanation for their absence, including any attempts to obtain them.

For further information, see section on requesting further evidence and the UKVI Identity Standards guidance.

Submitting false documents or evidence, whatever the motives for so doing, may lead to refusal.

For further information, see: section on suitability.

English translations must be provided otherwise you will be unable to verify these documents and accept them as supporting evidence. For example, if an applicant submits communication records as proof of relationship which are not in English or translated to English. For more information see the Relationship with a partner guidance.

References made to ‘corroborative’ evidence types within the proof of relationship sub-sections are intended to provide guidance as to the range of evidence which could be submitted by applicants, but must be read in accordance with the instruction contained within this section of guidance.

Some types of evidence are preferred because they are more easily verifiable. If the applicant is unable to provide a form of preferred evidence, then a form of corroborative evidence, or other form of evidence may be submitted in substitution, by the applicant. Providing preferred evidence does not guarantee that their application will be granted. Instead, it means it may be easier for you to verify the applicant meets a particular requirement as part of their application under Appendix Statelessness. Other types of evidence, including corroborative evidence, may be provided by the applicant to support their application but are less likely to be accepted on their own.

In addition to individual accounts submitted by the applicant, Country Policy and Information will give some insight into challenges that individuals may face in acquiring documents or providing credible documentation and providing evidence that their relationship started before their sponsor was granted permission to stay as a stateless person to support their application. Country Policy and Information also provide insight into the reasons why a couple could not live together in certain countries and the challenges around obtaining evidence of a relationship.

Requesting further evidence

In cases where original documents or evidence are not available to submit with any application or the application cannot be decided based on the evidence or information provided, you may ask for further evidence. Requests for further evidence should bear in mind the situation which has prompted the sponsor and / or applicant to leave their country of origin or habitual residence as well as the circumstances which led the applicant to apply under Appendix Statelessness to join their parent or partner with permission to stay as a stateless person or settlement on the stateless route. For example, the applicant may be residing in a refugee camp or informal settlement without easy access to the internet, telephone or postal services and may have fled their home with few belongings. They may not be in a position to provide further documents or have any safe or regular access to the internet.

Most applications are considered on the information provided in the application form, the supporting evidence that the applicant submits and the results of other checks and enquiries about the sponsor and applicant. If you consider that an explanation about the lack of documents or further evidence is required in order to make an informed decision, appropriate enquiries should be made through either the applicant’s representative or by arranging a telephone call to the sponsor or applicant.

If you are not satisfied with the evidence provided in support of a statelessness application, you may make further enquiries to assess whether the identity or claimed relationship is credible. This may include requesting written statements from the applicant and/or sponsor.

You may defer the application and make further enquiries into the evidence to assess whether the identity or relationship is as claimed

Proof of identity

It is the responsibility of the applicant to satisfy you about their identity.

Official – sensitive: start of section

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

Official – sensitive: end of section

Applicants can produce a range of alternative documents or evidence to establish their identity. The UKVI Identity Standards guidance contains examples of 'alternative acceptable documents' and 'corroborative evidence' an applicant can provide to establish their identity. For the purposes of statelessness applications, you should be mindful of the evidence section which sets out the reasons why an applicant may not be able to produce certain documents or evidence. Therefore, in accordance with the UKVI Identity Standards guidance, additional corroborative evidence that could be submitted by an applicant so long as they can be cross-referenced against other information and there are no contradictions, includes: evidence that could be submitted by an applicant so long as they can be cross-referenced against other information and there are no contradictions, includes:

- Driving Licence
- Birth certificate
- Adoption certificate

Proof of relationship

All evidence submitted must meet the civil law standards, which is on the balance of probabilities.

You should read this sub-section in accordance with the evidence section.

The evidence provided must establish that a relationship between the sponsor and the applicant exists and that it existed prior to the sponsor being granted permission to stay as a stateless person in the UK.

You must take into account any other evidence previously available to the Home Office as part of any other application. For example, evidence submitted as part of any separate asylum claim including their statement of evidence form, witness statements, asylum interview or evidence from any appeal hearing. The fact that family members have been mentioned in the asylum claim is a strong indication that they formed part of the family unit before the sponsor was granted permission to stay as a stateless person.

If there is no reference to dependants as part of a previous asylum claim, this may be related to factors such as security concerns for family overseas. Where there are other factors that undermine the credibility of the application, you must consider refusing the application.

Applicants could include any number of documents to support their claim that they are related as claimed, this could be:

- a written statement from the sponsor - this should set out who is in their family – including:
  - names / dates of birth
  - how they came to be separated from their family when they left their country of origin
  - what contact they have had with their family whilst separated
  - what contact they have with their family currently
  - what circumstances their family is living in
- marriage / civil partnership certificate
- traditional marriage ceremony documents
- documents relating to accommodation or joint purchases
- DNA evidence offered voluntarily at the applicant's expense from an accredited laboratory as set out in the Home Office DNA policy guidance
- birth certificate
- Biometric Immigration Document or original letter from UKVI or Immigration Enforcement (IE) confirming the sponsor has permission to stay and status as claimed in the UK
- family photographs – that are clear and good quality
- wedding photographs – that are clear and good quality
- wedding invitations
- witness statements (from the sponsor and applicant, wedding guests, family members, or person who conducted the ceremony)
- communication records, in English or translated in English (telephone records, emails and letters for the period they have been apart, or social media messages)
- financial transfer records such as:
  - a bank statement to show transfer of money or:
  - shared accounts)
- government family records
- adoption orders or court documents (where the child is not a biological child)
- school records
- hospital report at birth
- court documents / police documents / job application rejections which prove that they cannot access employment and will be left destitute
- any other evidence indicating the relationship is as claimed

DNA testing

The onus is on the applicant and their sponsor to provide sufficient evidence to prove their relationship and satisfy you that they are related as claimed. DNA evidence on

its own does not establish an applicant's identity but can show whether a person is biologically linked to another person and the extent of that relationship.

For further information see: UKVI Identity Standards guidance.

You must not require DNA evidence. Applicants can choose to volunteer DNA evidence from an accredited testing laboratory either proactively or in response to an invitation to submit further relevant evidence, which may include DNA evidence. Where applicants choose not to volunteer DNA evidence, no negative inferences can be drawn from this. Where DNA evidence has been submitted, you should consult the guidance on DNA policy.

Cases where an applicant's age is disputed

Where there is doubt as to whether the applicant is a child from the evidence submitted, an initial assessment of the child's age must be made. See guidance on assessing age for dealing with age disputed claims. This guidance may be used to inform decisions for entry clearance applications, but you should be mindful of the in-country context. For example, as the individual will not be in the care of a UK local authority, there will be no duty on a local authority to conduct an age assessment.

If, in the course of assessing an entry clearance application, you are not satisfied that a child is the age that they claim, for example on the basis of their physical appearance or the supporting documentation they have submitted, you should consider all available sources of relevant information and evidence before you accept their age to be as claimed. The onus is on the applicant to demonstrate on the balance of probabilities that their circumstances are as claimed. You should not attempt to make an assessment of what age they may be. If you have concerns that an applicant claiming to be a child is not a child, you should consider requesting additional evidence or arranging an interview with the sponsor in the UK or with the applicant overseas in order to establish timelines.

For further information, see guidance: requesting further evidence.

Decision

Grant

Applicants who meet all eligibility requirements as a partner or child of a stateless person in Appendix Statelessness S13.1. to S15.2. will be granted permission which expires at the same time as the permission granted to the sponsor under paragraph S 17.1.

Decisions relating to applications within the same family group should be issued at the same time to prevent families being temporarily separated whilst they await their visas. There may be rare circumstances where family members have differing

lengths of leave, if for example, some are granted under the rules and others are granted leave outside the rules.

Refusal

Where you determine that an application does not meet the requirements of the Rules under Appendix Statelessness you must refuse under S 16.1. The decision letter should detail the reasons for refusal under the relevant paragraph of the rules, and where relevant, outside of the rules.

Administrative reviews

There is no statutory right of appeal against a decision to refuse to grant permission to stay as a partner or child of a stateless person but unsuccessful applicants can apply for an administrative review, in accordance with Appendix AR of the Immigration Rules.

Applicants must be advised in the decision letter that they are entitled to apply for an administrative review which must be made online using the form at: Apply for an administrative review. There is no fee payable for this review because there is no fee for the underlying Statelessness application. For further details see: Administrative review guidance.

An administrative review will consider whether an ‘eligible decision’ is wrong because of a case working error and correct that error if necessary.

If a case returns from administrative review for reconsideration, a different caseworker should reconsider the case within 3 months and any decision will be subject to a second pair of eyes check by a Higher Executive Officer (HEO) or Senior Executive Officer (SEO).

Related content
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Once in the UK

Travel to and from the UK

Part 1 of the Immigration Rules details the powers afforded to Immigration Officers upon arrival in the UK. On arrival, a Border Force officer must be satisfied as to the identity of the family member and will examine the individual's entry clearance visa (which comes in the form of a vignette affixed to the passport or travel document) to ensure that the family member is joining their sponsor for the purposes of Appendix Statelessness.

For entry clearance applications submitted before 30 October 2025, successful applicants will receive a vignette (a sticker in the passport or travel document) and an eVisa. The vignette will be valid for 90 days. If the vignette expires before an individual travels to the UK, there is no requirement to apply for a replacement vignette, provided they have a valid eVisa which they can access via their UK Visas and Immigration (UKVI) account. This will allow them to travel to the UK.

For entry clearance applications submitted on or after 30 October 2025, successful applicants will not receive a vignette. Instead, they will be issued an eVisa only, which they can access via their UKVI account.

Those without a UK-recognised travel document or those without a travel document will continue to be issued with a vignette and this will be issued on a Form for Affixing a Visa. If the vignette expires before an individual travels to the UK, they will need to apply for a replacement which will attract a cost.

Applicants will receive a notification if their visa application is successful, which will include instructions on how to access their biometric immigration document (eVisa) in order to evidence their immigration status in the UK.

For further information, see: eVisas: access and use your online immigration status.

If an applicant needs longer to make travel preparations, they should make clear on the application form the earliest date they intend to travel to the UK so that the visa can be issued to start on that day. Applicants should give themselves enough time to make travel arrangements when completing the application form.

If, for some reason the visa has been endorsed in error with leave that is different to that held by the sponsor the applicant, sponsor or their representative can ask to have it amended by contacting UKVI.

For further information, see: How to apply for a visa to come to the UK for further information.

Settlement applications

A partner or child granted permission in line with their sponsor under Appendix Statelessness must apply for settlement no more than 28 days before their permission expires. The route an individual may take to apply for settlement in the UK depends on their individual circumstances.

In most cases, the sponsor with permission to stay as a stateless person will be able to include their immediate family members granted under Appendix Statelessness as part of their application for settlement. All applications are considered in accordance with the policy on settlement in place at the time of the application.

Where a sponsor has a settlement application outstanding, there may be a delay in issuing the permission to stay as a partner or child of a stateless person decision whilst the settlement protection application is being considered.

Validity

Definition of a valid application

Paragraphs S18.1 to S18.3 of Appendix Statelessness set out the validity requirements which an application for settlement must meet in order to be considered valid. This includes:

If the applicant is applying in the UK for settlement, they must apply online on the GOV.UK website using the specified form:

Further Leave to Remain – Stateless Person

the applicant must have provided biometrics when required.
the person the applicant is seeking to stay with or join in the UK must either:

- be settled in the UK
- have become a British citizen and have previously held permission to stay on the statelessness route.

Additionally, the applicant must either:

- have previously held permission to stay as the partner or child of the stateless person before they settled
- be applying as the child of the sponsor and have been born in the UK before the sponsor settled.

Application does not meet all of the validity requirements

If an application does not meet all the validity requirements under S18.1 to S18.3, it may be rejected as invalid and not considered further under paragraph S18.4.
If the application is valid.

If the application meets all the validity requirements under paragraphs S18.1 to S18.3, you must continue the decision-making process and go on to consider whether the suitability requirements are met.

Suitability

Under paragraph S19.1, you must be satisfied that the application should not be refused under Part Suitability.

Addressing suitability

As part of your suitability consideration, and in line with safeguarding duties under Section 55 of the Borders, Citizenship and Immigration Act 2009, decision makers should conduct checks both on the sponsor and applicant.

In considering whether the application should not be refused under Part Suitability, you must refer to the:

- Criminality guidance
- Restricted leave guidance
- Exclusion from the UK guidance
- Travel bans guidance
- Non-conducive grounds for refusal or cancellation guidance

Care must be taken where the suitability ground states that an application *may* be refused – these are non-mandatory grounds and caseworkers must ensure any reasons that justify not normally refusing the application have been taken into account.

Where an applicant will normally be refused or may be refused if they fail to meet these suitability requirements, you must assess the nature of the suitability issues in the context of the application as a whole. You must decide whether those issues are sufficiently serious to refuse on the basis of suitability or whether there are compelling reasons to decide that the applicant meets the suitability criteria. This will be a case-specific consideration.

Where you are satisfied that the applicant should not be refused under Part Suitability, you must continue the decision-making process and go on to consider whether the application meets the eligibility requirements.

Eligibility

Relationship requirements for a partner

Paragraph S21.1. sets out that the applicant must meet the requirements set out in Appendix Relationship with Partner of the rules.

Eligibility requirements for a child

Paragraph S22.1. sets out the eligibility requirements for a child applying for settlement as a child of a stateless person.

These should be considered in accordance with Appendix Children.

Decision on an Application for Settlement as a Partner or Child of a Stateless Person

Grant of Settlement

Under paragraph S23.1., if you are satisfied that the applicant meets all the suitability and eligibility requirements for settlement as a partner or child of a stateless person, the applicant must be granted settlement.

This includes meeting all requirements under:

- Validity (S18.1. to S18.3.)
- Suitability (S19.1.)
- Eligibility (S20.1 to S22.1)

Where all requirements are met, the applicant should be granted indefinite leave to remain (settlement) on the stateless route.

Grant of Permission to Stay

Under paragraph S23.2, if you are not satisfied that the applicant meets all the suitability and eligibility requirements for settlement but satisfied that the applicant continues to qualify as a partner or child of a stateless person, the applicant must be granted permission to stay for a period of at least 30 months.

This provision ensures that family unity is maintained where settlement cannot be granted but the applicant still qualifies under the statelessness route.

Refusal of Application

Under paragraph S23.3, if the decision maker is not satisfied that the applicant meets the requirements for settlement or for permission to stay as a partner or child of a stateless person, the application must be refused.

This includes cases where the:

- applicant does not meet the validity / suitability / eligibility requirements
- applicant no longer qualifies as a partner or child of a stateless person under Appendix Statelessness**.**

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