LEVELS 2 AND 3
EXAM RESOURCE BOOK

May 2026 VERSION

This version of the resource book contains the law as of 30 April 2026.

This Resource Book has been published solely for the purpose of assisting candidates with their IAA examination and preparation for the exam. For any other purpose, you should be using up to date materials on the GOV.UK website. Although great care has been taken in the compilation and preparation of this book to ensure accuracy, the IAA cannot in any circumstances accept responsibility for any errors or omissions.

Contents

Note: the Appendices to the Immigration Rules have been listed alphabetically for ease of reference.

Where there is only an extract of a provision listed below, click on the link to find which sections are included in this book.

May 2026 edition updating note 4
Immigration Act 1971 (extract)....6
British Nationality Act 1981 (extract) 19
Human Rights Act 1998 (including ECHR) (extract) 27
Immigration and Asylum Act 1999 (extract)....34
Nationality Immigration and Asylum Act 2002 (extract)....45
Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (extract)....67
UK Borders Act 2007 (extract)....74
Borders, Citizenship and Immigration Act 2009 s 55 81
Identity Documents Act 2010 (extract) 82
Immigration Act 2016 (extract)....84

Nationality and Borders Act 2022 (extract) 95
Immigration (Leave to Enter and Remain) Order 2000 (extract) 101
The British Nationality (Proof of Paternity) Regulations 2006 103
The Immigration (Health Charge) Order 2015 (extract) 104
Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 109
Tribunal Procedure (First-tier Tribunal) (IAC) Rules 2014 127
Tribunal Procedure (Upper Tribunal) Rules 2008 (extract) 146
Practice Direction of the Immigration and Asylum Chamber of the First-tier Tribunal (Nov 2024) 156
Practice Directions for the Immigration and Asylum Chamber 18 December 2018 (extract) 175
Practice Statements for Immigration and Asylum Chamber 11 June 2018 (extract) 181
Immigration Rules (HC395) (extract) 182
Index to the Immigration Rules 182
Introduction (paragraph 6): Interpretation (extract) 184
Part 1 Leave to enter or stay in the UK (extract) 194
Part 8 Family members (extract) 203
Part Suitability 205
Part 11 Asylum 217
Part 11B Reception Conditions 235
Part 12 Procedure and rights of appeal 237
Part 13 Deportation 239
Appendix Administrative Review 242
Appendix Adult Dependent Relative 247
Appendix Children 253
Appendix Child Relative (Sponsors with Protection) 257
Appendix Continuous Residence 261
Immigration Rules Appendix English Language 265
Appendix EU 269
Appendix EU (Family Permit) 325
Appendix FM – Family Members 354
Section GEN: General 354
Family life with a partner 357
Section EX: Exceptions to certain eligibility requirements for leave to remain as a partner or parent 366
Family life as a child of a person with limited leave as a partner, parent or person with protection status in the UK 367
Family life as a parent of a child in the UK 373
Appendix FM-SE – Family Members Specified Evidence 380
Appendix Family Reunion (Sponsors with Protection) 403
Appendix Finance 404
Appendix Graduate 407

Appendix KoLL 413
Appendix KOL UK 421
Appendix Long Residence 422
Appendix Private Life 427
Appendix Relationship with Partner 438
Appendix Returning Resident 440
Appendix Settlement Family Life 442
Appendix Settlement Protection 449
Appendix Immigration Salary List (extract) 453
Appendix Skilled Occupations (extract) 454
Appendix Skilled Worker 459
Appendix Student 485
Appendix Temporary Work: Religious Worker 501
Appendix Tuberculosis (TB) 508
Appendix UK Ancestry 510
Appendix Victim of Domestic Abuse 518
Appendix V: Visitor 521
Appendix Visitor: Permitted Activities 531
Appendix Visitor: Visa national list 536
The Immigration (European Economic Area) Regulations 2016 539
Refugee Convention (extract) 577
List of Commonwealth Countries by Region 584
Caselaw 585
Immigration Law 585
Children 585
International Protection 586
Human Rights and Humanitarian Protection 588
Article 8 ECHR 589
Deportation 590
Trafficking 591
Appeals 591
Detention and removal 592

May 2026 edition updating note

Changes from December 2025 edition

This version of the Resource Book has been updated to include amendments to the Immigration Rules now brought into force by Statement of Changes HC1691 published on 05 March 2026.

These changes are far-reaching, including: the introduction of the Visa Brake for some nationalities; reducing the duration of refugee and humanitarian protection to thirty months; changes to the right to work provisions for asylum seekers; the disclosure of information relating to asylum claims when cases are subject to public interest; an increase in the English language requirement for settlement under a number of immigration routes that will come into force on 26 March 2027; changes to criminality provisions that extends mandatory refusal or cancellation of leave to enter or remain, and automatic deportation, to applicants sentenced to suspended sentence of 12 months or more; and changes to Appendix Victim of Domestic Abuse, removing the maintenance and accommodation requirements and the English language and Life in the UK test requirements for dependent children aged 18 years or over at the date of the application. Further information about these Rule changes can be found in the Explanatory Memorandum (section 5).

The Rules have been amended to take account of the following paragraphs of HC1691:

- APP VN1 to APP VN4
- INTRO1 and INTRO3
- 8.1
- 8.5 to 8.10
- SUI1 to SUI3
- 11.1 to 11.6
- APP FM1
- APP FM-SE1
- APP KOLL1
- APP STP1
- APP ST2 to APP ST4
- APP VDA1 to APP VDA6
- APP EL2 and APP EL3
- 11B1 and 11B2
- 13.1 and 13.2
- APP KOLL2 to APP KOLL7
- APP ST1
- APP SW1
- APP SW5
- APP SW8
- APP UKA1 and APP UKA2
- APP CRP1
- APP LR1
- APP PL1 and APP PL2
- APP SF1 and APP SF2
- APP EL1
- 1.1
- 12.1
- APP EU(FP)1 to APP EU(FP)3
- APP STP2
- APP SW2 to APP SW4
- APP SW6 and APP SW7

- APP EU1 to APP EU5

Further information about these Rule changes can be found in the Explanatory Memorandum (section 5).

This version of the Resource Book has also been updated to include the following statutory amendments:

Section 45 of the Sentencing Act 2026 has amended section 38(1)(a) of the UK Borders Act 2007 and section 114D(4) of the Nationality Immigration and Asylum Act 2002. Previously, suspended sentences were excluded from the definition of a "period of imprisonment," meaning foreign national offenders avoided automatic deportation. Section 45 removes this exclusion and suspended sentence of 12 months or more now triggers the automatic duty to deport, while the Home Office retains discretion to deport those receiving a suspended sentence of less than 12 months. These provisions came into force on 22 March 2026.

- Section 45 of the Sentencing Act 2026
- Section 38(1)(a) of the UK Borders Act 2007
- Section 117D(4)(a) of the Nationality Immigration and Asylum Act 2002

Immigration Act 1971 (extract)

Sections 1, 3(5), 3(6), 3C, 24, 24A, 24B, 25, 25A, 26, Sch 2 paras 2(1), 8(1), 16, 17A, Sch 3 paras 2(1)-2(3E) only

Immigration Act 1971
PART I REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM
1 General principles
3 General provisions for regulation and control
3C Continuation of leave pending variation decision

PART III CRIMINAL PROCEEDINGS
24 Illegal entry and similar offences
24A Deception
24B Illegal working
25 Assisting unlawful immigration to member State
25A Helping asylum-seeker to enter United Kingdom
26 General offences in connection with administration of Act

SCHEDULE 2 Administrative Provisions as to Control on Entry etc
Part I General Provisions

SCHEDULE 3 Supplementary Provisions as to Deportation
Part 2 Detention or control pending deportation

1.— General principles.

(1) All those who are in this Act expressed to have the right of abode in the United Kingdom shall be free to live in, and to come and go into and from, the United Kingdom without let or hindrance except such as may be required under and in accordance with this Act to enable their right to be established or as may be otherwise lawfully imposed on any person.

(2) Those not having that right may live, work and settle in the United Kingdom by permission and subject to such regulation and control of their entry into, stay in and departure from the United Kingdom as is imposed by this Act; and indefinite leave to enter or remain in the United Kingdom shall, by virtue of this provision, be treated as having been given under this Act to those in the United Kingdom at its coming into force, if they are then settled there (and not exempt under this Act from the provisions relating to leave to enter or remain).

(3) Arrival in and departure from the United Kingdom on a local journey from or to any of the Islands (that is to say, the Channel Islands and Isle of Man) or the Republic of Ireland shall not be subject to control under this Act, nor shall a person require leave to enter the United Kingdom on so arriving, except in so far as any of those places is for any purpose excluded from this subsection under the powers conferred by this Act; and in this Act the United Kingdom and those places, or such of them as are not so excluded, are collectively referred to as “the common travel area”.

(4) The rules laid down by the Secretary of State as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the United Kingdom of persons not having the right of abode shall include provision for admitting (in such cases and subject to such restrictions as may be provided by the rules, and subject or not to conditions as to length of stay or otherwise) persons coming for the purpose of taking employment, or for purposes of study, or as visitors, or as dependants of persons lawfully in or entering the United Kingdom.

3.— General provisions for regulation and control.

…

(5) A person who is not a British citizen is liable to deportation from the United Kingdom if—

(a) the Secretary of State deems his deportation to be conducive to the public good; or

(b) another person to whose family he belongs is or has been ordered to be deported.

(5A) The Secretary of State may not deem a relevant person's deportation to be conducive to the public good under subsection (5) if the person's deportation—

(a) would be in breach of the obligations of the United Kingdom under Article 20 of the EU withdrawal agreement , Article 19 of the EEA EFTA separation agreement, or Article 17 or 20(3) of the Swiss citizens' rights agreement, or

(b) would be in breach of those obligations if the provision in question mentioned in paragraph (a) applied in relation to the person.

(6) Without prejudice to the operation of subsection (5) above, a person who is not a British citizen shall also be liable to deportation from the United Kingdom if, after he has attained the age of seventeen, he is convicted of an offence for which he is punishable with imprisonment and on his conviction is recommended for deportation by a court empowered by this Act to do so.

(6A) A court may not recommend under subsection (6) that a relevant person be deported if the offence for which the person was convicted consisted of or included conduct that took place before IP completion day.

…

3C Continuation of leave pending variation decision

3C Continuation of leave pending variation decision

(1) This section applies if—

(a) a person who has limited leave to enter or remain in the United Kingdom applies to the Secretary of State for variation of the leave,

(b) the application for variation is made before the leave expires, and

(c) the leave expires without the application for variation having been decided.

(2) The leave is extended by virtue of this section during any period when—

(a) the application for variation is neither decided nor withdrawn,

(b) an appeal under section 82(1) of the Nationality, Asylum and Immigration Act 2002 could be brought, while the appellant is in the United Kingdom against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission),

(c) an appeal under that section against that decision, brought while the appellant is in the United Kingdom, is pending (within the meaning of section 104 of that Act)

(ca) an appeal could be brought under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 ("the 2020 Regulations"), while the appellant is in the United Kingdom, against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission),

(cb) an appeal under the 2020 Regulations against that decision, brought while the appellant is in the United Kingdom, is pending (within the meaning of those Regulations), or

(d) an administrative review of the decision on the application for variation—

(i) could be sought, or

(ii) is pending.

(3) Leave extended by virtue of this section shall lapse if the applicant leaves the United Kingdom.

(3A) Leave extended by virtue of this section may be cancelled if the applicant—

(a) has failed to comply with a condition attached to the leave, or

(b) has used or uses deception in seeking leave to remain (whether successfully or not).

(4) A person may not make an application for variation of his leave to enter or remain in the United Kingdom while that leave is extended by virtue of this section.

(5) But subsection (4) does not prevent the variation of the application mentioned in subsection (1)(a).

(6) The Secretary of State may make regulations determining when an application is decided for the purposes of this section; and the regulations–

(a) may make provision by reference to receipt of a notice,

(b) may provide for a notice to be treated as having been received in specified circumstances,

(c) may make different provision for different purposes or circumstances,

(d) shall be made by statutory instrument, and

(e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section— “administrative review” means a review conducted under the immigration rules; the question of whether an administrative review is pending is to be determined in accordance with the immigration rules.

24.— Illegal entry and similar offences.

(A1) A person who knowingly enters the United Kingdom in breach of a deportation order commits an offence.

(B1) A person who—

(a) requires leave to enter the United Kingdom under this Act, and
(b) knowingly enters the United Kingdom without such leave, commits an offence.

(C1) A person who—

(a) has only a limited leave to enter or remain in the United Kingdom, and
(b) knowingly remains beyond the time limited by the leave, commits an offence.

(D1) A person who—

(a) requires entry clearance under the immigration rules, and
(b) knowingly arrives in the United Kingdom without a valid entry clearance, commits an offence.

(F1) A person who commits an offence under any of subsections (A1) to (E1) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
(d) on conviction on indictment—
(i) for an offence under subsection (A1), to imprisonment for a term not exceeding five years or a fine (or both);
(ii) for an offence under any of subsections (B1) to (E1), to imprisonment for a term not exceeding four years or a fine (or both).

(G1) In relation to an offence committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, the reference in subsection (F1)(a) to 12 months is to be read as a reference to six months.

(1) A person who is not a British citizen shall be guilty of an offence punishable on summary conviction with a fine of not more than level 5 on the standard scale or with imprisonment for not more than six months, or with both, in any of the following cases:—

(a)…
(aa)…
(b) if, having only a limited leave to enter or remain in the United Kingdom, he knowingly fails to observe a condition of the leave;
(c) if, having lawfully entered the United Kingdom without leave by virtue of section 8(1) above, he remains without leave beyond the time allowed by section 8(1);
(d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under Schedule 2 to this Act to report to a medical officer of health, or to attend, or submit to a test or examination, as required by such an officer;
(e)…
(f) if he disembarks in the United Kingdom from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Act with a view to his removal from the United Kingdom;
(g) if he embarks in contravention of a restriction imposed by or under an Order in Council under section 3(7) of this Act
(h) if the person is on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016 and, without reasonable excuse, the person breaches a bail condition within the meaning of that Schedule.

(1A) A person commits an offence under subsection (C1) above on the day when he first knows that the time limited by his leave has expired and continues to commit it throughout any period during which he is in the United Kingdom thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.

(2)…

(3) The extended time limit for prosecutions which is provided for by section 28(1) below shall apply to offences under subsections (A1), (B1), (C1), (D1), (E1) and (1)(c) above.

(3A) The extended time limit for prosecutions which is provided for by section 28(1A) below shall apply to offences under subsection (1)(h) above.

(4) In proceedings for an offence [under subsection (B1)]14 above of entering the United Kingdom without

leave,—

(a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;
(b) proof that a person had leave to enter the United Kingdom shall lie on the defence

(5) In proceedings for an offence under subsection (D1) above of arriving in the United Kingdom without a valid entry clearance—

(a) any document attached to a passport or other travel document purporting to have been issued by the Secretary of State for the purposes of providing evidence of entry clearance for a particular period is to be presumed to have been duly so issued unless the contrary is proved;
(b) proof that a person had a valid entry clearance is to lie on the defence.

24A.— Deception

(1) A person who is not a British citizen is guilty of an offence if, by means which include deception by him—

(a) he obtains or seeks to obtain –

(i) leave to enter or remain in the United Kingdom; or
(ii) an ETA; or

(b) he secures or seeks to secure the avoidance, postponement or revocation of enforcement action against him.

(2) "Enforcement action", in relation to a person, means—

(a) the giving of directions for his removal from the United Kingdom ("directions") under Schedule 2 to this Act or section 10 of the Immigration and Asylum Act 1999;

(b) the making of a deportation order against him under section 5 of this Act; or

(c) his removal from the United Kingdom in consequence of directions or a deportation order.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4)…

24B Illegal working

(1) A person ("P") who is subject to immigration control commits an offence if—

(a) P works at a time when P is disqualified from working by reason of P's immigration status, and

(b) at that time P knows or has reasonable cause to believe that P is disqualified from working by reason of P's immigration status.

(2) For the purposes of subsection (1) a person is disqualified from working by reason of the person's

immigration status if—

(a) the person has not been granted leave to enter or remain in the United Kingdom, or

(b) the person's leave to enter or remain in the United Kingdom—

(i) is invalid,

(ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or

(iii) is subject to a condition preventing the person from doing work of that kind.

(3) A person who is guilty of an offence under subsection (1) is liable on summary conviction—

(a) in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine, or both,

(b) in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale, or both.

(4) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (3)(a) to 51 weeks is to be read as a reference to 6 months.

(5) If a person is convicted of an offence under subsection (1) in England and Wales, the prosecutor must consider whether to ask the court to commit the person to the Crown Court under section 70 of the Proceeds of Crime Act 2002 (committal with view to confiscation order being considered).

(6) If a person is convicted of an offence under subsection (1) in Scotland, the prosecutor must consider whether to ask the court to act under section 92 of the Proceeds of Crime Act 2002 (making of confiscation order).

(7) If a person is convicted of an offence under subsection (1) in Northern Ireland, the prosecutor must consider whether to ask the court to commit the person to the Crown Court under section 218 of the Proceeds of Crime Act 2002 (committal with view to confiscation order being considered).

(8) The reference in subsection (1) to a person who is subject to immigration control is to a person who under this Act requires leave to enter or remain in the United Kingdom.

(9) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—

(a) the person is to be treated for the purposes of subsection (2) as if the person had been granted leave to enter the United Kingdom, but

(b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.

(10) The reference in subsection (1) to a person working is to that person working—

(a) under a contract of employment,

(b) under a contract of apprenticeship,

(c) under a contract personally to do work,

(d) under or for the purposes of a contract for services,

(e) for a purpose related to a contract to sell goods,

(f) as a constable,

(g) in the course of Crown employment,

(h) as a relevant member of the House of Commons staff, or

(i) as a relevant member of the House of Lords staff.

(11) In subsection (10)—

"contract to sell goods" means a contract by which a person acting in the course of a trade, business, craft or profession transfers or agrees to transfer the property in goods to another person (and for this purpose

"goods" means any tangible moveable items);

"Crown employment" —
(a) in relation to England and Wales and Scotland, has the meaning given by section 191(3) of the Employment Rights Act 1996;
(b) in relation to Northern Ireland, has the meaning given by Article 236(3) of the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16));

"relevant member of the House of Commons staff" has the meaning given by section 195(5) of the Employment Rights Act 1996;

"relevant member of the House of Lords staff" has the meaning given by section 194(6) of the Employment Rights Act 1996.

(12) Subsection (1) does not apply to—

(a) service as a member of the naval, military or air forces of the Crown, or

(b) employment by an association established for the purposes of Part 11 of the Reserve Forces Act 1996.

(13) In this section "contract" means a contract whether express or implied and, if express, whether oral or in writing.

25 Assisting unlawful immigration to member State or the United Kingdom

(1) A person commits an offence if he—

(a) does an act which facilitates the commission of a breach or attempted breach of immigration law by an individual who is not a national of the United Kingdom,

(b) knows or has reasonable cause for believing that the act facilitates the commission of a breach or attempted breach of immigration law by the individual, and

(c) knows or has reasonable cause for believing that the individual is not a national of the United Kingdom.

(2) In subsection (1) *"immigration law"* means a law which has effect in a member State or the United Kingdom and which controls, in respect of some or all persons who are not nationals of the State or, as the case may be, of the United Kingdom, entitlement to—

(a) enter or arrive in the State or the United Kingdom,

(b) transit across the State or the United Kingdom, or

(c) be in the State or the United Kingdom.

(2A) In subsections (1) and (2), *"national of the United Kingdom"* means—

(a) a British citizen;

(b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom; or

(b) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.

(3) A document issued by the government of a member State certifying a matter of law in that State—

(a) shall be admissible in proceedings for an offence under this section, and

(b) shall be conclusive as to the matter certified.

(4) Subsection (1) applies to things done whether inside or outside the United Kingdom.

(5) *repealed*

(6) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for life, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(7) In this section–

(a) a reference to a *member State* includes a reference to Norway or Iceland.

(b)…

(8)…

25A Helping asylum-seeker to enter United Kingdom

(1) A person commits an offence if—

(a) he knowingly facilitates the arrival or attempted arrival in, or the entry or attempted entry into, the United Kingdom of an individual, and

(b) he knows or has reasonable cause to believe that the individual is an asylum-seeker.

(2) In this section *"asylum-seeker"* means a person who intends to claim that to remove him from or require him to leave the United Kingdom would be contrary to the United Kingdom's obligations under—

(a) the Refugee Convention (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999 (c. 33) (interpretation)), or

(b) the Human Rights Convention (within the meaning given by that section).

(3) Subsection (1) does not apply to anything done by a person acting on behalf of an organisation which—

(a) aims to assist asylum-seekers, and

(b) does not charge for its services.

(4) subsections (4) and (6) of section 25 apply for the purpose of the offence in subsection (1) of this section as they apply for the purpose of the offence in subsection (1) of that section.

26.— General offences in connection with administration of Act.

(1) A person shall be guilty of an offence punishable on summary conviction with a fine of not more than level 5 on the standard scale or with imprisonment for not more than six months, or with both, in any of the following cases—

(a) if, without reasonable excuse, he refuses or fails to submit to examination under Schedule 2 to this Act;

(b) if, without reasonable excuse, he refuses to fails to furnish or produce any information in his possession, or any documents in his possession or control, which he is on an examination under that Schedule required to furnish or produce;

(c) if on any such examination or otherwise he makes or causes to be made to an immigration officer or other person lawfully acting in the execution of a relevant enactment a return, statement or representation which he knows to be false or does not believe to be true;

(d) if, without lawful authority, he alters any certificate of entitlement, entry clearance, work permit or other document issued or made under or for the purposes of this Act, or uses for the purposes of this Act, or has in his possession for such use, any passport, certificate of entitlement, entry clearance, work permit or other document which he knows or has reasonable cause to believe to be false;

(e) if, without reasonable excuse, he fails to complete and produce a landing or embarkation card in accordance with any order under Schedule 2 to this Act;

(f) if, without reasonable excuse, he fails to comply with any requirement of regulations under section 4(3) or of an order under section 4(4) above;

(g) if, without reasonable excuse, he obstructs an immigration officer or other person lawfully acting in the execution of this Act.

(h) if, without reasonable excuse, the person fails to comply with a direction under paragraph 1(6) of Schedule 2 (direction to move a container for purposes of a search).

(2) The extended time limit for prosecutions which is provided for by section 28 below shall apply to offences under subsection (1)(c) and (d) above.

(3) “Relevant enactment” means—

(a) this Act;

(b) the Immigration Act 1988;

(c) the Asylum and Immigration Appeals Act 1993 (apart from section 4 or 5);

(d) the Immigration and Asylum Act 1999 (apart from Part VI); or

(e) the Nationality, Immigration and Asylum Act 2002 (apart from Part 5).

Schedule 2 ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

Part I GENERAL PROVISIONS

…

Examination by immigration officers, and medical examination

2 (1) An immigration officer may examine any persons within subparagraph (1A) who have arrived in the United Kingdom by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the United Kingdom) for the purpose of determining—

(a) whether any of them is or is not a British citizen; and
(b) whether, if he is not, he may or may not enter the United Kingdom without leave;
(c) whether, if he may not—
(i) he has been given leave which is still in force,
(ii) he should be given leave and for what period or on what conditions (if any), or
(iii) he should be refused leave ; and
(d) whether, if he has been given leave which is still in force, his leave should be curtailed.

(1A) The persons are—

(a) any person who has arrived in the United Kingdom by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the United Kingdom);
(b) any person who has arrived in United Kingdom waters by ship or aircraft who the immigration officer has reason to believe is an offshore worker.

(1B) In sub-paragraph (1A), "offshore worker" and "United Kingdom waters" have the same meaning as in section 11A.

…

Removal of persons refused leave to enter and illegal entrants

8.(1) Where a person arriving in the United Kingdom is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) below—

(a) give the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or

(b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or

(c) give those owners or agents ... directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—

(i) a country of which he is a national or citizen; or

(ii) a country or territory in which he has obtained a passport or other document of identity; or

(iii) a country or territory in which he embarked for the United Kingdom; or

(iv) a country or territory to which there is reason to believe that he will be admitted.

…

Detention of persons liable to examination or removal

16.(1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

(1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending—

(a) completion of his examination under that paragraph; and

(b) a decision on whether to cancel his leave to enter.

(1B) A person who has been required to submit to further examination under paragraph 3(1A) may be detained under the authority of an immigration officer, for a period not exceeding 12 hours, pending the completion of the examination.

(2) If there are reasonable grounds for suspecting that a person is someone in respect of whom directions may be given under any of paragraphs 8 to 10A or 12 to 14, that person may be detained under the authority of an immigration officer pending—

(a) a decision whether or not to give such directions;

(b) his removal in pursuance of such directions.

(2A) But the detention of an unaccompanied child under sub-paragraph (2) is subject to paragraph 18B.

(2B) The detention under sub-paragraph (2) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.

(2C)-(2P) (not included in this Resource Book – relate to provisions under the IMA 2023 which are not in force)

(3) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the United Kingdom any person who has arrived in the United Kingdom in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.

(4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the United Kingdom or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.

(4A)…

(5) See paragraph 17A for further provision about the period for which persons may be detained under this paragraph.

…

17A(1) A person liable to be detained under paragraph 16 may be detained for such period as, in the opinion of the Secretary of State, is reasonably necessary to enable the examination or removal to be carried out, the decision to be made, or the directions to be given.

(2) Sub-paragraphs (1) to (2), (2C), (3) and (4) of paragraph 16 apply regardless of whether there is anything that for the time being prevents the examination or removal from being carried out, the decision from being made, or the directions from being given.

(3) Sub-paragraphs (1) and (2) are subject to—

(a)paragraph 16(1B) (power to detain for examination for period not exceeding 12 hours);

(b)paragraph 16(2A) and paragraph 18B (limitation on detention of unaccompanied children);

(c)paragraph 16(2B) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women);

(d)paragraph 16(2D) to (2G) (limitation on detention of pregnant women).

(4) Sub-paragraph (5) applies if, while a person is detained under paragraph 16, the Secretary of State no longer considers that the examination or removal will be carried out, the decision will be made, or the directions will be given within a reasonable period of time.

(5) The person may be detained under paragraph 16 for such further period as, in the opinion of the Secretary of State, is reasonably necessary to enable such arrangements to be made for the person's release as the Secretary of State considers to be appropriate.

(6) In the application of this paragraph in relation to detention under paragraph 16(3), references to "the removal" are to—

(a)the removal of the person from the ship or aircraft on which the person is detained so that the person may be detained under paragraph 16, or

(b)the removal of the person from the United Kingdom in that ship or aircraft.

(7) In the application of this paragraph in relation to detention under paragraph 16(4), references to "the removal" are to the removal of the person from the United Kingdom in the ship or aircraft on which the person is detained.

Schedule 3 SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Detention or control pending deportation

…

2 (1) Where a recommendation for deportation made by a court is in force in respect of any person, and that person is not detained in pursuance of the sentence or order of any court, he shall be detained pending the making of a deportation order in pursuance of the recommendation, unless—

(a) the court by which the recommendation is made grants bail to the person, or

(b) the person is released on immigration bail under Schedule 10 to the Immigration Act 2016.

(1A) Where—

(a) a recommendation for deportation made by a court on conviction of a person is in force in respect

of him; and

(b) he appeals against his conviction or against that recommendation,

the powers that the court determining the appeal may exercise include power to release the person on bail without setting aside the recommendation.

(2) Where notice has been given to a person in accordance with regulations under section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision) of a decision to make a deportation order against him, and he is not detained in pursuance of the sentence or order of a court, he may be detained under the authority of the Secretary of State pending the making of the deportation order.

(3) Where a deportation order is in force against any person, he may be detained under the authority of the Secretary of State pending his removal or departure from the United Kingdom (and if already detained by virtue of sub-paragraph (1) or (2) above when the order is made, shall continue to be detained unless he is released on immigration bail under Schedule 10 to the Immigration Act 2016.

(3A) A person liable to be detained under sub-paragraph (1), (2) or (3) may be detained for such period as, in the opinion of the Secretary of State, is reasonably necessary to enable the deportation order to be made, or the removal to be carried out.

(3B) Sub-paragraphs (1) to (3) apply regardless of whether there is anything that for the time being prevents the deportation order from being made or the removal from being carried out.

(3C) Sub-paragraphs (3A) and (3B) are subject to sub-paragraph (4ZA) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women).

(3D) Sub-paragraph (3E) applies if, while a person is detained under sub-paragraph (1), (2) or (3), the Secretary of State no longer considers that the deportation order will be made or the removal will be carried out within a reasonable period of time.

(3E) The person may be detained under that sub-paragraph for such further period as, in the opinion of the Secretary of State, is reasonably necessary to enable such arrangements to be made for the person's release as the Secretary of State considers to be appropriate.

…

British Nationality Act 1981 (extract)

ss 1-3, 4L, 6, 41A, 50(1)&(9), Sch 1 para 1, 2, 3 only

British Nationality Act 1981
1981 CHAPTER 61

PART I BRITISH CITIZENSHIP

Acquisition after commencement
1 Acquisition by birth or adoption
2 Acquisition by descent
3 Acquisition by registration: minors

4L Acquisition by registration: special circumstances
6 Acquisition by naturalisation
14 Meaning of British citizen “by descent”
31 Defences based on Article 31(1) of the Refugee Convention
40 Deprivation of citizenship
40A Deprivation of citizenship: appeal
41A Registration: requirement to be of good character
42 Registration and naturalisation: citizenship ceremony, oath and pledge
50 Interpretation
50A Meaning of references to being in breach of immigration laws
51 Meaning of certain expressions relating to nationality in other Acts and instruments
52 Consequential amendments, transitional provisions, repeals and savings
53 Citation, commencement and extent

SCHEDULES

SCHEDULE 1 Requirements for Naturalisation

PART I BRITISH CITIZENSHIP

1.— Acquisition by birth or adoption.

(1) A person born in the United Kingdom after commencement, or in a qualifying territory on or after the appointed day, shall be a British citizen if at the time of the birth his father or mother is—

(a) a British citizen; or

(b) settled in the United Kingdom or that territory.

(1A) A person born in the United Kingdom or a qualifying territory on or after the relevant day shall be a British citizen if at the time of the birth his father or mother is a member of the armed forces.

(2) A new-born infant who, after commencement, is found abandoned in the United Kingdom, or on or after the appointed day is found abandoned in a qualifying territory, shall, unless the contrary is shown, be deemed for the purposes of subsection (1)—

(a) to have been born in the United Kingdom after commencement or in that territory on or after the appointed day; and

(b) to have been born to a parent who at the time of the birth was a British citizen or settled in the United Kingdom or that territory .

(3) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1), (1A) or (2) or section 10A shall be entitled to be registered as a British citizen if, while he is a

minor—

(a) his father or mother becomes a British citizen or becomes settled in the United Kingdom; and

(b) an application is made for his registration as a British citizen.

(3A) A person born in the United Kingdom on or after the relevant day who is not a British citizen by virtue of subsection (1), (1A) or (2) or section 10A shall be entitled to be registered as a British citizen if, while he is a minor—

(a) his father or mother becomes a member of the armed forces; and

(b) an application is made for his registration as a British citizen.

(4) A person born in the United Kingdom after commencement who is not a British citizen by virtue of subsection (1), (1A) or (2) or section 10A shall be entitled, on an application for his registration as a British citizen made at any time after he has attained the age of ten years, to be registered as such a citizen if, as regards each of the first ten years of that person's life, the number of days on which he was absent from the United Kingdom in that year does not exceed 90.

(5) Where—

(a) any court in the United Kingdom or, on or after the appointed day, any court in a qualifying territory makes an order authorising the adoption of a minor who is not a British citizen; or

(b) a minor who is not a British citizen is adopted under a Convention adoption effected under the law of a country or territory outside the United Kingdom,

that minor shall, if the requirements of subsection (5A) are met, be a British citizen as from the date on which the order is made or the Convention adoption is effected, as the case may be.

(5A) Those requirements are that on the date on which the order is made or the Convention adoption is effected (as the case may be)—

(a) the adopter or, in the case of a joint adoption, one of the adopters is a British citizen; and

(b) in a case within subsection (5)(b), the adopter or, in the case of a joint adoption, both of the adopters are habitually resident in the United Kingdom or in a designated territory.

(6) Where an order or a Convention adoption in consequence of which any person became a British citizen by virtue of subsection (5) ceases to have effect, whether on annulment or otherwise, the cesser shall not affect the status of that person as a British citizen.

(7) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of subsection (4) treat the person to whom the application relates as fulfilling the requirement specified in that subsection although, as regards any one or more of the first ten years of that person's life, the number of days on which he was absent from the United Kingdom in that year or each of the years in question exceeds 90.

(8) In this section and elsewhere in this Act “settled” has the meaning given by section 50.

(9) The relevant day for the purposes of subsection (1A) or (3A) is the day appointed for the commencement of section 42 of the Borders, Citizenship and Immigration Act 2009 (which inserted those subsections).

2.— Acquisition by descent.

(1) A person born outside the United Kingdom and the qualifying territories after commencement shall be a British citizen if at the time of the birth his father or mother—

(a) is a British citizen otherwise than by descent; or

(b) is a British citizen and is serving outside the United Kingdom and the qualifying territories in service to which this paragraph applies, his or her recruitment for that service having taken place in the United Kingdom or a qualifying territory; or

(c) is a British citizen and is serving outside the United Kingdom and the qualifying territories in service under an EU institution, his or her recruitment for that service having taken place in a country which at the time of the recruitment was a member of the European Union.

(2) Paragraph (b) of subsection (1) applies to—

(a) Crown service under the government of the United Kingdom or of a qualifying territory; and

(b) service of any description for the time being designated under subsection (3).

(3) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any description of service which he considers to be closely associated with the activities outside the United Kingdom and the qualifying territories of Her Majesty's government in the United Kingdom or in a qualifying territory.

(4) Any order made under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3.— Acquisition by registration: minors.

(1) If while a person is a minor an application is made for his registration as a British citizen, the Secretary of State may, if he thinks fit, cause him to be registered as such a citizen.

(2) A person born outside the United Kingdom and the qualifying territories shall be entitled, on an application for his registration as a British citizen made while he is a minor, to be registered as such a citizen if the requirements specified in subsection (3) or, in the case of a person born stateless, the requirements specified in paragraphs (a) and (b) of that subsection, are fulfilled in the case of either that person's father or his mother (“the parent in question”).

(3) The requirements referred to in subsection (2) are—

(a) that the parent in question was a British citizen by descent at the time of the birth; and

(b) that the father or mother of the parent in question—

(i) was a British citizen otherwise than by descent at the time of the birth of the parent in question; or

(ii) became a British citizen otherwise than by descent at commencement, or would have become such a citizen otherwise than by descent at commencement but for his or her death; and

(c) that, as regards some period of three years ending with a date not later than the date of the birth—

(i) the parent in question was in the United Kingdom or a qualifying territory at the beginning of that period; and

(ii) the number of days on which the parent in question was absent from the United Kingdom and the qualifying territories in that period does not exceed 270.

(5) A person born outside the United Kingdom and the qualifying territories shall be entitled, on an application for his registration as a British citizen made while he is a minor, to be registered as such a citizen if the following requirements are satisfied, namely—

(a) that at the time of that person's birth his father or mother was a British citizen by descent; and

(b) subject to subsection (6), that that person and his father and mother were in the United Kingdom or a qualifying territory at the beginning of the period of three years ending with the date of the application and that, in the case of each of them, the number of days on which the person in question was absent from the United Kingdom and the qualifying territories in that period does not exceed 270; and

(c) subject to subsection (6), that the consent of his father and mother to the registration has been signified in the prescribed manner.

(6) In the case of an application under subsection (5) for the registration of a person as a British citizen—

(a) if his father or mother died, or their marriage or civil partnership was terminated, on or before the date of the application, or his father and mother were legally separated on that date, the references to his father and mother in paragraph (b) of that subsection shall be read either as references to his father or as references to his mother; and

(b) if his father or mother died on or before that date, the reference to his father and mother in paragraph (c) of that subsection shall be read as a reference to either of them.

(7) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).

4L. – Acquisition by registration: special circumstances

(1) If an application is made for a person of full age and capacity ("P") to be registered as a British citizen, the Secretary of State may cause P to be registered as such a citizen if, in the Secretary of State's opinion, P would have been, or would have been able to become, a British citizen but for—

(a) historical legislative unfairness,
(b) an act or omission of a public authority, or
(c) exceptional circumstances relating to P.

(3) For the purposes of subsection (1)(a), "historical legislative unfairness" includes circumstances where P would have become, or would not have ceased to be, a British subject, a citizen of the United Kingdom and Colonies or a British citizen, if an Act of Parliament or subordinate legislation (within the meaning of the Interpretation Act 1978) had, for the purposes of determining a person's nationality status—

(a) treated males and females equally,
(b) treated children of unmarried couples in the same way as children of married couples, or
(c) treated children of couples where the mother was married to someone other than the natural father in the same way as children of couples where the mother was married to the natural father.

(4) In subsection (1)(b), "public authority" means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.

(5) In considering whether to grant an application under this section, the Secretary of State may take into account whether the applicant is of good character.

6.— Acquisition by naturalisation.

(1) If, on an application for naturalisation as a British citizen made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as

such a citizen.

(2) If, on an application for naturalisation as a British citizen made by a person of full age and capacity who on the date of the application is married to a British citizen or is the civil partner of a British citizen, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

41A Registration: requirement to be of good character

(1) An application for registration of an adult or young person as a British citizen under section 1(3), (3A) or (4), 3(1), (2) or (5), 4(2) or (5), 4A, 4D, 5, 10(1) or (2) or 13(1) or (3) must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(1A) An application for registration of an adult or young person as a British citizen under section 4F, so far as the relevant registration provision (as defined in section 4F(2)) is section 1(3), 3(2), 3(5) or 4D , must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(2) An application for registration of an adult or young person as a British overseas territories citizen under section 15(3) or (4), 17(1), (2) or (5), 22(1) or (2) must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(2A) An application for registration of an adult or young person as a British overseas territories citizen under section 17C, so far as the relevant registration provision (as defined in section 17C(2)) is section 15(3), 17(2) or 17(5), must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(2B) Subsection (2C) applies to an application for registration of an adult or young person as a British citizen under section 4K who is, or would have been, entitled to be registered as a British overseas territories citizen under section 17C, so far as the relevant registration provision (as defined in section 17C(2)) is section 15(3), 17(2) or 17(5).

(2C) The application must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(3) An application for registration of an adult or young person as a British Overseas citizen under section 27(1) must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(4) An application for registration of an adult or young person as a British subject under section 32 must not be granted unless the Secretary of State is satisfied that the adult or young person is of good character.

(5) In this section, “adult or young person” means a person who has attained the age of 10 years at the time when the application is made.

50.— Interpretation

(1) In this Act, unless the context otherwise requires—

(9) For the purposes of this Act a child's mother is the woman who gives birth to the child.

(9A) For the purposes of this Act a child's father is—

> (a) the husband or rmale civil partner, at the time of the child's birth, of the woman who gives birth to the child, or

(b) where a person is treated as the father of the child under section 28 of the Human Fertilisation and Embryology Act 1990 or section 35 or 36 of the Human Fertilisation and Embryology Act 2008, that person, or

(ba) where a person is treated as a parent of the child under section 42 or 43 of the Human Fertilisation and Embryology Act 2008, that person, or

(c) where none of paragraphs (a) to (ba) applies, a person who satisfies prescribed requirements as to proof of paternity.

(9B) In subsection (9A)(c) "prescribed" means prescribed by regulations of the Secretary of State; and the regulations—

(a) may confer a function (which may be a discretionary function) on the Secretary of State or another person,

(b) may make provision which applies generally or only in specified circumstances,

(c) may make different provision for different circumstances,

(d) must be made by statutory instrument, and

(e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(9C) The expressions "parent", "child" and "descended" shall be construed in accordance with subsections (9) and (9A).

Schedule 1 REQUIREMENTS FOR NATURALISATION

Naturalisation as a British citizen under section 6(1)

1.—
(1) Subject to paragraph 2, the requirements for naturalisation as a British citizen under section 6(1) are, in the case of any person who applies for it—

(a) the requirements specified in sub-paragraph (2) of this paragraph, or the alternative requirement specified in sub-paragraph (3) of this paragraph; and

(b) that he is of good character; and

(c) that he has a sufficient knowledge of the English, Welsh or Scottish Gaelic language; and
(ca) that he has sufficient knowledge about life in the United Kingdom; and

(d) that either—

(i) his intentions are such that, in the event of a certificate of naturalisation as a British citizen being granted to him, his home or (if he has more than one) his principal home will be in the United Kingdom; or

(ii) he intends, in the event of such a certificate being granted to him, to enter into, or continue in, Crown service under the government of the United Kingdom, or service under an international organisation of which the United Kingdom or Her Majesty's government therein is a member, or service in the employment of a company or association established in the United Kingdom.

(2) The requirements referred to in sub-paragraph (1)(a) of this paragraph are—

(a) that the applicant was in the United Kingdom at the beginning of the period of five years ending with the date of the application, and that the number of days on which he was absent from the United Kingdom in that period does not exceed 450; and

(b) that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and

(c) that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and

(d) that he was not at any time in the period of five years so ending in the United Kingdom in breach of the immigration laws.

(3) The alternative requirement referred to in sub-paragraph (1)(a) of this paragraph is that on the date of the application he is serving outside the United Kingdom in Crown service under the government of the United Kingdom**.**

2.

(1) If in the special circumstances of any particular case the Secretary of State thinks fit, he may for the purposes of paragraph 1 do all or any of the following things, namely—

(za) treat the applicant as fulfilling the first requirement specified in paragraph 1(2)(a) although the applicant was not in the United Kingdom at the beginning of the period there mentioned;
(a) treat the applicant as fulfilling the [second requirement specified in paragraph 1(2)(a) or the requirement specified in paragraph 1(2)(b)]3, or both, although the number of days on which he was absent from the United Kingdom in the period there mentioned exceeds the number there mentioned;
(b) treat the applicant as having been in the United Kingdom for the whole or any part of any period during which he would otherwise fall to be treated under paragraph 9(1) as having been absent;
(c) disregard any such restriction as is mentioned in paragraph 1(2)(c), not being a restriction to which the applicant was subject on the date of the application;
(d) treat the applicant as fulfilling the requirement specified in paragraph 1(2)(d) although he was in the United Kingdom in breach of the immigration laws in the period there mentioned;
(e) waive the need to fulfil either or both of the requirements specified in paragraph 1(1)(c) and (ca) if he considers that because of the applicant's age or physical or mental condition it would be unreasonable to expect him to fulfil that requirement or those requirements.

(1A) Sub-paragraph (1B) applies where the applicant has indefinite leave to enter or remain in the United Kingdom.
(1B) The Secretary of State may for the purposes of paragraph 1 treat the applicant as fulfilling the requirement specified in paragraph 1(2)(d), without enquiring into whether or not the applicant was in the United Kingdom in breach of the immigration laws in the period there mentioned.
(1C) The reference in sub-paragraph (1A) to having indefinite leave to enter or remain is to be construed in accordance with the Immigration Act 1971.

Naturalisation as a British citizen under section 6(2)

3.
Subject to paragraph 4, the requirements for naturalisation as a British citizen under section 6(2) are, in the case of any person who applies for it—

(a) that he was in the United Kingdom at the beginning of the period of three years ending with the date of the application, and that the number of days on which he was absent from the United Kingdom in that period does not exceed 270; and

(b) that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and

(c) that on the date of the application he was not subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and

(d) that he was not at any time in the period of three years ending with the date of the application in the United Kingdom in breach of the immigration laws; and

(e) the requirements specified in paragraph 1(1)(b), (c) and (ca).

Human Rights Act 1998 (including ECHR) (extract)

Sections 1-3, and 6 Schedule 1, Parts I and II only

1 The Convention Rights.

(1) In this Act "the Convention rights" means the rights and fundamental freedoms set out in—

(a) Articles 2 to 12 and 14 of the Convention,

(b) Articles 1 to 3 of the First Protocol, and

(c) Article 1 of the Thirteenth Protocol,

as read with Articles 16 to 18 of the Convention.

(2) Those Articles are to have effect for the purposes of this Act subject to any designated derogation or reservation (as to which see sections 14 and 15).

(3) The Articles are set out in Schedule 1.

(4) The Secretary of State may by order make such amendments to this Act as he considers appropriate to reflect the effect, in relation to the United Kingdom, of a protocol.

(5) In subsection (4) "protocol" means a protocol to the Convention—

(a) which the United Kingdom has ratified; or

(b)which the United Kingdom has signed with a view to ratification.

(6) No amendment may be made by an order under subsection (4) so as to come into force before the protocol concerned is in force in relation to the United Kingdom.

2 Interpretation of Convention rights.

(1) A court or tribunal determining a question which has arisen in connection with a Convention right must take into account any—

(a) judgment, decision, declaration or advisory opinion of the European Court of Human Rights,

(b) opinion of the Commission given in a report adopted under Article 31 of the Convention,

(c) decision of the Commission in connection with Article 26 or 27(2) of the Convention, or

(d) decision of the Committee of Ministers taken under Article 46 of the Convention,

whenever made or given, so far as, in the opinion of the court or tribunal, it is relevant to the proceedings in which that question has arisen.

(2) Evidence of any judgment, decision, declaration or opinion of which account may have to be taken under this section is to be given in proceedings before any court or tribunal in such manner as may be provided by rules.

(3) In this section "rules" means rules of court or, in the case of proceedings before a tribunal, rules made for the purposes of this section—

(a) by the Lord Chancellor or the Secretary of State, in relation to any proceedings outside Scotland;

(b) by the Secretary of State, in relation to proceedings in Scotland; or

(c) by a Northern Ireland department, in relation to proceedings before a tribunal in Northern Ireland—

(i) which deals with transferred matters; and

(ii) for which no rules made under paragraph (a) are in force.

…

6 Acts of public authorities.

(1) It is unlawful for a public authority to act in a way which is incompatible with a Convention right.

(2) Subsection (1) does not apply to an act if—

(a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or

(b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.

(3) In this section "public authority" includes—

(a) a court or tribunal, and

(b) any person certain of whose functions are functions of a public nature,

but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.

(4). . . . . .

(5) In relation to a particular act, a person is not a public authority by virtue only of subsection (3)(b) if the nature of the act is private.

(6) "An act" includes a failure to act but does not include a failure to—

(a) introduce in, or lay before, Parliament a proposal for legislation; or

(b) make any primary legislation or remedial order.

SCHEDULE 1 The Articles

Part I The Convention Rights and Freedoms

Article 2 Right to life
Article 3 Prohibition of torture
Article 4 Prohibition of slavery and forced labour
Article 5 Right to liberty and security
Article 6 Right to a fair trial
Article 7 No punishment without law
Article 8 Right to respect for private and family life
Article 9 Freedom of thought, conscience and religion
Article 10 Freedom of expression
Article 11 Freedom of assembly and association
Article 12 Right to marry
Article 14 Prohibition of discrimination
Article 16 Restrictions on political activity of aliens
Article 17 Prohibition of abuse of rights

Article 18 Limitation on use of restrictions on rights

Part II The First Protocol
Article 1 Protection of property
Article 2 Right to education
Article 3 Right to free elections

ARTICLE 1*

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

ARTICLE 2 Right to Life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

3. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection.

ARTICLE 3 Prohibition on torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

ARTICLE 4 Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. For the purpose of this article the term forced or compulsory labour' shall not include:

(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) any service of a military character or, in case of conscientious objectors in countries where they are recognized, service exacted instead of compulsory military service;

(c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) any work or service which forms part of normal civic obligations.

ARTICLE 5 right to liberty and security

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

(a) the lawful detention of a person after conviction by a competent court;

(b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority of reasonable suspicion of having committed and offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts, or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorized entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and the charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this article shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

ARTICLE 6 Right to a fair trial

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly by the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and the facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 7 No punishment without law

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

2. This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according the general principles of law recognized by civilized nations.

ARTICLE 8 Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 9 Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

ARTICLE 10 Freedom of expression

1. Everyone has the right to freedom of expression. this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 11 Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. this article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

ARTICLE 12 Right to Marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

ARTICLE 13*

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

ARTICLE 14 Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

ARTICLE 15*

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary-General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

ARTICLE 16 Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

ARTICLE 17 Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

ARTICLE 18 Limitation on use of restrictions on rights

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

Part II The First Protocol

Article 1 Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 2 Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 3 Right to free elections

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

*These Articles are not in the HRA 1998 itself, but are provided here for completeness

Immigration and Asylum Act 1999 (extract)

Sections 10, 31, 82, 84, 91, 94, 95, 98 and 105 only

10 Removal of persons unlawfully in the United Kingdom

(1) A person is liable to removal from the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.

(2) Where a person ("P") is liable to be or has been removed from the United Kingdom under subsection (1), a member of P's family who meets the following three conditions is also liable to removal from the United Kingdom, provided that the Secretary of State or an immigration officer has given the family member written notice of the fact that they are liable to removal.

(3) The first condition is that the family member is—

(a) P's partner,

(b) P's child, or a child living in the same household as P in circumstances where P has care of the child,

(c) in a case where P is a child, P's parent, or

(d) an adult dependent relative of P.

(4) The second condition is that—

(a) in a case where the family member has leave to enter or remain in the United Kingdom, that leave was granted on the basis of his or her family life with P;

(b) in a case where the family member does not have leave to enter or remain in the United Kingdom, in the opinion of the Secretary of State or immigration officer the family member—

(i) would not, on making an application for such leave, be granted leave in his or her own right, but

(ii) would be granted leave on the basis of his or her family life with P, if P had leave to enter or remain.

(5) The third condition is that the family member is none of the following—

(a) a British citizen,
(b) an Irish citizen,
(c) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.

(6) A notice given to a family member under subsection (2) invalidates any leave to enter or remain in the United Kingdom previously given to the family member.

(6A) A person who is liable to removal from the United Kingdom under this section may be removed only under the authority of the Secretary of State or an immigration officer and in accordance with sections 10A to 10E.

(7) For the purposes of removing a person from the United Kingdom under this section, the Secretary of

State or an immigration officer may give any such direction for the removal of the person as may be given under paragraphs 8 to 10 of Schedule 2 to the 1971 Act.

(8) But subsection (7) does not apply where a deportation order is in force against a person (and any directions for such a person's removal must be given under Schedule 3 to the 1971 Act).

(9) The following paragraphs of Schedule 2 to the 1971 Act apply in relation to directions under subsection (7) (and the persons subject to those directions) as they apply in relation to directions under paragraphs 8 to 10 of Schedule 2 (and the persons subject to those directions)—

(a) paragraph 11 (placing of person on board ship or aircraft);

(b) paragraph 16(2) to (2B), (3) and (4) (detention of person where reasonable grounds for suspecting removal directions may be given or pending removal in pursuance of directions);

(c) paragraph 17 (arrest of person liable to be detained and search of premises for person liable to arrest);

(ca)paragraph 17A (period for which persons may be detained);

(d) paragraph 18 (supplementary provisions on detention);

(e) paragraph 18A (search of detained person);

(f) paragraph 18B (detention of unaccompanied children);

(g) paragraphs 19 and 20 (payment of expenses of custody etc);
...
(j) paragraphs 25A to 25E (searches etc).

(10) The Secretary of State may by regulations make further provision about—

(a) the time period during which a family member may be removed under this section;

(b) the service of a notice under subsection (2) or sections 10A to 10E.

(11) In this section “child” means a person who is under the age of 18.

31 Defences based on Article 31(1) of the Refugee Convention.

(1) It is a defence for a refugee charged with an offence to which this section applies to show that, having come to the United Kingdom directly from a country where his life or freedom was threatened (within the meaning of the Refugee Convention), he—

(a) presented himself to the authorities in the United Kingdom without delay;

(b) showed good cause for his illegal entry or presence; and

(c) made a claim for asylum as soon as was reasonably practicable after his arrival in the United Kingdom.

(2) If, in coming from the country where his life or freedom was threatened, the refugee stopped in another country outside the United Kingdom, subsection (1) applies only if he shows that he could not reasonably be expected to have sought protection under the Refugee Convention in that other country.

(3) In England and Wales and Northern Ireland the offences to which this section applies are any offence, and any attempt to commit an offence, under—

(a) Part I of the Forgery and Counterfeiting Act 1981 (forgery and connected offences);

(aa) section 4 or 6 of the Identity Documents Act 2010;

(b) section 24A of the 1971 Act (deception); or

(c) section 26(1)(d) of the 1971 Act (falsification of documents).

(4) In Scotland, the offences to which this section applies are those—

(a) of fraud,

(b) of uttering a forged document,

(ba) under section 4 or 6 of the Identity Documents Act 2010,

(c) under section 24A of the 1971 Act (deception), or

(d) under section 26(1)(d) of the 1971 Act (falsification of documents),

and any attempt to commit any of those offences.

(4A) But this section does not apply to an offence committed by a refugee in the course of an attempt to leave the United Kingdom.

(5) A refugee who has made a claim for asylum is not entitled to the defence provided by subsection (1) in relation to any offence committed by him after making that claim.

(6) “Refugee” has the same meaning as it has for the purposes of the Refugee Convention.

(7) If the Secretary of State has refused to grant a claim for asylum made by a person who claims that he has a defence under subsection (1), that person is to be taken not to be a refugee unless he shows that he is.

(8) A person who—

(a) was convicted in England and Wales or Northern Ireland of an offence to which this section applies before the commencement of this section, but

(b) at no time during the proceedings for that offence argued that he had a defence based on Article 31(1),

may apply to the Criminal Cases Review Commission with a view to his case being referred to the Court of Appeal by the Commission on the ground that he would have had a defence under this section had it been in force at the material time.

(9) A person who—

(a) was convicted in Scotland of an offence to which this section applies before the commencement of this section, but

(b) at no time during the proceedings for that offence argued that he had a defence based on Article 31(1),

may apply to the Scottish Criminal Cases Review Commission with a view to his case being referred to the High Court of Justiciary by the Commission on the ground that he would have had a defence under this section had it been in force at the material time.

(10) The Secretary of State may by order amend—

(a) subsection (3), or

(b) subsection (4),

by adding offences to those for the time being listed there.

(11) Before making an order under subsection (10)(b), the Secretary of State must consult the Scottish Ministers.

Part V IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

82 Interpretation of Part V.

(1) In this Part—

“claim for asylum” means a claim that it would be contrary to the United Kingdom's obligations under—

(a) the Refugee Convention, or

(b) Article 3 of the Human Rights Convention,

for the claimant to be removed from, or required to leave, the United Kingdom;

“the Commissioner” means the Immigration Services Commissioner;

“the complaints scheme” means the scheme established under paragraph 5(1) of Schedule 5;

“designated judge” has the same meaning as in section 119(1) of the Courts and Legal Services Act 1990;

“designated professional body” has the meaning given by section 86;

“designated qualifying regulator” has the meaning given by section 86A;
“immigration advice” means advice which—

(a) relates to a particular individual;

(b) is given in connection with one or more relevant matters;

(c) is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and

(d) is not given in connection with representing an individual before a court in criminal proceedings or matters ancillary to criminal proceedings;

“immigration services” means the making of representations on behalf of a particular individual—

(a) in civil proceedings before a court, tribunal or adjudicator in the United Kingdom, or

(b) in correspondence with a Minister of the Crown or government department,

in connection with one or more relevant matters;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"qualified person" means a person who is qualified for the purposes of section 84;

"registered person" means a person who is registered with the Commissioner under section 85;

"relevant matters" means any of the following—

(a) a claim for asylum;

(aa) an application for an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations));

(b) an application for, or for the variation of, entry clearance or leave to enter or remain in the United Kingdom;
(ba) an application for an immigration employment document;

(c) unlawful entry into the United Kingdom;

(d) nationality and citizenship under the law of the United Kingdom;

~~(e) citizenship of the European Union;~~

~~(f) admission to Member States under EU law;~~

~~(g) residence in a Member State in accordance with rights conferred by or under EU law;~~[1]

(h) removal or deportation from the United Kingdom;

(i) an application for bail under the Immigration Acts or under the Special Immigration Appeals Commission Act 1997;

(j) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (i).

(2) In this Part, references to the provision of immigration advice or immigration services are to the provision of such advice or services by a person—

(a) in the United Kingdom (regardless of whether the persons to whom they are provided are in the United Kingdom or elsewhere); and

(b) in the course of a business carried on (whether or not for profit) by him or by another person.

(3) In the definition of "relevant matters" in subsection (1) "immigration employment document" means—

[1] Repealed by Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020/1309 Pt 2(1) reg.12(6) (Sch.1 para.2(2) in force 11pm 31 December 2020)

(a) a work permit (within the meaning of section 33(1) of the Immigration Act 1971 (interpretation)), and

(b) any other document which relates to employment and is issued for a purpose of immigration rules or in connection with leave to enter or remain in the United Kingdom.

The general prohibition

84.— Provision of immigration services.

(1) No person may provide immigration advice or immigration services unless he is a qualified person.

(2) A person is a qualified person if he is–

(a) a registered person,

(b) authorised by a designated professional body to practise as a member of the profession whose members the body regulates,

(ba) a person authorised to provide immigration advice or immigration services by a designated qualifying regulator,
…

(e) acting on behalf of, and under the supervision of, a person within any of paragraphs (a) to (ba) (whether or not under a contract of employment).

(3) Subsection (2)(a) and (e) are subject to

(a) any limitation on the effect of a person's registration imposed under paragraph 2(2) of Schedule 6;

(b) paragraph 4B(5) of that Schedule (effect of suspension of registration).

(3A) A person's entitlement to provide immigration advice or immigration services by virtue of subsection (2)(ba)–

(a) is subject to any limitation on that person's authorisation imposed by the regulatory arrangements of the designated qualifying regulator in question, and

(b) does not extend to the provision of such advice or services by the person other than in England and Wales (regardless of whether the persons to whom they are provided are in England and Wales or elsewhere).

(3B) In subsection (3A) “regulatory arrangements” has the same meaning as in the Legal Services Act 2007 (see section 21 of that Act).

(4) Subsection (1) does not apply to a person who—
(d) falls within a category of person specified in an order made by the Secretary of State for the purposes of this subsection.

(5) *repealed*

(6) Subsection (1) does not apply to a person—

(a) holding an office under the Crown, when acting in that capacity;

(b) employed by, or for the purposes of, a government department, when acting in that capacity;

(c) acting under the control of a government department; or

(d) otherwise exercising functions on behalf of the Crown.

…

Enforcement

91 Offences.

(1) A person who provides immigration advice or immigration services in contravention of section 84 or of a restraining order is guilty of an offence and liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(2) "Restraining order" means —

(a) a direction given by the First-tier Tribunal under section 89(8) or paragraph 9(3) of Schedule 5; or

(b) an order made by a disciplinary body under section 90(1).

(3) If an offence under this section committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer, or

(b) to be attributable to neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) "Officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity.

(5) If the affairs of a body corporate are managed by its members, subsection (3) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(6) If an offence under this section committed by a partnership in Scotland is proved—

(a) to have been committed with the consent or connivance of a partner, or

(b) to be attributable to neglect on his part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) “Partner” includes a person purporting to act as a partner.

Part VI SUPPORT FOR ASYLUM-SEEKERS

Interpretation

94 Interpretation of Part VI.

(1) In this Part—

“asylum-seeker” means a person who is not under 18 and has made a claim for asylum which has been recorded by the Secretary of State but which has not been determined;

“claim for asylum” means a claim that it would be contrary to the United Kingdom's obligations under the Refugee Convention, or under Article 3 of the Human Rights Convention, for the claimant to be removed from, or required to leave, the United Kingdom;

“the Department” means the Department of Health and Social Services for Northern Ireland;

“dependant”, in relation to an asylum-seeker or a supported person, means a person in the United Kingdom who—

(a) is his spouse;

(b) is a child of his, or of his spouse, who is under 18 and dependent on him; or

(c) falls within such additional category, if any, as may be prescribed;

“the Executive” means the Northern Ireland Housing Executive;

“housing accommodation” includes flats, lodging houses and hostels;

“local authority” means—

(a) in England and Wales, a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“Northern Ireland authority” has the meaning given by section 110(9);
“supported person” means—
(a) an asylum-seeker, or

(b) a dependant of an asylum-seeker,

who has applied for support and for whom support is provided under section 95.
(2) References in this Part to support provided under section 95 include references to support which is provided under arrangements made by the Secretary of State under that section.

(3) For the purposes of this Part, a claim for asylum is determined at the end of such period beginning—

(a) on the day on which the Secretary of State notifies the claimant of his decision on the claim, or

(b) if the claimant has appealed against the Secretary of State decision, on the day on which the appeal is disposed of,

as may be prescribed.

(4) An appeal is disposed of when it is no longer pending for the purposes of the Immigration Acts or the Special Immigration Appeals Commission Act 1997.

(4A) For the purposes of the definitions of "asylum-seeker" and "failed asylum-seeker" , the circumstances in which a claim is determined or rejected include where the claim is declared inadmissible under section 80A or 80B of the Nationality, Immigration and Asylum Act 2002.

(4B) But if a claim is—

(a) declared inadmissible under section 80B of that Act, and

(b) nevertheless considered by the Secretary of State in accordance subsection (7) of that section, the claim ceases to be treated as determined or rejected from the time of the decision to consider the claim.

(4C) For the purposes of subsection (3), notification of a declaration of inadmissibility under section 80A or 80B of that Act is to be treated as notification of the Secretary of State's decision on the claim.

(5) If an asylum-seeker's household includes a child who is under 18 and a dependant of his, he is to be treated (for the purposes of this Part) as continuing to be an asylum-seeker while—

(a) the child is under 18; and

(b) he and the child remain in the United Kingdom.

(6) Subsection (5) does not apply if, on or after the determination of his claim for asylum, the asylum-seeker is granted leave to enter or remain in the United Kingdom (whether or not as a result of that claim).

(7) For the purposes of this Part, the Secretary of State may inquire into, and decide, the age of any person.

(8) A notice under subsection (3) must be given in writing.

(9) If such a notice is sent by the Secretary of State by first class post, addressed—

(a) to the asylum-seeker's representative, or

(b) to the asylum-seeker's last known address,

it is to be taken to have been received by the asylum-seeker on the second day after the day on which it was posted.

Provision of support

95.— Persons for whom support may be provided.

(1) The Secretary of State may provide, or arrange for the provision of, support for—

(a) asylum-seekers, or

(b) dependants of asylum-seekers,

who appear to the Secretary of State to be destitute or to be likely to become destitute within such

period as may be prescribed.

(2) In prescribed circumstances, a person who would otherwise fall within subsection (1) is excluded.

(3) For the purposes of this section, a person is destitute if—

(a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or

(b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.

(4) If a person has dependants, subsection (3) is to be read as if the references to him were references to him and his dependants taken together.

(5) In determining, for the purposes of this section, whether a person's accommodation is adequate, the Secretary of State—

(a) must have regard to such matters as may be prescribed for the purposes of this paragraph; but

(b) may not have regard to such matters as may be prescribed for the purposes of this paragraph or to any of the matters mentioned in subsection (6).

(6) Those matters are—

(a) the fact that the person concerned has no enforceable right to occupy the accommodation;

(b) the fact that he shares the accommodation, or any part of the accommodation, with one or more other persons;

(c) the fact that the accommodation is temporary;

(d) the location of the accommodation.

(7) In determining, for the purposes of this section, whether a person's other essential living needs are met, the Secretary of State—

(a) must have regard to such matters as may be prescribed for the purposes of this paragraph; but

(b) may not have regard to such matters as may be prescribed for the purposes of this paragraph.

(8) The Secretary of State may by regulations provide that items or expenses of such a description as may be prescribed are, or are not, to be treated as being an essential living need of a person for the purposes of this Part.

(9) Support may be provided subject to conditions.

(9A) A condition imposed under subsection (9) may, in particular, relate to—

(a) any matter relating to the use of the support provided, or

(b) compliance with a condition imposed under Schedule 10 to the Immigration Act 2016 (immigration bail).

(10) The conditions must be set out in writing.

(11) A copy of the conditions must be given to the supported person.

(12) Schedule 8 gives the Secretary of State power to make regulations supplementing this section.

(13) Schedule 9 makes temporary provision for support in the period before the coming into force of this section.

…

98 Temporary support.

(1) The Secretary of State may provide, or arrange for the provision of, support for—

(a) asylum-seekers, or
(b) dependants of asylum-seekers,

who it appears to the Secretary of State may be destitute.

(2) Support may be provided under this section only until the Secretary of State is able to determine whether support may be provided under section 95.

(3) Subsections (2) to (11) of section 95 apply for the purposes of this section as they apply for the purposes of that section.

(4) Subsection (3A) of section 97 applies to the power to provide, or arrange for the provision of, accommodation under this section as it applies to the power to do so under section 95.

105 False representations.

(1) A person is guilty of an offence if, with a view to obtaining support for himself or any other person under any provision made by or under this Part, he—

(a)makes a statement or representation which he knows is false in a material particular;
(b)produces or gives to a person exercising functions under this Part, or knowingly causes or allows to be produced or given to such a person, any document or information which he knows is false in a material particular;
(c)fails, without reasonable excuse, to notify a change of circumstances when required to do so in accordance with any provision made by or under this Part; or
(d)without reasonable excuse, knowingly causes another person to fail to notify a change of circumstances which that other person was required to notify in accordance with any provision made by or under this Part.

(2)A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both

Nationality Immigration and Asylum Act 2002 (extract)

ss 62(1)-(2R), 72, 76, 78, 78A, 79, 80A-C, 82, 84, 85, 86, 92, 94, 94B, 96, 97, 104, 113, 117A-D, 120

Nationality, Immigration and Asylum Act 2002
PART 5 APPEALS IN RESPECT OF PROTECTION AND HUMAN RIGHTS CLAIMS

PART 4 DETENTION AND REMOVAL
Detention
62 Detention by Secretary of State

Removal
72 Serious criminal
73 Family
74 . . .
75 Exemption from deportation
76 Revocation of leave to enter or remain
77 No removal while claim for asylum pending
78 No removal while appeal pending
78A Restriction on removal of children and their parents etc
79 Deportation order: appeal

PART 4A INADMISSIBLE ASYLUM CLAIMS
80A Asylum claims by EU nationals
80B Asylum claims by persons with connection to safe third State
80C Meaning of “connection” to a safe third State

Appeal to Tribunal
81 Meaning of “the Tribunal”
82 Right of appeal to the Tribunal
83 . . .
83A . . .
84 Grounds of appeal
85 Matters to be considered
85A . . .
86 Determination of appeal
87 . . .

Exceptions and limitations
88 . . .
88A . . .
89 . . .
90 . . .
91 . . .
92 Place from which an appeal may be brought or continued
93 . . .
94 Appeal from within United Kingdom: unfounded human rights or protection claim
94A European Common List of Safe Countries of Origin
94B Appeal from within the United Kingdom: certification of human rights claims . . .
95 . . .
96 Earlier right of appeal
97 National security, &c
100 . . .

101 . . .
102 . . .
103 . . .
104 Pending appeal
105 Notice of immigration decision

General
113 Interpretation

PART 5A ARTICLE 8 OF THE ECHR: PUBLIC INTEREST CONSIDERATIONS
117A Application of this Part
117B Article 8: public interest considerations applicable in all cases
117C Article 8: additional considerations in cases involving foreign criminals
117D Interpretation of this Part

PART 6 IMMIGRATION PROCEDURE
Applications
120 Requirement to state additional grounds for application etc

Part 4 DETENTION AND REMOVAL
Detention

62 Detention by Secretary of State

(1)A person may be detained under the authority of the Secretary of State pending—

(a)a decision by the Secretary of State whether to give directions in respect of the person under [F1section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom) or] paragraph 10, 10A or 14 of Schedule 2 to the Immigration Act 1971 (c. 77) (control of entry: removal), or

(b)removal of the person from the United Kingdom in pursuance of directions given by the Secretary of State under any of those [F2 provisions].

(2)Where the Secretary of State is empowered under section 3A of [F3 the Immigration Act 1971] (powers of Secretary of State) to examine a person or to give or refuse a person leave to enter the United Kingdom, the person may be detained under the authority of the Secretary of State pending—

(a)the person's examination by the Secretary of State,

(b)the Secretary of State's decision to give or refuse the person leave to enter,

(c)a decision by the Secretary of State whether to give directions in respect of the person under paragraph 8 or 9 of Schedule 2 to that Act (removal), or

(d)removal of the person in pursuance of directions given by the Secretary of State under either of those paragraphs.

(2A) A person may be detained under the authority of the Secretary of State—

(a)if the Secretary of State suspects that the person meets the four conditions in section 2 of the Illegal Migration Act 2023 (conditions relating to removal from the United Kingdom), pending a decision as to whether the conditions are met;

(b)if the Secretary of State suspects that the Secretary of State has a duty to make arrangements for the removal of the person from the United Kingdom under that section, pending a decision as to whether the duty applies;

(c)if the Secretary of State has such a duty, pending the person's removal from the United Kingdom in accordance with that section;

(d)if the person meets those four conditions but the Secretary of State does not have such a duty by virtue of subsection (1) of section 4 of that Act—

(i)pending a decision to give limited leave under the immigration rules to the person for the purposes of that subsection,

(ii)pending a decision to give leave under section 8AA of the Immigration Act 1971 (discretionary leave for persons generally ineligible for leave etc),

(iii)pending a decision to give leave under section 65(2) of the Nationality and Borders Act 2022 (leave to remain for victims of slavery or human trafficking), or

(iv)pending a decision to remove the person under subsection (2) of section 4 of the Illegal Migration Act 2023 (power to remove unaccompanied children), and pending their removal in accordance with that subsection.

(2B)But if the Secretary of State is satisfied that a woman being detained under subsection (2A) is pregnant, then the woman may not be detained under that subsection for a period of—

(a)more than 72 hours from the relevant time, or

(b)more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).

(2C)A woman who has been released as a result of subsection (2B) may be detained again under subsection (2A) in accordance with subsection (2B).

(2D)Where a woman being detained under subsection (2A) has previously been detained under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 and has not been released in between, the definition of "the relevant time" in subsection (2E) is to be read as if paragraph (b) referred to the time when the woman was first detained under subsection (2A) or paragraph 16(2C) of that Schedule to that Act.

(2E)In subsections (2B) to (2D)—

"the relevant time" means the later of—

(a) the time at which the Secretary of State is first satisfied that the woman is pregnant, and
(b) the time at which the detention under subsection (2A) begins;

"woman" means a female of any age.

(2F)The powers in subsection (2A) may be exercised in respect of an unaccompanied child only in the circumstances specified in regulations made by the Secretary of State.

(2G)The Secretary of State may, by regulations, specify time limits that apply to the detention of an unaccompanied child under subsection (2A)(d)(iv) (detention of unaccompanied child in relation to removal).

(2H)Regulations under subsection (2F) may confer a discretion on the Secretary of State or an immigration

officer.

(2I)Regulations under subsection (2F) or (2G)—

(a)may make different provision for different purposes;

(b)may make consequential, supplementary, incidental, transitional or saving provision;

(c)must be made by statutory instrument.

(2J)A person who may be detained under subsection (2A) may no longer be detained under subsection (1) or (2).

(2K)A person (of any age) detained under subsection (2A) may be detained in any place that the Secretary of State considers appropriate.

(2L)A statutory instrument containing regulations under subsection (2F) or (2G) is subject to annulment in pursuance of a resolution of either House of Parliament.

(2M)In subsections (2F) and (2G), "unaccompanied child" has the same meaning as in the Illegal Migration Act 2023 (see section 4 of that Act).]

(2N)A person liable to be detained under this section may be detained for such period as, in the opinion of the Secretary of State, is reasonably necessary to enable the decision to be made, the removal or examination to be carried out, or the directions to be given.

(2O)Subsections (1) to (2A) apply regardless of whether there is anything that for the time being prevents the decision from being made, the removal or examination from being carried out, or the directions from being given.

(2P)Subsections (2N) and (2O) are subject to—

(a)paragraph 18B of Schedule 2 to the Immigration Act 1971 (limitation on detention of unaccompanied children), as applied by subsection (3);

(b)subsections (2B) to (2E) (limitation on detention of pregnant women);

(c)subsection (7A) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women).

(2Q)Subsection (2R) applies if, while a person is detained under this section, the Secretary of State no longer considers that the decision will be made, the removal or examination will be carried out, or the directions will be given within a reasonable period of time.

(2R)The person may be detained under this section for such further period as, in the opinion of the Secretary of State, is reasonably necessary to enable such arrangements to be made for the person's release as the Secretary of State considers to be appropriate.

Removal

72 Serious criminal

(1) This section applies for the purpose of the construction and application of Article 33(2) of the Refugee Convention (exclusion from prohibition of expulsion or return).

(2) A person is convicted by a final judgment of a particularly serious crime ... if he is—

(a) convicted in the United Kingdom of an offence, and

(b) sentenced to a period of imprisonment of at least 12 months.

(3) A person is convicted by a final judgment of a particularly serious crime ... if—

(a) he is convicted outside the United Kingdom of an offence,

(b) he is sentenced to a period of imprisonment of at least 12 months, and

(c) he could have been sentenced to a period of imprisonment of at least 12 months had his conviction been a conviction in the United Kingdom of a similar offence.

(4) A person is convicted by a final judgment of a particularly serious crime ... if—

(a) he is convicted of an offence specified by order of the Secretary of State, or

(b) he is convicted outside the United Kingdom of an offence and the Secretary of State certifies that in his opinion the offence is similar to an offence specified by order under paragraph (a).

(5) An order under subsection (4)—

(a) must be made by statutory instrument, and

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5A) A person convicted by a final judgment of a particularly serious crime (whether within or outside the United Kingdom) is to be presumed to constitute a danger to the community of the United Kingdom.

(6) A presumption under subsection (5A) that a person constitutes a danger to the community is rebuttable by that person.

(7) A presumption under subsection (5A) does not apply while an appeal against conviction or sentence—

(a) is pending, or

(b) could be brought (disregarding the possibility of appeal out of time with leave).

(8) Section 34(1) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (no need to consider gravity of fear or threat of persecution) applies for the purpose of considering whether a presumption under subsection (5A) has been rebutted as it applies for the purpose of considering whether Article 33(2) of the Refugee Convention applies.

(9) Subsection (10) applies where—

(a) a person appeals under section 82 of this Act or under section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68) wholly or partly on the ground mentioned in section 84(1)(a) or (3)(a) of this Act (breach of the United Kingdom's obligations under the Refugee Convention), and

(b) the Secretary of State issues a certificate that a presumption under subsection (5A) applies to the person (subject to rebuttal).

(10) The ... Tribunal or Commission hearing the appeal—

(a) must begin substantive deliberation on the appeal by considering the certificate, and

(b) if in agreement that a presumption under subsection (5A) applies (having given the appellant an opportunity for rebuttal) must dismiss the appeal in so far as it relies on the ground specified in subsection (9)(a).

(10A) Subsection (10) also applies in relation to the Upper Tribunal when it acts under section 12(2)(b)(ii) of the Tribunals, Courts and Enforcement Act 2007.

(11) For the purposes of this section—

(a) "the Refugee Convention" means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol, and

(b) a reference to a person who is sentenced to a period of imprisonment of at least 12 months —

(i) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it is to take effect),

(ia) does not include a reference to a person who is sentenced to a period of imprisonment of at least 12 months only by virtue of being sentenced to consecutive sentences which amount in aggregate to more than 12 months,

(ii) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders), and

(iii) includes a reference to a person who is sentenced to imprisonment or detention, or ordered or directed to be detained, for an indeterminate period (provided that it may last for 12 months).

Removal

76 Revocation of leave to enter or remain

(1) The Secretary of State may revoke a person's indefinite leave to enter or remain in the United Kingdom if the person—

(a) is liable to deportation, but

(b) cannot be deported for legal reasons.

(2) The Secretary of State may revoke a person's indefinite leave to enter or remain in the United Kingdom if—

(a) the leave was obtained by deception.

(3) The Secretary of State may revoke a person's indefinite leave to enter or remain in the United Kingdom if the person, or someone of whom he is a dependant, ceases to be a refugee as a result of—

(a) voluntarily availing himself of the protection of his country of nationality,

(b) voluntarily re-acquiring a lost nationality,

(c) acquiring the nationality of a country other than the United Kingdom and availing himself of its protection, or

(d) voluntarily establishing himself in a country in respect of which he was a refugee.

(4) In this section—

“indefinite leave” has the meaning given by section 33(1) of the Immigration Act 1971 (c. 77) (interpretation),

“liable to deportation” has the meaning given by section 3(5) and (6) of that Act (deportation), and

“refugee” has the meaning given by the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.

(5) A power under subsection (1) or (2) to revoke leave may be exercised—

(a) in respect of leave granted before this section comes into force;

(b) in reliance on anything done before this section comes into force.

(6) A power under subsection (3) to revoke leave may be exercised—

(a) in respect of leave granted before this section comes into force, but

(b) only in reliance on action taken after this section comes into force.

78 No removal while appeal pending

(1) While a person's appeal under section 82(1) is pending he may not be—

(a) removed from the United Kingdom in accordance with a provision of the Immigration Acts, or

(b) required to leave the United Kingdom in accordance with a provision of the Immigration Acts.

(2) In this section “pending” has the meaning given by section 104.

(3) Nothing in this section shall prevent any of the following while an appeal is pending—

(a) the giving of a direction for the appellant's removal from the United Kingdom,

(b) the making of a deportation order in respect of the appellant (subject to section 79), or

(c) the taking of any other interim or preparatory action.

(4) This section applies only to an appeal brought while the appellant is in the United Kingdom in accordance with section 92.

78A Restriction on removal of children and their parents etc

(1) This section applies in a case where—

(a) a child is to be removed from or required to leave the United Kingdom, and

(b) an individual who—

(i) is a parent of the child or has care of the child, and

(ii) is living in a household in the United Kingdom with the child,

is also to be removed from or required to leave the United Kingdom (a “relevant parent or carer”).

(2) During the period of 28 days beginning with the day on which the relevant appeal rights are exhausted—

(a) the child may not be removed from or required to leave the United Kingdom; and

(b) a relevant parent or carer may not be removed from or required to leave the United Kingdom if, as a result, no relevant parent or carer would remain in the United Kingdom.

(3) The relevant appeal rights are exhausted at the time when—

(a) neither the child, nor any relevant parent or carer, could bring an appeal under section 82 (ignoring any possibility of an appeal out of time with permission), and

(b) no appeal brought by the child, or by any relevant parent or carer, is pending within the meaning of section 104.

(4) Nothing in this section prevents any of the following during the period of 28 days mentioned in subsection (2)—

(a) the giving of a direction for the removal of a person from the United Kingdom,

(b) the making of a deportation order in respect of a person, or

(c) the taking of any other interim or preparatory action.

(5) In this section—

“child” means a person who is aged under 18;

references to a person being removed from or required to leave the United Kingdom are to the person being removed or required to leave in accordance with a provision of the Immigration Acts.

79 Deportation order: appeal

(1) A deportation order may not be made in respect of a person while an appeal under section 82(1) that may be brought or continued from within the United Kingdom relating to the decision to make the order—

(a) could be brought (ignoring any possibility of an appeal out of time with permission), or

(b) is pending.

(2) In this section “pending” has the meaning given by section 104.

(3) This section does not apply to a deportation order which states that it is made in accordance with section 32(5) of the UK Borders Act 2007.

(4) But a deportation order made in reliance on subsection (3) does not invalidate leave to enter or remain, in accordance with section 5(1) of the Immigration Act 1971, if and for so long as section 78 above applies.

Part 4A Inadmissible Asylum Claims

80A Asylum claims by EU nationals

(1) The Secretary of State must declare an asylum claim made by a person who is a national of a member State inadmissible.

(2) An asylum claim declared inadmissible under subsection (1) cannot be considered under the immigration rules.

(3) A declaration under subsection (1) that an asylum claim is inadmissible is not a decision to refuse the claim and, accordingly, no right of appeal under section 82(1)(a) (appeal against refusal of protection claim) arises.

(4) Subsection (1) does not apply if there are exceptional circumstances as a result of which the Secretary of State considers that the claim ought to be considered.

(5) For the purposes of subsection (4) exceptional circumstances include where the member State of which the claimant is a national—

(a) is derogating from any of its obligations under the Human Rights Convention, in accordance with Article 15 of the Convention;

(b) is the subject of a proposal initiated in accordance with the procedure referred to in Article 7(1) of the Treaty on European Union and—

(i) the proposal has yet to be determined by the Council of the European Union or (as the case may be) the European Council,

(ii) the Council of the European Union has determined, in accordance with Article 7(1), that there is a clear risk of a serious breach by the member State of the values referred to in Article 2 of the Treaty, or

(iii) the European Council has determined, in accordance with Article 7(2), the existence of a serious and persistent breach by the member State of the values referred to in Article 2 of the Treaty.

(6) In this section—

"asylum claim", "the Human Rights Convention" and "the Refugee Convention" have the meanings given by section 113;

"immigration rules" means rules under section 3(2) of the Immigration Act 1971;

"the Treaty on European Union" means the Treaty on European Union signed at Maastricht on 7 February 1992 as it had effect immediately before IP completion day.

80B Asylum claims by persons with connection to safe third State

(1) The Secretary of State may declare an asylum claim made by a person (a "claimant") who has a connection to a safe third State inadmissible.

(2) Subject to subsection (7), an asylum claim declared inadmissible under subsection (1) cannot be considered under the immigration rules.

(3) A declaration under subsection (1) that an asylum claim is inadmissible is not a decision to refuse the claim and, accordingly, no right of appeal under section 82(1)(a) (appeal against refusal of protection claim) arises.

(4) For the purposes of this section, a State is a "safe third State" in relation to a claimant if—

(a) the claimant's life and liberty are not threatened in that State by reason of their race, religion, nationality, membership of a particular social group or political opinion,

(b) the State is one from which a person will not be sent to another State—

(i) otherwise than in accordance with the Refugee Convention, or

(ii) in contravention of their rights under Article 3 of the Human Rights Convention (freedom from torture or inhuman or degrading treatment), and

(c) a person may apply to be recognised as a refugee and (if so recognised) receive protection in accordance with the Refugee Convention, in that State.

(5) For the purposes of this section a claimant has "a connection" to a safe third State if they meet any of conditions 1 to 5 set out in section 80C in relation to the State.

(6) The fact that an asylum claim has been declared inadmissible under subsection (1) by virtue of the claimant's connection to a particular safe third State does not prevent the Secretary of State from removing the claimant to any other safe third State.

(7) An asylum claim that has been declared inadmissible under subsection (1) may nevertheless be considered under the immigration rules—

(a) if the Secretary of State determines that it is unlikely to be possible to remove the claimant to a safe third State within a reasonable period of the declaration of inadmissibility,

(b) if the Secretary of State determines that there are exceptional circumstances in the particular case that mean the claim should be considered, or

(c) in such other cases as may be provided for in the immigration rules.

(8) In this section and section 80C—

(a) "asylum claim" , "Human Rights Convention", "immigration rules" and "the Refugee Convention" have the same meanings as in section 80A;

(b) a reference to anything being done in accordance with the Refugee Convention is a reference to the thing being done in accordance with the principles of the Convention, whether or not by a signatory to it.

80C Meaning of "connection" to a safe third State

(1) Condition 1 is that the claimant—

(a) has been recognised as a refugee in the safe third State, and

(b) remains able to access protection in accordance with the Refugee Convention in that State.

(2) Condition 2 is that the claimant—

(a) has otherwise been granted protection in a safe third State as a result of which the claimant would not be sent from the safe third State to another State—

(i) otherwise than in accordance with the Refugee Convention, or

(ii) in contravention of their rights under Article 3 of the Human Rights Convention, and

(b) remains able to access that protection in that State.

(3) Condition 3 is that the claimant has made a relevant claim to the safe third State and the claim—

(a) has not yet been determined, or

(b) has been refused.

(4) Condition 4 is that—

(a) the claimant was previously present in, and eligible to make a relevant claim to, the safe third State,

(b) it would have been reasonable to expect them to make such a claim, and

(c) they failed to do so.

(5) Condition 5 is that, in the claimant's particular circumstances, it would have been reasonable to expect them to have made a relevant claim to the safe third State (instead of making a claim in the United Kingdom).

(6) For the purposes of this section, a "relevant claim" to a safe third State is a claim—

(a) to be recognised as a refugee in the State for the purposes of the Refugee Convention, or

(b) for protection in the State of the kind mentioned in subsection (2)(a).

(7) For the purposes of this section "claimant" and "safe third State" have the same meanings as in section 80B; and see subsection (8) of that section.

Part 5 Appeals in respect of Protection and Human Rights Claims

Appeal to Tribunal

82 Right of appeal to the Tribunal

(1) A person (“P”) may appeal to the Tribunal where—

(a) the Secretary of State has decided to refuse a protection claim made by P,

(b) the Secretary of State has decided to refuse a human rights claim made by P, or

(c) the Secretary of State has decided to revoke P's protection status.

(2) For the purposes of this Part—

(a) a “protection claim” is a claim made by a person (“P”) that removal of P from the United Kingdom—

(i) would breach the United Kingdom's obligations under the Refugee Convention, or

(ii) would breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;

(b) P's protection claim is refused if the Secretary of State makes one or more of the following decisions—

(i) that removal of P from the United Kingdom would not breach the United Kingdom's obligations under the Refugee Convention;

(ii) that removal of P from the United Kingdom would not breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;

(c) a person has “protection status” if the person has been granted leave to enter or remain in the United Kingdom as a refugee or as a person eligible for a grant of humanitarian protection;

(d) “humanitarian protection” is to be construed in accordance with the immigration rules;

(e) “refugee” has the same meaning as in the Refugee Convention.

(3) The right of appeal under subsection (1) is subject to the exceptions and limitations specified in this Part.

84 Grounds of appeal

(1) An appeal under section 82(1)(a) (refusal of protection claim) must be brought on one or more of the following grounds—

(a) that removal of the appellant from the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention;

(b) that removal of the appellant from the United Kingdom would breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection;

(c) that removal of the appellant from the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention).

(2) An appeal under section 82(1)(b) (refusal of human rights claim) must be brought on the ground that the decision is unlawful under section 6 of the Human Rights Act 1998.

(3) An appeal under section 82(1)(c) (revocation of protection status) must be brought on one or more of the following grounds—

(a) that the decision to revoke the appellant's protection status breaches the United Kingdom's obligations under the Refugee Convention;

(b) that the decision to revoke the appellant's protection status breaches the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection.

85 Matters to be considered

(1) An appeal under section 82(1) against a decision shall be treated by the Tribunal as including an appeal against any decision in respect of which the appellant has a right of appeal under section 82(1).

(2) If an appellant under section 82(1) makes a statement under section 120 , the Tribunal shall consider any matter raised in the statement which constitutes a ground of appeal of a kind listed in section 84 against the

decision appealed against.

(3) Subsection (2) applies to a statement made under section 120 whether the statement was made before or after the appeal was commenced.

(4) On an appeal under section 82(1) against a decision the Tribunal may consider any matter which it thinks relevant to the substance of the decision, including a matter arising after the date of the decision.

(5) But the Tribunal must not consider a new matter unless the Secretary of State has given the Tribunal consent to do so.

(6) A matter is a "new matter" if—

(a) it constitutes a ground of appeal of a kind listed in section 84, and

(b) the Secretary of State has not previously considered the matter in the context of—

(i) the decision mentioned in section 82(1), or

(ii) a statement made by the appellant under section 120.

86 Determination of appeal

(1) This section applies on an appeal under section 82(1).

(2) The Tribunal must determine—

(a) any matter raised as a ground of appeal, and

(b) any matter which section 85 requires it to consider.

Exceptions and limitations

92 Place from which an appeal may be brought or continued

92 Place from which an appeal may be brought or continued

(1) This section applies to determine the place from which an appeal under section 82(1) may be brought or continued.

(2) In the case of an appeal under section 82(1)(a) (protection claim appeal), the appeal must be brought from outside the United Kingdom if—

(a) the claim to which the appeal relates has been certified under section 94(7) (removal to a safe country).

Otherwise, the appeal must be brought from within the United Kingdom.

(3) In the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was in the United Kingdom, the appeal must be brought from outside the United Kingdom if—

(a) the claim to which the appeal relates has been certified under section 94(7) (removal to a safe country) or section 94B (certification of human rights claims.

Otherwise, the appeal must be brought from within the United Kingdom.

(4) In the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was outside the United Kingdom, the appeal must be brought from outside the United Kingdom.

(5) In the case of an appeal under section 82(1)(c) (revocation of protection status)—

(a) the appeal must be brought from within the United Kingdom if the decision to which the appeal relates was made while the appellant was in the United Kingdom;
(b) the appeal must be brought from outside the United Kingdom if the decision to which the appeal relates was made while the appellant was outside the United Kingdom.

(6) If, after an appeal under section 82(1)(a) or (b) has been brought from within the United Kingdom, the Secretary of State certifies the claim to which the appeal relates under section 94(7) or section 94B, the appeal must be continued from outside the United Kingdom.

(7) Where a person brings or continues an appeal under section 82(1)(a) (refusal of protection claim) from outside the United Kingdom, for the purposes of considering whether the grounds of appeal are satisfied, the appeal is to be treated as if the person were not outside the United Kingdom.

(8) Where an appellant brings an appeal from within the United Kingdom but leaves the United Kingdom before the appeal is finally determined, the appeal is to be treated as abandoned unless the claim to which the appeal relates has been certified under section 94(7) or section 94B.

94 Certification of human rights or protection claims as unfounded or removal to safe country

(1) The Secretary of State may certify a protection claim or human rights claim as clearly unfounded.
(3) If the Secretary of State is satisfied that a claimant is entitled to reside in a State listed in subsection (4) he shall certify the claim under [subsection (1) unless satisfied that it is not clearly unfounded.
(3A) A person may not bring an appeal under section 82 against a decision if the claim to which the decision relates has been certified under subsection (1).
(4) The States are—

(k) the Republic of Albania,
(n) Jamaica,
(o) Macedonia,
(p) the Republic of Moldova,
(s) Bolivia,
(t) Brazil,
(u) Ecuador,
(w) South Africa,
(x) Ukraine
(y) India
(z) Mongolia,
(aa) Ghana (in respect of men),
(bb) Nigeria (in respect of men)
(cc) Bosnia-Herzegovina,
(dd) Gambia (in respect of men),
(ee) Kenya (in respect of men),
(ff) Liberia (in respect of men),
(gg) Malawi (in respect of men),
(hh) Mali (in respect of men),
(ii) Mauritius,

(jj) Montenegro,
(kk) Peru,
(ll) Serbia,
(mm) Sierra Leone (in respect of men)
(nn) Kosovo,
(oo) South Korea.

(5) The Secretary of State may by order add a State, or part of a State, to the list in subsection (4) if satisfied that—

(a) there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part, and

(b) removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention.

(5A) If the Secretary of State is satisfied that the statements in subsection (5)(a) and (b) are true of a State or part of a State in relation to a description of person, an order under subsection (5) may add the State or part to the list in subsection (4) in respect of that description of person.

(5B) Where a State or part of a State is added to the list in subsection (4) in respect of a description of person, subsection (3) shall have effect in relation to a claimant only if the Secretary of State is satisfied that he is within that description (as well as being satisfied that he is entitled to reside in the State or part).

(5C) A description for the purposes of subsection (5A) may refer to–

(a) gender,
(b) language,
(c) race,
(d) religion,
(e) nationality,
(f) membership of a social or other group,
(g) political opinion, or
(h) any other attribute or circumstance that the Secretary of State thinks appropriate.

(5D) In deciding whether the statements in subsection (5) (a) and (b) are true of a State or part of a State, the Secretary of State–

(a) shall have regard to all the circumstances of the State or part (including its laws and how they are applied), and

(b) shall have regard to information from any appropriate source (including member States and international organisations).

(6) The Secretary of State may by order amend the list in subsection (4) so as to omit a State or part added under subsection (5); and the omission may be–

(a) general, or

(b) effected so that the State or part remains listed in respect of a description of person.

(6A) Subsection (3) shall not apply in relation to a claimant who–

(a) is the subject of a certificate under section 2 or 70 of the Extradition Act 2003 (c. 41),

(b) is in custody pursuant to arrest under section 5 of that Act,

(c) is the subject of a provisional warrant under section 73 of that Act,

(ca) is the subject of a certificate under section 74B of that Act,

(d) is the subject of an authority to proceed under section 7 of the Extradition Act 1989 (c. 33) or an order under paragraph 4(2) of Schedule 1 to that Act, or

(e) is the subject of a provisional warrant under section 8 of that Act or of a warrant under paragraph 5(1)(b) of Schedule 1 to that Act.

(7) [The Secretary of State may certify a protection claim or human rights claim made by a person if —

(a) it is proposed to remove the person to a country of which he is not a national or citizen, and

(b) there is no reason to believe that the person's rights under the Human Rights Convention will be breached in that country.

(8) In determining whether a person in relation to whom a certificate has been issued under subsection (7) may be removed from the United Kingdom, the country specified in the certificate is to be regarded as—

(a) a place where a person's life and liberty is not threatened by reason of his race, religion, nationality, membership of a particular social group, or political opinion, and

(b) a place from which a person will not be sent to another country otherwise than in accordance

with the Refugee Convention[or with the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection

[94A European Common List of Safe Countries of Origin repealed 31 December 2020]

94B Appeal from within the United Kingdom: certification of human rights claims

(1) This section applies where a human rights claim has been made by a person ("P") .

(2) The Secretary of State may certify the claim if the Secretary of State considers that, despite the appeals process not having been begun or not having been exhausted, refusing P entry to, removing P from or requiring P to leave the United Kingdom, pending the outcome of an appeal in relation to P's claim, would not be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention).

(3) The grounds upon which the Secretary of State may certify a claim under subsection (2) include (in particular) that P would not, before the appeals process is exhausted, face a real risk of serious irreversible harm if refused entry to, removed from or required to leave the United Kingdom.

96 Earlier right of appeal

(1) A person may not bring an appeal under section 82 against a decision ("the new decision") if the Secretary of State or an immigration officer certifies–

(a) that the person was notified of a right of appeal under that section against another decision ("the old decision") (whether or not an appeal was brought and whether or not any appeal brought has been determined),

(b) that the claim or application to which the new decision relates relies on a ground that could have been raised in an appeal against the old decision, and

(c) that, in the opinion of the Secretary of State or the immigration officer, there is no satisfactory reason for that ground not having been raised in an appeal against the old decision.

(2) A person may not bring an appeal under section 82 if the Secretary of State or an immigration officer certifies—

(a) that the person has received a notice under section 120(2),

(b) that the appeal relies on a ground that should have been, but has not been, raised in a statement made under section 120(2) or (5), and

(c) that, in the opinion of the Secretary of State or the immigration officer, there is no satisfactory reason for that ground not having been raised in a statement under section 120(2) or (5).

…

(4) In subsection (1) "notified" means notified in accordance with regulations under section 105.

(5) Subsections (1) and (2) apply to prevent a person's right of appeal whether or not he has been outside the United Kingdom since an earlier right of appeal arose or since a requirement under section 120 was imposed.

(6) In this section a reference to an appeal under section 82(1) includes a reference to an appeal under

section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68) which is or could be brought by reference to an appeal under section 82(1).

(7) A certificate under subsection (1) or (2) shall have no effect in relation to an appeal instituted before the certificate is issued.

97 National security, &c.

(1) An appeal under section 82(1) against a decision in respect of a person may not be brought or continued if the Secretary of State certifies that the decision is or was taken—

(a) by the Secretary of State wholly or partly on a ground listed in subsection (2), or

(b) in accordance with a direction of the Secretary of State which identifies the person to whom the decision relates and which is given wholly or partly on a ground listed in subsection (2).

(2) The grounds mentioned in subsection (1) are that the person's exclusion or removal from the United Kingdom is—

(a) in the interests of national security, or

(b) in the interests of the relationship between the United Kingdom and another country.

(3) An appeal under section 82(1) against a decision may not be brought or continued if the Secretary of State certifies that the decision is or was taken wholly or partly in reliance on information which in his opinion should not be made public—

(a) in the interests of national security,

(b) in the interests of the relationship between the United Kingdom and another country, or

(c) otherwise in the public interest.

(4) In subsections (1)(a) and (b) and (3) a reference to the Secretary of State is to the Secretary of State acting in person.

104 Pending appeal

(1) An appeal under section 82(1) is pending during the period—

(a) beginning when it is instituted, and

(b) ending when it is finally determined, withdrawn or abandoned (or when it lapses under section 99).

(2) An appeal under section 82(1) is not finally determined for the purpose of subsection (1)(b) while—

(a) an application for permission to appeal under section 11 or 13 of the Tribunals, Courts and Enforcement Act 2007 could be made or is awaiting determination,

(b) permission to appeal under either of those sections has been granted and the appeal is awaiting determination, or

(c) an appeal has been remitted under section 12 or 14 of that Act and is awaiting determination.

…

(4A) An appeal under section 82(1) brought by a person while he is in the United Kingdom shall be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom (subject to subsection (4B)).

(4B) Subsection (4A) shall not apply to an appeal in so far as it is brought on a ground specified in section 84(1)(a) or (b) or 84(3) (asylum or humanitarian protection) where the appellant–

(b) gives notice, in accordance with Tribunal Procedure Rules, that he wishes to pursue the appeal in so far as it is brought on that ground.

113 Interpretation

113 Interpretation

(1) In this Part, unless a contrary intention appears—

"asylum claim" means a claim made by a person to the Secretary of State [...]1 that to remove the person from or require him to leave the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention,

"humanitarian protection" has the meaning given in section 82(2),

"human rights claim" means a claim made by a person to the Secretary of State at a place designated by the Secretary of State that to remove the person from or require him to leave the United Kingdom [or to refuse him entry into the United Kingdom]4 would be unlawful under section 6 of the Human Rights Act 1998 (c. 42) (public authority not to act contrary to Convention),

"the Human Rights Convention" has the same meaning as "the Convention" in the Human Rights Act 1998 and*"Convention rights"* shall be construed in accordance with section 1 of that Act,

"immigration rules" means rules under section 1(4) of the Immigration Act 1971 (general immigration rules) ,

"protection claim" has the meaning given in section 82(2),

"protection status" has the meaning given in section 82(2), and

"the Refugee Convention" means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol[.]8

Part 5A ARTICLE 8 OF THE ECHR: PUBLIC INTEREST CONSIDERATIONS

117A Application of this Part

(1) This Part applies where a court or tribunal is required to determine whether a decision made under the Immigration Acts—

(a) breaches a person's right to respect for private and family life under Article 8, and

(b) as a result would be unlawful under section 6 of the Human Rights Act 1998.

(2) In considering the public interest question, the court or tribunal must (in particular) have regard—

(a) in all cases, to the considerations listed in section 117B, and

(b) in cases concerning the deportation of foreign criminals, to the considerations listed in section 117C.

(3) In subsection (2), “the public interest question” means the question of whether an interference with a person's right to respect for private and family life is justified under Article 8(2).

117B Article 8: public interest considerations applicable in all cases

(1) The maintenance of effective immigration controls is in the public interest.

(2) It is in the public interest, and in particular in the interests of the economic well-being of the United Kingdom, that persons who seek to enter or remain in the United Kingdom are able to speak English, because persons who can speak English—

(a) are less of a burden on taxpayers, and

(b) are better able to integrate into society.

(3) It is in the public interest, and in particular in the interests of the economic well-being of the United Kingdom, that persons who seek to enter or remain in the United Kingdom are financially independent, because such persons—

(a) are not a burden on taxpayers, and

(b) are better able to integrate into society.

(4) Little weight should be given to—

(a) a private life, or

(b) a relationship formed with a qualifying partner,

that is established by a erson at a time when the person is in the United Kingdom unlawfully.

(5) Little weight should be given to a private life established by a person at a time when the person's immigration status is precarious.

(6) In the case of a person who is not liable to deportation, the public interest does not require the person's removal where—

(a) the person has a genuine and subsisting parental relationship with a qualifying child, and

(b) it would not be reasonable to expect the child to leave the United Kingdom.

117C Article 8: additional considerations in cases involving foreign criminals

(1) The deportation of foreign criminals is in the public interest.

(2) The more serious the offence committed by a foreign criminal, the greater is the public interest in deportation of the criminal.

(3) In the case of a foreign criminal (“C”) who has not been sentenced to a period of imprisonment of four years or more, the public interest requires C's deportation unless Exception 1 or Exception 2 applies.

(4) Exception 1 applies where—

(a) C has been lawfully resident in the United Kingdom for most of C's life,

(b) C is socially and culturally integrated in the United Kingdom, and

(c) there would be very significant obstacles to C's integration into the country to which C is proposed to be deported.

(5) Exception 2 applies where C has a genuine and subsisting relationship with a qualifying partner, or a genuine and subsisting parental relationship with a qualifying child, and the effect of C's deportation on the partner or child would be unduly harsh.

(6) In the case of a foreign criminal who has been sentenced to a period of imprisonment of at least four years, the public interest requires deportation unless there are very compelling circumstances, over and above those described in Exceptions 1 and 2.

(7) The considerations in subsections (1) to (6) are to be taken into account where a court or tribunal is considering a decision to deport a foreign criminal only to the extent that the reason for the decision was the offence or offences for which the criminal has been convicted.

117D Interpretation of this Part

(1) In this Part—

“Article 8” means Article 8 of the European Convention on Human Rights;

“qualifying child” means a person who is under the age of 18 and who-
(a) is a British citizen, or

(b) has lived in the United Kingdom for a continuous period of seven years or more;

“qualifying partner” means a partner who—

(a) is a British citizen, or

(b) who is settled in the United Kingdom (within the meaning of the Immigration Act 1971 - see section 33(2A) of that Act).

(2) In this Part, “foreign criminal” means a person—

(a) who is not a British citizen,

(b) who has been convicted in the United Kingdom of an offence, and

(c) who—

(i) has been sentenced to a period of imprisonment of at least 12 months,

(ii) has been convicted of an offence that has caused serious harm, or

(iii) is a persistent offender.

(3) For the purposes of subsection (2)(b), a person subject to an order under—

(a) section 5 of the Criminal Procedure (Insanity) Act 1964 (insanity etc),

(b) section 57 of the Criminal Procedure (Scotland) Act 1995 (insanity etc), or

(c) Article 50A of the Mental Health (Northern Ireland) Order 1986 (insanity etc),

has not been convicted of an offence.

(4) In this Part, references to a person who has been sentenced to a period of imprisonment of a certain length of time—

(a) ……..

(b) do not include a person who has been sentenced to a period of imprisonment of that length of time only by virtue of being sentenced to consecutive sentences amounting in aggregate to that length of time;

(c) include a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders) for that length of time; and

(d) include a person who is sentenced to imprisonment or detention, or ordered or directed to be detained, for an indeterminate period, provided that it may last for at least that length of time.

(5) If any question arises for the purposes of this Part as to whether a person is a British citizen, it is for the person asserting that fact to prove it.

Part 6 IMMIGRATION PROCEDURE – Applications - s120 Requirement to state additional grounds for application etc

120 Requirement to state additional grounds for application etc

(1) Subsection (2) applies to a person (“P”) if—

(a) P has made a protection claim or a human rights claim,

(b) P has made an application to enter or remain in the United Kingdom, or

(c) a decision to deport or remove P has been or may be taken.

(2) The Secretary of State or an immigration officer may serve a notice on P requiring P to provide a statement setting out—

(a) P's reasons for wishing to enter or remain in the United Kingdom,

(b) any grounds on which P should be permitted to enter or remain in the United Kingdom, and

(c) any grounds on which P should not be removed from or required to leave the United Kingdom.

(3) A statement under subsection (2) need not repeat reasons or grounds set out in—

(a) P's protection or human rights claim,

(b) the application mentioned in subsection (1)(b), or

(c) an application to which the decision mentioned in subsection (1)(c) relates.

(4) Subsection (5) applies to a person ("P") if P has previously been served with a notice under subsection (2) and—

(a) P requires leave to enter or remain in the United Kingdom but does not have it, or

(b) P has leave to enter or remain in the United Kingdom only by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending decision or appeal).

(5) Where P's circumstances have changed since the Secretary of State or an immigration officer was last made aware of them (whether in the application or claim mentioned in subsection (1) or in a statement under subsection (2) or this subsection) so that P has—

(a) additional reasons for wishing to enter or remain in the United Kingdom,

(b) additional grounds on which P should be permitted to enter or remain in the United Kingdom, or

(c) additional grounds on which P should not be removed from or required to leave the United Kingdom,

P must, as soon as reasonably practicable, provide a supplementary statement to the Secretary of State or an immigration officer setting out the new circumstances and the additional reasons or grounds.

(6) In this section—

"human rights claim" and "protection claim" have the same meanings as in Part 5;
references to "grounds" are to grounds on which an appeal under Part 5 may be brought (see section 84).

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (extract)

Asylum and Immigration (Treatment of Claimants, etc) Act 2004
2004 CHAPTER 19

Offences
…
2 Entering United Kingdom without passport, &c
3 . . .
4 . . .

Treatment of claimants
8 Claimant's credibility

Removal and detention
35 Deportation or removal: cooperation

Schedule 3 Removal of asylum seeker to safe third country
Part 2 First list of safe countries (Refugee Convention and Human Rights(1))
Para 2 *[EEA and Switzerland]*
Para 3 *[presumption of safety of other states]*
Para 5 *[certification and los of appeal right]*

Offences

…

2 Entering United Kingdom without passport, &c.

(1) A person commits an offence if at a leave or asylum interview he does not have with him an immigration document which–

(a) is in force, and

(b) satisfactorily establishes his identity and nationality or citizenship.

(2) A person commits an offence if at a leave or asylum interview he does not have with him, in respect of any dependent child with whom he claims to be travelling or living, an immigration document which–

(a) is in force, and

(b) satisfactorily establishes the child's identity and nationality or citizenship.

(3) But a person does not commit an offence under subsection (1) or (2) if–

(a) the interview referred to in that subsection takes place after the person has entered the United Kingdom, and

(b) within the period of three days beginning with the date of the interview the person provides to an immigration officer or to the Secretary of State a document of the kind referred to in that subsection.

(4) It is a defence for a person charged with an offence under subsection (1)–

(a) to prove that he is —

(i) an Irish citizen,

(ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

(iii) is a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020,

(b)…

(c) to prove that he has a reasonable excuse for not being in possession of a document of the kind specified in subsection (1),

(d) to produce a false immigration document and to prove that he used that document as an immigration document for all purposes in connection with his journey to the United Kingdom, or

(e) to prove that he travelled to the United Kingdom without, at any stage since he set out on the journey, having possession of an immigration document.

(5) It is a defence for a person charged with an offence under subsection (2) in respect of a child–

(a) to prove that the child is—

(i) an Irish citizen,

(ii) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules, or

(iii) is a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020,

(b)…

(c) to prove that the person has a reasonable excuse for not being in possession of a document of the kind specified in subsection (2),

(d) to produce a false immigration document and to prove that it was used as an immigration document for all purposes in connection with the child's journey to the United Kingdom, or

(e) to prove that he travelled to the United Kingdom with the child without, at any stage since he set out on the journey, having possession of an immigration document in respect of the child.

(6) Where the charge for an offence under subsection (1) or (2) relates to an interview which takes place after the defendant has entered the United Kingdom–

(a) subsections (4)(c) and (5)(c) shall not apply, but

(b) it is a defence for the defendant to prove that he has a reasonable excuse for not providing a document in accordance with subsection (3).

(7) For the purposes of subsections (4) to (6)–

(a) the fact that a document was deliberately destroyed or disposed of is not a reasonable excuse for not being in possession of it or for not providing it in accordance with subsection (3), unless it is shown that the destruction or disposal was–

(i) for a reasonable cause, or

(ii) beyond the control of the person charged with the offence, and

(b) in paragraph (a)(i) "reasonable cause" does not include the purpose of–

(i) delaying the handling or resolution of a claim or application or the taking of a decision,

(ii) increasing the chances of success of a claim or application, or

(iii) complying with instructions or advice given by a person who offers advice about, or facilitates, immigration into the United Kingdom, unless in the circumstances of the case it is unreasonable to expect non-compliance with the instructions or advice.

(8) A person shall be presumed for the purposes of this section not to have a document with him if he fails to produce it to an immigration officer or official of the Secretary of State on request.

(9) A person guilty of an offence under this section shall be liable–

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court, to a fine not exceeding the statutory maximum or to both.

(10) If a constable or an immigration officer reasonably suspects that a person has committed an offence under this section he may arrest the person without warrant.

(11) An offence under this section shall be treated as–

(a) a relevant offence for the purposes of sections 28B and 28D of the Immigration Act 1971 (c. 77) (search, entry and arrest), and

(b) an offence under Part III of that Act (criminal proceedings) for the purposes of sections 28(4), 28E, 28G and 28H (search after arrest, &c.) of that Act.

(12) In this section–

"immigration document" means–

(a) a passport, and

(b) a document which relates to a national of a State other than the United Kingdom and which is designed to serve the same purpose as a passport, [...]6

"leave or asylum interview" means an interview with an immigration officer or an official of the

Secretary of State at which a person–

(a) seeks leave to enter or remain in the United Kingdom, or

(b) claims that to remove him from or require him to leave the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention or would be unlawful under section 6 of the Human Rights Act 1998 (c. 42) as being incompatible with his Convention rights, and

"residence scheme immigration rules" has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.

(13) For the purposes of this section–

(a) a document which purports to be, or is designed to look like, an immigration document, is a false immigration document, and

(b) an immigration document is a false immigration document if and in so far as it is used–

(i) outside the period for which it is expressed to be valid,

(ii) contrary to provision for its use made by the person issuing it, or

(iii) by or in respect of a person other than the person to or for whom it was issued.

(14) Section 11 of the Immigration Act 1971 (c. 77) shall have effect for the purpose of the construction of a reference in this section to entering the United Kingdom.

(15) In so far as this section extends to England and Wales, subsection (9)(b) shall, until 9 May 2022, have effect as if the reference to the general limit in a magistrates' court were a reference to six months.

(16) In so far as this section extends to Scotland, subsection (9)(b) shall have effect as if the reference to twelve months were a reference to six months.

(17) In so far as this section extends to Northern Ireland, subsection (9)(b) shall have effect as if the reference to twelve months were a reference to six months.

Treatment of claimants

8 Claimant's credibility

(1) In determining whether to believe a statement made by or on behalf of a person who makes an asylum claim or a human rights claim, a deciding authority shall take account, as damaging the claimant's credibility, of any behaviour to which this section applies.

(2) This section applies to any behaviour by the claimant that the deciding authority thinks–

(a) is designed or likely to conceal information,

(b) is designed or likely to mislead, or

(c) is designed or likely to obstruct or delay the handling or resolution of the claim or the taking of a decision in relation to the claimant.

(3) Without prejudice to the generality of subsection (2) the following kinds of behaviour shall be treated as designed or likely to conceal information or to mislead–

(a) failure without reasonable explanation to produce an identity document on request to an immigration officer or to the Secretary of State,

(b) the production of a document which is not a valid identity document as if it were,

(c) the destruction, alteration or disposal, in each case without reasonable explanation, of an identity document,

(d) the destruction, alteration or disposal, in each case without reasonable explanation, of a ticket or other document connected with travel, and

(da) failure to provide to an immigration officer or the Secretary of State, on request, any information or anything else required in order to access any information stored in electronic form on a thing in the possession of an immigration officer or the Secretary of State that—

(i) was found on the claimant, or

(ii) appears to an immigration officer or the Secretary of State to have been in the possession of the claimant, and

(e) failure without reasonable explanation to answer a question asked by a deciding authority.

(4) This section also applies to failure by the claimant to take advantage of a reasonable opportunity to make an asylum claim or human rights claim while in a safe country.

(5) This section also applies to failure by the claimant to make an asylum claim or human rights claim before being notified of an immigration decision, unless the claim relies wholly on matters arising after the notification.

(6) This section also applies to failure by the claimant to make an asylum claim or human rights claim before being arrested under an immigration provision, unless–

(a) he had no reasonable opportunity to make the claim before the arrest, or

(b) the claim relies wholly on matters arising after the arrest.

(7) In this section–

“asylum claim” has the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (subject to subsection (9) below),

“deciding authority” means–

(a) an immigration officer,

(b) the Secretary of State,

(c) the First-tier Tribunal, or

(d) the Special Immigration Appeals Commission,

“human rights claim” has the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002 (subject to subsection (9) below),

“document” includes information recorded in any form;

“immigration decision” means–

(a) refusal of leave to enter the United Kingdom,

(b) refusal to vary a person's leave to enter or remain in the United Kingdom,

(c) grant of leave to enter or remain in the United Kingdom,

(d) a decision that a person is to be removed from the United Kingdom by way of directions under section 10 of the Immigration and Asylum Act 1999 (c. 33) (removal of persons unlawfully in United Kingdom),

(e) a decision that a person is to be removed from the United Kingdom by way of directions under paragraphs 8 to 12 of Schedule 2 to the Immigration Act 1971 (c. 77) (control of entry: removal),

(f) a decision to make a deportation order under section 5(1) of that Act, and

(g) a decision to take action in relation to a person in connection with extradition from the United Kingdom,

"immigration provision" means–

(a) sections 28A, 28AA , 28B , 28C and 28CA of the Immigration Act 1971 (immigration offences: enforcement),

(b) paragraph 17 of Schedule 2 to that Act (control of entry),

(c) section 14 of this Act, and

(d) a provision of the Extradition Act 1989 (c. 33) or 2003 (c. 41),

"notified" means notified in such manner as may be specified by regulations made by the Secretary of State,

…

"safe country" means a country to which Part 2 of Schedule 3 applies.

(8) An identity document produced by or on behalf of a person is valid for the purposes of subsection (3)(b) if it–

(a) relates to the person by whom or on whose behalf it is produced,

(b) has not been altered otherwise than by or with the permission of the authority who issued it, and

(c) was not obtained by deception.

(9) In subsection (4) a reference to an asylum claim or human rights claim shall be treated as including a reference to a claim of entitlement to remain in a country other than the United Kingdom made by reference to the rights that a person invokes in making an asylum claim or a human rights claim in the United Kingdom.

(9A) In paragraph (c) of the definition of a "deciding authority" in subsection (7) the reference to the First-tier Tribunal includes a reference to the Upper Tribunal when acting under section 12(2)(b)(ii) of the Tribunals, Courts and Enforcement Act 2007.

(10) Regulations under subsection (7) specifying a manner of notification may, in particular–

(a) apply or refer to regulations under section 105 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (notice of immigration decisions);

(b) make provision similar to provision that is or could be made by regulations under that section;

(c) modify a provision of regulations under that section in its effect for the purpose of regulations under this section;

(d) provide for notice to be treated as received at a specified time if sent to a specified class of place in a specified manner.

(11) Regulations under subsection (7) specifying a manner of notification–

(a) may make incidental, consequential or transitional provision,

(b) shall be made by statutory instrument, and

(c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(12) This section shall not prevent a deciding authority from determining not to believe a statement on the grounds of behaviour to which this section does not apply.

…

35 Deportation or removal: cooperation

(1) The Secretary of State may require a person to take specified action if the Secretary of State thinks that—

(a) the action will or may enable a travel document to be obtained by or for the person, and
(b) possession of the travel document will facilitate the person's deportation or removal from the United Kingdom.

(2) In particular, the Secretary of State may require a person to—

(a) provide information or documents to the Secretary of State or to any other person;
(b) obtain information or documents;
(c) provide biometric information (within the meaning of section 15 of the UK Borders Act 2007), or submit to a process by means of which such information is obtained or recorded;
(d) make, or consent to or cooperate with the making of, an application to a person acting for the government of a State other than the United Kingdom;
(e) cooperate with a process designed to enable determination of an application;
(f) complete a form accurately and completely;
(g) attend an interview and answer questions accurately and completely;
(h) make an appointment.

(3) A person commits an offence if he fails without reasonable excuse to comply with a requirement of the Secretary of State under subsection (1).

(4) A person guilty of an offence under subsection (3) shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
(b) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court, to a fine not exceeding the statutory maximum or to both.

(5) If a constable or an immigration officer reasonably suspects that a person has committed an offence under subsection (3) he may arrest the person without warrant.

(6) An offence under subsection (3) shall be treated as—

(a) a relevant offence for the purposes of sections 28B and 28D of the Immigration Act 1971 (c. 77) (search, entry and arrest), and
(b) an offence under Part III of that Act (criminal proceedings) for the purposes of sections 28(4), 28E, 28G and 28H (search after arrest, &c.) of that Act.

(7) In subsection (1)—

- "travel document" means a passport or other document which is issued by or for Her Majesty's Government or the government of another State and which enables or facilitates travel from the United Kingdom to another State, and
- "removal from the United Kingdom" means removal under—

(a) Schedule 2 to the Immigration Act 1971 (control on entry) (including a provision of that Schedule as applied by another provision of the Immigration Acts),
(b) section 10 of the Immigration and Asylum Act 1999 (c. 33) (removal of person unlawfully in United Kingdom), or
(c) Schedule 3 to this Act.

(8) While sections 11 and 12 of the Immigration and Asylum Act 1999 continue to have effect, the reference in subsection (7)(c) above to Schedule 3 to this Act shall be treated as including a reference to those sections.

(9) In so far as subsection (3) extends to England and Wales, subsection (4)(b) shall, until 2 May 2022, have effect as if the reference to the general limit in a magistrates' court were a reference to six months.

(10) In so far as subsection (3) extends to Scotland, subsection (4)(b) shall have effect as if the reference to twelve months were a reference to six months.

(11) In so far as subsection (3) extends to Northern Ireland, subsection (4)(b) shall have effect as if the reference to twelve months were a reference to six months.

Schedule 3 REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

Part 2 FIRST LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND HUMAN RIGHTS (1))

2 This Part applies to–

(a) Austria,
(b) Belgium,
(ba) Bulgaria,
(bb) Republic of Croatia,
(c) Republic of Cyprus,
(d) Czech Republic,
(e) Denmark,
(f) Estonia,
(g) Finland,
(h) France,
(i) Germany,
(j) Greece,
(k) Hungary,
(l) Iceland,
(m) Ireland,
(n) Italy,
(o) Latvia,
(oa) Principality of Liechtenstein,
(p) Lithuania,
(q) Luxembourg,
(r) Malta,
(s) Netherlands,
(t) Norway,

(u) Poland,
(v) Portugal,
(va) Romania,
(w) Slovak Republic,
(x) Slovenia,
(y) Spain, [...]
(z) Sweden [,]
(z1) Switzerland.

3 (1) This paragraph applies for the purposes of the determination by any person, tribunal or court whether a person who has made an asylum claim or a human rights claim [(the "claimant")] may be removed–

(a) from the United Kingdom, and
(b) to a State of which he is not a national or citizen.

(1A) Unless the contrary is shown by the claimant to be the case in their particular circumstances, a State to which this Part applies is to be treated, in so far as relevant to the question mentioned in sub- paragraph (1), as a place—

(a) to which a person can be removed without their Convention rights under Article 3 (no torture or inhuman or degrading treatment or punishment) being contravened, and
(b) from which a person will not be sent to another State in contravention of their Convention rights.

(2) A State to which this Part applies shall be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place–

(a) where a person's life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion, and
(c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

5 (1) This paragraph applies where the Secretary of State certifies that–

(a) it is proposed to remove a person to a State to which this Part applies, and
(b) in the Secretary of State's opinion the person is not a national or citizen of the State.

(2)…

(3) The person may not bring an immigration appeal in reliance on–

(a) an asylum claim which asserts that to remove the person to a specified State to which this Part applies would breach the United Kingdom's obligations under the Refugee Convention.

(4) The person may not bring an immigration appeal in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim unless satisfied that the claim is not clearly unfounded.

(5)…

UK Borders Act 2007 (extract)
Sections 32-38 only

UK Borders Act 2007

Deportation of criminals
32 Automatic deportation
33 Exceptions
34 Timing
35 Appeal
36 Detention
37 Family
38 Interpretation

Deportation of criminals

32 Automatic deportation

(1) In this section "foreign criminal" means a person–

(a) who is not a British citizen or an Irish citizen,

(b) who is convicted in the United Kingdom of an offence, and

(c) to whom Condition 1 or 2 applies.

(2) Condition 1 is that the person is sentenced to a period of imprisonment of at least 12 months.

(3) Condition 2 is that–

(a) the offence is specified by order of the Secretary of State under section 72(4)(a) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (serious criminal), and

(b) the person is sentenced to a period of imprisonment.

(4) For the purpose of section 3(5)(a) of the Immigration Act 1971 (c. 77), the deportation of a foreign criminal is conducive to the public good.

(5) The Secretary of State must make a deportation order in respect of a foreign criminal (subject to section 33).

(6) The Secretary of State may not revoke a deportation order made in accordance with subsection (5) unless–

(a) he thinks that an exception under section 33 applies,

(b) the application for revocation is made while the foreign criminal is outside the United Kingdom, or

(c) section 34(4) applies.

(7) Subsection (5) does not create a private right of action in respect of consequences of non-compliance by the Secretary of State.

33 Exceptions

(1) Section 32(4) and (5)–

(a) do not apply where an exception in this section applies (subject to subsection (7) below), and

(b) are subject to sections 7 and 8 of the Immigration Act 1971 (Commonwealth citizens, Irish

citizens, crew and other exemptions).

(2) Exception 1 is where removal of the foreign criminal in pursuance of the deportation order would breach–

(a) a person's Convention rights, or

(b) the United Kingdom's obligations under the Refugee Convention.

(3) Exception 2 is where the Secretary of State thinks that the foreign criminal was under the age of 18 on the date of conviction.

(4)...

(5) Exception 4 is where the foreign criminal–

(a) is the subject of a certificate under section 2 or 70 of the Extradition Act 2003 (c. 41),

(b) is in custody pursuant to arrest under section 5 of that Act,

(c) is the subject of a provisional warrant under section 73 of that Act,

(ca) is the subject of a certificate under section 74B of that Act,

(d) is the subject of an authority to proceed under section 7 of the Extradition Act 1989 (c. 33) or an order under paragraph 4(2) of Schedule 1 to that Act, or

(e) is the subject of a provisional warrant under section 8 of that Act or of a warrant under paragraph 5(1)(b) of Schedule 1 to that Act.

(6) Exception 5 is where any of the following has effect in respect of the foreign criminal–

(a) a hospital order or guardianship order under section 37 of the Mental Health Act 1983 (c. 20),

(b) a hospital direction under section 45A of that Act,

(c) a transfer direction under section 47 of that Act,

(d) a compulsion order under section 57A of the Criminal Procedure (Scotland) Act 1995 (c. 46),

(e) a guardianship order under section 58 of that Act,

(f) a hospital direction under section 59A of that Act,

(g) a transfer for treatment direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), or

(h) an order or direction under a provision which corresponds to a provision specified in paragraphs (a) to (g) and which has effect in relation to Northern Ireland.

(6A) Exception 6 is where the Secretary of State thinks that the application of section 32(4) and (5) would contravene the United Kingdom's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16th May 2005).

(6B) Exception 7 is where—

(a) the foreign criminal is a relevant person, and

(b) the offence for which the foreign criminal was convicted as mentioned in section 32(1)(b) consisted of or included conduct that took place before IP completion day.

(6C) For the purposes of subsection (6B), a foreign criminal is a "relevant person"—

(a) if the foreign criminal is in the United Kingdom (whether or not they have entered within the meaning of section 11(1) of the Immigration Act 1971) having arrived with entry clearance granted by virtue of relevant entry clearance immigration rules, ...

(b) if the foreign criminal has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,

(ba) if the person is in the United Kingdom (whether or not they have entered within the meaning of section 11(1) of the Immigration Act 1971) having arrived with entry clearance granted by virtue of Article 23 of the Swiss citizens' rights agreement,

(c) if the foreign criminal may be granted leave to enter or remain in the United Kingdom as a person who has a right to enter the United Kingdom by virtue of—

(i) Article 32(1)(b) of the EU withdrawal agreement,

(ii) Article 31(1)(b) of the EEA EFTA separation agreement, or

(iii) Article 26a(1)(b) of the Swiss citizens' rights agreement,

whether or not the foreign criminal has been granted such leave, or

(d) if the foreign criminal may enter the United Kingdom by virtue of regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020 (frontier workers), whether or not the foreign criminal has entered by virtue of those regulations.

(6D) In this section—

"EEA EFTA separation agreement" and "Swiss citizens' rights agreement" have the same meanings as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

"relevant entry clearance immigration rules" and "residence scheme immigration rules" have the meanings given by section 17 of the European Union (Withdrawal Agreement) Act 2020.

(7) The application of an exception–

(a) does not prevent the making of a deportation order;

(b) results in it being assumed neither that deportation of the person concerned is conducive to the public good nor that it is not conducive to the public good;

but section 32(4) applies despite the application of Exception 1 or 4.

34 Timing

(1) Section 32(5) requires a deportation order to be made at a time chosen by the Secretary of State.

(2) A deportation order may not be made under section 32(5) while an appeal or further appeal against the conviction or sentence by reference to which the order is to be made–

(a) has been instituted and neither withdrawn nor determined, or

(b) could be brought.

(3) For the purpose of subsection (2)(b)–

(a) the possibility of an appeal out of time with permission shall be disregarded, and

(b) a person who has informed the Secretary of State in writing that the person does not intend to appeal shall be treated as being no longer able to appeal.

(4) The Secretary of State may withdraw a decision that section 32(5) applies, or revoke a deportation order made in accordance with section 32(5), for the purpose of–

(a) taking action under the Immigration Acts or rules made under section 3 of the Immigration Act 1971 (c. 77) (immigration rules), and

(b) subsequently taking a new decision that section 32(5) applies and making a deportation order in accordance with section 32(5).

...

36 Detention

(1) A person who has served a period of imprisonment may be detained under the authority of the Secretary of State–

(a) while the Secretary of State considers whether section 32(5) applies, and

(b) where the Secretary of State thinks that section 32(5) applies, pending the making of the deportation order.

(1A) A person liable to be detained under subsection (1) may be detained for such period as, in the opinion of the Secretary of State, is reasonably necessary to enable the decision as to whether section 32(5) applies, or the deportation order, to be made.

(1B) Subsection (1) applies regardless of whether there is anything that for the time being prevents the decision or the deportation order from being made.

(1C) Subsections (1A) and (1B) are subject to subsection (2A) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women).

(1D) Subsection (1E) applies if, while a person is detained under subsection (1), the Secretary of State no longer considers that the decision or the deportation order will be made within a reasonable period of time.

(1E) The person may be detained under subsection (1) for such further period as, in the opinion of the Secretary of State, is reasonably necessary to enable such arrangements to be made for the person's release as the Secretary of State considers to be appropriate.

(2) Where a deportation order is made in accordance with section 32(5) the Secretary of State shall exercise the power of detention under paragraph 2(3) of Schedule 3 to the Immigration Act 1971 (c. 77) (detention pending removal) unless the person is granted immigration bail under Schedule 10 to the Immigration Act 2016.

(2A) The detention under subsection (1) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.

(3) A court determining an appeal against conviction or sentence may release a person on bail from detention under subsection (1) or (2).

(3A) The provisions of Schedule 10 to the Immigration Act 2016 that apply in relation to the grant of immigration bail by the First-tier Tribunal apply in relation to the grant of bail by the court under subsection (3).

(3B) If the court grants bail to a person under subsection (3),Schedule 10 to the Immigration Act 2016 applies in relation to that person as if the person had been granted immigration bail by the First-tier Tribunal under that Schedule.

(3C) A reference in any provision of, or made under, an enactment other than this section to immigration bail granted, or a condition imposed, under Schedule 10 to the Immigration Act 2016 includes bail granted by the court under subsection (3) or (as the case may be) a condition imposed by the court on the grant of such bail.

(4) Provisions of the Immigration Act 1971 which apply to detention under paragraph 2(3) of Schedule 3 to that Act shall apply to detention under subsection (1).

(5)…

37 Family

(1) Where a deportation order against a foreign criminal states that it is made in accordance with section 32(5) ("the automatic deportation order") this section shall have effect in place of the words from "A deportation order" to "after the making of the deportation order against him" in section 5(3) of the Immigration Act 1971 (period during which family members may also be deported).

(2) A deportation order may not be made against a person as belonging to the family of the foreign criminal after the end of the relevant period of 8 weeks.

(3) In the case of a foreign criminal who has not appealed in respect of the automatic deportation order, the relevant period begins when an appeal can no longer be brought (ignoring any possibility of an appeal out of time with permission).

(4) In the case of a foreign criminal who has appealed in respect of the automatic deportation order, the relevant period begins when the appeal is no longer pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002 (c. 41)).

38 Interpretation

(1) In section 32(2) the reference to a person who is sentenced to a period of imprisonment of at least 12 months–

(a) ……

(b) does not include a reference to a person who is sentenced to a period of imprisonment of at least 12 months only by virtue of being sentenced to consecutive sentences amounting in aggregate to more than 12 months,

(c) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders) for at least 12 months, and

(d) includes a reference to a person who is sentenced to imprisonment or detention, or ordered or directed to be detained, for an indeterminate period (provided that it may last for 12 months).

(2) In section 32(3)(b) the reference to a person who is sentenced to a period of imprisonment–

(a) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it is to take effect), and

(b) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders).

(3) For the purposes of section 32 a person subject to an order under section 5 of the Criminal Procedure (Insanity) Act 1964 (c. 84) (insanity, &c.) has not been convicted of an offence.

(4) In sections 32 and 33–

(a) “British citizen” has the same meaning as in section 3(5) of the Immigration Act 1971 (c. 77) (and section 3(8) (burden of proof) shall apply),

(b) “Convention rights” has the same meaning as in the Human Rights Act 1998 (c. 42),

(c) “deportation order” means an order under section 5, and by virtue of section 3(5) , of the Immigration Act 1971, and

(d) “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.

Borders, Citizenship and Immigration Act 2009 s 55

…

Part 4 MISCELLANEOUS AND GENERAL

Children

55 Duty regarding the welfare of children

(1) The Secretary of State must make arrangements for ensuring that—

(a) the functions mentioned in subsection (2) are discharged having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom, and

(b) any services provided by another person pursuant to arrangements which are made by the Secretary of State and relate to the discharge of a function mentioned in subsection (2) are provided having regard to that need.

(2) The functions referred to in subsection (1) are—

(a) any function of the Secretary of State in relation to immigration, asylum or nationality;

(b) any function conferred by or by virtue of the Immigration Acts on an immigration officer;

(c) any general customs function of the Secretary of State;

(d) any customs function conferred on a designated customs official.

(3) A person exercising any of those functions must, in exercising the function, have regard to any guidance given to the person by the Secretary of State for the purpose of subsection (1).

(4) The Director of Border Revenue must make arrangements for ensuring that—

(a) the Director's functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom, and

(b) any services provided by another person pursuant to arrangements made by the Director in the discharge of such a function are provided having regard to that need.

(5) A person exercising a function of the Director of Border Revenue must, in exercising the function, have regard to any guidance given to the person by the Secretary of State for the purpose of subsection (4).

(6) In this section—

“children” means persons who are under the age of 18;
“customs function”, “designated customs official” and “general customs function” have the meanings given by Part 1.
(7) A reference in an enactment (other than this Act) to the Immigration Acts includes a reference to this section.

(8) Section 21 of the UK Borders Act 2007 (c. 30) (children) ceases to have effect.

Identity Documents Act 2010 (extract)

Sections 4 & 7 only

False identity documents etc

4 Possession of false identity documents etc with improper intention

(1) It is an offence for a person ("P") with an improper intention to have in P's possession or under P's control—

(a) an identity document that is false and that P knows or believes to be false,

(b) an identity document that was improperly obtained and that P knows or believes to have been improperly obtained, or

(c) an identity document that relates to someone else.

(2) Each of the following is an improper intention—

(a) the intention of using the document for establishing personal information about P;

(b) the intention of allowing or inducing another to use it for establishing, ascertaining or verifying personal information about P or anyone else.

(3) In subsection (2)(b) the reference to P or anyone else does not include, in the case of a document within subsection (1)(c), the individual to whom it relates.

(4) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

7 Meaning of "identity document"

7 Meaning of "identity document"

(1) For the purposes of sections 4 to 6"identity document" means any document that is or purports to be—

(a) an immigration document,

(b) a United Kingdom passport (within the meaning of the Immigration Act 1971),

(c) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation,

(d) a document that can be used (in some or all circumstances) instead of a passport,

(e) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981, or

(f) a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom.

(2) In subsection (1)(a) "immigration document" means—

(a) a document used for confirming—

(i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom, or

(ii) the right of a person under the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020) in respect of entry or residence in the United Kingdom,

(b) a document that is given in exercise of immigration functions and records information about leave granted to a person to enter or to remain in the United Kingdom, or

(c) a registration card (within the meaning of section 26A of the Immigration Act 1971).

(2A) In subsection 2(a)(i) "EU Treaties" includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.

(3) In subsection (2)(b) “immigration functions” means functions under the Immigration Acts (within the meaning of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004).

(4) References in subsection (1) to the issue of a document include its renewal, replacement or re-issue (with or without modifications).

(5) In this section “document” includes a stamp or label.

(6) The Secretary of State may by order amend the definition of “identity document”.

Immigration Act 2016 (extract)

Sections 59 & 60 and Schedule 10 (ss1-10) only

Part 3 ENFORCEMENT Detention and bail

59 Guidance on detention of vulnerable persons

(1) The Secretary of State must issue guidance specifying matters to be taken into account by a person to whom the guidance is addressed in determining—

> (a) whether a person ("P") would be particularly vulnerable to harm if P were to be detained or to remain in detention, and
>
> (b) if P is identified as being particularly vulnerable to harm in those circumstances, whether P should be detained or remain in detention.

(2) In subsection (1) "detained" means detained under—

> (a) the Immigration Act 1971,
> (b) section 62 of the Nationality, Immigration and Asylum Act 2002, or
> (c) section 36 of the UK Borders Act 2007,
>
> and "detention" is to be construed accordingly.

(3) A person to whom guidance under this section is addressed must take the guidance into account.

(4) Before issuing guidance under this section the Secretary of State must lay a draft of the guidance before Parliament.

(5) Guidance under this section comes into force in accordance with regulations made by the Secretary of State.

(6) The Secretary of State may from time to time review guidance under this section and may revise and re-issue it.

(7) References in this section to guidance under this section include revised guidance.

60 Limitation on detention of pregnant women

(1) This section applies to a woman if the Secretary of State is satisfied that the woman is pregnant.

(2) A woman to whom this section applies may not be detained under a relevant detention power unless the Secretary of State is satisfied that—

> (a) the woman will shortly be removed from the United Kingdom, or
> (b) there are exceptional circumstances which justify the detention.

(3) In determining whether to authorise the detention under a relevant detention power of a woman to whom this section applies, a person who, apart from this section, has power to authorise the detention must have regard to the woman's welfare.

(4) A woman to whom this section applies may not be detained under a relevant detention power for a period of—

> (a) more than 72 hours from the relevant time, or

(b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).

(5) In subsection (4) "the relevant time" means the later of—

(a) the time at which the Secretary of State is first satisfied that the woman is pregnant, and

(b) the time at which the detention begins.

(6) A woman to whom this section applies who has been released following detention under a relevant detention power may be detained again under such a power in accordance with this section.

(7) This section does not apply to the detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 of an unaccompanied child to whom paragraph 18B of that Schedule applies.

(8) In this section—

"relevant detention power" means a power to detain under—

(a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal),

(b) paragraph 2(1) , (2) or (3) of Schedule 3 to that Act (detention pending deportation),

(c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal), or

(d) section 36(1) of the UK Borders Act 2007 (detention pending deportation);

"woman" means a female of any age.

(9) The Immigration Act 1971 is amended in accordance with subsections (10) and (11).

(10) In paragraph 16 of Schedule 2 (detention of persons liable to examination or removal) after sub-paragraph (2A) insert—

"(2B) The detention under sub-paragraph (2) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section."

(11) In paragraph 2 of Schedule 3 (detention or control pending deportation) after sub-paragraph (4) insert—

"(4ZA) The detention under sub-paragraph (1), (2) or (3) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section."

(12) In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State) after subsection (7) insert—

"(7A) The detention under this section of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section."

(13) In section 36 of the UK Borders Act 2007 (detention) after subsection (2) insert—

"(2A) The detention under subsection (1) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section."

SCHEDULE 10

Immigration bail

Power to grant immigration bail

1(1) The Secretary of State may grant a person bail if—

(a) the person is being detained under paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal),

(b) the person is being detained under paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation),

(c) the person is being detained under section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal), or

(d) the person is being detained under section 36(1) of the UK Borders Act 2007 (detention pending deportation).

(2) The Secretary of State may grant a person bail if the person is liable to detention under a provision mentioned in sub-paragraph (1).

(3) The First-tier Tribunal may, on an application made to the Tribunal for the grant of bail to a person, grant that person bail if—

(a) the person is being detained under paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971,

(b) the person is being detained under paragraph 2(1), (2) or (3) of Schedule 3 to that Act,

(c) the person is being detained under section 62 of the Nationality, Immigration and Asylum Act 2002, or

(d) the person is being detained under section 36(1) of the UK Borders Act 2007.

(4) In this Schedule references to the grant of immigration bail, in relation to a person, are to the grant of bail to that person under any of sub-paragraphs (1) to (3) or under paragraph 10(12) or (13) (release following arrest for breach of bail conditions).

(5) A person may be granted and remain on immigration bail even if the person can no longer be detained, if—

(a) the person is liable to detention under a provision mentioned in sub-paragraph (1), or

(b) the Secretary of State is considering whether to make a deportation order against the person under section 5(1) of the Immigration Act 1971.

(6) A grant of immigration bail to a person does not prevent the person's subsequent detention under a provision mentioned in sub-paragraph (1).

(7) For the purposes of this Schedule a person is on immigration bail from when a grant of immigration bail to the person commences to when it ends.

(8) A grant of immigration bail to a person ends when—

(a) in a case where sub-paragraph (5) applied to the person, that sub-paragraph no longer applies to the person,

(b) the person is granted leave to enter or remain in the United Kingdom,

(c) the person is detained under a provision mentioned in sub-paragraph (1), or

(d) the person is removed from or otherwise leaves the United Kingdom.

(9) This paragraph is subject to paragraph 3 (exercise of power to grant immigration bail).

Conditions of immigration bail

2(1) Subject to sub-paragraph (2), if immigration bail is granted to a person, it must be granted subject to one or more of the following conditions—

(a) a condition requiring the person to appear before the Secretary of State or the First-tier Tribunal at a specified time and place;

(b) a condition restricting the person's work, occupation or studies in the United Kingdom;

(c) a condition about the person's residence;

(d) a condition requiring the person to report to the Secretary of State or such other person as may be specified;

(e) an electronic monitoring condition (see paragraph 4);

(f) such other conditions as the person granting the immigration bail thinks fit.

(2) Sub-paragraph (3) applies in place of sub-paragraph (1) in relation to a person who is being detained under a provision mentioned in paragraph 1(1)(b) or (d) or who is liable to detention under such a provision.

(3) If immigration bail is granted to such a person—

(a) subject to sub-paragraphs (5) to (9), it must be granted subject to an electronic monitoring condition,

(b) if, by virtue of sub-paragraph (5) or (7), it is not granted subject to an electronic monitoring condition, it must be granted subject to one or more of the other conditions mentioned in sub-paragraph (1), and

(c) if it is granted subject to an electronic monitoring condition, it may be granted subject to one or more of those other conditions.

(4) Immigration bail granted in accordance with sub-paragraph (1) or (3) may also be granted subject to a financial condition (see paragraph 5).

(5) Sub-paragraph (3)(a) does not apply to a person who is granted immigration bail by the Secretary of State if the Secretary of State considers that to impose an electronic monitoring condition on the person would be—

(a) impractical, or

(b) contrary to the person's Convention rights.

(6) Where sub-paragraph (5) applies, the Secretary of State must not grant immigration bail to the person subject to an electronic monitoring condition.

(7) Sub-paragraph (3)(a) does not apply to a person who is granted immigration bail by the First-tier Tribunal if the Secretary of State informs the Tribunal that the Secretary of State considers that to impose an electronic monitoring condition on the person would be—

(a) impractical, or

(b) contrary to the person's Convention rights.

(8) Where sub-paragraph (7) applies, the First-tier Tribunal must not grant immigration bail to the person subject to an electronic monitoring condition.

(9) In considering for the purposes of this Schedule whether it would be impractical to impose an electronic monitoring condition on a person, or would be impractical for a person to continue to be subject to such a condition, the Secretary of State may in particular have regard to—

(a) any obstacles to making arrangements of the kind mentioned in paragraph 4 in relation to the person,

(b) the resources that are available for imposing electronic monitoring conditions on persons to whom sub-paragraph (2) applies and for managing the operation of such conditions in relation to such persons,

(c) the need to give priority to the use of those resources in relation to particular categories of persons to whom that sub-paragraph applies, and

(d) the matters listed in paragraph 3(2) as they apply to the person.

(10) In this Schedule “Convention rights” is to be construed in accordance with section 1 of the Human Rights Act 1998.

(11) In this Schedule “bail condition”, in relation to a person on immigration bail, means a condition to which the person's bail is subject.

Exercise of power to grant immigration bail

3(1) The Secretary of State or the First-tier Tribunal must have regard to the matters listed in sub-paragraph (2) in determining—

(a) whether to grant immigration bail to a person, and

(b) the conditions to which a person's immigration bail is to be subject.

(2) Those matters are—

(a) the likelihood of the person failing to comply with a bail condition,

(b) whether the person has been convicted of an offence (whether in or outside the United Kingdom or before or after the coming into force of this paragraph),

(c) the likelihood of a person committing an offence while on immigration bail,

(d) the likelihood of the person's presence in the United Kingdom, while on immigration bail, causing a danger to public health or being a threat to the maintenance of public order,

(e) whether the person's detention is necessary in that person's interests or for the protection of any other person,

(ea) whether the person has failed without reasonable excuse to cooperate with any process—

(i) for determining whether the person requires or should be granted leave to enter or remain in the United Kingdom,

(ii) for determining the period for which the person should be granted such leave and any conditions to which it should be subject,

(iii) for determining whether the person’s leave to enter or remain in the United Kingdom should be varied, curtailed, suspended or cancelled,

(iv) for determining whether the person should be removed from the United Kingdom, or

(v) for removing the person from the United Kingdom, and

(f) such other matters as the Secretary of State or the First-tier Tribunal thinks relevant.

(3) A person who is being detained under paragraph 16(1) of Schedule 2 to the Immigration Act 1971 must not be granted immigration bail by the First-tier Tribunal until after the end of the period of 8 days beginning with the date of the person's arrival in the United Kingdom.

(4) A person must not be granted immigration bail by the First-tier Tribunal without the consent of the Secretary of State if—

(a) directions for the removal of the person from the United Kingdom are for the time being in force, and

(b) the directions require the person to be removed from the United Kingdom within the period of 21 days beginning with the date of the decision on whether the person should be granted immigration bail.

(5) If the Secretary of State or the First-tier Tribunal decides to grant, or to refuse to grant, immigration bail to a person, the Secretary of State or the Tribunal must give the person notice of the decision.

(6) Where the First-tier Tribunal is required under sub-paragraph (5) to a give a person notice of a decision, it must also give the Secretary of State notice of the decision.

(7) Where the decision is to grant immigration bail, a notice under sub-paragraph (5) or (6) must state—

(a) when the grant of immigration bail commences, and

(b) the bail conditions.

(8) The commencement of a grant of immigration bail may be specified to be conditional on arrangements specified in the notice being in place to ensure that the person is able to comply with the bail conditions.

Electronic monitoring condition

4(1) In this Schedule an “electronic monitoring condition” means a condition requiring the person on whom it is imposed (“P”) to co-operate with such arrangements as the Secretary of State may specify for detecting and recording by electronic means one or more of the following—

(a) P's location at specified times, during specified periods of time or while the arrangements are in place;

(b) P's presence in a location at specified times, during specified periods of time or while the arrangements are in place;

(c) P's absence from a location at specified times, during specified periods of time or while the arrangements are in place.

(2) The arrangements may in particular—

(a) require P to wear a device;

(b) require P to make specified use of a device;

(c) require P to communicate in a specified manner and at specified times or during specified periods;

(d) involve the exercise of functions by persons other than the Secretary of State or the First-tier Tribunal.

(3) If the arrangements require P to wear, or make specified use of, a device they must—

(a) prohibit P from causing or permitting damage to, or interference with the device, and

(b) prohibit P from taking or permitting action that would or might prevent the effective operation of the device.

(4) In this paragraph “specified” means specified in the arrangements.

(5) An electronic monitoring condition may not be imposed on a person unless the person is at least 18 years old.

Financial condition

5(1) In this Schedule a "financial condition" means a condition requiring the payment of a sum of money by the person to whom immigration bail is granted ("P") or another person, in a case where P fails to comply with another condition to which P's immigration bail is subject.

(2) A financial condition may be imposed on P only if the person imposing the condition thinks that it would be appropriate to do so with a view to ensuring that P complies with the other bail conditions.

(3) The financial condition must specify—

(a) the sum of money required to be paid,

(b) when it is to be paid, and

(c) the form and manner in which it is to be paid.

(4) A sum to be paid under a financial condition is to be paid to the person who granted the immigration bail, subject to sub-paragraph (5).

(5) If the First-tier Tribunal has directed that the power in paragraph 6(1) (power to vary bail conditions) is to be exercisable by the Secretary of State in relation to P, the sum is to be paid to the Secretary of State.

(6) No sum is required to be paid under a financial condition unless the person who is liable to make a payment under it has been given an opportunity to make representations to the person to whom it is to be paid.

(7) In England and Wales a sum payable under a financial condition is recoverable as if it were payable under an order of the county court in England and Wales.

(8) In Scotland a sum payable under a financial condition may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

(9) In Northern Ireland a sum payable under a financial condition is recoverable as if it were payable under an order of a county court in Northern Ireland.

(10) Where action is taken under this paragraph for the recovery of a sum payable under a financial condition, the requirement to pay the sum is—

(a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the county court;

(b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.

Power to vary bail conditions

6(1) Subject to this paragraph and to paragraphs 7 and 8, where a person is on immigration bail—

(a) any of the conditions to which it is subject may be amended or removed, or

(b) one or more new conditions of the kind mentioned in paragraph 2(1) or (4) may be imposed on the person.

(2) The power in sub-paragraph (1) is exercisable by the person who granted the immigration bail, subject to sub-paragraphs (3) and (4).

(3) The Secretary of State may exercise the power in sub-paragraph (1) in relation to a person to whom immigration bail was granted by the First-tier Tribunal if the Tribunal so directs.

(4) If the First-tier Tribunal gives a direction under sub-paragraph (3), the Tribunal may not exercise the power in sub-paragraph (1) in relation to the person.

(5) The First-tier Tribunal may not exercise the power in sub-paragraph (1)(a) so as to amend an electronic monitoring condition.

(6) If the Secretary of State or the First-tier Tribunal exercises, or refuses to exercise, the power in sub-paragraph (1), the Secretary of State or the Tribunal must give notice to the person who is on immigration bail.

(7) Where the First-tier Tribunal is required under sub-paragraph (6) to give notice to a person, it must also give notice to the Secretary of State.

Removal etc of electronic monitoring condition: bail managed by Secretary of State

7(1) This paragraph applies to a person who—

(a) is on immigration bail—

(i) pursuant to a grant by the Secretary of State, or

(ii) pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and

(b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d).

(2) Where the person is subject to an electronic monitoring condition, the Secretary of State—

(a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but

(b) if that sub-paragraph applies, must exercise that power so as to remove the condition.

(3) This sub-paragraph applies if the Secretary of State considers that—

(a) it would be impractical for the person to continue to be subject to the condition, or

(b) it would be contrary to that person's Convention rights for the person to continue to be subject to the condition.

(4) If, by virtue of paragraph 2(5) or (7) or this paragraph, the person is not subject to an electronic monitoring condition, the Secretary of State—

(a) must not exercise the power in paragraph 6(1) so as to impose such a condition on the person unless sub-paragraph (5) applies, but

(b) if that sub-paragraph applies, must exercise that power so as to impose such a condition on the person.

(5) This sub-paragraph applies if, having considered whether it would be impractical or contrary to the person's Convention rights to impose such a condition on the person, the Secretary of State—

(a) does not consider that it would be impractical to do so, and

(b) does not consider that it would be contrary to the person's Convention rights to do so.

Amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal

8(1) This paragraph applies to a person who—

(a) is on immigration bail pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has not directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and

(b) before the person was granted immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d).

(2) Where the person is subject to an electronic monitoring condition, the First-tier Tribunal—

(a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but

(b) if that sub-paragraph applies, must exercise that power so as to remove the condition.

(3) This sub-paragraph applies if the Secretary of State notifies the First-tier Tribunal that the Secretary of State considers that—

(a) it would be impractical for the person to continue to be subject to the condition, or

(b) it would be contrary to that person's Convention rights for the person to continue to be subject to the condition.

(4) If, by virtue of paragraph 2(7) or this paragraph, the person is not subject to an electronic monitoring condition, the First-tier Tribunal—

(a) must not exercise the power in paragraph 6(1) so as to impose such a condition on the p erson unless sub-paragraph (5) applies, but

(b) if that sub-paragraph applies, must exercise that power so as to impose such a condition on the person.

(5) This sub-paragraph applies if the Secretary of State notifies the First-tier Tribunal that the Secretary of State—

(a) does not consider that it would be impractical to impose such a condition on the person, and

(b) does not consider that it would be contrary to the person's Convention rights to impose such a condition on the person.

Powers of Secretary of State to enable person to meet bail conditions

9 (1) Sub-paragraph (2) applies where—

(a) a person is on immigration bail subject to a condition requiring the person to reside at an address specified in the condition, and

(b) the person would not be able to support himself or herself at the address unless the power in sub-paragraph (2) were exercised.

(2) The Secretary of State may provide, or arrange for the provision of, facilities for the accommodation of that person at that address.

(3) But the power in sub-paragraph (2) applies only to the extent that the Secretary of State thinks that there are exceptional circumstances which justify the exercise of the power.

(4) The Secretary of State may make a payment to a person on immigration bail in respect of travelling expenses which the person has incurred or will incur for the purpose of complying with a bail condition.

(5) But the power in sub-paragraph (4) applies only to the extent that the Secretary of State thinks that there are exceptional circumstances which justify the making of the payment.

Arrest for breach of immigration bail

10(1) An immigration officer or a constable may arrest without warrant a person on immigration bail if the immigration officer or constable—

(a) has reasonable grounds for believing that the person is likely to fail to comply with a bail condition, or

(b) has reasonable grounds for suspecting that the person is failing, or has failed, to comply with a bail condition.

(2) Sub-paragraph (3) applies if an appropriate judicial officer is satisfied that there are reasonable grounds for believing that a person liable to be arrested under this paragraph is to be found on any premises.

(3) The appropriate judicial officer may issue a warrant authorising any immigration officer or constable to enter, by reasonable force if necessary, the premises named in the warrant for the purposes of searching for and arresting that person.

(4) Sections 28J and 28K of the Immigration Act 1971 (warrants: application and execution) apply, with any necessary modifications, to warrants under sub-paragraph (3).

(5) Sub-paragraph (6) applies where—

(a) a warrant under this paragraph is issued for the purposes of the arrest of a person under this paragraph, and

(b) an immigration officer or a constable enters premises in reliance on the warrant and detains a person on the premises.

(6) A detainee custody officer may enter the premises, if need be by reasonable force, for the purpose of carrying out a search.

(7) In sub-paragraph (6)—

"detainee custody officer" means a person in respect of whom a certificate of authorisation is in force under section 154 of the Immigration and Asylum Act 1999 (detained persons: escort and custody), and

"search" means a search under paragraph 2(1)(a) of Schedule 13 to that Act (escort arrangements: power to search detained person).

(8) Paragraphs 25A to 25C of Schedule 2 to the Immigration Act 1971 (entry and search of persons and premises) apply in relation to a person arrested under this paragraph as they apply in relation to a person arrested under that Schedule.

(9) A person arrested under this paragraph—

(a) must, as soon as is practicable after the person's arrest, be brought before the relevant authority, and

(b) may be detained under the authority of the Secretary of State in the meantime.

(10) The relevant authority is—

(a) the Secretary of State, if the Secretary of State granted immigration bail to the arrested person or the First-tier Tribunal has directed that the power in paragraph 6(1) is exercisable by the Secretary of State in relation to that person, or

(b) otherwise, the First-tier Tribunal.

(11) Where an arrested person is brought before the relevant authority, the relevant authority must decide whether the arrested person has broken or is likely to break any of the bail conditions.

(12) If the relevant authority decides the arrested person has broken or is likely to break any of the bail conditions, the relevant authority must—

(a) direct that the person is to be detained under the provision mentioned in paragraph 1(1) under which the person is liable to be detained, or

(b) grant the person bail subject to the same or different conditions, subject to sub-paragraph (14).

(13) If the relevant authority decides the person has not broken and is not likely to break any of the bail conditions, the relevant authority must grant the person bail subject to the same conditions (but this is subject to sub-paragraph (14), and does not prevent the subsequent exercise of the powers in paragraph 6).

(14) The power in sub-paragraph (12) to grant bail subject to the same conditions and the duty in sub-paragraph (13) to do so do not affect the requirement for the grant of bail to comply with paragraph 2.

(15) In this paragraph—

"appropriate judicial officer" means—

(a) in relation to England and Wales, a justice of the peace;

(b) in relation to Scotland, the sheriff or a justice of the peace;

(c) in relation to Northern Ireland, a lay magistrate;

"premises"—

(a) in relation to England and Wales, has the same meaning as in the Police and Criminal Evidence Act 1984;

(b) in relation to Scotland, has the same meaning as in section 412 of the Proceeds of Crime Act 2002;

(c) in relation to Northern Ireland, has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (NI 12)).

…

Nationality and Borders Act 2022 (extract)
Sections 30-39 only

30 Refugee Convention: general

(1) The following sections apply for the purposes of the determination by any person, court or tribunal whether a person (referred to in those sections as an *"asylum seeker"*) is a refugee within the meaning of Article 1(A)(2) of the Refugee Convention—

(a) section 31 (persecution);
(b) section 32 (well-founded fear);
(c) section 33 (reasons for persecution);
(d) section 34 (protection from persecution);
(e) section 35 (internal relocation).

(2) Section 36 applies for the purposes of the determination by any person, court or tribunal whether the provisions of the Refugee Convention do not apply to a person as a result of Article 1(F) of that Convention (disapplication of Convention to serious criminals etc).

(3) Section 37 applies for the purposes of the determination by any person, court or tribunal whether Article 31(1) of the Refugee Convention (immunity from certain penalties) applies in relation to a person who is a refugee within the meaning of Article 1(A)(2) of the Refugee Convention.

(4) The Refugee or Person in Need of International Protection (Qualification) Regulations 2006 (S.I. 2006/2525) are revoked.

(5) Subsections (1) and (2), and sections 31 to 36, apply only in relation to a determination relating to a claim for asylum where the claim was made on or after the day on which this section comes into force.

(6) For the purposes of subsection (5), a claim for asylum includes a claim, in any form or to any person, which falls to be determined as mentioned in subsection (1).

31 Article 1(A)(2): persecution

(1) For the purposes of Article 1(A)(2) of the Refugee Convention, persecution can be committed by any of the following (referred to in this Part as *"actors of persecution"*)—

(a) the State,

(b) any party or organisation controlling the State or a substantial part of the territory of the State, or

(c) any non-State actor, if it can be demonstrated that the actors mentioned in paragraphs (a) and (b), including any international organisation, are unable or unwilling to provide reasonable protection against persecution.

(2) For the purposes of that Article, the persecution must be—

(a) sufficiently serious by its nature or repetition as to constitute a severe violation of a basic human right, in particular a right from which derogation cannot be made under Article 15 of the Human Rights Convention, or

(b) an accumulation of various measures, including a violation of a human right, which is sufficiently severe as to affect an individual in a similar manner as specified in paragraph (a).

(3) The persecution may, for example, take the form of—

(a) an act of physical or mental violence, including an act of sexual violence;

(b) a legal, administrative, police or judicial measure which in itself is discriminatory or which is implemented in a discriminatory manner;

(c) prosecution or punishment which is disproportionate or discriminatory;

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts as described in Article 1(F) of the Refugee Convention (on which, see section 36).

32 Article 1(A)(2): well-founded fear

(1) In deciding for the purposes of Article 1(A)(2) of the Refugee Convention whether an asylum seeker's fear of persecution is well-founded, the following approach is to be taken.

(2) The decision-maker must first determine, on the balance of probabilities—

(a) whether the asylum seeker has a characteristic which could cause them to fear persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion (or has such a characteristic attributed to them by an actor of persecution), and

(b) whether the asylum seeker does in fact fear such persecution in their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence) as a result of that characteristic.

(See also section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (asylum claims etc: behaviour damaging to claimant's credibility).)

(3) Subsection (4) applies if the decision-maker finds that—

(a) the asylum seeker has a characteristic mentioned in subsection (2)(a) (or has such a characteristic attributed to them), and

(b) the asylum seeker fears persecution as mentioned in subsection (2)(b).

(4) The decision-maker must determine whether there is a reasonable likelihood that, if the asylum seeker were returned to their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence)—

(a) they would be persecuted as a result of the characteristic mentioned in subsection (2)(a), and

(b) they would not be protected as mentioned in section 34.

(5) The determination under subsection (4) must also include a consideration of the matter mentioned in section 35 (internal relocation).

33 Article 1(A)(2): reasons for persecution

(1) For the purposes of Article 1(A)(2) of the Refugee Convention—

(a) the concept of race may include consideration of matters such as a person's colour, descent or membership of a particular ethnic group;

(b) the concept of religion may include consideration of matters such as—

(i) the holding of theistic, non-theistic or atheistic beliefs,

(ii) the participation in formal worship in private or public, either alone or in community with others, or the abstention from such worship,

(iii) other religious acts or expressions of view, or

(iv) forms of personal or communal conduct based on or mandated by any religious belief;

(c) the concept of nationality is not confined to citizenship (or lack of citizenship) but may include consideration of matters such as membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another State;

(d) the concept of political opinion includes the holding of an opinion, thought or belief on a matter related to a potential actor of persecution and to its policies or methods, whether or not the person holding that opinion, thought or belief has acted upon it.

(2) A group forms a particular social group for the purposes of Article 1(A)(2) of the Refugee Convention only if it meets both of the following conditions.

(3) The first condition is that members of the group share—

(a) an innate characteristic,

(b) a common background that cannot be changed, or

(c) a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it.

(4) The second condition is that the group has a distinct identity in the relevant country because it is perceived as being different by the surrounding society.

(5) A particular social group may include a group based on a common characteristic of sexual orientation, but for these purposes sexual orientation does not include acts that are criminal in any part of the United Kingdom.

34 Article 1(A)(2): protection from persecution

(1) For the purposes of Article 1(A)(2) of the Refugee Convention, protection from persecution can be provided by—

(a) the State, or

(b) any party or organisation, including any international organisation, controlling the State or a substantial part of the territory of the State.

(2) An asylum seeker is to be taken to be able to avail themselves of protection from persecution if—

(a) the State, party or organisation mentioned in subsection (1) takes reasonable steps to prevent the persecution by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution, and

(b) the asylum seeker is able to access the protection.

35 Article 1(A)(2): internal relocation

(1) An asylum seeker is not to be taken to be a refugee for the purposes of Article 1(A)(2) of the Refugee Convention if—

(a) they would not have a well-founded fear of being persecuted in a part of their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence), and

(b) they can reasonably be expected to travel to and remain in that part of the country.

(2) In considering whether an asylum seeker can reasonably be expected to travel to and remain in a part of a country, a decision-maker—

(a) must have regard to—

(i) the general circumstances prevailing in that part of the country, and

(ii) the personal circumstances of the asylum seeker;

(b) must disregard any technical obstacles relating to travel to that part of that country.

36 Article 1(F): disapplication of Convention in case of serious crime etc

(1) A person has committed a crime for the purposes of Article 1(F)(a) or (b) of the Refugee Convention if they have instigated or otherwise participated in the commission of the crimes specified in those provisions.

(2) In Article 1(F)(b), the reference to a serious non-political crime includes a particularly cruel action, even if it is committed with an allegedly political objective.

(3) In that Article, the reference to a crime being committed by a person outside the country of refuge prior to their admission to that country as a refugee includes a crime committed by that person at any time up to and including the day on which they are issued with a relevant biometric immigration document by the Secretary of State.

(4) For the purposes of subsection (3), a relevant biometric immigration document is a document that—

(a) records biometric information (as defined in section 15(1A) of the UK Borders Act 2007), and

(b) is evidence of leave to remain in the United Kingdom granted to a person as a result of their refugee status.

37 Article 31(1): immunity from penalties

(1) A refugee is not to be taken to have come to the United Kingdom directly from a country where their life or freedom was threatened if, in coming from that country, they stopped in another country outside the United Kingdom, unless they can show that they could not reasonably be expected to have sought protection under the Refugee Convention in that country.

(2) A refugee is not to be taken to have presented themselves without delay to the authorities unless—

(a) in the case of a person who became a refugee while they were outside the United Kingdom, they made a claim for asylum as soon as reasonably practicable after their arrival in the United Kingdom;

(b) in the case of a person who became a refugee while they were in the United Kingdom—

(i) if their presence in the United Kingdom was lawful at that time, they made a claim for asylum before the time when their presence in the United Kingdom became unlawful;

(ii) if their presence in the United Kingdom was unlawful at that time, they made a claim for asylum as soon as reasonably practicable after they became aware of their need for protection under the Refugee Convention.

(3) For the purposes of subsection (2)(b), a person's presence in the United Kingdom is unlawful if they require leave to enter or remain and do not have it.

(4) A penalty is not to be taken as having been imposed on account of a refugee's illegal entry or presence in the United Kingdom where the penalty relates to anything done by the refugee in the course of an attempt to leave the United Kingdom.

(5) In section 31 of the Immigration and Asylum Act 1999 (defences based on Art.31(1) of the Refugee Convention)—

(a) in subsection (2), for "have expected to be given" substitute "be expected to have sought";

(b) after subsection (4) insert—

"(4A) But this section does not apply to an offence committed by a refugee in the course of an attempt to leave the United Kingdom."

(6) In this section—

"claim for asylum" means a claim that it would be contrary to the United Kingdom's obligations under the Refugee Convention for the claimant to be removed from, or required to leave, the United Kingdom;

"country" includes any territory;

"refugee" has the same meaning as in the Refugee Convention.

38 Article 33(2): particularly serious crime

(1) Section 72 of the Nationality, Immigration and Asylum Act 2002 (serious criminal) is amended as follows.

(2) In subsection (1), for "protection" substitute "prohibition of expulsion or return".

(3) In subsection (2)—

(a) in the words before paragraph (a)—

(i) for "shall be presumed to have been" substitute "is";

(ii) omit "and to constitute a danger to the community of the United Kingdom";

(b) in paragraph (b), for "two years" substitute "12 months".

(4) In subsection (3)—

(a) in the words before paragraph (a)—

(i) for "shall be presumed to have been" substitute "is";

(ii) omit "and to constitute a danger to the community of the United Kingdom";

(b) in paragraph (b), for "two years" substitute "12 months";

(c) in paragraph (c), for "two years" substitute "12 months".

(5) In subsection (4), in the words before paragraph (a)—

(a) for "shall be presumed to have been" substitute "is";

(b) omit "and to constitute a danger to the community of the United Kingdom".

(6) After subsection (5) insert—

"(5A) A person convicted by a final judgment of a particularly serious crime (whether within or outside the United Kingdom) is to be presumed to constitute a danger to the community of the United Kingdom."

(7) In subsection (6), for "(2), (3) or (4)" substitute "(5A)".

(8) In subsection (7), for "(2), (3) or (4)" substitute "(5A)".

(9) In subsection (8), for "mentioned in subsection (6)" substitute "under subsection (5A)".

(10) In subsection (9)(b), for "presumptions under subsection (2), (3) or (4) apply" substitute "a presumption under subsection (5A) applies".

(11) In subsection (10)(b), for "presumptions under subsections (2), (3) or (4) apply" substitute "a presumption under subsection (5A) applies".

(12) In subsection (11)(b)—

(a) in the opening words, for "two years" substitute "12 months";

(b) in sub-paragraph (ia), for "two years", in both places it occurs, substitute "12 months";

(c) in sub-paragraph (iii), for "two years" substitute "12 months".

(13) The amendments made by this section apply only in relation to a person convicted on or after the date on which this section comes into force.

39 Interpretation of Part 2

In this Part—

"human rights claim" has the meaning given by section 113 of the Nationality, Immigration and Asylum Act 2002;

the *"Human Rights Convention"* means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4 November 1950 as it has effect for the time being in relation to the United Kingdom;

"immigration officer" means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;

"immigration rules" means rules under section 3(2) of the Immigration Act 1971;

the *"Refugee Convention"* means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and its Protocol;

"protection claim" has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002.

Immigration (Leave to Enter and Remain) Order 2000 (extract)

Pt II, para 3 & Pt IV, para 13 only

Part II Entry Clearance as Leave to Enter

3.— Requirements

(1) Subject to paragraph (4), an entry clearance shall only have effect as leave to enter if it complies with the requirements of this article.

(2) The entry clearance must specify the purpose for which the holder wishes to enter the United Kingdom.

(3) The entry clearance must be endorsed with:

(a) the conditions to which it is subject; or

(b) a statement that it is to have effect as indefinite leave to enter the United Kingdom.

(4) Subject to paragraph (5), an entry clearance shall not have effect as leave to enter if it is endorsed on a convention travel document.

(5) An entry clearance endorsed on a convention travel document before 27th February 2004 shall have effect as leave to enter.

Part IV Leave which does not lapse on travel outside Common Travel Area

13.—

(1) In this Part “leave” means–

(a) leave to enter the United Kingdom (including leave to enter conferred by means of an entry clearance under article 2); and

(b) leave to remain in the United Kingdom.

(2) Subject to paragraph (3), where a person has leave which is in force and which was:

(a) conferred by means of an entry clearance (other than a visit visa or Service Provider from Switzerland visa) under article 2; or

(b) given by an immigration officer or the Secretary of State for a period exceeding six months,

such leave shall not lapse on his going to a country or territory outside the common travel area.

(3) Paragraph (2) shall not apply:

(a) where a limited leave has been varied by the Secretary of State; and

(b) following the variation the period of leave remaining is six months or less.

(4) Leave which does not lapse under paragraph (2) shall remain in force either indefinitely (if it is unlimited) or until the date on which it would otherwise have expired (if limited), but–

(za) where the holder has leave granted by virtue of Appendix EU to the immigration rules (including leave granted by virtue of Appendix EU before this paragraph comes into force), subject to article

13C, the leave lapses if the holder stays outside the United Kingdom and Islands for a continuous period of more than—

(i) four years, in the case of leave granted by virtue of Appendix EU to the immigration rules as a Swiss national or a family member of a Swiss national;

(ii) five years, in all other cases;

(a) in any other case and subject to articles 13A, 13B and 13C, where the holder has stayed outside the United Kingdom and Islands for a continuous period of more than two years, the leave (where the leave is unlimited) or any leave then remaining (where the leave is limited) shall thereupon lapse; and

(b) any conditions to which the leave is subject shall be suspended for such time as the holder is outside the United Kingdom and Islands.

The British Nationality (Proof of Paternity) Regulations 2006

2006 No. 1496

Made 5th June 2006

Laid before Parliament 9th June 2006

Coming into force 1st July 2006

The Secretary of State, in exercise of the powers conferred by section 50(9A) and (9B) of the British Nationality Act 1981, makes the following Regulations:

1. These Regulations may be cited as the British Nationality (Proof of Paternity) Regulations 2006 and shall come into force on 1st July 2006.

2. For the purposes of section 50(9A)(c) of the British Nationality Act 1981, the prescribed requirement as to proof of paternity is that the person must satisfy the Secretary of State that he is the natural father of the child.

3. The Secretary of State may determine whether a person is the natural father of a child for the purpose of regulation 2, and for this purpose the Secretary of State may have regard to any evidence which he considers to be relevant, including, but not limited to—

(a) DNA test reports;

(b) court orders; and

(c) birth certificates.

The Immigration (Health Charge) Order 2015 (extract)

Sections 3-8, and Schedules 1 and 2 only

2015 No 792

Immigration (Health Charge) Order 2015

…

3 Requirement to pay an immigration health charge
4 Amount of the charge
5 When a charge must be paid
6 Consequences of a failure to pay a charge
7 Exemptions from the requirement to pay the immigration health charge
8 Reduction, waiver or refund

…

3 Requirement to pay an immigration health charge

(1) A person who applies for--

(a) entry clearance of a type mentioned in section 38(2)(b) or (c) of the 2014 Act, or

(b) leave to remain in the United Kingdom for a limited period,

must pay a charge to the Secretary of State, subject to article 7.

(2) A person is required by paragraph (1) to pay a separate charge in respect of each application made by the person.

4 Amount of the charge

(1) The table in Schedule 1 to this Order provides for the annual amount ("the specified annual amount") which must be paid in respect of each type of application specified in that table.

(2) The total amount of the charge which a person is required to pay in respect of each application by virtue of article 3 is to be calculated in accordance with paragraphs (3) to (6).

(3) Where a person applies for entry clearance under a paragraph of the immigration rules, the person must pay the specified annual amount for each year of the maximum period of leave to enter the United Kingdom which could--

(a) have effect upon the person's arrival in the United Kingdom by virtue of provision made under section 3A(3) of the Immigration Act 1971, or

(b) be granted pursuant to the entry clearance,

if the entry clearance is granted for the maximum period provided for under the immigration rules in respect of that paragraph.

(4) Where a person applies for leave to remain for a limited period under a paragraph of the immigration rules, the person must pay the specified annual amount for each year of the maximum period of leave to remain which could be granted pursuant to the application under the immigration rules in respect of that paragraph.

(5) Where a person applies for entry clearance or leave to remain outside the immigration rules, the person must pay the specified annual amount multiplied by 2.5.

(6) Where the maximum period of leave to enter or remain mentioned in paragraph (3) or (4) would be less than a year or would include part of a year, if the part year is--

(a) 6 months or less, the amount payable for that part is half of the specified annual amount;

(b) more than 6 months, the amount payable for that part is the specified annual amount.

5 When a charge must be paid

(1) A person required by article 3 to pay a charge must pay the amount required when the person applies for entry clearance or leave to remain, as applicable.

(2) A charge is only paid as required by paragraph (1) where the person does not cancel or otherwise reclaim that payment subsequently, and provided the charge has not been wholly refunded under article 8.

...

6 Consequences of a failure to pay a charge

(1) Where a person required by article 3 to pay a charge fails to pay the required amount in accordance with article 5, and the entry clearance or leave to remain, as applicable, has not yet been granted or refused, subject to paragraph (2)--

(a) an entry clearance officer or the Secretary of State, as applicable, may request that the person pays the outstanding charge;

(b) the person must pay the outstanding charge--

(i) in the case of an application for entry clearance, within 7 working days beginning with the date when the request for the payment under sub-paragraph (a) is sent in writing or made by telephone or in person, or

(ii) in the case of an application for leave to remain, within 10 working days beginning with the date when the request for the payment under sub-paragraph (a) is sent in writing or made by telephone or in person;

(c) if the outstanding charge is not paid within the time period mentioned in--

(i) sub-paragraph (b)(i), the application for entry clearance must be refused by an entry clearance officer, or

(ii) sub-paragraph (b)(ii), the application for leave to remain must be treated as invalid by the Secretary of State,

as applicable.

(2) Where a person makes an application for entry clearance or leave to remain and, before the application has been granted or refused, cancels or otherwise reclaims the amount of the charge, the application for entry clearance or leave to remain, as applicable, must be refused by the entry clearance officer or the Secretary of State.

(3) Where a person has been granted entry clearance or leave to remain, as applicable, but cancels or otherwise reclaims the amount of the charge--

(a) any entry clearance granted must be revoked by an entry clearance officer;

(b) any leave to enter conferred or granted pursuant to an entry clearance must be cancelled by an immigration officer (appointed under paragraph 1(1) of Schedule 2 to the Immigration Act 1971); and

(c) any leave to remain granted must be cancelled by the Secretary of State.

(4) Paragraph (5) applies where--

(a) a person has been refused entry clearance or leave to remain;

(b) a condition in paragraph (4A) is met; and

(c) a condition in paragraph (4B) is met.

(4A) The conditions are that--

(a) the Secretary of State has refunded all or part of the amount of the charge under article 8;

(b) the Secretary of State has waived payment of all or part of the charge under article 8;

(c) an entry clearance officer or the Secretary of State, as applicable, did not, in respect of a person required by article 3 to pay a charge but who did not do so, request that the person pay that charge under article 6(1)(a).

(4B) The conditions are that the decision to refuse entry clearance or leave to remain is subsequently--

(a) withdrawn because of a case working error under Appendix AR of the immigration rules or otherwise by the Secretary of State;

(b) found to be unlawful by a competent court or tribunal.

(5) Where this paragraph applies--

(a) the entry clearance officer or the Secretary of State, as applicable, may request that the person pays the charge or part of the charge;

(b) the person must pay that amount within 10 working days beginning with the date when the request for payment under sub-paragraph (a) is sent in writing or made by telephone or in person;

(c) if that amount is not paid within the period mentioned in sub-paragraph (b), the application for entry clearance or leave to remain must be refused by the entry clearance officer or the Secretary of State, as applicable.

(6) Paragraph (7) applies where--

(a) a person has applied for entry clearance or leave to remain for a particular period;

(b) entry clearance or leave to remain is granted for a shorter period than that for which the application was made ("the reduced period of leave");

(c) the Secretary of State has refunded all or part of the charge under article 8; and

(d) the Secretary of State or a competent court or tribunal subsequently determines that entry clearance or leave to remain for a longer period than the reduced period of leave is to be granted ("the additional period of leave").

(7) Where this paragraph applies--

(a) an entry clearance officer or the Secretary of State, as applicable, may request that the person pays the amount of the charge for the additional period of leave calculated in accordance with article 4 ("the additional amount");

(b) the person must pay the additional amount within 10 working days beginning with the date when the request for payment under sub-paragraph (a) is sent in writing or made by telephone or in person;

(c) if the additional amount is not paid within the period mentioned in sub-paragraph (b), the additional period of leave must not be granted.

7 Exemptions from the requirement to pay the immigration health charge

Schedule 2, which provides for circumstances when a person is exempt from paying the charge under article 3, has effect.

8 Reduction, waiver or refund

The Secretary of State has discretion to reduce, waive or refund all or part of a charge.

SCHEDULE 1

Table

Type of application	***Annual amount***
Application for entry clearance or leave to remain as a student, in accordance with the immigration rules.	£776
Application for entry clearance or leave to remain as the dependant of a student, in accordance with the immigration rules.	£776
Application for entry clearance or leave to remain under Appendix Youth Mobility Scheme to immigration rules.	£776

[All other applications for entry clearance or leave to remain, made in respect of a person aged 18 years or over at the date of the application.	£1035
All other applications for entry clearance or leave to remain, made in respect of a person aged under 18 years at the date of the application (whether that person is the applicant or the dependant of the applicant).	£776

SCHEDULE 2

1 A person is exempt from paying a charge under article 3 where the person makes an application—

(a) for entry clearance where, if granted in accordance with the immigration rules, the entry clearance would have effect on arrival in the United Kingdom as leave to enter for 6 months or less, or where the leave to enter which may be granted pursuant to that entry clearance would be for 6 months or less if granted in accordance with the immigration rules;

(b) for entry clearance or leave to remain under Appendix V to the immigration rules;

(c) ……

(d) for leave to remain of any kind made by a child under the age of 18 years where the child is being looked after by a local authority (within the meaning of section 22(1) of the Children Act 19894 or section 17(6) of the Children (Scotland) Act 19955 or section 74(1) of the Social Services and Well-being (Wales) Act 2014) or where the child is being looked after by an authority (within the meaning of article 25(1) of the Children (Northern Ireland) Order 1995);

(e) for leave to remain which relates to a claim for asylum or humanitarian protection to be considered in accordance with Part 11 of the immigration rules;

(f) for leave to remain which relates to a claim that the person's removal from the United Kingdom would be contrary to the United Kingdom's obligations under article 3 of the Convention (within the meaning of section 21(1) of the Human Rights Act 1998);

(g) for leave to remain by virtue of Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery to the immigration rules;

(h) for leave to remain outside the immigration rules with access to public funds under the Home Office policy known as the *"Destitution Domestic Violence Concession"* published on 2nd December 2013;

(ha) for leave to remain by virtue of Appendix Statelessness to the immigration rules;

(i) for entry clearance or leave to remain as the dependant of a person who makes an application of a type mentioned in sub-paragraph (e), (f), or (h);

(j) for entry clearance or leave to remain as the dependant of a member of Her Majesty's forces under the immigration rules;

(k) for entry clearance or leave to remain as the dependant of a member of a force who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971, under the immigration rules;

(l) for entry clearance or leave to remain where provision for such entry clearance or leave has been made pursuant to a retained EU obligation.

(m) for entry clearance under any immigration rules which are identified in the immigration rules as having effect in connection with the granting of entry clearance for the purposes of acquiring leave to enter or remain in the United Kingdom by virtue of Appendix EU to the immigration rules;

(n) for leave to remain by virtue of Appendix EU to the immigration rules;

(o) for entry clearance to enter, or leave to remain in, the United Kingdom—

(i) as a Skilled Worker, or

(ii) as the dependant of a Skilled Worker (whether or not the application is made at the same time as that of the main applicant),

where the certificate of sponsorship issued in respect of the application by the main applicant confirms the main applicant's eligibility for a Health and Care Visa provided for by virtue of the document entitled “Health and Care visa guidance (Version 02/22)” published by the Home Office.

2 . . .

3 A person is exempt from paying the charge where the person is a British Overseas Territory citizen (within the meaning of section 2(1) of the British Overseas Territories Act 2002) who is resident in the Falkland Islands.

4 In this Schedule--

"certificate of sponsorship" means an authorisation, allocated by the Secretary of State to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance to enter, or leave to remain in, the United Kingdom as a sponsored worker;

"competent authority" means a designated competent authority of the United Kingdom for the purposes of the Trafficking Convention;

"dependant" in respect of a person ("P") means—

(i) the spouse or civil partner of P;

(ii) someone who has been living with P in a relationship akin to a marriage or civil partnership for at least two years; or

(iii) any other person whose entitlement to make an application referred to in this Order arises by virtue of a connection between that person and P;

"immigration rules" means the rules made under section 3(2) of the Immigration Act 1971;

"main applicant" means the person who has made an application in connection with immigration, as distinct from a person applying as the dependant of such a person;

“Skilled Worker” means a person who applies for, or who has been granted, entry clearance to enter or leave to remain as a main applicant under Appendix Skilled Worker to the immigration rules;

"sponsor" means a person licensed by the Secretary of State to issue certificates of sponsorship;

"sponsored worker" means a person seeking entry clearance to enter, or leave to remain in, the United Kingdom for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;

Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020

Made 27th January 2020
Laid before Parliament 30th January 2020
Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 11(1), (3) and (4) of, and paragraph 12 of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020.
The instrument containing these Regulations is the first to be made under section 11 of that Act.

PART 1 GENERAL
1 Citation and commencement
2 Interpretation
PART 2 APPEALS IN RESPECT OF CITIZENS' RIGHTS IMMIGRATION DECISIONS
CHAPTER 1 APPEALS: GENERAL
Decisions other than those relating to frontier workers or persons with a healthcare right of entry
3 Right of appeal against decisions relating to leave to enter or remain in the United Kingdom made by virtue of residence scheme immigration rules
4 Right of appeal against decisions under section 76 of the 2002 Act to revoke indefinite leave to enter or remain by virtue of residence scheme immigration rules
5 Right of appeal against decisions made in connection with scheme entry clearance
6 Right of appeal against decisions to make a deportation order in respect of a person other than a person claiming to be a frontier worker or a person with a healthcare right of entry
Decisions relating to frontier workers
6A Right of appeal against decisions relating to issue, renewal or revocation of frontier worker permits
6B Right of appeal against decisions to refuse frontier workers admission to the United Kingdom
6C Right of appeal against decision to revoke admission to the United Kingdom
6D Right of appeal against certain decisions to remove frontier workers from the United Kingdom
6E Right of appeal against decisions to make deportation order in respect of frontier workers
6F Alternative evidence of identity and nationality
Decisions relating to persons with a healthcare right of entry
6G Right of appeal against decisions relating to leave to enter or remain in the United Kingdom granted to or obtained by a person with a healthcare right of entry
6H Right of appeal against decisions made in connection with healthcare entry clearance
6I Right of appeal against decision to vary leave under article 5 of the 1972 Order
6J Right of appeal against decisions to make a deportation order in respect of a person with a healthcare right of entry
7 Appeal to the Tribunal or the Special Immigration Appeals Commission
8 Grounds of appeal
9 Matters to be considered by the relevant authority
10 Determination of appeal
CHAPTER 2 APPEALS BEFORE THE TRIBUNAL: ADMISSION ON BAIL AND OTHER PROCEDURAL MATTERS
11 Application of the 2002 Act to appeals to the Tribunal
12 Admission on bail to the United Kingdom to make submissions in person in connection with an appeal
CHAPTER 3 PROCEDURAL MATTERS AND CERTIFICATION
13 Pending appeal
14 Place from which an appeal may be brought or continued: general
15 National security decisions: place from which an appeal may be brought or continued, certification of re-moval etc
16 Other appealable decisions: certification of removal
PART 3 CONSEQUENTIAL AMENDMENTS
17 Consequential amendments
Signature(s)
SCHEDULES

SCHEDULE 1 Appeals to the Special Immigration Appeals Commission
. Part 1 Certification of Appealable Decisions on National Security etc Grounds
. Part 2 Application of the 1997 Act to Appeals to the Special Immigration Appeals Commission
SCHEDULE 2 Application of the 2002 Act to Appeals to the Tribunal
SCHEDULE 3 Admission on Bail to the United Kingdom to Make Submissions in Person in Connection with an Appeal
SCHEDULE 4 Consequential Amendments
. Part 1 Amendment of Primary Legislation
. Part 2 Amendment of Subordinate Legislation
EXPLANATORY NOTE

Part 1 General

1 Citation and commencement

(1) These Regulations may be cited as the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.

(2) These Regulations come into force on exit day and paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 does not apply.

2 Interpretation

(1) In these Regulations—

"the 1971 Act" means the Immigration Act 1971;
"the 1997 Act" means the Special Immigration Appeals Commission Act 1997;
"the 2002 Act" means the Nationality, Immigration and Asylum Act 2002;
"the 1972 Order" means the Immigration (Control of Entry through Republic of Ireland) Order 1972;
"the 2020 Regulations" means the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
"appealable decision" means a decision which may be appealed against under these Regulations;
"appellant" means a person who brings an appeal under these Regulations;
"Appendix S2" means Appendix S2 Healthcare Visitor to the immigration rules;
"frontier worker" has the meaning given in regulation 3 of the 2020 Regulations;
"frontier worker permit" has the meaning given in regulation 2 of the 2020 Regulations;
"healthcare entry clearance" means entry clearance granted by virtue of Appendix S2 for the purpose of acquiring leave to enter or remain in the United Kingdom by virtue of that Appendix;
"healthcare leave", in relation to a person ("P"), means leave to enter or remain in the United Kingdom granted to P by virtue of Appendix S2;
"person with a healthcare right of entry" means a person who has the right to enter the United Kingdom by virtue of—

(a) Article 32(1)(b) of the withdrawal agreement,
(b) Article 31(1)(b) of the EEA EFTA separation agreement, or
(c) Article 26a(1)(b) of the Swiss citizens' rights agreement;

"relevant authority" means—

(a) where the appeal under these Regulations lies to the Special Immigration Appeals Commission, the Commission;
(b) otherwise, the Tribunal;

"scheme entry clearance" means entry clearance granted by virtue of relevant entry clearance immigration rules;
"the Tribunal" means the First-tier Tribunal;
"valid identity document" means—

(a) a valid national identity card issued by an EEA state, or
(b) a valid passport issued by an EEA state.

(1A) For the purposes of the definition of "valid identity document", "EEA state" means—

(a) a member State, or
(b) Iceland, Liechtenstein, Norway or Switzerland.

(2) References in these Regulations to an appeal which is pending are to be read in accordance with regulation 13.

Part 2 Appeals in Respect of Citizens' Rights Immigration Decisions

Chapter 1
Appeals: General

Decisions other than those relating to frontier workers or persons with a healthcare right of entry

3 Right of appeal against decisions relating to leave to enter or remain in the United Kingdom made by virtue of residence scheme immigration rules

(1) A person ("P") may appeal against a decision made on or after exit day—
(a) to vary P's leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, so that P does not have leave to enter or remain in the United Kingdom,
(b) to cancel P's leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,
(c) not to grant any leave to enter or remain in the United Kingdom in response to P's relevant ap-plication, or
(d) not to grant indefinite leave to enter or remain in the United Kingdom in response to P's relevant application (where limited leave to enter or remain is granted, or P had limited leave to enter or remain when P made the relevant application).

(2) In this regulation, "relevant application" means an application for leave to enter or remain in the United Kingdom made under residence scheme immigration rules—
(a) on or after exit day, or
(b) before exit day if a decision is made on that application on or after 8th May 2023.

4 Right of appeal against decisions under section 76 of the 2002 Act to revoke indefinite leave to enter or remain by virtue of residence scheme immigration rules

A person may appeal against a decision made on or after exit day under section 76(1) or (2) of the 2002 Act to revoke their indefinite leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.

5 Right of appeal against decisions made in connection with scheme entry clearance

A person may appeal against a decision made on or after exit day—
(a) where the person applies for scheme entry clearance on or after exit day, to refuse their application,
(b) to cancel or revoke their scheme entry clearance,
(c) where they have scheme entry clearance, to refuse them leave to enter the United Kingdom under article 7(1) of the Immigration (Leave to Enter and Remain) Order 2000, or
(d) to cancel or vary leave to enter the United Kingdom which they have by virtue of having arrived in the United Kingdom with scheme entry clearance.

6 Right of appeal against decisions to make a deportation order in respect of a person other than a person claiming to be a frontier worker or a person with a healthcare right of entry

(1) A person to whom paragraph (2) applies may appeal against a decision, made on or after exit day, to make a deportation order under section 5(1) of the 1971 Act in respect of them.
(2) This paragraph applies to a person who—
(a) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme im-migration rules, or
(b) is in the United Kingdom (whether or not the person has entered within the meaning of section 11(1) of the 1971 Act) having arrived with scheme entry clearance.
(3) But paragraph (2) does not apply to a person if the decision to remove that person was taken—
(a) under regulation 23(6)(b) of the Immigration (European Economic Area) Regulations 2016 ("the 2016 Regulations"), where the decision to remove was taken before the revocation of the 2016 Regula-tions, or

(b) otherwise, under regulation 23(6)(b) of the 2016 Regulations as it continues to have effect by virtue of the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020 or the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(4) The references in paragraph (2) to a person who has leave to enter or remain include references to a person who would have had leave to enter or remain but for the making of a deportation order under section 5(1) of the 1971 Act.

Decisions relating to frontier workers

6A Right of appeal against decisions relating to issue, renewal or revocation of frontier worker permits

A person may appeal against a decision—

(a) to refuse to issue a frontier worker permit to them,

(b) to refuse to renew their frontier worker permit, or

(c) to revoke their frontier worker permit.

6B Right of appeal against decisions to refuse frontier workers admission to the United Kingdom

(1) A person may appeal against a decision made under regulation 12 of the 2020 Regulations (a "refusal of admission decision").

(2) But a person cannot bring an appeal under paragraph (1) without producing—

(a) a valid identity document, or

(b) where paragraph (3) applies, sufficient evidence to satisfy the Secretary of State that they are a frontier worker.

(3) This paragraph applies where—

(a) the refusal of admission decision was made before 1st July 2021, or

(b) the person bringing the appeal is an Irish citizen.

6C Right of appeal against decision to revoke admission to the United Kingdom

(1) A person who has been admitted to the United Kingdom under regulation 6 of the 2020 Regula-tions may appeal against a decision under regulation 14 of those Regulations to revoke that admission.

(2) But a person cannot bring an appeal under paragraph (1) without producing a valid identity document.

6D Right of appeal against certain decisions to remove frontier workers from the United King-dom

(1) A frontier worker who has entered the United Kingdom may appeal against a decision to remove that person taken by virtue of regulation 15(1)(a) or (c) of the 2020 Regulations.

(2) But a person cannot bring an appeal under paragraph (1) without producing a valid identity document.

6E Right of appeal against decisions to make deportation order in respect of frontier workers

(1) A frontier worker who has entered the United Kingdom may appeal against a decision to make a deportation order under section 5(1) of the 1971 Act in respect of them.

(2) But paragraph (1) does not apply to a person if the decision to remove that person was taken—

(a) under regulation 23(6)(b) of the Immigration (European Economic Area) Regulations 2016 ("the 2016 Regulations"), where the decision to remove was taken before the revocation of the 2016 Regula-tions, or

(b) otherwise, under regulation 23(6)(b) of the 2016 Regulations as it continues to have effect by virtue of the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020 or the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(3) In addition, a person cannot bring an appeal under paragraph (1) without producing—

(a) a valid identity document, and

(b) if they do not have a valid frontier worker permit, sufficient evidence to satisfy the Secretary of State that they are a frontier worker.

(4) For the purposes of paragraph (3)(b), a person is to be treated as having a valid frontier worker permit if they would hold such a permit but for its revocation following a decision to make a deportation order under section 5(1) of the 1971 Act in respect of them.

6F Alternative evidence of identity and nationality

Where a provision of this Part requires a person to hold or produce a valid identity document, the Secretary of State may accept alternative evidence of identity and nationality where the person is unable to obtain or produce the required document due to circumstances beyond the person's control.

Decisions relating to persons with a healthcare right of entry

6G Right of appeal against decisions relating to leave to enter or remain in the United Kingdom granted to or obtained by a person with a healthcare right of entry

(1) A person ("P") may appeal against a decision made on or after IP completion day—

(a) to vary P's healthcare leave, so that P does not have leave to enter or remain in the United Kingdom,

(b) to cancel P's healthcare leave,

(c) where P applies on or after IP completion day for leave to enter or remain in the United Kingdom under Appendix S2, not to grant such leave to P, or

(d) not to vary P's leave to enter or remain in the United Kingdom granted by virtue of Appendix S2 in response to P's relevant application.

(2) In this regulation, "relevant application" means an application for, or as the case may be, to vary, leave to enter or remain in the United Kingdom made under Appendix S2 on or after IP completion day.

6H Right of appeal against decisions made in connection with healthcare entry clearance

A person may appeal against a decision made on or after IP completion day

(a) where the person applies for healthcare entry clearance on or after IP completion day, to refuse their application,

(b) to cancel or revoke their healthcare entry clearance,

(c) where they have healthcare entry clearance, to refuse them leave to enter the United Kingdom under article 7(1) of the Immigration (Leave to Enter and Remain) Order 2000, or

(d) to cancel or vary the leave to enter the United Kingdom which they have by virtue of having ar-rived in the United Kingdom with healthcare entry clearance.

6I Right of appeal against decision to vary leave under article 5 of the 1972 Order

A person ("P") may appeal against a decision, made on or after IP completion day, to vary their leave to enter or remain in the United Kingdom if—

(a) P is in the United Kingdom, and

(b) Article 5 of the 1972 Order applied to P on their entry to the United Kingdom.

6J Right of appeal against decisions to make a deportation order in respect of a person with a healthcare right of entry

(1) A person to whom paragraph (2) applies may appeal against a decision, made on or after IP completion day, to make a deportation order under section 5(1) of the 1971 Act in respect of them.

(2) This paragraph applies to a person —

(a) who has healthcare leave,

(b) who is in the United Kingdom (whether or not the person has entered within the meaning of sec-tion 11(1) of the 1971 Act) having arrived with healthcare entry clearance, or

(c) to whom Article 5 of the 1972 Order applied on their entry to the United Kingdom.

(3) But paragraph (2) does not apply to a person if the decision to remove that person was taken—

(a) under regulation 23(6)(b) of the Immigration (European Economic Area) Regulations 2016 ("the 2016 Regulations"), where the decision to remove is taken before the 2016 Regulations are revoked, or

(b) otherwise, under regulation 23(6)(b) of the 2016 Regulations as it continues to have effect by virtue of the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020 or the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(4) The reference in paragraph (2) to a person who has healthcare leave includes reference to a per-son who would have such leave but for the making of a deportation order under section 5(1) of the 1971 Act.

7 Appeal to the Tribunal or the Special Immigration Appeals Commission

(1) An appeal under these Regulations lies to the Tribunal.
(2) Except that a person may appeal to the Special Immigration Appeals Commission against an appealable decision if—
(a) the decision is certified under paragraph 1 or 2 of Schedule 1, or
(b) an appeal against that decision lapses by virtue of paragraph 3 of that Schedule.
(3) Schedule 1 also makes provision for the application of the 1997 Act to appeals to the Special Immigration Appeals Commission (see Part 2 of that Schedule).

8 Grounds of appeal

(1) An appeal under these Regulations must be brought on one or both of the following two grounds.
(2) The first ground of appeal is that the decision breaches any right which the appellant has by virtue of—
(a) Chapter 1, or Article 24(2), 24(3), 25(2) or 25(3) of Chapter 2, of Title II, or Article 32(1)(b) of Title III, of Part 2 of the withdrawal agreement,
(b) Chapter 1, or Article 23(2), 23(3), 24(2) or 24(3) of Chapter 2, of Title II, or Article 31(1)(b) of Title III, of Part 2 of the EEA EFTA separation agreement, or
(c) Part 2, or Article 26a(1)(b), of the Swiss citizens' rights agreement.
(3) The second ground of appeal is that—
(a) where the decision is mentioned in regulation 3(1)(a) or (b) or 5, it is not in accordance with the provision of the immigration rules by virtue of which it was made;
(b) where the decision is mentioned in regulation 3(1)(c) or (d), it is not in accordance with residence scheme immigration rules;
(c) where the decision is mentioned in regulation 4, it is not in accordance with section 76(1) or (2) of the 2002 Act (as the case may be);
(d) where the decision is mentioned in regulation 6, it is not in accordance with section 3(5) or (6) of the 1971 Act (as the case may be);
(e) where the decision is mentioned in regulation 6A, 6B, 6C or 6D, it is not in accordance with regulation 9, 11, 12, 14, 15(1)(a) or 15(1)(c) of the 2020 Regulations (as the case may be);
(f) where the decision is mentioned in regulation 6E, it is not in accordance with section 3(5) or 3(6) of the 1971 Act, or regulation 15(1)(b) of the 2020 Regulations (as the case may be).
(g) where the decision is mentioned in regulation 6G(1)(a) or (1)(b) or 6H, it is not in accordance with the provision of the immigration rules by virtue of which it was made;
(h) where the decision is mentioned in regulation 6G(1)(c) or (1)(d), it is not made in accordance with Appendix S2;
(i) where the decision is mentioned in regulation 6I, it is not made in accordance with the provision of, or made under, the 1971 Act (including the immigration rules) by virtue of which it was made;
(j) where the decision is mentioned in regulation 6J, it is not in accordance with section 3(5) or (6) of the 1971 Act, or Appendix S2 (as the case may be).
(4) But this is subject to regulation 9.

9 Matters to be considered by the relevant authority

(1) If an appellant makes a section 120 statement, the relevant authority must consider any matter raised in that statement which constitutes a specified ground of appeal against the decision appealed against.
For the purposes of this paragraph, a “specified ground of appeal” is a ground of appeal of a kind listed in regulation 8 or section 84 of the 2002 Act.
(2) In this regulation, “section 120 statement” means a statement made under section 120 of the 2002 Act and includes any statement made under that section, as applied by Schedule 1 or 2 to these Regulations.
(3) For the purposes of this regulation, it does not matter whether a section 120 statement is made before or after the appeal under these Regulations is commenced.
(4) The relevant authority may also consider any matter which it thinks relevant to the substance of the decision appealed against, including a matter arising after the date of the decision.
(5) But the relevant authority must not consider a new matter without the consent of the Secretary of State.
(6) A matter is a “new matter” if—
(a) it constitutes a ground of appeal of a kind listed in regulation 8 or section 84 of the 2002 Act, and
(b) the Secretary of State has not previously considered the matter in the context of—

(i) the decision appealed against under these Regulations, or
(ii) a section 120 statement made by the appellant.

10 Determination of appeal

On an appeal under these Regulations, the relevant authority must determine—

(a) any matter raised as a ground of appeal, and
(b) any other matter which regulation 9 requires it to consider.

Chapter 2
Appeals before the Tribunal: Admission on Bail and other Procedural Matters

11 Application of the 2002 Act to appeals to the Tribunal

Schedule 2 makes provision for the application of the 2002 Act to appeals to the Tribunal.

12 Admission on bail to the United Kingdom to make submissions in person in connection with an appeal

Schedule 3 contains provisions about admission on bail to the United Kingdom for the purposes of making submissions in person in connection with an appeal.

Chapter 3
Procedural Matters and Certification

13 Pending appeal

(1) An appeal under these Regulations is to be treated as pending during the period which—

(a) begins when the notice of appeal is given in accordance with the relevant rules, and
(b) ends when the appeal is finally determined, withdrawn or abandoned (or lapses under paragraph 3 of Schedule 1).

(2) An appeal is not finally determined for the purposes of paragraph (1)(b) while (as the case may be)—

(a) an application for permission to appeal under section 11 or 13 of the Tribunals, Courts and Enforcement Act 2007 could be made or is awaiting determination,
(b) permission to appeal under either of those sections has been granted and the appeal is awaiting determination,
(c) an appeal has been remitted under section 12 or 14 of that Act and is awaiting determination,
(d) any of the following applications could be made—
(i) an application for leave to appeal under section 7 of the applied 1997 Act;
(ii) an application for a certificate under section 7B of the applied 1997 Act;
(iii) an application for permission to appeal under section 7C of the applied 1997 Act, or
(e) leave to appeal under section 7, or permission to appeal under section 7C, of the applied 1997 Act has been granted and the appeal is awaiting determination.

(3) An appeal under regulations 3 to 6 is to be treated as abandoned if the appellant (“A”) is granted leave to enter or remain in the United Kingdom by virtue of residence scheme immigration rules.

(4) But paragraph (3) does not apply where—

(a) A is not granted indefinite leave to enter or remain in the United Kingdom, or A's indefinite leave to enter or remain in the United Kingdom is cancelled or revoked, and
(b) A gives notice, in accordance with the relevant rules, that A wishes to pursue the appeal insofar as it relates to a decision not to grant A, or to cancel or revoke A's, indefinite leave to enter or remain in the United Kingdom.

(4A) An appeal under regulation 6A is to be treated as abandoned if the appellant is issued with a frontier worker permit.

(4B) An appeal under regulation 6B is to be treated as abandoned if the appellant is admitted to the United Kingdom under regulation 6 of the 2020 Regulations.

(4C) An appeal under regulations 6G to 6J is to be treated as abandoned if the appellant—

(a) is granted leave to enter or remain in the United Kingdom by virtue of Appendix S2, or
(b) obtains leave to enter the United Kingdom by passing through an automated gate in accordance with article 8B of the Immigration (Leave to Enter and Remain) Order 2000 as a person seeking to en-ter the United Kingdom as an S2 Healthcare Visitor under Appendix S2.

(4D) An appeal under regulation 6G(d) is also to be treated as abandoned if the appellant's leave to enter or remain in the United Kingdom granted by virtue of Appendix S2 is varied,

however that variation may have effect, so that the appellant has leave to enter or remain under Appendix S2.

(4E) An appeal under regulation 6I or 6J is also to be treated as abandoned if the Secretary of State agrees that Article 5 of the 1972 Order applies to the appellant.

(5) An appeal under these Regulations is not to be treated as abandoned solely because the appellant leaves the United Kingdom.

(6) In this regulation—

"the applied 1997 Act" means the 1997 Act as it applies for the purposes of these Regulations by virtue of Part 2 of Schedule 1;

"the relevant rules"—

(a) where the appeal is before the Tribunal, means Tribunal Procedure Rules;

(b) where the appeal is before the Special Immigration Appeals Commission, means rules made under section 5 of the 1997 Act, insofar as they apply in relation to an appeal under these Regulations, or rules made under section 5 of the applied 1997 Act.

Continuation of leave during specified appeals

13A.—(1) This regulation applies where—

(a) a relevant appealable decision has been made in relation to a person ("P"),

(b) P has entered and is in the United Kingdom at the date of the relevant appealable decision, and

(c) the Secretary of State has not certified P's removal under regulation 15(4), 16(3) or 16A(3).

(2) P's leave to enter or remain is extended during any period when an appeal against the relevant appealable decision could be brought (ignoring the possibility of an appeal out of time with permission) or is pending.

(3) P may not make an application for variation of their leave to enter or remain in the United Kingdom while their leave is extended by this regulation.

(4) In this regulation, "relevant appealable decision" means an appealable decision as described in regulation 3(1)(a) or regulation 4.

(5) Leave extended by this regulation remains subject to Part IV of the Immigration (Leave to Enter and Remain) Order 2000.

14 Place from which an appeal may be brought or continued: general

(1) A person may bring or continue an appeal under these Regulations—

(a) from within the United Kingdom, or

(b) from outside the United Kingdom.

(2) Nothing in this regulation entitles a person to enter the United Kingdom for the purposes of bringing or continuing an appeal.

(3) This regulation is subject to regulation 15.

15 National security decisions: place from which an appeal may be brought or continued, certification of removal etc

(1) This regulation applies where the Secretary of State certifies, under paragraph 1 or 2 of Schedule 1, that an appealable decision in relation to a person ("P") was taken in the interests of national security.

Such a decision is referred to in this regulation as a "national security decision".

(2) Where this regulation applies, section 97A of the 2002 Act does not apply.

(3) P, while in the United Kingdom, may not bring or continue an appeal under these Regulations against the national security decision unless P has made a human rights claim while in the United King-dom.

(4) Paragraph (3) does not allow P while in the United Kingdom to bring or continue an appeal under these Regulations if the Secretary of State certifies that removal of P—

(a) to the country or territory to which P is proposed to be removed, and

(b) despite the appeals process in relation to the national security decision not having been begun or not having been exhausted,

would not be unlawful under section 6 of the Human Rights Act 1998.

(5) The grounds upon which a certificate may be given under paragraph (4) include (in particular)—

(a) that P would not, before the appeals process in relation to the national security decision is exhausted, face a real risk of serious irreversible harm if removed to the country or territory to which P is proposed to be removed;

(b) that the whole or part of any human rights claim made by P is clearly unfounded.

(6) If a certificate in respect of P is given under paragraph (4), P may not be removed from, or re-quired to leave, the United Kingdom in accordance with a provision of the Immigration Acts before the end of the relevant period except—

(a) in a duly substantiated case of urgency,

(b) where P is detained pursuant to the sentence or order of any court, or

(c) where P has entered the United Kingdom and are removable as an illegal entrant under Schedule 2 to the 1971 Act.

But those exceptions do not apply at any time when the removal of P is prohibited by a direction given under paragraph (10) by the Special Immigration Appeals Commission ("the Commission").

(7) P may make an application to the Commission to set aside the certificate.

(8) If P makes an application under paragraph (7) then the Commission, in determining whether the certificate should be set aside, must apply the principles that would be applied in judicial review proceedings.

(9) The Commission's determination of a review under paragraph (7) is final.

(10) Where P has made and not withdrawn an application under paragraph (7), the Commission may direct that P is not to be removed from the United Kingdom at a time when the review has not been finally determined by the Commission.

(11) Sections 5 and 6 of the 1997 Act apply in relation to reviews under paragraph (7) (and to applicants for such reviews) as they apply in relation to appeals under section 2 or 2B of that Act (and to per-sons bringing such appeals).

(12) Any exercise of the power to make rules under section 5 of that Act in relation to reviews under paragraph (7) is to be made with a view to securing that proceedings on such reviews are handled expeditiously.

(13) For the purposes of this regulation—

"human rights claim" has the meaning given in section 113(1) of the 2002 Act;

"relevant period" means the period of one month beginning with the day on which P is notified of the decision to remove them.

16 Other appealable decisions: certification of removal

(1) This regulation applies where—

(a) a relevant appealable decision has been made in relation to a person ("P"), and

(b) a decision has been made to make a deportation order under section 5(1) of the 1971 Act in respect of P (whether or not that decision is the relevant appealable decision and whether or not the or-der has been made).

(2) Where the deportation decision is not the relevant appealable decision mentioned in paragraph (1)(a), it does not matter for the purposes of paragraph (1)(b) whether the deportation decision is made before or after the relevant appealable decision.

(3) Where this regulation applies, the Secretary of State may certify that removal of P—

(a) to the country or territory to which P is proposed to be removed, and

(b) despite the appeals process in relation to the relevant appealable decision not having been be-gun or not having been exhausted,

would not be unlawful under section 6 of the Human Rights Act 1998.

(4) The grounds upon which a certificate may be given under paragraph (3) include (in particular) that P would not, before the appeals process in relation to the relevant appealable decision is exhausted, face a real risk of serious irreversible harm if removed to the country or territory to which P is proposed to be removed.

(5) In this regulation, "relevant appealable decision" means an appealable decision other than a decision which has been certified under paragraph 1 or 2 of Schedule 1 as taken in the interests of national security.

(6) See sections 78 and 79 of the 2002 Act, as applied by Schedule 1 or 2 to these Regulations, for the consequences of certification under this regulation.

Other appealable decisions: certification of removal in cases of abuse of rights or fraud

16A.— (1) This regulation applies where a relevant appealable decision has been made in relation to a person ("P") and that decision was taken by the Secretary of State, whether in whole or in part, because of abuse of rights or fraud.

(2) For the purposes of this regulation, abuse of rights or fraud includes:

(a) entering, attempting to enter, or assisting another person to enter or attempt to enter, a marriage, civil partnership or durable partnership of convenience, or

(b) fraudulently obtaining or attempting to obtain, or assisting another fraudulently to obtain or to attempt to obtain, entry clearance under relevant entry clearance immigration rules(1) or leave to enter or remain in the United Kingdom under residence scheme immigration rules(2).

(3) Where this regulation applies, the Secretary of State may certify that removal of P—

(a) to the country or territory to which P is proposed to be removed, and

(b) despite the appeals process in relation to the relevant appealable decision having not been begun or not having been exhausted,

would not be unlawful under section 6 of the Human Rights Act 1998(3).

(4) The grounds upon which a certificate may be given under paragraph (3) include (in particular) that P would not, before the appeals process in relation to the relevant appealable decision is exhausted, face a real risk of serious irreversible harm if removed to the country or territory to which P is proposed to be removed.

(5) In this regulation, "relevant appealable decision" means an appealable decision other than a decision which has been certified under paragraph 1 or 2 of Schedule 1 as taken in the interests of national security.

(6) See sections 78 and 79 of the 2002 Act, as applied by Schedule 1 or 2 to these Regulations, for the consequences of certification under this regulation.

Part 3 Consequential Amendments

17 Consequential amendments
Schedule 4 contains consequential amendments.

Brandon Lewis
Minister of State
Home Office
27th January 2020

SCHEDULE 1 APPEALS TO THE SPECIAL IMMIGRATION APPEALS COMMISSION

Regulation 7(2) and (3)

Part 1 Certification of Appealable Decisions on National Security etc Grounds

Certification that decision was taken on national security etc grounds
1
(1) The Secretary of State may certify an appealable decision under this paragraph if it was taken—
(a) by the Secretary of State wholly or partly on a ground listed in sub-paragraph (2), or
(b) in accordance with a direction of the Secretary of State which identifies the person to whom the decision relates and which is given wholly or partly on a ground listed in sub-paragraph (2).
(2) The grounds are that the person's exclusion or removal from the United Kingdom is—
(a) in the interests of national security, or
(b) in the interests of a relationship between the United Kingdom and another country.
(3) In this paragraph any reference to the Secretary of State is to the Secretary of State acting in person.

Certification that decision was taken on information which cannot be disclosed for reasons of national security etc
2

(1) The Secretary of State may certify an appealable decision under this paragraph if it was taken wholly or partly in reliance on information which the Secretary of State considers must not be made public—

(a) in the interests of national security,

(b) in the interests of a relationship between the United Kingdom and another country, or

(c) otherwise in the public interest.

(2) In this paragraph any reference to the Secretary of State is to the Secretary of State acting in person.

Effect of certification: appeal pending before the Tribunal

3

Where a certificate is given under paragraph 1 or 2 in relation to a decision in respect of which an appeal is pending to the Tribunal, the appeal lapses.

Part 2 Application of the 1997 Act to Appeals to the Special Immigration Appeals Commission

Application of the 1997 Act to appeals under these Regulations

4

(1) The 1997 Act applies to an appeal to the Special Immigration Appeals Commission ("the Commission") under these Regulations as it applies to an appeal under section 2 of that Act (subject to the modifications specified in sub-paragraphs (2) and (3)).

(2) Any reference in the 1997 Act to an appeal under section 2 of that Act, however expressed, has effect as a reference to an appeal to the Commission under these Regulations.

(3) Section 2 has effect as if—

(a) for subsection (2), there were substituted—

"(2) The following provisions of the Nationality, Immigration and Asylum Act 2002 apply in connection with an appeal to the Commission under the 2020 Regulations as they apply in connection with an appeal under section 82(1) of that Act, but subject to the modifications specified in subsection (2A)—

(a) section 72;

(b) sections 78 to 79;

(c) section 105 and any regulations made under that section;

(d) sections 112 and 113;

(e) section 120.

In this section, "the 2020 Regulations" means the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.

(2A) The modifications mentioned in subsection (2) are—

(a) section 72 has effect as if—

(i) in subsection (9), for paragraph (a), there were substituted—

"(a) a person appeals to the Commission under the 2020 Regulations against a decision and makes a section 120 statement (within the meaning of regulation 9 of those Regulations) which relies wholly or partly on the ground of appeal mentioned in section 84(1)(a) or (3)(a) of this Act (breach of the United Kingdom's obligations under the Refugee Convention), and";

(ii) in subsection (10), "Tribunal or" were omitted;

(b) section 78 has effect as if—

(i) in subsection (1), for "section 82(1)" there were substituted "to the Commission under the 2020 Regulations";

(ii) after subsection (1), there were inserted—

"(1A) But subsection (1) does not apply in relation to a relevant appellant.

(1B) A person is a "relevant appellant" for the purposes of this section if—

(a) the person's removal is certified under regulation 16(3) or 16A(3) of the 2020 Regulations, and

(b) the relevant appealable decision in respect of which the person's removal is certified in accordance with that provision is the decision in relation to which the appeal to the Commission under the 2020 Regulations is pending.

(1C) A relevant appellant may not be removed from, or required to leave, the United Kingdom in accordance with a provision of the Immigration Acts before the end of the relevant period except—

(a) in a duly substantiated case of urgency,

(b) where they are detained pursuant to the sentence or order of any court, or

(c) where they have entered the United Kingdom and are removable as an illegal entrant under Schedule 2 to the Immigration Act 1971.

But those exceptions do not apply at any time when the removal of the appellant is prohibited under sub-section (1F).

(1D) For the purposes of subsection (1C), "the relevant period" is the period of one month beginning with the day on which the relevant appellant is notified of the decision to remove them.

(1E) Subsection (1F) applies to a relevant appellant who applies to the appropriate court or tribunal (whether by means of judicial review or otherwise) for an interim order to suspend enforcement of the decision to remove them from the United Kingdom.

(1F) A relevant appellant to whom this subsection applies may not be removed from, or required to leave, the United Kingdom in accordance with a provision of the Immigration Acts until such time as the decision on the interim order has been taken unless—

(a) the decision to remove them is based on a previous judicial decision,

(b) they have had previous access to judicial review, or

(c) the decision to remove them is based on imperative grounds of public security.";

(iii) in subsection (2), for "section 104" there were substituted *"regulation 13 of the 2020 Regulations";*

(iv) in subsection (4), for "section 92" there were substituted *"the 2020 Regulations";*

(c) section 78A(3) has effect as if—

(i) in paragraph (a), for "section 82" there were substituted *"the 2020 Regulations";*

(ii) in paragraph (b), for "section 104" there were substituted *"regulation 13 of the 2020 Regulations";*

(d) section 79 has effect as if —

(i) in subsection (1), for the words from "section 82(1)" to "relating to" there were substituted "the 2020 Regulations to the Commission against";

(ii) after subsection (1), there were inserted—

"(1A) But subsection (1) does not prevent the Secretary of State making a deportation order in respect of a person ("P") if—

(a) the decision to make the deportation order in respect of P is certified under paragraph 1 or 2 of Schedule 1 to the 2020 Regulations as taken in the interests of national security, or

(b) P's removal is certified under paragraph (3) of regulation 16 of the 2020 Regulations, where the decision to make the deportation order in respect of P is the relevant appealable decision referred to in paragraph (1)(a) of that regulation in respect of which P's removal was certified.";

(iii) in subsection (2), for "section 104" there were substituted "regulation 13 of the 2020 Regulations";

(e) section 105 has effect as if, in subsection (4), for the words from "means" to the end, there were substituted *"has the meaning given in regulation 2 of the 2020 Regulations";*

(f) section 113 has effect as if, before the definition of "asylum claim", there were inserted—

""the 2020 Regulations" means the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020;";

(g) section 120 has effect as if at the end of the definition of "grounds" in subsection (6) there were inserted *", or on which an appeal to the Commission under the 2020 Regulations may be brought (see regulation 8 of those Regulations)".*";

(b) subsections (3), (5) and (6) were omitted.

SCHEDULE 2 APPLICATION OF THE 2002 ACT TO APPEALS TO THE TRIBUNAL

Regulation 11

Application of provisions of the 2002 Act in connection with appeals to the Tribunal

1

The following provisions of the 2002 Act apply in connection with an appeal to the Tribunal under these Regulations as they apply in connection with an appeal under section 82(1) of that Act (but subject to the general modifications specified in paragraph 2 and the specific modifications specified in paragraph 3)—

(a) section 72;
(b) sections 78 to 79;
(c) section 105 and any regulations made under that section;
(d) section 106 and any rules made pursuant to that section;
(e) sections 107 and 108;
(f) sections 112 and 113;
(g) section 120.

General modifications

2

(1) The provisions mentioned in paragraph 1 have effect as if—

(a) references to "this Act", or provisions of the 2002 Act, were references to the Act, or provisions of it, as applied by this Schedule;

(b) references to an appeal under section 82 or section 82(1), however expressed, were references to an appeal to the Tribunal under these Regulations;

(c) references to proceedings under section 82 were references to proceedings before the Tribunal under these Regulations.

(2) But—

(a) sub-paragraph (1)(a) does not apply to the reference to section 84 of the 2002 Act inserted by paragraph 3(2) of this Schedule;

(b) sub-paragraph (1) is also subject to the specific modifications made in paragraph 3.

Specific modifications

3

(1) The specific modifications to the provisions of the 2002 Act are as follows.

(2) Section 72 has effect as if—

(a) in subsection (9), for paragraph (a), there were substituted—

"(a) a person appeals to the First-tier Tribunal under the 2020 Regulations against a decision and makes a section 120 statement (within the meaning of regulation 9 of those Regulations) which relies wholly or partly on the ground of appeal mentioned in section 84(1)(a) or (3)(a) of this Act (breach of the United Kingdom's obligations under the Refugee Convention), and";

(b) in subsection (10), "or Commission" were omitted.

(3) Section 78 has effect as if—

(a) in subsection (1), for "appeal under section 82(1)" there were substituted *"appeal to the First-tier Tribunal ("the Tribunal") under the 2020 Regulations";*

(b) after subsection (1), there were inserted—

"(1A) But subsection (1) does not apply in relation to a relevant appellant.

(1B) A person is a "relevant appellant" for the purposes of this section if—

(a) the person's removal is certified under regulation 16(3) or 16A(3) of the 2020 Regulations, and

(b) the relevant appealable decision in respect of which the person's removal is certified in accordance with that provision is the decision in relation to which the appeal to the Tribunal under the 2020 Regulations is pending.

(1C) A relevant appellant may not be removed from, or required to leave, the United Kingdom in accordance with a provision of the Immigration Acts before the end of the relevant period except—

(a) in a duly substantiated case of urgency,

(b) where they are detained pursuant to the sentence or order of any court, or

(c) where they have entered the United Kingdom and are removable as an illegal entrant under Schedule 2 to the Immigration Act 1971.

But those exceptions do not apply at any time when the removal of the appellant is prohibited under sub-section (1F).

(1D) For the purposes of subsection (1C), "the relevant period" is the period of one month beginning with the day on which the relevant appellant is notified of the decision to remove them.

(1E) Subsection (1F) applies to a relevant appellant who applies to the appropriate court or tribunal (whether by means of judicial review or otherwise) for an interim order to suspend enforcement of the decision to remove them from the United Kingdom.

(1F) A relevant appellant to whom this subsection applies may not be removed from, or required to leave, the United Kingdom in accordance with a provision of the Immigration Acts until such time as the decision on the interim order has been taken unless—

(a) the decision to remove them is based on a previous judicial decision,

(b) they have had previous access to judicial review, or

(c) the decision to remove them is based on imperative grounds of public security.";

(c) in subsection (2), for "section 104" there were substituted "*regulation 13 of the 2020 Regulations";*

(d) in subsection (4), for "section 92" there were substituted *"the 2020 Regulations";*

(e) after subsection (4), there were inserted—

"(5) Nothing in this section prevents the removal from the United Kingdom of a person who is admitted to the United Kingdom on bail pursuant to Schedule 3 to the 2020 Regulations.".

(4) Section 78A(3)(b) has effect as if for "section 104" there were substituted *"regulation 13 of the 2020 Regulations".*

(5) Section 79 has effect as if—

(a) in subsection (1), for the words from "section 82(1)" to "relating to" there were substituted "the 2020 Regulations to the First-tier Tribunal against";

(b) after subsection (1), there were inserted—

"(1A) But subsection (1) does not prevent the Secretary of State making a deportation order in respect of a person ("P") if—

(a) P's removal is certified under regulation 16(3) of the 2020 Regulations, and

(b) the decision to make the deportation order in respect of P is the relevant appealable decision in respect of which P's removal was certified under that provision.";

(c) in subsection (2), for "section 104" there were substituted *"regulation 13 of the 2020 Regulations".*

(6) Section 105 has effect as if, in subsection (4), for the words from "means" to the end there were substituted *"has the meaning given in regulation 2 of the 2020 Regulations".*

(7) Section 106 has effect as if, in subsections (3) and (4), "*or by virtue of section 109"* were omitted.

(8) Section 107(3) has effect as if *"or by virtue of section 109"* were omitted.

(9) Section 113 has effect as if, before the definition of "asylum claim", there were inserted—

""the 2020 Regulations" means the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020;".

(10) Section 120(6) has effect as if at the end of the definition of "grounds" in subsection (6) there were inserted ", or on which an appeal to the Tribunal under the 2020 Regulations may be brought (see regulation 8 of those Regulations)".

SCHEDULE 3 ADMISSION ON BAIL TO THE UNITED KINGDOM TO MAKE SUBMISSIONS IN PERSON IN CONNECTION WITH AN APPEAL

Regulation 12

Application for permission to be admitted on bail to the United Kingdom to make submissions in person

1

(1) An appellant ("A") may apply to the Secretary of State for permission to be admitted on bail to the United Kingdom in order to make submissions in person at a hearing if the conditions in sub-paragraph (2) are satisfied.

(2) The conditions are—

(a) that the Secretary of State has certified A's removal from the United Kingdom under regulation 16(3) or 16A(3),

(b) the hearing forms part of the proceedings on, or in connection with, an appeal to the Tribunal against the appealable decision in respect of which A's removal was certified under regulation 16(3) or 16A(3),

(c) a date for the hearing has been set by the Tribunal, the Upper Tribunal or the court (as the case may be) before which the hearing is to take place, and

(d) A is outside the United Kingdom.

(3) The Secretary of State must give such permission to A unless A's appearance may cause serious troubles to public policy or public security.

(4) The Secretary of State must have regard to the dates on which A will be required to make submissions in person when determining—

(a) when A is entitled to be given permission, and

(b) the duration of A's admission on bail, should permission be given.

(5) Nothing in this paragraph affects any power of the Secretary of State to remove A from the United Kingdom while A's appeal is pending if—

(a) A is admitted on bail to the United Kingdom under this paragraph, and

(b) the relevant hearing has taken place.

(6) If A is removed from the United Kingdom while A's appeal is pending, A is not prevented from ap-plying for admission to the United Kingdom on bail in order to make submissions in person at any subsequent hearing in accordance with this paragraph.

Application of enactments to person given permission under paragraph 1

2

(1) Where the Secretary of State gives an appellant ("A") permission to be admitted on bail to the United Kingdom under paragraph 1—

(a) upon such admission, A is to be treated for the purposes of paragraphs 8, 10, 10A, 11 and 16 to 18A of Schedule 2 to the 1971 Act as if they were a person refused leave to enter under that Act, and

(b) the provisions of Schedule 10 to the Immigration Act 2016 apply accordingly.

(2) Where Schedule 2 to the 1971 Act so applies, it has effect as if—

(a) the reference, in the opening words of sub-paragraph (1) of paragraph 8, to leave to enter were a reference to admission on bail pursuant to paragraph 1, and

(b) the reference in paragraph 16(1) to detention pending a decision regarding leave to enter were to detention pending submission of the appellant's case in person in accordance with paragraph 1.

(3) A is deemed not to have been admitted to the United Kingdom during any time during which A is admitted on bail to the United Kingdom pursuant to this Schedule.

(4) For the purposes of this Schedule, a person is admitted on bail to the United Kingdom if they are admitted on bail under Schedule 10 to the Immigration Act 2016, as applied by this paragraph, without having otherwise been admitted, and the expression "admission on bail" is to be construed accordingly.

SCHEDULE 4 CONSEQUENTIAL AMENDMENTS

Regulation 17

Part 1 Amendment of Primary Legislation

Amendment of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision)

1

In section 3C of the 1971 Act, in subsection (2)—

(a) omit "or" at the end of paragraph (c);

(b) after that paragraph insert—

"(ca) an appeal could be brought under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 ("the 2020 Regulations"), while the appellant is in the United Kingdom, against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission),

(cb) an appeal under the 2020 Regulations against that decision, brought while the appellant is in the United Kingdom, is pending (within the meaning of those Regulations), or".

Amendment of section 2C of the Special Immigration Appeals Commission Act 1997 (jurisdiction: review of certain exclusion decisions)

2

(1) Section 2C of the 1997 Act is amended as follows.

(2) In subsection (1), after "non-EEA national", in both places where it appears, insert *"or relevant person".*

(3) In subsection (2), after "non-EEA national" insert "*or relevant person*".

(4) In subsection (5), after the definition of "non-EEA national", insert—

""relevant person" has the same meaning as it has for the purposes of section 11(2)(f) and (g) of the European Union (Withdrawal Agreement) Act 2020 (see section 11(7) of that Act);".

Part 2 Amendment of Subordinate Legislation

Amendment of the Immigration (Notices) Regulations 2003

3

(1) The Immigration (Notices) Regulations 2003 are amended as follows.

(2) In regulation 2, after the definition of "the 2002 Act" insert—

""citizens' rights immigration decision" means a decision which can be appealed against under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020."

(3) In regulation 4, in paragraph (1), for "or any EEA decision" substitute ", any EEA decision or any citizens' rights immigration decision".

Amendment of the Special Immigration Appeals Commission (Procedure) Rules 2003

4

(1) The Special Immigration Appeals Commission (Procedure) Rules 2003 are amended as follows.

(2) In rule 2, after the definition of "the 2016 Act", insert—

""the 2020 Regulations" means the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020;".

(3) In rule 6—

(a) omit the "and" at the end of paragraph (a);

(b) after that paragraph, insert—

"(aa) appeals to the Commission under regulation 7 of the 2020 Regulations; and"

(4) In rule 7, in paragraph (1), after "the 2002 Act", insert "or regulation 7 of the 2020 Regulations".

(5) In rule 8—

(a) in paragraph (1), for "or section 97A(3) of the 2002 Act" substitute *", section 97A(3) of the 2002 Act or regulation 7 of the 2020 Regulations";*

(b) in paragraph (2), in sub-paragraph (b), after "Act", insert "*or regulation 15 of the 2020 Regulations";*

(c) after paragraph (4A), insert—

"(4B) Paragraph (4C) applies where—

(a) an appellant ("A") applies for an administrative review of an appealable decision ("the original decision") under the relevant rules, and

(b) A had not, before A receives notice of the decision on administrative review, given a notice of appeal to the Commission under regulation 7 of the 2020 Regulations against the original decision.

(4C) Where this paragraph applies, A must give a notice of appeal to the Commission under regulation 7 of the 2020 Regulations against the original decision—

(a) if A is in detention under the Immigration Acts, not later than 5 days after A receives the notice of the decision on administrative review;

(b) otherwise—

(i) if A is in the United Kingdom, not later than 10 days after A receives the notice of the decision on administrative review, or

(ii) if A is outside the United Kingdom, subject to paragraph (4D), not later than 28 days after A receives the notice of the decision on administrative review.

(4D) Where A—

(a) is in the United Kingdom when A receives the notice of the decision on administrative review, and

(b) may not appeal against the original decision while in the United Kingdom by reason of regulation 15 of the 2020 Regulations,

a notice of appeal against the original decision must be given not later than 28 days after A's departure from the United Kingdom.

(4E) In this rule—

"appealable decision" has the meaning given in regulation 2 of the 2020 Regulations;

"relevant rules" means residence scheme immigration rules or relevant entry clearance immigration rules (within the meanings given in section 17 of the European Union (Withdrawal Agreement) Act 2020).".

(6) In rule 12—

(a) the existing paragraph is renumbered as paragraph (1) of that rule;

(b) in paragraph (1) (as renumbered), in sub-paragraph (a)(i), after "the 2002 Act" insert "or regulation 13(3) of the 2020 Regulations";

(c) after that paragraph, insert—

"(2) A party to an appeal under the 2020 Regulations must notify the Commission if they are aware that the appeal is to be treated as abandoned under regulation 13 of those Regulations.

(3) Where an appeal would otherwise be treated as abandoned under regulation 13(3) of the 2020 Regulations but the appellant wishes to pursue their appeal, the appellant must provide a notice to the Commission and to each other party within the relevant period.

(4) For the purposes of paragraph (3), "the relevant period" is the period of 28 days beginning with the day on which the appellant was sent notice of the grant of leave to enter or remain in the United King-dom.".

Amendment of the Tribunal Procedure (Upper Tribunal) Rules 2008

5

(1) The Tribunal Procedure (Upper Tribunal) Rules 2008 are amended as follows.

(2) In rule 1, in paragraph (3), in the definition of "immigration case"—

(a) omit "or" before "regulation 26",

(b) after "asylum case" insert *", or the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020".*

(3) In rule 17A—

(a) after paragraph (1) insert—

"(1A) A party to an appeal under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 ("the 2020 Regulations") before the Upper Tribunal must also notify the Upper Tribunal if they are aware that the appeal is to be treated as abandoned under regulation 13(3) of those Regulations.";

(b) in paragraph (2), after "Regulations 2006" insert "or regulation 13(3) of the 2020 Regulations";

(c) in paragraph (3), after "Act 2002", insert "or regulation 13(3) of the 2020 Regulations".

Amendment of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

6

(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 are amended as follows.

(2) In rule 1, after the definition of "the 2007 Act" insert—

""the 2020 Regulations" means the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020;".

(3) In rule 16—

(a) after paragraph (1) insert—

"(1A) A party to an appeal under the 2020 Regulations must also notify the Tribunal if they are aware that the appeal is to be treated as abandoned under regulation 13 of those Regulations.";

(b) in paragraph (2), after "2006 Regulations" insert "or regulation 13(3) of the 2020 Regulations";

(c) in paragraph (3), after "the 2002 Act" insert "or regulation 13(3) of the 2020 Regulations".

(4) In rule 19, after paragraph (3), insert—

"(3A) But paragraphs (2) and (3) do not apply in relation to the bringing of an appeal against a citizens' rights immigration decision.

"A citizens' rights immigration decision" is a decision which can be appealed against under the 2020 Regulations.

(3B) The notice of appeal in relation to an appeal against a citizens' rights immigration decision must be received—

(a) if the person is in the United Kingdom, not later than 14 days after the appellant is sent the no-tice of the decision;

(b) if the person is outside the United Kingdom, not later than 28 days after the appellant receives the notice of the decision.

But this paragraph is subject to paragraph (3D).

(3C) Paragraph (3D) applies where—

(a) a person ("P") applies for an administrative review of a citizens' rights immigration decision ("the original decision") under the relevant rules, and

(b) P had not, before P receives notice of the decision on administrative review, started proceedings in relation to the original decision.

(3D) Where this paragraph applies, the notice of appeal against the original decision must be received—

(a) if P is in the United Kingdom, not later than 14 days after P is sent the notice of the decision on administrative review;

(b) if P is outside the United Kingdom, not later than 28 days after P receives the notice of the decision on administrative review.

(3E) In this rule, "the relevant rules" means residence scheme immigration rules or relevant entry clearance immigration rules (within the meanings given in section 17 of the European Union (Withdrawal Agreement) Act 2020).".

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument is made under Part 3 of the European Union (Withdrawal Agreement) Act 2020 (c 1) ("the 2020 Act"). It is the first instrument to be made under section 11 of that Act.
These Regulations make provision for appeals in connection with various immigration decisions which relate to, or are connected to, leave to enter or remain in the United Kingdom granted under residence scheme immigration rules or relevant entry clearance immigration rules. "Residence scheme immigration rules" and "relevant entry clearance immigration rules" are defined in section 17 of the 2020 Act.
Part 1 of these Regulations contains general provisions.
Part 2 of these Regulations makes provision for the relevant appeals.
Chapter 1 of that Part sets out the rights of appeal in connection with the immigration decisions mentioned above, the grounds on which an appeal may be brought and the matters to be determined by the appeal body.
An appeal under these Regulations must generally be made to the First-tier Tribunal ("the Tribunal"). However, if an appeal is certified by the Secretary of State under Part 1 of Schedule 1 to the Regulations, the appeal must be made to the Special Immigration Appeals Commission ("the Commission") (regulation 7). An appeal may be certified, for example, in the interests of national security or the public interest. Any appeal which is certified after the relevant proceedings in the Tribunal have started will lapse automatically (paragraph 3 of Schedule 1). The appeal must then be made to the Commission.
Part 2 of Schedule 1 to the Regulations applies various provisions of the Special Immigration Appeals Commission Act 1997 (c 68) and the Nationality, Immigration and Asylum Act 2002 (c 41) ("the 2002 Act") (with modifications) for the purposes of appeals to the Commission.
Chapter 2 of Part 2 of the Regulations makes specific provision in connection with appeals before the Tribunal. Various provisions of the 2002 Act are applied (with modifications) for the purposes of appeals to the Tribunal (regulation 11 and Schedule 2). Provision is also made for an appellant who has brought an appeal from outside the United Kingdom to, in certain circumstances, apply to the Secretary of State to be admitted on bail to the United Kingdom in order to make submissions in person in connection with an appeal (regulation 12 and Schedule 3).
Chapter 3 of Part 2 of the Regulations deals with procedural matters relevant to appeals before both the Tribunal and the Commission. Regulation 13 sets out when an appeal under these Regulations is to be treated as pending. Regulations 14 to 16 make provision about the place from which appeals may be brought and certification.
Part 3 of the Regulations makes various amendments to primary and secondary legislation in consequence of the provisions made by the Regulations.

Tribunal Procedure (First-tier Tribunal) (IAC) Rules 2014

PART 1 INTRODUCTION
2 Overriding objective and parties' obligation to co-operate with the Tribunal
4 Case management powers
5 Procedure for applying for and giving directions
6 Failure to comply with rules etc
7 Striking out of an appeal for non-payment of fee and reinstatement
15 Summoning or citation of witnesses and orders to answer questions or produce documents
16 Appeal treated as abandoned or finally determined
17 Withdrawal

CHAPTER 1 BEFORE THE HEARING
19 Notice of appeal
20 Late notice of appeal
23 Response: entry clearance cases
24 Response: other cases

CHAPTER 2 HEARINGS
25 Consideration of decision with or without a hearing
26 Notice of hearings
27 Public and private hearings
28 Hearing in a party's absence

PART 4 CORRECTING, SETTING ASIDE, REVIEWING AND APPEALING TRIBUNAL DECISIONS
31 Clerical mistakes and accidental slips or omissions
32 Setting aside a decision which disposes of proceedings
33 Application for permission to appeal to the Upper Tribunal
34 Tribunal's consideration of an application for permission to appeal to the Upper Tribunal

Part 1

Introduction

1 Citation, commencement, application and interpretation

(1) These Rules may be cited as the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 and come into force on 20th October 2014.

(2) They apply to proceedings before the Immigration and Asylum Chamber of the First-tier Tribunal.

…

(4) In these Rules--

"the 1999 Act" means the Immigration and Asylum Act 1999;

"the 2002 Act" means the Nationality, Immigration and Asylum Act 2002;

"the 2004 Act" means the Asylum and Immigration (Treatment of Claimants, etc) Act 2004;

"the 2006 Regulations" means the Immigration (European Economic Area) Regulations 2006;

"the 2007 Act" means the Tribunals, Courts and Enforcement Act 2007;

"the 2020 Regulations" means the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020;

"appealable decision" means a decision from which there is a right of appeal to the Immigration and Asylum Chamber of the First-tier Tribunal;

"appellant" means a person who has provided a notice of appeal to the Tribunal against an appealable decision in accordance with these Rules;

"appointment" means (except in rule 10(5)), a case management meeting conducted by a member of the Tribunal's staff authorised to carry out functions of a judicial nature pursuant to rule 3(2), held for the purpose of carrying out any of those functions;

"asylum claim" has the meaning given in section 113(1) of the 2002 Act;

"certificate of fee satisfaction" means a certificate of fee satisfaction issued by the Lord Chancellor under article 8 of the Fees Order;

"decision maker" means the maker of a decision against which an appeal is brought;

"dispose of proceedings" includes, unless indicated otherwise, disposing of a part of the proceedings;

"document" means anything in which information is recorded in any form, and an obligation under these Rules to provide or allow access to a document or a copy of a document for any purpose means, unless the Tribunal directs otherwise, an obligation to provide or allow access to such document or copy in a legible form or in a form which can be readily made into a legible form;

"the Fees Order" means the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011;

"hearing" means an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication;

"the Immigration Acts" means the Acts referred to in section 61 of the UK Borders Act 2007;

"party" means--

(a) an appellant or respondent to proceedings;

(b) a party to a bail application as provided for in rule 37(3) and 37(4); and

(c) the UNHCR where notice has been given to the Tribunal in accordance with rule 8(3);

"practice direction" means a direction given under section 23 of the 2007 Act;

"qualified representative" means a person who is a qualified person in accordance with section 84(2) of the 1999 Act;

"respondent" means--

(a) the decision maker specified in the notice of decision against which a notice of appeal has been provided; and

(b) a person substituted or added as a respondent in accordance with rule 8.

"Tribunal" means the First-tier Tribunal;

"the UNHCR" means the United Kingdom Representative of the United Nations High Commissioner for Refugees; and

"working day" means any day except--

(a) a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971; and

(b) 27th to 31st December inclusive.

(5) A rule or Part referred to by number alone, means a rule in, or Part of, these Rules.

2 Overriding objective and parties' obligation to co-operate with the Tribunal

(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes--

(a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;

(b) avoiding unnecessary formality and seeking flexibility in the proceedings;

(c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;

(d) using any special expertise of the Tribunal effectively; and

(e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it--

(a) exercises any power under these Rules; or

(b) interprets any rule or practice direction.

(4) Parties must--

(a) help the Tribunal to further the overriding objective; and

(b) co-operate with the Tribunal generally.

Part 2

General Powers and Provisions

3 Delegation to staff

(1) Anything of a formal or administrative nature which is required or permitted to be done by the Tribunal under these Rules may be done by a member of the Tribunal's staff.

(2) Staff appointed by the Lord Chancellor may, with the approval of the Senior President of Tribunals, carry out functions of a judicial nature permitted or required to be done by the Tribunal.

(2) Staff appointed under section 40(1) of the 2007 Act (tribunal staff and services) or section 2(1) of the Courts Act 2003 (court officers, staff and services) may, if authorised by the Senior President of Tribunals under paragraph 3(3) of Schedule 5 to the 2007 Act, carry out functions of a judicial nature permitted or required to be done by the Tribunal.

…

(4) Within 14 days after the date on which the Tribunal sends notice of a decision made by a member of staff under paragraph (2) to a party, that party may apply in writing to the Tribunal for that decision to be considered afresh by a judge.

4 Case management powers

(1) Subject to the provisions of the 2007 Act and any other enactment, the Tribunal may regulate its own procedure.

(2) The Tribunal may give a direction in relation to the conduct or disposal of proceedings at any time, including a direction amending, suspending or setting aside an earlier direction.

(3) In particular, and without restricting the general powers in paragraphs (1) and (2), the Tribunal may--

(a) extend or shorten the time for complying with any rule, practice direction or direction;

(b) consolidate or hear together two or more sets of proceedings or parts of proceedings raising common issues;

(c) permit or require a party to amend a document;

(d) permit or require a party or another person to provide documents, information, evidence or submissions to the Tribunal or a party;

(e) provide for a particular matter to be dealt with as a preliminary issue;

(f) hold a hearing or appointment to consider any matter, including a case management issue;

(g) decide the form of any hearing or appointment;

(h) adjourn or postpone a hearing or appointment;

(i) require a party to produce a bundle for a hearing or appointment;

(j) stay (or, in Scotland, sist) proceedings;

(k) transfer proceedings to another court or tribunal if that other court or tribunal has jurisdiction in relation to the proceedings and--

(i) because of a change of circumstances since the proceedings were started, the Tribunal no longer has jurisdiction in relation to the proceedings; or

(ii) the Tribunal considers that the other court or tribunal is a more appropriate forum for the determination of the case; or

(l) suspend the effect of its own decision pending the determination by the Tribunal or the Upper Tribunal of an application for permission to appeal against, and any appeal or review of, that decision.

5 Procedure for applying for and giving directions

(1) The Tribunal may give a direction on the application of one or more of the parties or on its own initiative.

(2) An application for a direction may be made--

(a) by sending or delivering a written application to the Tribunal; or

(b) orally during the course of a hearing.

(3) An application for a direction must include the reason for making that application.

(4) Unless the Tribunal considers that there is good reason not to do so, the Tribunal must send written notice of any direction to every party and to any other person affected by the direction.

(5) If a party or any other person sent notice of the direction under paragraph (4) wishes to challenge the direction which the Tribunal has given, they may do so by applying for another direction which amends, suspends or sets aside the first direction.

6 Failure to comply with rules etc

(1) An irregularity resulting from a failure to comply with any requirement in these Rules, a practice direction or a direction does not of itself render void the proceedings or any step taken in the proceedings.

(2) If a party has failed to comply with a requirement in these Rules, a practice direction or a direction, the Tribunal may take such action as it considers just, which may include--

(a) waiving the requirement;

(b) requiring the failure to be remedied; or

(c) exercising its power under paragraph (3).

(3) The Tribunal may refer to the Upper Tribunal, and ask the Upper Tribunal to exercise its power under section 25 (supplementary powers of Upper Tribunal) of the 2007 Act in relation to, any failure by a person to comply with a requirement imposed by the Tribunal--

(a) to attend at any place for the purpose of giving evidence;

(b) otherwise to make themselves available to give evidence;

(c) to swear an oath in connection with the giving of evidence;

(d) to give evidence as a witness;

(e) to produce a document; or

(f) to facilitate the inspection of a document or any other thing (including any premises).

7 Striking out of an appeal for non-payment of fee and reinstatement

(1) Where the Tribunal is notified by the Lord Chancellor that a certificate of fee satisfaction has been revoked, the appeal shall automatically be struck out without order of the Tribunal and the Tribunal must notify each party that the appeal has been struck out.

(2) Where an appeal has been struck out in accordance with paragraph (1), the appeal may be reinstated if--

(a) the appellant applies to have the appeal reinstated; and

(b) the Lord Chancellor has issued a new certificate of fee satisfaction.

(3) An application made under paragraph (2)(a) must be made in writing and received by the Tribunal within 14 days, or if the appellant is outside the United Kingdom within 28 days, of the date on which the Tribunal sent notification of the striking out to the appellant.

8 Substitution and addition of parties

(1) The Tribunal may give a direction substituting a party if--

(a) the wrong person has been named as a party; or

(b) the substitution has become necessary because of a change in circumstances since the start of proceedings.

(2) The Tribunal may give a direction adding a person to the proceedings as a respondent.

(3) The UNHCR may give notice to the Tribunal that they wish to participate in any proceedings where the appellant has made an asylum claim and on giving such notice becomes a party to the proceedings.

(4) If--

(a) the Tribunal gives a direction under paragraph (1) or (2); or

(b) the UNHCR gives notice to the Tribunal under paragraph (3),

the Tribunal may give such consequential directions as it considers appropriate.

9 Orders for payment of costs and interest on costs (or, in Scotland, expenses)

(1) If the Tribunal allows an appeal, it may order a respondent to pay by way of costs to the appellant an amount no greater than--

(a) any fee paid under the Fees Order that has not been refunded; and

(b) any fee which the appellant is or may be liable to pay under that Order.

(2) The Tribunal may otherwise make an order in respect of costs only--

(a) under section 29(4) of the 2007 Act (wasted costs) and costs incurred in applying for such costs; or

(b) if a person has acted unreasonably in bringing, defending or conducting proceedings.

(3) The Tribunal may make an order under this rule on an application or on its own initiative.

(4) A person making an application for an order for costs--

(a) must, unless the application is made orally at a hearing, send or deliver an application to the Tribunal and to the person against whom the order is sought to be made; and

(b) may send or deliver together with the application a schedule of the costs claimed in sufficient detail to allow summary assessment of such costs by the Tribunal.

(5) An application for an order for costs may be made at any time during the proceedings but must be made within 28 days after the date on which the Tribunal sends--

(a) a notice of decision recording the decision which disposes of the proceedings; or

(b) notice that a withdrawal has taken effect under rule 17 (withdrawal).

(6) The Tribunal may not make an order for costs against a person (in this rule called the "paying person") without first giving that person an opportunity to make representations.

(7) The amount of costs to be paid under an order under this rule may be determined by--

(a) summary assessment by the Tribunal;

(b) agreement of a specified sum by the paying person and the person entitled to receive the costs (in this rule called the "receiving person");

(c) detailed assessment of the whole or a specified part of the costs (including the costs of the assessment) incurred by the receiving person, if not agreed.

(8) Except in relation to paragraph (9), in the application of this rule in relation to Scotland, any reference to costs is to be read as a reference to expenses.

(9) Following an order for detailed assessment made by the Tribunal under paragraph (7)(c) the paying person or the receiving person may apply--

(a) in England and Wales, to the county court for a detailed assessment of the costs on the standard basis or, if specified in the order, on the indemnity basis; and the Civil Procedure Rules 1998, section 74 (interest on judgment debts, etc) of the County Courts Act 1984 and the County Court (Interest on Judgment Debts) Order 1991 shall apply, with necessary modifications, to that application and assessment as if the proceedings in the Tribunal had been proceedings in a court to which the Civil Procedure Rules 1998 apply;

(b) in Scotland, to the Auditor of the Sheriff Court or the Court of Session (as specified in the order) for the taxation of the expenses according to the fees payable in that court; or

(c) in Northern Ireland, to the Taxing Office of the High Court of Northern Ireland for taxation on the standard basis or, if specified in the order, on the indemnity basis.

10 Representatives

(1) A party may be represented by any person not prohibited from representing by section 84 of the 1999 Act.

(2) Where a party is or has been represented by a person prohibited from representing by section 84 of the 1999 Act, that does not of itself render void the proceedings or any step taken in the proceedings.

(3) If a party appoints a representative, that party (or the representative if the representative is a qualified representative) must send or deliver to the Tribunal written notice of the representative's name and address, which may be done at a hearing.

(4) Anything permitted or required to be done by a party under these Rules, a practice direction or a direction may be done by the representative of that party, except signing a witness statement.

(5) A person who receives notice of the appointment of a representative--

(a) must provide to the representative any document which is required to be provided to the represented party, and need not provide that document to the represented party; and

(b) may assume that the representative is and remains authorised as such until they receive written notification that this is not so from the representative or the represented party.

(6) As from the date on which a person has notified the Tribunal that they are acting as the representative of an appellant and has given an address for service, if any document is provided to the appellant a copy must also at the same time be provided to the appellant's representative.

11 Calculating time

(1) An act required or permitted to be done on or by a particular day by these Rules, a practice direction or a direction must, unless otherwise directed, be done by midnight on that day.

(2) Subject to the Tribunal directing that this paragraph does not apply, if the time specified by these Rules, a practice direction or a direction for doing any act ends on a day other than a working day, the act is done in time if it is done on the next working day.

12 Sending, delivery and language of documents

(1) Any document to be provided to the Tribunal or any person under these Rules, a practice direction or a direction must be--

(a) delivered, or sent by post, to an address;

(b) sent via a document exchange to a document exchange number or address;

(d) sent by e-mail to an e-mail address;

(da) uploaded to the Tribunal’s secure portal in a compatible file format; or

(e) sent or delivered by any other method,

identified for that purpose by the Tribunal or person to whom the document is directed.

(2) A document to be provided to an individual may be provided by leaving it with that individual.

(3) If the respondent believes that the address specified under paragraph (1) for the provision of documents to the appellant is not appropriate for that purpose, the respondent must notify the Tribunal in writing of that fact and, if aware of it, an address which would be appropriate.

(4) If any document is provided to a person who has notified the Tribunal that they are acting as the representative of a party, it shall be deemed to have been provided to that party.

(5) Subject to paragraph (6)--

(a) any notice of appeal or application notice provided to the Tribunal must be completed in English; and

(b) if a document provided to the Tribunal is not written in English, it must be accompanied by an English translation.

(6) In proceedings that are in Wales or have a connection with Wales, a document or translation may be provided to the Tribunal in Welsh.

12A Providing contact details

(1) An appellant must provide the Tribunal with—

(a) the postal address at which they are living, if they have one; and

(b) their email address, if they have one.

(2) The Tribunal must be notified of any change to the details provided under paragraph (1) as soon as reasonably practicable.

(3) If the appellant has a representative, the representative shall take all reasonable steps to ensure that the appellant complies with paragraphs (1) and (2).

(4) If the respondent decides to remove or deport an appellant from the United Kingdom whilst proceedings before the Tribunal, including any application for permission to appeal, are pending the respondent must inform the Tribunal of that fact and take all reasonable steps before any removal or deportation—

(a) to obtain from the appellant an email address and postal address in the country to which it is intended to remove or deport the appellant to which correspondence may be sent to the appellant; and

(b) to provide that information to the Tribunal and to the appellant's representative, if they have one, as soon as reasonably practicable and in any event before removal or deportation

13 Use of documents and information

(1) The Tribunal may make an order prohibiting the disclosure or publication of--

(a) specified documents or information relating to the proceedings; or

(b) any matter likely to lead members of the public to identify any person whom the Tribunal considers should not be identified.

(2) The Tribunal may give a direction prohibiting the disclosure of a document or information to a person if-

(a) the Tribunal is satisfied that such disclosure would be likely to cause that person or some other person serious harm; and

(b) the Tribunal is satisfied, having regard to the interests of justice, that it is proportionate to give such a direction.

(3) If a party ("the first party") considers that the Tribunal should give a direction under paragraph (2) prohibiting the disclosure of a document or information to another party ("the second party"), the first party must--

(a) exclude the relevant document or information from any documents to be provided to the second party; and

(b) provide to the Tribunal the excluded document or information, and the reason for its exclusion, so that the Tribunal may decide whether the document or information should be disclosed to the second party or should be the subject of a direction under paragraph (2).

(4) The Tribunal must conduct proceedings as appropriate in order to give effect to a direction given under paragraph (2).

(5) If the Tribunal gives a direction under paragraph (2) which prevents disclosure to a party who has appointed a representative, the Tribunal may give a direction that the documents or information be disclosed to that representative if the Tribunal is satisfied that--

(a) disclosure to the representative would be in the interests of the party; and

(b) the representative will act in accordance with paragraph (6).

(6) Documents or information disclosed to a representative in accordance with a direction under paragraph (5) must not be disclosed either directly or indirectly to any other person without the Tribunal's consent.

(7) The Tribunal may, on the application of a party or on its own initiative, give a direction that certain documents or information must or may be disclosed to the Tribunal on the basis that the Tribunal will not disclose such documents or information to other persons, or specified other persons.

(8) A party making an application for a direction under paragraph (7) may withhold the relevant documents or information from other parties until the Tribunal has granted or refused the application.

(9) In a case involving matters relating to national security, the Tribunal must ensure that information is not disclosed contrary to the interests of national security.

(10) The Tribunal must conduct proceedings and record its decision and reasons appropriately so as not to undermine the effect of an order made under paragraph (1), a direction given under paragraph (2), (5) or (7) or the duty imposed by paragraph (9).

14 Evidence and submissions

(1) Without restriction on the general powers in rule 4 (case management powers), the Tribunal may give directions as to--

(a) issues on which it requires evidence or submissions;

(b) the nature of the evidence or submissions it requires;

(c) whether the parties are permitted or required to provide expert evidence;

(d) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally;

(e) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given--

(i) orally at a hearing; or

(ii) by witness statement or written submissions; and

(f) the time at which any evidence or submissions are to be provided.

(2) The Tribunal may admit evidence whether or not--

(a) the evidence would be admissible in a civil trial in the United Kingdom; or

(b) subject to section 85A(4) of the 2002 Act, the evidence was available to the decision maker.

(3) The Tribunal may consent to a witness giving, or require any witness to give, evidence on oath or affirmation, and may administer an oath or affirmation for that purpose.

15 Summoning or citation of witnesses and orders to answer questions or produce documents

(1) On the application of a party or on its own initiative, the Tribunal may--

(a) by summons (or, in Scotland, citation) require any person to attend as a witness at a hearing at the time and place specified in the summons or citation; or

(b) order any person to answer any questions or produce any documents in that person's possession or control which relate to any issue in the proceedings.

(2) A summons or citation under paragraph (1)(a) must--

(a) give the person required to attend 14 days' notice of the hearing or such shorter period as the Tribunal may direct; and

(b) where the person is not a party, make provision for the person's necessary expenses of attendance to be paid, and state who is to pay them.

(3) No person may be compelled to give any evidence or produce any document that the person could not be compelled to give or produce on a trial of an action in a court of law in the part of the United Kingdom where the proceedings are to be determined.

(4) A summons, citation or order under this rule must--

(a) state that the person on whom the requirement is imposed may apply to the Tribunal to vary or set aside the summons, citation or order, if they have not had an opportunity to object to it; and

(b) state the consequences of failure to comply with the summons, citation or order.

16 Appeal treated as abandoned or finally determined

(1) A party must notify the Tribunal if they are aware that—

(a) the appellant has left the United Kingdom;

(b) the appellant has been granted leave to enter or remain in the United Kingdom;

(c) a deportation order has been made against the appellant; or

(d) a document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations has been issued to the appellant.

(1A) A party to an appeal under the 2020 Regulations must also notify the Tribunal if they are aware that the appeal is to be treated as abandoned under regulation 13 of those Regulations.

(2) Where an appeal is treated as abandoned pursuant to [section 92(8) or 104(4A) of the 2002 Act or paragraph 4(2) of Schedule 2 to 2006 Regulations or regulation 13(3) of the 2020 Regulations, the Tribunal must send the parties a notice informing them that the appeal is being treated as abandoned.

(3) Where an appeal would otherwise fall to be treated as abandoned pursuant to section 104(4A) of the 2002 Act or regulation 13(3) of the 2020 Regulations, but the appellant wishes to pursue their appeal, the appellant must provide a notice, which must comply with any relevant practice direction, to the Tribunal and each other party so that it is received within 28 days of the date on which the appellant was sent notice of the grant of leave to enter or remain in the United Kingdom or was sent the document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations, as the case may be.

17 Withdrawal

(1) A party may give notice of the withdrawal of their appeal--

(a) by providing to the Tribunal a written notice of withdrawal of the appeal; or

(b) orally at a hearing,

and in either case must specify the reasons for that withdrawal.

(2) The Tribunal must (save for good reason) treat an appeal as withdrawn if the respondent notifies the Tribunal and each other party that the decision (or, where the appeal relates to more than one decision, all of the decisions) to which the appeal relates has been withdrawn and specifies the reasons for the withdrawal of the decision.

(3) The Tribunal must notify each party in writing that a withdrawal has taken effect under this rule and that the proceedings are no longer regarded by the Tribunal as pending.

18 Certification of pending appeal

(1) The Secretary of State must, upon issuing a certificate under section 97 or 98 of the 2002 Act which relates to a pending appeal, provide notice of the certification to the Tribunal.

(2) Where a notice of certification is provided under paragraph (1), the Tribunal must--

(a) notify the parties; and

(b) take no further action in relation to the appeal.

Part 3
Proceedings Before the Tribunal

Chapter 1
Before the Hearing

19 Notice of appeal

(1) An appellant must start proceedings by providing a notice of appeal to the Tribunal.

(2) If the person is in the United Kingdom, the notice of appeal must be received not later than 14 days after they are sent the notice of the decision against which the appeal is brought.

(3) If the person is outside the United Kingdom, the notice of appeal must be received--

(a) not later than 28 days after their departure from the United Kingdom if the person--

(i) was in the United Kingdom when the decision against which they are appealing was made, and

(ii) may not appeal while they are in the United Kingdom by reason of a provision of the 2002 Act; or

(b) in any other case, not later than 28 days after they receive the notice of the decision.

(3A) But paragraphs (2) and (3) do not apply in relation to the bringing of an appeal against a citizens' rights immigration decision. "A citizens' rights immigration decision" is a decision which can be appealed against under the 2020 Regulations.

(3B) The notice of appeal in relation to an appeal against a citizens' rights immigration decision must be received—

(a) if the person is in the United Kingdom, not later than 14 days after the appellant is sent the notice of the decision;

(b) if the person is outside the United Kingdom, not later than 28 days after the appellant receives the notice of the decision.

But this paragraph is subject to paragraph (3D).

(3C) Paragraph (3D) applies where—

(a) a person ("P") applies for an administrative review of a citizens' rights immigration decision ("the original decision") under the relevant rules, and

(b) P had not, before P receives notice of the decision on administrative review, started proceedings in relation to the original decision.

(3D) Where this paragraph applies, the notice of appeal against the original decision must be received—

(a)if P is in the United Kingdom, within the period of 14 days beginning with the day—

(i)P is sent the notice of the decision on administrative review, or

(ii)P sends a notice of withdrawal of administrative review to the Secretary of State, where P has not been sent a notice of the decision on administrative review;

(b)if P is outside the United Kingdom, within the period of 28 days beginning with the day—

(i)P is sent the notice of the decision on administrative review, or

(ii)P sends a notice of withdrawal of administrative review to the Secretary of State, where P has not been sent a notice of the decision on administrative review.

(3E) In this rule, "the relevant rules" means—

(a) residence scheme immigration rules or relevant entry clearance immigration rules (within the meanings given in section 17 of the European Union (Withdrawal Agreement) Act 2020), or

(b) the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 (see regulations 21 to 23 of those Regulations).

(4) The notice of appeal must--

(a) identify which of the available statutory grounds of appeal are relied upon;

(b) be signed and dated by the appellant or their representative;

(c) if the notice of appeal is signed by the appellant's representative, the representative must certify in the notice of appeal that it has been completed in accordance with the appellant's instructions.

(5) The appellant must provide with the notice of appeal--

(a) the notice of decision against which the appellant is appealing or if it is not practicable to include the notice of decision, the reasons why it is not practicable;

(b) any statement of reasons for that decision;

(c) any documents in support of the appellant's case which have not been supplied to the respondent;

(d) an application for the Lord Chancellor to issue a certificate of fee satisfaction;

(e) any further information or documents required by an applicable practice direction.

(6) The Tribunal must send a copy of the notice of appeal and the accompanying documents or information provided by the appellant to the respondent.

(7) An appellant may, with the permission of the Tribunal, vary the grounds on which they rely in the notice of appeal.

(8) A practice direction may require that, in a specified category of case, the notice of appeal must also set out the grounds of appeal.

20 Late notice of appeal

(1) Where a notice of appeal is provided outside the time limit in rule 19, including any extension of time directed under rule 4(3)(a) (power to extend time), the notice of appeal must include an application for such an extension of time and the reason why the notice of appeal was not provided in time.

(2) If, upon receipt of a notice of appeal, the notice appears to the Tribunal to have been provided outside the time limit but does not include an application for an extension of time, the Tribunal must (unless it extends time of its own initiative) notify the person in writing that it proposes to treat the notice of appeal as being out of time.

(3) Where the Tribunal gives notification under paragraph (2), the person may by written notice to the Tribunal contend that--

(a) the notice of appeal was given in time; or

(b) time for providing the notice of appeal should be extended,

and, if so, that person may provide the Tribunal with written evidence in support of that contention.

(4) The Tribunal must decide any issue under this rule as to whether a notice of appeal was given in time, or whether to extend the time for appealing, as a preliminary issue, and may do so without a hearing.

(5) Where the Tribunal makes a decision under this rule it must provide to the parties written notice of its decision, including its reasons.

21 Special provision for imminent removal cases (late notice of appeal)

(1) This rule applies in any case to which rule 20 applies, where the respondent notifies the Tribunal that directions have been given for the removal of that person from the United Kingdom on a date within 5 days of the date on which the notice of appeal was received.

(2) The Tribunal must, if reasonably practicable, make any decision under rule 20 before the date and time proposed for the removal.

(3) Rule 20 shall apply, subject to the modifications that the Tribunal may--

(a) give notification under rule 20(2) orally, which may include giving it by telephone,

(b) direct a time for providing evidence under rule 20(3), and

(c) direct that evidence in support of a contention under rule 20(3) is to be given orally, which may include requiring the evidence to be given by telephone, and hold a hearing for the purpose of receiving such evidence.

22 Circumstances in which the Tribunal may not accept a notice of appeal

(1) Where a person has provided a notice of appeal to the Tribunal and any of the circumstances in paragraph (2) apply, the Tribunal may not accept the notice of appeal.

(2) The circumstances referred to in paragraph (1) are that--

(a) there is no appealable decision; or

(b) the Lord Chancellor has refused to issue a certificate of fee satisfaction.

(3) Where the Tribunal does not accept a notice of appeal, it must--

(a) notify the person providing the notice of appeal and the respondent; and

(b) take no further action on that notice of appeal.

23 Response: entry clearance cases

(1) This rule applies to an appeal against a refusal of entry clearance or a refusal of an EEA family permit (which has the meaning given in regulation 2(1) of the 2006 Regulations).

(2) When a respondent is provided with a copy of a notice of appeal from a refusal of entry clearance or a refusal of an EEA family permit, the respondent must provide the Tribunal with--

(a) the notice of the decision to which the notice of appeal relates and any other document the respondent provided to the appellant giving reasons for that decision;

(c) any statement of evidence or application form completed by the appellant;

(d) any record of an interview with the appellant in relation to the decision being appealed;

(e) any other unpublished document which is referred to in a document mentioned in sub-paragraph (a) or relied upon by the respondent;

(f) the notice of any other appealable decision made in relation to the appellant; and

(g) any documents provided to the respondent in support of the original application.

(3) The respondent must send to the Tribunal and the other parties the documents listed in paragraph (2) within 28 days of the date on which the respondent received from the Tribunal a copy of the notice of appeal and any accompanying documents or information provided under rule 19(6).

24 Response: other cases

(1) Except in appeals to which rule 23 applies, when a respondent is provided with a copy of a notice of appeal, the respondent must provide the Tribunal with--

(a) the notice of the decision to which the notice of appeal relates and any other document the respondent provided to the appellant giving reasons for that decision;

(b) any statement of evidence or application form completed by the appellant;

(c) any record of an interview with the appellant in relation to the decision being appealed;

(d) any other unpublished document which is referred to in a document mentioned in sub-paragraph (a) or relied upon by the respondent;

(e) the notice of any other appealable decision made in relation to the appellant; and

(f) any documents provided to the respondent in support of the original application.

(3) The documents listed in paragraph (1) must be provided in writing within 28 days of the date on which the Tribunal sent to the respondent a copy of the notice of appeal and any accompanying documents or information provided under rule 19(6).

24A. Further steps

(1) If the appellant is represented, upon the respondent complying with rule 23(2) or rule 24(1), as the case may be, the appellant must provide the Tribunal with—

(a) an appeal skeleton argument which complies with any relevant practice direction; and

(b) copies of the evidence relied upon in the appeal skeleton argument, insofar as that evidence is not already contained in the documents provided by the respondent under rule 23(2) or rule 24(1).

(2) The documents in paragraph (1) are to be provided to the Tribunal within 28 days after the respondent complies with rule 23(2) or rule 24(1), as the case may be, or within 42 days after the notice of appeal is provided to the Tribunal, whichever is later.

(3) The respondent must no later than 14 days after compliance with paragraph (1) provide to the Tribunal and the appellant a written statement which complies with any relevant practice direction, of whether the respondent opposes all or part of the appellant's case and if so the grounds for such opposition.

(4) A practice direction may disapply the requirement in paragraph (1) in a specified category of case.

Chapter 2
Hearings

25 Consideration of decision with or without a hearing

(1) The Tribunal must hold a hearing before making a decision which disposes of proceedings except where--

(a) each party has consented to, or has not objected to, the matter being decided without a hearing;

(b) the appellant has not consented to the appeal being determined without a hearing but the Lord Chancellor has refused to issue a certificate of fee satisfaction for the fee payable for a hearing;

(c) the appellant is outside the United Kingdom and does not have a representative who has an address for service in the United Kingdom;

(d) it is impracticable to give the appellant notice of the hearing;

(e) a party has failed to comply with a provision of these Rules, a practice direction or a direction and the Tribunal is satisfied that in all the circumstances, including the extent of the failure and any reasons for it, it is appropriate to determine the appeal without a hearing;

(f) the appeal is one to which rule 16(2) or 18(2) applies; or

(g) subject to paragraph (2), the Tribunal considers that it can justly determine the matter without a hearing.

(2) Where paragraph (1)(g) applies, the Tribunal must not make the decision without a hearing without first giving the parties notice of its intention to do so, and an opportunity to make written representations as to whether there should be a hearing.

(3) This rule does not apply to decisions under Part 4 or Part 5.

26 Notice of hearings

The Tribunal must give each party entitled to attend a hearing reasonable notice of the time and place of the hearing (including any adjourned or postponed hearing) and any changes to the time and place of the hearing.

27 Public and private hearings

(1) Subject to the following paragraphs and to section 108 of the 2002 Act, all hearings must be held in public.

(2) The Tribunal may give a direction that a hearing, or part of it, is to be held in private.

(3) Where a hearing, or part of it, is to be held in private, the Tribunal may determine who is permitted to attend the hearing or part of it.

(4) The Tribunal may give a direction excluding from any hearing, or part of it--

(a) any person whose conduct the Tribunal considers is disrupting or is likely to disrupt the hearing;

(b) any person whose presence the Tribunal considers is likely to prevent another person from giving evidence or making submissions freely;

(c) any person who the Tribunal considers should be excluded in order to give effect to a direction under rule 13(2) (withholding a document or information likely to cause serious harm); or

(d) any person where the purpose of the hearing would be defeated by the attendance of that person.

(5) The Tribunal may give a direction excluding a witness from a hearing until that witness gives evidence.

28 Hearing in a party's absence

If a party fails to attend a hearing the Tribunal may proceed with the hearing if the Tribunal--

(a) is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and

(b) considers that it is in the interests of justice to proceed with the hearing.

Chapter 3
Decisions

29 Decisions and notice of decisions

(1) The Tribunal may give a decision orally at a hearing.

(2) Subject to rule 13(2) (withholding information likely to cause serious harm), the Tribunal must provide to each party as soon as reasonably practicable after making a decision (other than a decision under Part 4) which disposes of the proceedings--

(a) a notice of decision stating the Tribunal's decision; and

(b) notification of any right of appeal against the decision and the time within which, and the manner in which, such right of appeal may be exercised.

(3) Where the decision of the Tribunal relates to--

(a) an asylum claim or a humanitarian protection claim, the Tribunal must provide, with the notice of decision in paragraph (2)(a), written reasons for its decision;

(b) any other matter, the Tribunal may provide written reasons for its decision but, if it does not do so, must notify the parties of the right to apply for a written statement of reasons.

(4) Unless the Tribunal has already provided a written statement of reasons, a party may make a written application to the Tribunal for such statement following a decision which disposes of the proceedings.

(5) An application under paragraph (4) must be received within 28 days of the date on which the Tribunal sent or otherwise provided to the party a notice of decision relating to the decision which disposes of the proceedings.

(6) If a party makes an application in accordance with paragraphs (4) and (5) the Tribunal must, subject to rule 13(2) (withholding a document or information likely to cause serious harm), send a written statement of reasons to each party as soon as reasonably practicable.

Part 4
Correcting, Setting Aside, Reviewing and Appealing Tribunal Decisions

30 Interpretation

In this Part--

"appeal" means the exercise of a right of appeal on a point of law under section 11 of the 2007 Act;

"review" means the review of a decision by the Tribunal under section 9 of the 2007 Act.

31 Clerical mistakes and accidental slips or omissions

The Tribunal may at any time correct any clerical mistake or other accidental slip or omission in a decision, direction or any document produced by it, by--

(a) providing notification of the amended decision or direction, or a copy of the amended document, to all parties; and

(b) making any necessary amendment to any information published in relation to the decision, direction or document.

32 Setting aside a decision which disposes of proceedings

(1) The Tribunal may set aside a decision which disposes of proceedings, or part of such a decision, and re-make the decision, or the relevant part of it, if--

(a) the Tribunal considers that it is in the interests of justice to do so; and

(b) one or more of the conditions in paragraph (2) are satisfied.

(2) The conditions are--

(a) a document relating to the proceedings was not provided to, or was not received at an appropriate time by, a party or a party's representative;

(b) a document relating to the proceedings was not provided to the Tribunal at an appropriate time;

(c) a party, or a party's representative, was not present at a hearing related to the proceedings; or

(d) there has been some other procedural irregularity in the proceedings.

(3) An application for a decision, or part of a decision, to be set aside under paragraph (1) must be made--

(a) if the appellant is outside the United Kingdom, within 28 days; or

(b) in any other case, within 14 days,

of the date on which the party was sent the notice of decision.

33 Application for permission to appeal to the Upper Tribunal

(1) A party seeking permission to appeal to the Upper Tribunal must make a written application to the Tribunal for permission to appeal.

(2) Subject to paragraph (3), an application under paragraph (1) must be ~~provided~~ sent to the Tribunal so that it is received no later than 14 days after the date on which the party making the application was sent the written reasons for the decision.

(3) Where an appellant is outside the United Kingdom, an application to the Tribunal under paragraph (1) must be sent to the Tribunal so that it is received no later than 28 days after the date on which the party making the application was sent the written reasons for the decision.

(4) The time within which a party may apply for permission to appeal against an amended notice of decision runs from the date on which the party is sent the amended notice of decision.

(5) An application under paragraph (1) must--

(a) identify the decision of the Tribunal to which it relates;

(b) identify the alleged error or errors of law in the decision; and

(c) state the result the party making the application is seeking and include any application for an extension of time and the reasons why such an extension should be given.

(6) If a person makes an application under paragraph (1) when the Tribunal has not given a written statement of reasons for its decision--

(a) the Tribunal must, if no application for a written statement of reasons has been made, treat the application for permission as such an application; and

(b) may--

(i) direct under rule 36 that the application is not to be treated as an application for permission to appeal; or

(ii) determine the application for permission to appeal.

(7) If an application for a written statement of reasons has been, or is, refused because the application was received out of time or the application for permission was received out of time, the Tribunal must only admit the application for permission if the Tribunal considers that it is in the interests of justice to do so.

34 Tribunal's consideration of an application for permission to appeal to the Upper Tribunal

(1) On receiving an application for permission to appeal the Tribunal must first consider whether to review the decision in accordance with rule 35.

(2) If the Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision, or part of it, the Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.

(3) The Tribunal must send a record of its decision to the parties as soon as practicable.

(4) If the Tribunal refuses permission to appeal it must send with the record of its decision--

(a) a statement of its reasons for such refusal; and

(b) notification of the right to make an application to the Upper Tribunal for permission to appeal and the time within which, and the manner in which, such application must be made.

(5) The Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.

35 Review of a decision

(1) The Tribunal may only undertake a review of a decision--

(a) pursuant to rule 34 (review on an application for permission to appeal); and

(b) if it is satisfied that there was an error of law in the decision.

(2) The Tribunal must notify the parties in writing of the outcome of any review, and of any right of appeal in relation to the outcome.

(3) If the Tribunal takes any action in relation to a decision following a review without first giving every party an opportunity to make representations--

(a) the notice under paragraph (2) must state that any party that did not have an opportunity to make representations may apply for such action to be set aside; and

(b) the Tribunal may regard the review as incomplete and act accordingly.

36 Power to treat an application as a different type of application

The Tribunal may treat an application for a decision to be corrected, set aside or reviewed, or for permission to appeal against a decision, as an application for any other one of those things.

Part 5
Bail

37 Scope of this Part and interpretation

(1) This Part applies to bail proceedings, meaning bail applications and any matter relating to bail which the Tribunal is considering on its own initiative.

-(2) In this Part--

"the 2016 Act" means the Immigration Act 2016;

"bail application" includes a reference to the Tribunal under paragraph 11 of Schedule 10 to the 2016 Act;

"bail party" means--

(a) a person released on bail or applying to the Tribunal to be released on bail; or

(b) a person in respect of whom a reference has been made to the Tribunal under paragraph 11 of Schedule 10 to the 2016 Act; and

"financial condition" has the meaning given in paragraph 5 of Schedule 10 to the 2016 Act.

(3) Except where paragraph (4) applies, the parties to bail proceedings are the bail party and the Secretary of State.

-(4) Where the proceedings concern payment of a sum under a financial condition, the parties are the Secretary of State, the bail party and any other person who is liable to make payment under the financial condition.

38 Bail applications

(1) A bail application must be made by sending or delivering to the Tribunal an application notice containing the information specified below.

(2) A bail application must specify whether it is for--

(a) the bail party to be released on bail;

(b) variation of bail conditions;

(c) …

(d) payment of a sum under a financial condition; or

(e) a reference for consideration under paragraph 11 of Schedule 10 to the 2016 Act

(3) Subject to paragraphs (4) and (4A), a bail application must contain the following details--

(a) the bail party's--

(i) full name;

(ii) date of birth; and

(iii) date of their most recent arrival in the United Kingdom;

(b) the address of any place where the bail party is detained;

(c) the address where the bail party will reside if the bail application is granted, or, if unable to give such an address, the reason why an address is not given;

(d) the terms of the financial condition to which the bail party is, or is proposed to be, subject;

(e) whether the bail party has a pending appeal to the Tribunal or any pending application for further appeal relating to such an appeal;

(f) the full name, address, date of birth and any occupation of any person other than the bail party who is, or is proposed to be, subject to a financial condition;

(g) where the bail party is aged 18 or over, whether the bail party will, if required, agree to co-operate with an electronic monitoring condition under paragraph 2 of Schedule 10 to the 2016 Act;

(h) the grounds on which the application is made and, where a previous application has been refused, when it was refused and, where the previous refusal took place less than 28 days before the application, details of any material change in circumstances since the refusal; and

(i) whether an interpreter will be required at the hearing, and in respect of what language and dialect.

(4) Where the application is for payment of a sum under a financial condition, paragraph (3) applies except for sub-paragraphs (a)(iii), (b), (c), (e) and (g) of that paragraph.

(4A) Where the application is a reference under paragraph 11 of Schedule 10 to the 2016 Act--

(a) paragraph (3) applies except for sub-paragraph (h); and

(b) the application must also contain--

(i) details of the provision or provisions under which the bail party is detained;

(ii) a copy of any previous Secretary of State decision on whether to grant bail; and

(iii) any documents relevant to (i) or (ii).

(5) An application made by the bail party must be signed by the bail party or their representative.

(6) On receipt of a bail application, the Tribunal must record the date on which it was received and provide a copy of the application as soon as reasonably practicable to--

(a) the Secretary of State, the bail party and any other person subject to a financial condition, in the case of an application to vary a financial condition;

(b) the bail party, in the case of a reference under paragraph 11 of Schedule 10 to the 2016 Act; and

(c) the Secretary of State, in the case of other bail applications.

39 Bail hearings

(1) Subject to paragraph (3), where a bail application is for the bail party to be released on bail or is a reference under paragraph 11 of Schedule 10, the Tribunal must, as soon as reasonably practicable, hold a hearing of the application.

(2) In all other bail proceedings, the Tribunal may determine the matter without a hearing if it considers it can justly do so.

(3) Where an application for release on bail is received by the Tribunal within 28 days after a Tribunal decision made at a hearing under paragraph (1) not to release the bail party on bail, the Tribunal--

(a) must determine whether the bail party has demonstrated that there has been a material change in circumstances since the decision;

(b) if the Tribunal so determines, must apply paragraph (1);

(c) otherwise, must dismiss the application without a hearing.

40 Response to a bail application

(1) If the Secretary of State opposes a bail application, the Secretary of State must provide the Tribunal and the bail party with a written statement of the reasons for doing so--

(a) not later than 2.00 pm on the working day before the hearing; or

(b) if the Secretary of State was provided with notice of the hearing less than 24 hours before that time, as soon as reasonably practicable.

(2) Where the Secretary of State's reasons for opposition include that directions are in force for the removal of the bail party from the United Kingdom, the Secretary of State must provide a copy of the notice of those directions.

(3) If the bail party intends to respond to a reference under paragraph 11 of Schedule 10 to the 2016 Act, the bail party must provide the Tribunal and the Secretary of State with a written statement--

(a) not later than 2.00 pm on the working day before the hearing; or

(b) if the bail party was provided with notice of the hearing less than 24 hours before that time, as soon as reasonably practicable.

41 Decision in bail proceedings

(1) The Tribunal must provide written notice of its decision to--

(a) the parties; and

(b) if the bail application is for the bail party to be released on bail, the person having custody of the bail party.

(2) Where bail is granted or varied, the notice must state--

(a) when the grant of bail commences;

(b) any bail conditions, including any amounts payable under a financial condition; and

(c) the information required under rule 42.

(3) Where bail is refused or where the Tribunal orders payment of a sum under a financial condition, the notice must include reasons for the decision.

(4) …

(5) Paragraph (6) applies where the Tribunal determines that directions for the removal of the bail party from the United Kingdom are for the time being in force and the directions require the bail party to be removed from the United Kingdom within 14 days of the date of the decision to release the bail party on bail or under paragraph (4).

(6) The notice provided under paragraph (1) must state--

(a) the determination of the Tribunal under paragraph (5);

(b) whether the Secretary of State has consented to the release of the bail party;

(c) where the Secretary of State has not consented to that release, that the bail party must therefore not be released on bail.

41A Power to vary bail conditions

(1) Subject to paragraph (2), where bail is granted by the Tribunal, the Tribunal may direct that the Secretary of State has the power to amend or remove bail conditions or impose new bail conditions.

(2) The Tribunal may not give a direction under paragraph (1) without first giving the bail party and any other person subject to a financial condition an opportunity to make representations.

(3) Where the Tribunal has made a direction under paragraph (1), it may not amend or remove bail conditions or impose new bail conditions in relation to the bail party.

42 Recognizances 42 Financial conditions

(1) Any financial condition must be in writing and must state--

(a) the bail conditions, including the sum of money to be paid under the financial condition;

(b) when it is to be paid;

(c) the form and manner in which it is to be paid; and

(d) that the bail party, and any other person who is liable to make payment under it, understand the bail conditions and that, if the bail party fails to comply with those conditions, they may be liable to make payment under it.

(2) The financial condition must be signed by the bail party and any other person who is liable to make payment under it and provided to the Tribunal, and a copy provided to--

(a) the parties, and

(b) any person having custody of the bail party.

43 Release of bail party

The person having custody of the bail party must release the bail party upon--

(a) being provided with a notice of decision to grant bail; or
(b) being provided with a notice of decision fixing the amount and conditions of the bail.

Tribunal Procedure (Upper Tribunal) Rules 2008 (extract)

Rules 2, 5(1)-(3), 6, 12, 13, 15, 17-17A, 21, 24, 25, 36A, 44-46 only

Tribunal Procedure (Upper Tribunal) Rules 2008

PART 1 INTRODUCTION
2 Overriding objective and parties' obligation to co-operate with the Upper Tribunal

PART 2 GENERAL POWERS AND PROVISIONS
5 Case management powers
6 Procedure for applying for and giving directions
7 Failure to comply with rules etc
10 Orders for costs
12 Calculating time
13 Sending and delivery of documents
15 Evidence and submissions
17 Withdrawal
17A Appeal treated as abandoned or finally determined in an asylum case or an immigration case

PART 3 PROCEDURE FOR CASES IN THE UPPER TRIBUNAL
21 Application to the Upper Tribunal for permission to appeal
22 Decision in relation to permission to appeal
23 Notice of appeal
24 Response to the notice of appeal
25 Appellant's reply

PART 5 HEARINGS
34 Decision with or without a hearing
35 Entitlement to attend a hearing
36 Notice of hearings

38 Hearings in a party's absence

PART 6 DECISIONS
39 Consent orders
40 Decisions
40A . . .

PART 7 CORRECTING, SETTING ASIDE, REVIEWING AND APPEALING DECISIONS OF THE UPPER TRIBUNAL
41 Interpretation
42 Clerical mistakes and accidental slips or omissions
43 Setting aside a decision which disposes of proceedings
44 Application for permission to appeal
45 Upper Tribunal's consideration of application for permission to appeal
46 Review of a decision

2. Overriding objective and parties' obligation to co-operate with the Upper Tribunal

(1) The overriding objective of these Rules is to enable the Upper Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

(a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties;

(b) avoiding unnecessary formality and seeking flexibility in the proceedings;

(c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;

(d) using any special expertise of the Upper Tribunal effectively; and

(e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Upper Tribunal must seek to give effect to the overriding objective when it—

(a) exercises any power under these Rules; or

(b) interprets any rule or practice direction.

(4) Parties must—

(a) help the Upper Tribunal to further the overriding objective; and

(b) co-operate with the Upper Tribunal generally.

5.— Case management powers

(1) Subject to the provisions of the 2007 Act and any other enactment, the Upper Tribunal may regulate its own procedure.

(2) The Upper Tribunal may give a direction in relation to the conduct or disposal of proceedings at any time, including a direction amending, suspending or setting aside an earlier direction.

(3) In particular, and without restricting the general powers in paragraphs (1) and (2), the Upper Tribunal may—

(a) extend or shorten the time for complying with any rule, practice direction or direction;

(b) consolidate or hear together two or more sets of proceedings or parts of proceedings raising common issues, or treat a case as a lead case;

(c) permit or require a party to amend a document;

(d) permit or require a party or another person to provide documents, information, evidence or submissions to the Upper Tribunal or a party;

(e) deal with an issue in the proceedings as a preliminary issue;

(f) hold a hearing to consider any matter, including a case management issue;

(g) decide the form of any hearing;

(h) adjourn or postpone a hearing;

(i) require a party to produce a bundle for a hearing;

(j) stay (or, in Scotland, sist) proceedings;

(k) transfer proceedings to another court or tribunal if that other court or tribunal has jurisdiction in relation to the proceedings and—

(i) because of a change of circumstances since the proceedings were started, the Upper Tribunal no longer has jurisdiction in relation to the proceedings; or

(ii) the Upper Tribunal considers that the other court or tribunal is a more appropriate forum for the determination of the case;

(l) suspend the effect of its own decision pending an appeal or review of that decision;

(m) in an appeal, or an application for permission to appeal, against the decision of another tribunal, suspend the effect of that decision pending the determination of the application for permission to appeal, and any appeal;

(n) require any person, body or other tribunal whose decision is the subject of proceedings

before the Upper Tribunal to provide reasons for the decision, or other information or documents in relation to the decision or any proceedings before that person, body or tribunal.

…

6. Procedure for applying for and giving directions

(1) The Upper Tribunal may give a direction on the application of one or more of the parties or on its own initiative.

(2) An application for a direction may be made—

(a) by sending or delivering a written application to the Upper Tribunal; or

(b) orally during the course of a hearing.

(3) An application for a direction must include the reason for making that application.

(4) Unless the Upper Tribunal considers that there is good reason not to do so, the Upper Tribunal must send written notice of any direction to every party and to any other person affected by the direction.

(5) If a party or any other person sent notice of the direction under paragraph (4) wishes to challenge a direction which the Upper Tribunal has given, they may do so by applying for another direction which amends, suspends or sets aside the first direction.

12.— Calculating time

(1) An act required by these Rules, a practice direction or a direction to be done on or by a particular day must be done by 5pm on that day.

(2) If the time specified by these Rules, a practice direction or a direction for doing any act ends on a day other than a working day, the act is done in time if it is done on the next working day.

(3) In a special educational needs case or a disability discrimination in schools case, the following days must not be counted when calculating the time by which an act must be done—

(a) 25th December to 1st January inclusive; and

(b) any day in August.

(3A) In an asylum case or an immigration case, when calculating the time by which an act must be done, in addition to the days specified in the definition of “working days” in rule 1(interpretation), the following days must also not be counted as working days—

(a) 27th to 31st December inclusive;

(4) Paragraph (3) or (3A) does not apply where the Upper Tribunal directs that an act must be done by or on a specified date.

…

13. Sending and delivery of documents

(1) Subject to paragraph (1A), any any document to be provided to the Upper Tribunal under these Rules, a practice direction or a direction must be--

(a) sent by pre-paid post or by document exchange, or delivered by hand, to the address specified for the proceedings;

(b) sent by fax to the number specified for the proceedings;

(ba) uploaded to the Upper Tribunal's secure portal; or

(c) sent or delivered by such other method as the Upper Tribunal may permit or direct.

(1A) A practice direction may specify for any document subject to paragraph (1)—

(a) the requirements that must be fulfilled for it to be uploaded to the Upper Tribunal's secure portal; and

(b) for any specified category of party in any specified category of case, that it must be so uploaded to the Upper Tribunal's secure portal.

(2) Subject to paragraphs (2A) and (3), if a party provides a fax number, email address or other details for the electronic transmission of documents to them, (including transmission through the Upper Tribunal's secure portal) that party must accept delivery of documents by that method.

(2A) A party is required to accept delivery of documents through the Upper Tribunal's secure portal only if the document is sent through that portal to that party by the Upper Tribunal.

(3) If a party informs the Upper Tribunal and all other parties that a particular form of communication, other than pre-paid post or delivery by hand, should not be used to provide documents to that party, that form of communication must not be so used.

(4) If the Upper Tribunal or a party sends a document to a party or the Upper Tribunal by email or any other electronic means of communication, (including transmission through the Upper Tribunal's secure portal) the recipient may request that the sender provide a hard copy of the document to the recipient. The recipient must make such a request as soon as reasonably practicable after receiving the document electronically.

(5) The Upper Tribunal and each party may assume that the address provided by a party or its representative is and remains the address to which documents should be sent or delivered until receiving written notification to the contrary.

(6) Subject to paragraph (7), if a document submitted to the Upper Tribunal is not written in English, it must be accompanied by an English translation.

(7) In proceedings that are in Wales or have a connection with Wales, a document or translation may be submitted to the Upper Tribunal in Welsh.

(8) In judicial review proceedings, unless the contrary is proved, a document sent by first class post will be deemed to be provided or received on the second working day after it was posted.

15. Evidence and submissions

(1) Without restriction on the general powers in rule 5(1) and (2) (case management powers), the Upper Tribunal may give directions as to--

(a) issues on which it requires evidence or submissions;

(b) the nature of the evidence or submissions it requires;

(c) whether the parties are permitted or required to provide expert evidence, and if so whether the parties must jointly appoint a single expert to provide such evidence;

(d) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally;

(e) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given--

(i) orally at a hearing; or

(ii) by written submissions or witness statement; and

(f) the time at which any evidence or submissions are to be provided.

(2) The Upper Tribunal may--

(a) admit evidence whether or not--

(i) the evidence would be admissible in a civil trial in the United Kingdom; or

(ii) the evidence was available to a previous decision maker; or

(b) exclude evidence that would otherwise be admissible where--

(i) the evidence was not provided within the time allowed by a direction or a practice direction;

(ii) the evidence was otherwise provided in a manner that did not comply with a direction or a practice direction; or

(iii) it would otherwise be unfair to admit the evidence.

(2A) In an asylum case or an immigration case--

(a) if a party wishes the Upper Tribunal to consider evidence that was not before the First-tier Tribunal, that party must send or deliver a notice to the Upper Tribunal and any other party--

(i) indicating the nature of the evidence; and

(ii) explaining why it was not submitted to the First-tier Tribunal; and

(b) when considering whether to admit evidence that was not before the First-tier Tribunal, the Upper Tribunal must have regard to whether there has been unreasonable delay in producing that evidence.

(3) The Upper Tribunal may consent to a witness giving, or require any witness to give, evidence on oath, and may administer an oath for that purpose.

17. Withdrawal

(1) Subject to paragraph (2), a party may give notice of the withdrawal of its case, or any part of it--

(a) . . . by sending or delivering to the Upper Tribunal a written notice of withdrawal; or

(b) orally at a hearing.

(2) Notice of withdrawal will not take effect unless the Upper Tribunal consents to the withdrawal except in relation to an application for permission to appeal.

(3) A party which has withdrawn its case may apply to the Upper Tribunal for the case to be reinstated.

(4) An application under paragraph (3) must be made in writing and be received by the Upper Tribunal within 1 month after--

(a) the date on which the Upper Tribunal received the notice under paragraph (1)(a); or

(b) the date of the hearing at which the case was withdrawn orally under paragraph (1)(b).

(5) The Upper Tribunal must notify each party in writing that a withdrawal has taken effect under this rule.

(6) Paragraph (3) does not apply to a financial services case other than a reference against a penalty.

17A. Appeal treated as abandoned or finally determined in an asylum case or an immigration case

(1) A party to an asylum case or an immigration case before the Upper Tribunal must notify the Upper Tribunal if they are aware that—

(a) the appellant has left the United Kingdom;

(b) the appellant has been granted leave to enter or remain in the United Kingdom;

(c) a deportation order has been made against the appellant; or

(d) a document listed in paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006 has been issued to the appellant.

(1A) A party to an appeal under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 ("the 2020 Regulations") before the Upper Tribunal must also notify the Upper Tribunal if they are aware

that the appeal is to be treated as abandoned under regulation 13 of those Regulations.

(2) Where an appeal is treated as abandoned pursuant to section 92(8), 104(4) or (4A) of the Nationality, Immigration and Asylum Act 2002 or paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006 or regulation 13(3) of the 2020 Regulations, or as finally determined pursuant to section 104(5) of the Nationality, Immigration and Asylum Act 2002, the Upper Tribunal must send the parties a notice informing them that the appeal is being treated as abandoned or finally determined.

(3) Where an appeal would otherwise fall to be treated as abandoned pursuant to section 104(4A) of the Nationality, Immigration and Asylum Act 2002 or regulation 13(3) of the 2020 Regulations, but the appellant wishes to pursue their appeal, the appellant must send or deliver a notice, which must comply with any relevant practice directions, to the Upper Tribunal and the respondent so that it is received within thirty days of the date on which the notice of the grant of leave to enter or remain in the United Kingdom was sent to the appellant.

(4) Where a notice of grant of leave to enter or remain is sent electronically or delivered personally, the time limit in paragraph (3) is twenty eight days.

(5) Notwithstanding rule 5(3)(a) (case management powers) and rule 7(2) (failure to comply with rules etc.), the Upper Tribunal must not extend the time limits in paragraph (3) and (4).

21. Application to the Upper Tribunal for permission to appeal

(1) . . .

(1A) This rule does not apply to an application for permission to appeal to the Upper Tribunal if such application is made under rule 24 (response to notice of appeal).

(2) A person may apply to the Upper Tribunal for permission to appeal to the Upper Tribunal against a decision of another tribunal only if--

(a) they have made an application for permission to appeal to the tribunal which made the decision challenged; and

(b) that application has been refused or has not been admitted or has been granted only on limited grounds.

(3) An application for permission to appeal must be made in writing and received by the Upper Tribunal no later than--

(a) in the case of an application under section 4 of the Safeguarding Vulnerable Groups Act 2006, 3 months after the date on which written notice of the decision being challenged was sent to the appellant;

(aa) in an asylum case or an immigration case where the appellant is in the United Kingdom at the time that the application is made, 14 days after the date on which notice of the First-tier Tribunal's refusal of permission was sent to the appellant; or

(b) otherwise, a month after the date on which the tribunal that made the decision under challenge sent notice of its refusal of permission to appeal, or refusal to admit the application for permission to appeal, to the appellant.

(3A) . . .

(4) The application must state--

(a) the name and address of the appellant;

(b) the name and address of the representative (if any) of the appellant;

(c) an address where documents for the appellant may be sent or delivered;

(d) details (including the full reference) of the decision challenged;

(e) the grounds on which the appellant relies; and

(f) whether the appellant wants the application to be dealt with at a hearing.

(5) The appellant must provide with the application a copy of--

(a) any written record of the decision being challenged;

(b) any separate written statement of reasons for that decision; and

(c) if the application is for permission to appeal against a decision of another tribunal, the notice of refusal of permission to appeal, or notice of refusal to admit the application for permission to appeal, from that other tribunal.

(6) If the appellant provides the application to the Upper Tribunal later than the time required by paragraph (3) or by an extension of time allowed under rule 5(3)(a) (power to extend time)--

(a) the application must include a request for an extension of time and the reason why the application was not provided in time; and

(b) unless the Upper Tribunal extends time for the application under rule 5(3)(a) (power to extend time) the Upper Tribunal must not admit the application.

(7) If the appellant makes an application to the Upper Tribunal for permission to appeal against the decision of another tribunal, and that other tribunal refused to admit the appellant's application for permission to appeal because the application for permission or for a written statement of reasons was not made in time--

(a) the application to the Upper Tribunal for permission to appeal must include the reason why the application to the other tribunal for permission to appeal or for a written statement of reasons, as the case may be, was not made in time; and

(b) the Upper Tribunal must only admit the application if the Upper Tribunal considers that it is in the interests of justice for it to do so.

(8) In this rule, a reference to notice of a refusal of permission to appeal is to be taken to include a reference to notice of a grant of permission to appeal on limited grounds.

24. Response to the notice of appeal

(1) This rule and rule 25 do not apply to--

(a) a road transport case, in respect of which Schedule 1 makes alternative provision; or

(b) a financial sanctions case in respect of which Schedule 4 makes alternative provision.

(1A) Subject to any direction given by the Upper Tribunal, a respondent may, and if paragraph (1B) applies must, provide a response to a notice of appeal.

(1B) In the case of an appeal against the decision of another tribunal, a respondent must provide a response to a notice of appeal if the respondent—

(a) wishes the Upper Tribunal to uphold the decision for reasons other than those given by the tribunal; or

(b) relies on any grounds on which the respondent was unsuccessful in the proceedings which are the subject of the appeal.

(1C) If paragraph (1B) applies, to the extent that the respondent needs any permission, including permission to appeal to the Upper Tribunal, the response must include an application to the Upper Tribunal for such permission.

(2) Any response provided under paragraph (1A) must be in writing and must be sent or delivered to the Upper Tribunal so that it is received--

(a) if an application for permission to appeal stands as the notice of appeal, no later than one month after the date on which the respondent was sent notice that permission to appeal had

been granted;

(ab) in a quality contracts scheme case, no later than 1 month after the date on which a copy of the notice of appeal is sent to the respondent; or

(b) in any other case, no later than 1 month after the date on which the Upper Tribunal sent a copy of the notice of appeal to the respondent.

(3) The response must state--

(a) the name and address of the respondent;

(b) the name and address of the representative (if any) of the respondent;

(c) an address where documents for the respondent may be sent or delivered;

(d) whether the respondent opposes the appeal;

(e) the grounds

(i) to uphold the decision for reasons other than those given by the tribunal; or

(ii)on which the respondent was unsuccessful in the proceedings which are the subject of the appeal;

(ea) the reasons why any permission applied for under paragraph (1C) should be given; and

(f) whether the respondent wants the case to be dealt with at a hearing.

(4) If the respondent provides the response to the Upper Tribunal later than the time required by paragraph (2) or by an extension of time allowed under rule 5(3)(a) (power to extend time), the response must include a request for an extension of time and the reason why the response was not provided in time.

(5) When the Upper Tribunal receives the response it must send a copy of the response and any accompanying documents to the appellant and each other party.

25. Appellant's reply

(1) Subject to any direction given by the Upper Tribunal, the appellant may provide a reply to any response provided under rule 24 (response to the notice of appeal).

(2) Subject to paragraph (2A), any reply provided under paragraph (1) must be in writing and must be sent or delivered to the Upper Tribunal so that it is received within one month after the date on which the Upper Tribunal sent a copy of the response to the appellant.

(2A) In an asylum case or an immigration case, the time limit in paragraph (2) is one month after the date on which the Upper Tribunal sent a copy of the response to the appellant, or five days before the hearing of the appeal, whichever is the earlier.

(3) When the Upper Tribunal receives the reply it must send a copy of the reply and any accompanying documents to each respondent.

36. Notice of hearings

(1) The Upper Tribunal must give each party entitled to attend a hearing reasonable notice of the time and place of the hearing (including any adjourned or postponed hearing) and any change to the time and place of the hearing.

(2) The period of notice under paragraph (1) must be at least 14 days except that—

(a) in applications for permission to bring judicial review proceedings, the period of notice must be at least 2 working days; and

(b) the Upper Tribunal may give shorter notice—

(i) with the parties' consent; or

(ii) in urgent or exceptional cases.

44. Application for permission to appeal

(1) Subject to paragraph (4A) and 4B, a person seeking permission to appeal must make a written application to the Upper Tribunal for permission to appeal.

…

(3A) An application under paragraph (1) in respect of a decision in an asylum case or an immigration case must be sent or delivered to the Upper Tribunal so that it is received within the appropriate period after the Upper Tribunal or, as the case may be in an asylum case, the Secretary of State for the Home Department, sent any of the documents in paragraph (3) to the party making the application.

(3B) The appropriate period referred to in paragraph (3A) is as follows—

(a) where the person who appealed to the First-tier Tribunal is in the United Kingdom at the time that the application is made—

(i) twelve working days ; or

(ii) if the party making the application is in detention under the Immigration Acts, seven working days; and

(b) where the person who appealed to the First-tier Tribunal is outside the United Kingdom at the time that the application is made, thirty eight days.

(3C) Where a notice of decision is sent electronically or delivered personally, the time limits in paragraph (3B) are—

(a) in sub-paragraph (a)(i), ten working days;

(b) in sub-paragraph (a)(ii), five working days; and

(c) in sub-paragraph (b), ten working days.

…

(4A) Where a decision that disposes of immigration judicial review proceedings is given at a hearing, a party may apply at that hearing for permission to appeal, and the Upper Tribunal must consider at the hearing whether to give or refuse permission to appeal.

(4B) Where a decision that disposes of immigration judicial review proceedings is given at a hearing and no application for permission to appeal is made at that hearing--

(a) the Upper Tribunal must nonetheless consider at the hearing whether to give or refuse permission to appeal; and

(b) if permission to appeal is given to a party, it shall be deemed for the purposes of section 13(4) of the 2007 Act to be given on application by that party.

(4C) Where a decision that disposes of immigration judicial review proceedings is given pursuant to rule 30 and the Upper Tribunal records under rule 30(4A) that the application is totally without merit, an application under paragraph (1) must be sent or delivered to the Upper Tribunal so that it is received within 7 days after the later of the dates on which the Upper Tribunal sent to the applicant--

(a) written reasons for the decision; or

(b) notification of amended reasons for, or correction of, the decision following a review.

(5) The date in paragraph (3)(c) or (4)(c) applies only if the application for the decision to be set aside was made within the time stipulated in rule 43 (setting aside a decision which disposes of proceedings) or any extension of that time granted by the Upper Tribunal.

(6) If the person seeking permission to appeal provides the application to the Upper Tribunal later than

the time required by paragraph (3) , (3A) [10], (3D) [11] or (4), or by any extension of time under rule 5(3)(a) (power to extend time)—

(a) the application must include a request for an extension of time and the reason why the application notice was not provided in time; and

(b) unless the Upper Tribunal extends time for the application under rule 5(3)(a) (power to extend time) the Upper Tribunal must refuse the application.

(7) An application under paragraph (1) or (4A)(a) must—

(a) identify the decision of the Tribunal to which it relates;

(b) identify the alleged error or errors of law in the decision; and

(c) state the result the party making the application is seeking.

45 Upper Tribunal's consideration of application for permission to appeal

(1) On receiving an application for permission to appeal the Upper Tribunal may review the decision in accordance with rule 46 (review of a decision), but may only do so if--

(a) when making the decision the Upper Tribunal overlooked a legislative provision or binding authority which could have had a material effect on the decision; or

(b) since the Upper Tribunal's decision, a court has made a decision which is binding on the Upper Tribunal and which, had it been made before the Upper Tribunal's decision, could have had a material effect on the decision.

(2) If the Upper Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision or part of it, the Upper Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.

(3) The Upper Tribunal must provide a record of its decision to the parties as soon as practicable.

(4) If the Upper Tribunal refuses permission to appeal it must provide with the record of its decision--

(a) a statement of its reasons for such refusal; and

(b) notification of the right to make an application to the relevant appellate court for permission to appeal and the time within which, and the method by which, such application must be made.

(5) The Upper Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.45. Upper Tribunal's consideration of application for permission to appeal

46. Review of a decision

(1) The Upper Tribunal may only undertake a review of a decision pursuant to rule 45(1) (review on an application for permission to appeal).

(2) The Upper Tribunal must notify the parties in writing of the outcome of any review and of any rights of review or appeal in relation to the outcome.

(3) If the Upper Tribunal decides to take any action in relation to a decision following a review without first giving every party an opportunity to make representations, the notice under paragraph (2) must state that any party that did not have an opportunity to make representations may apply for such action to be set aside and for the decision to be reviewed again

Practice Direction of the Immigration and Asylum Chamber of the First-tier Tribunal (Nov 2024)

Contents

Part 1: Guiding Principles

1. The issues based approach and procedural rigour

Part 2: The Appeals Process

2. Overview of the appeals process
3. Starting an appeal
4. Linked appeals and decisions without a hearing

Part 3: Appeal Progression, Evidence and Written Submissions

5. Case Management
6. Interim hearings
7. Bundles and review
8. Witness statements
9. Expert evidence
10. Country evidence

Part 4: The Substantive Hearing

11. The substantive hearing and the issues based approach
12. Adjournments
13. Child, vulnerable adult and sensitive witnesses
14. Record of proceedings

Part 5: Decisions and Reasons

15. Decisions and reasons: principles that apply to substantive and procedural decision making

Part 6: Miscellaneous

16. Reported and unreported decisions
17. Practice Statements by President

PART 1 GUIDING PRINCIPLES

1. The issues based approach and procedural rigour

1.1. The Overriding Objective of the Tribunal is that cases are dealt with fairly and justly. A thread that runs through the entirety of the appeals process in the Immigration and Asylum Chamber of the First-tier Tribunal (the "Tribunal") is the requirement that the parties identify, articulate, agree and then focus upon the principal controversial issues, or the disputed issues, thereby adopting an issues-based approach to the appeal[1]. This furthers all aspects of the Overriding Objective by:

(a) allowing appropriate resources, both of the Tribunal and the parties, to be allocated in proportion to the nature and extent of the issues in dispute;

(b) ensuring that the right people are enabled to participate in the case;

(c) avoiding unnecessary delay; and

(d) ensuring that both parties can fairly and proportionately present evidence and submissions relevant to the disputed issues.

[1] *Lata (FtT: principal controversial issues)* [2023] UKUT 00163 and *TC (PS compliance – "issues based" reasoning) Zimbabwe* [2023] UKUT 00012 (IAC)

1.2. The parties must ensure they conduct proceedings with procedural rigour. [2] The Tribunal will not overlook breaches of the requirements of the Procedure Rules[3], Practice Directions, Practice Statements and failures to comply with directions issued by the Tribunal.

1.3. The disputed issues represent the parameters, or scope, of the appeal and will operate as the foundation and structure for all judicial decisions. Subject to '*Robinson*[4] obvious' matters and the need for extra care when litigants in person are involved in proceedings, judges should not be expected to infer issues which have not been clearly identified and articulated by the parties. The Tribunal will not tolerate a rolling consideration of issues and will not permit the issues to evolve at will for procedural advantage.

1.4. This Practice Direction states important principles on the whole range of substantive and procedural decision-making, including the giving of written reasons. It must always be read and applied having regard to the particular nature of the decision in question and the particular circumstances in which that decision is made.

1.5. This Practice Direction applies to appellants without representatives in the same way as it does to parties represented by lawyers. However, the Tribunal recognises the difficulties faced by appellants who are preparing and presenting their own appeal. The Tribunal will ensure that they are treated fairly and enabled to explain their case. Judges should take account of the Equal Treatment Bench Book. The Bench Book provides guidance on a Tribunal's duty to litigants in person, who are referred to in this Practice Direction as appellants in person. Account will be taken of the particular needs of appellants in person when dealing with the management of the appeal and at the hearing.

1.6. References to maximum page numbers of bundles of documents referred to in this Practice Direction require the text to be in no less than size 12 font with 1.5 line spacing.

1.7. This Practice Direction does not apply to applications for immigration bail.

[2] *R (Spahiu) v Secretary of State for the Home Department* [2018] EWCA Civ 2604, [2019] 1WLR 1297, [2]; *R (Talpada) v Secretary of State for the Home Department* [2018] EWCA Civ 841, [67]; *R (Dolan) v Secretary of State for Health and Social Care* [2020] EWCA Civ 1605, [2021] 1 WLR 2326, [116]-[120]; and *R (AB) Chief Constable of Hampshire Constabulary* [2019] EWHC 3461 (Admin), [108].

[3] Tribunal Procedure (First-tier Tribunal)(Immigration and Asylum Chamber) Rules 2014 (as amended).

[4] *R v SSHD, Ex parte Robinson* [1997] 3 W.L.R. 1162.

PART 2

THE APPEAL PROCESS

2. Overview of the appeals process

2.1. The appeal process will normally involve:

(a) the appellant providing a notice of appeal in accordance with rules 19 to 21 of the Procedure Rules;

(b) the Tribunal reviewing the validity of the appeal and territorial jurisdiction;

(c) the respondent providing a bundle in accordance with rules 23 and 24 of the Procedure Rules; and

(d) the appellant being directed to provide a bundle and an explanation of their case or, where represented, a skeleton argument in accordance with rule 24A of the Procedure Rules;

(e) the respondent providing a meaningful review of the decision under appeal;

(f) a hearing before a judge;

(g) the judge making a decision, either at the hearing or in writing after the hearing, subject to rule 29; and

(h) where relevant, an application for permission to appeal to the Upper Tribunal.

2.2. The process may be modified or described differently for appellants in person but will generally involve similar steps to those set out above.

2.3. Each of these steps must be taken in accordance with the Procedure Rules, this Practice Direction and any specific directions given in the particular appeal.

2.4. Any case management function that has been delegated by the Senior President of Tribunals to a Legal Officer[5], in respect of which the President[6] has also given their authorisation, will normally be exercised by a Legal Officer, subject to the right of a party to apply for any decision made by a Legal Officer to be considered afresh by a judge under rule 3(4).

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[5] "Legal Officer" means a member of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 or section 2(1) of the Courts Act 2003 and designated as a Legal Officer by the President.

[6] "The President" means the President of the Immigration and Asylum Chamber of the First-tier Tribunal.

2.5. In exercising their powers, the overarching aim of Legal Officers is to progress cases to a point where a substantive decision can be made in the appeal compatibly with the Overriding Objective.

3. Starting an appeal

3.1. Appeals to the Tribunal filed by a legal representative must be started using the online procedure (accessed through MyHMCTS) unless it is not reasonably practicable to do so.

3.2. Appeals to the Tribunal by appellants in person may be started using the online procedure accessed through gov.uk. Alternatively, an appellant in person can start an appeal by completing and submitting the appropriate form available from the gov.uk website.

3.3. If an appeal has been started using the online procedure, any application for permission to appeal under rule 33 (application for permission to appeal) should also be made using MyHMCTS. In all other cases, the application for permission to appeal must be made by completing and submitting the appropriate form available from the gov.uk website.

3.4. If MyHMCTS is not used to start an appeal, the legal representative must clearly state why it is not reasonably practicable to do so. If the Tribunal agrees, the appellant may proceed without using MyHMCTS. In such a case, the notice of appeal must set out the grounds of appeal relied upon.

3.5. Where the Tribunal does not accept an appeal outside MyHMCTS from a legal representative, the appellant must provide the Tribunal with the following information when making any consequential application to extend the time for bringing an online appeal:

(a) the date when the appeal outside MyHMCTS was provided and its appeal number; and

(b) the date when the Tribunal declined to accept it.

3.6. Upon receipt of a notice of appeal the Tribunal will take steps in the order in which they appear below:

(a) decide which territorial jurisdiction (England and Wales, Scotland or Northern Ireland) applies and whether there is a right of appeal against the decision to which it relates;

(b) decide whether the appeal has been brought in time, and, if not, whether to allow an extension of time; and

(c) issue any directions.

4. Linked appeals[7] and decisions without a hearing

4.1. If the appellant is aware that their appeal is based on the same facts as another appeal, for example an appeal involving a family member, they must inform the Tribunal immediately so that the Tribunal can consider whether the appeals should be linked. The appellant should provide to the Tribunal the reference number or notice of that appeal. If an appeal becomes linked after the appeal has been filed at the Tribunal, the appellant must provide to the Tribunal the reference number or numbers of any linked appeals as soon as reasonably practicable.

4.2. An appellant may indicate in writing, either when filing the appeal or during the appeal, that they wish for it to be decided without a hearing. If an appellant does so, the procedure in this Practice Direction and rule 25 of the Procedure Rules will apply and the result may be that there will be no hearing. Where a preliminary view is taken that there will not be a hearing, the Tribunal will list a date on which the papers will be considered for making a substantive decision. The Tribunal will proceed to decide the appeal on or after that date unless the respondent objects to this in writing prior to that date. The President may issue Practice Statements setting out directions which shall ordinarily apply for appeals brought by the different processes set out above.

PART 3

APPEAL PROGRESSION, EVIDENCE AND WRITTEN SUBMISSIONS

5. Case Management

5.1. The general principles set out in Part 1 above shall apply to case management and the decisions made by the Tribunal. The parties will approach the steps required by case management with procedural rigour.[8] This will ensure that appeals may be listed for substantive decision without delay. Failure, without good reason, to comply with case management directions is a serious matter, which undermines the good administration of justice and is inconsistent with the Overriding Objective. These principles apply whether case management is conducted by judges or by Legal Officers.

5.2. In relation to directions issued (6.1(d) below), in the event of non-compliance, the Tribunal will make use of its power under rule 6(2) of the Procedure Rules, which will in turn include requiring failure to be remedied and the imposition of sanctions as appropriate.

5.3. Sanctions for failing to comply with case management directions may include the exclusion of evidence in the event of non-compliance in

7 "Linked appeal" means an appeal where the appeal of one or more appellants raise common issues.

8 *Maleci (non-admission of late evidence)* [2024] UKUT 00028 (IAC). In *SSHD v TC* [2023] UKUT 164 (IAC), the Upper Tribunal emphasised the need for procedural rigour at every stage of the proceedings.

appropriate cases and subject to the Tribunal considering such action "just", in accordance with rule 6(2). The assessment of what is just will take into account all relevant principles[9], including the seriousness or significance of the failure to comply with rules or directions, any explanation offered for the failure or good reason for it and, as a third stage, an evaluation of all the circumstances of the case, to enable the Tribunal to deal justly with the application.

5.4. In assessing whether to grant relief from a sanction imposed by way of earlier directions, the judge dealing with the application for relief will consider the matter afresh, applying all relevant principles and considerations[10].

5.5. Any appeal using the online procedure must be managed through the relevant online portal. This means that parties must make any applications (including applications for permission to appeal) and the Tribunal will make any directions through the online portal (rather than by email, post or fax). Parties should check the online portal to see the status of their case and following any notification about activity in their case. They should follow any guidance on using the system as published from time to time.

6. Interim Hearings

6.1. The Tribunal will hold an interim hearing whenever it considers it necessary to do so in order to further the Overriding Objective. Such a hearing will be of great importance in identifying the disputed issues and ensuring that procedural rigour is observed. Parties or their representatives are expected to attend these hearings. The Tribunal may order a hearing for the purpose of:

(a) identifying and/or narrowing the disputed issues, and consequentially the evidence necessary to decide the appeal;

(b) dealing with preliminary issues;

(c) deciding applications made by either party;

(d) giving, and overseeing compliance with, case management directions, and any appropriate indication as to the sanctions which may be applied in the event of non-compliance with directions;

(e) deciding the mode of hearing;

(f) fixing a date for the final hearing[11], or a further interim hearing which may, on notice, be converted to a final hearing; and

(g) any other matter.

[9] *SS (Congo) v SSHD* [2015] EWCA Civ 387.

[10] *SSGA (disposal without considering merits; rule 25) Iraq*.

[11] "Final hearing" means a hearing at which the appeal is expected to be allowed, dismissed or brought to an end in some other way.

6.2. An interim hearing is a hearing for the purposes of rule 25 of the Procedure Rules. A judge may make a decision which disposes of the proceedings following an interim hearing if it is in the interests of justice to do so. Where it is considered appropriate, fair and just to do so, the Tribunal may direct that any witnesses the parties rely upon attend an interim hearing. This would enable a judge to make a decision on the merits after hearing oral evidence.

6.3. At the end of an interim hearing the Tribunal will also give to the parties an Order containing written confirmation of all relevant decision-making and directions as set out in paragraph 6.1 above, and also:

(a) any issues that have been agreed at an interim hearing as being relevant to the appeal; and

(b) any concessions made by a party.

7. Bundles, Appeal Skeleton Arguments and Respondent reviews

General requirements for bundles

7.1. Any bundles provided by the parties must be prepared with the disputed issues in mind and in accordance with the requirements of the Procedure Rules. Subject to the Procedure Rules, if there is doubt whether material or evidence is relevant to the disputed issues, it should not be included in the bundle. Representatives must be prepared to justify the inclusion of all materials in the bundle and to explain how they relate to the disputed issues.

7.2. Any bundle prepared by a legal representative and the respondent must be in a digital, indexed, bookmarked and paginated format where every page is A4 (unless a larger page size is required for good reasons). Any documents with typed text must be formatted so that characters can be recognised by the software (this function is known as Optical Character Recognition ('OCR')) unless doing so garbles the text.

Respondent bundle

7.3. In all appeals, the Tribunal will direct the respondent to provide a bundle of documents in accordance with either rule 23 or rule 24 (as applicable) of the Procedure Rules. The bundle should also include any previous decisions of the Tribunal or the Upper Tribunal (Immigration and Asylum Chamber) relating to the appellant and any evidence or material considered to be relevant to the disputed issues as then understood.

7.4. If the respondent fails to provide a bundle in accordance with the Procedure Rules, the Tribunal may direct the appellant to provide the appeal skeleton argument ("ASA"), or explanation of their case, and evidence in any event.

Legally represented appellant – ASA and appellant's bundle

7.5. In accordance with rule 24A of the Procedure Rules, where the appellant is legally represented, the Tribunal will direct the appellant to provide an ASA and bundle.

7.6. The ASA should be no more than 12 pages of numbered paragraphs and should contain three sections:

(a) a brief summary of the appellant's factual case;

(b) a schedule of the disputed issues;

(c) the appellant's brief submissions on each of those issues, which should state why the appellant disagrees with the respondent's decision with sufficient detail to enable the reasons for the challenge to be understood, and must:

(i) be concise;

(ii) engage with the decision letter under challenge;

(iii) not include extensive quotations from documents or authorities;

(iv) identify but not quote any more than necessary from any evidence or principle of law that will enable the basis of challenge to be understood; and

(v) cross-refer to any country information evidence schedule (see below).

7.7. An ASA that exceeds 12 pages must include an application for permission to rely upon it with concise reasons as to why it must be longer than 12 pages.

7.8. The name of the author of the ASA and date it was prepared must be included in it.

7.9. The bundle should include any additional evidence or material which is not included in the respondent's bundle. This applies even where no respondent's bundle has been provided. Any evidence must be relevant to the disputed issues.

Appellants in Person

7.10. Where the appellant is not legally represented, the Tribunal will make directions in accordance with 1.5 above for the appellant to explain their case and provide any evidence or material in support of their case that is not in the respondent's bundle.

Respondent's review

7.11. The respondent must provide a review in accordance with rule 24A(3) of the Procedure Rules, within 14 days of receipt of the bundle and ASA or the appellant's explanation of their case. The review must:

(a) not exceed 6 pages or provide reasons for an application for permission to rely upon a review exceeding 6 pages;

(b) not contain standard or pro-forma paragraphs;

(c) explain whether the respondent agrees that the schedule of the disputed issues is correct and, if not, the correct list of disputed issues, including whether there are any further issues that the respondent wishes to raise;

(d) the respondent's brief submissions on each of those issues including whether the respondent opposes or accepts the appellant's position on each issue, with cross-referencing to paragraphs in the decision under appeal, pages in the respondent's bundle, any country information evidence schedule, and/or any additional evidence relied upon;

(e) specify which, if any, witnesses the respondent intends to cross-examine; but if the respondent does not intend to cross-examine a witness, the respondent must set out any objections to that witness's statement being read by the judge; and if a witness provides a further witness statement, they should attend the hearing to give oral evidence, unless the Tribunal otherwise directs;

(f) address whether the appeal should be allowed on any ground if the appellant and/or their key witnesses are found to be broadly credible according to the applicable standard of proof;

(g) identify if the respondent is preparing to withdraw the decision or part of it; and

(h) address the question of whether the appeal can be resolved without a hearing.

7.12. The name of the author of the review must be provided.

Post-review evidence

7.13. Any party providing further evidence after the review should include with that evidence a written explanation of why it was not provided earlier in the appeal process. Further evidence provided by the Home Office or a legal representative must be provided in a bundle. Parties should not reproduce any evidence which has already been provided unless a direction has been given providing for this to be done. The filename and first page should include a number and date so that the total number of bundles relevant to

the case can be identified, for example “Appellant’s Second Bundle provided on 14 February 2024”.

7.14. Where any evidence is provided later than 5 working days prior to the hearing, including on the day of the hearing, the judge must decide as a preliminary matter whether to admit that evidence at the hearing. If an application is made to admit evidence which is ruled inadmissible, the judge must give specific reasons for the exclusion of that evidence in any written decision. If it is decided to admit the evidence, but the judge considers that it would be unfair to proceed to hear the appeal on that day, the Tribunal should consider the issue of unreasonably incurred or wasted costs[12] for the adjourned hearing. If appropriate, directions should be given in accordance with the Presidential Guidance Notes on costs of 2015 and 2018.

8. Witness statements

8.1. If an appellant seeks to rely on testimonial evidence, witness statement(s) from any such witness(es) must be provided. Witness statements should be included in bundles as set out above.

8.2. A witness statement should be capable of standing as the totality of the evidence-in-chief of the person giving that statement.

8.3. A witness statement may be added to by the provision of a supplementary statement provided that the supplementary statement is produced and served in accordance with any directions given in the appeal.

8.4. Only where there is good reason and with the permission of the judge, will a witness be permitted to provide additional evidence-in-chief.

Body of witness statement

8.5. The witness statement must, if practicable, be in the intended witness’s own words. The statement need not be in a language that the witness understands. If drafted in English and this is a language not understood by the witness, it must include a signed and dated attestation by both the witness and the person who interpreted it that the statement has been read back to the witness in a language they understand and that it accurately reflects their evidence.

8.6. The statement should be expressed in the first person and should also state:

(a) the full name of the witness,

(b) their place of residence or, if they are making the statement in their professional, business or other occupational capacity, the address at which they work, the position they hold and the name of their firm or employer;

(c) their occupation, if they have one;

[12] ‘Expenses’ in Scotland.

(d) the fact that they are a party to the proceedings or are the employee or relative of such a party if that is so;

(e) the process by which it has been prepared, for example, face-to-face, over the telephone, and/or through an interpreter; and

(f) the date on which it was signed.

8.7. A witness statement must indicate:

(a) which of the statements in it are made from the witness's own knowledge and which are matters of information or belief, and

(b) the source for any matters of information or belief.

8.8. An exhibit or document that is referred to within the witness statement should be verified and clearly identified by the witness, and should remain separate from the witness statement.

8.9. Where a witness refers to an exhibit or document they should state "I refer to the [description of document] at page [x] of [name of bundle]…''.

Statement of Truth and Interpreter Attestation

8.10. A witness statement is the equivalent of the oral evidence which that witness would, if called, give in evidence. It must include a statement by the intended witness in their own language that they believe the facts in it are true.

8.11. To verify a witness statement the statement of truth is as follows:

> "I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth."

8.12. If the witness statement is in English, and the witness does not understand English, the witness and interpreter must endorse the following attestations:

> "This statement has been read to me in [LANGUAGE], a language I understand, by [NAME OF INTERPRETER]."
>
> "I, [NAME OF INTERPRETER], read this statement to [NAME OF WITNESS] faithfully interpreting it into [LANGUAGE]."

9. Expert evidence

9.1. Expert reports should be as concise as possible and focused on the issues in dispute which are within the author's field of expertise. Lengthy and discursive commentary which is not directly relevant to the disputed issues is not conducive to the proportionate despatch of judicial business in

accordance with the Overriding Objective of the Procedure Rules and procedural rigour.

9.2. An expert report must not exceed 20 pages. The party adducing the expert evidence may apply in writing, with reasons in support of the application, for an expert report exceeding 20 pages, or for any addendum reports, to be served.

9.3. An expert's report must:

(a) be addressed to the Tribunal and not to the party from whom the expert has received instructions;

(b) give details of the expert's qualifications;

(c) give details of any literature or other material which the expert has relied on in making the report;

(d) attach the letter of instruction, which must include the disputed issues as then understood;

(e) contain a statement confirming the material and evidence provided to them (this can be achieved by clear reference to the letter of instruction);

(f) make clear which of the facts stated in the report are within the expert's own knowledge;

(g) say who carried out any examination, measurement or other procedure which the expert has used for the report, give the qualifications of that person, and say whether or not the procedure has been carried out under the expert's supervision;

(h) where there is a range of opinion on the matters dealt with in the report:

(i) summarise the range of opinion, so far as reasonably practicable; and
(ii) give reasons for the expert's own opinion;

(i) contain a summary of the conclusions reached;

(j) if the expert is not able to give an opinion without qualification, state the qualification;

(k) contain a statement that the expert understands their duty to the Tribunal and has complied, and will continue to comply, with that duty; and

(l) contain the date on which it was signed.

9.4. An expert's report must be verified by a statement of truth as well as containing the statements required in paragraph 9.3. The form of the statement of truth is as follows:

> "I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer."

10. Country Information Evidence

10.1. A reported decision of the Upper Tribunal, the AIT[13], or the IAT[14], bearing the letters "CG" shall be treated as an authoritative finding on the country guidance issue identified in the decision, based upon the evidence before the members of the Tribunal who decided the appeal. Thus, unless it has been expressly superseded or replaced by any later "CG" decision, or is inconsistent with other authority that is binding on the Tribunal, such a country guidance case is authoritative in any subsequent appeal, so far as that appeal:

(a) relates to the country guidance issue in question; and

(b) depends upon the same or similar evidence.

10.2. A list of current CG cases is maintained on the Upper Tribunal's website. Any representative of a party to an appeal concerning a particular country will be expected to be familiar with the current CG decisions relating to that country.

10.3. Because of the principle that like cases should be treated in like manner, any failure to follow a clear, apparently applicable CG case or to show why it does not apply to the case in question is likely to be regarded as a ground for appeal on a point of law.

10.4. Only if there is no applicable and/or relevant country guidance, or a party argues that the Tribunal should depart from the country guidance, is it necessary for a party to provide background country material or information relating to the country background or conditions.

10.5. Any party who wishes to rely on country background information which is not available in the relevant country guidance decision, must make this clear and identify the disputed issue to which it relates (for example, the plausibility of a particular incident or where risk on return for reasons relating to a particular characteristic or history is disputed, even where an appellant is found to be credible).

10.6. Parties relying on material within country guidance decisions or additional country background information must include a country information

[13] The Asylum and Immigration Tribunal.

[14] The Immigration Appeal Tribunal.

evidence schedule ('the country schedule') within the bundle. The country schedule must:

(a) contain the country guidance paragraph references and/or extracts of additional country background information relied upon by reference to each disputed issue;

(b) not exceed 12 pages; and

(c) include the relevant hyper-link to the additional country background information source document.

10.7. It is the responsibility of the party challenging the accuracy or context of the extract to put the party producing the evidence on notice within the ASA or review that it will be necessary for the full source document to be made available at the hearing.

10.8. The party producing the country background information/reports in the country information evidence schedule may apply in writing, with reasons in support of the application, for permission to rely upon a country schedule exceeding 12 pages with an attached proposed country schedule.

PART 4

THE SUBSTANTIVE HEARING

11. The substantive hearing and the issues based approach

11.1. Parties should come to a substantive hearing ready to:

(a) provide the judge with a timetable for the hearing;

(b) identify the bundles and any other documents that need to be considered in the case, and explain how they have been provided to the Tribunal;

(c) identify the disputed issues that the Tribunal is being asked to decide in the case;

(d) have relevant witnesses adopt their witness statement and be cross-examined, and explain any steps required to accommodate this, in the light of any vulnerability or otherwise of the witness; and

(e) make submissions on the disputed issues in light of the oral and documentary evidence.

11.2. The advocates at a hearing should seek to agree these matters prior to the hearing, or identify any areas of dispute that require preliminary decisions.

11.3. The judge may clarify and discuss these matters, and decide any preliminary matters, to achieve a fair hearing in accordance with the Overriding

Objective. Account will be taken of the particular needs of appellants in person.

11.4. The outset of the substantive hearing is the final opportunity to refine and further narrow the disputed issues or agree issues or matters that are in dispute. Once settled, the disputed issues define the scope of the appeal hearing and confine the territory to be explored in the evidence, submissions and decision.

12. Adjournments

12.1. An application for the adjournment of an appeal must be supported by full reasons and any reasonably available supporting material or evidence and made no later than 4.30 p.m. one clear working day before the date of the hearing. It must be accompanied by proposed draft directions for the judge to consider.

12.2. For the avoidance of doubt, where a case is listed for hearing on, for example, a Monday, the application must be received by 4.30 p.m. on the previous Thursday.

12.3. Any application made later than the end of the period mentioned in paragraph 12.1 must be made at the hearing and will, save in exceptional circumstances, require the attendance of the party or the representative of the party seeking the adjournment.

12.4. Parties must not assume that an application will be successful even if made in accordance with paragraph 12.1.

12.5. If an adjournment is not granted and the party fails to attend the hearing, the Tribunal may proceed with the hearing in that party's absence.

12.6. If an adjournment is granted, the Tribunal shall issue an Order containing directions to ensure that the appeal can be finally determined within a reasonable time.

13. Child, vulnerable adult or sensitive witnesses

Manner in which evidence is given

13.1. The Tribunal must have regard to the latest version of the Equal Treatment Bench Book and the Joint Presidential Guidance Note No 2 of 2010: Child, Vulnerable Adult and Sensitive Appellant Guidance in considering how to facilitate the giving of evidence by a child, vulnerable adult or sensitive witness.

13.2. It may be appropriate for the Tribunal to direct that the evidence should be given by telephone, video link or other directed means, or to direct that a person be appointed as an intermediary, or where appropriate Litigation Friend. Where appropriate, the Tribunal may direct that questions asked of a witness must use plain English or contain only a single proposition in each question, and must ensure that the manner of questioning is otherwise

subject to judicial control to ensure an appropriate tone. Breaks may be given where they are considered conducive by the judge to the giving of best evidence.

14. Record of proceedings

14.1. The Tribunal will keep a record of the proceedings of every hearing.

14.2. The record of proceedings will normally be an audio recording[15] rather than a written record. Accordingly, any written record of the proceedings taken by the Tribunal may only be disclosed to the parties if an audio recording was not made or has become unavailable. The audio recording and/or transcript of proceedings may be obtained using the process published by HMCTS.

14.3. Where oral reasons are given for a decision at the conclusion of a substantive hearing, the expectation is that the parties will make a note of those reasons.

PART 5
DECISIONS AND REASONS

15. Decisions and reasons: principles that apply to substantive and procedural decision making

15.1. This section is to be read in conjunction with the Practice Direction on Reasons for Decisions which applies in general to the First-tier Tribunal.

15.2. In the giving of reasons, as always in the conduct of Tribunals business, judicial time should only be spent on tasks that are essential to achieving the efficient and effective administration of justice. Written reasons should only be provided where they are expressly required by the Procedure Rules or where the interests of justice otherwise compel written reasons being given, and, in every case where they are required, only to the extent and in the terms necessary to dispose justly of the matter in hand. Any practice of routinely providing written reasons that do not need to be provided fails to make full and effective use of judicial time, which is a precious resource in the justice system.

15.3. In some non-deportation Article 8 human rights and EUSS cases, the Tribunal may be able to give its decision shortly after the conclusion of a hearing by providing a short Notice of Decision or by stating its reasons orally. Reasons will only be provided orally where the judge is satisfied that audio recording facilities are available and an audio recording will be made of the oral reasons, so that the audio recording and any available

[15] "Audio recording" includes a digital or analogue recording, as well as a video recording which includes an audio recording.

transcription can serve as the starting point in drafting any written reasons, if requested.

15.4. Where written reasons are given, they must be concise and focused upon the disputed issues on which the outcome of the case has turned.

15.5. The reasons provided for any decision should be proportionate to the significance and complexity of the disputed issues that have to be decided. Reasons need refer only to the issues and evidence in dispute, and explain how those issues essential to the Tribunal's conclusion have been resolved[16]. It follows that the Tribunal need not identify all of the evidence relied upon in reaching its findings of fact, or elaborate at length its conclusions on any issue of law.

15.6. Stating reasons at greater length than is necessary is not in the interests of justice. To do so is an inefficient use of judicial time, does not assist either the parties or an appellate Court or Tribunal[17], and is therefore inconsistent with the Overriding Objective. In some cases, succinct paragraphs containing the necessary self-directions and addressing the disputed issues will suffice. For a procedural decision the reasons required will usually be shorter still.

15.7. When determining permission to appeal applications the Tribunal must take account that it is important to exercise appropriate restraint when considering a challenge based on the adequacy of reasons[18]. Case law emphasises the importance of a realistic and reasonably benevolent approach – decisions under appeal must be read fairly and not hypercritically[19]. Expert Tribunals should be taken to be aware of the relevant authorities and to be seeking to apply them without needing to refer to them specifically, unless it is clear that they have failed to do so[20]. It should not be assumed that a Tribunal has misdirected itself merely because every step in its reasoning is not fully set out in its decision[21].

PART 6
MISCELLANEOUS

16. Reported and unreported decisions

16.1. Reported decisions of the Upper Tribunal, the AIT, and the IAT, which are "starred" shall be treated by the Tribunal as authoritative in respect of the matter to which the "starring" relates, unless inconsistent with other authority that is binding on the Tribunal. All reported decisions of the Upper Tribunal, the AIT, and the IAT should be treated as authoritative statements

[16] *TC* Annex para 8.

[17] *Jones v Jones* [2011] EWCA Civ 41 at [3].
[18] *TC* Annex para 13.
[19] *DPP v Greenberg* [2021] EWCA Civ 672 at [57].
[20] *TC* Annex para 12.
[21] *TC* Annex para 13.

of principle unless set aside or inconsistent with other authority that is binding on the Tribunal.

16.2. A decision or judgment of any court or tribunal which has not been reported may not be cited in proceedings unless:

(a) the person who is or was the appellant before the Tribunal, or a member of that person's family, was a party to the proceedings in which the previous decision was issued; or

(b) the Tribunal gives permission.

17. Practice Statements by President

17.1. The President may issue Practice Statements which may include the standard procedure and directions for the preparation of appeals. In so far as there is any inconsistency between this Practice Direction and Practice Statements, this Practice Direction must be followed.

Unless the contrary expressly appears, this Practice Direction replaces all previous Practice Directions relating to the Tribunal. Where any previous Practice Directions which this Practice Direction replaces made provision in part or in whole to the Upper Tribunal, this Practice Direction relates only to the First-tier Tribunal. Any such previous Practice Directions therefore are to be read as if they do not apply to the First-tier Tribunal.

This Practice Direction is made by the Senior President of Tribunals with the agreement of the Lord Chancellor under section 23 of the Tribunals, Courts and Enforcement Act 2007.

1 November 2024
Sir Keith Lindblom
Senior President of Tribunals

Practice Directions for the Immigration and Asylum Chamber 18 December 2018 (extract)

paras 3, 4, 7, 8, 9-13

Practice Direction for the Immigration and Asylum Chambers
19 December 2018

Practice Directions of the Immigration and Asylum Chambers of the First-tier Tribunal and the Upper Tribunal:

Contents

…

Part 3

Practice Directions for the Immigration and Asylum Chamber of the Upper Tribunal

3. Procedure on appeal
4. Evidence
5. Pursuing appeal after grant of leave

…

Part 4
Practice Directions for the Immigration and Asylum Chamber of the First-tier Tribunal and the Upper Tribunal

…
7. Case management review hearings and directions

…
9. Adjournments

…
11. Citation of unreported determinations
12. Starred and country guidance determinations
13. Bail applications

PRACTICE DIRECTIONS FOR THE IMMIGRATION AND ASYLUM CHAMBER OF THE FIRST-TIER TRIBUNAL AND THE UPPER TRIBUNAL

3. Procedure on appeal

3.1. Where permission to appeal to the Upper Tribunal has been granted, then, unless and to the extent that they are directed otherwise, for the purposes of preparing for a hearing in the Upper Tribunal the parties should assume that:

> (a) the Upper Tribunal will decide whether the making of the decision of the First tier Tribunal involved the making of an error on a point of law, such that the decision should be set aside under section 12(2)(a) of the 2007 Act;
>
> (b) except as specified in Practice Statement 7.2 (disposal of appeals by Upper Tribunal), the Upper Tribunal will proceed to re-make the decision under section 12(2)(b)(ii), if satisfied that the original decision should be set aside; and
>
> (c) in that event, the Upper Tribunal will consider whether to re-make the decision by reference to the First-tier Tribunal's findings of fact and any new documentary evidence submitted under UT rule 15(2A) which it is reasonably practicable to adduce for consideration at that hearing.

3.2. The parties should be aware that, in the circumstances described in paragraph 3.1(c), the Upper Tribunal will generally expect to proceed, without any further hearing, to re-make the decision, where this can be undertaken without having to hear oral evidence. In certain circumstances, the Upper Tribunal may give directions for the giving of oral evidence at the relevant hearing, where it appears appropriate to do so. Such directions may be given before or at that hearing.

3.3. In a case where no oral evidence is likely to be required in order for the Upper Tribunal to re-make the decision, the Upper Tribunal will therefore expect any documentary evidence relevant to the re-making of the decision to be adduced in accordance with Practice Direction 4 so that it may be considered at the relevant hearing; and, accordingly, the party seeking to rely on such documentary evidence will be expected to show good reason why it is not reasonably practicable to adduce the same in order for it to be considered at that hearing.

3.4. If the Upper Tribunal nevertheless decides that it cannot proceed as described in paragraph 3.1(c) because findings of fact are needed which it is not in a position to make, the Upper Tribunal will make arrangements for the adjournment of the hearing, so that the proceedings may be completed before the same constitution of the Tribunal; or, if that is not reasonably practicable, for their transfer to a different constitution, in either case so as to enable evidence to be adduced for that purpose.

3.5. Where proceedings are transferred in the circumstances described in paragraph 3.4, any documents sent to or given by the Tribunal from which the proceedings are transferred shall be deemed to have been sent to or given by the Tribunal to which those proceedings are transferred.

3.6. Where such proceedings are transferred, the Upper Tribunal shall prepare written reasons for finding that the First-tier Tribunal made an error of law, such that its decision fell to be set aside, and those written reasons shall be sent to the parties before the next hearing.

3.7. The written reasons shall be incorporated in full in, and form part of, the determination of the Upper Tribunal that re-makes the decision. Only in very exceptional cases can the decision contained in those written reasons be departed from or varied by the Upper Tribunal which re-makes the decision under section 12(2)(b)(ii) of the 2007 Act.

3.8. Unless directed otherwise, the parties to any fast track appeal which is before the Upper Tribunal will be expected to attend with all necessary witnesses and evidence that may be required if the Upper Tribunal should decide that it is necessary to set aside the decision of the First-tier Tribunal and re-make the decision. It will be unusual for the Upper Tribunal to adjourn or transfer, but, if it does so, paragraph 3.6 and 3.7 will, so far as appropriate, apply.

3.9. In this Practice Direction and Practice Direction 4, “the relevant hearing” means a hearing fixed by the Upper Tribunal at which it will consider if the First-tier Tribunal made an error of law.

3.10. Without prejudice to the generality of paragraph 1.5, where, by virtue of any transitional provisions in Schedule 4 to the Transfer of Functions Order, the Upper Tribunal is undertaking the reconsideration of a decision of the AIT, references in this Practice Direction and Practice Direction 4 to the First-tier Tribunal shall be construed as references to the AIT.

4. Evidence

4.1. UT rule 15(2A) imposes important procedural requirements where the Upper Tribunal is asked to consider evidence that was not before the First-tier Tribunal. UT rule 15(2A) must be complied with in every case where permission to appeal is granted and a party wishes the Upper Tribunal to consider such evidence. Notice under rule 15(2A)(a), indicating the nature of the evidence and explaining why it was not submitted to the First-tier Tribunal, must be filed with the Upper Tribunal and served on the other party within the time stated in any specific directions given by the Upper Tribunal; or, if no such direction has been given, as soon as practicable after permission to appeal has been granted.

4.2. A party who wishes the Upper Tribunal to consider any evidence that was not before the First-tier Tribunal must indicate in the notice whether the evidence is sought to be adduced:

> (a) in connection with the issue of whether the First-tier Tribunal made an error of law, requiring its decision to be set aside; or

(b) in connection with the re-making of the decision by the Upper Tribunal, in the event of the First-tier Tribunal being found to have made such an error.

4.3. The notice must clearly indicate whether the party concerned wishes the evidence to be considered at the relevant hearing and state whether the evidence is in oral or documentary form.

4.4. Where a party wishes, in the circumstances described in paragraph 4.2(b), to adduce only documentary evidence, Practice Direction 3.3 will apply.

4.5. Where a party wishes, in the circumstances described in paragraph 4.2(b), to adduce oral evidence at the relevant hearing, the notice must explain why it is considered desirable to proceed in such a manner and give details of the oral evidence and a time estimate.

4.6. Where the Upper Tribunal acts under Practice Direction 3 to adjourn or transfer the hearing, it shall consider any notice given under UT rule 15(2A) and give any directions arising therefrom, if and to the extent that this has not already been done.

4.7. This Practice Direction does not apply in the case of a fast track appeal (as to which, see Practice Direction 3.8).

5. Pursuing appeal after grant of leave

5.1. This Practice Direction applies where:

(a) an appeal would otherwise fall to be treated as abandoned pursuant to section 104(4A) of the 2002 Act because the appellant is granted leave to remain in the United Kingdom; but

(b) the appellant wishes, in pursuance of section 104(4B) or (4C), to pursue the appeal, insofar as it is brought on asylum grounds or on grounds of unlawful discrimination.

5.2. Where this Practice Direction applies, the appellant must comply with the following requirements (which are the relevant practice directions for the purposes of UT rule 17A(3)).

5.3. Where section 104(4B) of the 2002 Act (asylum grounds) applies, the notice required by UT rule 17A(3) to be sent or delivered to the Upper Tribunal must state:

(a) the appellant's full name and date of birth;
(b) the Tribunal's reference number;
(c) the Home Office reference number, if applicable;
(d) the Foreign and Commonwealth Office reference number, if applicable;
(e) the date on which the appellant was granted leave to enter or remain in the United Kingdom for a period exceeding 12 months; and
(f) that the appellant wishes to pursue the appeal in so far as it is brought on the ground specified in section 84(1)(g) of the 2002 Act which relates to the Refugee Convention.

5.4. Where section 104(4C) of the 2002 Act (grounds of unlawful discrimination) applies, the notice required by UT rule 17A(3) to be sent or delivered to the Upper Tribunal must state:

(a) the appellant's full name and date of birth;
(b) the Tribunal's reference number;
(c) the Home Office reference number, if applicable;
(d) the Foreign and Commonwealth Office reference number, if applicable;
(e) the date on which the appellant was granted leave to enter or remain in the United Kingdom; and
(f) that the appellant wishes to pursue the appeal in so far as it is brought on the ground specified in section 84(1)(b) of the 2002 Act which relates to section 19B

of the Race Relations Act 1976 (discrimination by public authorities).

5.5. Where an appellant has sent or delivered a notice under UT rule 17A(3), the Upper Tribunal will notify the appellant of the date on which it received the notice.

5.6. The Upper Tribunal will send a copy of the notice issued under paragraph 5.5 to the respondent.

5.7. In this Practice Direction:

"appellant" means the party who was the appellant before the First-tier Tribunal; and

"respondent" means the party who was the respondent before the First-tier Tribunal.

…

7. Case management review hearings and directions

7.1. Where the Tribunal so directs, a CMR hearing will be held in the case of an appeal where the party who is or was the appellant before the First-tier Tribunal:

(a) is present in the United Kingdom; and

(b) has a right of appeal whilst in the United Kingdom.

7.2. It is important that the parties and their representatives understand that a CMR hearing is a hearing in the appeal and that the appeal may be determined under the relevant Procedure Rules if a party does not appear and is not represented at that hearing.

7.3. In addition to any information required by First-tier rule 19 (notice of appeal), the appellant before the First-tier Tribunal must provide that Tribunal and the respondent at the CMR hearing with:

(a) particulars of any application for permission to vary the grounds of appeal;

(b) particulars of any amendments to the reasons in support of the grounds of appeal;

(c) particulars of any witnesses to be called or whose written statement or report is proposed to be relied upon at the full hearing; and

(d) the draft of any directions that the appellant is requesting the Tribunal to make at the CMR hearing.

7.4. In addition to any documents required by relevant Procedure Rules, the party who is or was the respondent before the First-tier Tribunal must provide the Tribunal and the other party at the CMR hearing with:

(a) any amendment that has been made or is proposed to be made to the notice of decision to which the appeal relates or to any other document served on the person concerned giving reasons for that decision; and

(b) a draft of any directions that the Tribunal is requested to make at the CMR hearing.

7.5. In most cases, including those appeals where a CMR hearing is to be held, the Tribunal will normally have given to the parties the following directions with the notice of hearing:

(a) not later than 5 working days before the full hearing (or 10 days in the case of an out-of-country appeal) the appellant shall serve on the Tribunal and the respondent:

(i) witness statements of the evidence to be called at the hearing, such statements to stand as evidence in chief at the hearing;

(ii) a paginated and indexed bundle of all the documents to be relied on at the hearing with a schedule identifying the essential passages;

(iii) a skeleton argument, identifying all relevant issues including human rights claims and citing all the authorities relied upon; and

(iv) a chronology of events;

(b) not later than 5 working days before the full hearing, the respondent shall serve on the Tribunal and the appellant a paginated and indexed bundle of all the documents to be relied upon at the hearing, with a schedule identifying the relevant passages, and a list of any authorities relied upon.

7.6. At the end of the CMR hearing, the Tribunal will give the parties any further written directions relating to the conduct of the appeal.

7.7. Although in normal circumstances a witness statement should stand as evidence inchief, there may be cases where it will be appropriate for appellants or witnesses to have the opportunity of adding to or supplementing their witness statements.

7.8. In addition to the directions referred to above, at the end of the CMR hearing the Tribunal will also give to the parties written confirmation of:

(a) any issues that have been agreed at the CMR hearing as being relevant to the determination of the appeal; and

(b) any concessions made at the CMR hearing by a party.

…

9. Adjournments

9.1. Applications for the adjournment of appeals (other than fast track appeals) listed for hearing before the Tribunal must be made not later than 5.00p.m. one clear working day before the date of the hearing.

9.2. For the avoidance of doubt, where a case is listed for hearing on, for example, a Friday, the application must be received by 5.00p.m. on the Wednesday.

9.3. The application for an adjournment must be supported by full reasons and must be made in accordance with relevant Procedure Rules.

9.4. Any application made later than the end of the period mentioned in paragraph 9.1 must be made to the Tribunal at the hearing and will require the attendance of the party or the representative of the party seeking the adjournment.

9.5. It will be only in the most exceptional circumstances that a late application for an adjournment will be considered without the attendance of a party or representative.

9.6. Parties must not assume that an application, even if made in accordance with paragraph 9.1, will be successful and they must always check with the Tribunal as to the outcome of the application.

9.7. Any application for the adjournment of a fast track appeal must be made to the Tribunal at the hearing and will be considered by the Tribunal in accordance with relevant Procedure Rules.

9.8. If an adjournment is not granted and the party fails to attend the hearing, the Tribunal may in certain circumstances proceed with the hearing in that party’s absence.

…

11. Citation of unreported determinations

11.1. A determination of the Tribunal which has not been reported may not be cited in proceedings before the Tribunal unless:

(a) the person who is or was the appellant before the First-tier Tribunal, or a member of that

person's family, was a party to the proceedings in which the previous determination was issued; or

(b) the Tribunal gives permission.

11.2. An application for permission to cite a determination which has not been reported must:

(a) include a full transcript of the determination;

(b) identify the proposition for which the determination is to be cited; and

(c) certify that the proposition is not to be found in any reported determination of the Tribunal, the IAT or the AIT and had not been superseded by the decision of a higher authority.

11.3. Permission under paragraph 11.1 will be given only where the Tribunal considers that it would be materially assisted by citation of the determination, as distinct from the adoption in argument of the reasoning to be found in the determination. Such instances are likely to be rare; in particular, in the case of determinations which were unreportable (see Practice Statement 11 (reporting of determinations)). It should be emphasised that the Tribunal will not exclude good arguments from consideration but it will be rare for such an argument to be capable of being made only by reference to an unreported determination.

11.4. The provisions of paragraph 11.1 to 11.3 apply to unreported and unreportable determinations of the AIT, the IAT and adjudicators, as those provisions apply respectively to unreported and unreportable determinations of the Tribunal.

11.5. A party citing a determination of the IAT bearing a neutral citation number prior to 2003 (including all series of "bracket numbers") must be in a position to certify that the matter or proposition for which the determination is cited has not been the subject of more recent, reported, determinations of the IAT, the AIT or the Tribunal.

11.6. In this Practice Direction and Practice Direction 12, "determination" includes any decision of the AIT or the Tribunal.

12. Starred and Country Guidance determinations

12.1 Reported determinations of the Tribunal, the AIT and the IAT which are "starred" shall be treated by the Tribunal as authoritative in respect of the matter to which the "starring" relates, unless inconsistent with other authority that is binding on the Tribunal.

12.2 A reported determination of the Tribunal, the AIT or the IAT bearing the letters "CG" shall be treated as an authoritative finding on the country guidance issue identified in the determination, based upon the evidence before the members of the Tribunal, the AIT or the IAT that determine the appeal. As a result, unless it has been expressly superseded or replaced by any later "CG" determination, or is inconsistent with other authority that is binding on the Tribunal, such a country guidance case is authoritative in any subsequent appeal, so far as that appeal:

(a) relates to the country guidance issue in question; and

(b) depends upon the same or similar evidence.

12.3 A list of current CG cases will be maintained on the Tribunal's website. Any representative of a party to an appeal concerning a particular country will be expected to be conversant with the current "CG" determinations relating to that country.

12.4 Because of the principle that like cases should be treated in like manner, any failure to follow a clear, apparently applicable country guidance case or to show why it does not apply to the case in question is likely to be regarded as grounds for appeal on a point of law.

13. Bail applications

13.1 Subject to First-tier Rule 39(3), an application for bail must, if practicable, be listed for hearing within six working days of receipt by the Tribunal of the notice of application.

13.2 Any such notice which is received by the Tribunal after 3.30p.m. on a particular day will be treated for the purposes of this paragraph as if it were received on the next business day.

13.3 An Upper Tribunal judge may exercise bail jurisdiction under the Immigration Act 1971 by reason of being also a First-tier judge.

13.4 Notwithstanding paragraph 13.3, it will usually be appropriate for a bail application to be made to an Upper Tribunal judge only where the appeal in question is being heard by the Upper Tribunal, or where a hearing before the Upper Tribunal is imminent. In case of doubt, a potential applicant should consult the bails section of the First-tier Tribunal.

Practice Statements for Immigration and Asylum Chamber 11 June 2018 (extract)

Para 7 only

Practice Statements of the Immigration and Asylum Chambers of the First-tier Tribunal and the Upper Tribunal

…

7 Disposal of appeals in Upper Tribunal

7.1 Where under section 12(1) of the 2007 Act (proceedings on appeal to the Upper Tribunal) the Upper Tribunal finds that the making of the decision concerned involved the making of an error on a point of law, the Upper Tribunal may set aside the decision and, if it does so, must either remit the case to the First-tier Tribunal under section 12(2)(b)(i) or proceed (in accordance with relevant Practice Directions) to re-make the decision under section 12(2)(b)(ii).

7.2 The Upper Tribunal is likely on each such occasion to proceed to re-make the decision, instead of remitting the case to the First-tier Tribunal, unless the Upper Tribunal is satisfied that:-

> (a) the effect of the error has been to deprive a party before the First-tier Tribunal of a fair hearing or other opportunity for that party's case to be put to and considered by the First-tier Tribunal; or
>
> (b) the nature or extent of any judicial fact finding which is necessary in order for the decision in the appeal to be re-made is such that, having regard to the overriding objective in rule 2, it is appropriate to remit the case to the First-tier Tribunal.

7.3 Remaking rather than remitting will nevertheless constitute the normal approach to determining appeals where an error of law is found, even if some further fact finding is necessary.

Immigration Rules (HC395) (extract)
Index to the Immigration Rules

NB: Each part of the Immigration Rules is listed in the index with further explanation. Only those parts of explanations which may be helpful have been included here.

- Immigration Rules: introduction This contains an explanation of who's covered by the Immigration Rules, dates of effect and definitions/interpretations of the terms used.
- Immigration Rules part 1: leave to enter or stay in the UK. General provisions regarding entry clearance, leave to enter or remain in the United Kingdom (paragraphs 7 to 39E).
- Immigration Rules part 5: Persons seeking to enter or remain in the UK for employment
- Immigration Rules part 6: self-employment and business people
- Immigration Rules part 6A: the points-based system (paras 245AAA to 245ZZE)
- Immigration Rules part 7: other categories (paras A246 to 276BVI).
- Immigration Rules part 8: family members (paragraphs A277 to 319Y).
- Immigration Rules Part Suitability
- Immigration Rules part 11: asylum (paragraphs 326A to 352H).
- Immigration Rules part 11A: temporary protection
- Immigration Rules part 11B: Asylum (Paragraphs 357 to 361)
- Immigration Rules part 12: Procedure and rights of appeal [*Fresh claim para 353, 353A&B*]
- Immigration Rules part 13: deportation
- Immigration Rules part 14: stateless persons
- Immigration Rules Appendix A: attributes
- Immigration Rules Appendix AR: administrative review
- Immigration Rules Appendix AR (EU)
- Immigration Rules Appendix Armed Forces
- Immigration Rules Appendix B: English language
- Immigration Rules Appendix C: maintenance (funds) Tier 1 (Entrepreneur)
- Immigration Rules Appendix E
- Immigration Rules Appendix ECAA: Extension of Stay
- Immigration Rules Appendix ECAA Settlement
- Immigration Rules Appendix EU
- Immigration Rules Appendix EU (Family Permit)
- Immigration Rules Appendix FM: family members
- Immigration Rules Appendix FM-SE: family members specified evidence
- Immigration Rules Appendix KoLL
- Immigration rules Appendix O: approved English language tests
- Immigration Rules Appendix SN: Service of notices
- Immigration Rules Appendix Settlement Protection
- Immigration Rules Appendix V: Visitor
- Immigration Rules Appendix Visitor: Permitted Activities
- Immigration Rules Appendix Visitor: Visa national list
- Immigration Rules Appendix Visitor: Permit Free Festival List
- Immigration Rules Appendix Visitor: Transit Without Visa Scheme
- Immigration Rules Appendix Electronic Travel Authorisation
- Immigration Rules Appendix S2 Healthcare Visitor
- Immigration Rules: Appendix Student
- Immigration Rules Appendix Short-term Student (English language)
- Immigration Rules Appendix Child Student
- Immigration Rules Appendix Parent of a Child Student
- Immigration Rules Appendix Graduate
- Immigration Rules Appendix Skilled Worker
- Immigration Rules Appendix Skilled Occupations
- Immigration Rules Appendix Shortage Occupation List
- Immigration Rules Appendix Global Business Mobility routes

- Immigration Rules Appendix T2 Minister of Religion
- Immigration Rules Appendix Representative of an Overseas Business
- Immigration Rules Appendix UK Ancestry
- Immigration Rules Appendix Global Talent
- Immigration Rules Appendix Global Talent: Prestigious Prizes
- Immigration Rules Appendix High Potential Individual
- Immigration Rules Appendix Scale-up
- Immigration Rules Appendix Start-up
- Immigration Rules Appendix Innovator Founder
- Immigration Rules Appendix International Sportsperson
- Immigration Rules Appendix Sports Governing Bodies
- Immigration Rules Appendix Overseas Domestic Worker
- Immigration Rules Appendix Domestic Workers in a Private Household
- Immigration Rules Appendix Domestic Worker who is a Victim of Modern Slavery
- Immigration Rules Appendix Domestic Worker Statement
- Immigration Rules Appendix Temporary Work - Seasonal Worker
- Immigration Rules Appendix Youth Mobility Scheme
- Immigration Rules Appendix Youth Mobility Scheme: eligible nationals
- Immigration Rules Appendix Temporary Work – Creative Worker
- Immigration Rules Appendix Temporary Work – Religious Worker
- Immigration Rules Appendix Temporary Work - Charity Worker
- Immigration Rules Appendix Temporary Work - International Agreement
- Immigration Rules Appendix Temporary Work – Government Authorised Exchange
- Immigration Rules Appendix Government Authorised Exchange schemes
- Immigration Rules Appendix Creative Worker Codes of Practice
- Immigration Rules Appendix Service Providers from Switzerland
- Immigration Rules Appendix Hong Kong British National (Overseas)
- Immigration Rules Appendix Ukraine Scheme
- Immigration Rules Appendix Afghan Relocation and Assistance Policy (ARAP)
- Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery
- Immigration Rules Appendix Family Reunion (Sponsors with Protection)
- Immigration Rules Appendix Child Relative (Sponsors with Protection)
- Immigration Rules Appendix Adult Dependent Relative
- Immigration Rules Appendix Private Life
- Immigration Rules Appendix Settlement Family Life
- Immigration Rules Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997
- Immigration Rules Appendix ATAS: Academic Technology Approval Scheme (ATAS)
- Immigration Rules Appendix English Language
- Immigration Rules Appendix KOL UK
- Immigration Rules Appendix Finance
- Immigration Rules Appendix Returning Resident
- Immigration Rules Appendix Continuous Residence
- Immigration Rules Appendix Relationship with Partner
- Immigration Rules Appendix Children
- Immigration Rules Appendix Tuberculosis (TB)

Introduction (paragraph 6): Interpretation (extract)

6.1. In these rules, unless the contrary intention appears, references to paragraphs are to paragraphs of the Immigration Rules (HC 395 as amended) made under section 3(2) of the Immigration Act 1971, and references to Appendices are to Appendices to those rules.

6.2. In these rules:

(a) references to primary and secondary legislation refers to that legislation as amended from time to time; and

(b) unless the contrary intention appears, the following definitions apply:

"Accredited Institution" means an institution which is:

(a) the holder of a student sponsor licence; or

(b) the holder of valid accreditation from Accreditation UK, the Accreditation Body for Language Services (ABLS), the British Accreditation Council (BAC), or the Accreditation Service for International Colleges (ASIC); or

(c) the holder of a valid and satisfactory full institutional inspection, review or audit by Estyn, Education Scotland, the Independent Schools Inspectorate, Office for Standards in Education, the Office for Students, the Quality Assurance Agency for Higher Education or the Education and Training Inspectorate Northern Ireland; or

(d) an overseas higher education institution offering only part of its programmes in the UK.

"Adequate" and "adequately" in relation to a maintenance and accommodation requirement means that, after income tax, national insurance contributions and housing costs have been deducted, there must be available to the person or family the level of income or funds that would be available to them if the person or family was in receipt of income support.

"Administrative review" means a review conducted in accordance with Appendix AR, or where applicable Appendix AR (EU).

"Adoption" means an adoption in accordance with the requirements of Appendix Adoption, and "adopted" and "adoptive parent" shall be construed accordingly.

"Application for asylum" has the meaning given in paragraph 327 of these rules.

"Application for leave to remain" and "application for permission to stay" includes an application for variation of leave to enter or remain of a person in the UK.

"Approved Destination Status Agreement with China" means the Memorandum of Understanding on visa and related issues concerning tourist groups from the People's Republic of China to the United Kingdom as an approved destination, signed on 21 January 2005.

"Approved sponsor" means a sponsor which is listed in the register of licensed sponsors: workers or register of licensed sponsors: students on the gov.uk website as being licensed for the relevant route of these rules and found at:

https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers
https://www.gov.uk/government/publications/register-of-licensed-sponsors-students .

"Biometric immigration document" means a document recording biometric information issued in accordance with regulations made under section 5 of the UK Borders Act 2007.

"Bona fide private education institution" is a private education institution which:

(a) maintains satisfactory records of enrolment and attendance of students, and supplies these to the Home Office when requested; and

(b) provides courses which involve a minimum of 15 hours' organised daytime study per week; and

(c) ensures a suitably qualified tutor is present during the hours of study to offer teaching and instruction to the students; and

(d) offers courses leading to qualifications recognised by the appropriate accreditation bodies; and

(e) employs suitably qualified staff to provide teaching, guidance and support to the students; and

(f) provides adequate accommodation, facilities, staffing levels and equipment to support the numbers of students enrolled at the institution; and

(g) if it offers tuition support to external students at degree level, ensures that such students are registered with the UK degree awarding body.

"Born in the UK or Islands" in Appendix UK Ancestry means born:

(a) in the UK; or

(b) in the Channel Islands (Bailiwick of Guernsey, Bailiwick of Jersey); or

(c) in the Isle of Man; or

(d) before 31 March 1922, in Ireland; or

(e) on a British-owned or registered ship or aircraft if the requirements of either section 50(7)(a) of the British Nationality Act 1981, or section 32(5) of the British Nationality Act 1948, as applicable, are met.

"BN(O) Adult Dependent Relative" means a person granted permission as a BN(O) Adult Dependent Relative under Appendix Hong Kong British National (Overseas).

"BN(O) Household Child" means a person falling within HK 15.1. and who is granted permission as a BN(O) Household Child under Appendix Hong Kong British National (Overseas).

"BN(O) Household Member" means a person granted permission as a BN(O) Household Member under Appendix Hong Kong British National (Overseas).

"BN(O) Status Holder" means a person granted permission as a BN(O) Status Holder under Appendix Hong Kong British National (Overseas).

"Breach of immigration laws" - a person is in breach of immigration laws for the purpose of these rules where the person is an overstayer; is an illegal entrant; is in breach of a condition of their permission; or used deception in relation to their most recent application for entry clearance or permission; and **"previously breached immigration laws"** – a person previously breached immigration laws if they overstayed or used deception in relation to a previous application for entry clearance or permission.

"Business day" means any day other than Saturday or Sunday, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the UK to which the notice is sent, Christmas Day or Good Friday.

Certificate of Sponsorship" means either:

(a) an electronic document, with a unique reference, issued by a sponsor using the Sponsorship Management System; or

(b) the record linked to a Sponsorship Reference Number, given by a sponsor to an applicant through an invitation to apply, using the "Sponsor a Worker" scheme operated by the Secretary of State, that confirms the details of the job for which the sponsor is sponsoring the applicant.

"Calendar year" means a year beginning on 1 January and ending on 31 December.

"Cancellation" in Part 9, Appendix S2 Healthcare Visitor and Appendix Service Providers from Switzerland means cancellation, variation in duration, or curtailment, of entry clearance or permission, which can take effect immediately or at a specified future date and whether the person is in the UK or overseas. And in relation to Appendix Temporary Permission to stay for Victims of Human Trafficking or Slavery the term "cancellation" has the same meaning as "revocation" in section 65(8) of the Nationality and Borders Act 2022.

"Certificate of Sponsorship" means either:

(a) an electronic document, with a unique reference, issued by a sponsor using the Sponsorship Management System; or

(b) the record linked to a Sponsorship Reference Number, generated following a successful submission made via the "Sponsor a Worker" scheme operated by the Secretary of State,

that confirms the details of the job for which the sponsor is sponsoring the applicant.

"Child" means a person who is aged under 18 years.

"Civil partnership" means a civil partnership under or by virtue of the Civil Partnership Act 2004.

"Close relative" means a grandparent, brother, sister, step-parent, uncle (brother or half-brother of a child's parent) or aunt (sister or half-sister of a child's parent) who is aged 18 or over.

"Commonwealth citizen" means:

(a) a British Overseas Territories citizen, a British National (Overseas), a British Overseas citizen or a British subject; or

(b) a citizen of a country listed in Schedule 3 to the British Nationality Act 1981.

"Condition" means a condition of leave to enter or leave to remain under section 3(1)(c) of the Immigration Act 1971, such as a prohibition on employment or study.

"Confirmation of Acceptance for Studies reference number" means a number which links to a single Confirmation of Acceptance for Studies that was assigned to a Student or Child Student by their student sponsor.

"Conviction" means conviction for a criminal offence in the UK or any other country.

"Course of study" means the course for which a Confirmation of Acceptance for Studies was assigned, or a new course with the person's current student sponsor which they were permitted to study without applying for further permission on the Student route.

"Confirmation of Acceptance for Studies" means an electronic document with a unique reference number electronically issued by a student sponsor via the Sponsor Management System, to a person who the student sponsor has agreed to sponsor, for use in an application as a Student or Child Student, in accordance with these rules.

"Curtailment", in relation to the curtailment of a person's leave to enter or leave to remain, means cancelling or curtailing their leave such that they will have a shorter period of, or no, leave remaining.

"Custodial sentence" means a period of imprisonment, not including a suspended sentence.

"Date of application" means: If applying for entry clearance either:

(a) the date of payment of the relevant fee; or

(b) where a fee is not required, the date on which the application is submitted online; or

(c) where a fee is not required and an online application is not available, the date on which the paper application form is received by the Home Office.

If applying for permission to enter, the date the person seeks entry.

If applying for permission to stay:

(a) where the paper application form is sent by post by Royal Mail, whether or not accompanied by a fee waiver request form, the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or

(b) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office; or

(c) where the application is made via the online application process, and there is no request for a fee waiver, the date on which the online application is submitted, and the relevant fee is paid; or

(d) where the application is made via the online application process, and includes a request for a fee waiver, the date on which the online request for a fee waiver is submitted, as long as

the completed application is submitted within 10 working days of the receipt of the decision on the request for a fee waiver.

"Decision maker" means an entry clearance officer, immigration officer, the Secretary of State or such other person as is authorised by the Secretary of State to make the decision in question, as the case may be. And in Part 11 references to the Secretary of State as the decision maker include such other person as is authorised by the Secretary of State to make the decision in question.

"Degree level study" means a course which leads to a recognised UK bachelor's degree, or an equivalent qualification at level 6 of the Regulated Qualifications Framework, or at level 9 or 10 of the Scottish Credit and Qualifications Framework.

"EEA citizen" and "EEA national" means a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and who is not also a British citizen.

"EEA Regulations" means:

(a) (where relevant to something done before 11pm on 31 December 2020) the Immigration (European Economic Area) Regulations 2016 (as they have effect immediately before that date or, in the case of an application made under these rules where the date of decision is before 11pm on 31 December 2020, as they have effect at the date of application); or

(b) (where relevant to something done after 11pm on 31 December 2020) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of regulations made under section 7, 9 or 11 of the European Union (Withdrawal Agreement) Act 2020).

"ETA" means an Electronic Travel Authorisation as defined in section 11C(1) of the Immigration Act 1971.

"Employment" includes paid and unpaid employment, paid and unpaid work placements undertaken as part of a course or period of study, self-employment and engaging in business or any professional activity. Standing for or filling an elected post in local or devolved government is not considered to be employment for the purposes of the immigration rules, and conditions restricting employment do not affect the ability to undertake such activities.

"Employment as a doctor or dentist in training" means employment in a medical post or training programme which has been approved by the General Medical Council, or employment in a postgraduate training programme in dentistry.

"English language course" means a course that solely consists of English language study.

"External student" means a student studying for a degree from a UK degree awarding body without any requirement to attend the UK degree awarding body's premises or a UK listed body's premises for lectures and tutorials.

"False document" includes:

(a) a document which has been altered or tampered with; and

(b) a counterfeit document; and

(c) a document which is being used by an imposter; and

(d) a document which has been fraudulently obtained or issued; and

(e) a document which contains a falsified or counterfeit entry clearance, visa or endorsement.

"Foundation degree" means a programme of study which leads to a qualification awarded by an English higher education provider with degree awarding powers which is at a minimum of level 5 on the Regulated Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations.

"Graduate" means a person who has, or had, permission as a Graduate under Appendix Graduate of these Rules.

"Grandparent" in Appendix UK Ancestry, Appendix Ukraine Scheme and Appendix Adult Dependent Relative means a biological grandparent or grandparent by reason of an adoption recognised by the laws of the UK relating to adoption.

"Human Rights Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the UK.

"Humanitarian protection" means status granted under paragraph 339C and which has not been revoked under paragraphs 339G to 339H.

"Illegal entrant" has the same meaning as in section 33(1) of the Immigration Act 1971.

"Immigration employment document" means a work permit or any other document which relates to employment and is issued for the purpose of these rules or in connection with leave to enter or remain in the UK.

"Immigration Officer" includes a Customs Officer acting as an Immigration Officer.

"Intention to live permanently with the other in the UK" or "intend to live together permanently in the UK" means an intention to live together, evidenced by a clear commitment from both parties that they will live together permanently in the UK immediately following the outcome of the application in question or as soon as circumstances permit thereafter. However, where an application is made under Appendix Armed Forces the words "in the UK" in this definition do not apply. Where an application is made under Appendix FM and the sponsor is a permanent member of HM Diplomatic Service, or a comparable UK-based staff member of the British Council, the Foreign, Commonwealth and Development Office or the Home Office on a tour of duty outside the UK, the words "in the UK" in this definition do not apply.

"Islands" means any of the Channel Islands or the Isle of Man.

"Must not be leading an independent life" or **"is not leading an independent life"** means that the person:

(a) does not have a partner; and

(b) is living with their parent (except where they are at boarding school, college or university as part of their full-time education).

Where a relative other than a parent may act as the sponsor or carer of the person, references in this definition to living with their "parent" shall be read as applying to that other relative.

"National Referral Mechanism" means the arrangements administered by the Competent Authorities as set out in the guidance found at: https://www.gov.uk/government/publications/victims-of-trafficking-guidance-for-competent-bodies.

"Notice of liability for removal" means a notice given that a person is or will be liable for removal under section 10 of the Immigration and Asylum Act 1999, and for notices that pre-date the Immigration Act 2014 coming into force, refers to a decision to remove in accordance with section 10 of the Immigration and Asylum Act 1999, a decision to remove an illegal entrant by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971, or a decision to remove in accordance with section 47 of the Immigration, Asylum and Nationality Act 2006.

"Occupation code" means the relevant 4-digit code in the Standard Occupational Classification (SOC) 2010 system, published by the Office for National Statistics at: https://www.ons.gov.uk/methodology/classificationsandstandards/standardoccupationalclassificationsoc/soc2010.

"Occupy exclusively" in relation to accommodation means that part of the accommodation must be for the exclusive use of the person or family.

"Overcrowded" means overcrowded within the meaning of the Housing Act 1985, the Housing (Scotland) Act 1987 or the Housing (Northern Ireland) Order 1988 (as appropriate).

"Overstayed" or "overstaying" means the person has stayed in the UK beyond the latest of:

(a) the time limit attached to the last permission granted; or

(b) the period that the permission was extended under section 3C or 3D of the Immigration Act 1971.

"Parent" means:

(a) biological parent; and

(b) legal parent, including birth mother where the child is not genetically related, spouse or civil partner of the birth mother at the time of the child's birth, and person with a parental order under section 54, or section 54A of the Human Fertilisation and Embryology Act 2008; and

(c) adoptive parent:

(i) who, when habitually resident outside the UK, adopted a child in accordance with a decision taken by the competent administrative authority or court in a country whose adoption orders are recognised by the UK; or

(ii) whose adopted child has been granted permission under Appendix Adoption, or Part 8 of these Rules, and, if applicable, the adoption has been formally completed in the UK.

"Partner" means a person's:

(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.

"Passport" means a document which:

(a) is issued by or on behalf of the government of any country recognised by the UK, or dealt with as a government by the UK, and which complies with international passport practice; and

(b) shows both the identity and nationality of the holder; and

(c) gives the holder the right to enter the country of the government which issued the document; and

(d) is authentic and not unofficially altered or tampered with; and

(e) is not damaged in a way that compromises the integrity of the document; and

(f) is used by the rightful holder; and

(g) has not expired.

"Pathway Course" means a course which prepares a student for progression to another course at a specific UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students. It does not include a pre-sessional course.

"Period of imprisonment" has the same meaning as in section 38(2) of the UK Borders Act 2007.

"Permission to enter" has the same meaning as leave to enter under the Immigration Act 1971.

"Permission to stay" has the same meaning as leave to remain under the Immigration Act 1971 (and includes a variation of leave to enter or remain and an extension of leave to enter or remain).

And references in these rules to a person having, having had or being granted **"Permission"** means either permission to enter or permission to stay and includes settlement.

"Postgraduate level study" means a course at level 7 or above of the Regulated Qualifications Framework, or level 11 or above of the Scottish Credit and Qualifications Framework, which leads to a recognised UK postgraduate degree at master's level or above, or an equivalent qualification at the same level.

"Premium Sponsor" means a sponsor which is recorded as holding Premium status on the register of licensed sponsors maintained by the Home Office.

"Present and settled" means that the person concerned is settled in the UK and, at the date of application, is physically present in the UK.

Where the person concerned is a British Citizen or settled in the UK and is:

(a) a member of HM Forces serving overseas; or

(b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government, or a permanent member of the British Council on a tour of duty outside the UK, and the applicant has provided the evidence specified in paragraph 26A of Appendix FM-SE, then for the purposes of Appendix FM and Appendix Settlement Family Life, where the applicant is applying for settlement the person is to be regarded as present and settled in the UK, and in paragraphs R-LTRP.1.1.(a) and RILRP.1.1.(a) of Appendix FM the requirement "and their partner must be in the UK" is to be disregarded.

"Primary degree" means a qualification obtained from a course of degree level study, which did not feature as an entry requirement a previous qualification obtained from degree level study, for example an undergraduate degree is a primary degree, but a master's degree that has a bachelor's degree as an entry requirement is not a primary degree.

"Probationary Sponsor" means a student sponsor which is recorded as having "Probationary Sponsor status" on the register of licensed student sponsors maintained by the Home Office.

"Prohibited degree of relationship" has the same meaning as in the Marriage Act 1949, the Marriage (Prohibited Degrees of Relationship) Act 1986 and the Civil Partnership Act 2004.

"Protection claim" has the same meaning as in section 82(2)(a) of the Nationality, Immigration and Asylum Act 2002.

"Protection status" means refugee leave, refugee permission to stay, temporary refugee permission to stay, humanitarian protection and temporary humanitarian protection.

"Provisional rating" means a sponsor which is recorded as having a rating of "Provisional" on the register of licensed sponsors: workers on the gov.uk website at: www.gov.uk/government/publications/register-of-licensed-sponsors-workers.

"Public funds" means:

(a) housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985, Part I or II of the Housing (Scotland) Act 1987, Part II of the Housing (Northern Ireland) Order 1981 or Part II of the Housing (Northern Ireland) Order 1988; and

(b) attendance allowance, severe disablement allowance, carer's allowance and disability living allowance under Part III of the Social Security Contribution and Benefits Act 1992; income support and housing benefit under Part VII of that Act; child benefit under Part IX of that Act; income based jobseeker's allowance under the Jobseekers Act 1995; income related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance); state pension credit under the State Pension Credit Act 2002; or child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002; and

(c) a Social Fund maternity expenses payment made under section 138(1)(a) of the Social Security Contributions and Benefits Act 1992; a Social Fund funeral expenses payment made under section 138(1)(a) of that Act; a Social Fund cold weather payment made under section 138(2) of that Act; a Social Fund winter fuel payment made under section 138(2) of that Act; a Social Fund budgeting loan payment made under section 138(1) of that Act; and

(d) attendance allowance, severe disablement allowance, carer's allowance and disability living allowance under Part III of the Social Security Contribution and Benefits (Northern Ireland) Act 1992; income support and housing benefit under Part VII of that Act; child benefit under Part IX of that Act; income based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995 or income related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007; and

(e) a Social Fund sure start maternity grant payment made under section 134(1)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; a Social Fund funeral expenses payment made under section 134(1)(a) of that Act; a Social Fund cold weather

payment made under section 134(2) of that Act; a Social Fund winter fuel payment made under section 134 (2) of that Act; a Social Fund budgeting loan payment made under section 134 (1)(b) of that Act; and

(f) Universal Credit under Part 1 of the Welfare Reform Act 2012 or Personal Independence Payment under Part 4 of that Act; and

(g) Universal Credit, Personal Independence Payment or any domestic rate relief under the Welfare Reform (Northern Ireland) Order 2015; and

(h) a council tax reduction under a council tax reduction scheme made under section 13A of the Local Government Finance Act 1992 (in relation to England or Wales) or a council tax reduction pursuant to the Council Tax Reduction (Scotland) Regulations 2012 or the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012; and

(i) a payment made from a welfare fund under the Welfare Funds (Scotland) Act 2015; and

(j) a discretionary support payment made in accordance with any regulations made under article 135 of the Welfare Reform (Northern Ireland) Order 2015; and

(k) a discretionary payment made by a local authority under section 1 of the Localism Act 2011, not including any payment made under the Energy Rebate Scheme 2022; and

(l) a Child Disability Payment made under the Disability Assistance for Children and Young People (Scotland) Regulations 2021; and

(m) an Adult Disability Payment made under the Disability Assistance for Working Age People (Scotland) Regulations 2022; and

(n) a Carer's Allowance Supplement made under Section 81 of the Social Security (Scotland) Act 2018; and

(o) a Scottish Child Payment made under the Scottish Child Payment Regulations 2020; and

(p) a Funeral Support Payment made under the Funeral Expense Assistance (Scotland) Regulations 2019; and

(q) a Job Start Payment made under section 2 of the Employment and Training Act 1973; and

(r) Child Winter Heating Assistance made under the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020; and

(s) a Winter Heating Payment made under the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023; and

(t) a Carer Support Payment made under the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023; and

(u) a Pension Age Disability Payment made under the Disability Assistance for Older People (Scotland) Regulations 2024; and

(v) a Pension Age Winter Heating Payment made under the Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024; and

(w) a Scottish Adult Disability Living Allowance made under the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025.

For the purpose of these rules,

(i) a person (P) is not to be regarded as having (or potentially having) recourse to public funds merely because P is (or will be) reliant in whole or in part on public funds provided to P's family sponsor unless, as a result of P's presence in the UK, the family sponsor is (or would be) entitled to increased or additional public funds (save where such entitlement to increased or additional public funds is by virtue of P and the family sponsor's joint entitlement to benefits under the regulations referred to in subparagraph (ii) below; and

(ii) subject to subparagraph (iii) below, a person (P) shall not be regarded as having recourse to public funds if P is entitled to benefits specified under section 115 of the Immigration and Asylum Act 1999 by virtue of regulations made under sub-sections (3) and (4) of that section or section 42 of the Tax Credits Act 2002; and

(iii) a person (P) making an application from outside the UK will be regarded as having recourse to public funds where P relies upon the future entitlement to any public funds that would be payable to P or to P's family sponsor as a result of P's presence in the UK (including those benefits to which P or the family sponsor would be entitled as a result of P's presence in the UK under the regulations referred to in subparagraph (ii) above).

"Qualification and language assessments provider" is a contracted supplier which provides a service to compare overseas qualifications and English language proficiency.

"Recreational Course" means a course undertaken purely for leisure purposes, other than English Language training, that does not lead to a formal qualification, for example, a leisure course in pottery or horse riding.

"Refugee" has the same meaning as in Article 1 of the 1951 Refugee Convention.

"Refugee Convention" means the 1951 United Nations Convention and its 1967 Protocol relating to the Status of Refugees.

"Refugee leave" means the leave to remain granted to an individual with refugee status, who sought to register an asylum claim before 28 June 2022.

"Refugee permission to stay" means permission to stay granted to an individual with refugee status under paragraph 339QA(i) of these rules which has not been revoked under paragraph 339QD.

"Refugee status" means status granted under paragraph 334 of these rules which has not been revoked under paragraphs 339A to 339B.

"Seeking entry" refers to a person applying for entry clearance or permission to enter the UK.

"Self-employed" means a person who is registered as self-employed with HM Revenue & Customs, or an overseas equivalent, or is employed by a company of which the person is a controlling shareholder.

"Settled" has the same meaning as in section 33(1) of the Immigration Act

"Settlement" means indefinite leave to enter or remain.

"Sham marriage" and **"sham civil partnership"** has the same meaning as in section 62 of the Immigration Act 2014 and **"involvement in a sham marriage or sham civil partnership"** means a person who is a party to a sham marriage or sham civil partnership, or who has enabled the marriage or civil partnership to take place.

"Sponsor" and **"family sponsor"**, in relation to a family member, means the person in relation to whom an applicant is seeking leave to enter or remain as their spouse, fiancé(e), civil partner, proposed civil partner, unmarried partner, same-sex partner or dependent relative, as the case may be, under paragraphs 277 to 295O or 317 to 319 or the person in relation to whom an applicant is seeking entry clearance or leave as their partner or dependent relative under Appendix FM.

"Sponsor", in relation to study or work, means the person or organisation licensed by the Home Office that the Certificate of Sponsorship or Confirmation of Acceptance for Studies records as being the sponsor for a person.

"Student sponsor" means a sponsor which listed on the register of licensed sponsors maintained by the Home Office:

https://www.gov.uk/government/publications/register-of-licensed-sponsors-students .

"Studying in London" means the applicant's Confirmation of Acceptance for Studies confirms they will be studying at an institution wholly within the Greater London Area. If the applicant will be studying at more than one site, one or more of which is in Greater London Area and one or more outside, then the applicant will be considered to be studying in London if the applicant's Confirmation of Acceptance for Studies states that the applicant will be spending the majority of time studying at a site or sites situated within the Greater London Area.

"Studying outside London" means the applicant's Confirmation of Acceptance for Studies confirms they will be studying in the UK but the site of study does not meet the definition of Studying in London.

"Successfully completed" means the Student or Child Student has completed their course and been assessed by their sponsor, and has been or will be awarded, a qualification that is:

(a) for the course of study for which their Confirmation of Acceptance for Studies was assigned; or

(b) a degree at either UK Bachelor's degree level or UK postgraduate degree level, as part of an integrated programme for which their Confirmation of Acceptance for Studies was assigned; or

(c) for the course of study with their student sponsor to which they were allowed to change without applying for further permission on the Student route.

"Supplementary employment" means employment in a job (other than the job for which the person is being sponsored) which either:

(a) appears in Appendix Immigration Salary List; or

(b) is in the same profession and at the same professional level as the job for which the person is being sponsored; or

(c) if the person has permission as a Skilled Worker, is in an eligible SOC 2020 occupation code listed in Tables 1, 2 or 3 of Appendix Skilled Occupations; or

(d) if the person was granted permission as a Skilled Worker under the rules in place before 22 July 2025, and they have had continuous permission as a Skilled Worker since then, is in an eligible SOC 2020 occupation code listed in Tables 1a, 2aa or 3a of Appendix Skilled Occupations;

provided in all cases that:

(i) the person remains working for the sponsor in the job for which the Certificate of Sponsorship records the person is being sponsored (except where the other employment takes place during the 4-month period referred to in SW 18.1A of Appendix Skilled Worker, where that provision applies); and

(ii) the other employment does not exceed 20 hours per week and takes place outside of the hours when the person is contracted to work for the sponsor in the job for which the person is being sponsored.

"UK listed body" is an institution which is not a UK recognised body but which provides full courses that lead to the award of a degree by a UK recognised body.

"UK recognised body" means a higher learning institution that has been granted degree awarding powers by Royal Charter, an Act of Parliament, the Privy Council or the Office for Students, and for the purposes of these rules, Health Education South London and Health Education England are equivalent to UK recognised bodies, as set out at: https://www.gov.uk/check-a-university-is-officially-recognised.

"United Kingdom passport" has the same meaning as in the Immigration Act 1971.

"Valid application" means an application made in accordance with the requirements of Part 1, or the validity requirements of the route in question, whichever is applicable.

"Visa nationals" means persons specified in Appendix Visitor: Visa National list as needing an entry clearance (a visa), in advance of travel to the UK for any purpose and "Non-visa nationals" are persons who are not so specified in that Appendix and are required to obtain entry clearance in advance of travel for any purpose other than as a visitor for less than 6 months.

"Voluntary work" has the same meaning as applies to a voluntary worker in the National Minimum Wage Act 1998.

"Working day" means a business day in the part of the UK in which the applicant resides or (as the case may be) is detained.

"Working illegally" means working in breach of a condition of leave or working in the UK without valid leave where such leave is required.

Part 1 Leave to enter or stay in the UK (extract)

Rules 11-11B, 15, 24, 27, 28, 28A, 30, A34, 34A-X, 35, 39, 39B-E) only

Channel Tunnel entry ID requirements	11-11B
Common Travel Area	15
Returning Residents	18-20
Entry clearance	24, 27, 28, 28A, 30
Variation of Leave	A34
Valid application	34A-G
Administrative Review forms and procedures	34L-X
Undertakings	35
Medical	A39, 39
Specified Documents	39B
Indefinite Leave to Remain	39C
Power to interview person with leave	39D
Exceptions for overstayers	39E

General provisions regarding entry clearance, leave to enter or remain in the United Kingdom (paragraphs 7 to 39E).

Requirement for persons arriving in the United Kingdom or seeking entry through the Channel Tunnel to produce evidence of identity and nationality

11.A person must, on arrival in the United Kingdom or when seeking entry through the Channel Tunnel, produce on request by an immigration officer:

(i) a valid national passport or, subject to paragraph 11A other document satisfactorily establishing their identity and nationality; and

(ii) such information as may be required to establish whether they require leave to enter the United Kingdom and, if so, whether and on what terms leave to enter should be given.

11A. A national identity card is not valid for the purposes of paragraph 11(i), except where the holder is one of the following:

(a) a British citizen of Gibraltar; or

(b) a national of Switzerland with a valid entry clearance granted under Appendix Service Providers from Switzerland to these Rules; or

(c) a national of one of the countries listed in paragraph 11B with valid indefinite or limited leave to enter or remain granted under Appendix EU to these Rules, or who has made a valid application under that Appendix (other than as a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined; or

(d) a national of one of the countries listed at paragraph 11B with a valid entry clearance in the form of an EU Settlement Scheme Family Permit; or

(e) a national of one of the countries listed at paragraph 11B with a frontier worker permit; or

(f) a national of one of the countries listed at paragraph 11B seeking to come to the UK as an S2 Healthcare Visitor; or

(g) a national of one of the countries listed at paragraph 11B who has been granted immigration permission equivalent to that set out in sub-paragraphs (b) to (f) above by the Islands, or who has made a valid application under the equivalent in the Islands of Appendix EU to these rules (other than as the equivalent of a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined; or

(h) a person aged 18 or under, studying at a school or educational institution in France registered with the French Ministry of Education and seeking to enter the UK as part of a school party of 5 or more pupils organised by that school or institution; or

(i) a person aged 19 or under, studying at a school or educational institution in Germany, the existence of which is confirmed by the relevant German municipal or competent authority, and seeking to enter the UK as part of a school party of 5 or more pupils organised by that school or institution.

11B. For the purposes of subparagraphs (c) to (h) of paragraph 11A, the holder must be a national of one of the following countries:

Austria	Germany	Netherlands
Belgium	Greece	Norway
Bulgaria	Hungary	Poland
Croatia	Iceland	Portugal
Cyprus	Italy	Romania
Czech Republic	Latvia	Slovakia
Denmark	Liechtenstein	Slovenia
Estonia	Lithuania	Spain
Finland	Luxembourg	Sweden
France	Malta	Switzerland

11C. For the purposes of paragraphs 11A(h), ETA 1.9 and VN 7.0, that person must be listed in a completed and authenticated “France-UK School Trip Travel Information Form” (published by the Home Office on the gov.uk website) in the possession of an adult arriving at the border with responsibility for supervising the party’s travel.

11D. For the purposes of paragraphs 11A(i), ETA 1.10 and VN 8.0, that person must be listed in a completed “Germany-UK School Trip Travel Information Form” (published by the Home Office on the gov.uk website), authenticated by the relevant German municipal or competent authority, and in the possession of an adult arriving at the border with responsibility for supervising the party’s travel.

Common Travel Area

15.The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However certain persons subject to the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended) who enter the United Kingdom through the Republic of Ireland do require leave to enter. This includes:

(i) those who merely passed through the Republic of Ireland;

(ii)persons requiring visas;

(iii)persons who entered the Republic of Ireland unlawfully;

(iv)persons who are subject to directions given by the Secretary of State for their exclusion from the United Kingdom on the ground that their exclusion is conducive to the public good;

(v)persons who entered the Republic from the United Kingdom and Islands after entering there unlawfully or overstaying their leave.

Returning Residents

18. DELETED

18A. DELETED

19. DELETED

19A. DELETED

20. DELETED

Entry clearance

24. The following persons are required to obtain entry clearance in advance of travel to the UK:

(i) a visa national;

(ii) a non-visa national (not a British or Irish national) who is seeking entry for any purpose other than as a visitor seeking entry for 6 months or less, or

(iii) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules.

Any other person who wishes to ascertain in advance whether they are eligible for admission to the United Kingdom may apply for the issue of an entry clearance.

…

27. An application for entry clearance is to be decided in the light of the circumstances existing at the time of the decision, except that an applicant will not be refused an entry clearance where entry is sought in one of the categories contained in paragraphs 296-316 or paragraph EC-C of Appendix FM solely on account of his attaining the age of 18 years between receipt of his application and the date of the decision on it.

28. An applicant for an entry clearance must be outside the United Kingdom and Islands at the time of the application. An application for an entry clearance as a visitor or as a short-term student or under Appendix Ukraine Scheme must be made to any post designated by the Secretary of State to accept such applications. Subject to paragraph 28A, any other application must be made to a post in the country or territory where the applicant is living which has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant. Where there is no such post the applicant must apply to the appropriate designated post outside the country or territory where he is living.

28A (a) An application for entry clearance under Appendix Temporary Work - Creative Worker may also be made at the post in the country or territory where the applicant is situated at the time of the application, provided that:

(i) the post has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant,

(ii) the applicant is in that country or territory for a similar purpose to the activity he proposes to undertake in the UK, and

(iii) the applicant is able to demonstrate to the Entry Clearance Officer that he has authority to be living in that country or territory in accordance with its immigration laws. Those applicants who are known to the authorities of that country or territory but who have not been given permission to live in that country or territory will not be eligible to make an application.

(b) An application for entry clearance as a Global Talent migrant or under Appendix Youth Mobility Scheme may also be made at the post in the country or territory where the applicant is situated at the time of the application, provided that:

(i) the post has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant, and

(ii) the applicant is able to demonstrate to the Entry Clearance Officer that he has authority to be living in that country or territory in accordance with its immigration laws and that when he was given authority to live in that country or territory he was given authority to live in that country or territory for a period of more than 6 months. Those applicants who are known to the authorities of that country or territory but who have not been given permission to live in that country or territory will not be eligible to make an application.

…

30. An application for an entry clearance is not made until any fee required to be paid under the regulations made under sections 68 and 69 of the Immigration Act 2014 has been paid.

Variation of leave to enter or remain in the United Kingdom

A34. Paragraphs 34 and 34A apply to an application made under the following rules:

(a) paragraph 167 to 168 (Indefinite leave to remain for an overseas government employee);

(b) paragraph 184 to 185 (Indefinite leave to remain for a member of the operational ground staff of an overseas owned airline);

(c) paragraph 245D to 245DF (Tier 1 (Entrepreneur) Migrants);

(d) paragraph 245E to 245EF (Tier 1 (Investor) Migrants);

(e) paragraph 319A to 319J (Family members of Relevant Points Based System Migrants or Appendix W Worker);

(f) Appendix W Workers;

(g) paragraph 276DI to 276AI Armed Forces Rules;

(h) paragraph 309A to 316F (Adopted Children);

(i) Part 8;

(j) Part 14 (Stateless Persons);

(k) Appendix FM.

How to make a valid application for permission to stay in the UK

34. an application for permission to stay must be made in accordance with sub-paragraphs (1) to (9) below.

(1) (a) Subject to paragraph 34(1)(c), the application must be made on an application form which is specified for the immigration category under which the applicant is applying on the date on which the application is made.

(b) An application form is specified when it is posted on the visa and immigration pages of the GOV.UK website.

(c) An application can be made on a previous version of a specified paper application form (and shall be treated as made on a specified form) as long as it is no more than 21 days out of date.

(2) All mandatory sections of the application form must be completed.

(3) Where the applicant is required to pay a fee, this fee must be paid in full in accordance with the process set out in the application form unless the applicant has made an application for a fee waiver which has been granted in whole or in part.

(4) Where the applicant is required to pay the Immigration Health Surcharge, this must be paid in accordance with the process set out on the visa and immigration pages of the GOV.UK website.

(5) (a) Subject to paragraph 34(5)(c), the applicant must have provided proof of identity as described in 34(5)(b) below and in accordance with the process set out in the application form.

(b) Proof of identity for the purpose of this paragraph means:

(i) a valid passport or, if an applicant (except a PBS applicant) does not have a valid passport, a valid national identity card; or

(ii) if the applicant does not have a valid passport or national identity card, their most recent passport or (except a PBS applicant) their most recent national identity card; or

(iii) if the applicant does not have any of the above, a valid travel document.

(c) Proof of identity need not be provided where:

(i) the applicant's passport, national identity card or travel document is held by the Home Office at the date of application; or

(ii) the applicant's passport, nationality identity card or travel document has been permanently lost or stolen and there is no functioning national government to issue a replacement; or

(iii) the applicant's passport, nationality identity card or travel document has been retained by an employer or other person in circumstances which have

led to the applicant being the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism; or

(iv) the application is for limited leave to enable access to public funds pending an application under paragraph 289A of, or under Part 6 of Appendix Armed Forces or section DVILR of Appendix FM to these Rules; or

(v) the application is made under Part 14 of these Rules for leave as a stateless person or as the family member of a stateless person; or

(vi) the application was made by a person in the UK with refugee leave or humanitarian protection; or

(vii) the applicant provides a good reason beyond their control why they cannot provide proof of their identity.

(6) Where any of paragraph 34(5)(c)(ii)-(vii) applies, the Secretary of State may ask the applicant to provide alternative satisfactory evidence of their identity and nationality.

(7) Where the main applicant is under the age of eighteen, their parent or legal guardian must provide written consent to the application.

(8) Where the application is made on a paper application form, it must be sent by pre-paid post or courier to the address on the application form.

(9) An applicant must comply with the application process set out on the visa and immigration pages on GOV.UK and in the invitation to enrol biometrics which is provided as part of the application process in relation to –

(a) making an appointment to provide biometrics, and

(b) providing any evidence requested by the Secretary of State in support of their application.

Invalid applications

34A. Subject to paragraph 34B, an application for permission to stay which does not meet the requirements of paragraph 34 will be rejected as invalid and not considered.

34B. (1) Where an application for **permission to stay** does not meet the requirements of paragraph 34(1) to (9), or the validity requirements for the route under which they are applying, the Secretary of State may notify the applicant and give them one opportunity to correct the error(s) or omission(s) identified by the Secretary of State within the timescale specified in the notification.

(2). Where an applicant does not comply with the notification in paragraph 34B(1), or with the requirements in paragraph 34G(4), the application is invalid and will not be considered unless the Secretary of State exercises discretion to treat an invalid application as valid and either the requirements of paragraph 34(3), (4) and (5), or any requirement to pay a fee and Immigration Health Charge and provide biometrics, has been met.

(3) Notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.

Variation of an application

34BB Except where one or more applications have been made under Appendix EU (see paragraph EU10 of Appendix EU):

(1) Where an applicant has an outstanding application for entry clearance or permission to stay which has not been decided (“the previous application”), any further application for entry clearance or permission to stay will be treated as an application to vary the previous application and only the most recent application will be considered.

(2) An application to vary a previous application must comply with the requirements of paragraph 34, or the validity requirements for the route applied for or, subject to paragraph 34B, the application to vary will be invalid and will not be considered.

(3) Any valid application to vary a previous application will be decided in accordance with the immigration rules in force at the date the application to vary is made.

(4) Where an application to vary a previous application has been made, the Secretary of State will contact the applicant to notify them that the application is being treated as an application to vary and that any previous application will have been varied.

(5) Where more than one application to vary has been made, or where it is not clear which is the most recent application, the Secretary of State will request that the applicant confirm which application they want to be considered.

(6) If the applicant does not provide confirmation within 14 days of the request, the most recent application will be considered and any other applications will be treated as varied, unless it is not clear which is the most recent application, in which case all applications will be treated as invalid.

(7) Where a human rights claim is made as part of an application and a subsequent application is made which varies that application under paragraph 34BB(1), if the applicant is then granted entry clearance or permission to stay, any outstanding human rights claim will be treated as withdrawn, but where any subsequent application is refused, the human rights claim, if not already decided, remains outstanding and will be considered at a time decided by the Secretary of State.

Applications made by dependants

34C. A dependent applicant can be included on a main applicant's application form where the application form allows the dependant to be included. Otherwise, a dependent must make a separate application.

34DA. An applicant applying as a dependent partner or dependent child must be applying as the partner or child of a person (P) where:

> (i) P has made a valid application for entry clearance, permission to enter, permission to stay or settlement on the same route as the applicant and that application has not been decided; or
>
> (ii) P has entry clearance, permission to enter, or permission to stay, on the same route as the route on which the applicant is applying; or
>
> (iii) P is settled or a British citizen, providing P had permission on the route on which the applicant is applying when they settled, and the applicant had permission as their partner or child at that time.

34D. DELETED

34E. DELETED.

34F. DELETED.

Date of application (or variation of application) for permission to stay

34G. For the purposes of these rules, and subject to paragraph 34GB, the date on which an application is made is:

> (1) where the paper application form is sent by post by Royal Mail, whether or not accompanied by a fee waiver request form, the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or
>
> (2) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office; or
>
> (3) where the application is made via the online application process, and there is no request for a fee waiver, the date on which the online application is submitted; or
>
> (4) where the online application includes a request for a fee waiver, the date on which the online request for a fee waiver is submitted, as long as the completed application for permission to stay is submitted within 10 working days of the receipt of the decision on the fee waiver application.

34GA. Where an application is rejected as invalid that decision will be served in accordance with Appendix SN.

34GB. Where a variation application is made in accordance with paragraph 34BB, the date the variation application (the new application) is made is deemed to be the date the previous application was made prior to it being varied (the old application).

34GC. Where a partner, child or other dependent is included in the variation application (the new application) and was not included in the application which has been varied (the old application) the date of application for the dependant's application is the date the variation application (the new application) was made.

Withdrawal of an application for entry clearance, permission to enter and permission to stay in the United Kingdom

34H. An applicant may ask to withdraw their application for entry clearance, permission to enter or permission to stay at any time before a decision is made on the application by making a request in writing or by completing the withdrawal process at www.gov.uk/cancel-visa. If the request to withdraw the application is accepted the date of withdrawal is the date on which the request was received by the Home Office.

34I. There is no requirement to agree to the withdrawal of an application for entry clearance, permission to enter or permission to stay and the decision maker may instead decide the application.

34J. The proof of identity provided under paragraph 34(5), or any other application for permission to stay, will be returned to the applicant whilst their application is being considered, unless the Secretary of State considers it necessary to retain it.

34K. Where a decision on an application for permission to stay has not been made and the applicant travels outside the common travel area their application will be treated as withdrawn on the date the applicant left the common travel area.

Void applications

34KA. An application is void where it would not be possible to grant the applicant the permission for which they applied.

34KB. If an application is void, it will not be considered.

34KC. An application is void if, for example, any of the following apply:

(a) it was made by a person who is exempt from immigration control, unless it was made under Appendix EU of these Rules; or

(b) it is an application for temporary permission, and the applicant has already been granted settlement; or

(c) it is a new application for permission to stay and is made while the applicant's current permission is extended under section 3C of the Immigration Act 1971 during the period where an in-time appeal could be brought or is pending, unless the new application is made under Appendix EU of these Rules or is a human rights or protection claim; or

(d) the applicant has died before the application has been decided.

34KD. Where an application is void, notice will be given in accordance with Appendix SN of these Rules.

Specified forms and procedures in connection with applications for administrative review

Notice of an eligible decision

34L. (1) Unless sub-paragraph (2) applies, written notice must be given to a person of any eligible decision. The notice given must:

(a) include or be accompanied by a statement of reasons for the decision to which it relates, and

(b) include information on how to apply for an administrative review and the time limit for making an application.

(2) Sub-paragraph (1) does not apply where the eligible decision is a grant of leave to remain.

Making an application

34M-34S DELETED.

Notice of invalidity

34T. DELETED.

Online applications for administrative review

34U. DELETED.
Postal applications for administrative review
34V. DELETED.
Applications for administrative review of entry clearance decisions
34VA. DELETED.
Determining the date of an application
34W. DELETED.
Withdrawal of applications
34X. DELETED...
Undertakings
35. DELETED.
Medical
A39. DELETED
B39. DELETED
C39. DELETED

39. The Entry Clearance Officer has the same discretion as an Immigration Officer to refer applicants for entry clearance for medical examination and the same principles will apply to the decision whether or not to issue an entry clearance.

…

Specified documents

39B. (a) Where these Rules state that specified documents must be provided, that means documents specified in these Rules as being specified documents for the route under which the applicant is applying. If the specified documents are not provided, the applicant will not meet the requirement for which the specified documents are required as evidence.

(b) Where these Rules specify documents that are to be provided, those documents are considered to be specified documents, whether or not they are named as such, and as such are subject to the requirements in (c) to (f) below.

(c) If the Entry Clearance Officer or Secretary of State has reasonable cause to doubt the genuineness of any document submitted by an applicant which is, or which purports to be, a specified document under these Rules, and having taken reasonable steps to verify the document is unable to verify that it is genuine, the document will be discounted for the purposes of this application.

(d) Specified documents may be originals or copies.

(e) Specified documents must contain, or the applicant must provide, full contact details to allow each document to be verified.

(f) Where any specified documents provided are not in English or Welsh, the applicant must provide the version in the original language and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State.

The translation must be dated and include:

(i) confirmation that it is an accurate translation of the original document;

(ii) the full name and signature of the translator or an authorised official of the translation company;

(iii) the translator or translation company's contact details; and

(iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company's credentials.

Indefinite leave to enter or remain

39C (a) An applicant for indefinite leave to enter or remain must, unless the applicant provides a reasonable explanation, comply with any request made by the Secretary of State to attend an interview.

(b) If the decision-maker has reasonable cause to doubt (on examination or interview or on any other basis) that any evidence submitted by or on behalf of an applicant for the purposes

of satisfying the requirements of Appendix KoLL of these Rules was genuinely obtained, that evidence may be discounted for the purposes of the application.

(c) Where sub-paragraph (b) applies, the decision-maker may give the applicant a further opportunity to demonstrate sufficient knowledge of the English language and about life in the United Kingdom in accordance with paragraph 3.2 or 3.3 of Appendix KoLL.

(d) A decision-maker may decide not to give the applicant a further opportunity under sub-paragraph (c) where the decision-maker does not anticipate that the supply of further evidence will lead to a grant of leave to enter or remain in the United Kingdom because the application may be refused for other reasons.

Power to interview a person with limited leave to enter or remain

39D. For the purpose of assessing whether any of the grounds of cancellation of entry clearance or permission under Part 9 apply the Secretary of State may request a person to:

(a) provide additional information to the Home Office at the address specified in the request within 28 calendar days of the date the request is sent; and

(b) attend an interview.

Exceptions for overstayers

39E. DELETED

Part 8 Family members (extract)

Children of settled parent(s) paras 297-299 only

Requirements for indefinite leave to enter the United Kingdom as the child of a parent, parents or a close relative present and settled or being admitted for settlement in the United Kingdom

297. The requirements to be met by a person seeking indefinite leave to enter the United Kingdom as the child of a parent, parents or a close relative present and settled or being admitted for settlement in the United Kingdom are that he:

(i) is seeking leave to enter to accompany or join a parent, parents or a close relative in one of the following circumstances:

(a) both parents are present and settled in the United Kingdom; or

(b) both parents are being admitted on the same occasion for settlement; or

(c) one parent is present and settled in the United Kingdom and the other is being admitted on the same occasion for settlement; or

(d) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is dead; or

(e) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or

(f) one parent or a close relative is present and settled in the United Kingdom or being admitted on the same occasion for settlement, their other parent does not have (and is not being granted) limited leave in the UK and there are serious and compelling reasons to grant the applicant settlement;

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) can, and will, be accommodated adequately by the parent, parents or close relative the child is seeking to join without recourse to public funds in accommodation which the parent, parents or close relative the child is seeking to join, own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents, or close relative the child is seeking to join, without recourse to public funds; and

(vi) holds a valid United Kingdom entry clearance for entry in this capacity; and

(vii) the applicant must not fall for refusal under Part Suitability.

Requirements for indefinite leave to remain in the United Kingdom as the child of a parent, parents or a close relative present and settled or being admitted for settlement in the United Kingdom

298. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the child of a parent, parents or a close relative present and settled in the United Kingdom are that he:

(i) is seeking to remain with a parent, parents or a relative in one of the following circumstances:

(a) both parents are present and settled in the United Kingdom; or

(b) one parent is present and settled in the United Kingdom and the other parent is dead; or

(c) one parent is present and settled in the United Kingdom and has had sole responsibility for the child's upbringing or the child normally lives with this parent and not their other parent; or

(d) one parent or a close relative is present and settled in the United Kingdom or being admitted on the same occasion for settlement, their other parent does not have (and is not being granted) limited leave in the UK and there are serious and compelling reasons to grant the applicant settlement;

(ii) has or has had limited leave to enter or remain in the United Kingdom, and

(a) is under the age of 18; or

(b) was given leave to enter or remain with a view to settlement under paragraph 302 or Appendix FM; or

(c) was admitted into the UK in accordance with paragraph 319R and has completed a period of 2 years limited leave as the child of a refugee or beneficiary of humanitarian protection who is now present and settled in the UK or as the child of a former refugee or beneficiary of humanitarian protection who is now a British Citizen, or

(d) the applicant has limited leave to enter or remain in the United Kingdom in accordance with paragraph 319X, as the child of a close relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom and who is now present and settled here; or

(e) was last given limited leave to remain under paragraph 298A; or

(f) was last given entry clearance or permission to stay under Appendix Adoption or the adopted children rules in this Part; and

(iii) is not leading an independent life, is unmarried, and has not formed an independent family unit; and

(iv) can, and will, be accommodated adequately by the parent, parents or close relative the child was admitted to join, without recourse to public funds in accommodation which the parent, parents or close relative the child was admitted to join, own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents or close relative the child was admitted to join, without recourse to public funds; and

(vi) does not fall for refusal under Part Suitability, and

(vii) if aged 18 or over, was admitted to the United Kingdom under paragraph 302, or Appendix FM, or 319R or 319X and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL.

298A. If an applicant does not meet the requirements of paragraph 298 only because:

(a) the applicant does not meet the requirement in paragraph 298(vi) by reason of a sentence or disposal of a type mentioned in paragraph 9.4.3. of Part 9 of these Rules; or

(b) an applicant aged 18 or over does not meet the requirement in paragraph 298(vii); or

(c) the applicant would otherwise be refused indefinite leave to remain under paragraph 9.4.3. of Part 9 of these Rules, the applicant may be granted limited leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds.

Indefinite leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

299. Indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom may be granted provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 298 is met.

Part Suitability

Part Suitability applies to most routes under these Rules (see section 1).

If an applicant is refused under this Part, they will not meet the suitability requirements of the route on which they are applying.

A person may also have their entry clearance or permission cancelled under this Part. The Immigration Act 1971, section 76 of the Nationality, Immigration and Asylum Act 2002 (revocation of indefinite leave), the Immigration (Leave to Enter and Remain) Order 2000 and Schedule 2 of the Immigration Act 1971 provide the powers to cancel entry clearance and permission. This Part sets out how those powers are to be exercised.

Where a person has settlement and is in-country (not including at the UK border) their permission can only be cancelled on the grounds contained in section 76 of the Nationality, Immigration and Asylum Act 2002.

Decisions on suitability are either mandatory (must) or discretionary (may). Where a refusal under this Part would be incompatible with the UK obligations under the European Convention on Human Rights (ECHR) the route specific rules set out the approach to be taken.

Some routes have their own, or additional, suitability requirements.

This Part is in 5 sections.

1. Application of this Part

2. Grounds for refusal, or cancellation, of entry clearance or permission

3. Additional grounds for refusal or entry, or cancellation of entry clearance or permission, on arrival in the UK

4. Additional grounds for refusal, or cancellation of permission to stay

5. Additional grounds for cancellation of entry clearance and permission

1. Application of this Part

SUI 1.1. This Part applies to all routes under these rules, except:

(a) Appendix EU; and

(b) Appendix EU (Family Permit); and

(c) Part 11 (Asylum), except Part Suitability does apply to paragraphs 352ZH to 352ZS, and 352I to 352X; and

(d) DELETED

(e) Appendix Settlement Protection.

SUI 1.2. For the following Appendixes, only the stated provisions of this Part apply:

(a) For applications for permission to stay under Appendix Domestic Worker who is a Victim of Modern Slavery: SUI.2.1(c), SUI.2.2, SUI .3.1, SUI.3.2, SUI 5.1(b), SUI 5.1(c), SUI 5.2, SUI 5.5, SUI 9.1., SUI 10.1., SUI 10.2., SUI 14.1, SUI 14.2., SUI 19.2, SUI 25.1, SUI 29.1, SUI 30.1; and

(b) For applications permission granted under the Agreement, paragraphs SUI 2.2, SUI 3.2, SUI 5.2, SUI 5.5., SUI 8.2, SUI 10.2., and SUI 27.2 apply where the criminal offence or adverse conduct occurred after 11pm on 31 December 2020; and

(c) for applications for permission to stay under Appendix ECAA Extension of Stay, paragraphs SUI 2.1, SUI 3.1, SUI 5.1, SUI 5.3., SUI 8.1, SUI 9.1, SUI 10.1, SUI 16.1, SUI 17.1 and SUI 27.1, and in relation to such permission paragraphs SUI 2.2, SUI 3.2, SUI 5.2, SUI 5.5, SUI 8.2, SUI 10.2. and SUI 27.2 apply where the criminal offence or adverse conduct occurred after 11pm on 31 December 2020.

SUI 1.3. This Part also does not apply to Appendix Electronic Travel Authorisation.

SUI 1.4. Where a person has settlement and is in-country (not including at the UK border) their permission can only be cancelled on the grounds contained in section 76 of the Nationality, Immigration and Asylum Act 2002.

2. Grounds for refusal, or cancellation, of entry clearance or permission

Exclusion, deportation order or travel ban grounds

SUI 2.1. An application for entry clearance or permission must be refused where:

(a) the Secretary of State has personally directed that the applicant be excluded from the UK; or

(b) the applicant is the subject of an exclusion order; or

(c) the applicant is the subject of a deportation order, or a decision to make a deportation order.

SUI 2.2. Entry clearance or permission held by a person must be cancelled where the Secretary of State has personally directed that the person be excluded from the UK.

SUI 2.3. An application for entry clearance must be refused where the applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

SUI.2.4. Entry clearance must be cancelled where the person is subject to a travel ban and is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

Non-conducive grounds

SUI 3.1. An application for entry clearance or permission must be refused where the applicant's presence in the UK is not conducive to the public good because of their conduct, character, associations or other reasons (including convictions which do not fall within the criminality grounds).

SUI 3.2. Entry clearance or permission held by a person must be cancelled, where the person's presence in the UK is not conducive to the public good.

Exclusion from asylum or humanitarian protection grounds

SUI 4.1. An application for entry clearance or permission must be refused where a decision maker:

(a) has at any time decided that paragraph 339AA (exclusion from Refugee Convention), 339AC (danger to the UK), 339D (exclusion from a grant of humanitarian protection) or 339GB (revocation of humanitarian protection on grounds of exclusion) of these rules applies to the applicant; or

(b) has decided that paragraph 339AA, 339AC, 339D or 339GB of these rules would apply, but for the fact that the person has not made a protection claim in the UK, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB.

SUI 4.2. Entry clearance or permission held by a person must be cancelled where a decision maker:

(a) has at any time decided that paragraph 339AA (exclusion from Refugee Convention), 339AC (danger to the UK), 339D (exclusion from a grant of humanitarian protection) or 339GB (revocation of humanitarian protection on grounds of exclusion) of these rules applies to the applicant; or

(b) has decided that paragraph 339AA, 339AC, 339D or 339GB of these rules would apply, but for the fact that the person has not made a protection claim in the UK, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB.

Criminality grounds

SUI 5.1. An application for entry clearance or permission must be refused where the applicant:

(a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial or suspended sentence of 12 months or more; or

(b) is a persistent offender who shows a particular disregard for the law; or

(c) has committed a criminal offence, or offences, which caused serious harm.

SUI 5.2. Entry clearance or permission held by a person must be cancelled where the person:

(a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial or suspended sentence of 12 months or more; or

(b) is a persistent offender who shows a particular disregard for the law; or

(c) has committed a criminal offence, or offences, which caused serious harm.

SUI 5.3. An application for entry clearance or permission may be refused where the applicant:

(a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial or suspended sentence of less than 12 months; or

(b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record.

SUI 5.4. An application for entry clearance or permission to enter under Appendix V: Visitor, or where a person is seeking entry on arrival in the UK for a stay for less than 6 months, must be refused where the applicant:

(a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial or suspended sentence of less than 12 months, unless more than 12 months have passed since the end of the custodial sentence; or

(b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record, unless more than 12 months have passed since the date of conviction.

SUI 5.5. Entry clearance or permission held by a person may be cancelled where the person:

(a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial or suspended sentence of less than 12 months; or

(b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record.

Appendix FM: Safeguarding Ground

SUI 6.1. An application for entry clearance under Appendix FM must be refused if the decision maker considers the applicant's parent or parent's partner poses a risk to the applicant.

Innovator Founder: fit and proper person grounds

SUI 7.1. An application for entry clearance or permission as an Innovator Founder may be refused where the decision maker has reason to believe that the applicant:

(a) is the subject of any serious civil or criminal investigations or proceedings with regard to corruption or other financial crime or financial misconduct; or

(b) is, or has been, the subject of non-criminal sanctions, including being disbarred from acting as a director or carrying out regulated financial activities in any country.

SUI 7.2. Entry clearance or permission held by a person as an Innovator Founder may be cancelled if the decision maker has reason to believe that the applicant is or has been:

(a) the subject of any serious civil or criminal action with regard to corruption or other financial crime or serious misconduct; or

(b) disbarred from acting as a director or carrying out regulated financial activities in any country.

Involvement in a sham marriage or sham civil partnership grounds

SUI 8.1. An application for entry clearance or permission may be refused where the decision maker is satisfied that it is more likely than not that that the applicant is, or has been, involved in a sham marriage or sham civil partnership.

SUI 8.2. Entry clearance or permission held by a person may be cancelled where the decision maker is satisfied that it is more likely than not the person is, or has been, involved in a sham marriage or sham civil partnership.

Deception grounds

SUI 9.1. An application for entry clearance or permission must be refused where the decision maker is satisfied that the applicant used deception by:

(a) making false representations or providing false documents or false information in relation to the application (whether or not relevant to the application); or

(b) not disclosing relevant facts in relation to the application.

SUI 9.2. Permission extended under section 3C of the Immigration Act 1971 may be cancelled where the decision maker is satisfied the applicant used deception by:

(a) making false representations or providing false documents or false information in relation to an application (whether or not relevant to the application); or

(b) not disclosing relevant facts in relation to an application.

False representations, etc grounds

SUI 10.1. An application for entry clearance or permission may be refused where the applicant or a third party, in relation to the application, or to obtain documents from the Secretary of State or a third party:

(a) made false representations or provided false documents or false information in relation to the application (whether or not relevant to the application, and whether or not to the applicant's knowledge); or

(b) did not disclose relevant facts in relation to the application.

SUI 10.2. Entry clearance or permission held by a person may be cancelled where, the applicant or a third party, in relation to the application, or to obtain documents from the Secretary of State or a third party:

(a) made false representations or provided false documents or false information in relation to an application (whether or not relevant to the application, and whether or not to the applicant's knowledge); or

(b) did not disclose relevant facts in relation to an application.

Previous breach of immigration law grounds

SUI 11.1. An application for entry clearance or permission to enter must be refused if:

(a) the applicant has previously breached immigration laws as defined in SUI 11.4; and

(b) the application was made within the relevant time period in SUI 12.1.

SUI 11.2. An application for entry clearance or permission to enter may be refused where:

(a) the applicant has previously breached immigration laws as defined in SUI 11.4; and

(b) the application was made outside the relevant time period in SUI 12.1; and

(c) the applicant has acted to frustrate immigration controls (see SUI 11.7.).

SUI 11.3. An application for entry clearance or permission may be refused where the applicant is, or has been, in breach of immigration laws as defined in SUI 11.4.

SUI 11.4. An applicant will be treated as having breached immigration laws if, aged 18 or over, they:

(a) overstayed their permission, unless an exception in SUI 11.5. or SUI 11.6. applied to that period of overstaying; or

(b) breached a condition attached to their permission, unless entry clearance or further permission has subsequently been granted in the knowledge of the breach; or

(c) were (or still are) an illegal entrant; or

(d) used deception in relation to a previous application (whether or not successfully).

SUI 11.5. A period of overstaying will be disregarded for the purpose of SUI 11.4.(a) where the person left the UK voluntarily, not at the expense (directly or indirectly) of the Secretary of State, and:

(a) the person overstayed for 90 days or less, where the overstaying began before 6 April 2017; or

(b) the person overstayed for 30 days or less, where the overstaying began on or after 6 April 2017; or

(c) SUI 13.1. applied to the period of overstaying.

SUI 11.6. A period of overstaying will not be counted for the purpose of paragraph SUI 11.4.(a) where the overstaying arose from a decision to refuse an application, or cancellation of permission, which was subsequently withdrawn, or quashed, or reconsidered by direction of a court or tribunal, unless the legal challenge which led to the reconsideration was brought more than 3 months after the date of the decision to refuse or cancel.

SUI 11.7. An applicant will be treated as having acted to frustrate immigration controls, if aged 18 or over, they (for example):

(a) failed to cooperate with the redocumentation, arrest or removal process; or

(b) used a false identity; or

(c) failed to report as required or absconded from immigration custody or bail; or

(d) obtained state or public authority benefits, tax credits, employment, rented accommodation in the private sector or goods or services they were not entitled to; or

(e) used multiple identities; or

(f) participated in immigration related crime.

SUI 11.8. Permission (including that extended under section 3C of the Immigration Act 1971) may be cancelled where the person has failed to comply with the conditions of their permission.

Mandatory Refusal Periods (also known as re-entry bans)

SUI 12.1. The relevant time period under SUI 11.1. and SUI 11.2. is as set out in the following table (and where the person previously breached more than one immigration law, only the breach which leads to the longest period of absence from the UK will apply):

Time from date the person left the UK (or date of refusal of the application under row (f))	**This applies where the applicant**	**And the applicant left the UK**	**And the applicant left the UK**
(a) 12 months	left voluntarily	**at their own expense**	**N/A**
(b) 2 years	left voluntarily	**at public expense**	**Within 6 months of being given notice of liability for removal or when they no longer had a pending appeal or administrative review, whichever is later.**
(c) 5 years	left voluntarily	**at public expense**	**more than 6 months after being given notice of liability for removal or when they no longer had a pending appeal or**

Time from date the person left the UK (or date of refusal of the application under row (f))	This applies where the applicant	And the applicant left the UK	And the applicant left the UK
			administrative review, whichever is later.
(d) 5 years	left or was removed from the UK	**as a condition of a caution issued under section 22 of the Criminal Justice Act 2003 (and providing that any condition prohibiting their return to the UK has itself expired)**	**-**
(e) 10 years	was removed from the UK	**at public expense**	**-**
(f) 10 years	Used deception in an application (for visits this applies to applications for entry clearance only)	**-**	**-**

Exceptions for overstayers

SUI 13.1. An applicant will not be treated as an overstayer if:

(a) their application was made within 14 days of their previous permission expiring, and the decision maker considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in-time; or

(b) the application was made:

(i) following the refusal or rejection of a previous application for permission which was made in-time; and

(ii) within 14 days of:

(1) the refusal or rejection of that previous application; or

(2) the expiry of any permission extended by section 3C of the Immigration Act 1971; or

(3) the expiry of the time-limit for making an in-time application for administrative review or appeal in relation to the previous application (where applicable); or

(4) any administrative review or appeal in relation to the previous application being concluded, withdrawn, abandoned or lapsing; or

(c) the period of overstaying was between 24 January 2020 and 31 August 2020; or

(d) the applicant has, or had, permission on the Hong Kong BN(O) route, and the period of overstaying was between 1 July 2020 and 31 January 2021: or

(e) the period of overstaying:

(i) is between 1 September 2020 and 28 February 2023; and

(ii) is covered by an exceptional assurance.

SUI 13.2. For the purpose of SUI 13.1(e)(ii), “exceptional assurance” means a written notice given to a person by the Home Office stating that they would not be considered an overstayer for the period specified in the notice.

Failure to provide required information, etc grounds

SUI 14.1. An application for entry clearance or permission may be refused where a person fails without reasonable excuse to comply with a reasonable requirement to:

(a) attend an interview; or

(b) provide information; or

(c) provide biometrics (whether or not requested as part of an application); or

(d) undergo a medical examination; or

(e) provide a medical report.

SUI 14.2. Any entry clearance or permission may be cancelled where the person fails without reasonable excuse to comply with a reasonable requirement to:

(a) attend an interview; or

(b) provide information; or

(c) provide biometrics; or

(d) undergo a medical examination; or

(e) provide a medical report.

Admissibility to the Common Travel Area or other countries grounds

SUI 15.1. An application for entry clearance or permission to enter must be refused where a person is seeking entry to the UK with the intention of entering another part of the Common Travel Area and fails to satisfy the decision maker that they are acceptable to the immigration authorities there.

SUI 15.2. An application for entry clearance or permission may be refused where a person seeking entry fails to satisfy the decision maker that they will be admitted to another country after a stay in the UK.

Debt to the NHS grounds

SUI 16.1. An application for entry clearance or permission may be refused where a relevant NHS body has notified the Secretary of State that the applicant has failed to pay charges under relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500.

Unpaid litigation costs grounds

SUI 17.1. An application for entry clearance or permission may be refused where a person has failed to pay litigation costs awarded to the Home Office.

Purpose not covered by the Immigration Rules grounds

SUI 18.1. An application for entry clearance or permission may be refused where a person is seeking to come to or stay in the UK for a purpose not covered by these rules.

Medical Grounds

SUI 19.1. Entry clearance or permission to enter must be refused where a medical inspector advises that for medical reasons it is undesirable to grant entry clearance or permission to enter, unless the decision maker is satisfied that there are strong compassionate reasons justifying admission.

SUI 19.2. Entry clearance or permission to enter held by a person may be cancelled where a medical inspector advises that for medical reasons it is undesirable to grant entry to the person.

3. Additional grounds for refusal of entry, or cancellation of entry clearance or permission, on arrival in the UK

No entry clearance grounds

SUI 20.1. Permission to enter must be refused on arrival if the person seeking entry is required under these rules to obtain entry clearance in advance of travel to the UK, and the person does not hold the required entry clearance.

Failure to produce recognised passport or travel document grounds

SUI 21.1. Permission to enter must be refused if the person seeking entry fails to produce a passport or other travel document that satisfies the decision maker as to their identity and nationality, unless the person holds a travel document issued by the national authority of a state of which the person is not a national and the person's statelessness or other status prevents the person from obtaining a document satisfactorily establishing their identity and nationality.

SUI 21.2. Permission to enter may be refused if the person seeking entry produces a passport or other travel document which:

(a) was issued by a territorial entity or authority which is not recognised by His Majesty's Government as a state, or is not dealt with as a government by them; or

(b) was issued by a territorial entity or authority which does not accept valid UK passports for the purpose of its own immigration controls; or

(c) does not comply with international passport practice.

SUI 21.3. Entry clearance or permission to stay held by a person may be cancelled where on arrival they fail to produce a passport or other travel document that meets the requirements in SUI 21.1.

Consent for a child to travel grounds

SUI 22.1. A child may be refused permission to enter if they are not travelling with their parent or legal guardian and, if required to do so, the child's parent or legal guardian fails to provide the decision maker with written consent to the child seeking entry to the UK.

Returning residents grounds

SUI 23.1. A person granted settlement may return to the UK where, although having been absent from the UK and Islands, that permission has not lapsed, but where that permission has lapsed, Appendix Returning Resident applies if the person wants to return to and settle in the UK.

SUI 23.2. A person granted settlement who is seeking entry to the UK may be refused permission to enter if they fail to satisfy the decision maker that their leave has not lapsed, and they do not have entry clearance granted under Appendix Returning Resident.

Customs breaches grounds

SUI 24.1. Permission to enter may be refused where the decision maker is satisfied that a person has committed a customs breach, whether or not a criminal prosecution is pursued.

SUI 24.2. Where the decision maker is satisfied that a person has committed a customs breach, whether or not a criminal prosecution is pursued, any entry clearance or permission may be cancelled.

Change of circumstances or purpose grounds

SUI 25.1. Entry clearance or permission held by a person may be cancelled where there has been such a change in circumstances since the entry clearance or permission was granted that it should be cancelled.

SUI 25.2. Entry clearance or permission to enter held by a person on arrival in the UK may be cancelled where the person's purpose in seeking entry is different from the purpose specified in their entry clearance.

Electronic Travel Authorisation (ETA) grounds

SUI 26.1. Permission to enter may be refused if the person seeking entry is required under these rules to obtain an Electronic Travel Authorisation before travel to the UK, and the person does not hold the required Electronic Travel Authorisation on arrival in the UK.

4. Additional grounds for refusal, or cancellation, of permission to stay

Rough sleeping in the UK grounds

SUI 27.1. Permission to stay may be refused where the decision maker is satisfied that a person has been rough sleeping in the UK and has repeatedly refused offers of suitable support and has engaged in persistent anti-social behaviour.

SUI 27.2. Where the decision maker is satisfied that a person has been rough sleeping in the UK and has repeatedly refused offers of suitable support, and has engaged in persistent anti-social behaviour, any permission to stay held by the person may be cancelled.

Crew members grounds

SUI 28.1. Where a person has permission to enter as a crew member an application for permission to stay may be refused, unless permission to stay is granted to fulfil the purpose for which the person has permission to enter.

5. Additional grounds for cancellation of entry clearance and permission

Ceasing to meet requirement of rules

SUI 29.1. A person's entry clearance or permission may be cancelled if they cease to meet the requirements of the rules under which the entry clearance or permission was granted.

Dependent grounds

SUI 30.1. A person's entry clearance or permission may be cancelled where they are the dependent of another person whose permission is, or has been, cancelled.

Withdrawal of sponsorship or endorsement grounds

SUI 31.1. A person's entry clearance or permission may be cancelled where their sponsorship or endorsement has been withdrawn, and they have entry clearance or permission on one of the following routes:

(a) Student; or
(b) Child Student; or
(c) Skilled Worker; or
(d) Intra-Company Transfer; or
(e) Intra-Company Graduate Trainee; or
(f) Representative of an Overseas Business; or
(g) T2 Minister of Religion; or
(h) International Sportsperson; or
(i) Temporary Worker; or
(j) Start-up; or
(k) Innovator Founder; or
(l) Global Talent; or
(m) Global Business Mobility routes; or
(n) Scale-up (subject to SUI 39.1.).

SUI 31.2. A Student's permission may be cancelled where the sponsor withdraws their sponsorship of the Student because, having completed a pre-sessional course, the student does not have a knowledge of English equivalent to level B2 or above in all four components (reading, writing, speaking and listening) of the Council of Europe's Common European Framework for Language Learning.

SUI 31.3. Entry clearance or permission held under the Global Talent route may be cancelled where the prize named in Appendix Global Talent: Prestigious Prizes which they used to qualify, has been withdrawn.

SUI 31.4. Entry Clearance or permission on the Innovator Founder route may be cancelled where that entry clearance or permission was granted on or after 13 April 2023 and the holder fails to undergo a contact point meeting with their Endorsing Body.

Student does not start course or ceases to study

SUI 32.1. The entry clearance or permission of a Student or Child Student may be cancelled if:

(a) they do not start their studies with their sponsor; or

(b) they or their sponsor confirm that their course of study has ceased, or will cease before the end date recorded on the Certificate of Acceptance for Studies; or

(c) the start date for the course is delayed for more than 28 days; or

(d) they cease to study with their sponsor.

Worker does not start work or ceases their employment

SUI 33.1. A person's entry clearance or permission on the Skilled Worker, Intra-Company, Global Business Mobility, Representative of an Overseas Business, Scale-up Worker (subject to SUI 39.1.), T2 Minister of Religion, International Sportsperson or Temporary Worker routes, may be cancelled if:

(a) they do not start working for their sponsor; or

(b) they or their sponsor confirm that their employment, volunteering, training or job shadowing has ceased or will cease before the end date recorded on the Certificate of Sponsorship; or

(c) the start date for the job, as recorded in the Certificate of Sponsorship, is delayed by more than 28 days; or

(d) they cease to work for their sponsor.

Sponsor loses licence or transfers business

SUI 34.1. A person on the Student, Child Student, Skilled Worker, Intra-Company, Global Business Mobility, Scale-up Worker (subject to SUI 39.1.), T2 Minister of Religion, International Sportsperson or Temporary Worker routes, may have their entry clearance or permission cancelled if:

(a) their sponsor does not have a sponsor licence; or

(b) their sponsor transfers the business for which the person works, or at which they study, to another business or institution, and that business or institution:

(i) fails to apply for a sponsor licence; or

(ii) fails to apply for a sponsor licence within 28 days of the date of a transfer of their business or institution; or

(iii) applies for a sponsor licence but is refused; or

(iv) makes a successful application for a sponsor licence, but the sponsor licence granted is not in a category that would allow the sponsor to issue a Certificate of Sponsorship or Confirmation of Acceptance for Studies to the person.

Change of employer

SUI 35.1. A person on the Skilled Worker, Intra-Company, Global Business Mobility, Scale-up Worker (subject to paragraph SUI 39.1.), T2 Minister of Religion, International Sportsperson or Temporary

Worker routes, may have their permission cancelled where they have changed their employer, unless any of the following exceptions apply:

(a) they are a person on the Government Authorised Exchange route, or a Seasonal Worker and the change of employer is authorised by the sponsor; or

(b) hey are working for a different sponsor, unless the change of sponsor does not result in a change of employer, or the change in employer is covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006, equivalent statutory transfer schemes, or the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector; or

(c) they have permission to stay as an International Sportsperson, and all of the following apply:

(i) they are sponsored by a sports club; and

(ii) they are sponsored as a player and are being temporarily loaned to another sports club; and

(iii) player loans are specifically permitted in rules set down by the relevant sports governing body; and

(iv) their sponsor has made arrangements with the loan club to enable to the sponsor to continue to meet its sponsor duties; and

(v) the player will return to working for the sponsor at the end of the loan.

Absence from employment

SUI 36.1. A person on the Skilled Worker, Intra-Company, Representative of an Overseas Business, Scale-up (subject to SUI 39.1.), Global Business Mobility, T2 Minister of Religion, International Sportsperson or Temporary Worker routes who has been absent from work without pay, or on reduced pay, for more than 4 weeks during any calendar year may have their permission cancelled unless the reason for absence is one or more of the following:

(a) statutory maternity leave, paternity leave, shared parental leave, neonatal care leave, or parental leave; or
(b) statutory adoption leave; or
(c) sick leave; or
(d) assisting with a national or international humanitarian or environmental crisis, providing their sponsor agreed to the absence for that purpose; or
(e) taking part in legally organised industrial action; or
(f) jury service; or
(g) attending court as a witness.

Change of job or lower salary rate

SUI 37.1. A person on the Skilled Worker, Intra-Company, Representative of an Overseas Business, Scale-up (subject to SUI 39.1.), Global Business Mobility, T2 Minister of Religion or Temporary Worker routes may have their permission cancelled where they have changed jobs or they receive a lower salary rate (unless any of SUI 37.2. or SUI 37.3. apply) if:

(a) they are a person on the Intra-Company, Global Business Mobility, Skilled Worker or a Scale-up Worker routes and have changed to a different job in the same SOC 2020 occupation code but the salary rate for the new job is lower than the salary rate for the old job as set out in Appendix Skilled Occupations.

(b) they are a Skilled Worker and scored points for a job in Appendix Immigration Salary List (or the previous Appendix Shortage Occupation List) and the new job does not appear in Appendix Immigration Salary List.

(c) they have changed jobs and the new job has a different SOC 2020 occupation code to that recorded by the Certificate of Sponsorship (unless SUI 37.2. applies), or unless they are sponsored

in a SOC 2010 occupation code and the change is a result of switching to a SOC 2020 occupation code; or

(d) the person no longer meets the salary requirement or going rate requirement for the job.

SUI 37.2. The following exception applies to SUI 37.1(c):

(a) the person is sponsored to undertake a graduate training programme covering multiple roles within the organisation; and

(b) the person is changing to a job with a different SOC 2020 occupation code either as a part of that programme or when appointed to a permanent role with the sponsor at the end of that programme; and

(c) their sponsor has notified the Home Office of the change of job and any change in salary.

SUI 37.3. The following exceptions apply to reduction in salary under SUI 37.1:

(a) a reduction in salary coincides with an absence from employment permitted under paragraph SUI 36.1; or

(b) the person is on the Intra-Company or Global Business Mobility routes and a reduction in salary coincides with working for the sponsor group while the person is not physically present in the UK; or

(c) the person is a Skilled Worker and:

(i) if the person has permission under Appendix Skilled Worker, they would, after the change to the job, score 20 tradeable points in either the same option in the table in SW 4.2, or under SW 14.5(b), whichever they had scored points under when obtaining their most recent grant of permission; or

(ii) if the person has permission as a Tier 2 (General) Migrant, they would, after the change to the job, score 20 tradeable points under option A or F in the table in SW 4.2, or under SW 14.5(b), if they were to apply under Appendix Skilled Worker; or

(iii) if the person has permission as a Tier 2 (General) Migrant who was considered a new entrant in their application for that Tier 2 (General) permission, they would, after the change to the job, score 20 tradeable points under option E in the table in SW 4.2, if they were to apply under Appendix Skilled Worker; or

(d) a reduction in salary coincides with a temporary reduction in the person's hours for individual health reasons, or a phased return to work for individual health reasons, in either case being supported by an occupational health assessment and where the reduction in pay does not result in the hourly rate falling below any requirement which applied when the person obtained their most recent grant of permission.

Endorsing body no longer approved

SUI 38.1. Where a person has entry clearance or permission to stay on the Global Talent, Start-up or Innovator Founder route their entry clearance or permission to stay may be cancelled if their endorsing body ceases to hold that status for the route in which they were endorsed.

Exception for Scale-up Workers

SUI 39.1. SUI 31.1. and SUI. 33.1. to SUI 37.1. only apply to a Scale-up Worker during the 6-month period that the Scale-up Worker is required to work for a Sponsor under Appendix Scale-up.

Part 11 Asylum

Transitional provisions and interaction between Part 11 and Appendix Family Reunion (Sponsors with Protection)

A326. From 12 April 2023 an application for family reunion must meet the requirements under Appendix Family Reunion (Sponsors with Protection) and the application will not be considered under this Part of the Immigration Rules.

326A. Procedure

procedures set out in these Rules shall apply to protection claims.

326B. Where the Secretary of State is considering an application for asylum and/or a claim for humanitarian protection under this Part, she will consider any Article 8 elements of that claim in line with the provisions of Appendix FM (family life) and, for applications made before 20 June 2022, in line with paragraphs 276ADE(1) to 276DH (private life) or, for applications made on or after 20 June 2022, Appendix Private Life (private life) of these Rules which are relevant to those elements unless the person is someone to whom Part 13 of these Rules applies.

Definition of EU asylum applicant

326C. DELETED

326D. DELETED

Inadmissibility of EU asylum applications

326E. DELETED

326F. DELETED

Definition of asylum applicant

327. Under this Part:

i) An “application for asylum” (or an “asylum application”) is a claim by a person to be recognised as a refugee under the Refugee Convention on the basis that it would be contrary to the United Kingdom’s obligations under the Refugee Convention for them to be removed from or required to leave the United Kingdom, and which is recorded as valid or a claim deemed to be an application for asylum in accordance with paragraph 327EC.

ii) An “asylum applicant” is someone who makes a claim under paragraph 327(i) or who is deemed to have made such a claim in accordance with paragraph 327EC.

327A. DELETED

327AB. An application for asylum will only be recorded as valid if:

i) it is made at a designated place as defined in section 14 of the Nationality and Borders Act 2022 unless subsequently or otherwise accepted by the Secretary of State; and

ii) it is made in person; and

iii) it is made by a person who is not a British Citizen; and

iv) it is particularised (if the applicant is 18 or over); and

v) it does not fall for consideration under paragraph 353 of the Immigration Rules, unless and until it has been accepted as a fresh claim under paragraph 353 of the Immigration Rules.

327AC. If a claim does not meet these requirements, it will not be recorded as a valid asylum application.

327B. DELETED

327C. DELETED

327D. DELETED

Definition of a claim for humanitarian protection

327EA. Under this Part, a claim for humanitarian protection is a request by a person for international protection due to a claim that if they are removed from or required to leave the UK, they would face a real risk of suffering serious harm (as defined in paragraph 339CA) in their country of origin, and they are unable, or owing to such risk, unwilling to avail themselves of the protection of that country.

327EB. A claim for humanitarian protection must meet the requirements of paragraphs 327AB(i) to (iv) otherwise it will not be recorded as a valid claim for humanitarian protection.

327EC. If someone makes a claim for humanitarian protection, they will be deemed to be an asylum applicant and to have made an application for asylum for the purposes of these Rules. The claim will be recorded, subject to meeting the requirements of Rule 327AB(i) to (iv), as an application for asylum and will be assessed under paragraph 334 for refugee status in the first instance. If the application for refugee status is refused, then the Secretary of State will go on to consider the claim as a claim for humanitarian protection.

Inadmissibility of a claim for Humanitarian Protection

327F. If an application for asylum is declared inadmissible under section 80A or 80B of the Nationality Immigration and Asylum Act 2002 then any associated claim for humanitarian protection (meaning a claim made on the same facts) will also be inadmissible. Such an outcome is not a decision to refuse the claim and, accordingly, no right of appeal under section 82(1)(a) of the Nationality, Immigration and Asylum Act 2002 (appeal against refusal of protection claim) arises.

Applications for asylum

328. All asylum applications will be determined by the Secretary of State in accordance with the Refugee Convention and the Immigration Rules. Every asylum application made by a person at a port or airport in the United Kingdom will be referred by the Immigration Officer for determination by the Secretary of State in accordance with these Rules.

328A. DELETED

329. For so long as an asylum applicant cannot be removed from or required to leave the UK because section 77 of the Nationality, Immigration and Asylum Act 2002 applies, any dependants who meet the definition under paragraph 349 must also not be removed from or required to leave the UK.

330. If the Secretary of State decides to grant refugee status or humanitarian protection and the person has not yet been given leave to enter, the Immigration Officer will grant limited leave to enter.

331. If a person seeking leave to enter is refused asylum or their application for asylum is withdrawn or treated as withdrawn under paragraph 333C of these Rules, the Immigration Officer will consider whether or not they are in a position to decide to give or refuse leave to enter without interviewing the person further. If the Immigration Officer decides that a further interview is not required they may serve the notice giving or refusing leave to enter by post. If the Immigration Officer decides that a further interview is required, they will then resume their examination to determine whether or not to grant the person leave to enter under any other provision of these Rules. If the person fails at any time to comply with a requirement to report to an Immigration Officer for examination, the Immigration Officer may direct that the person's examination shall be treated as concluded at that time. The Immigration Officer will then consider any outstanding applications for entry on the basis of any evidence before them.

332. If a person who has been refused leave to enter makes an application for asylum and that application is refused or withdrawn or treated as withdrawn under paragraph 333C of these Rules, leave to enter will again be refused unless the applicant qualifies for admission under any other provision of these Rules.

333. Written notice of decisions on applications for asylum shall be given to the asylum applicant. Where the applicant is legally represented, notice may instead be given to the representative. Where the applicant has no legal representative and free legal assistance is not available, they shall be informed of the decision on the application for asylum and, if the application is refused, how to challenge the decision, in a language that they may reasonably be supposed to understand.

333A. The Secretary of State shall ensure that a decision is taken on each application for asylum as soon as possible, without prejudice to an adequate and complete examination.

Where a decision on an application for asylum has not been taken within:

a) six months of the date it was recorded; or

b) within any revised timeframe notified to an applicant during or after the initial six-month period in accordance with this paragraph, and

c) where the applicant has made a specific written request for an update,

the Secretary of State shall inform the applicant of the delay and provide information on the timeframe within which the decision on their application is to be expected. The provision of such information shall not oblige the Secretary of State to take a decision within the expected timeframe.

Withdrawal of applications

333C. If an application for asylum is withdrawn either explicitly or implicitly, it will not be considered.

(a) An application will be treated as explicitly withdrawn if the applicant signs the relevant form provided by or on behalf of the Secretary of State, or otherwise explicitly declares a desire to withdraw their asylum claim.

(b) An application may be treated as implicitly withdrawn if the applicant:

(i) fails to maintain contact with the Home Office or provide up to date contact details as required by paragraph 358B of these Rules; or

(ii) leaves the United Kingdom (without authorisation) at any time before the conclusion of their application for asylum; or

(iii)fails to complete an asylum questionnaire as requested by or on behalf of the Secretary of State; or

(iv)fails to attend any reporting events, unless the applicant demonstrates within a reasonable time that the failure was due to circumstances beyond their control; or

(v) fails to attend a personal interview required under paragraph 339NA, unless the applicant demonstrates within a reasonable time that that failure was due to circumstances beyond their control.

(c) The applicant's asylum record will be updated to reflect that the application for asylum has been withdrawn.

Grant of refugee status

334. An asylum applicant will be granted refugee status in the United Kingdom following a claim if the Secretary of State is satisfied that:

(i) they are in the United Kingdom or have arrived at a port of entry in the United Kingdom; and

(ii) they are a refugee, as defined in Article 1 of the 1951 Refugee Convention; and

(iii) there are no reasonable grounds for regarding them as a danger to the security of the United Kingdom in accordance with Article 33(2) of the Refugee Convention; and

(iv) having been convicted by a final judgment of a particularly serious crime, they do not constitute a danger to the community of the United Kingdom in accordance with Article 33(2) of the Refugee Convention as defined in Section 72 of the Nationality Immigration and Asylum Act 2002; and

(v) refusing their application would result in them being required to go (whether immediately or after the time limited by any existing leave to enter or remain in the UK) in breach of the Refugee Convention, to a country in which they would be persecuted on account of their race, religion, nationality, political opinion or membership of a particular social group.

335. If the Secretary of State decides to grant refugee status to a person who has previously been given leave to enter (whether or not the leave has expired) or to a person who has entered without leave, the Secretary of State will vary the existing leave or grant limited leave to remain. Where a person has an existing grant of indefinite leave to remain, their leave to remain will not be varied.

Refusal of asylum

336. An application which does not meet the criteria set out in paragraph 334 will be refused. Where an application for asylum is refused, the reasons in fact and law shall be stated in the decision and information provided in writing on how to challenge the decision.

337. DELETED

338. DELETED

339. DELETED

Revocation of refugee status

338A. A person's grant of refugee status under paragraph 334 must be revoked if any of paragraphs 339A, 339AA, 339AB or 339AC apply.

Refugee Convention ceases to apply (cessation)

339A. This paragraph applies when the Secretary of State is satisfied that one or more of the following applies:

(i) they have voluntarily re-availed themselves of the protection of the country of nationality;

(ii) having lost their nationality, they have voluntarily re-acquired it;

(iii) they have acquired a new nationality, and enjoy the protection of the country of their new nationality;

(iv) they have voluntarily re-established themselves in the country which they left or outside which they remained owing to a fear of persecution;

(v) they can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of nationality; or

(vi) being a stateless person with no nationality, they are able, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, to return to the country of former habitual residence

In considering (v) and (vi), the Secretary of State shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

Exclusion from the Refugee Convention

339AA. This paragraph applies where the Secretary of State is satisfied that the person should have been, or is, excluded from being a refugee in accordance with Article 1D and 1E of the 1951 Refugee Convention and Article 1F of the Refugee Convention, as defined in section 36 of the Nationality and Borders Act 2022.

Misrepresentation

339AB. This paragraph applies where the Secretary of State is satisfied that the person's misrepresentation or omission of facts, including the use of false documents, were decisive for the grant of refugee status and the person does not otherwise qualify for refugee status under paragraph 334.

Danger to the United Kingdom

339AC. This paragraph applies where the Secretary of State is satisfied that: Article 33(2) of the Refugee Convention applies in that:

(i) there are reasonable grounds for regarding the person as a danger to the security of the United Kingdom; or

(ii) having been convicted by a final judgment of a particularly serious crime, the person constitutes a danger to the community of the United Kingdom (see section 72 of the Nationality Immigration and Asylum Act 2002).

339B. When a person's refugee status is revoked or not renewed any limited or indefinite leave which they have may be curtailed or cancelled.

339BA. Where the Secretary of State is considering revoking refugee status or humanitarian protection in accordance with these Rules, the following procedure will apply. The person concerned shall be informed in writing that the Secretary of State is reconsidering their qualification for refugee status or humanitarian protection and the reasons for the reconsideration. That person shall be given the opportunity to submit, in a personal interview or in a written statement, reasons as to why their refugee status or humanitarian protection should not be revoked. If there is a personal interview, it shall be subject to the safeguards set out in these Rules.

339BB. The procedure in paragraph 339BA does not need to be followed where the person:

(i) acquires British citizenship; or

(ii) has unequivocally renounced their refugee status or humanitarian protection.

339BC. If the person leaves the United Kingdom, the procedure set out in paragraph 339BA may be initiated, and completed, while the person is outside the United Kingdom.

Grant of humanitarian protection

339C. An asylum applicant will be granted humanitarian protection in the United Kingdom if the Secretary of State is satisfied that:

(i) they are in the United Kingdom or have arrived at a port of entry in the United Kingdom;

(ii) they are not a refugee within the meaning of Article 1 of the 1951 Refugee Convention;

(iii) substantial grounds have been shown for believing that the asylum applicant concerned, if returned to the country of origin, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail themselves of the protection of that country; and

(iv) they are not excluded from a grant of humanitarian protection.

339CA. For the purposes of paragraph 339C, serious harm consists of:

(i) the death penalty or execution;

(ii) unlawful killing;

(iii) torture or inhuman or degrading treatment or punishment of a person in the country of origin; or

(iv) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Exclusion from humanitarian protection

339D. An asylum applicant is excluded from a grant of humanitarian protection for the purposes of paragraph 339C(iv) where the Secretary of State is satisfied that there are serious reasons for considering that the asylum applicant:

(i) has committed, instigated or otherwise participated in the commission of a crime against peace, a war crime, a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or

(ii) has committed, instigated or otherwise participated in the commission of a serious non-political crime outside the UK prior to their admission to the UK as a person granted humanitarian protection; or

(iii) has been guilty of acts contrary to the purposes and principles of the United Nations; or

(iv) having been convicted by a final judgement of a particularly serious crime (as defined in Section 72 of the Nationality, Immigration and Asylum Act 2002), constitutes a danger to the community of the UK; or

(v) is a danger to the security of the UK.

339DA. In 339D(ii):

(i) the reference to a serious non-political crime includes a particularly cruel action, even if it is committed with an allegedly political objective; and

(ii) the reference to a crime being committed by a person outside the UK prior to their admission to the UK as a person granted humanitarian protection includes a crime committed by that person at any time up to and including the day on which they are issued with a relevant biometric immigration document by the Secretary of State.

339DB. For the purposes of 339DA(ii), a relevant biometric immigration document is a document that:

(i) records biometric information (as defined in section 15(1A) of the UK Borders Act 2007); and

(ii) is evidence of leave to remain in the United Kingdom granted to a person as a result of being granted humanitarian protection.

339E. If the Secretary of State decides to grant humanitarian protection to a person who has previously been given leave to enter (whether or not the leave has expired), or to a person who has entered without leave, the Secretary of State will vary the existing leave or grant limited leave to remain. Where a person has an existing grant of indefinite leave to remain, their leave to remain will not be varied.

Refusal of humanitarian protection

339F. Where the criteria set out in paragraph 339C is not met humanitarian protection will be refused.

Revocation of humanitarian protection

339G. A person's humanitarian protection granted under paragraph 339C must be revoked if any of paragraphs 339GA, 339GB or 339GD apply.

Humanitarian protection ceases to apply

339GA. This paragraph applies where the Secretary of State is satisfied that the circumstances which led to the grant of humanitarian protection have ceased to exist or have changed to such a degree that such protection is no longer required.

In applying this paragraph the Secretary of State shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the person no longer faces a real risk of serious harm.

Revocation of humanitarian protection on the grounds of exclusion

339GB. This paragraph applies where the Secretary of State is satisfied that the person granted humanitarian protection should have been or is excluded from humanitarian protection under paragraph 339D of these rules.

339GC. DELETED

Revocation of humanitarian protection on the basis of misrepresentation

339GD. This paragraph shall apply where the Secretary of State is satisfied that the person granted humanitarian protection misrepresented or omitted facts, including the use of false documents, which were decisive to the grant of humanitarian protection and the person does not otherwise qualify for humanitarian protection under paragraph 339C.

339H. When a person's humanitarian protection is revoked any limited or indefinite leave which they have may be curtailed or cancelled.

Consideration of applications

339HA. The Secretary of State shall ensure that the personnel examining applications for asylum and taking decisions on the Secretary of State's behalf have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law.

339I. When the Secretary of State considers an applicant's protection claim, or human rights claim it is the duty of the person to submit to the Secretary of State as soon as possible all material factors needed to substantiate the protection claim or substantiate the human rights claim, which the Secretary of State shall assess in cooperation with the person.

The material factors include:

(i) the person's statement on the reasons for making protection claim or for making a human rights claim; and

(ii) all documentation at the person's disposal regarding the person's age, background (including background details of relevant relatives), identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes; and

(iii) identity and travel documents.

339IA. For the purposes of examining individual applications for asylum

(i) information provided in support of an application and the fact that an application has been made shall not be disclosed to the alleged actor(s) of persecution of the applicant, and

(ii) information shall not be obtained from the alleged actor(s) of persecution that would result in their being directly informed that an application for asylum has been made by the applicant in question and would jeopardise the physical integrity of the applicant and their dependants, or the liberty and security of their family members still living in the country of origin.

This paragraph shall also apply where the Secretary of State is considering revoking a person's refugee status or humanitarian protection in accordance with these Rules.

Notwithstanding any procedure in this Rule, the Secretary of State may disclose the fact that an asylum application has been made if there is a public interest in doing so.

339J. The assessment by the Secretary of State of a protection claim or a human rights claim will be carried out on an individual, objective and impartial basis. This will include taking into account in particular:

(i) all relevant facts as they relate to the country of origin at the time of taking a decision on the grant; including laws and regulations of the country of origin or country of return and the manner in which they are applied;

(ii) relevant statements and documentation presented by the person including information on whether the person has been or may be subject to persecution or serious harm;

(iii) the individual position and personal circumstances of the person, including factors such as background, gender and age, so as to assess whether, on the basis of the person's personal circumstances, the acts to which the person has been or could be exposed would amount to persecution or serious harm;

(iv) whether the person's activities since leaving the country of origin were engaged in for the sole or main purpose of creating the necessary conditions for making a protection claim or a human rights claim, so as to assess whether these activities will expose the person to persecution or serious harm if returned to that country; and

(v) whether the person could reasonably be expected to avail themselves of the protection of another country where they could assert citizenship.

339JA. Reliable and up-to-date information shall be obtained from various sources as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited. Such information shall be made available to the personnel responsible for examining applications and taking decisions and may be provided to them in the form of a consolidated country information report.

This paragraph shall also apply where the Secretary of State is considering revoking a person's refugee status or humanitarian protection in accordance with these Rules.

339K. The fact that a person has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, will be regarded as a serious indication of the person's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

339L. It is the duty of the person to substantiate the protection claim or substantiate their human rights claim. Where aspects of the person's statements are not supported by documentary or other evidence, those aspects will not need confirmation when all of the following conditions are met:

(i) the person has made a genuine effort to substantiate their protection claim or substantiate their human rights claim;

(ii) all material factors at the person's disposal have been submitted, and a satisfactory explanation regarding any lack of other relevant material has been given;

(iii) the person's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the person's case;

(iv) the person has made a protection claim or made a human rights claim at the earliest possible time, unless the person can demonstrate good reason for not having done so; and

(v) the general credibility of the person has been established.

339M. The Secretary of State may consider that a person has not substantiated their protection claim or substantiated their human rights claim, and thereby refuse their application for asylum, determine that they are not eligible for humanitarian protection or refuse their human rights claim, if they fail, without reasonable explanation, to make a prompt and full disclosure of material facts, either orally or in writing, or otherwise to assist the Secretary of State in establishing the facts of the case; this includes, for example, failure to report to a designated place to be fingerprinted, failure to complete an asylum questionnaire or failure to comply with a requirement to report to an immigration officer for examination.

339MA. Applications for asylum shall be neither rejected nor excluded from examination on the sole ground that they have not been made as soon as possible.

339N. In determining whether the general credibility of the person has been established the Secretary of State will apply the provisions in s.8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

Personal interview

339NA. Before a decision is taken on the application for asylum, the applicant shall be given the opportunity of a personal interview on their application for asylum with a representative of the Secretary of State who is legally competent to conduct such an interview.

The personal interview may be omitted where:

(i) the Secretary of State is able to take a positive decision (a grant of refugee status or humanitarian protection) on the basis of evidence available;

(ii) the Secretary of State has already had a meeting with the applicant for the purpose of assisting them with completing their application and submitting the essential information regarding the application;

(iii) the applicant, in submitting their application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether they are a refugee, as defined in Article 1 of the Refugee Convention and/or has only raised issues that are not relevant or of minimal relevance to the examination of whether they are eligible for humanitarian protection;

(iv) the applicant has made inconsistent, contradictory, improbable or insufficient representations which make their claim clearly unconvincing in relation to having been the object of persecution or serious harm;

(v) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to their particular circumstances or to the situation in their country of origin;

(vi) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in their removal;

(vii) it is not reasonably practicable, in particular where the Secretary of State is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond their control; or

(viii) the applicant is an EU national whose claim the Secretary of State has nevertheless decided to consider substantively in accordance with section 80A(4) of the Nationality, Immigration and Asylum Act 2002.

The omission of a personal interview shall not prevent the Secretary of State from taking a decision on the application.

Where the personal interview is omitted, the applicant and dependants shall be given a reasonable opportunity to submit further information.

339NB. (i) The personal interview mentioned in paragraph 339NA above shall normally take place without the presence of the applicant's family members unless the Secretary of State considers it necessary for an appropriate examination to have other family members present.

(ii) The personal interview shall take place under conditions which ensure appropriate confidentiality.

339NC (i) A written report shall be made of every personal interview containing at least the essential information regarding the asylum application as presented by the applicant in accordance with paragraph 339I of these Rules.

(ii) The Secretary of State shall ensure that the applicant has timely access to the report of the personal interview and that access is possible as soon as necessary for allowing an appeal to be prepared and lodged in due time.

339ND The Secretary of State shall provide at public expense an interpreter for the purpose of allowing the applicant to submit their case, wherever necessary. The Secretary of State shall select an interpreter who can ensure appropriate communication between the applicant and the representative of the Secretary of State who conducts the interview.

339NE The Secretary of State may require an audio recording to be made of the personal interview referred to in paragraph 339NA. Where an audio recording is considered necessary for the processing of an application for asylum, the Secretary of State shall inform the applicant in advance that the interview will be recorded.

Internal relocation

339O

(i) The Secretary of State will not:

(a) grant refugee status if section 35 of the Nationality and Borders Act 2022 applies; or

(b) grant humanitarian protection if in part of the country of origin a person would not face a real risk of serious harm, and the person can reasonably be expected to stay in that part of the country.

(ii) Any assessment under paragraph 339O(i)(b) must:

(a) have regard to the general circumstances prevailing in that part of the country, and

(b) have regard to the personal circumstances of the person; and

(c) disregard any technical obstacles relating to travel to that part of that country.

Sur place claims

339P. A person may have a well-founded fear of being persecuted or a real risk of suffering serious harm based on events which have taken place since the person left the country of origin and/or activities which have been engaged in by a person since they left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

339Q. DELETED

Permission to stay on a protection route

339QA. Where the Secretary of State has granted an asylum applicant refugee status under paragraph 334 following an asylum claim or further submissions made on or before 1 March 2026, the asylum applicant will be granted permission to stay on a protection route at the same time as or as soon as possible after the grant of refugee status.

Permission to stay on a protection route will be valid for a minimum period of 5 years. Applications for further permission to stay under Appendix Settlement Protection or any other Part of these Rules should be made within the last 28 days of the applicant's permission to stay.

339QAA. Where the Secretary of State has granted an asylum applicant refugee status under paragraph 334 following an asylum claim or further submissions made on or after 2 March 2026, the asylum applicant will be granted permission to stay on a protection route at the same time as or as soon as possible after the grant of refugee status.

Permission to stay on a protection route will be valid for a minimum period of:

(a) 30 months, or

(b) 5 years, where the asylum applicant is:

(i) an unaccompanied asylum-seeking child within the meaning of paragraph 352ZD when granted refugee status under paragraph 334; or

(ii) an individual who would have met the unaccompanied asylum-seeking child definition within the meaning of paragraph 352ZD when granted refugee status under paragraph 334, had they not turned age 18 by the time they were granted refugee status under paragraph 334.

Applications for further permission to stay should be made within the last 28 days of the applicant's permission to stay.

339QB. Where the Secretary of State has granted an asylum applicant humanitarian protection under paragraph 339C following an asylum claim or further submissions made on or before 1 March 2026, the asylum applicant will be granted permission to stay on a protection route at the same time as or as soon as possible after the grant of humanitarian protection. Permission to stay on a protection route will be valid for a minimum period of 5 years. Applications for further permission to stay under Appendix Settlement Protection or any other Part of these Rules should be made within the last 28 days of the applicant's permission to stay.

339QBA. Where the Secretary of State has granted an asylum applicant humanitarian protection under paragraph 339C following an asylum claim or further submissions made on or after 2 March 2026, the asylum applicant will be granted permission to stay on a protection route at the same time as or as soon as possible after the grant of humanitarian protection. Permission to stay on a protection route will be valid for a minimum period of:

(a) 30 months, or

(b) 5 years, where the asylum applicant is:

(i) an unaccompanied asylum-seeking child within the meaning of paragraph 352ZD when granted humanitarian protection under paragraph 339C; or

(ii) an individual who would have met the unaccompanied asylum-seeking child definition within the meaning of paragraph 352ZD when granted humanitarian protection under paragraph 339C, had they not turned age 18 by the time they were granted humanitarian protection under paragraph 339C.

Applications for further permission to stay should be made within the last 28 days of the applicant's permission to stay.

339QC. Where the Secretary of State has granted an asylum applicant refugee status or humanitarian protection, any dependant of the asylum applicant who meets the requirements of paragraph 349 may be granted permission to stay. Permission to stay will not be granted to dependants where they would, if they were an asylum applicant, be excluded under Article 1(F) of the 1951 Refugee Convention (as defined in Section 36 of the Nationality and Borders Act 2022), be refused refugee status under paragraph 334(iii) or paragraph 334(iv), or be excluded from humanitarian protection under paragraph 339D. Permission to stay will be granted with the same expiry date and with the same conditions as that which is granted to the asylum applicant. Permission to stay will be renewable upon application where the dependant still meets the requirements of the Rules under which they were granted, and the asylum applicant who was granted refugee status or humanitarian protection is being granted further permission to stay at the same time or already has further permission to stay. An adult who was last granted permission to stay as a dependent child of a

parent who has or had at the time that permission to stay as a dependant was granted, permission to stay on a protection route, may still qualify for further permission to stay as a dependant where they meet the other requirements of the Rules under which they were granted permission to stay. Applications for further permission to stay should be made at the same time as the asylum applicant's application and within the last 28 days of the applicant's permission to stay.

339QD. The Secretary of State may curtail, revoke or refuse to grant further permission to stay on a protection route under paragraphs 339QA, 339QAA, 339QB or 339QBA where a person's refugee status or humanitarian protection is revoked.

339QE. The Secretary of State may curtail, revoke or refuse to grant further permission to stay on a protection route to a dependant granted permission to stay on a protection route under paragraph 339QC where the refugee status or humanitarian protection of the applicant on whom they are a dependant is revoked, or where they no longer meet the requirements of the Rules under which they were granted.

339R. DELETED

339S. DELETED

339T. DELETED

340. DELETED

341. DELETED

342. DELETED

343. DELETED

344. DELETED

Travel documents

344A(i). After having received a complete application for a travel document, the Secretary of State will issue to a person in the United Kingdom who meets the definition of a refugee in Article 1 of the Refugee Convention and their dependants travel documents, in the form set out in the Schedule to the Refugee Convention, for the purpose of travel outside the United Kingdom, unless compelling reasons of national security or public order otherwise require.

(ii) After having received a complete application for a travel document, the Secretary of State will issue to a person granted humanitarian protection in the United Kingdom and their dependants a travel document where that person is unable to obtain a national passport or other identity documents which enable that person to travel, unless compelling reasons of national security or public order otherwise require.

(iii) Where the person referred to in (ii) can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document where that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are serious humanitarian reasons for travel.

(iv) For the purposes of paragraph 344A, a "dependant" refers only to a person who has been treated as a dependant under paragraph 349 of these Rules or a person who has been granted permission to stay or entry clearance in accordance with Appendix Family Reunion (Sponsors with Protection) of these Rules.

Access to Employment

344B. The Secretary of State will not impose conditions restricting the employment or occupation in the United Kingdom of a person granted refugee status or humanitarian protection.

Information

344C. A person who is granted refugee status or humanitarian protection will be provided with access to information in a language that they may reasonably be supposed to understand which sets out the rights and obligations relating to that status. The Secretary of State will provide the information as soon as possible after the grant of refugee status or humanitarian protection.

345. DELETED

345(2A) DELETED

Inadmissibility of non-EU applications for asylum

345A. DELETED

Safe Third Country of Asylum

345B. DELETED

345C. DELETED

Exceptions for admission of inadmissible claims to UK asylum process made under section 80B(7)(b) of the Nationality, Immigration Act 2002 (as amended)

345D. When an application has been treated as inadmissible and the Secretary of State believes removal to a safe third country within a reasonable period of time is unlikely, the applicant will be admitted for consideration of the claim in the UK

Dublin Transfers

345E. DELETED

Previously rejected applications

346. DELETED

347. DELETED

Rights of appeal

348. DELETED

Dependants

349. A partner, or minor child, accompanying a principal applicant may be included in the application for asylum as a dependant, provided, in the case of an adult dependent partner with legal capacity, the partner consents to being treated as a dependant at the time the application is lodged. A partner or minor child may also claim asylum in their own right. If the principal applicant is granted refugee status or humanitarian protection and leave to enter or remain any partner or minor child will be granted leave to enter or remain for the same duration. The case of any dependant who claims asylum in their own right will be also considered individually in accordance with paragraph 334 above. An applicant under this paragraph, including an accompanied child, may be interviewed where they make a protection claim as a dependant or in their own right.

If the partner or minor child in question has a protection claim in their own right, that claim should be made at the earliest opportunity. Any failure to do so will be taken into account and may damage credibility if no reasonable explanation for it is given. Where an asylum or humanitarian protection application is unsuccessful, at the same time that asylum or humanitarian protection is refused the applicant may be notified of removal directions or served with a notice of the Secretary of State's intention to deport them, as appropriate. In this paragraph and paragraphs 350-352 a child means a person who is under 18 years of age or who, in the absence of documentary evidence establishing age, appears to be under that age.

Unaccompanied children

350. Unaccompanied children may also make a protection claim and, in view of their potential vulnerability, particular priority and care is to be given to the handling of their cases.

351. A person of any age may qualify for refugee status under the Convention and the criteria in paragraph 334 apply to all cases. However, account should be taken of the applicant's maturity and in assessing the protection claim of a child more weight should be given to objective indications of risk than to the child's state of mind and understanding of their situation. An asylum application made on behalf of a child should not be refused solely because the child is too young to understand their situation or to have formed a well founded fear of persecution. Close attention should be given to the welfare of the child at all times.

352. Any child aged 12 or over who has made a protection claim in their own right must be given the opportunity to be interviewed about the substance of their claim before a decision is taken.

The opportunity for a personal interview may be omitted for a child aged 12 or over where:

(a) the child is unfit to be interviewed; or

(b) the child is unable to be interviewed; or

(c) protection status can be granted to the child without an interview based on the evidence available; or

(d) one of the exceptions in paragraph 339NA applies.

Where the personal interview is omitted, the child must be given a reasonable opportunity to submit further information if insufficient information is available to take a decision on protection status. If the interview can be omitted and the child still requests an asylum interview, then this request must be considered.

When an interview takes place:

(a) it must be conducted in the presence of a parent, guardian, representative or another adult independent of the Secretary of State who has responsibility for the child; and

(b) the interviewer must have specialist training in the interviewing of children; and

(c) the child must be allowed to express themselves in their own way and at their own speed and, if they appear tired or distressed, the interview should be suspended, and the interviewer should consider whether it would be appropriate for the interview to be resumed the same day or on another day.

352ZA. The Secretary of State must, as soon as possible after an unaccompanied child makes a protection claim, take measures to ensure that the child has a person to represent and/or assist the child with respect to the examination of their claim and ensure that the representative is given the opportunity to inform the child about the meaning and possible consequences of the interview and, where appropriate, how to prepare themselves for the interview.

The child's representative has the right to be present at the interview and ask questions and make comments in the interview, within the framework set by the interviewer.

For the purposes of paragraph 352 and 352ZA a representative can include a legal representative, social worker, local authority representative, independent child trafficking guardian, Scottish guardianship service representative, Northern Ireland independent guardian service representative, foster carer, relative, a Refugee Council representative or charity worker or other representative permitted to attend by the Secretary of State.

352ZB. The decision on the application for asylum shall be taken by a person who is trained to deal with protection claims from children.

Requirements for limited leave to remain as an unaccompanied asylum seeking child.

352ZC The requirements to be met in order for a grant of limited leave to remain to be made in relation to an unaccompanied asylum seeking child under paragraph 352ZE are:

a) the applicant is an unaccompanied asylum seeking child under the age of 17 ½ years throughout the duration of leave to be granted in this capacity;

b) the applicant must have applied for asylum and been refused refugee status and Humanitarian Protection;

c) there are no adequate reception arrangements in the country to which they would be returned if leave to remain was not granted;

d) the applicant must not be excluded from being a refugee under Article 1D and 1E of the 1951 Refugee Convention and Article 1F of the Refugee Convention, as defined in section 36 of the Nationality and Borders Act 2022 or excluded from a grant of Humanitarian Protection under paragraph 339D or both;

e) there are no reasonable grounds for regarding the applicant as a danger to the security of the United Kingdom;

f) the applicant does not constitute a danger to the community in the United Kingdom as a result of having been convicted by a final judgment of a particularly serious crime (as defined in section 72 of the Nationality, Immigration and Asylum Act 2002); and

g) the applicant is not, at the date of their application, the subject of a deportation order or a decision to make a deportation order.

352ZD An unaccompanied asylum seeking child is a person who:

a) is under 18 years of age when the asylum application is submitted.

b) is applying for asylum in their own right; and

c) is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

352ZE. Limited leave to remain should be granted for a period of 30 months or until the child is 17 ½ years of age whichever is shorter, provided that the Secretary of State is satisfied that the requirements in paragraph 352ZC are met.

352ZF. Limited leave granted under this provision will cease if

a) any one or more of the requirements listed in paragraph 352ZC cease to be met, or

b) a misrepresentation or omission of facts, including the use of false documents, were decisive for the grant of leave under 352ZE.

Section 67 of the Immigration Act 2016 leave

352ZG. Paragraphs 352ZH to 352ZS only apply where a person has been transferred to the United Kingdom under Section 67 of the Immigration Act 2016.

Grant of Section 67 of the Immigration Act 2016 leave

352ZH. The person described in paragraph 352ZG will be granted Section 67 of the Immigration Act 2016 leave to remain in the United Kingdom ("Section 67 leave") if the Secretary of State is satisfied that:

(i) the person is not excluded from being a refugee under Article 1D and 1E of the 1951 Refugee Convention and Article 1F of the Refugee Convention, as defined in section 36 of the Nationality and Borders Act 2022 or excluded from a grant of humanitarian protection under paragraph 339D of these Rules;

(ii) where the person has made an application for refugee status or humanitarian protection, that application has been refused;

(iii) there are no reasonable grounds for regarding the person as a danger to the security of the United Kingdom;

(iv) the applicant does not constitute a danger to the community in the United Kingdom as a result of having been convicted by a final judgment of a particularly serious crime (as defined in section 72 of the Nationality, Immigration and Asylum Act 2002); and

(v) must not fall for refusal under SUI 2.1 (c), SUI 3.1, SUI 4.1, SUI 5.1, SUI 5.3, SUI 9.1, SUI 10.1, SUI 11.1. to SUI 11.4, SUI 14.1, SUI 16.1, SUI 17.1 or SUI 18.1 of Part Suitability.

352ZHA. For persons arriving in the United Kingdom after 1 October 2019, the grant of Section 67 leave will be made upon their arrival in the United Kingdom.

Biometric immigration documents

352ZI. The Secretary of State will issue to a person granted Section 67 leave a biometric immigration document as soon as possible after the grant of Section 67 leave. The biometric immigration document will be valid for five years.

352ZJ. The Secretary of State will issue a biometric immigration document to a dependant of a person granted Section 67 leave in accordance with paragraph 352ZO.

352ZK. The Secretary of State may revoke a person's biometric immigration document where their grant of Section 67 leave is revoked under the provisions in these Rules.

Requirements for indefinite leave to remain for a person granted Section 67 leave

352ZL. A person may apply for indefinite leave to remain under paragraph 352ZN where:

(i) they have been granted Section 67 leave; or

(ii) they transferred to the UK under Section 67 of the Immigration Act 2016 and, having been granted refugee status or humanitarian protection, that person has had their status ended or refused under either paragraph 339A or paragraph 339G of the Immigration Rules following a review.

352ZM. The requirements for indefinite leave to remain for a person described in paragraph 352ZL are that:

(i) each of the requirements of paragraph 352ZH continue to be met;

(ii) the person has held a biometric immigration document issued under paragraph 352ZI, 352ZJ, 339QA or 339QB for a continuous period of five years in the UK;

(iii) the person's biometric immigration document has not been revoked; and

(iv) the person has not in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.

Indefinite leave to remain for a person granted Section 67 leave

352ZN. Indefinite leave to remain will, on application, be granted to a person described in paragraph 352ZL where each of the requirements in paragraph 352ZM is met.

Dependants of a person transferred to the UK under Section 67 of the Immigration Act 2016

352ZO. The dependent child of a person granted leave to remain under paragraph 352ZH or 352ZN, will be granted leave to enter or remain for the same duration as that person ("leave in line") provided that the requirements of paragraph 352ZH (except for (ii)); and 352ZM (iv) are met. For the purposes of this paragraph, a dependent child means a child who is under 18 years of age and for whom the person has parental responsibility.

Curtailment and Revocation of Section 67 leave

352ZP. A person's grant of leave under paragraph 352ZH or 352ZN may be curtailed or revoked if any of the grounds in SUI 3.2, SUI 5.2 (b), SUI 5.2(c), SUI 5.5, SUI 10.2, SUI 11.8 and SUI 14.2 of Part Suitability apply.

352ZQ. Any curtailment or revocation of a person's leave under paragraph 352ZP shall also apply to any leave in line granted to a dependent child of that person.

Travel documents

352ZR. Following receipt of a completed application for a travel document, the Secretary of State will issue to a person granted Section 67 leave, unless compelling reasons of national security or public order otherwise require, a travel document if that person can demonstrate they are unable to obtain a national passport or other identity documents which enable that person to travel.

352ZS. Where the person referred to in paragraph 352ZR can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document if that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are compelling reasons for travel.

Family Reunion Requirements for leave to enter or remain as the partner of a refugee

352A. DELETED

352AA. DELETED

352AB. DELETED

Granting family reunion to the partner of a refugee

352B. DELETED

352BA. DELETED

Refusing family reunion to the partner of a refugee

352C. DELETED

352CA. DELETED

Requirements for leave to enter or remain as the child of a refugee

352D. DELETED

352DA. DELETED

Granting leave to enter or remain under exceptional circumstances

352DB. DELETED

Granting family reunion to the child of a refugee

352E. DELETED

Refusing family reunion to the child of a refugee

352F. DELETED

Requirements for leave to enter or remain as the partner of a person with humanitarian protection

352FA. DELETED

Granting family reunion to the partner of a person with humanitarian protection

352FB. DELETED

Refusing family reunion to the partner of a person with humanitarian protection

352FC. DELETED

352FD. DELETED

352FE. DELETED

352FF. DELETED

Requirements for leave to enter or remain as the child of a person with humanitarian protection

352FG. DELETED

Granting leave to enter or remain under exceptional circumstances

352FGA. DELETED

Granting family reunion to the child of a person with humanitarian protection

352FH. DELETED

Refusing family reunion to the child of a person with humanitarian protection

352FI. DELETED

Refusing family reunion where the sponsor is a British Citizen

352FJ. DELETED

Interpretation

352G. For the purposes of this Part, “Country of origin” means the country or countries of nationality or, for a stateless person, the country of former habitual residence.

Restriction on study

352H. Where a person is granted leave in accordance with the provisions set out in Part 11 of the Immigration Rules that leave will, in addition to any other conditions which may apply, be granted subject to the condition in Appendix ATAS of these Rules.

Calais leave to remain in the United Kingdom

352I. Paragraphs 352I to 352X only apply to a person who was transferred to the United Kingdom:

(i) from 17 October 2016 to 13 July 2017 inclusive; and

(ii) in connection with the clearing of the Calais migrant camp; and

(iii) for the purpose of being reunited with family in the United Kingdom,

and either:

(a) as part of the expedited process operated by the Secretary of State;

(b) pursuant to an order of the Tribunal; or

(c) under the Dublin III Regulation.

Grant of Calais leave

352J. The person described in paragraph 325I will be granted Calais leave to remain in the United Kingdom ("Calais leave") for a period of five years if the Secretary of State is satisfied that:

(i) the person is not excluded from being a refugee under Article 1F of the 1951 Refugee Convention (as defined in section 36 of the Nationality and Borders Act 2022) or excluded from a grant of humanitarian protection under paragraph 339D of these Rules;

(ii) the person's application for refugee status or humanitarian protection has been refused;

(iii) there are no reasonable grounds for regarding the person as a danger to the security of the United Kingdom;

(iv) the applicant does not constitute a danger to the community in the United Kingdom as a result of having been convicted by a final judgment of a particularly serious crime (as defined in section 72 of the Nationality, Immigration and Asylum Act 2002); and

(v) must not fall for refusal under SUI 2.1 (c), SUI 3.1, SUI 4.1, SUI 5.1, SUI 5.3, SUI 9.1, SUI 10.1, SUI 11.1. to SUI 11.4, SUI 14.1, SUI 16.1, SUI 17.1 or SUI 18.1 of Part Suitability.

352K. At the end of the five-year period, if each of the requirements of paragraph 352J continue to be met, the person will be granted Calais leave for a further period of five years.

Persons previously granted a form of protection

352L. Where a person was transferred to the UK in accordance with paragraph 352I and, having been granted refugee status or humanitarian protection, that person has had their status ended or refused under either paragraph 339A or paragraph 339G of the Immigration Rules following a review, that person will be entitled to a grant of Calais leave providing that the requirements of paragraph 352J (except sub-paragraph (ii)) are met.

Biometric immigration documents

352M. The Secretary of State will issue to a person granted Calais leave a biometric immigration document as soon as possible after the grant of Calais leave. The biometric immigration document will be valid for five years.

352N. The Secretary of State will issue a biometric immigration document to a dependant of a person granted Calais leave in accordance with paragraph 352T.

352O. The Secretary of State may revoke or refuse to renew a person's biometric immigration document where their grant of Calais leave is revoked under the provisions in these Rules.

352P. At the end of the five-year period, if the person's Calais leave has been renewed, they will be issued with another biometric immigration document, valid for a further period of five years.

Requirements for indefinite leave to remain for a person granted Calais leave

352Q. A person may apply for indefinite leave to remain under paragraph 352S where:

(i) they have been granted Calais leave for a continuous period of ten years; or

(ii) having been granted Calais leave under paragraph 352L, they have been granted leave to remain in the UK for a continuous period of ten years.

352R. The requirements for indefinite leave to remain for a person described in paragraph 352Q are that:

(i) each of the requirements of paragraph 352J continue to be met;

(ii) the person has held biometric immigration documents issued under paragraph 352M, 352N or 352P, and, in the case of a person to whom paragraph 352L applies, paragraph 339QA or 339QB, for a continuous period of ten years in the UK;

(iii) the person's biometric immigration document has not been revoked; and

(iv) the person has not in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.

Indefinite leave to remain for a person granted Calais leave

352S. Indefinite leave to remain will, on application, be granted to a person described in paragraph 352Q where each of the requirements in paragraph 352R is met.

Dependants of a person granted Calais leave

352T. The dependent child of a person granted leave to remain under paragraph 352J or 352S, will be granted leave to enter or remain for the same duration as that person ("leave in line") provided that the requirements of paragraph 352J (except for (ii)); and 352R (iv) are met. For the purposes of this paragraph, a dependent child means a child who is under 18 years of age and for whom the person has parental responsibility.

Curtailment and Revocation of Calais leave

352U. A person's grant of leave under paragraph 352J or 352S may be curtailed or revoked if any of the grounds in SUI 3.2, SUI 5.2 (b), SUI 5.2(c), SUI 5.5, SUI 10.2, SUI 11.8. and SUI 14.2. of Part Suitability apply.

352V. Any curtailment or revocation of a person's leave under paragraph 352U shall also apply to any leave in line granted to a dependent child of that person.

Travel documents

352W. Following receipt of a completed application for a travel document, the Secretary of State will issue to a person granted Calais leave, unless compelling reasons of national security or public order otherwise require, a travel document if that person can demonstrate they are unable to obtain a national passport or other identity documents which enable that person to travel.

352X. Where the person referred to in paragraph 352W can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document if that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are compelling reasons for travel.

Part 11B Reception Conditions

Asylum

Reception Conditions for non-EU asylum applicants

357. Part 11B only applies to asylum applicants (within the meaning of these Rules) who are not nationals of a member State.

Information to be provided to asylum applicants

357A. The Secretary of State shall inform asylum applicants in a language they may reasonably be supposed to understand and within a reasonable time after their claim for asylum has been recorded of the procedure to be followed, their rights and obligations during the procedure, and the possible consequences of non-compliance and non-co-operation. They shall be informed of the likely timeframe for consideration of the application and the means at their disposal for submitting all relevant information.

358. The Secretary of State shall inform asylum applicants within a reasonable time not exceeding fifteen days after their claim for asylum has been recorded of the benefits and services that they may be eligible to receive and of the rules and procedures with which they must comply relating to them. The Secretary of State shall also provide information on non-governmental organisations and persons that provide legal assistance to asylum applicants and which may be able to help asylum applicants or provide information on available benefits and services.

358A The Secretary of State shall ensure that the information referred to in paragraph 358 is available in writing and, to the extent possible, will provide the information in a language that asylum applicants may reasonably be supposed to understand. Where appropriate, the Secretary of State may also arrange for this information to be supplied orally.

Information to be provided by asylum applicants

358B An asylum applicant must notify the Secretary of State of his current address and of any change to his address or residential status. If not notified beforehand, any change must be notified to the Secretary of State without delay after it occurs.

The United Nations High Commissioner for Refugees

358C. A representative of the United Nations High Commissioner for Refugees (UNHCR) or an organisation working in the United Kingdom on behalf of the UNHCR pursuant to an agreement with the government shall:

(a) have access to applicants for asylum, including those in detention;

(b) have access to information on individual applications for asylum, on the course of the procedure and on the decisions taken on applications for asylum, provided that the applicant for asylum agrees thereto;

(c) be entitled to present his views, in the exercise of his supervisory responsibilities under Article 35 of the Geneva Convention, to the Secretary of State regarding individual applications for asylum at any stage of the procedure.

This paragraph shall also apply where the Secretary of State is considering revoking a person's refugee status in accordance with these Rules.

Documentation

359 The Secretary of State shall ensure that, within three working days of recording an asylum application, a document is made available to that asylum applicant, issued in his own name, certifying his status as an asylum applicant or testifying that he is allowed to remain in the United Kingdom while his asylum application is pending. For the avoidance of doubt, in cases where the Secretary of State declines to examine an application it will no longer be pending for the purposes of this rule.

359A The obligation in paragraph 359 above shall not apply where the asylum applicant is detained under the Immigration Acts, the Immigration and Asylum Act 1999 or the Nationality, Immigration and Asylum Act 2002.

359B A document issued to an asylum applicant under paragraph 359 does not constitute evidence of the asylum applicant's identity.

359C In specific cases the Secretary of State or an Immigration Officer may provide an asylum applicant with evidence equivalent to that provided under rule 359. This might be, for example, in circumstances in which it is only possible or desirable to issue a time-limited document.

Right to request permission to take up employment

360 An asylum applicant may apply to the Secretary of State for permission to take up employment if a decision at first instance has not been taken on the applicant's asylum application within one year of the date on which it was recorded. The Secretary of State shall only consider such an application if, in the Secretary of State's opinion, any delay in reaching a decision at first instance cannot be attributed to the applicant.

360A If permission to take up employment is granted under paragraph 360, that permission will be subject to the following restrictions:

(i) employment may only be taken up in a post which is, at the time an offer of employment is accepted, included in Appendix Skilled Occupations and considered to be skilled to Regulated Qualifications Framework (RQF) level 6 or above on the Skilled Worker route;

(ii) no work in a self-employed capacity; and

(iii) no engagement in setting up a business.

360B If an asylum applicant is granted permission to take up employment under paragraph 360 this shall only be until such time as his asylum application has been finally determined.

360C Where an individual makes further submissions which raise asylum grounds and which fall to be considered under paragraph 353 of these Rules, that individual may apply to the Secretary of State for permission to take up employment if a decision pursuant to paragraph 353 of these Rules has not been taken on the further submissions within one year of the date on which they were recorded. The Secretary of State shall only consider such an application if, in the Secretary of State's opinion, any delay in reaching a decision pursuant to paragraph 353 of these Rules cannot be attributed to the individual.

360D If permission to take up employment is granted under paragraph 360C, that permission will be subject to the following restrictions:

(i) employment may only be taken up in a post which is, at the time an offer of employment is accepted, included in Appendix Skilled Occupations and considered to be skilled to Regulated Qualifications Framework (RQF) level 6 or above on the Skilled Worker route;

(ii) no work in a self-employed capacity; and

(iii) no engagement in setting up a business.

360E Where permission to take up employment is granted pursuant to paragraph 360C, this shall only be until such time as:

(i) a decision has been taken pursuant to paragraph 353 that the further submissions do not amount to a fresh claim; or

(ii) where the further submissions are considered to amount to a fresh claim for asylum pursuant to paragraph 353, all rights of appeal from the immigration decision made in consequence of the rejection of the further submissions have been exhausted.

Interpretation

361 For the purposes of this Part -

(a) 'working day' means any day other than a Saturday or Sunday, a bank holiday, Christmas day or Good Friday;

(b) 'member State' has the same meaning as in Schedule 1 to the European Communities Act 1972.

Part 12 Procedure and rights of appeal

Immigration Rules part 12: Procedure and rights of appeal

Procedure and rights of appeal

Fresh Claims

353. When a human rights or protection claim has been refused or withdrawn or treated as withdrawn under paragraph 333C of these Rules and any appeal relating to that claim is no longer pending, the decision maker will consider any further submissions and, if rejected, will then determine whether they amount to a fresh claim. The submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered. The submissions will only be significantly different if the content:

(i) had not already been considered; and

(ii) taken together with the previously considered material, created a realistic prospect of success, notwithstanding its rejection. This paragraph does not apply to claims made overseas.

353A. Consideration of further submissions shall be subject to the procedures set out in these Rules. An applicant who has made further submissions shall not be removed before the Secretary of State has considered the submissions under paragraph 353 or otherwise.

Validity Further Submissions

353AA. A person making further submissions must attend an in-person appointment at a Service and Support Centre (SSC).

353AB. At the date of making further submissions, the person must meet all of the following requirements:

(a) the person must be in the UK;

(b) the person must be a failed asylum seeker meaning that their initial asylum claim has been refused or withdrawn, including where it has been treated as withdrawn under paragraph 33C of the Rules; and

(c) the person must have no outstanding asylum or protection claim or, appeal before the Secretary of State, First tier Tribunal, Upper tier Tribunal or before any court on protection or human rights grounds

353AC. Where a person fails to meet the validity requirements the further submissions may be rejected as invalid and not considered.

Explicit withdrawal of Further Submissions

353AD. Further submissions will be treated as explicitly withdrawn where the person:

(a) signs the relevant withdrawal form provided by, or on behalf of the Secretary of State; or

(b) otherwise explicitly declares a desire to withdraw their further submissions.

Implicit Withdrawal of Further Submissions

353AE. Further submissions may be treated as implicitly withdrawn if the person:

(a) fails to maintain contact with the Home Office or provide up to date contact details or;

(b) leaves the United Kingdom at any time before the conclusion of their further submissions decision; or

(c) fails to attend any reporting events, unless the applicant demonstrates within reasonable time that the failure was due to circumstances beyond their control; or

(d) fails to attend a personal interview for the purpose of assessing their submissions, unless the person demonstrates within reasonable time that the failure was due to circumstances beyond their control; or

(e) fails to respond to requests for information in the relevant time period as requested unless the person demonstrates within reasonable time that the failure was due to circumstances beyond their control.

353AF.1 For the purposes of paragraph 353AE (a), a person will be considered to have failed to provide up to date contact details if they have not notified the Secretary of State of their current address and of any change to their address or residential status. If not notified beforehand, any change must be notified to the Secretary of State without delay after it occurs.

Exceptional Circumstances

353B. Where further submissions have been made and the decision maker has established whether or not they amount to a fresh claim under paragraph 353 of these Rules, or in cases with no outstanding further submissions whose appeal rights have been exhausted and which are subject to a review, the decision maker will also have regard to the migrant's:

(i) character, conduct and associations including any criminal record and the nature of any offence of which the migrant concerned has been convicted;

(ii) compliance with any conditions attached to any previous grant of leave to enter or remain and compliance with any conditions of temporary admission or immigration bail where applicable;

(iii) length of time spent in the United Kingdom spent for reasons beyond the migrant's control after the human rights or asylum claim has been submitted or refused;

in deciding whether there are exceptional circumstances which mean that removal from the United Kingdom is no longer appropriate.

This paragraph does not apply to submissions made overseas.

This paragraph does not apply where the person is liable to deportation.

Part 13 Deportation

This part of the Rules sets out when a person will be considered for deportation and when a deportation order will be revoked. It also applies where deportation is recommended by a court.

A deportation order is made on the grounds that the deportation of the person is conducive to the public good.

Deportation of EEA citizens and their family members on public policy, public security or public health grounds is set out in the EEA Regulations 2016 (as saved).

Deportation of Frontier Workers is set out in the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.

A deportation order invalidates any permission to enter or stay in the UK and prevents the person from returning to the UK while the deportation order is in force.

Where deportation is being considered and the person has made a claim under Article 8 of the Human Rights Convention, that claim will be considered in line with the provisions under this Part.

Where deportation would be a breach of a person's rights under the Human Rights Act 1998, they may be granted permission to enter or stay in the UK for a temporary period.

Exemptions from deportation are set out at Section 7 and Section 8 of the Immigration Act 1971.

This Part is in four sections:

1. Grounds for deportation

2. Article 8 ECHR exceptions to deportation

3. Outcome of an Article 8 decision

4. Revocation of a deportation order

Section 1: Grounds for deportation

13.1.1. A foreign national, who is not an Irish citizen, is liable for deportation where:

> (a) they have been convicted of a criminal offence for which they have received a custodial sentence of at least 12 months or a suspended sentence of at least 12 months given on or after 22 March 2026; or
>
> (b) the Secretary of State otherwise considers that the deportation of the foreign national is conducive to the public good; or
>
> (c) they are the spouse, civil partner or child aged under 18 of a foreign national who is, or has been ordered to be, deported.

13.1.2. An Irish citizen may only be deported where a court has recommended deportation or where the Secretary of State concludes that, due to the exceptional circumstances of the case, the public interest requires deportation.

13.1.3. A deportation order will not be made if the foreign national's removal from the UK pursuant to the order would be contrary to the UK's obligations under the Refugee Convention or the Human Rights Convention, and, where deportation would not be contrary to these obligations, the presumption is in favour of deportation.

Section 2: Article 8 ECHR exceptions to deportation

13.2.1. Where a foreign national has been convicted in the UK or overseas and received a custodial sentence of at least 12 months or a suspended sentence of at least 12 months given on or after 22 March 2026; has been convicted of an offence that has caused serious harm; or is a persistent offender, the public interest requires the foreign national's deportation unless:

> (a) the private life exception in paragraph 13.2.3, or the family life exception in paragraph 13.2.4, is met; or
>
> (b) there are very compelling circumstances such that removal would be contrary to the Human Rights Act 1998.

13.2.2. A foreign national, who has received a custodial sentence of at least 4 years, must show very compelling circumstances over and above the exception in paragraph 13.2.3. or 13.2.4 for deportation to be a breach of Article 8 of the Human Rights Convention.

13.2.3. The Article 8 private life exception is met where:

(a) the foreign national has been lawfully resident in the UK for most of their life; and

(b) they are socially and culturally integrated in the UK; and

(c) there would be very significant obstacles to their integration into the country to which they are to be deported.

13.2.4. The Article 8 family life exception is met where the foreign national has:

(a) a parental relationship with a child that meets all the requirements of paragraph 13.2.5; or

(b) a partner relationship that meets all the requirements of paragraph 13.2.6.

13.2.5. The foreign national has a parental relationship with a child and all of the following apply:

(a) the relationship is genuine and subsisting; and

(b) the child is either a British citizen or has lived in the UK continuously for at least the 7 years immediately before the date of the decision to make the deportation order; and

(c) the child is at the date of the decision to make the deportation order resident in the UK; and

(d) it would be unduly harsh for the child to live in the country to which the foreign national is to be deported; and

(e) it would be unduly harsh for the child to stay in the UK without the foreign national who is to be deported.

13.2.6. The foreign national has a partner relationship and all of the following apply:

(a) the foreign national's relationship with the partner is genuine and subsisting; and

(b) the partner is either a British citizen or is settled in the UK; and

(c) the partner is resident in the UK; and

(d) the relationship did not begin when the foreign national to be deported was in the UK unlawfully or when their immigration status was precarious; and

(e) it would be unduly harsh for that partner to live in the country to which the foreign national is to be deported; and

(f) it would be unduly harsh for that partner to stay in the UK without the foreign national who is to be deported.

Part 3: Outcome of an Article 8 Decision

13.3.1. If the decision maker is satisfied that the foreign national satisfies the requirements of paragraph 13.2.1. or 13.2.2. and the foreign national does not have permission (including where previous permission has been cancelled, invalidated or revoked), the foreign national will be granted temporary permission

13.3.2. Where temporary permission is granted under paragraph 13.3.1, it will be granted for a period not exceeding 30 months and subject to such conditions the Secretary of State considers to be appropriate.

Section 4: Revocation of a deportation order

13.4.1 Revocation of a deportation order does not entitle the foreign national to re-enter the United Kingdom; it means they may apply for and may be granted entry clearance or permission to enter or stay in the UK.

13.4.2. A deportation order remains in force until either:

(a) it is revoked; or

(b) it has been quashed by a court or tribunal.

13.4.3. A foreign national who is subject to a deportation order can apply to the Home Office for revocation of the order and should normally apply from outside the UK after they have been deported.

13.4.4. Where an application for revocation is made, a deportation order will be revoked where:

(a) in the case of a foreign national who has been convicted of an offence and sentenced to a period of imprisonment of less than 4 years, the Article 8 private or family life exception set out in paragraph 13.2.3 or 13.2.4, or both, is met or where there are very compelling circumstances which would make a decision not to revoke the deportation order a breach of Article 8 of the Human Rights Convention; or

(b) in the case of a foreign national who has been convicted of an offence and sentenced to a period of imprisonment of 4 years or more, there are very compelling circumstances which would make a decision not to revoke the deportation order a breach of Article 8 of the Human Rights Convention; or

(c) a decision not to revoke the deportation order would be contrary to the Human Rights Convention or the Refugee Convention.

13.4.5. Where an application for revocation is made, a deportation order made in relation to a foreign national who has not been convicted of an offence for which they received a custodial sentence may be revoked where there has been a material change in circumstances in relation to the factors that resulted in the foreign national's deportation on the ground it was conducive to the public good.

Appendix Administrative Review

Administrative review is the review of an eligible decision, the purpose of which is to decide whether the decision was wrong due to a case working error.

This appendix sets out which decisions are eligible for administrative review, and the requirements to be met where a person applies for administrative review of an eligible decision.

Eligibility requirements for administrative review

Specified route requirements for administrative review in relation to applications for entry clearance or permission to stay

AR 1.1. The decisions eligible for administrative review are those under the following routes ("specified route"):

- Appendix ECAA: Extension of Stay
- Appendix Student
- Appendix Short-term Student (English Language)
- Appendix Child Student
- Appendix Parent of a Child Student
- Appendix Graduate
- Appendix Skilled Worker
- Appendix Global Business Mobility Routes
- Appendix T2 Minister of Religion
- Appendix Representative of an Overseas Business
- Appendix UK Ancestry
- Appendix Global Talent
- Appendix High Potential Individual
- Appendix Scale-up
- Appendix Start-up
- Appendix Innovator
- Appendix International Sportsperson
- Appendix Overseas Domestic Worker
- Appendix Domestic Workers in a Private Household
- Appendix Domestic Worker who is a Victim of Modern Slavery
- Appendix Temporary Work – Seasonal Worker
- Appendix Temporary Work – Creative Worker
- Appendix Temporary Work – Religious Worker
- Appendix Temporary Work – Charity Worker
- Appendix Temporary Work – International Agreement
- Appendix Temporary Work – Government Authorised Exchange
- Appendix Youth Mobility Scheme
- Appendix Hong Kong British National (Overseas)
- Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997, except where the applicant is 18 years of age or older and applying as a dependent child
- Appendix Bereaved Partner
- Appendix Victim of Domestic Abuse
- Appendix Returning Resident
- Appendix Statelessness
- Tier 1 Migrants under Part 6A of the Points Based System
- Appendix HM Armed Forces, except where the applicant is a partner or child under Appendix HM Armed Forces and the Armed Forces sponsor is a British citizen, or has 4 years reckonable service
- Appendix International Armed Forces and International Civilian Employees

AR 1.2. Where a person made a valid application on a specified route eligible for administrative review before 4 April 2024, the requirements of Appendix AR: administrative review in force on 3 April

2024 will apply, apart from applications under Appendix Armed forces where the requirements in force on 10 April 2024 will apply.

Validity requirements for administrative review

AR 2.1. An application for administrative review must relate to one of the following decisions ("the eligible decision"):

(a) a decision to refuse an application for entry clearance; or

(b) a decision to refuse an application for permission to enter; or

(c) a decision to refuse an application for permission to stay; or

(d) a decision to cancel permission to enter or stay made on the person's arrival in the UK, where the result of the cancellation is the person has no permission, and where the reason for the cancellation is:

(i) there has been a change of circumstances since permission was granted which means that permission should be cancelled; or

(ii) permission was obtained as a result of false representations by the person or by their failure to disclose material facts.

AR 2.2. An application for administrative review must relate to a decision on a specified route (see AR 1.1.).

AR 2.3. An application for administrative review must not relate to an eligible decision taken under Appendix EU, Appendix EU (Family Permit), Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland, unless the decision was made before 5 October 2023 to:

(a) cancel leave to enter or remain which is in force under paragraph A3.2(b) of Annex 3 to Appendix EU or paragraph A3.4(b) of Annex 3 to Appendix EU (Family Permit); or

(b) cancel permission to enter or stay which is in force under paragraph HV11.1 (c) of Appendix S2 Healthcare Visitor; or

(c) cancel permission to enter which is in force under paragraph SPS 9.1(c) of Appendix Service Providers from Switzerland.

AR 2.4. A person applying for administrative review must apply online on the Administrative Review form on the gov.uk website.

AR 2.5. An application for administrative review must meet all the following requirements:

(a) any fee must have been paid; and

(b) the application must have been made within the relevant time period set out in AR 2.6, unless AR 2.14. applies.

AR 2.6. The time limit for making an application for administrative review is

(a) where the eligible decision is a refusal of an application for permission to stay or a decision to cancel permission to enter or stay in the UK, and on the date of the decision the person was detained under the Immigration Acts, 7 calendar days from the date they receive notice of the eligible decision; and

(b) where the eligible decision is a refusal of an application for entry clearance, 28 calendar days from the date the person receives the notice of the eligible decision; and

(c) where the eligible decision is a refusal of an application for permission to stay, and the person is not detained, 14 calendar days from the date in which the person receives notice of the eligible decision; and

(d) where the eligible decision is a decision to cancel permission to enter or stay in the UK, and the person is not detained, 14 calendar days from the date on which the person received notice of the eligible decision; and

(e) where the administrative review relates to the period of grant or conditions of grant, 14 calendar days after the person receives notice of the grant of permission specifying the length and conditions of their permission.

AR 2.7. An application for administrative review is made on the date on which it is submitted online.

AR 2.8. There must not previously have been an application for administrative review in relation to the eligible decision, unless on a previous application for administrative review the eligible decision was maintained for different or additional reasons, in which case an application for administrative review can be made in relation to the maintained decision.

AR 2.9. Where the eligible decision is a refusal of an application for entry clearance, a person can only apply for administrative review if they are outside the UK.

AR 2.10. Where the eligible decision is made in the Control Zone, a person cannot apply for administrative review until they have left, or been removed from, the Control Zone.

AR 2.11. A person may only include an eligible decision for a partner, dependent child or other family member in their application for administrative review where that family member:

(a) was a dependent in the application which resulted in the eligible decision; or

(b) was previously granted permission to enter or stay as a dependent of the applicant for administrative review and that permission is being cancelled at the same time the applicant's permission is being cancelled.

AR 2.12. An application for administrative review of an eligible decision under Appendix AR may not be made if the applicant has previously signed an administrative review waiver form in respect of the eligible decision.

AR 2.13. An application for administrative review which does not meet all the validity requirements for administrative review must be rejected as invalid and not considered, unless AR 2.14. applies.

AR 2.14. The application for administrative review may be accepted outside the relevant time limit in AR 2.6. if the decision maker is satisfied that it would be unjust not to waive the time limit and that the application was made as soon as reasonably practicable.

AR 2.15. A person who applied for permission to stay whilst they were in the UK cannot apply for an administrative review of the decision on that application from outside of the UK.

AR 2.16. If a person who has received an eligible decision under AR 1.1 makes a subsequent application for entry clearance, permission to enter or permission to stay, any application for administrative review of the previous eligible decision will not be valid

Consideration of application for Administrative review

AR 3.1. The decision maker conducting the administrative review ("the reviewer") will decide whether the eligible decision is incorrect because:

(a) the decision maker of the eligible decision failed to apply, or incorrectly applied, the relevant Immigration Rules; or

(b) the decision maker of the eligible decision failed to apply, or incorrectly applied, published guidance.

AR 3.2. The reviewer will consider whether the applicant for administrative review is entitled to entry clearance or permission on the basis of the original application and will not consider whether the applicant is entitled to entry clearance or permission on any other basis.

AR 3.3. Where evidence which was not before the original decision maker is submitted with the application for administrative review, the reviewer will only consider that evidence where the eligible decision was:

(a) a decision under Part 9 of these rules to refuse an application on the grounds of false representations or deception; or

(b) a decision under Part 9 of these rules, to cancel entry clearance, permission to enter or permission to stay on the grounds of false representations or deception; or;

(c) a decision to refuse an application for entry clearance under Part 9 of these rules on the grounds of a previous breach of immigration laws; or

(d) a decision not to request specified documents under paragraph 245AA of these rules; or

(e) a failure to follow the evidential flexibility policy published on gov.uk.

AR 3.4. Where evidence would be admissible under AR 3.3, the reviewer may contact the applicant to request further information and specify a reasonable timeframe for receipt of that information.

AR 3.5. Where the requested information is not provided within the timeframe specified, the reviewer may consider the administrative review on the available information.

Effect of an Administrative review

AR 4.1. Where an administrative review is pending in relation to a decision made while the person was in the UK the applicant for administrative review will not be removed from the UK.

AR 4.2. Subject to AR 4.3, an administrative review is pending where:

(a) the relevant time limit for applying for an administrative review has not passed; or

(b) an application for administrative review has been made and has not been rejected as invalid, decided or withdrawn.

AR 4.3. An administrative review will be treated as withdrawn:

(a) where the applicant has waived their right to apply for administrative review by signing an administrative review waiver form; or

(b) the applicant leaves the UK; or

(c) the applicant requests the return of their passport because they want to travel outside the UK.

AR 4.4. Where a person has a pending administrative review and they make a new application for entry clearance or permission to enter or stay, the administrative review is treated as withdrawn the day before the new application was made.

AR 4.5. Where an applicant signs an administrative review waiver form or notifies the Home Office that they wish to withdraw their administrative review, the administrative review will be treated as withdrawn on the date the notification is received.

Decision on Administrative review

AR 5.1. The outcome of an administrative review will be one of the following:

(a) the administrative review succeeds, and the eligible decision is withdrawn (and will be reconsidered); or

(b) the administrative review does not succeed, and the eligible decision remains in force for all of the reasons given in that decision; or

(c) the administrative review does not succeed, and the eligible decision remains in force, but one or more of the reasons given for that decision are withdrawn; or

(d) the administrative review does not succeed, and the eligible decision remains in force, but with different or additional reasons to those given for that decision.

Service of notices

AR 6.1. A decision on an administrative review is to be served in accordance with Appendix SN of these Rules.

Appendix Adult Dependent Relative

The Adult Dependent Relative route is for a person aged 18 or over who is sponsored by a relative in the UK (who must be a British Citizen, settled in the UK, have protection status or be a specified EEA national who has permission under Appendix EU) and where the sponsor is able to maintain, accommodate and care for the applicant without reliance on public funds.

The applicant must require long-term personal care to perform everyday tasks due to age, illness or disability and that care must be either not available or not affordable in the country where the applicant is living.

The applicant must apply for and obtain entry clearance as an Adult Dependent Relative before their arrival in the UK.

The partner of an Adult Dependent Relative may also apply for entry clearance as an Adult Dependent Relative if they are the partner of either the parent or grandparent of the sponsor who is applying at the same time.

Where a couple, who are both the parents or grandparents of the sponsor, are applying as Adult Dependent Relatives only one of them needs to require long-term personal care.

An Adult Dependent Relative is granted settlement if their sponsor is settled in the UK or is a British Citizen. In other cases, the Adult Dependent Relative is granted temporary permission which expires on the same date as their sponsor's temporary permission and once in the UK they can apply for settlement or further permission to stay in line with their sponsor's permission.

There is a separate route for an Adult Dependent Relative of a BN(O) Status Holder under Appendix Hong Kong British National (Overseas).

Validity requirements for an Adult Dependent Relative

ADR 1.1. A person applying for entry clearance or permission to stay as an Adult Dependent Relative must apply online on the gov.uk website on the specified form as follows:

(a) for applicants outside the UK, form "Join or accompany a family member"; or

(b) for applicants in the UK, form "Further leave to remain – Human Rights.

ADR 1.2. An application for entry clearance or permission to stay as an Adult Dependent Relative must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid (unless the applicant has been granted a fee waiver in whole or part); and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and

(d) the applicant and their sponsor must both be aged 18 or over at the date of application.

ADR 1.3. If applying for permission to stay, the applicant must be in the UK on the date of application.

ADR 1.3A. If applying for permission to stay, the applicant must have, or have last been granted, entry clearance or permission to stay as an Adult Dependent Relative

ADR 1.4. An application which does not meet all the validity requirements for the Adult Dependent Relative route may be rejected and not considered.

Suitability requirements for an Adult Dependent Relative

ADR 2.1. The applicant must not fall for refusal under Part Suitability.

ADR 2.2. If applying for permission to stay, the applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for an Adult Dependent Relative

Entry requirements for an Adult Dependent Relative

ADR 3.1. A person seeking to come to the UK as an Adult Dependent Relative must apply for and obtain entry clearance as an Adult Dependent Relative before they arrive in the UK.

ADR 3.2. A person applying for entry clearance as an Adult Dependent Relative must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Relationship requirements for an Adult Dependent Relative

ADR 4.1. An applicant applying for entry clearance or permission to stay as an Adult Dependent Relative must be one of the following:

(a) the parent; or

(b) the grandparent; or

(c) the son or daughter; or

(d) the brother or sister, of a person in the UK (“the sponsor”).

ADR 4.2. The sponsor of the applicant must be one of the following:

(a) a British Citizen; or

(b) settled in the UK; or

(c) in the UK with protection status; or

(d) an EEA national with limited leave to enter or remain granted under paragraph EU3 of Appendix EU on the basis of meeting condition 1(a)(i) in paragraph EU14 of that Appendix.

ADR 4.3. Where the applicant is applying for permission to stay, the sponsor must be the same person who sponsored the applicant when they were last granted entry clearance or permission as an Adult Dependent Relative.

Dependency requirements for an Adult Dependent Relative

ADR 5.1. The applicant, or if the applicant is applying as a parent or grandparent, the applicant’s partner, must as a result of age, illness or disability require long term personal care to perform everyday tasks.

ADR 5.2. Where the application is for entry clearance, the applicant, or if the applicant is applying as a parent or grandparent, the applicant’s partner, must be unable to obtain the required level of care in the country where they are living, even with the financial help of the sponsor because either:

(a) the care is not available and there is no person in that country who can reasonably provide it: or

(b) the care is not affordable.

ADR 5.3. DELETED.

Partner requirement on the Adult Dependent Relative route

ADR 5.3A.1. If the applicant is the sponsor's parent or grandparent they must not be in a subsisting relationship with a partner, unless that partner is applying for entry clearance or permission to stay as an Adult Dependent Relative at the same time.

Financial requirement for an Adult Dependent Relative

ADR 6.1. The sponsor must be able to provide adequate maintenance, accommodation and care for the applicant in the UK without access to public funds.

ADR. 6.2. The sponsor must provide evidence of income or cash savings sufficient to show they can meet the financial requirement and:

(a) evidence from income (other than self-employment) or savings must cover the 6 month period immediately before the date of application; or

(b) where the sponsor is receiving maternity, paternity, adoption or sick pay, their income from salaried employment can be shown for either the 6 months immediately before the date of application or the start date of the maternity, paternity, adoption or sick leave; or

(c) where the income is from self-employment it must be shown for the last full financial year before the date of application, with additional evidence of ongoing self-employment as in paragraphs 7 or 9 (as relevant) of Appendix FM-SE; or

(d) where there is non-employment income it must be shown to have been received in the 12 months before the date of application except where specified in paragraph 10 of Appendix FM-SE; or

(e) where property has been sold and the money received has been converted into cash savings the requirements in paragraph 11A(d) of Appendix FM-SE must be met.

ADR 6.3. The income or cash savings must be evidenced as specified in paragraphs 1, 12A and 12B of Appendix FM-SE.

ADR 6.4. The sponsor must provide a signed maintenance undertaking confirming that the applicant will not have access to public funds, and that the sponsor will be responsible for the maintenance, accommodation and care of the applicant for either:

(a) a period of 5 years from the date the applicant arrives in the UK if the applicant is to be granted settlement; or

(b) the duration of the period of permission to be granted if the applicant is being granted temporary permission to stay.

ADR 6.5. If the applicant receives public funds during the period covered by the maintenance undertaking (see ADR 6.4.) the UK Government may seek to recover the public funds from the sponsor who gave the undertaking.

Eligibility under Article 8 ECHR for an Adult Dependent Relative

ADR 7.1. If the applicant does not meet all the suitability requirements (subject to ADR 7.2) or does not meet all of the eligibility requirements in ADR 3.1. to ADR 6.4., but the decision maker is satisfied that refusal of the application would breach Article 8 of the Human Rights Convention, because it would result in unjustifiably harsh consequences for the applicant or their family, the applicant will meet the Article 8 ECHR eligibility requirement.

ADR 7.2. Where ADR 7.1. applies and the applicant falls for refusal on suitability grounds under SUI 2.1., SUI 2.3., SUI 3.1., SUI 4.1., SUI 5.1. of Part Suitability, the application as an Adult Dependent Relative must be refused.

Decision on an application as an Adult Dependent Relative

ADR 8.1. If the decision maker is satisfied that all the suitability and the relevant eligibility requirements are met, unless paragraph ADR 7.2. applies, the application will be granted as an Adult Dependent Relative; otherwise, the application will be refused.

Period of grant for an Adult Dependent Relative

ADR 9.1. An applicant applying for entry clearance will, if the sponsor is a British Citizen or settled in the UK, be granted settlement.

ADR 9.2. An applicant applying for entry clearance or permission to stay where an applicant's sponsor has temporary permission to stay in the UK will be granted temporary permission which expires on the same date as their sponsor's temporary permission.

ADR 9.3 Where an applicant is applying for permission to stay and, their sponsor is a British Citizen or settled in the UK, the applicant will be granted permission for 30 months.

Conditions of grant for an Adult Dependent Relative

ADR 9.4. If the applicant is granted temporary permission, it will be subject to the following conditions:

(a) no access to public funds; and

(b) work permitted (including self-employment and voluntary work); and

(c) study permitted, subject to the ATAS condition in Appendix ATAS.

Settlement as an Adult Dependent Relative for those with temporary permission to stay as an Adult Dependent Relative

Validity requirements for settlement as an Adult Dependent Relative for those with permission to stay as an Adult Dependent Relative

ADR 10.1. A person in the UK applying for settlement as an Adult Dependent Relative must apply online on the gov.uk website on the specified form "Settle in the UK in various immigration categories: form SET(O)".

ADR 10.2. The applicant must be in the UK on the date of application.

ADR 10.2A. The applicant must have, or have previously been granted, permission as an Adult Dependent Relative.

ADR 10.3. An application for settlement as an Adult Dependent Relative must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

ADR 10.4. An application which does not meet all the validity requirements for settlement as an Adult Dependent Relative may be rejected and not considered.

Suitability requirements for settlement as an Adult Dependent Relative for those with permission to stay as an Adult Dependent Relative

ADR 11.1. The applicant must not fall for refusal under Part Suitability.

ADR 11.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

ADR 11.3. DELETED.

ADR 11.4. The applicant must not fall for refusal under SUI 5.3. of Part Suitability, unless the applicant has completed a qualifying period of 10 years with permission and the applicant has spent at least 5 years with such permission since the end of their sentence.

ADR 11.5. Where any of the following have occurred, the applicant must be refused settlement unless the applicant has completed a continuous qualifying period of 10 years with permission, and has completed 5 years continuous residence with such permission after the date of the first grant of permission after the suitability ground came to the attention of the decision maker:

(a) involvement in a sham marriage or civil partnership (SUI 8.1. of Part Suitability); or
(b) use of false documents or information or deception (SUI 9.1. and SUI 10.1. of Part Suitability); or
(c) litigation debt owed to the Home Office, unless the debt has been paid (SUI 17.1. of Part Suitability); or
(d) debt to the NHS, unless the debt has been paid, or the total value of outstanding charges is under £500 (SUI 16.1. of Part Suitability); or
(e) the applicant has breached the conditions of their permission (SUI 11.1. of Part Suitability).

Eligibility requirements for settlement as an Adult Dependent Relative for those with permission to stay as an Adult Dependent Relative

Sponsorship requirement for settlement as an Adult Dependent Relative for those with permission to stay as an Adult Dependent Relative

ADR 12.1. The applicant's sponsor must be the same sponsor as when the applicant was last granted permission as an Adult Dependent Relative. The sponsor must be in the UK and must be one of the following:

(a) a British Citizen; or

(b) settled; or

(c) have protection status and have, at the same time as the applicant, applied for settlement which is granted; or

(d) an EEA national in the UK with limited leave to enter or remain granted under paragraph EU3 of Appendix EU to these rules on the basis of meeting condition 1 in paragraph EU14 of that Appendix and have, at the same time as the applicant, applied for settlement which is granted.

Financial requirement for settlement as an Adult Dependent Relative for those with permission to stay as an Adult Dependent Relative

ADR 13.1. The sponsor must be able to provide adequate maintenance, accommodation and care for the applicant in the UK without reliance on public funds.

ADR 13.2. The sponsor must provide evidence of income or cash savings sufficient to show they can meet the financial requirement and:

(a) evidence of income (other than self-employment) or savings must cover the 6 month period immediately before the date of application; or

(b) where the sponsor is receiving maternity, paternity, adoption or sick pay, their income from salaried employment can be shown for either the 6 months immediately before the date of application or the start date of the maternity, paternity, adoption or sick leave; or

(c) where the income is from self-employment it must be shown for the last full financial year before the date of application, with additional evidence of ongoing employment as in paragraphs 7 or 9 (as relevant) of Appendix FM-SE; or

(d) where there is non-employment income it must be shown to have been received in the 12 months before the date of application except where specified in paragraph 10 of Appendix FM-SE; or

(e) where property has been sold and the money received has been converted into cash savings the requirements in paragraph 11A(d) of Appendix FM-SE must be met.

ADR 13.3. The income or cash savings must be evidenced as specified in paragraphs 1, 12A and 12B of Appendix FM-SE.

ADR 13.4. The sponsor must provide a signed maintenance undertaking confirming that the applicant will not have access to public funds, and that the sponsor will be responsible for the maintenance, accommodation and care of the applicant for a period of 5 years from the date of grant under ADR 14.1. or the duration of the period of permission to be granted under ADR 14.4.

ADR 13.5. If the applicant receives public funds during the periods set out in ADR 13.4., the UK Government may seek to recover public funds from the sponsor who gave the undertaking.

Decision on an application for settlement as an Adult Dependent Relative for those with permission to stay as an Adult Dependent Relative

ADR 14.1. If the decision maker is satisfied that all the suitability and eligibility requirements for settlement as an Adult Dependent Relative are met, the applicant will be granted settlement.

ADR 14.2. If the requirements for settlement are not met, but the decision maker believes the applicant is likely to meet all the suitability and eligibility requirements for permission to stay as an Adult Dependent Relative, the application will be varied by the Secretary of State to an application for temporary permission to stay as an Adult Dependent Relative, and where this happens:

(a) no additional application fee for the application for permission to stay will be required and the settlement application fee will not be refunded; and

(b) the Secretary of State will write to the applicant informing them of this variation and will request the applicant pay the required Immigration Health Charge.

ADR 14.3. If the applicant does not pay the requested Immigration Health Charge, the application for permission to stay will be rejected as invalid and the applicant will not be refunded the fee paid for the settlement application.

ADR 14.4. Where an application is varied and the applicant meets the requirements for permission to stay the applicant will be granted permission to stay which expires on the same date as their sponsor’s permission, or, if the sponsor is a British Citizen or settled in the UK, the applicant will be granted permission for 30 months.

ADR 14.5. If the applicant is granted permission to stay, it will be subject to the following conditions:

(a) no access to public funds; and

(b) work allowed (including self-employment and voluntary work); and

(c) study allowed subject to the ATAS requirement in Appendix ATAS.

ADR 14.6. If the decision maker is not satisfied that the applicant meets all the suitability and relevant eligibility requirements for settlement or permission to stay the application for settlement will be refused.

Appendix Children

This Appendix sets out the requirements for applications made by children. This Appendix takes into account the need to safeguard and promote the welfare of children in the UK, in line with the Secretary of State's duty under section 55 of the Borders, Citizenship and Immigration Act 2009.

It applies to applications on specified routes as set out in this Appendix.

Applicant applying as a dependent child

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

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

- Appendix HM Armed Forces
- Appendix International Armed Forces and International Civilian Employees
- Appendix Settlement Protection
- Appendix Student
- Appendix Graduate
- Appendix Skilled Worker
- Appendix Global Business Mobility – Senior or Specialist Worker
- Appendix Global Business Mobility – Graduate Trainee
- Appendix Global Business Mobility – UK Expansion Worker
- Appendix Global Business Mobility – Service Supplier
- Appendix Global Business Mobility – Secondment Worker
- Appendix T2 Minister of Religion
- Appendix Representative of an Overseas Business
- Appendix UK Ancestry
- Appendix Global Talent
- Appendix High Potential Individual
- Appendix Scale-up
- Appendix Start-up
- Appendix Innovator Founder
- Appendix International Sportsperson
- Appendix Domestic Workers in a Private Household
- Appendix Temporary Work – Creative Worker
- Appendix Temporary Work – Religious Worker
- Appendix Temporary Work – Charity Worker
- Appendix Temporary Work – International Agreement
- Appendix Temporary Work – Government Authorised Exchange
- Appendix Hong Kong British National (Overseas)
- Appendix Family Reunion (Sponsors with Protection)
- Appendix Child Relative (Sponsors with Protection)
- Appendix Victim of Domestic Abuse
- Appendix Bereaved Partner
- Appendix Adoption
- Appendix Private Life
- Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997
- Appendix Statelessness

Age Requirement

CHI 1.1. The applicant must be under the age of 18 on the date of application unless CHI 1.2 applies.

CHI 1.2. The applicant may be aged 18 or over on the date of application if the applicant was last granted entry clearance or permission to stay as the dependent child of their parent or parents, and either:

(a) the entry clearance or permission to stay is valid on the date of application or expired no more than 14 days before the date of application, except that where the Exceptions for overstayers section of Part Suitability applies that period of overstaying will be disregarded; or

(b) the applicant is applying as a dependent child under Appendix Bereaved Partner or Appendix Victim of Domestic Abuse.

Independent Life Requirement

CHI 1A.1. The applicant must not be leading an independent life

Care Requirement

CHI 2.1. If the applicant is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK which must comply with relevant UK law.

Relationship Requirement: Entry Clearance and Permission to Stay

CHI 3.1. Where the application is for entry clearance or permission to stay, the applicant must be the child of a parent (P) where one of the following applies:

(a) P has entry clearance or permission to stay on the same route the applicant is applying for; or

(b) P is, at the same time, applying for (and is granted) entry clearance or permission to stay on the same route the applicant is applying for; or

(c) P is settled or has become a British citizen, providing P previously had permission to stay on the same route the applicant is applying for and the applicant had permission as P's child at that time or was born since P's last grant of permission and before P settled; or

(d) P is settled or has become a British citizen, providing P had permission on the UK Ancestry route when they settled and the applicant is applying on the UK Ancestry route; or

(e) the applicant is applying under Appendix HM Armed Forces and P is:

(i) a member of HM Armed Forces who is exempt from immigration control; or

(ii) at the same time applying for (and is being granted) settlement as a HM Armed Forces service leaver; or

(iii) settled or is a British citizen and P had permission (or exemption) as a member of HM Armed Forces before they were granted citizenship; or

(f) the applicant is applying under Appendix International Armed Forces and P is a member of an International Armed Forces exempt from immigration control

CHI 3.2. The applicant's parents must each be either applying at the same time as the applicant or have permission to be in the UK (other than as a Visitor) unless:

(a) the parent applying for or with entry clearance or permission to stay is the sole surviving parent or has sole responsibility for the child's upbringing; or

(b) the parent who does not have permission:

(i) is a British citizen or a person who has a right to enter or stay in the UK without restriction; and

(ii) lives, or intends to live, in the UK; or

(c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant entry clearance or permission to stay with the parent who is applying for or has entry clearance or permission to stay or who is covered by CHI 3.2.(b)

CHI 3.3. If the applicant was born in the UK and is the child of a person with permission or their partner, the applicant must provide a full UK birth certificate showing the names of their parent(s).

Relationship Requirement: Settlement

CHI 4.1. Where the application is for settlement, the applicant must be the child of a person (P) where one of the following applies:

(a) P is, at the same time, being granted settlement on the same route the applicant is applying for; or

(b) P is settled or has become a British citizen, providing P previously had permission on the same route the applicant is applying for.or;

(c) the applicant is applying under Appendix HM Armed Forces and P:

(i) is a member of HM Armed Forces exempt from immigration control with at least 5 years' reckonable service; or

(ii) has been granted or, is at the same time applying for (and is being granted) settlement as a HM Armed Forces service leaver; or

(iii)has leave to enter or remain under this Appendix or Part 7 paragraphs 276E-QA of these Rules or under the concession which existed outside these Rules whereby the Secretary of State exercised their discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged; or

(iv) is settled or is a British citizen and P had permission (or exemption) as a member of HM Armed Forces before they were granted citizenship.

CHI 4.2. The applicant must:

(a) have last been granted permission as a dependent child of P in CHI 4.1; or

(b) have been born in the UK and be applying as a child of P in CHI 4.1; or

(c) where the application is under Appendix UK Ancestry, the applicant must be applying as a child of P in CHI 4.1.

(d) have last been granted permission under Appendix Adoption as the child of P in CHI 4.1; or

(e) where (a), (b), (c) and (d) do not apply and the application is under Appendix Bereaved Partner or Appendix Victim of Domestic Abuse, the applicant must have been born overseas after P's grant of permission as a partner and be applying as a child of P in CHI 4.1

CHI 4.3. The applicant's other parent (who is not the person (P) in CHI 4.1.) must be being granted settlement at the same time, or be settled or a British citizen, unless:

(a) the person (P) in CHI 4.1. is the applicant's sole surviving parent or has sole responsibility for the applicant's upbringing; or

(b) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

CHI 4.4. If the applicant was born in the UK and is the child of a person with permission, or their partner, the applicant must provide a full UK birth certificate showing the names of their parent(s)

Applicant not applying as a dependent child

This section applies to the following routes, where the applicant is not applying as a dependent child under:

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

Parental Consent Requirement for applicant not applying as a dependent child

CHI 5.1. If the applicant is under the age of 18 on the date of application, they must have written consent from:

(a) both parents; or

(b) one parent, if that parent has sole responsibility for the applicant; or

(c) the applicant's legal guardian.

CHI 5.2. The written consent must provide contact details of the parent(s) or legal guardian and confirm consent is given for all of the following:

(a) the application; and

(b) the applicant's living and care arrangements in the UK; and

(c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

Appendix Child Relative (Sponsors with Protection)

Appendix Child Relative (Sponsors with Protection) is also known as Appendix CRP.

Under Appendix CRP, a child may apply for either entry clearance or permission to stay with or join their close relative who has protection status in the UK and is not settled.

Under Appendix CRP, if a person wishes to stay with their close relative and apply for settlement in the UK, they can apply at the same time as their close relative, or after their close relative is settled in the UK, providing they have or last had entry clearance or permission to stay under Appendix CRP.

There is a separate entry clearance route for a child to join a relative who is settled in the UK under paragraph 297 of Part 8.

Entry clearance or permission to stay with or join a close relative

Validity requirements for entry clearance or permission to stay with or join a close relative

CRP 1.1. A person applying for permission to stay in the UK with their close relative must apply on the GOV.UK website on the specified form as follows: “FLR (P).

CRP 1.1A. A person applying for entry clearance to join their close relative in the UK must apply online on the GOV.UK website on the specified form as follows: “Child of a close relative with protection status in the UK”.

CRP 1.2. An application for entry clearance or permission to stay with or join a close relative in the UK must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid (unless the applicant has been granted a fee waiver); and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have satisfactorily established their identity and nationality; and

(d) the applicant’s close relative must currently have protection status in the UK; and

(e) the applicant must be under the age of 18 on the date of application.

CRP 1.3. An application which does not meet all the validity requirements for entry clearance or permission to stay with or join a close relative in the UK may be rejected as invalid and not considered.

Suitability requirements for entry clearance or permission to stay with or join a close relative

CRP 2.1. The applicant must not fall for refusal under Part Suitability.

Eligibility requirements for entry clearance or permission to stay with or join a close relative

CRP 3.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) independent life requirement; and

(b) care requirement.

CRP 3.2. The decision maker must be satisfied that the applicant has no family other than the close relative in the UK that could reasonably be expected to support or care for them.

Relationship requirements for entry clearance or permission to stay with or join a close relative

CRP 4.1. The decision maker must be satisfied that the applicant has an existing, genuine family relationship with their close relative in the UK.

CRP 4.2. The person with protection status in the UK must be a close relative of the applicant.

Maintenance and accommodation requirements for entry clearance or permission to stay with or join a close relative

CRP 5.1. The close relative in the UK must be able to provide adequate maintenance and accommodation for the applicant without reliance on public funds.

CRP 5.2. The applicant must provide evidence of funds as specified in Appendix FM-SE.

Eligibility under Article 8 of the Human Rights Convention for entry clearance or permission to stay with or join a close relative

CRP 6.1. Where the applicant does not meet all the suitability or eligibility requirements (subject to CRP 6.2), the decision maker must be satisfied that refusal of the application would not breach Article 8 of the Human Rights Convention because it would result in unjustifiably harsh consequences for the applicant or their family.

CRP 6.2. Where CRP 6.1. applies and the decision maker is satisfied that the applicant should be refused under paragraph 9.2.1, paragraph 9.2.3, paragraph 9.3.1, paragraph 9.4.1 and paragraph 9.5.1 of Part 9: grounds of refusal, the application to stay with or join a close relative in the UK will be refused.

Decision on an application for entry clearance or permission to stay with or join a close relative

CRP 7.1. Where the decision maker is satisfied that all the relevant eligibility requirements are met, unless paragraph CRP 6.2. applies, the application will be granted permission which expires on the same date as their close relative's permission in the UK; otherwise, the application will be refused.

Period of grant for entry clearance or permission to stay with or join a close relative

CRP 8.1. The applicant will be granted permission which expires on the same date as their close relative's permission in the UK.

Conditions of grant for entry clearance or permission to stay with or join a close relative

CRP 9.1. The applicant's permission will be subject to the following conditions:

(a) no access to public funds, unless CRP 9.2. applies; and

(b) work permitted (including self-employment and voluntary work); and (c) study is permitted, subject to the ATAS condition in Appendix ATAS.

CRP 9.2. Where the decision maker is satisfied that:

(a) the close relative in the UK is destitute as defined in section 95 of the Immigration and Asylum Act 1999, or is at risk of imminent destitution; or

(b) there are reasons relating to the welfare of the applicant which outweigh the considerations for imposing or maintaining the condition (treating the best interests of a relevant child as a primary consideration); or

(c) the applicant is facing exceptional circumstances affecting their income or expenditure;

then the applicant's permission will not be subject to a condition of no access to public funds.

CRP 9.3. For the purposes of CRP 9.2, 'relevant child' means a person who:

(a) is under the age of 18 years on the date of application; and

(b) would be affected by a decision to impose or maintain the no access to public funds condition based on the information provided by the applicant.

Settlement to stay with a close relative

Validity requirements for settlement to stay with a close

CRP 10.1. A person in the UK applying for settlement to stay with their close relative in the UK must apply on the specified form "Apply to extend your stay or apply for indefinite leave to remain if your asylum claim has been refused and you have been given discretionary leave, or apply for settlement to stay with a close relative (FLR (DL))".

CRP 10.2. An application for settlement to stay with a close relative in the UK must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must be in the UK on the date of application; and

(d) the applicant must have satisfactorily established their identity and nationality; and

(e) the applicant must have, or have last had, permission to stay with or join their close relative in the UK under Appendix CRP; and

(f) the applicant's close relative must:

(i) have made a separate but valid application for settlement in the UK, and that application has not yet been decided; or

(ii) be already settled in the UK, providing they had protection status when they settled.

CRP 10.3. An application which does not meet all the validity requirements for settlement to stay with their close relative in the UK may be rejected as invalid and not considered.

Suitability requirements for settlement to stay with a close relative

CRP 11.1. The applicant must not fall for refusal under Part Suitability.

Eligibility requirements for settlement to stay with a close relative Requirements for settlement to stay with a close relative

CRP 12.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) independent life requirement; and

(b) care requirement.

English language requirement for settlement to stay with a close relative

CRP13.1. Unless an exemption applies, the applicant must:

(a) Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b) Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

CRP 13.2. The applicant must show they meet the English language requirement, or are exempt, as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement to stay with a close relative

CRP 14.1. Unless an exemption applies, the applicant must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

Decision on an application for settlement to stay with a close relative

CRP 15.1. If the decision maker is satisfied that all the suitability and eligibility requirements for settlement to stay with their close relative in the UK are met, the application will be granted.

CRP 15.2. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements, the application for settlement to stay with their close relative in the UK will be refused.

Appendix Continuous Residence

This Appendix sets out how the continuous residence requirement is met.

Where the continuous residence requirement is specified within the relevant Immigration Rules, it will be satisfied where applicants have been resident in the UK for the qualifying period required by their route with permission, their continuous residence must not be broken, and their absences from the UK must not exceed the maximum permitted.

This Appendix applies only to applications under Appendix HM Armed Forces (only settlement as a Partner or Child), Appendix Skilled Worker, Appendix Representative of an Overseas Business, Appendix Global Talent, Appendix Innovator Founder, Appendix T2 Minister of Religion, Appendix International Sportsperson, Appendix UK Ancestry, Appendix Domestic Worker in a Private Household, Appendix Temporary Work - International Agreement, Appendix Scale-up, Appendix Settlement Family Life, Appendix Private Life (settlement only, apart from where the applicant is applying to settle as a child born in the UK), Appendix Hong Kong National (Overseas), Appendix Long Residence, Appendix ECAA Settlement, and Part 6A (for Tier 1 (Entrepreneur) and Tier 1 (Investor) only).

Calculating the qualifying period

CR 1.1. The qualifying period for continuous residence will be calculated by counting back from whichever of the following dates is the most beneficial to the applicant, taking periods of absence into account:

(a) the date of application; or

(b) any date up to 28 days after the date of application; or

(c) the date of decision; or

(d) if the applicant is applying for settlement on the UK Ancestry route, and their last grant of permission was not as a person with UK Ancestry, the date their most recent permission as a person with UK Ancestry expired.

CR 1.2. The qualifying period can vary between routes. The specific length of the qualifying period required is set out in the rules for the route the person is applying for.

Lawful presence

CR 2.1. The applicant will not be regarded as lawfully present in the UK (and these periods will not count towards the qualifying period for continuous residence):

(a) during any period of imprisonment or detention under CR 4.1.(a) or CR 4.4.; and

(b) during any period the applicant is subject to a deportation order, exclusion order, or exclusion direction; and

(c) during any period when the applicant is subject to removal directions under section 10 of the Immigration and Asylum Act 1999 (except where the application is under Appendix Long Residence); and

(d) during any period where the applicant required permission and did not have it unless:

(i) the applicant was in the UK without permission in the period from 1 to 31 August 2020; and

(ii) the applicant had permission immediately before that period,

in which case the applicant will be treated as lawfully present between 1 and 31 August 2020.

Absence from the UK

CR 3.1. To meet the continuous residence requirement, the applicant must not have been outside the UK for more than 180 days in any 12- month period (unless CR 3.2., CR 3.3., CR 5.1. or CR 5.2. applies, and subject to CR 3.4.).

CR 3.2. For any absence from the UK with permission granted under the rules in place before 11 January 2018, the applicant must not have been outside the UK for more than 180 days during any consecutive 12-month period, ending on the same date of their current application unless CR 3.3 applies, and subject to CR 3.4.

CR 3.3. Subject to CR 3.4, where the application is under Appendix Long Residence, the applicant must not have:

(a) spent a total of more than 548 days outside the UK during their qualifying period, where that 548-day total was reached before 11 April 2024; and

(b) been outside the UK for more than 184 days at any one time during their qualifying period, where that absence started before 11 April 2024.

CR 3.4. When calculating the period of absence in CR 3.1., CR 3.2. or CR 3.3., any period spent outside the UK will not count where the absence was for any of the following reasons:

(a) the applicant was assisting with a national or international humanitarian or environmental crisis overseas, providing, if on a sponsored route, their sponsor agreed to the absence for that purpose; or

(b) travel disruption due to natural disaster, military conflict or pandemic; or

(c) compelling and compassionate personal circumstances, such as the life-threatening illness of the applicant, or the life- threatening illness or death of a close family member; or

(d) research activity undertaken by a Skilled Worker which was approved by their sponsor and where the applicant was sponsored for a job in one of the following SOC 2020 occupation codes:

- 2111 Chemical scientists
- 2112 Biological scientists
- 2113 Biochemists and biomedical scientists
- 2114 Physical scientists
- 2115 Social and humanities scientists
- 2119 Natural and social science professionals not elsewhere classified
- 2161 Research and development (R&D) managers
- 2162 Other researchers, unspecified discipline
- 2311 Higher education teaching professionals; or

(e) research activity undertaken by a person on the Global Talent route who was endorsed by:

(i) The Royal Society; or

(ii) The British Academy; or

(iii) The Royal Academy of Engineering; or

(iv) UKRI; or

(f) research activity undertaken by a person on the Global Talent route who qualified on the basis of a prize listed in table 6 of Appendix Global Talent: Prestigious Prizes; or

(g) for an applicant under Appendix Settlement Family Life, absences for work, study or supporting family overseas, so long as the family have throughout the period of absence maintained a family life in the UK and the UK remained their place of permanent residence; or

(h) where the applicant's partner is absent from the UK on Crown service as:

(i) a regular member of HM Armed Forces (the Royal Navy, the Royal Marines, the Army (including the Brigade of Gurkhas) and the Royal Air Force); or

(ii) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or

(iii) a permanent member of the British Council,

and the applicant accompanies them overseas.

CR 3.5. Provided that the applicant's most recent grant of permission was in the UK, any time the applicant has spent lawfully in the Channel Islands or the Isle of Man on a route equivalent to those permissible in the UK is treated for the purpose of this Appendix as time spent in the UK.

CR 3.6. For settlement applications under Appendix Settlement Family Life, absence from the UK before 20 June 2022 will not be counted when calculating the total absence period if the applicant was subsequently granted permission as a partner or parent under Appendix FM or under paragraph 276ADE or 276BE(2), following those absences.

CR 3.7. Absence from the UK which began before 8 October 2024 will not be counted when calculating the qualifying period for continuous residence for settlement applications under Appendix HM Armed Forces.

Breaking continuous residence

CR 4.1. An applicant's continuous residence will be broken if any of the following apply:

(a) the applicant is convicted of an offence and sentenced to a period of imprisonment (unless it is a suspended sentence) or directed to be detained in an institution other than a prison, unless the applicant is applying for settlement under Appendix Settlement Family Life or Appendix Private Life (in which case CR 4.4. applies); or

(b) the applicant is subject to a deportation order, exclusion order or exclusion direction; or

(c) the applicant is subject to removal directions, or in the case of an application under Appendix Long Residence, is removed from the UK, under section 10 of the Immigration and Asylum Act 1999; or

(d) the applicant does not currently have, or did not have, permission, unless:

(i) the applicant was granted permission following a successful application where paragraph 39E of these rules applied; or

(ii) (except for applications under Appendix Long Residence), the applicant had permission when they left the UK, applied for entry clearance before that permission expired, or within 14 days of that permission expiring, and that application for entry clearance was successful; or

(iii) the application is under Appendix Long Residence, and the applicant had permission when they left the UK and returned to the UK with a valid permission (on the same or another route), provided they do not exceed the absence limit in CR 3.1., CR 3.2. or CR 3.3.; or

(iv) for any period without permission before 24 November 2016, where the applicant made a successful application for entry clearance or permission (either in or outside the UK) within 28 days of the date their previous permission expired; or

(v) the dates on which the applicant was in the UK without permission were in the period from 1 to 31 August 2020 and the applicant had permission immediately before then; or

(e) the applicant is absent from the UK for longer than the periods permitted under CR 3.1., CR 3.2., and CR 3.3., and none of the exceptions in CR 3.4., CR 3.6., CR 5.1. and CR 5.2. apply; or

(f) the applicant is removed or deported from the UK; or

(g) the applicant leaves the UK voluntarily having been refused permission to enter, permission to stay or settlement, and any permission held at the time of that voluntary departure has expired, unless CR 4.1(d)(iv) applies.

CR 4.2. Where CR 4.1(d)(i) to (iv) applies, any period of time where the applicant did not have permission will not be included in any calculation of the qualifying period in CR 1.1.

CR 4.3. Where CR 4.1.(d)(v) applies, that period of time without permission is recognised as lawful presence and will be included in any calculation of the qualifying period in CR 1.1.

CR 4.4. Where a person applying for settlement under Appendix Settlement Family Life or Appendix Private Life has been:

(a) convicted of an offence and sentenced to imprisonment in the UK for 12 months or less; or

(b) directed to be detained in an institution other than a prison for 12 months or less,

that period of imprisonment or detention will not break the applicant's continuous residence during the 10-year qualifying period for the purposes of SETF 2.3, SETF 11.3, PL 12.3., or PL 27.3, but the time spent in prison or detained in an institution other than a prison will not count towards the qualifying period for continuous residence.

Continuous residence for dependants

CR 5.1. Where the applicant is applying as a partner or child and was absent from the UK for a reason in CR 3.4., accompanying the person they are dependent on, that period of absence will not count towards the 180-day absence limit in CR 3.1. or CR 3.2. when calculating the applicant's qualifying period.

CR 5.2. Where the applicant is applying as a partner or child and the person on whom they are dependent was absent from the UK during a period of permission granted before 11 January 2018, that period of absence will not count towards the 180-day absence in CR 3.1. or CR 3.2. when calculating the applicant's qualifying period if the person on whom they were dependent was on one of the following routes:

(a) Tier 1; or

(b) Tier 2; or

(c) Tier 5 (Temporary Worker); or

(d) Global Talent; or

(e) Start Up; or

(f) Innovator Founder; or

(g) ECAA worker or ECAA business person.

Immigration Rules Appendix English Language

This Appendix sets out how the English language requirement is met.

It applies only to applications under Appendix Student, Appendix Skilled Worker, Appendix Representative of an Overseas Business, Appendix T2 Minister of Religion, Appendix International Sportsperson, Appendix UK Ancestry, Appendix Global Talent, Appendix Start-up, Appendix Innovator Founder, Appendix Domestic Worker in a Private Household, Appendix High Potential Individual, Appendix Settlement Family Life, Appendix Private Life, Appendix Scale Up, Appendix Child Relative (Sponsors with Protection), Appendix Hong Kong British National (Overseas), Appendix Victim of Domestic Abuse, Appendix Temporary Work-International Agreement, Appendix HM Armed Forces, Appendix Long Residence and Appendix Bereaved Partner.

The route sets out whether the English language requirement must be met and at what level.

Exemption

EL 1.1. An applicant for settlement is exempt from the English language requirement if at the date of application any of the following apply:

(a) they are aged 65 or over; or

(b) they are aged under 18; or

(c) they have a disability (physical or mental condition) which prevents them from meeting the requirement; or

(d) they are applying for settlement as a partner, parent or dependent child aged over 18 where they:

(i) have spent a continuous period of 15 years in the UK with permission; and

(ii) can show an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3; and

(iii) Where the date of application is before 26 March 2027, provide confirmation from a qualified English teacher that the applicant has attended an English language class for at least 75 guided learning hours (not unsupervised study or preparation time) in the 12 months before the date of application and the teacher's view is the applicant is unlikely to attain B1 level through further study; or

(iv). Where the date of application is on or after 26 March 2027, provide confirmation from a qualified English teacher that the applicant has attended an English language class for at least 75 guided learning hours (not unsupervised study or preparation time) in the 12 months before the date of application and the teacher's view is the applicant is unlikely to attain B2 level through further study.

EL1.2. An applicant for entry clearance or permission to stay under Appendix HM Armed Forces is exempt from the English language requirement if at the date of application any of the following apply:

(a) they are aged 65 or over; or

(b) they are aged under 18; or

(c) they have a disability (physical or mental condition) which prevents them from meeting the requirement; or

(d) there are exceptional circumstances which prevent the applicant from meeting the English language requirement.

How the requirement is met

EL 2.1. An applicant will meet the English language requirement if any of the requirements in EL 3.1. to EL 7.2 are met.

EL 2.2. The English language requirement is also met by a person applying for entry clearance or permission to stay as a Student if any of the requirements in EL 7.1. to EL 8.4. are met.

EL 2.3. The English language requirement is also met by a person applying for entry clearance or permission to stay as a Skilled Worker route if:

(a) the requirements in EL 7.1. and EL 7.2. are met: or

(b) the requirement in EL 9.1. is met.

EL 2.4. The English language requirement is also met by a person applying for:

(a) entry clearance or permission to stay on the Start-up route, or

(b) entry clearance or permission to stay on the Innovator Founder route; or

(c) entry clearance, permission to stay or settlement on the Scale-up route, or

(d) entry clearance or permission to stay on the High Potential Individual route, or

(e) settlement under Appendix Settlement Family Life, or

(f) settlement under Appendix Private Life, or

(g) entry clearance, permission to stay or settlement on the International Sportsperson route; or

(h) entry clearance, permission to stay or settlement on the Representative of an Overseas Business route; or

(i) entry clearance or permission to stay on the T2 Minister of Religion route; or

(j) settlement on the UK Ancestry route; or

(k) settlement on the Global Talent route; or

(l) settlement on the Domestic Workers in a Private Household route or

(m) settlement on Hong Kong British National (Overseas) route; or

(n) settlement on the Appendix Child Relative (Sponsors with Protection) route; or

(o) settlement on the Appendix Bereaved Partner route; or

(p) entry clearance or settlement under Appendix Victim of Domestic Abuse; or

(q) entry clearance, permission to stay or settlement under Appendix HM Armed Forces; or

(r) settlement under Appendix Long Residence; or

(s) entry clearance under Appendix Temporary Work – International Agreement.

if the requirements in EL 7.1 and EL 7.2. are met.

EL 2.5. DELETED.

Met in a previous application

EL 3.1. An applicant will meet the English language requirement if they have already shown they met the requirement, at the level required for their current application, in a previous successful application for entry clearance or permission to stay.

Majority English speaking country

EL 4.1. An applicant will meet the English language requirement if they are a national of any of the following majority-English-speaking countries:

Antigua and Barbuda
Australia
The Bahamas

Barbados
Belize
The British Overseas Territories
Canada
Dominica
Grenada
Guyana
Jamaica
Malta
New Zealand
St Kitts and Nevis
St Lucia
St Vincent and the Grenadines
Trinidad and Tobago
United States of America

Academic qualification

EL 5.1. An applicant will meet the English language requirement if they have an academic qualification which meets one of the requirements at EL 5.2. and is proven by the required evidence under EL 5.3. or EL 5.4.

EL 5.2. The requirements are that the applicant has:
(a) a bachelor's degree, master's degree or doctorate awarded in the UK; or
(b) a degree or degree-level qualification taught in a university or college in a majority- English-speaking country listed in EL 4.1. (except Canada), or Ireland, which meets or exceeds the recognised standard of a bachelor's degree, master's degree or doctorate awarded in the UK; or
(c) a degree or degree level qualification which meets, or exceeds, the recognised standard of a UK bachelor's degree; master's degree or doctorate and was taught or researched in English.

EL 5.3. The requirement at EL 5.2. must be proven by one of:
(a) a certificate from the awarding body: or
(b) a transcript issued by the university or college that awarded the qualification; or
(c) an official letter from the university or college that awarded the qualification containing information equivalent to a degree certificate.

EL 5.4. If the qualification was awarded by a body from outside the UK, the requirement at EL 5.2. must, in addition to the requirement at EL 5.3, be proven by confirmation from the qualification and language assessments provider that the qualification meets the requirements at EL 5.2(b) or EL 5.2(c).

English language test

EL 6.1. An applicant will meet the English language requirement if they have provided a valid digital reference number from an approved provider showing they have passed an approved English language test to the required level in each required component as set out in the relevant route, in the 2 years before the date of application.

The list of approved tests and providers, updated from time to time, can be found at https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt#approved-test-providers-and-approved-tests.

GCSE or A Level English

EL 7.1. An applicant will meet the English language requirement if they have a GCSE, an International GCSE, an A level, a Scottish National Qualification at level 4 or 5 or a Scottish Higher or Advanced Higher in English (language or literature) that was awarded:

(a) by an Ofqual (or SQA, Qualifications Wales or CCEA) regulated awarding body; and

(b) following education undertaken in a UK based school which began while they were aged under 18.

EL 7.2. The requirement at EL 7.1. must be proven by either:

(a) a certificate from the awarding body: or

(b) an official transcript issued by the awarding body

Additional ways Students can meet the English language requirement

EL 8.1. An applicant under Appendix Student will meet the English language requirement if they are applying for a course of study at degree level or above and are sponsored by a higher education provider with a track record of compliance who states on the Confirmation of Acceptance for Studies that they have assessed the applicant's English language ability and how they have assessed it.

EL 8.2. Where an assessment under EL 8.1. has been carried out the Confirmation of Acceptance for Studies entry must confirm that the applicant has a knowledge of English equivalent to level B2, or above, of the Council of Europe's Common European Framework for Language Learning in all 4 components (reading, writing, speaking and listening) or that the requirement at ST 15.3. is met.

EL 8.3. An applicant under Appendix Student will meet the English language requirement if they have taken an approved English test and been exempted from a component of that test by the test provider due to a disability, and the student sponsor has confirmed that they are satisfied the English language ability of the applicant is sufficient to undertake the course of study.

EL 8.4. An applicant under Appendix Student will meet the English language requirement if they are applying for a short-term study abroad programme of up to six months and both:
(a) the study abroad programme is part of a course of study at degree level or above at an overseas higher education institution in the United States of America; and
(b) the qualification and language assessments provider confirm that the course of study overseas will lead to an academic (not a professional or vocational) qualification at UK bachelor's degree level or above.

Professional regulation for Skilled Workers

EL 9.1. An applicant applying for entry clearance or permission to stay under Appendix Skilled Worker will meet the English language requirement if they are being sponsored to work as a doctor, dentist, nurse, midwife or veterinarian, and have passed an English Language assessment which is accepted by the relevant regulated professional body as a requirement for registration.

Appendix EU

EU, other EEA and Swiss citizens and family members

Appendix EU: EU, other EEA and Swiss citizens and family members

Purpose

EU1. This Appendix sets out the basis on which an **EEA citizen** and their family members, and the family members of a **qualifying British citizen**, will, if they apply under it, be granted indefinite leave to enter or remain or limited leave to enter or remain.

Requirements and procedure

Requirements for indefinite leave to enter or remain other than as a joining family member of a relevant sponsor

EU2. The applicant will be granted indefinite leave to enter (where the application is made outside the UK) or indefinite leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12; and
- The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

Requirements for indefinite leave to enter or remain as a joining family member of a relevant sponsor

EU2A. The applicant will be granted indefinite leave to enter (where the application is made outside the UK) or indefinite leave to remain (where the application is made within the UK) as a **joining family member of a relevant sponsor** where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11A; and
- The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

Requirements for limited leave to enter or remain other than as a joining family member of a relevant sponsor

EU3. The applicant will be granted five years' limited leave to enter (where the application is made outside the UK) or five years' limited leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

Requirements for limited leave to enter or remain as a joining family member of a relevant sponsor

EU3A. The applicant will be granted five years' limited leave to enter (where the application is made outside the UK) or five years' limited leave to remain (where the application is made within the UK) as a joining family member of a relevant sponsor where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11A, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14A; and

• The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

Other provisions as to requirements and procedure

EU4. Where a person has been granted limited leave to enter or remain under this Appendix:

• They must continue to meet the eligibility requirements for that leave which they met at the **date of application** (except for any which related to their dependency as a **child, dependent parent** or **dependent relative**) or meet other eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14 (where they have been granted limited leave to enter or remain under paragraph EU3) or in accordance with paragraph EU14A (where they have been granted limited leave to enter or remain under paragraph EU3A);

• The Secretary of State may extend that limited leave, regardless of whether the person has made a valid application under this Appendix for such an extension;

• They remain able to apply for indefinite leave to enter or remain under this Appendix and will be granted this where the requirements in paragraph EU2 (where they have been granted limited leave to enter or remain under paragraph EU3) or paragraph EU2A (where they have been granted limited leave to enter or remain under paragraph EU3A) are met; and

• They may be granted indefinite leave to enter or remain under paragraph EU2 or paragraph EU2A of this Appendix, where the Secretary of State is satisfied, without a valid application under this Appendix having been made, that the requirements in paragraph EU2 (where the person has been granted limited leave to enter or remain under paragraph EU3) or paragraph EU2A (where the person has been granted limited leave to enter or remain under paragraph EU3A) are otherwise met.

EU5. A person granted indefinite leave to enter or remain under this Appendix may resume their residence in the UK where, having been absent from **the UK and Islands**, that leave has not lapsed under article 13 of the Immigration (Leave to Enter and Remain) Order 2000. Where that leave has lapsed under that provision, Appendix Returning Resident to these Rules applies if the person wants to return to and settle in the UK.

EU6. A valid application made under this Appendix which does not meet the requirements for indefinite leave to enter or remain or limited leave to enter or remain will be refused.

EU7. (1) Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

(2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside under the **EEA Regulations** (or under the equivalent provision in **the Islands**), on which basis the document, card or other evidence was issued, by virtue of the revocation of those Regulations (or equivalent provision in the Islands).

EU8. Annex 2 applies to the consideration by the Secretary of State of:

• A valid application made under this Appendix; or

• Whether a person granted limited leave to enter or remain under this Appendix continues to meet the eligibility requirements for that leave which they met at the date of application or meets other eligibility requirements for limited leave to enter or remain, or the eligibility requirements for indefinite leave to enter or remain, under this Appendix.

Valid application

EU9. A valid application has been made under this Appendix where:

(a) It has been made using the **required application process**;

(b) The **required proof of identity and nationality** has been provided, where the application is made within the UK;

(c) The required proof of entitlement to apply from outside the UK has been provided, where the application is made outside the UK;

(d) The required biometrics have been provided;

(e) It has been made by the required date, where the date of application is on or after 9 August 2023; and

(f) The applicant, if they rely on being a joining family member of a relevant sponsor and where the date of application is on or after 9 August 2023, is not a **specified enforcement case**.

EU10. (1) An application made under this Appendix will be rejected as invalid where it does not meet the requirements in paragraph EU9.

(2) Paragraph 34BB of these Rules does not apply to applications made under this Appendix. Where a further valid application is made under this Appendix before a previous such application has been decided, the further application will be treated as an application to vary the previous application and only the latest application will be considered.

(3) Where a valid application is made under this Appendix before a previous valid application made under another part of or outside the Immigration Rules has been decided (or where a valid application is made under another part of or outside the Immigration Rules, or varied by a further such application, before a previous valid application made under this Appendix has been decided), both applications will be considered.

(4) Where both applications considered in accordance with sub-paragraph (3) above fall to be granted, the Secretary of State will inform the applicant that they satisfy the relevant criteria in respect of both applications and ask them to confirm which application they want to be decided and which they want to be treated as withdrawn. If the applicant does not so confirm within 14 days, the latest application will be decided and the other treated as withdrawn.

Eligibility for indefinite leave to enter or remain

Persons eligible for indefinite leave to enter or remain as a relevant EEA citizen or their family member, or as a person with a derivative right to reside or with a Zambrano right to reside

EU11. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **relevant EEA citizen** or their family member (or as a **person with a derivative right to reside** or a **person with a Zambrano right to reside**) where the Secretary of State is satisfied, including (where applicable) by the **required evidence of family relationship**, that, at the date of application, one of conditions 1 to 7 set out in the following table is met:

Condition	**Is met where:**
1.	(a) The applicant: (i) is a relevant EEA citizen; or (ii) is (or, as the case may be, was) a **family member of a relevant EEA citizen**; or (iii) is (or, as the case may be, was) a **family member who has retained the right of residence** by virtue of a relationship with a relevant EEA citizen; and (b) The applicant has a **documented right of permanent residence**; and (c) Since they did, no **supervening event** has occurred in respect of the applicant
2.	(a) The applicant is: (i) a relevant EEA citizen; or (ii) a family member of a relevant EEA citizen; or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and (b) There is **valid evidence of their indefinite leave to enter or remain**
3.	(a) The applicant: (i) is a relevant EEA citizen; or (ii) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen; or

Condition	Is met where:
	(iii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or (iv) is a person with a derivative right to reside; or (v) is a person with a Zambrano right to reside; or (vi) is a **person who had a derivative or Zambrano right to reside**; and (b) The applicant has completed a **continuous qualifying period** of five years in any (or any combination) of those categories; and (c) Since then no supervening event has occurred in respect of the applicant
4.	(a) The applicant is a relevant EEA citizen who is a **person who has ceased activity**; and (b) Since they did so, no supervening event has occurred
5.	(a) The applicant is (or, as the case may be, was) a family member of a relevant EEA citizen; and (b) The relevant EEA citizen is a person who has ceased activity; and (c)(i) Where the date of application by the family member is before 1 July 2021, the relevant EEA citizen: (aa) meets the requirements of sub-paragraph (b) of the applicable definition of relevant EEA citizen in Annex 1; or (bb) meets the requirements of sub-paragraph (d)(ii)(bb) of the applicable definition of relevant EEA citizen in Annex 1; or (cc) meets the requirements of sub-paragraph (e)(ii) or (e)(iii) of the applicable definition of relevant EEA citizen in Annex 1; or (dd) is a **relevant naturalised British citizen** (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or (ii) Where the date of application by the family member is on or after 1 July 2021, the relevant EEA citizen meets the following requirements of the applicable definition of relevant EEA citizen in Annex 1: (aa) sub-paragraph (a)(ii)(aa); or (bb) sub-paragraph (b)(ii)(aa); or (cc) sub-paragraph (c)(i); or (dd) sub-paragraph (d)(iii)(aa); or (ee) sub-paragraph (e)(i)(bb)(aaa), (e)(i)(bb)(ccc) or (e)(ii)(bb)(aaa); and (d) Sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and (e) The applicant was resident in the UK and Islands for a continuous qualifying period immediately before the relevant EEA citizen became a person who has ceased activity; and (f) Since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred in respect of the applicant
6.	(a) The applicant is a family member of a relevant EEA citizen; and (b) The relevant EEA citizen has died and was resident in the UK as a **worker** or **self-employed person** at the time of their death; and (c) The relevant EEA citizen was resident in the UK and Islands for a continuous qualifying period of at least two years immediately before dying, or the death was the result of an accident at work or an occupational disease; and (d) The applicant was resident in the UK with the relevant EEA citizen immediately before their death; and (e) Since the death of the relevant EEA citizen, no supervening event has occurred

Condition	Is met where:
7.	(a) The applicant is a family member of a relevant EEA citizen and is a child under the age of 21 years of a relevant EEA citizen, or of their **spouse** or **civil partner**, and either: (i) The marriage was contracted or the civil partnership was formed before the **specified date**; or (ii) the person who is now their spouse or civil partner was the **durable partner** of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and (b)(i) Where the date of application by the family member is before 1 July 2021, the relevant EEA citizen (or, as the case may be, their spouse or civil partner): (aa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or (bb) meets the requirements of sub-paragraph (b)(ii) of the applicable definition of relevant EEA citizen in Annex 1 (where the relevant EEA citizen is an **Irish citizen**); or (cc) meets the requirements of sub-paragraph (d)(ii)(bb) of the applicable definition of relevant EEA citizen in Annex 1; or (dd) meets the requirements of sub-paragraph (e)(ii) or (e)(iii) of the applicable definition of relevant EEA citizen in Annex 1; or (ee) meets the requirements of sub-paragraph (f)(ii) of the applicable definition of relevant EEA citizen in Annex 1; or (ff) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or (ii) Where the date of application by the family member is on or after 1 July 2021, the relevant EEA citizen (or, as the case may be, their spouse or civil partner) meets the following requirements of the applicable definition of relevant EEA citizen in Annex 1: (aa) sub-paragraph (a)(ii)(aa); or (bb) sub-paragraph (b)(ii)(aa) (where the relevant citizen is an Irish citizen); or (cc) sub-paragraph (c)(i); or (dd) sub-paragraph (d)(iii)(aa); or (ee) sub-paragraph (e)(i)(bb)(aaa), (e)(i)(bb)(ccc) or (e)(ii)(bb)(aaa); or (ff) sub-paragraph (f)(ii)(aa)

Persons eligible for indefinite leave to enter or remain as a joining family member of a relevant sponsor

EU11A. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a joining family member of a relevant sponsor where the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application and in an application made after the specified date, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant: (i) is (or, as the case may be, for the relevant period was) a joining family member of a relevant sponsor; or (ii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a **relevant sponsor**; and (b) The applicant has completed a continuous qualifying period of five years which began after the specified date, in either (or any combination) of those categories;

Condition	Is met where:
	and (c) Since then no supervening event has occurred in respect of the applicant
2	(a) The applicant is (or, as the case may be, was) a joining family member of a relevant sponsor; and (b) The relevant sponsor is a person who has ceased activity; and (c)(i) Where the date of application is before 1 July 2021, the relevant sponsor: (aa) meets the requirements of sub-paragraph (a)(i)(aa) or (a)(ii)(bb) of the definition of relevant sponsor in Annex 1; or (bb) meets the requirements of sub-paragraph (a)(iv)(bb) or (a)(iv)(cc) of the definition of relevant sponsor in Annex 1; or (cc) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or (ii) Where the date of application is on or after 1 July 2021, the relevant sponsor meets the following requirements of the definition of relevant sponsor in Annex 1: (aa) sub-paragraph (b)(i)(aa); or (bb) sub-paragraph (b)(ii)(aa); or (cc) sub-paragraph (b)(iii)(aa); or (dd) sub-paragraph (b)(iv)(bb)(aaa), (b)(iv)(bb)(bbb) or (b)(v)(bb)(aaa); or (ee) sub-paragraph (b)(vi)(aa); and (d) Sub-paragraph (a) above was met at the point at which the relevant sponsor became a person who has ceased activity; and (e) Immediately before the relevant sponsor became a person who has ceased activity, the applicant was resident in the UK and Islands for a continuous qualifying period which began after the specified date; and (f) Since the relevant sponsor became a person who has ceased activity, no supervening event has occurred in respect of the applicant
3	(a) The applicant is a joining family member of a relevant sponsor; and (b) The relevant sponsor has died and was resident in the UK as a worker or self-employed person at the time of their death; and (c) The relevant sponsor was resident in the UK and Islands for a continuous qualifying period of at least two years immediately before dying, or the death was the result of an accident at work or an occupational disease; and (d) The applicant was resident in the UK with the relevant sponsor after the specified date and immediately before their death; and (e) Since the death of the relevant sponsor, no supervening event has occurred
4	(a)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the relevant sponsor; and (ii)(aa) Where the date of application is before 1 July 2021, the relevant sponsor: (aaa) meets the requirements of sub-paragraph (a)(i)(aa) of the definition of relevant sponsor in Annex 1; or (bbb) meets the requirements of sub-paragraph (a)(ii)(bb) of the definition of relevant sponsor in Annex 1 (where the relevant sponsor is an Irish citizen); or (ccc) meets the requirements of sub-paragraph (a)(iv)(bb) or (a)(iv)(cc) of the definition of relevant sponsor in Annex 1; or (ddd) meets the requirements of sub-paragraph (a)(v)(bb) of the definition of relevant sponsor in Annex 1; or (eee) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or (bb) Where the date of application is on or after 1 July 2021, the relevant sponsor meets the following requirements of the definition of relevant sponsor in Annex 1: (aaa) sub-paragraph (b)(i)(aa); or

Condition	Is met where:
	(bbb) sub-paragraph (b)(ii)(aa); or (ccc) sub-paragraph (b)(iii)(aa); or (ddd) sub-paragraph (b)(iv)(bb)(aaa), (b)(iv)(bb)(bbb) or (b)(v)(bb)(aaa); or (eee) sub-paragraph (b)(vi)(aa); or (b)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the spouse or civil partner of the relevant sponsor (in accordance with sub-paragraph (a) of the definition of family member of a relevant EEA citizen in Annex 1, substituting 'relevant sponsor' for each reference in that sub-paragraph to 'relevant EEA citizen'); and (ii) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix; or (c)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the spouse or civil partner of the relevant sponsor (in accordance, in respect of the spouse or civil partner, with the first sub-paragraph (a), together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii), of the definition of joining family member of a relevant sponsor in Annex 1); and (ii) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph EU2A of this Appendix

Persons eligible for indefinite leave to enter or remain as a family member of a qualifying British citizen

EU12. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen, where the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant is (or, as the case may be, was): (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) The applicant has a documented right of permanent residence; and (c) No supervening event has occurred in respect of the applicant
2.	(a) The applicant is: (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) There is valid evidence of their indefinite leave to enter or remain
3.	(a) The applicant is (or, as the case may be, for the relevant period was): (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) The applicant has completed a continuous qualifying period in the UK of five years in either (or any combination) of those categories; and (c) The applicant was, for any period in which they were present in the UK as a family member of a qualifying British citizen relied upon under sub-paragraph (b), lawfully resident by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6 of the EEA Regulations); and

Condition	Is met where:
	(d) Since completing the continuous qualifying period of five years, no supervening event has occurred in respect of the applicant
4.	(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen, and either: (i) the marriage was contracted or the civil partnership was formed before the **date and time of withdrawal**; or (ii) the person who is now their spouse or civil partner was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of durable partner in Annex 1 being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and (b) The applicant is in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is a qualified person under regulation 6 of the EEA Regulations); and (c) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix

EU13. The reference to the applicant completing a continuous qualifying period of five years:

• In condition 3 in the table in paragraph EU12 can include a period (or combination of periods) during which the applicant was a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside before becoming the family member of a qualifying British citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen); and

• In condition 3 in the table in paragraph EU11 can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EEA citizen, a family member of a relevant EEA citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen), a person with a derivative right to reside or a person with a Zambrano right to reside.

Eligibility for limited leave to enter or remain

Persons eligible for limited leave to enter or remain as a relevant EEA citizen or their family member, as a person with a derivative right to reside or with a Zambrano right to reside or as a family member of a qualifying British citizen

EU14. The applicant meets the eligibility requirements for limited leave to enter or remain where the Secretary of State is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application, condition 1 or 2 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant is: (i) a relevant EEA citizen; or (ii) a family member of a relevant EEA citizen; or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or (iv) a person with a derivative right to reside; or (v) a person with a Zambrano right to reside; and (b) The applicant is not eligible for indefinite leave to enter or remain under

Condition	Is met where:
	paragraph EU11 of this Appendix solely because they have completed a continuous qualifying period of less than five years; and (c) Where the applicant is a family member of a relevant EEA citizen, there has been no supervening event in respect of the relevant EEA citizen
2.	(a) The applicant is: (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) The applicant was, for any period in which they were present in the UK as a family member of a qualifying British citizen relied upon under sub-paragraph (c), lawfully resident by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6 of the EEA Regulations); and (c) The applicant is not eligible for indefinite leave to enter or remain under paragraph EU12 of this Appendix solely because they have completed a continuous qualifying period in the UK of less than five years

Persons eligible for limited leave to enter or remain as a joining family member of a relevant sponsor

EU14A. The applicant meets the eligibility requirements for limited leave to enter or remain as a joining family member of a relevant sponsor where the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application and in an application made after the specified date, the condition set out in the following table is met:

Condition	Is met where:
	(a) The applicant is: (i) a joining family member of a relevant sponsor; or (ii) a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor; and (b) The applicant is: (i) not eligible for indefinite leave to enter under paragraph EU11A of this Appendix, where the application is made outside the UK; or (ii) not eligible for indefinite leave to remain under paragraph EU11A of this Appendix, where the application is made within the UK, solely because they have completed a continuous qualifying period of less than five years which began after the specified date; and (c) Where the applicant is a joining family member of a relevant sponsor, there has been no supervening event in respect of the relevant sponsor

Suitability

EU15. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

(a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or

(b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(1A) An application made under this Appendix will be refused on grounds of suitability where, because of the applicant's conduct committed before the specified date, the Secretary of State is satisfied that the decision to refuse the application is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "who has a right of permanent residence under

regulation 15" read "who has indefinite leave to enter or remain under, or who meets the requirements of paragraph EU11, EU11A or EU12 of, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph EU15(1A) of Appendix EU to the Immigration Rules").

(2) An application made under this Appendix will be refused on grounds of suitability where the Secretary of State deems the applicant's presence in the UK is not conducive to the public good because of conduct committed after the specified date.

(3) An application made under this Appendix will be refused on grounds of suitability where at the date of decision the applicant is subject to an **Islands deportation order**.

(4) An application made under this Appendix may be refused on grounds of suitability where at the date of decision the applicant is subject to an **Islands exclusion decision**.

EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Secretary of State is satisfied that:

(a) It is proportionate to refuse the application where, in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(b) It is proportionate to refuse the application where the applicant is subject to a removal decision under the EEA Regulations on the grounds of their non-exercise or misuse of rights, and the date of application under this Appendix is before 1 July 2021; or

(c)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Has previously been refused admission to the UK in accordance with regulation 12(1)(a) of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020; or

(cc) Had indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.1., A3.1A., A3.1B. or A3.2.(a) of Annex 3 to this Appendix or under paragraph A3.3. or A3.4.(a) of Annex 3 to Appendix EU (Family Permit); and

(ii) The refusal of the application is justified either:

(aa) In respect of the applicant's conduct committed before the specified date, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "who has a right of permanent residence under regulation 15" read "who has indefinite leave to enter or remain under, or who meets the requirements of, paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph EU16(c) of Appendix EU to the Immigration Rules"), and it is proportionate to refuse the application; or

(bb) In respect of conduct committed after the specified date, where the Secretary of State deems the applicant's presence in the UK is not conducive to the public good; or

(d) It is proportionate to refuse the application where the applicant is a **relevant excluded person** because of their conduct committed before the specified date and the Secretary of State is satisfied that the decision to refuse the application is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA

Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “who has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain under, or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(d) of Appendix EU to the Immigration Rules”); or

(e) The applicant is a relevant excluded person because of conduct committed after the specified date or;

(f) It is proportionate to refuse the application where it is more likely than not that, after the specified date, the applicant has assisted another person fraudulently to obtain, or to attempt to obtain, entry clearance to, or leave to enter or remain in, the UK.

EU17. The references in paragraphs EU15 and EU16 to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or revoked.

EU18. Annex 3 applies in respect of the cancellation, curtailment and revocation of leave to enter or remain granted under this Appendix.

Annex 1 - Definitions

Term	Definition
adopted child	a child adopted in accordance with a **relevant adoption decision**
child	(a)(i) the direct descendant under the age of 21 years (or who has turned 21 years of age since the specified date) of a relevant EEA citizen or of their spouse or civil partner; or (ii) the direct descendant under the age of 21 years of a qualifying British citizen (or, as the case may be, of a relevant sponsor) or of their spouse or civil partner; or (b)(i) (where sub-paragraph (a)(i) above does not apply) the direct descendant aged 21 years or over of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; and (ii) (unless the applicant was previously granted limited leave to enter or remain under paragraph EU3 or EU3A of this Appendix as a child on the basis that sub-paragraph (a) above applied or under its equivalent in the Islands on that basis) dependent on (as the case may be): (aa) the relevant EEA citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date; or (bb) on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date; or (cc) on the relevant sponsor (or on their spouse or civil partner) at the date of application ‘dependent’ means here that: (a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner; and (b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen or by the relevant sponsor) or by their spouse or civil partner; and (c) there is no need to determine the reasons for that dependence or for the

Term	Definition
	recourse to that support in addition: (a) ‘child’ includes: (i) an **adopted child** of; or (ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or (iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or (iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or (v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or (vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or (vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is; or (viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or (ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or (x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or (xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian, a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) or their spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or, as the case may be, by a qualifying British citizen or by a relevant sponsor) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and (b) ‘direct descendant’ also includes a grandchild or greatgrandchild, other than for the purpose of meeting condition 7 in the table in paragraph EU11 of this Appendix, condition 4 in the table in paragraph EU11A or condition 4 in the table in paragraph EU12; and (c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table, in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table or in the first subparagraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for ‘joining family member of a relevant sponsor’ in this table
civil partner	(a) the person is, or (as the case may be) for the relevant period was, in a valid civil partnership (which exists or existed under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands); or is, or (as the case may be) for the relevant period was, in a relationship registered

Term	Definition
	overseas which is, or was, entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor); and (b) it is, or (as the case may be) for the relevant period was, not a **civil partnership of convenience**; and (c) neither party has, or (as the case may be) for the relevant period had, another civil partner, a spouse or a durable partner with (in any of those circumstances) **immigration status in the UK or the Islands** based on that person's relationship with that party
civil partnership of convenience durable partnership of convenience marriage of convenience	a civil partnership, durable partnership or marriage entered into as a means to circumvent: (a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations; or (b) any other provision of UK immigration law or any requirement of the Immigration Rules; or (c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law; or (d) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Islands under Islands law
continuous qualifying period	a period of residence in the UK and Islands (save in condition 3 in the table in paragraph EU12 of this Appendix; in condition 2 in the table in paragraph EU14 of this Appendix; in sub-paragraph (a)(ii) or (d)(iii)(aa) of the entry for 'family member who has retained the right of residence' in this table; in sub-paragraph (c) of the entry for 'person who has ceased activity' in this table; and in the entry for 'person with a derivative right to reside' and for 'person with a Zambrano right to reside' in this table, where (in each case) the period of residence must be in the UK and the reference in subparagraphs (b)(i) and (ii) below to the UK and Islands is to be read as a reference to the UK): (a) which, unless the person is a joining family member of a relevant sponsor, is a **specified relevant person of Northern Ireland** (or is the dependent relative of such a person) or relies on sub-paragraph (b)(i)(cc), (b)(i)(dd) or (b)(i)(ee) below (or unless sub-paragraph (b)(i)(ii) or (b)(i)(jj) below applies), began before the specified date; and (b) during which none of the following occurred: (i) absence(s) from the UK and Islands which exceeded a total of six months in any 12-month period, except for: (aa) a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting, or because of COVID-19); or (bb) a single period of absence which did not exceed 12 months and which, although the absence was not originally for an important reason, is to be treated as being for an important reason as it exceeded six months because of COVID-19; or (cc) (following a period of absence under sub-paragraph (b)(i)(aa) above because of COVID-19 or under sub-paragraph (b)(i)(bb) above) a second period of absence which did not exceed 12 months and was for an important reason (such as described in sub-paragraph (b)(i)(aa) above) which, save for caring for someone with a serious illness, was not because of COVID-19; where this is the case, the period of absence under this sub-paragraph exceeding six months will not count towards any period of residence in the UK and Islands on which the person relies; or

Term	Definition
	(dd) (following a period of absence under sub-paragraph (b)(i)(aa) above which, save for caring for someone with a serious illness, was not because of COVID-19) either a second period of absence which did not exceed 12 months and was for an important reason, where that reason was because of COVID-19, or a period of absence under sub-paragraph (b)(i)(bb) above; where this is the case, the period of absence under this sub-paragraph exceeding six months will not count towards any period of residence in the UK and Islands on which the person relies; or (ee) a period of absence under sub-paragraph (b)(i)(aa), (b)(i)(bb), (b)(i)(cc) or (b)(i)(dd) above which exceeded 12 months because COVID-19 meant that the person was prevented from, or advised against, returning earlier; where this is the case, the period of absence under this sub-paragraph exceeding 12 months will not count towards any period of residence in the UK and Islands on which the person relies; or (ff) any period of absence on compulsory military service; or (gg) any period of absence on a posting on **Crown service** or (as a spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on Crown service; or (hh) any period spent working in the UK marine area (as defined in section 42 of the Marine and Coastal Access Act 2009); or (ii) (where the person has limited leave to enter or remain granted under paragraph EU3 of this Appendix) any period(s) of absence which did not exceed a total of 30 months in the most recent 60-month period, as at the date of application (where the Secretary of State is considering whether the requirements for indefinite leave to enter or remain in paragraph EU2 are met) or (as the case may be) at the date on which, under paragraph EU4, the Secretary of State is considering whether to grant them indefinite leave to enter or remain under paragraph EU2, without a valid application under this Appendix having been made; or (jj) (where the person has limited leave to enter or remain granted under paragraph EU3A of this Appendix) any period(s) of absence which did not exceed a total of 30 months in the most recent 60-month period, as at the date of application (where the Secretary of State is considering whether the requirements for indefinite leave to enter or remain in paragraph EU2A are met) or (as the case may be) at the date on which, under paragraph EU4, the Secretary of State is considering whether to grant them indefinite leave to enter or remain under paragraph EU2A, without a valid application under this Appendix having been made; or (kk) any period of absence due directly to an order or decision to which sub-paragraph (b)(iii) below refers, where that order or decision has been set aside or revoked; or (ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands, unless the conviction which led to it has been ovrturned; or (iii) any of the following in respect of the person, unless it has been set aside or revoked: (aa) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or (bb) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or (cc) an exclusion decision; or (dd) a deportation order, other than by virtue of the EEA Regulations; or (ee) an Islands deportation order; or

Term	Definition
	(ff) an Islands exclusion decision; and (c) which continues at the date of application, unless: (i) the period is of at least five years' duration; or (ii)(aa) the person acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or, where there are reasonable grounds for the person's failure to meet the deadline applicable to them in the entry for 'required date' in this table, would have acquired such a right had the EEA Regulations not been revoked), or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man; or (bb) the period relates to: (aaa) a relevant EEA citizen, where, in relation to that EEA citizen, the applicant relies: (i) for all or part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph EU11 of this Appendix refers (or, as the case may be, for part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph EU12 refers) on having been a family member of a relevant EEA citizen; or (ii) on being or having been a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, provided (in any case) the period relating to that relevant EEA citizen continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant EEA citizen instead) either, as the case may be, throughout the period the applicant relies on in (i) as having been a family member of a relevant EEA citizen or, as relied on in (ii), until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or (bbb) a relevant sponsor, where, in relation to that relevant sponsor, the applicant relies for all or part of the period to which sub-paragraph (b) of condition 1 in the table in paragraph EU11A of this Appendix refers on having been (or, as the case may be, relies for all or part of the period to which sub-paragraph (b)(ii) of the condition in the table in paragraph EU14A refers on being) a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, provided (in either case) the period relating to that relevant sponsor continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant sponsor instead) until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor; or (iii) the person has valid indefinite leave to enter or remain granted under this Appendix (or under its equivalent in the Islands); or (iv) there is valid evidence of their indefinite leave to enter or remain; or (v) a relevant reference is concerned; or (vi) sub-paragraph (b)(i)(ii) or (b)(i)(jj) above applies, where, under paragraph EU4 of this Appendix, the Secretary of State is considering whether to grant the person indefinite leave to enter or remain without a valid application under this Appendix having been made in addition, 'relevant reference' in sub-paragraph (c)(v) above means the reference to continuous qualifying period in: - condition 6 in the table in paragraph EU11 of this Appendix; - condition 3 in the table in paragraph EU11A of this Appendix; - sub-paragraph (d)(iii)(aa) of the entry for 'family member who has retained the right of residence' in this table (as that reference applies to, as the case may be, the relevant EEA citizen, the qualifying British citizen or the relevant sponsor); - where the date of application is on or after 1 July 2021, sub-paragraph (b)(i) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph

Term	Definition
	(b)(ii)(aa) of that entry applies; - where the date of application is on or after 1 July 2021, sub-paragraph (c) of the applicable entry for 'relevant EEA citizen' in this table (in so far as the reference in that sub-paragraph to sub-paragraph (a) of the entry for 'relevant naturalised British citizen' in this table is concerned), where sub-paragraph (c)(i) of the applicable entry for 'relevant EEA citizen' in this table applies; - where the date of application is on or after 1 July 2021, sub-paragraph (d)(ii) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (d)(iii)(aa) of that entry applies; - where the date of application is on or after 1 July 2021, sub-paragraph (e)(i)(aa) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (e)(i)(bb)(ccc) of that entry applies; - where the date of application is on or after 1 July 2021, sub-paragraph (e)(ii)(aa) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (e)(ii)(bb)(aaa) of that entry applies; - where the date of application is on or after 1 July 2021, sub-paragraph (f)(i) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (f)(ii)(aa) of that entry applies; - sub-paragraph (b)(ii) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(ii)(aa) of that entry applies; - sub-paragraph (b)(iii) of the entry for 'relevant sponsor' in this table (where the reference to sub-paragraph (a) of the entry for 'relevant naturalised British citizen' in this table is concerned), where sub-paragraph (b)(iii)(aa) of the entry for 'relevant sponsor' in this table applies; - sub-paragraph (b)(iv)(aa) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(iv)(bb)(bbb) of that entry applies; - sub-paragraph (b)(v)(aa) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(v)(bb)(aaa) of that entry applies; and - sub-paragraph (b)(vi) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(vi)(aa) of that entry applies
Crown service	service as: (a) a member of HM Forces (as defined in the Armed Forces Act 2006); or (b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or (c) a permanent member of the British Council
custody of a child	the child normally lives with the applicant or does so part of the time, and includes arrangements agreed informally and those which are subject to a court order for determining with whom the child is to live and when
date and time of withdrawal	2300 **GMT** on 31 January 2020
date of application	the date on which the application is submitted under the required application process, which means: (a) (in the case of the relevant on-line application form) the date on which that form is submitted on-line; or (b) (in the case of a paper application form): (i) the date of posting to the Home Office address specified on the form (where one is specified), as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or (ii) where the paper application form is sent by courier, or other postal services

Term	Definition
	provider, the date on which it is delivered to the Home Office address specified on the form (where one is specified); or (iii) where the paper application form is sent by e-mail, the date on which it is recorded by Home Office e-mail software as received at the Home Office e-mail address specified on the form (where one is specified)
dependent parent	(a) the direct relative in the ascending line of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; and (b) (unless sub-paragraph (c) immediately below applies) dependent on (as the case may be): (i) the relevant EEA citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the relevant EEA citizen is under the age of 18 years at the date of application or, where the date of application is after the specified date, the relevant EEA citizen was under the age of 18 years at the specified date) that dependency is assumed; or (ii) on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the qualifying British citizen is under the age of 18 years at the date of application or, where the date of application is after the specified date, the qualifying British citizen was under the age of 18 years at the specified date) that dependency is assumed; or (iii) on the relevant sponsor (or on their spouse or civil partner) at the date of application and (unless the relevant sponsor is under the age of 18 years) that dependency is assumed where the date of application is before 1 July 2021; and (c) this sub-paragraph applies (and the applicant therefore has to meet no requirement as to dependency) where: (i) the applicant was previously granted limited leave to enter or remain under paragraph EU3 or EU3A of this Appendix as a dependent parent, and that leave has not lapsed or been cancelled, curtailed or invalidated; or (ii) the spouse, civil partner or durable partner of the applicant (and with whom they reside) has been granted indefinite leave to enter or remain or limited leave to enter or remain under paragraph EU2, EU2A, EU3 or EU3A of this Appendix as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, and that indefinite or limited leave has not lapsed or been cancelled, curtailed, revoked or invalidated 'dependent' means here that: (a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner; and (b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen or by the relevant sponsor) or by their spouse or civil partner; and (c) there is no need to determine the reasons for that dependence or for the recourse to that support in addition: (a) 'direct relative in the ascending line' includes: (i) a grandparent or great-grandparent; and (ii) an adoptive parent of an adopted child; and

Term	Definition
	(b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table, in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table or in the first sub-paragraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for 'joining family member of a relevant sponsor' in this table; and (c) in respect of the reference in sub-paragraph (c)(ii) above to the spouse, civil partner or durable partner of the applicant, the entry for (as the case may be) 'spouse', 'civil partner' or 'durable partner' in this table applies, except that in the applicable entry 'applicant' is to be substituted for 'relevant EEA citizen' and sub-paragraph (b) of the entry for 'durable partner' in this table is to be disregarded
dependent relative	the person: (a)(i)(aa) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of their sponsoring person; and (bb) is, or (as the case may be) for the relevant period was, a dependant of the sponsoring person, a member of their household or in strict need of their personal care on serious health grounds; or (ii) is a **person who is subject to a non-adoptive legal guardianship order** in favour (solely or jointly with another party) of their sponsoring person; or (iii) is a person under the age of 18 years (unless they were previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a dependent relative and were under 18 at the date of application for that leave) who: (aa) is the direct descendant of the durable partner of their sponsoring person; or (bb) has been adopted by the durable partner of their sponsoring person, in accordance with a relevant adoption decision; and (b) holds a **relevant document** as the dependent relative of their sponsoring person for the period of residence relied upon (unless, in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(viii) of that entry in this table, the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline to which that sub-paragraph refers); for the purposes of this provision, where the person applies for a relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(ii) of that entry in this table) as the dependent relative of their sponsoring person before the specified date and their relevant document is issued on that basis after the specified date (or where the person relies as their relevant document, as described in sub-paragraph (a)(iv) of that entry in this table, on an EU Settlement Scheme Family Permit granted to them under Appendix EU (Family Permit) to these Rules as a 'dependent relative of a specified relevant person of Northern Ireland', as defined in Annex 1 to that Appendix), they are deemed to have held the relevant document since immediately before the specified date in addition, 'sponsoring person' means: (a) (where sub-paragraphs (a)(i) and (b) above apply): (i) a relevant EEA citizen (in accordance with the applicable entry in this table); or (ii) the spouse or civil partner (as described in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table) of a relevant EEA citizen (in accordance with the applicable entry in this table); or (iii) a qualifying British citizen; or (iv) the spouse or civil partner (as described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table) of a qualifying British citizen; or (b) (where the first sub-paragraph (a)(ii) in this entry and sub-paragraph (b)

Term	Definition
	above apply or the first sub-paragraph (a)(iii) in this entry and sub-paragraph (b) above apply): (i) a relevant EEA citizen (in accordance with the applicable entry in this table); or (ii) a qualifying British citizen
deportation order	as the case may be: (a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or (b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act in respect of: (i) conduct committed after the specified date; or (ii) conduct committed by the person before the specified date, where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who, but for the making of the deportation order, meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a deportation decision"); or (c) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 15(1)(b) of the Citizens' rights (Frontier Workers) (EU Exit) Regulations 2020 in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007
documented right of permanent residence	the Secretary of State is satisfied from the information available to them that: (a)(i) the person has been issued by the Secretary of State with a document certifying permanent residence or a permanent residence card (and that permanent residence card was issued or renewed within the last 10 years) under regulation 19 of the EEA Regulations, or with a resident permit or residence document under the Immigration (European Economic Area) Order 1994 endorsed to show permission to remain in the UK indefinitely; and (ii) this document or card is not invalid under regulation 19(4)(c); and (iii) this document or card has not been revoked, and its renewal has not been refused, under regulation 24 (except where the revocation or refusal occurred because the person had been absent from the UK for a period of more than two, and no more than five, consecutive years); and (iv) the person's right to reside has not been cancelled under regulation 25; or (b) the person has been given notice in writing under paragraphs 256 to 257A of the Immigration Rules of the Bailiwick of Guernsey showing that they may remain indefinitely, and this notice has not been revoked or otherwise ceased to be effective; or (c) the person has been issued by the relevant Minister with a document in accordance with paragraphs 255 to 258 of the Immigration Rules of the Bailiwick of Jersey in an appropriate form certifying permanent residence or a permanent residence card, and this document or card has not been revoked or otherwise ceased to be effective; or (d) the person has been issued with a letter certifying permanent residence, or their passport has been stamped to that effect, under the Immigration (European

Term	Definition
	Economic Area) Regulations of the Isle of Man, and this evidence has not been revoked, invalidated or cancelled
durable partner	(a) the person is, or (as the case may be) for the relevant period was, in a durable relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least two years (unless there is other significant evidence of the durable relationship); and (b)(i) the person holds a relevant document as the durable partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) for the period of residence relied upon; for the purposes of this provision, where the person applies for a relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(ii) of that entry in this table) as the durable partner of the relevant EEA citizen or, as the case may be, of the qualifying British citizen before the specified date and their relevant document is issued on that basis after the specified date, they are deemed to have held the relevant document since immediately before the specified date; or (ii) where the person is applying as the durable partner of a relevant sponsor (or, as the case may be, of a qualifying British citizen), or as the spouse or civil partner of a relevant sponsor (as described in sub-paragraph (a)(i)(bb) of the entry for 'joining family member of a relevant sponsor' in this table), and does not hold a document of the type to which sub-paragraph (b)(i) above applies, and where: (aa) the date of application is after the specified date; and (bb) the person: (aaa) was not resident in the UK and Islands as the durable partner of a relevant EEA citizen (where that relevant EEA citizen is their relevant sponsor) on a basis which met the entry for 'family member of a relevant EEA citizen' in this table, or, as the case may be, as the durable partner of the qualifying British citizen, at (in either case) any time before the specified date, unless (in the former case): - the reason why they were not so resident is that they did not hold a relevant document as the durable partner of that relevant EEA citizen for that period; and - they otherwise had a lawful basis of stay in the UK and Islands for that period; or (bbb) was resident in the UK and Islands before the specified date, and one of the events referred to in sub-paragraph (b)(i) or (b)(ii) of the entry for 'continuous qualifying period' in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date; or (ccc) was resident in the UK and Islands before the specified date, and the event referred to in sub-paragraph (a) of the entry for 'supervening event' in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date, the Secretary of State is satisfied by evidence provided by the person that the partnership was formed and was durable before (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i)(bb) or (a)(iii) of that entry in this table) the date and time of withdrawal and otherwise before the specified date; and (c) it is, or (as the case may be) for the relevant period was, not a **durable partnership of convenience**; and (d) neither party has, or (as the case may be) for the relevant period had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party in addition, to meet condition 6 in the table in paragraph EU11 of this Appendix

Term	Definition
	(or condition 3 in the table in paragraph EU11A), the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen (or, as the case may be, of the relevant sponsor) rather than to the date of application
educational course	a general educational course, apprenticeship or vocational training course, as provided by regulation 10(7) of the EEA Regulations
EEA citizen	a person who is (and throughout any continuous qualifying period relied upon, was): (a)(i) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (ii) not also a British citizen; or (b) a relevant naturalised British citizen; or (c)(i) a national of a country listed in sub-paragraph (a)(i) above; and (ii) (where the applicant meets the criteria in paragraph 9 of Schedule 6 to the EEA Regulations as the family member ("F") to whom that paragraph refers) a British citizen within the meaning of the person ("P") to whom that paragraph refers; or (d) a **relevant person of Northern Ireland**
EEA Regulations	(a) (where relevant to something done before 2300 GMT on 31 December 2020) the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before that date and time); or (b) (where relevant to something done after 2300 GMT on 31 December 2020 and before 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continued to have effect, with specified modifications, by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020); or (c) (where relevant to something done on or after 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before they were revoked and, where the context requires it, on the basis that those Regulations had not been revoked)
evidence of birth	(a) (in the case of a child) the **full birth certificate**(s) or other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table, in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table or in the first sub-paragraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for 'joining family member of a relevant sponsor' in this table; or (b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant

Term	Definition
	sponsor) or of their spouse or civil partner, as described in sub-paragraph (a) above
exclusion decision	a direction given by the Secretary of State that a person must be excluded from the UK: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed by the person before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who, but for the making of the exclusion direction, meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "an exclusion direction")
exclusion order	an order made under regulation 23(5) of the EEA Regulations
exempt person	a person who: (a) has a right to reside under the EEA Regulations, other than under regulation 16; or (b) has the right of abode under section 2 of the Immigration Act 1971; or (c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; or (d) has indefinite leave to enter or remain
family member of a qualifying British citizen	a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that: (a) they have (or, as the case may be, had) returned to the UK: (i) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and: (aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or (bb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of 'durable partner' in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; or (ii) (where sub-paragraph (a)(i)(bb) above does not apply) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed after the date and time of withdrawal and before 2300 GMT on 31 December 2020; or (iii) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen, and: (aa) the partnership was formed and was durable before the date and time of withdrawal; and (bb) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the qualifying British citizen);

Term	Definition
	or (iv) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen, and: (aa) the partnership was formed and was durable after the date and time of withdrawal and before 2300 GMT on 31 December 2020; and (bb) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the qualifying British citizen); or (v) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of a qualifying British citizen, and the family relationship existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or (vi) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(i) above), and all the family relationships existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or (vii) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(ii) above), and the family relationship of the child or dependent parent to the spouse or civil partner existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or (viii) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the dependent relative of a qualifying British citizen, or (as the case may be) of their spouse or civil partner as described in sub-paragraph (a)(i) or (a)(ii) above, and that family relationship and (in sub-paragraph (a)(i)(bb) of the entry for 'dependent relative' in this table) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the applicant returned to the UK with the qualifying British citizen or (where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline of 2300 GMT on 31 December 2020 for returning to the UK) before 2300 GMT on 31 December 2020, and (in either case) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continues to exist at the date of application (or did so for the period of residence in the UK relied upon); and (b) they satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member ("F") to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member ("EFM") to whom those

Term	Definition
	provisions refer), in either case doing so: (i) (save in the case of a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) above who was born after 2300 GMT on 31 December 2020, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before 2300 GMT on 31 December 2020; and (ii) (save where the date of application is after 2300 GMT on 31 December 2020 and where those conditions concern matters relevant to the dependency referred to in sub-paragraph (b)(ii)(bb) of the entry for 'child' in this table or in sub-paragraph (b)(ii) of the entry for 'dependent parent' in this table) immediately before returning to the UK with (or following) the qualifying British citizen (who is to be treated as the British citizen ("BC") to whom those provisions refer); and (c) (where the applicant does not rely on having a documented right of permanent residence, on having completed a continuous qualifying period in the UK of five years, or on being a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen) the family relationship continues to exist at the date of application
family member of a relevant EEA citizen	a person who does not meet the definition of 'joining family member of a relevant sponsor' in this table, and who has satisfied the Secretary of State, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were: (a) the spouse or civil partner of a relevant EEA citizen, and: (i) the marriage was contracted or the civil partnership was formed before the specified date; or (ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application), and the partnership remained durable at the specified date; or (b) the durable partner of a relevant EEA citizen, and: (i) the partnership was formed and was durable before the specified date; and (ii) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or (c) the child or dependent parent of a relevant EEA citizen, and the family relationship existed before the specified date; or (d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen (as described in sub-paragraph (a) above), and the family relationship existed before the specified date; or (e) the dependent relative, before the specified date, of a relevant EEA citizen (or of their spouse or civil partner, as described in sub-paragraph (a) above) and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continues to exist at the date of application (or did so for the period of residence relied upon) in addition, where the applicant does not rely on meeting condition 1, 3, or 6 of paragraph EU11 of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, the family relationship continues to exist at the date of application
family member who has retained	a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (e) below are met and that since satisfying those requirements

Term	Definition
the right of residence	the required continuity of residence has been maintained: (a) the applicant is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who: (i) was, as the case may be, the family member of a relevant EEA citizen (or of a qualifying British citizen), or the joining family member of a relevant sponsor, and that person died; and (ii) where the applicant is an non-EEA citizen was resident, as the case may be, as the family member of a relevant EEA citizen (or of a qualifying British citizen), or as the joining family member of a relevant sponsor, for a continuous qualifying period in the UK of at least a year immediately before the death of that person; or (b) the applicant is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who: (i) is the child (including where they are a joining family member of a relevant sponsor) of: (aa) a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) who has died or of their spouse or civil partner immediately before their death; or (bb) a person who ceased to be a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) on ceasing to reside in the UK or of their spouse or civil partner at that point; and (ii) was attending an **educational course** in the UK immediately before the relevant EEA citizen (or, as the case may be, the qualifying British citizen or the relevant sponsor) died or ceased to be a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor), and continues to attend such a course; or (c) the applicant is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who is the parent with **custody of a child** who meets the requirements of sub-paragraph (b) above and the child is not a joining family member of a relevant sponsor; or (d) the applicant ("A") is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who: (i) ceased to be, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor, on the **termination of the marriage or civil partnership** of that relevant EEA citizen (or, as the case may be, of that qualifying British citizen or of that relevant sponsor); for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or, as the case may be, that qualifying British citizen ceased to be a qualifying British citizen, or that relevant sponsor ceased to be a relevant sponsor), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) until that termination; and (ii) was resident in the UK at the date of the termination of the marriage or civil partnership; and (iii) where A is a non-EEA citizen one of the following applies: (aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least three years and the parties to the marriage or civil partnership had been resident for a continuous qualifying period in the UK of at least one year during its duration; or (bb) A has custody of a child of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor); or (cc) A has the right of access to a child of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor), where the child is under the age of 18 years and where a court has ordered that such access must take place in the UK; or (dd) the continued right of residence in the UK of A is warranted by particularly

Term	Definition
	difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting; or (e) the applicant ("A") is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who: (i) provides evidence that a relevant family relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) has broken down permanently as a result of domestic violence or abuse; and (ii) was resident in the UK when the relevant family relationship broke down permanently as a result of domestic violence or abuse, and the continued right of residence in the UK of A is warranted where A or another family member has been a victim of domestic violence or abuse before the relevant family relationship broke down permanently in addition: (a) 'relevant family relationship' in sub-paragraph (e) above means a family relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) such that the applicant is, or (immediately before the relevant family relationship broke down permanently as a result of domestic violence or abuse) was, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor; and (b) where sub-paragraph (e) above applies, then, where, following the permanent breakdown of the relevant family relationship as a result of domestic violence or abuse, the applicant remains, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor, they will be deemed to have ceased to be such a family member for the purposes of this Appendix once the permanent breakdown occurred; and (c) 'required continuity of residence' means that, where the applicant has not completed a continuous qualifying period of five years (and does not have valid evidence of their indefinite leave to enter or remain, and has not acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man), then, since the point at which (where they do so) they began to rely on being in the UK and Islands as a family member who has retained the right of residence and while they continued to do so, one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of 'continuous qualifying period' in this table has not occurred
frontier worker	a person who: (a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (b) is not a British citizen; and (c) satisfies the Secretary of State by relevant evidence of this that they fulfil the relevant conditions of being a frontier worker set out in the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, and that they have done so continuously since the specified date; and (d) has not been (and is not to be) refused admission to, or removed from, the

Term	Definition
	UK by virtue of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, and is not subject to a relevant restriction decision as defined by regulation 2 of those Regulations
full birth certificate	a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
illegal entrant	has the same meaning as in section 33(1) of the Immigration Act 1971 (and, in respect of the reference there to "deportation order", the definition of 'deportation order' in this table does not apply)
GMT	Greenwich Mean Time
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man
Irish citizen	a person who is an Irish citizen as a matter of Irish law
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made: (a) in respect of conduct committed after the specified date and has effect in relation to the person, by virtue of paragraph 3 of Schedule 4 to the Immigration Act 1971, as if it was a deportation order made under that Act; or (b) in respect of conduct committed by the person before the specified date, where the Secretary of State is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who, but for the making of the deportation order, meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a deportation decision")
Islands exclusion decision	a direction given by the relevant Minister or other authority in the Islands that a person must be excluded from the Island concerned: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed by the person before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of

Term	Definition
	permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who, but for the making of the exclusion direction, meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "an exclusion direction")
joining family member of a relevant sponsor	a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were: (a) the spouse or civil partner of a relevant sponsor, and (i)(aa) the marriage was contracted or the civil partnership was formed before the specified date; or (bb) the applicant was the durable partner of the relevant sponsor before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application), and the partnership remained durable at the specified date; and (ii)(aa) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph EU11A of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the marriage or civil partnership continues to exist at the date of application; or (bb) (where the applicant relies on meeting condition 1 of paragraph EU11A of this Appendix) the marriage or civil partnership existed for the relevant period; or (cc) (where the applicant relies on meeting condition 3 of paragraph EU11A of this Appendix) the marriage or civil partnership existed immediately before the death of the relevant sponsor; or (b) the **specified spouse or civil partner of a Swiss citizen**; or (c) the durable partner of a relevant sponsor, and: (i) the partnership was formed and was durable before the specified date; and (ii)(aa) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph EU11A of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the partnership remains durable at the date of application; or (bb) (where the applicant relies on meeting condition 1 of paragraph EU11A of this Appendix) the partnership remained durable for the relevant period; or (cc) (where the applicant relies on meeting condition 3 of paragraph EU11A of this Appendix) the partnership remained durable immediately before the death of the relevant sponsor; or (d) the child or dependent parent of a relevant sponsor, and the family relationship: (i) existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and (ii) continues to exist at the date of application (or did so for the period of residence relied upon); or (e) the child or dependent parent of the spouse or civil partner of a relevant sponsor, as described in sub-paragraph (a) above, and all the family relationships: (i) existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and

Term	Definition
	(ii) continue to exist at the date of application (or did so for the period of residence relied upon) in addition, the person meets one of the following requirements: (a) (where sub-paragraph (c) or (d) below does not apply) they were not resident in the UK and Islands on a basis which met the definition of 'family member of a relevant EEA citizen' in this table (where that relevant EEA citizen is their relevant sponsor) at any time before the specified date; or (b) (where sub-paragraph (c) or (d) below does not apply) they were resident in the UK and Islands before the specified date, and: (i) one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of 'continuous qualifying period' in this table has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or (ii) the event referred to in sub-paragraph (a) in the definition of 'supervening event' in this table has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or (iii) they are the specified spouse or civil partner of a Swiss citizen, and they do not rely on any period of residence in the UK and Islands before the marriage was contracted or the civil partnership was formed; or (c) (where sub-paragraph (d) below does not apply) where the person is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry (with the references below to 'parents' in this sub-paragraph construed to include the guardian or other person to whom the order or other provision referred to in the relevant sub-paragraph of (a)(iii) to (a)(xi) of that entry relates), one of the following requirements is met: (i) both of their parents are a relevant sponsor; or (ii) one of their parents is a relevant sponsor and the other is a British citizen who is not a relevant sponsor; or (iii) one of their parents is a relevant sponsor who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the UK, of the Islands or of a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the UK, in the Islands or in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law); or (d) where the person is a child born after the specified date to (or adopted after that date in accordance with a relevant adoption decision by or after that date became, within the meaning of the entry for 'child' in this table and on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, a child of) a Swiss citizen or their spouse or civil partner (as described in the first sub-paragraph (a) in this entry), the Swiss citizen or their spouse or civil partner is a relevant sponsor
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
person exempt from immigration control	a person who: (a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg,

Term	Definition
	Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (b) is not a British citizen; and (c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971
person who has ceased activity	the person: (a) has terminated activity as a worker or self-employed person in the UK and either reached the age of entitlement to a state pension on terminating that activity or, in the case of a worker, ceased working to take early retirement; and immediately before that termination, was a worker or self-employed person in the UK for at least 12 months and resided in the UK and Islands for a continuous qualifying period of more than three years; or (b) stopped being a worker or self-employed person in the UK owing to permanent incapacity to work, having resided in the UK and Islands for a continuous qualifying period of more than the preceding two years or the incapacity having resulted from an accident at work or an occupational disease that entitles the person to a pension payable in full or in part by an institution in the UK; or (c) resided for a continuous qualifying period in the UK of at least three years as a worker or self-employed person, immediately before becoming a worker or self-employed person in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table, while retaining a place of residence in the UK to which they return, as a rule, at least once a week in addition, the conditions as to length of residence and of employment in sub-paragraphs (a) and (b) above do not apply where the Secretary of State is satisfied, including by the required evidence of family relationship, that the relevant EEA citizen (or, as the case may be, the relevant sponsor) is the spouse or civil partner of a British citizen (substituting 'British citizen' for 'relevant EEA citizen' in the entry for, as the case may be, 'spouse' or 'civil partner' in this table)
person who had a derivative or Zambrano right to reside	a person who, before the specified date, was a person with a derivative right to reside or a person with a Zambrano right to reside, immediately before they became (whether before or after the specified date): (a) a relevant EEA citizen; or (b) a family member of a relevant EEA citizen; or (c) a person with a derivative right to reside; or (d) a person with a Zambrano right to reside; or (e) a family member of a qualifying British citizen, and who has remained or (as the case may be) remained in any (or any combination) of those categories (including where they subsequently became a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen or with a qualifying British citizen) in addition, where a person relies on meeting this definition, the continuous qualifying period in which they rely on doing so must have been continuing at 2300 GMT on 31 December 2020
person who is subject to a non-adoptive legal	a person who has satisfied the Secretary of State that, before the specified date, they: (a) are under the age of 18 years; and (b) are subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a relevant EEA citizen or, as the case may be, of a

Term	Definition
guardianship order	qualifying British citizen (who, in either case, is their 'sponsoring person' in accordance with the second sub-paragraph (b) in the entry for 'dependent relative' in this table) that: (i) is recognised under the national law of the state in which it was contracted; and (ii) places parental responsibility on a permanent basis on the relevant EEA citizen or, as the case may be, on the qualifying British citizen (in either case, solely or jointly with another party); and (c) have lived with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen) since their placement under the guardianship order; and (d) have created family life with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen); and (e) have a personal relationship with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen) that involves dependency on the relevant EEA citizen (or, as the case may be, on the qualifying British citizen) and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen)
person with a derivative right to reside	a person who has satisfied the Secretary of State by evidence provided that they are (and for the relevant period have been) or (as the case may be) for the relevant period they were: (a) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met: (i) they are not an **exempt person**; and (ii) they are the **primary carer** of an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table and, where they are also a British citizen, the EEA citizen falls within sub-paragraphs (c) and (d) of the entry for 'relevant naturalised British citizen' in this table); and (iii) the EEA citizen is under the age of 18 years and resides in the UK as a self-sufficient person; and (iv) the EEA citizen would in practice be unable to remain in the UK if the person in fact left the UK for an indefinite period; and (v) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; or (b) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met: (i) they are not an exempt person; and (ii) they are in education in the UK; and (iii) any of the person's parents ("PP") is an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table and, where they are also a British citizen, PP falls within sub-paragraphs (c) and (d) of the entry for 'relevant naturalised British citizen' in this table) who resides or has resided in the UK; and (iv) both the person and PP reside or have resided in the UK at the same time and during such a period of residence PP has been a worker or self-employed person in the UK; and (v) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; or (c) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met: (i) they are not an exempt person; and (ii) they are the primary carer of a person who meets the requirements of sub-paragraph (b) above ("PPP"); and

Term	Definition
	(iii) PPP would in practice be unable to continue to be educated in the UK if the person in fact left the UK for an indefinite period; and (iv) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; or (d) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met: (i) they are not an exempt person; and (ii) they are under the age of 18 years (unless they were previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a person with a derivative right to reside and were under 18 at the date of application for that leave); and (iii) their primary carer meets the requirements of sub-paragraph (a) or (c) above; and (iv) the primary carer would in practice be prevented from residing in the UK if the person in fact left the UK for an indefinite period; and (v) they do not have leave to enter or remain in the UK, unless this: (aa) was granted under this Appendix; or (bb) is in effect by virtue of section 3C of the Immigration Act 1971; or (cc) is leave to enter granted by virtue of having arrived in the UK with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met sub-paragraph (a)(ii) of the definition of 'specified EEA family permit case' in Annex 1 to that Appendix; and (vi) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect in addition: (a) 'relevant period' means here the continuous qualifying period in which the person relies on meeting this definition; and (b) unless the applicant relies on being a person who had a derivative or Zambrano right to reside or a **relevant EEA family permit** case, the relevant period must have been continuing at 2300 GMT on 31 December 2020; and (c) where the role of primary carer is shared with another person in accordance with sub-paragraph (b)(ii) of the entry for 'primary carer' in this table, the reference to 'the person' in sub-paragraphs (a)(iv) and (c)(iii) above is to be read as 'both primary carers'; and (d) 'self-sufficient person' means a person with sufficient resources not to become a burden on the social assistance system of the UK, regardless of whether they hold comprehensive sickness insurance cover in the UK; and (e) 'education in the UK' excludes nursery education but does not exclude education received before the compulsory school age where that education is equivalent to the education received at or after the compulsory school age
person with a Zambrano right to reside	a person who has satisfied the Secretary of State by evidence provided that they are (and for the relevant period have been) or (as the case may be) for the relevant period they were: (a) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met: (i) they are not an exempt person; and (ii) they are the primary carer of a British citizen who resides in the UK; and (iii) the British citizen would in practice be unable to reside in the UK, the European Economic Area or Switzerland if the person in fact left the UK for an indefinite period; and

Term	Definition
	(iv) they do not have leave to enter or remain in the UK, unless this: (aa) was granted under this Appendix; or (bb) is in effect by virtue of section 3C of the Immigration Act 1971; or (cc) is leave to enter granted by virtue of having arrived in the UK with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met sub-paragraph (a)(ii) of the definition of 'specified EEA family permit case' in Annex 1 to that Appendix; and (v) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; or (b) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met: (i) they are not an exempt person; and (ii) they are under the age of 18 years (unless they were previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a person with a Zambrano right to reside and were under 18 at the date of application for that leave); and (iii) their primary carer meets the requirements of sub-paragraph (a) above; and (iv) the primary carer would in practice be prevented from residing in the UK if the person in fact left the UK for an indefinite period; and (v) they do not have leave to enter or remain in the UK, unless this: (aa) was granted under this Appendix; or (bb) is in effect by virtue of section 3C of the Immigration Act 1971; or (cc) is leave to enter granted by virtue of having arrived in the UK with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met sub-paragraph (a)(ii) of the definition of 'specified EEA family permit case' in Annex 1 to that Appendix; and (vi) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect in addition: (a) 'relevant period' means here the continuous qualifying period in which the person relies on meeting this definition; and (b) unless the applicant relies on being a person who had a derivative or Zambrano right to reside or a relevant EEA family permit case, the relevant period must have been continuing at 2300 GMT on 31 December 2020; and (c) where the role of primary carer is shared with another person in accordance with sub-paragraph (b)(ii) of the entry for 'primary carer' in this table, the reference to 'the person' in sub-paragraph (a)(iii) above is to be read as 'both primary carers'
primary carer	a person who: (a) is a direct relative or legal guardian of another person ("AP"); and (b)(i) has primary responsibility for AP's care; or (ii) shares equally the responsibility for AP's care with one other person, unless that other person had acquired a derivative right to reside in the UK as a result of regulation 16 of the EEA Regulations, or relied on meeting this definition in being granted the indefinite leave to enter or remain or limited leave to enter or remain they hold under this Appendix, before the person assumed equal care responsibility

Term	Definition
	in addition, a person is not to be regarded as having responsibility for AP's care on the sole basis of a financial contribution towards that care
qualifying British citizen	a British citizen who: (a) has (or, as the case may be, for the relevant period had) returned to the UK with (or ahead of) the applicant: (i) (where sub-paragraph (a)(ii) below does not apply) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline); or (ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for 'family member of a qualifying British citizen' in this table) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline); and (b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen ("BC") to whom those provisions refer): (i) (save where the applicant is a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) of the entry for 'family member of a qualifying British citizen' in this table who was born after 2300 GMT on 31 December 2020, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before 2300 GMT on 31 December 2020; and (ii) immediately before returning to the UK with (or ahead of) the applicant (who is to be treated as the family member ("F") or, as the case may be, as the extended family member ("EFM"), to whom those provisions refer); and (c) was continuously resident in the UK in accordance with regulation 3 of the EEA Regulations throughout any period on which the applicant relies as being present in the UK by virtue of being a family member of a qualifying British citizen in addition: (i) for the avoidance of doubt, for the purposes of sub-paragraph (b) above, service as a member of HM Forces (as defined in the Armed Forces Act 2006) in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table may satisfy the conditions of being a "worker" for the purposes of the EEA Regulations; and (ii) for the purposes of sub-paragraph (i) immediately above, sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table will be treated as referring also to the Sovereign Base Areas on Cyprus
relevant adoption decision	an adoption decision taken: (a) by the competent administrative authority or court in the UK or the Islands; or (b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or (c) in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption
relevant document	(a)(i)(aa) a family permit, registration certificate, residence card, document certifying permanent residence, permanent residence card or derivative residence card issued by the UK under the EEA Regulations on the basis of an application made under the EEA Regulations before (in the case, where the applicant is not a dependent relative, of a family permit) 1 July 2021 and otherwise before the specified date (or, in any case, a letter from the Secretary of State, issued after 30 June 2021, confirming their qualification for such a

Term	Definition
	document, had the route not closed after 30 June 2021); or (bb) (where the applicant is a family member of a relevant person of Northern Ireland and is a dependent relative or durable partner) other evidence which satisfies the Secretary of State of the same matters under this Appendix concerning the relationship and (where relevant) dependency as a document to which sub-paragraph (a)(i)(aa) above refers; for the purposes of this provision, where the Secretary of State is so satisfied, such evidence is deemed to be the equivalent of a document to which sub-paragraph (a)(i)(aa) above refers; or (ii) a document or other evidence equivalent to a document to which sub-paragraph (a)(i)(aa) above refers, and issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man; or (iii) a biometric residence card issued by virtue of having been granted limited leave to enter or remain under this Appendix; or (iv) an entry clearance in the form of an EU Settlement Scheme Family Permit granted under or outside Appendix EU (Family Permit) to these Rules; and (b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased; and (c) (subject to sub-paragraphs (d) and (e) below) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon; and (d) for the purposes of the reference to 'relevant document' in the first sub-paragraph (b) of the entry for 'dependent relative' in this table, in sub-paragraph (b)(i) of the entry for 'durable partner' in this table and in sub-paragraphs (e) and (f) of the entry for 'required evidence of family relationship' in this table, the relevant document may have expired, where: (i) before it expired, the applicant applied for a further relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(iii) above) on the basis of the same family relationship as that on which that earlier relevant document was issued; and (ii) the further relevant document to which sub-paragraph (d)(i) above refers was issued by the date of decision on the application under this Appendix; and (e) the relevant document may have expired, where: (i)(aa) it is a family permit (as described in sub-paragraph (a)(i)(aa) above) or an equivalent document or other evidence issued by the Islands (as described in sub-paragraph (a)(ii) above); and (bb) it expired after the specified date and before the required date; and (cc) the applicant arrived in the UK before 1 July 2021 and (unless they are a durable partner or dependent relative) after the specified date; or (ii) it is a **specified relevant document**
relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant	(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or (b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above: (i) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or

Term	Definition
EEA citizen or their family member is before 1 July 2021)	(ii) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (c) where the applicant is a family member of a relevant naturalised British citizen, an EEA citizen in accordance with sub-paragraph (b) of that entry in this table; or (d) where the applicant is the family member ("F") to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph, an EEA citizen: (i) in accordance with sub-paragraph (c) of that entry in this table; and (ii)(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or (bb) who, having been resident in the UK and Islands as described in sub-paragraph (d)(ii)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (e) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table): (i) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; or (ii) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table): (aa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or (bb) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (iii) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (f) where the applicant is their family member, a **person exempt from immigration control**: (i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or (ii) who, having been resident in the UK and Islands as described in sub-paragraph (f)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (g) where the applicant is their family member, a **frontier worker**

Term	Definition
relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)	(a)(i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and (ii) where the applicant is their family member, the EEA citizen, having been resident in the UK and Islands as described in sub-paragraph (a)(i) above, has been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or (b)(i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and (ii) where the applicant is their family member, the EEA citizen, having been resident in the UK and Islands as described in sub-paragraph (b)(i) above, would, if they had made a valid application under this Appendix before 1 July 2021, have been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (c) where the applicant is a family member of a person who falls within sub-paragraphs (a), (c) and (d) of the entry for ‘relevant naturalised British citizen’ in this table, the person falling within those sub-paragraphs who, if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted: (i) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (ii) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (d) where the applicant is the family member (“F”) to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph, an EEA citizen: (i) in accordance with sub-paragraph (c) of that entry in this table; and (ii) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and (iii) who, having been resident in the UK and Islands as described in sub-paragraph (d)(ii) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (e) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table): (i) where they are a relevant person of Northern Ireland in accordance with sub-

Term	Definition
	paragraph (a)(ii) of that entry in this table: (aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and (bb) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i)(aa) above: (aaa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or (bbb) has been granted limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or (ccc) if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (ddd) if they had made a valid application under this Appendix before 1 July 2021, would have been granted limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table: (aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; and (bb) who, having been resident in the UK and Islands as described in sub-paragraph (e)(ii)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted: (aaa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bbb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (f) where the applicant is their family member, a person exempt from immigration control: (i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and (ii) who, having been resident in the UK and Islands as described in sub-paragraph (f)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (g) where the applicant is their family member, a frontier worker in addition, notwithstanding what is said above, in relation to sub-paragraphs (a) to (f) above, it will suffice that the relevant EEA citizen is (or, as the case may be, for the relevant period was) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date where the applicant: (a)(i) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen or a family member who has retained the right of

Term	Definition
	residence by virtue of a relationship with a relevant EEA citizen; and (ii) has completed a continuous qualifying period of five years under condition 3 in the table in paragraph EU11 of this Appendix; or (b)(i) is a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and (ii) otherwise meets the eligibility requirements for limited leave to enter or remain under condition 1 in the table in paragraph EU14 of this Appendix; or (c) relies on meeting condition 1, 2 or 6 in the table in paragraph EU11 of this Appendix
relevant EEA family permit case	(a) family member of a relevant EEA citizen who is: (i) a dependent relative or a durable partner who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 and by 30 June 2021 with a valid EEA family permit issued under the EEA Regulations on the basis of a valid application made under the EEA Regulations before 2300 GMT on 31 December 2020; or (ii) a dependent relative or (on the basis of a valid application made under the EEA Regulations before 2300 GMT on 31 December 2020) a durable partner who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met the definition in Annex 1 to that Appendix of 'specified EEA family permit case'; or (b) a person with a derivative right to reside or a person with a Zambrano right to reside who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 and by 30 June 2021 with a valid EEA family permit issued under the EEA Regulations on the basis of a valid application made under the EEA Regulations before 2300 GMT on 31 December 2020; or (c) a person with a derivative right to reside or a person with a Zambrano right to reside who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met the definition in Annex 1 to that Appendix of 'specified EEA family permit case'
relevant excluded person	a person: (a) in respect of whom the Secretary of State has made a decision under Article 1F of the Refugee Convention to exclude the person from the Refugee Convention or under paragraph 339D of these Rules to exclude them from humanitarian protection; or (b) in respect of whom the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because there are reasonable grounds for regarding them as a danger to the security of the UK; or (c) who the Secretary of State considers to be a person in respect of whom sub-paragraph (a) or (b) above would apply except that: (i) the person has not made a protection claim; or (ii) the person made a protection claim which has already been finally determined without reference to Article 1F of the Refugee Convention or paragraph 339D of these Rules; or (d) in respect of whom the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies

Term	Definition
	because, having been convicted by a final judgment of a particularly serious crime, they constitute a danger to the community of the UK
relevant naturalised British citizen	(a) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or (b) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; and in either case the person also: (c) comes within paragraph (b) of the definition of "EEA national" in regulation 2(1) of the EEA Regulations; and (d) meets the criteria contained in regulation 9A(2) or (3) as the dual national ("DN") to whom those provisions refer (save for the requirement in regulation 4(1)(c)(ii) and (d)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK and regardless of whether, save in conditions 5 and 6 in the table in paragraph EU11 of this Appendix and in conditions 2 and 3 in the table in paragraph EU11A, they otherwise remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship)
relevant person of Northern Ireland	a person who: (a) is: (i) a British citizen; or (ii) an Irish citizen; or (iii) a British citizen and an Irish citizen; and (b) was born in Northern Ireland and, at the time of the person's birth, at least one of their parents was: (i) a British citizen; or (ii) an Irish citizen; or (iii) a British citizen and an Irish citizen; or (iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence
relevant sponsor	(a) where the date of application by a joining family member of a relevant sponsor is after the specified date and before 1 July 2021: (i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, has been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or (ii) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table): (aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or

Term	Definition
	(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(ii)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (iii) an EEA citizen in accordance with sub-paragraph (b) of that entry in this table (a relevant naturalised British citizen, in accordance with sub-paragraph (a) or (b), together with sub-paragraphs (c) and (d), of that entry in this table); or (iv) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table): (aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; or (bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table): (aaa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or (bbb) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (cc) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (v) a person exempt from immigration control: (aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or (bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(v)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (vi) a frontier worker; or (b) where the date of application by a joining family member of a relevant sponsor is on or after 1 July 2021: (i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, has been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or (ii) an Irish citizen who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, would, if they had made a valid application under this Appendix before 1 July 2021, have been granted:

Term	Definition
	(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (iii) a person who falls within sub-paragraphs (a), (c) and (d) of the entry for 'relevant naturalised British citizen' in this table, who, if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (iv) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table) who is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table: (aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and (bb) who, having been resident in the UK and Islands as described in sub-paragraph (b)(iv)(aa) above: (aaa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or (bbb) if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (ccc) has been granted limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or (ddd) if they had made a valid application under this Appendix before 1 July 2021, would have been granted limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (v) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table) who is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table: (aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; and (bb) who, having been resident in the UK and Islands as described in sub-paragraph (b)(v)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted: (aaa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bbb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (vi) a person exempt from immigration control who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date and if they had made a valid application under this Appendix

Term	Definition
	before 1 July 2021, would have been granted: (aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or (bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or (vii) a frontier worker in addition: (a) save for the purposes of condition 3 in the table in paragraph EU11A of this Appendix and of sub-paragraphs (a) and (b) of the entry for 'family member who has retained the right of residence' in this table, the relevant sponsor has not died; and (b) notwithstanding what is said above, where the date of application by a joining family member of a relevant sponsor is on or after 1 July 2021, it will suffice that the relevant sponsor is or (as the case may be) was resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date where the applicant: (i) on the basis of events which occurred during the period to which sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) of the entry for 'required date' in this table refers, relies on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, or has limited leave to enter or remain granted on that basis under paragraph EU3A of this Appendix; or (ii) relies on meeting condition 3 in the table in paragraph EU11A of this Appendix; or (iii)(aa) has limited leave to enter or remain granted under paragraph EU3A of this Appendix; and (bb) would have been eligible for indefinite leave to enter or remain under condition 1, 2 or 3 in the table in paragraph EU11A of this Appendix, had they made a further valid application under this Appendix (subsequently to that which led to the grant of leave to which sub-paragraph (b)(iii)(aa) immediately above refers) before the indefinite or limited leave to enter or remain granted under paragraph EU2 or (as the case may be) EU3 to their relevant sponsor lapsed or was cancelled, curtailed, revoked or invalidated (or would have done so or been so, where the first sub-paragraph (b)(ii) above or sub-paragraph (b)(iii), (b)(iv)(bb)(bbb), (b)(iv)(bb)(ddd), (b)(v) or (b)(vi) above applies); for the purposes of this provision, the reference to continuous qualifying period in this sub-paragraph (b) will be treated as a relevant reference for the purposes of sub-paragraph (c)(v) of the entry for 'continuous qualifying period' in this table, where sub-paragraph (c)(i), (c)(ii), (c)(iii) or (c)(iv) of that entry does not apply
required application process	(a) (unless sub-paragraph (b) or (c) applies) the relevant on-line application form and a relevant process set out in that form for: (i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and (ii) providing the required biometrics; or (b) the required paper application form where this is mandated on gov.uk and a relevant process set out in that form for: (i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and (ii) providing the required biometrics; or (c) a paper application form where this has been issued individually to the applicant by the Secretary of State, via the relevant process for this set out on

Term	Definition
	gov.uk, and a relevant process set out in that form for: (i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and (ii) providing the required biometrics in addition, where a paper application form is used under sub-paragraph (b) or (c) above, it must be sent by pre-paid post or courier to the Home Office address specified on the form (where one is specified), or by e-mail to the Home Office email address specified on the form (where one is specified)
required biometrics	(a) a facial photograph of the applicant (within the meaning of "biometric information" in section 15 of the UK Borders Act 2007); and (b) (in the case of a non-EEA citizen without a specified relevant document making an application within the UK) the fingerprints of the applicant (also within that meaning of "biometric information"; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these), in both cases provided in accordance with the required application process
required date	(a) where the applicant does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix: (i) (where sub-paragraphs (a)(ii) to (a)(vii) below do not apply) the date of application is: (aa) before 1 July 2021; or (bb) (where the deadline in sub-paragraph (a)(i)(aa) above was not met and the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) on or after 1 July 2021; or (ii) (where the applicant relies on being a joining family member of a relevant sponsor and the date on which the applicant first arrived in the UK after the specified date was on or after 1 April 2021, and where sub-paragraph (a)(iii), (a)(viii) or (a)(ix) below does not apply, or the applicant relies on being a child born in the UK on or after 1 April 2021 or adopted in the UK on or after that date in accordance with a relevant adoption decision, or on becoming on or after 1 April 2021 a child in the UK within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) the date of application is: (aa) within three months of the date on which they first arrived in the UK after the specified date (or, as the case may be, of the date on which they were born in the UK, adopted in the UK or became a child in the UK within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or (bb) (where the deadline in sub-paragraph (a)(ii)(aa) above was not met and the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after that deadline; or". (iii) (where the applicant relies on being a joining family member of a relevant sponsor as described in sub-paragraph (b) of that entry in this table and the date on which the applicant first arrived in the UK after the specified date was on or after 1 April 2021, and where subparagraph (a)(viii) or (a)(ix) below does not apply) the date of application is:

Term	Definition
	(aa) within three months of the date on which they first arrived in the UK after the specified date, and before 1 January 2026; or (bb) (where the deadline in sub-paragraph (a)(iii)(aa) above was not met and the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after that deadline; or (iv) (where the applicant relies on being a family member of a qualifying British citizen and sub-paragraph (a)(v) below does not apply) the date of application is before 9 August 2023; or (v) (where the applicant relies on being a family member of a qualifying British citizen, and has, or as the case may be had, leave to enter granted by virtue of having arrived in the UK with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met the definition of 'family member of a qualifying British citizen' in Annex 1 to that Appendix, and that leave has, or had, not been cancelled, curtailed or invalidated) the date of application is: (aa) before the date of expiry of that leave; or (bb) (where the deadline in sub-paragraph (a)(v)(aa) above was not met and the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after the date of expiry of that leave; or (vi) (where the applicant relies on being a person with a Zambrano right to reside and sub-paragraph (a)(vii) below does not apply) the date of application is before 9 August 2023; or (vii) (where the applicant relies on being a person with a Zambrano right to reside, and has, or as the case may be had, leave to enter granted by virtue of having arrived in the UK with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met sub-paragraph (a)(ii) of the definition of 'specified EEA family permit case' in Annex 1 to that Appendix, and that leave has, or had, not been cancelled, curtailed or invalidated) the date of application is: (aa) before the date of expiry of that leave; or (bb) (where the deadline in sub-paragraph (a)(vii)(aa) above was not met and the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after the date of expiry of that leave; or (viii) (in the case of an applicant to whom the deadline in sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above applies, who has, or had, limited leave to enter or remain granted under another part of these Rules, outside the Immigration Rules or by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules, which has, or had, not lapsed or been cancelled, curtailed or invalidated, and the date of expiry of that leave is, or was, on or after 1 July 2021, the Secretary of State will deem that to be reasonable grounds for the person's failure to meet that deadline), so that the date of application is: (aa) before the date of expiry of that leave; or (bb) (where the deadline in sub-paragraph (a)(viii)(aa) above was not met and the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after the date of expiry of that leave; or (ix) (in the case of an applicant to whom the deadline in sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above applies, who ceases to be exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971 on or after 1 July 2021, which the Secretary of State will deem to be reasonable grounds for the person's failure to meet that deadline), the date of

Term	Definition
	application is: (aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or (bb) (where the deadline in sub-paragraph (a)(ix)(aa) above was not met and the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after that deadline; or (b) where, at the date of application, the applicant has limited leave to enter or remain granted under this Appendix, the date of application is any date in addition: (a) for the avoidance of doubt, the Exceptions for overstayers section of Part Suitability does not apply to applications made under this Appendix; and (b) the deadline in sub-paragraph (a)(i)(aa) above does not apply (and the applicant therefore has to meet no requirement under sub-paragraph (a) above) where the applicant: (i) is a joining family member of a relevant sponsor; and (ii) does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix; and (iii) is not caught by the deadline in sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) above; and (iv) does not fall within sub-paragraph (a)(viii) or (a)(ix) above
required evidence of being a relevant person of Northern Ireland	(a) the person's birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and (b) evidence which satisfies the Secretary of State that, at the time of the person's birth, at least one of their parents was: (i) a British citizen; or (ii) an Irish citizen; or (iii) a British citizen and an Irish citizen; or (iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence in addition: (a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Secretary of State can require the applicant to submit the original document where the Secretary of State has reasonable doubt as to the authenticity of the copy submitted; and (b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Secretary of State can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain under this Appendix
required evidence of family relationship	in the case of: (a) a spouse without a documented right of permanent residence: (i) a relevant document as the spouse of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor), or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and (ii)(aa) where the marriage to the relevant EEA citizen (or, as the case may be,

Term	Definition
	the relevant sponsor) was contracted after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant is the joining family member of a relevant sponsor or relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the specified date; or (bb) where the marriage to the qualifying British citizen was contracted after the date and time of withdrawal, evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the date and time of withdrawal; or (b) a civil partner without a documented right of permanent residence: (i) a relevant document as the civil partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor); a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; and (ii)(aa) where the civil partnership with the relevant EEA citizen (or, as the case may be, the relevant sponsor) was formed after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant is a joining family member of a relevant sponsor or relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the specified date; or (bb) where the civil partnership with the qualifying British citizen was formed after the date and time of withdrawal, evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the date and time of withdrawal; or (c) a child without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their **evidence of birth**, and: (i) where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or under its equivalent in the Islands) as a child (and where sub-paragraph (a)(i) of the entry for 'child' in this table does not apply), evidence which satisfies the Secretary of State that the requirements in sub-paragraph (b)(ii) of the entry for 'child' in this table are met; and (ii) where, in the case of a joining family member of a relevant sponsor, the applicant is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, evidence which satisfies the Secretary of State that the requirements in the second sub-paragraph (c) (as set out in sub-paragraph (i), (ii) or (iii) of that sub-paragraph) or in the second sub-paragraph (d) of the entry for 'joining family member of a relevant sponsor' in this table are met; or (d) a dependent parent without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their evidence of birth, and, where the first sub-paragraph (b) of the entry for 'dependent parent' in this table applies, evidence which satisfies the Secretary of State that (where this is not assumed) the requirement as to dependency in that sub-paragraph is met; or (e) a durable partner:

Term	Definition
	(i) a relevant document as the durable partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the partnership remains durable at the date of application (or did so for the period of residence relied upon); or (ii) (where the person is applying as the durable partner of a relevant sponsor (or, as the case may be, of a qualifying British citizen) and sub-paragraph (b)(ii) of the entry for 'durable partner' in this table applies) the evidence to which that sub-paragraph refers, and evidence which satisfies the Secretary of State that the partnership remains durable at the date of application (or did so for the period of residence relied upon); or (f) a dependent relative: (i) (where sub-paragraph (f)(ii) below does not apply) a relevant document as the dependent relative of their sponsoring person (in the entry for 'dependent relative' in this table) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the relationship and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continue to exist at the date of application (or did so for the period of residence relied upon); or (ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(viii) of that entry in this table, where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline to which that sub-paragraph refers) evidence which satisfies the Secretary of State that the relationship and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application (or did so for the period of residence relied upon) in addition: (a) where the eligibility requirements to be met for leave to be granted under this Appendix relate to the death of a person, the required evidence of family relationship must include their death certificate or other evidence which the Secretary of State is satisfied evidences the death; and (b) where the applicant is a non-EEA citizen without a documented right of permanent residence, or is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) without a documented right of permanent residence who relies on being (or, as the case may be, for the relevant period on having been) a family member of a qualifying British citizen (or, as the case may be, a family member of a relevant EEA citizen, a family member who has retained the right of residence or a joining family member of a relevant sponsor), the required evidence of family relationship must include: (i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, the qualifying British citizen or the relevant sponsor, of whom the applicant is (or, as the case may be, for the relevant period was) a family member or (as the case may be) a joining family member: (aa) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of the applicable entry in this table nor relied on by the applicant as being a relevant

Term	Definition
	person of Northern Ireland, in the case of a qualifying British citizen, or in the case of a relevant sponsor who is neither a relevant naturalised British citizen nor relied on by the applicant as being a relevant person of Northern Ireland) their valid passport; or (bb) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of the applicable entry in this table nor relied on by the applicant as being a relevant person of Northern Ireland, or in the case of a relevant sponsor who is neither a relevant naturalised British citizen nor relied on by the applicant as being a relevant person of Northern Ireland) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix or limited leave to enter or remain under paragraph EU3; or (cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (d) of the applicable entry in this table, or in the case of a relevant sponsor who is a relevant naturalised British citizen) their valid passport or their valid national identity card as a national of a country listed in sub-paragraph (a)(i) in the entry for 'EEA citizen' in this table, and information or evidence which is provided by the applicant, or is otherwise available to the Secretary of State, which satisfies the Secretary of State that the person is a British citizen; or (dd) (in the case of a relevant EEA citizen or a relevant sponsor who, in either case, is relied on by the applicant as being a relevant person of Northern Ireland) the **required evidence of being a relevant person of Northern Ireland**, and: (aaa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the Secretary of State, which satisfies the Secretary of State that the person is a British citizen; or (bbb) (where they are an Irish citizen) their valid passport or their valid national identity card as an Irish citizen, or confirmation that they have been or are being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix or limited leave to enter or remain under paragraph EU3; or (ccc) (where they are a British citizen and an Irish citizen, and are not relied on by the applicant as being a specified relevant person of Northern Ireland) the evidence required by sub-paragraph (b)(i)(dd)(aaa) or (b)(i)(dd)(bbb) above, unless (in any case) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; and (ii) evidence which satisfies the Secretary of State that: (aa) where the applicant is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen, that EEA citizen is (or, as the case may be, for the relevant period was) a relevant EEA citizen as described in the applicable entry for 'relevant EEA citizen' in this table, and is (or, as the case may be, was) such a relevant EEA citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or (bb) where the applicant is (or, as the case may be, for the relevant period was) a family member of a qualifying British citizen, that British citizen is (or, as the case may be, for the relevant period was) a qualifying British citizen, and is (or, as the case may be, was) a qualifying British citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; or (cc) where the applicant is (or, as the case may be, for the relevant period was) a joining family member of a relevant sponsor, that relevant sponsor is (or, as the case may be, for the relevant period was) a relevant sponsor, and is (or, as the

Term	Definition
	case may be, was) a relevant sponsor throughout any continuous qualifying period on which the applicant relies as being a joining family member of a relevant sponsor; and (c) 'valid' here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and (d) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Secretary of State can require the applicant to submit the original document where the Secretary of State has reasonable doubt as to the authenticity of the copy submitted; and (e) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Secretary of State can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain under this Appendix
required proof of entitlement to apply from outside the UK	(a) in the case of an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table): (i) their valid passport; or (ii) their valid national identity card, where this contains an interoperable biometric chip, unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; or (b) in the case of a non-EEA citizen, their valid specified relevant document, unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons in addition, 'valid' here means that the document is genuine and has not expired (in the case of (a)(i) or (a)(ii)) or been cancelled or invalidated
required proof of identity and nationality	(a) in the case of an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) making an application within the UK: (i) their valid passport; or (ii) their valid national identity card; or (b) in the case of a non-EEA citizen making an application within the UK: (i) their valid passport; or (ii) their valid specified relevant document; or (iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), which has not expired by more than 18 months at the date of application, unless (in the case of (a) or (b)) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons

Term	Definition
	in addition, ‘valid’ here means that the document is genuine and has not expired (in the case of (a)(i), (a)(ii) or (b)(i))or been cancelled or invalidated
self-employed person	there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either: (a) a self-employed person as defined in regulation 4(1) of the EEA Regulations; or (b) (save where sub-paragraph (b)(iv) of the entry for ‘person with a derivative right to reside’ in this table is concerned) a person who is or was no longer in self-employment but who continues or continued to be treated as a self-employed person within the meaning of “qualified person” under regulation 6 of the EEA Regulations, irrespective, in either case, of whether the EEA Regulations apply, or (as the case may be) for the relevant period applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland
specified date	(a) (where sub-paragraphs (b) and (c) below do not apply) 2300 GMT on 31 December 2020; or (b)(i) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 2300 GMT on 29 March 2022; or (ii) (where, in the case of a family member of a qualifying British citizen, the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet the deadline for returning to the UK applicable under the entry for ‘family member of a qualifying British citizen’ in this table) 2359 GMT on the date they arrived in the UK, in (in the case of (b)(i) or (b)(ii)) the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in: - condition 3 in the table in paragraph EU12 of this Appendix; - condition 2 in the table in paragraph EU14 of this Appendix; - sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and - sub-paragraph (a) of the entry for ‘supervening event’ in this table; or (c) (in the case of a relevant EEA family permit case) 2359 GMT on the date they arrived in the UK, in the reference to specified date in: (i) sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in: - condition 3 in the table in paragraph EU11 of this Appendix; - condition 1 in the table in paragraph EU14 of this Appendix; - sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; - the entry for ‘person with a derivative right to reside’ in this table; - the entry for ‘person with a Zambrano right to reside’ in this table; and - sub-paragraph (a) of the entry for ‘supervening event’ in this table; and (ii) the entries for ‘person who had a derivative or Zambrano right to reside’, ‘person with a derivative right to reside’ and ‘person with a Zambrano right to reside’ in this table

Term	Definition
Specified enforcement case	a person who is: (a) an “illegal entrant” within the meaning given in section 33(1) of the Immigration Act 1971 (save that, in respect of the reference there to “deportation order”, the definition of ‘deportation order’ in this table does not apply); or (b) an irregular arrival
specified relevant document	(a) within the meaning of sub-paragraph (a)(i)(aa) of the entry for ‘relevant document’ in this table, a residence card, permanent residence card or derivative residence card which: (i) was issued by the UK under the EEA Regulations on the basis of an application made on or after 6 April 2015; and (ii) has not expired by more than 60 months at the date of application; or (b) a biometric residence card as described in sub-paragraph (a)(iii) of the entry for ‘relevant document’ in this table, which has not expired by more than 60 months at the date of application
specified relevant person of Northern Ireland	(a) the person is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table; and (b) the applicant is a non-EEA citizen; and (c)(i)(aa) the applicant is a joining family member of a relevant sponsor where the person is their relevant sponsor; and (bb) the applicant has satisfied the Secretary of State by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the UK before the specified date while the applicant remained outside the UK; or (ii)(aa) the applicant is a dependent relative and the person is their sponsoring person (in the entry for ‘dependent relative’ in this table); and (bb) the applicant relies, as their relevant document as the dependent relative of their sponsoring person (as described in sub-paragraph (a)(iv) of the entry for ‘relevant document’ in this table), on an EU Settlement Scheme Family Permit granted to them under Appendix EU (Family Permit) to these Rules as a ‘dependent relative of a specified relevant person of Northern Ireland’, as defined in Annex 1 to that Appendix
specified spouse or civil partner of a Swiss citizen	(a) the person is the spouse or civil partner of a relevant sponsor; and (b) the relevant sponsor is a national of Switzerland and is not also a British citizen; and (c) the marriage was contracted or the civil partnership was formed after the specified date and before 1 January 2026; and (d)(i) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph EU11A of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the marriage or civil partnership continues to exist at the date of application; or (ii) (where the applicant relies on meeting condition 1 of paragraph EU11A of this Appendix) the marriage or civil partnership existed for the relevant period; or (iii) (where the applicant relies on meeting condition 3 of paragraph EU11A of this Appendix) the marriage or civil partnership existed immediately before the death of the relevant sponsor

Term	Definition
spouse	(a) the person is, or (as the case may be) for the relevant period was, party to a marriage with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and (b) it is, or (as the case may be) for the relevant period was, not a **marriage of convenience**; and (c) neither party has, or (as the case may be) for the relevant period had, another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party
supervening event	at the date of application: (a) the person has been absent from the UK and Islands for a period of more than five consecutive years (at any point since they last acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man, or since they last completed a continuous qualifying period of five years); or (b) any of the following events has occurred in respect of the person, unless it has been set aside or revoked: (i) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or (ii) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or (iii) an exclusion decision; or (iv) a deportation order, other than by virtue of the EEA Regulations; or (v) an Islands deportation order; or (vi) an Islands exclusion decision
termination of the marriage or civil partnership	the date on which the order finally terminating the marriage or civil partnership is made by a court
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
the UK and Islands	the United Kingdom and the Islands taken together
valid evidence of their indefinite leave to enter or remain	(a) a valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), a valid stamp or endorsement in a passport (whether or not the passport has expired) or other valid document issued by the Home Office, confirming that, at 2300 GMT on 31 December 2020, the applicant had indefinite leave to enter or remain in the UK, which has not since lapsed or been revoked or invalidated; or

Term	Definition
	(b) the Secretary of State is otherwise satisfied from the evidence or information available to them that, at 2300 GMT on 31 December 2020, the applicant had indefinite leave to enter or remain in the UK or the Islands, which has not since lapsed or been revoked or invalidated
worker	there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either: (a) a worker as defined in regulation 4(1) of the EEA Regulations; or (b) (save where sub-paragraph (b)(iv) of the entry for 'person with a derivative right to reside' in this table is concerned) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of "qualified person" under regulation 6 of the EEA Regulations, irrespective, in either case, of whether the EEA Regulations apply, or (as the case may be) for the relevant period applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland

Annex 2 – Consideration of a valid application and of whether eligibility requirements are or continue to be met

A2.1. A valid application made under this Appendix, and any issue as to whether a person granted limited leave to enter or remain under this Appendix continues to meet the eligibility requirements for that leave which they met at the date of application (or meets other eligibility requirements for limited leave to enter or remain, or the eligibility requirements for indefinite leave to enter or remain, under this Appendix), will be decided on the basis of:

(a) the information and evidence provided by the person, including in response to any request for further information or evidence made by the Secretary of State; and

(b) any other information or evidence made available to the Secretary of State (including from other government departments) at the date of decision.

A2.2.(1) For the purposes of deciding whether the person meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain, the Secretary of State may:

(a) request that they provide further information or evidence that they meet those requirements; or

(b) invite them to be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(2) If the person purports to meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the basis of a relationship with another person ("P"), including where P is a qualifying British citizen or a relevant sponsor, the Secretary of State may:

(a) request that P provide information or evidence about their relationship with the person, their residence in the UK or, where P is a qualifying British citizen, their residence in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in the table at Annex 1 to this Appendix; or

(b) invite P to be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(3) If the person or (as the case may be) P:

(a) fails within a reasonable timeframe specified in the request to provide the information or evidence requested; or

(b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the Secretary of State may draw any factual inferences about whether the person meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain as appear appropriate in the circumstances.

(4) The Secretary of State may decide, following the drawing of a factual inference under sub-paragraph (3), that the person does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain.

(5) The Secretary of State must not decide that the person does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the sole basis that the person or (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.

Annex 3 - Cancellation, curtailment and revocation of leave to enter or remain

A3.1. A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix must be cancelled on or before their arrival in the UK where the Secretary of State or an Immigration Officer deems the person's presence in the UK is not conducive to the public good because of conduct committed after the specified date.

A3.1A. A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix must be cancelled where:

> (a) The person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of their conduct committed before the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act; and
>
> (b) The Secretary of State or an Immigration Officer is satisfied that, because of the person's conduct committed before the specified date, the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain under, or who would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph A3.1A. of Annex 3 to Appendix EU to the Immigration Rules").

A3.1B. A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix must be cancelled where the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of conduct committed after the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

A3.2. A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

> (a) Because of the person's conduct committed before the specified date, the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain under, or who would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph A3.2.(a) of Annex 3 to Appendix EU to the Immigration Rules"); or
>
> (b) The cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix.

A3.3. A person's limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

> (a) The person ceases to meet, or never met, the requirements of this Appendix; or

(b) Cancellation is justified on grounds that it is more likely than not that, after the specified date, the person has assisted another person fraudulently to obtain, or to attempt to obtain, entry clearance to, or leave to enter or remain in, the UK.

A3.4. A person's limited leave to enter or remain granted under this Appendix may be curtailed where the Secretary of State is satisfied that it is proportionate to curtail that leave where:

(a) Curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix; or

(b) Curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience; or

(c) The person ceases to meet the requirements of this Appendix; or

(d) Curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has assisted another person fraudulently to obtain, or to attempt to obtain, entry clearance to, or leave to enter or remain in, the UK.

A3.5 A person's indefinite leave to enter or remain granted under this Appendix may be revoked where the Secretary of State is satisfied that it is proportionate to revoke that leave where:

(a) The person is liable to deportation, but cannot be deported for legal reasons; or

(b) The indefinite leave to enter or remain was obtained by deception.

Appendix EU (Family Permit)

Appendix EU (Family Permit)

Purpose

FP1. This Appendix sets out the basis on which a person will, if they apply under it, be granted an entry clearance:

(a) In the form of an EU Settlement Scheme Family Permit – to join a **relevant EEA citizen** or a **qualifying British citizen** in the UK or to accompany them to the UK; or

(b) In the form of an EU Settlement Scheme Travel Permit – to travel to the UK.

FP2. This Appendix has effect in connection with the granting of entry clearance for the purposes of acquiring leave to enter or remain in the UK by virtue of Appendix EU to these Rules.

Requirements and procedure

FP3. The applicant will be granted an entry clearance under this Appendix, valid for a period of six months from the date of decision, by an entry clearance officer where:

(a) A valid application has been made in accordance with paragraph FP4;

(b) The applicant meets the eligibility requirements in paragraph FP6(1), (2) or (3); and

(c) The application is not to be refused on grounds of suitability in accordance with paragraph FP7.

FP4. A valid application has been made under this Appendix where:

(a) It has been made using the **required application process**;

(b) The **required proof of identity and nationality** has been provided;

(c) The **required biometrics** have been provided;

(d)The **date of application** is before 9 August 2023, where the applicant relies on meeting the eligibility requirements in paragraph FP6(2); and

(e) The **specified sponsor evidence** has been provided, where the date of application is on or after 8 April 2026 and the applicant relies on meeting the eligibility requirements in paragraph FP6(1).

FP5. An application will be rejected as invalid where it does not meet the requirements in paragraph FP4(a), (b), (d) and (e) and will not be considered where it does not meet the requirement in paragraph FP4(c).

FP6. (1) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit, where the entry clearance officer is satisfied that at the date of application:

(a) The applicant is not a British citizen;

(b) The applicant is a family member of a relevant EEA citizen;

(c) The relevant EEA citizen is resident in the UK or will be travelling to the UK with the applicant within six months of the date of application;

(d) The applicant will be accompanying the relevant EEA citizen to the UK (or joining them in the UK) within six months of the date of application; and

(e) The applicant (“A”) is not the **spouse**, **civil partner** or **durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, immediately before or since the **specified date** held a valid document in that capacity issued under the **EEA Regulations** or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules.

(2) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit, where the entry clearance officer is satisfied that at the date of application:

(a) The applicant is not a British citizen;

(b) The applicant is a **family member of a qualifying British citizen**;

(c) The qualifying British citizen is resident in the UK or will be travelling to the UK with the applicant within six months of the date of application;

(d) The applicant will be accompanying the qualifying British citizen to the UK (or joining them in the UK) within six months of the date of application; and

(e) The applicant ("A") is not the spouse, civil partner or durable partner of a qualifying British citizen ("B") where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, immediately before or since the specified date held a valid document in that capacity issued under the EEA Regulations or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules.

(3) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Travel Permit, where the entry clearance officer is satisfied that at the date of application:

(a) The applicant is not a British citizen;

(b) The applicant has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave; and

(c) The applicant will be travelling to the UK within six months of the date of application.

FP7. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

(a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or

(b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(1A) An application made under this Appendix will be refused on grounds of suitability where, because of the applicant's conduct committed before the specified date, the Secretary of State is satisfied that the decision to refuse the application is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "who has a right of permanent residence under regulation 15" read "who has indefinite leave to enter or remain under, or who meets the requirements of paragraph EU11, EU11A or EU12 of, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph FP7(1A) of Appendix EU (Family Permit) to the Immigration Rules").

(2) An application made under this Appendix will be refused on grounds of suitability where the applicant's presence in the UK is deemed not to be conducive to the public good because of conduct committed after the specified date.

(2A) An application made under this Appendix will be refused on grounds of suitability where at the date of decision:

(a)(i) The applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of their conduct committed before the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act; and

(ii) The entry clearance officer is satisfied that, because of the applicant's conduct committed before the specified date, the refusal of the application is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "who has a right of

permanent residence under regulation 15" read "who has indefinite leave to enter or remain under, or who meets the requirements of paragraph EU11, EU11A or EU12 of, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph FP7(2A)(a) of Appendix EU (Family Permit) to the Immigration Rules"); or

(b) The applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of conduct committed after the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

(3) An application made under this Appendix will be refused on grounds of suitability where at the date of decision the applicant is subject to an **Islands deportation order**.

(3A) An application made under this Appendix may be refused on grounds of suitability where at the date of decision the applicant is subject to an **Islands exclusion decision**.

(4) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the entry clearance officer is satisfied that:

(a) It is proportionate to refuse the application where, in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix; or

(b)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Has previously been refused admission to the UK in accordance with regulation 12(1)(a) of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020; or

(cc) Had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU to these Rules (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.3. or A3.4.(a) of Annex 3 to this Appendix or under paragraph A3.1., A3.1A., A3.1B. or A3.2.(a) of Annex 3 to Appendix EU; and

(ii) The refusal of the application is justified either:

(aa) In respect of the applicant's conduct committed before the specified date, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "who has a right of permanent residence under regulation 15" read who has indefinite leave to enter or remain under, or who meets the requirements of, paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph FP7(4)(b) of Appendix EU (Family Permit) to the Immigration Rules"), and it is proportionate to refuse the application; or

(bb) In respect of conduct committed after the specified date, where the applicant's presence in the UK is deemed not to be conducive to the public good.

(5) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or revoked.

FP8. A valid application made under this Appendix which does not meet the requirements for an entry clearance to be granted will be refused.

FP8A. The applicant will be granted an entry clearance under this Appendix, in the form of an EU Settlement Scheme Family Permit, where:

(a) the entry clearance officer is satisfied that the applicant is a **specified EEA family permit case**; and

(b) had the applicant made a valid application under this Appendix, it would not have been refused on grounds of suitability under paragraph FP7.

FP9. (1) Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

(2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside under the EEA Regulations (or under the equivalent provision in **the Islands)**, on which basis the document, card or other evidence was issued, by virtue of the revocation of those Regulations (or equivalent provision in the Islands).

FP10. Annex 2 applies to the consideration by the entry clearance officer of a valid application made under this Appendix.

FP11. Annex 3 applies in respect of the revocation of an entry clearance that was granted under this Appendix, and of the cancellation and curtailment of leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix.

Annex 1 - Definitions

Term	Definition
adopted child	a **child** adopted in accordance with a **relevant adoption decision**
child	(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; or (b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; and (ii)(aa) dependent on the relevant EEA citizen or on their spouse or civil partner: (aaa) (where sub-paragraph (b)(ii)(aa)(bbb) below does not apply) at the date of application; or (bbb) (where the date of application is after the specified date and where the applicant is not a **joining family member**) at the specified date; or (bb) dependent on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date 'dependent' means here that: (a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner; and (b) such support is being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen) or by their spouse or civil partner; and (c) there is no need to determine the reasons for that dependence or for the recourse to that support in addition: (a) 'child' includes: (i) an **adopted child** of; or (ii) a child born through surrogacy (where recognised in UK law or Islands law) for;

Term	Definition
	or (iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or (iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or (v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or (vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or (vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is; or (viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or (ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or (x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or (xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian, a relevant EEA citizen (or, as the case may be, a qualifying British citizen) or their spouse or civil partner, but 'child' does not include a child cared for by a relevant EEA citizen (or, as the case may be, by a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and (b) 'direct descendant' also includes a grandchild or great-grandchild; and (c) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table
civil partner	(a) the person is in a valid civil partnership (which exists under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands); or is in a relationship registered overseas which is entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen); and (b) it is not a **civil partnership of convenience**; and (c) neither party has another civil partner, a spouse or a durable partner with (in any of those circumstances) **immigration status in the UK or the Islands** based on that person's relationship with that party
civil partnership of convenience durable	a civil partnership, durable partnership or marriage entered into as a means to circumvent: (a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations; or (b) any other provision of UK immigration law or any requirement of the Immigration Rules; or

Term	Definition
partnership of convenience marriage of convenience	(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law; or (d) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Islands under Islands law
date and time of withdrawal	2300 **GMT** on 31 January 2020
date of application	the date on which the relevant on-line application form is submitted on-line under the required application process
dependent parent	(a) the direct relative in the ascending line of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; and (b) (unless sub-paragraph (c) immediately below applies): (i) dependent on the relevant EEA citizen or on their spouse or civil partner: (aa) (where sub-paragraph (b)(i)(bb) or (b)(i)(cc) below does not apply) at the date of application and (unless the relevant EEA citizen is under the age of 18 years at the date of application) that dependency is assumed; or (bb) (where the date of application is after the specified date and where the applicant is not a joining family member) at the specified date, and (unless the relevant EEA citizen was under the age of 18 years at the specified date) that dependency is assumed; or (cc) (where the date of application is after the specified date and where the applicant is a joining family member) at the date of application and (unless the relevant EEA citizen is under the age of 18 years at the date of application) that dependency is assumed where the date of application is before 1 July 2021; or (ii) dependent on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the qualifying British citizen is under the age of 18 years at the date of application or, where the date of application is after the specified date, the qualifying British citizen was under the age of 18 years at the specified date) that dependency is assumed; and (c) this sub-paragraph applies (and the applicant therefore has to meet no requirement as to dependency) where the spouse, civil partner or durable partner of the applicant (and with whom they reside) has been granted: (i) an entry clearance under this Appendix in the form of an EU Settlement Scheme Family Permit as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, and that entry clearance has not been revoked or otherwise ceased to be valid; or (ii) indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, and that indefinite or limited leave has not lapsed or been cancelled, curtailed, revoked or invalidated 'dependent' means here that: (a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner; and (b) such support is being provided to the applicant by the relevant EEA citizen (or,

Term	Definition
	as the case may be, by the qualifying British citizen) or by their spouse or civil partner; and (c) there is no need to determine the reasons for that dependence or for the recourse to that support in addition: (a) 'direct relative in the ascending line' includes: (i) a grandparent or great-grandparent; and (ii) an adoptive parent of an adopted child; and (b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; and (c) in respect of the reference in the first sub-paragraph (c) in this entry to the spouse, civil partner or durable partner of the applicant, the entry for (as the case may be) 'spouse', 'civil partner' or 'durable partner' in this table applies, except that in the applicable entry 'applicant' is to be substituted for 'relevant EEA citizen'
dependent relative of a qualifying British citizen	the person: (a)(i) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of a qualifying British citizen or of their spouse or civil partner; and (ii) is a dependant of a qualifying British citizen or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds; or (b) is a **person who is subject to a non-adoptive legal guardianship order** in favour (solely or jointly with another party) of a qualifying British citizen; or (c) is a person under the age of 18 years who: (i) is the direct descendant of the durable partner of a qualifying British citizen; or (ii) has been adopted by the durable partner of a qualifying British citizen, in accordance with a relevant adoption decision in addition, 'spouse or civil partner' means the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table
dependent relative of a specified relevant person of Northern Ireland	the person: (a)(i) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of a specified relevant person of Northern Ireland or of their spouse or civil partner; and (ii) is a dependant of a specified relevant person of Northern Ireland or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds; or (b) is a person who is subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a specified relevant person of Northern Ireland (substituting 'specified relevant person of Northern Ireland' for 'qualifying British citizen' in the entry for 'person who is subject to a nonadoptive legal guardianship order' in this table); or (c) is a person under the age of 18 years who: (i) is the direct descendant of the durable partner of a specified relevant person of Northern Ireland; or (ii) has been adopted by the durable partner of a specified relevant person of Northern Ireland, in accordance with a relevant adoption decision

Term	Definition
	in addition, ‘spouse or civil partner’ means the person described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table
deportation order	as the case may be: (a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or (b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act in respect of: (i) conduct committed after the specified date; or (ii) conduct committed by the person before the specified date where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain under, or who meets the requirements of, paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”); or (c) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 15(1)(b) of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020 in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007
durable partner	(a) the applicant is, or (as the case may be) was, in a durable relationship with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least two years (unless there is other significant evidence of the durable relationship); and (b) where the applicant was resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, the applicant held a relevant document as the durable partner of the relevant EEA citizen or, where there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date (or where the applicant is a joining family member) or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; and (c) it is, or (as the case may be) was, not a **durable partnership of convenience**; and (d) neither party has, or (as the case may be) had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person’s relationship with that party
EEA citizen	person who is: (a)(i) (and who before the specified date was) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (ii) (unless they are a **relevant naturalised British citizen**) not also a British

Term	Definition
	citizen; or (b)(i) (and who before the specified date was) a national of a country listed in sub-paragraph (a)(i) above; and (ii) (where the applicant meets the criteria in paragraph 9 of Schedule 6 to the EEA Regulations as the family member ("F") to whom that paragraph refers) a British citizen within the meaning of the person ("P") to whom that paragraph refers; or (c) (and who before the specified date was) **a relevant person of Northern Ireland**
EEA Regulations	(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before that date); or (b) (where relevant to something done after the specified date and before 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continued to have effect, with specified modifications, by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020); or (c) (where relevant to something done on or after 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before they were revoked and, where the context requires it, on the basis that those Regulations had not been revoked)
evidence of birth	(a) (in the case of a child) the **full birth certificate**(s) or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; or (b) (in the case of a **dependent parent**) the full birth certificate(s) or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, as described in subparagraph (a) above
exclusion decision	a direction given by the Secretary of State that a person must be excluded from the UK: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed by the person before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who has indefinite leave to enter or remain under, or who, but for the making of the exclusion direction, meets the requirements of, paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "an exclusion direction")
exclusion order	an order made under regulation 23(5) of the EEA Regulations

Term	Definition
family member of a qualifying British citizen	a person who has satisfied the entry clearance officer, including by the **required evidence of family relationship**, that: (a) they will be returning to the UK: (i) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and: (aa)(aaa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or (bbb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of 'durable partner' in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and (bb)(aaa) the marriage or civil partnership continues to exist at the date of application; or (bbb) the entry clearance officer is satisfied that the marriage will be contracted or the civil partnership will be formed before the couple return to the UK; or (ii) (where sub-paragraph (a)(i)(aa)(bbb) above does not apply) as the spouse or civil partner of a qualifying British citizen, and: (aa) the marriage was contracted or the civil partnership was formed after the date and time of withdrawal and before the specified date; and (bb) the marriage or civil partnership continues to exist at the date of application; and (cc) the entry clearance officer is satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date; or (iii) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen, and: (aa) the partnership was formed and was durable before the date and time of withdrawal; and (bb) the partnership remains durable at the date of application; or (iv) as the durable partner of a qualifying British citizen, and: (aa) the partnership was formed and was durable after the date and time of withdrawal and before the specified date; and (bb) the partnership remains durable at the date of application; and (cc) the entry clearance officer is satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date; or (v) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of a qualifying British citizen, and the family relationship: (aa) existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and (bb) continues to exist at the date of application; or (vi) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in subparagraph (a)(i) above), and all the family relationships: (aa) existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that

Term	Definition
	entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and (bb) continue to exist at the date of application; or (vii) as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in subparagraph (a)(ii) above), and: (aa) the family relationship of the child or dependent parent to the spouse or civil partner existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and (bb) all the family relationships continue to exist at the date of application; and (cc) the entry clearance officer is satisfied that there are reasonable grounds why the person did not return to the UK with the qualifying British citizen before the specified date; or (viii) as the **dependent relative of a qualifying British citizen**, or (as the case may be) of their spouse or civil partner (as described in sub-paragraph (a)(i) or (a)(ii) above), and: (aa) the family relationship and (in sub-paragraph (a)(ii) of the entry for 'dependent relative of a qualifying British citizen' in this table) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application; and (bb) the entry clearance officer is satisfied that there are reasonable grounds why the person did not return to the UK with the qualifying British citizen before the specified date; or (ix) as a person who the entry clearance officer is satisfied by evidence provided by the person that they would, if they made a valid application under Appendix EU to these Rules in the UK, be granted (as the case may be) indefinite leave to remain under paragraph EU2 of that Appendix or limited leave to remain under paragraph EU3 as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen (as defined in Annex 1 to Appendix EU); and (b) they satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member ("F") to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member ("EFM") to whom those provisions refer), in either case doing so (with the qualifying British citizen being treated as the British citizen ("BC") to whom those provisions refer): (i) (save in the case of a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) above who was born after the specified date, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before the specified date; and (ii) (save where the date of application is after the specified date and where those conditions concern matters relevant to the dependency referred to in sub-paragraph (b)(ii)(bb) of the entry for 'child' in this table or in sub-paragraph (b)(ii) of the entry for 'dependent parent' in this table, or save where sub-paragraph (a)(ix) above applies) at the date of application (or, in the case of the qualifying British citizen where they have returned to the UK before the applicant, immediately before their return to the UK) in addition, where sub-paragraph (a)(ix) above applies, the requirements in paragraph FP6(2)(c) and (d) of this Appendix do not apply

Term	Definition
family member of a relevant EEA citizen	a person who has satisfied the entry clearance officer, including by the required evidence of family relationship, that they are: (a) the spouse or civil partner of a relevant EEA citizen, and: (i)(aa) the marriage was contracted or the civil partnership was formed before the specified date; or (bb) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and (ii) the marriage or civil partnership continues to exist at the date of application; or (b) the **specified spouse or civil partner of a Swiss citizen**; or (c) the durable partner of a relevant EEA citizen, and: (i) the partnership was formed and was durable before the specified date; and (ii) the partnership remains durable at the date of application; and (iii) the date of application is after the specified date; and (iv) where they were resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date, the definition of 'durable partner' in this table was met before that date as well as at the date of application, and the partnership remained durable at the specified date; or (d) the child or dependent parent of a relevant EEA citizen, and the family relationship: (i) existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and (ii) continues to exist at the date of application; or (e) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in subparagraph (a) above, and: (i) the family relationship of the child or dependent parent to the spouse or civil partner existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and (ii) all the family relationships continue to exist at the date of application; or (f) a person who the entry clearance officer is satisfied by evidence provided by the person that they would, if they had made a valid application under Appendix EU to these Rules before 1 July 2021, have been granted (as the case may be) indefinite leave to enter under paragraph EU2 of that Appendix or limited leave to enter under paragraph EU3 and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix (and, in respect of that application, the requirements in paragraph FP6(1)(c) and (d) of this Appendix do not apply): (i) as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix EU); or (ii)on the basis that condition 6 of paragraph EU11 of Appendix EU is met; or (g) the **dependent relative of a specified relevant person of Northern Ireland** in addition, where the person is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date they became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry (and with the references to 'parents' in subparagraph (a) below construed to include the guardian or other person to whom the order or other provision referred to in the

Term	Definition
	relevant sub-paragraph of (a)(iii) to (a)(xi) of that entry relates), they meet one of the following requirements: (a) (where sub-paragraph (b) below does not apply), one of the following requirements is met: (i) both of their parents are a relevant EEA citizen; or (ii) one of their parents is a relevant EEA citizen and the other is a British citizen who is not a relevant EEA citizen; or (iii) one of their parents is a relevant EEA citizen who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the UK, of the Islands or of a country listed in sub-paragraph (a) of the entry for 'specified EEA citizen' in this table (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the UK, in the Islands or in a country listed in subparagraph (a) of the entry for 'specified EEA citizen' in this table, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law); or (b) where they were born after the specified date to (or adopted after that date in accordance with a relevant adoption decision by or after that date became, within the meaning of the entry for 'child' in this table and on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, a child of) a Swiss citizen or their spouse or civil partner (as described in the first sub-paragraph (a) in this entry), the Swiss citizen or their spouse or civil partner is a relevant EEA citizen
frontier worker	a person who: (a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (b) is not a British citizen; and (c) satisfies the Secretary of State by relevant evidence of this that they fulfil the relevant conditions of being a frontier worker set out in the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, and that they have done so continuously since the specified date; and (d) has not been (and is not to be) refused admission to, or removed from, the UK by virtue of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, and is not subject to a relevant restriction decision as defined by regulation 2 of those Regulations
full birth certificate	a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man

Term	Definition
Irish citizen	a person who is an Irish citizen as a matter of Irish law
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made: (a) in respect of conduct committed after the specified date and has effect in relation to the person, by virtue of paragraph 3 of Schedule 4 to the Immigration Act 1971, as if it was a deportation order made under that Act; or (b) in respect of conduct committed by the person before the specified date, where the Secretary of State is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who has indefinite leave to enter or remain under, or who, but for the making of the deportation order, meets the requirements of, paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a deportation decision")
Islands exclusion decision	a direction given by the relevant Minister or other authority in the Islands that a person must be excluded from the Island concerned: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed by the person before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who has indefinite leave to enter or remain under, or who, but for the making of the exclusion direction, meets the requirements of, paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "an exclusion direction")
joining family member	a person who is a family member of a relevant EEA citizen (in accordance with sub-paragraph (a)(i)(bb), (c), (d) or (e) – together, where applicable, with the second sub-paragraph (a) or the second sub-paragraph (b) – of that entry in this table) and who (save, in the case of a child, where the person was born after the specified date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry): (a) was not resident in the UK and Islands at any time before the specified date; or (b) was resident in the UK and Islands before the specified date, and: (i) one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the entry for 'continuous qualifying period' in the table at Annex 1 to Appendix EU to these Rules has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or (ii) the event referred to in sub-paragraph (a) in the entry for 'supervening event' in the table at Annex 1 to Appendix EU to these Rules has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date
non-EEA citizen	a person who is not an **EEA citizen** and is not a British citizen

Term	Definition
person exempt from immigration control	a person who: (a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (b) is not a British citizen; and (c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; and (d) the entry clearance officer is satisfied, including by the **required evidence of qualification**, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix
person who is subject to a non-adoptive legal guardianship order	a person who has satisfied the entry clearance officer that, immediately before the specified date, they: (a) are under the age of 18 years; and (b) are subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a qualifying British citizen that: (i) is recognised under the national law of the state in which it was contracted; and (ii) places parental responsibility on a permanent basis on the qualifying British citizen (solely or jointly with another party); and (c) have lived with the qualifying British citizen since their placement under the guardianship order; and (d) have created family life with the qualifying British citizen; and (e) have a personal relationship with the qualifying British citizen that involves dependency on the qualifying British citizen and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the qualifying British citizen
qualifying British citizen	a British citizen who: (a)(i) (where sub-paragraph (a)(ii) or (a)(iii) below does not apply) will be returning to the UK with the applicant before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the British citizen's failure to meet that deadline); or (ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for 'family member of a qualifying British citizen' in this table) will be returning to the UK with the applicant and the entry clearance officer is satisfied that there are reasonable grounds why the British citizen did not do so before the specified date; or (iii) is the qualifying British citizen referred to in sub-paragraph (a)(ix) of the entry for 'family member of a qualifying British citizen' in this table; and (b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen ("BC") to whom those provisions refer, with the applicant being treated as the family member ("F") or, as the case may be, as the extended family member ("EFM"), to whom those provisions refer): (i) (save where the applicant is a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) of the entry for 'family member of a qualifying British citizen' in this table who was born after the specified date, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before the specified date; and

Term	Definition
	(ii) (save where sub-paragraph (a)(ix) of the entry for 'family member of a qualifying British citizen' in this table applies) at the date of application (or, where they have returned to the UK before the applicant, immediately before their return to the UK) in addition: (i) for the avoidance of doubt, for the purposes of sub-paragraph (b) above, service as a member of HM Forces (as defined in the Armed Forces Act 2006) in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table may satisfy the conditions of being a "worker" for the purposes of the EEA Regulations; and (ii) for the purposes of sub-paragraph (i) immediately above, sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table will be treated as referring also to the Sovereign Base Areas on Cyprus
relevant adoption decision	a decision taken: (a) by the competent administrative authority or court in the UK or the Islands; or (b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or (c) in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption
relevant document	(a) a family permit (or a letter from the Secretary of State, issued after 30 June 2021, confirming the person's qualification for one), residence card or permanent residence card issued by the UK under the EEA Regulations (or the equivalent document or other evidence issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 (as it had effect before it was repealed) or under the Immigration (European Economic Area) Regulations of the Isle of Man); and (b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased; and (c) (in relation to an application for an EU Settlement Scheme Family Permit) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon
relevant EEA citizen (where the date of application under this Appendix is before 1 July 2021)	(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who: (i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or (ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or (iii) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or

Term	Definition
	EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen; or (c) (where the applicant is the family member ("F") to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that entry in this table) who the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (d) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table) who: (i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table: (aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or (bb) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or (cc) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (e) a **person exempt from immigration control**; or (f) a **frontier worker** in addition, references in this entry to indefinite leave to enter or remain or limited leave to enter or remain granted under paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands) exclude such leave where it was granted in error.

Term	Definition
relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)	(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who: (i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or (ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or (iii) (in the case of an **Irish citizen** who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the Islands, where the applicant does not rely on that person being a relevant person of Northern Ireland) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted such leave under that Appendix, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (iv) the applicant satisfies the entry clearance officer by relevant information and evidence provided with the application (including their valid passport or valid national identity card as an EEA citizen, which is the original document and not a copy) meets sub-paragraph (a)(i) of the definition of 'relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)' in Annex 1 to Appendix EU to these Rules, such that the applicant is a 'family member of a relevant EEA citizen' (as defined in Annex 1 to Appendix EU); or (b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen; or (c) (where the applicant is the family member ("F") to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that entry in this table) who the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (d) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table) who: (i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table: (aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or (bb) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain

Term	Definition
	under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or (cc) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen and, where they are a specified relevant person of Northern Ireland in accordance with that entry in this table, but, where applicable, for that fact) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (e) a person exempt from immigration control; or (f) a frontier worker in addition, references in this entry to indefinite leave to enter or remain or limited leave to enter or remain granted under paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands) exclude such leave where it was granted in error.
relevant naturalised British citizen	a person who is (and who before the specified date was) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who: (a) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and (b) meets the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (save for the requirement in regulation 4(1)(c)(ii) and (d)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK and regardless of whether they otherwise remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship); and (c) the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix
relevant person of Northern Ireland	a person who: (a) is: (i) a British citizen; or (ii) an Irish citizen; or

Term	Definition
	(iii) a British citizen and an Irish citizen; and (b) was born in Northern Ireland and, at the time of the person's birth, at least one of their parents was: (i) a British citizen; or (ii) an Irish citizen; or (iii) a British citizen and an Irish citizen; or (iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence
required application process	the relevant on-line application form and a relevant process set out in that form for providing the required proof of identity and nationality and for providing the required biometrics
required biometrics	(a) a facial photograph of the applicant (within the meaning of "biometric information" in section 15 of the UK Borders Act 2007); and (b) the fingerprints of the applicant (also within that meaning of "biometric information"; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these), in both cases provided in accordance with the required application process
required evidence of being a relevant person of Northern Ireland	(a) the person's birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and (b) evidence which satisfies the entry clearance officer that, at the time of the person's birth, at least one of their parents was: (i) a British citizen; or (ii) an Irish citizen; or (iii) a British citizen and an Irish citizen; or (iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence in addition: (a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and (b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix
required evidence of family relationship	in the case of: (a) a spouse: (i) a relevant document as the spouse of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen), or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and (ii)(aa) where the marriage to the relevant EEA citizen was contracted after the specified date and the applicant is not the specified spouse or civil partner of a

Term	Definition
	Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant was not resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date (or there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date, or the applicant is a joining family member) or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; or (bb) where the marriage to the qualifying British citizen was contracted after the date and time of withdrawal, evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the date and time of withdrawal; or (b) a civil partner: (i) a relevant document as the civil partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen); a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; and (ii)(aa) where the civil partnership with the relevant EEA citizen was formed after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant was not resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date (or there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date, or the applicant is a joining family member) or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; or (bb) where the civil partnership with the qualifying British citizen was formed after the date and time of withdrawal, evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the date and time of withdrawal; or (c) a child – a relevant document issued on the basis of the relevant family relationship or their **evidence of birth**, and: (i) where the applicant is aged 21 years or over, evidence which satisfies the entry clearance officer that the requirements in sub-paragraph (b)(ii) of the entry for 'child' in this table are met; and (ii) where, in the case of a family member of a relevant EEA citizen, the applicant is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, evidence which satisfies the entry clearance officer that the requirements in the second sub-paragraph (a) or the second sub-paragraph (b) of the entry for 'family member of a relevant EEA citizen' in this table are met; or (d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or their evidence of birth and, where the first sub-paragraph (b) of the entry for 'dependent parent' in this table applies, evidence which satisfies the entry clearance officer that (where this is not assumed) the requirement as to dependency in that subparagraph is met; or (e) a durable partner: (i)(aa) (where the applicant was resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date and is not a joining

Term	Definition
	family member) a relevant document as the durable partner of the relevant EEA citizen or, where there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; or (bb) (where the applicant was not resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, or where the applicant is a joining family member, and where sub-paragraph (e)(i)(cc) below does not apply) evidence which satisfies the entry clearance officer that the durable partnership with the relevant EEA citizen was formed and was durable before the specified date; or (cc) evidence which satisfies the entry clearance officer that the durable partnership with the qualifying British citizen was formed and was durable (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(iii) of that entry in this table) before the date and time of withdrawal or (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(iv) of that entry in this table) before the specified date; and (ii) evidence which satisfies the entry clearance officer that the partnership remains durable at the date of application; or (f) a dependent relative of a qualifying British citizen – evidence which satisfies the entry clearance officer that the family relationship and (in sub-paragraph (a)(ii) of the entry for 'dependent relative of a qualifying British citizen' in this table) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application; or (g) a dependent relative of a specified relevant person of Northern Ireland – evidence which satisfies the entry clearance officer that the family relationship and (in sub-paragraph (a)(ii) of the entry for 'dependent relative of a specified relevant person of Northern Ireland' in this table) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application in addition: (a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and (b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix
required evidence of qualification	(a) (in the case of a relevant EEA citizen (or, where the date of application under this Appendix is on or after 1 July 2021, an Irish citizen) who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the Islands, where the applicant does not rely on the relevant EEA citizen (where they are an Irish citizen) being a relevant person of Northern Ireland):

Term	Definition
	(i) their passport or national identity card as an EEA citizen or, where the date of application under this Appendix is on or after 1 July 2021, as an Irish citizen, which is: (aa) valid; and (bb) the original document and not a copy; and (ii) information or evidence which satisfies the entry clearance officer that the person would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (c) of the applicable entry for 'relevant EEA citizen' in this table): (i) their passport or national identity card as an EEA citizen, which is: (aa) valid; and (bb) the original document and not a copy; and (ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is a British citizen; and (iii) information or evidence which satisfies the entry clearance officer that the person would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or (c) (in the case of a relevant EEA citizen who is relied on by the applicant as being a relevant person of Northern Ireland, and who, where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table, has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the Islands) the **required evidence of being a relevant person of Northern Ireland** and (where the relevant EEA citizen is relied on by the applicant as being a specified relevant person of Northern Ireland) information or evidence which satisfies the entry clearance officer that the requirements of that entry in this table are met, and (in all cases): (i)(aa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the person is a British citizen; or (bb) (where they are an Irish citizen) their passport or national identity card as an Irish citizen, which is: (aaa) valid; and (bbb) the original document and not a copy; or (cc) (where they are a British citizen and an Irish citizen, and are not relied on by the applicant as being a specified relevant person of Northern Ireland) the evidence required by sub-paragraph (c)(i)(aa) or (c)(i)(bb) above; and (ii) information or evidence which satisfies the entry clearance officer that the person would (but for the fact that they are a British citizen, where they are a British citizen in accordance with sub-paragraph (a)(i) or (a)(iii) of the entry for 'relevant person of Northern Ireland' in this table) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or

Term	Definition
	(d) (in the case of a relevant EEA citizen who is a person exempt from immigration control): (i) their passport or national identity card as an EEA citizen, which is: (aa) valid; and (bb) the original document and not a copy; and (ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; and (iii) information or evidence which satisfies the entry clearance officer that the person would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix in addition: (a) 'valid' here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and (b) where, in order to meet the requirements of sub-paragraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a copy (and not the original) of a document, the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and (c) where, in order to meet the requirements of sub-paragraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix
required proof of identity and nationality	(a) in the case of an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table): (i) their valid passport; or (ii) their valid national identity card; or (b) in the case of a **non-EEA citizen**, their valid passport, unless (in the case of (a) or (b)) the entry clearance officer agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons in addition, 'valid' here means that, at the date of application, the document is genuine and has not expired or been cancelled or invalidated
specified date	2300 GMT on 31 December 2020
specified EEA family permit case	a person who: (a) on the basis of a valid application made under the EEA Regulations before the specified date, would, had the route not closed after 30 June 2021, have been issued an EEA family permit under regulation 12 of the EEA Regulations: (i)(aa) as an extended family member under regulation 8; and

Term	Definition
	(bb) where the "relevant EEA national" referred to in regulation 12(4) was resident in the UK in accordance with regulation 12(1)(a)(i) before the specified date; or (ii)(aa) as a person with a derivative right to reside in the UK by virtue of regulation 16(1); and (bb) where, pursuant to regulation 12(2), any person from whom the right to be admitted to the UK under the criteria in regulation 11(5) was derived was resident in the UK before the specified date; or (b) after the specified date and before 1 June 2021 was issued an EEA family permit under regulation 12 of the EEA Regulations, has contacted the Home Office to advise that they were not able to travel to the UK by 30 June 2021, and the entry clearance officer is satisfied by information or evidence provided by the person that there were compelling practical or compassionate reasons or COVID-19 related reasons why they were not able to travel to the UK by 30 June 2021; or (c) on or after 1 June 2021 was issued an EEA family permit under regulation 12 of the EEA Regulations with an expiry date of 30 June 2021, and has contacted the Home Office to advise that they were not able to travel to the UK by 30 June 2021 in addition, there must not have been a significant change in circumstances since the date on which the person was issued an EEA family permit under regulation 12 of the EEA Regulations (or, as the case may be, since the date on which the person's appeal against the refusal of such a family permit was allowed or on which they would otherwise have been issued one, had the route not closed after 30 June 2021), such that it is not appropriate for them to be granted an entry clearance under this Appendix
specified relevant person of Northern Ireland	(a) the person is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table; and (b) the applicant is a non-EEA citizen; and (c)(i)(aa) the applicant meets the definition of 'joining family member of a relevant sponsor' in Annex 1 to Appendix EU to these Rules where the person is their relevant sponsor; and (bb) the applicant has satisfied the entry clearance officer by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the UK before the specified date while the applicant remained outside the UK; or (ii)(aa) the applicant is a dependent relative of a specified relevant person of Northern Ireland; and (bb) the person: (i) is outside the UK; or (ii) is in the UK and has been so for a period not exceeding three months; or (iii) is in the UK and (were they an "EEA national" in accordance with regulation 2(1) of the EEA Regulations) they were residing in the UK in accordance with the EEA Regulations on 30 June 2021
specified sponsor evidence	(a)(i) (where the applicant relies on the relevant EEA citizen meeting sub-paragraph (a)(i) of the definition of 'relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)' in this table) the Home Office reference number (or the equivalent evidence in the Islands) for indefinite leave to enter or remain or limited leave to enter or remain granted to the relevant EEA citizen under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands) and held by them at the date of application; or

Term	Definition
	(ii) (where sub-paragraph (a)(i) above does not apply) information or evidence which appears to the entry clearance officer to indicate that the relevant EEA citizen meets the definition of 'relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)' in this table; and (b)(i) where the applicant relies on being: (aa) the spouse of the relevant EEA citizen: a relevant document issued on that basis or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; or (bb) the civil partner of the relevant EEA citizen: a relevant document issued on that basis; a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; or (cc) the child of the relevant EEA citizen or of their spouse or civil partner: a relevant document issued on that basis or their evidence of birth; or (dd) the dependent parent of the relevant EEA citizen or of their spouse or civil partner: a relevant document issued on that basis or their evidence of birth; or (ii) (where sub-paragraph (b)(i) above does not apply) information or evidence which appears to the entry clearance officer to indicate that the family relationship on which the applicant relies is within the scope of the definition of 'family member of a relevant EEA citizen' in this table in addition: (a) 'valid' here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and (b) where the applicant submits a copy (and not the original) of a document, the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and (c) the requirements in the first sub-paragraph (a) in this entry do not apply where the applicant relies on being a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix EU to these Rules) or on condition 6 of paragraph EU11 of Appendix EU being met
specified spouse or civil partner of a Swiss citizen	(a) the person is the spouse or civil partner of a relevant EEA citizen (in accordance, where the date of application is before 1 July 2021, with sub-paragraph (a) of the applicable entry for 'relevant EEA citizen' in this table or, where the date of application is on or after 1 July 2021, with subparagraph (a)(i) or (a)(ii) of the applicable entry for 'relevant EEA citizen' in this table), who is a national of Switzerland and who is not also a British citizen; and (b) the marriage was contracted or the civil partnership was formed after the specified date and before 1 January 2026; and (c) the marriage or civil partnership continues to exist at the date of application
spouse	(a) the person is party to a marriage with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen) and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and (b) it is not a **marriage of convenience**; and (c) neither party has another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party

Term	Definition
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man

Annex 2 - Consideration of a valid application

A2.1. A valid application made under this Appendix will be decided on the basis of:

(a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the entry clearance officer; and

(b) any other information or evidence made available to the entry clearance officer (including from other government departments) at the date of decision.

A2.2. (1) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may:

(a) request that the applicant provide further information or evidence that they meet those requirements; or

(b) invite the applicant to be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(2) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may:

(a) request that the person ("P") on whom the applicant relies as being the relevant EEA citizen (or, as the case may be, the qualifying British citizen) with whom the applicant is in a family relationship provide information or evidence about their relationship with the applicant, their current or planned residence in the UK or (where P is a qualifying British citizen) their residence in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in the table at Annex 1 to this Appendix; or

(b) invite P to be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or (as the case may be) P:

(a) fails within a reasonable timeframe specified in the request to provide the information or evidence requested; or

(b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.

(4) The entry clearance officer may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for entry clearance.

(5) The entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.

Annex 3 – Revocation of entry clearance and cancellation and curtailment of leave to enter

A3.1. A person's entry clearance granted under this Appendix must be revoked where the person's presence in the UK is deemed not to be conducive to the public good because of conduct committed after the specified date.

A3.1A. A person's entry clearance granted under this Appendix must be revoked where:

(a) The person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of their conduct committed before the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act; and

(b) The entry clearance officer is satisfied that, because of the person's conduct committed before the specified date, the revocation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain under, or who would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph A3.1A. of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules").

A3.1B. A person's entry clearance granted under this Appendix must be revoked where the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of conduct committed after the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

A3.2. A person's entry clearance granted under this Appendix may be revoked where the entry clearance officer is satisfied that it is proportionate to revoke that entry clearance where:

(a) In respect of their conduct committed before the specified date, the person is subject to an exclusion decision, an exclusion order or an Islands exclusion decision; or

(b) The revocation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(c) Since it was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their entry clearance ought to be revoked.

A3.3. A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix must be cancelled where, because of conduct committed after the specified date, the person's presence in the UK is deemed not to be conducive to the public good.

A3.4. A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix may be cancelled where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

(a) Because of the person's conduct committed before the specified date, the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain under, or who would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph A3.4.(a) of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules"); or

(b) The cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(c) Since the entry clearance under this Appendix was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled.

A3.5. A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix may be curtailed where the Secretary of State is satisfied that it is proportionate to curtail that leave where:

(a) Curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information,

representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(b) Curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience.

Appendix FM – Family Members

General

Section GEN: General

Purpose

GEN.1.1. This route is for those seeking to enter or remain in the UK on the basis of their family life with a person who is a British Citizen, is settled in the UK, is in the UK with protection status, is in the UK with permission as a Stateless person (and the applicant cannot seek entry clearance or permission as their family member under Appendix Statelessness of these rules), is in the UK with limited leave under Appendix EU, or is in the UK with limited leave as a worker or business person by virtue of either Appendix ECAA Extension of Stay or under the provisions of the relevant 1973 Immigration Rules (or Decision 1/80) that underpinned the European Community Association Agreement (ECAA) with Turkey prior to 1 January 2021. It sets out the requirements to be met and, in considering applications under this route, it reflects how, under Article 8 of the Human Rights Convention, the balance will be struck between the right to respect for private and family life and the legitimate aims of protecting national security, public safety and the economic well-being of the UK; the prevention of disorder and crime; the protection of health or morals; and the protection of the rights and freedoms of others (and in doing so also reflects the relevant public interest considerations as set out in Part 5A of the Nationality, Immigration and Asylum Act 2002). It also takes into account the need to safeguard and promote the welfare of children in the UK, in line with the Secretary of State's duty under section 55 of the Borders, Citizenship and Immigration Act 2009.

Definitions

GEN.1.2. For the purposes of this Appendix "partner" means-

(i) the applicant's spouse;

(ii) the applicant's civil partner;

(iii) the applicant's fiancé(e) or proposed civil partner; or

(iv) unmarried partner, where the couple have been in a relationship similar to marriage or civil partnership for at least 2 years before the date of application.

GEN.1.3. For the purposes of this Appendix

(a) "application for leave to remain" also includes an application for variation of leave to enter or remain by a person in the UK;

(b) references to a person being present and settled in the UK also include a person who is being admitted for settlement on the same occasion as the applicant;

(c) references to a British Citizen in the UK also include a British Citizen who is coming to the UK with the applicant as their partner or parent;

(d) references to a person being "in the UK with limited leave under Appendix EU" mean an EEA national in the UK who holds valid limited leave to enter or remain granted under paragraph EU3 of Appendix EU to these Rules on the basis of meeting condition 1(a)(i) in paragraph EU14 of that Appendix; and

(e) references to a person being "in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay" mean a person granted such leave by virtue of either Appendix ECAA Extension of Stay or under the provisions of the relevant 1973 Immigration Rules (or Decision 1/80) that underpinned the European Community Association Agreement (ECAA) with Turkey prior to 1 January 2021.

GEN.1.4. In this Appendix "specified" means specified in Appendix FM-SE, unless otherwise stated.

GEN.1.5. If the Entry Clearance Officer, or Secretary of State, has reasonable cause to doubt the genuineness of any document submitted in support of an application, and having taken reasonable steps to verify the document, is unable to verify that it is genuine, the document will be discounted for the purposes of the application.

GEN.1.6. For the purposes of paragraph E-ECP.4.1.(a); E-LTRP.4.1.(a); E-LTRP.4.1A.(a); E-ECPT. 4.1(a); E-LTRPT.5.1.(a); and E-LTRPT.5.1A.(a) the applicant must be a national of Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas Territories; Canada; Dominica; Grenada; Guyana; Jamaica; Malta; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; or the United States of America.

GEN.1.7. In this Appendix references to paragraphs are to paragraphs of this Appendix unless the context otherwise requires.

GEN.1.8. Paragraphs 277-280, 289AA, 295AA and 296 of Part 8 of these Rules shall apply to this Appendix.

GEN.1.9. In this Appendix:

(a) the requirement to make a valid application will not apply when the Article 8 claim is raised:

(i) as part of an asylum claim, or as part of a further submission in person after an asylum claim has been refused;

(ii) where a migrant is in immigration detention. A migrant in immigration detention or their representative must submit any application or claim raising Article 8 to a prison officer, a prisoner custody officer, a detainee custody officer or a member of Home Office staff at the migrant's place of detention; or

(iii) in an appeal (subject to the consent of the Secretary of State where applicable); and

(b) where an application or claim raising Article 8 is made in any of the circumstances specified in paragraph GEN.1.9.(a), or is considered by the Secretary of State under paragraph A277C of these rules, the requirements of paragraphs R-LTRP.1.1.(c) and R-LTRPT.1.1.(c) are not met.

GEN.1.10. Where paragraph GEN.3.1.(2) or GEN.3.2.(3) applies, and the applicant is granted entry clearance or leave to enter or remain under, as appropriate, paragraph D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1., D-LTRC.1.1., D-ECPT.1.2. or D-LTRPT.1.2., that grant of entry clearance or leave to enter or remain will be subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition.

GEN.1.11. Where entry clearance or leave to enter or remain is granted under this Appendix (and without prejudice to the specific provision that is made in this Appendix in respect of a no recourse to public funds condition), that leave may be subject to such conditions as the decision-maker considers appropriate in a particular case.

GEN.1.11A. Where entry clearance or leave to remain as a partner, child or parent is granted under D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1., D-LTRC.1.1., D-ECPT.1.2. or D-LTRPT.1.2., if the decision maker is satisfied that:

(a) the applicant is destitute as defined in section 95 of the Immigration and Asylum Act 1999, or is at risk of imminent destitution; or

(b) there are reasons relating to the welfare of a relevant child which outweigh the considerations for imposing or maintaining the condition (treating the best interests of a relevant child as a primary consideration); or

(c) the applicant is facing exceptional circumstances affecting their income or expenditure

then the applicant will not be subject to a condition of no access to public funds. If the decision maker is not so satisfied, the applicant will be subject to a condition of no access to public funds.

GEN 1.11B. For the purposes of GEN 1.11A 'relevant child' means a person who:

(a) is under the age of 18 years at the date of application; and

(b) it is clear from the information provided by the applicant, is a child who would be affected by a decision to impose or maintain the no access to public funds condition.

GEN.1.12. In this Appendix, "decision-maker" refers, as the case may be, to the Secretary of State, an Immigration Officer or an Entry Clearance Officer.

GEN.1.13. For the purposes of paragraphs D-LTRP.1.1., D-LTRP.1.2., DILRP.1.2., D-LTRPT.1.1., D-LTRPT.1.2. and D-ILRPT.1.2. (excluding a grant of limited leave to remain as a fiancé(e) or proposed

civil partner), where at the date of application the applicant has extant leave as a partner or parent (as applicable) granted under this Appendix, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted under that paragraph (which may therefore exceed 30 months).

GEN.1.14. Where a person aged 18 or over is granted entry clearance or limited leave to enter or remain under this Appendix, or where a person granted such entry clearance or limited leave to enter or remain will be aged 18 before that period of entry clearance or limited leave expires, the entry clearance or leave will, in addition to any other conditions which may apply, be granted subject to the conditions in Appendix ATAS of these rules.

GEN.1.15. Where, pursuant to paragraph D-ILRP.1.2., D-ILRP.1.3., D-ILRPT.1.2. or D-ILRPT.1.3., a person who has made an application for indefinite leave to remain under this Appendix does not meet the requirements for indefinite leave to remain, but the Secretary of State believes they may qualify for limited leave to remain under this Appendix or under Appendix Private Life:

(a) the Secretary of State will instead treat the application for indefinite leave to remain as an application for limited leave to remain; and

(b) the Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015 in relation to that application for limited leave to remain; and

(c) if any requested immigration health charge is not paid, the application for limited leave to remain will be invalid and will not be considered and the Secretary of State will not refund any fee paid in respect of the application for indefinite leave to remain.

GEN.1.16. Where an application or claim raising Article 8 is considered under Appendix FM and EX.1. applies, the requirements of paragraphs R-LTRP.1.1.(c) and R-LTRPT.1.1.(c) are not met.

GEN.1.17. An application for settlement as a partner or parent (or the dependent child of a partner or parent) on the basis of a 10-year qualifying period for settlement must meet the requirements under Appendix Settlement Family Life (and the application for settlement will not be considered under this Appendix).

Leave to enter

GEN.2.1. Subject to paragraph GEN.2.3., the requirements to be met by a person seeking leave to enter the UK under this route are that the person-

(a) must have a valid entry clearance for entry under this route; and

(b) must produce to the Immigration Officer on arrival a valid national passport or other document satisfactorily establishing their identity and nationality.

GEN.2.2. If a person does not meet the requirements of paragraph GEN.2.1. entry will be refused.

GEN.2.3.(1). Where an applicant for leave to enter the UK remains in the UK on immigration bail and the requirements of sub-paragraph (2) are met, paragraph GEN.1.10., D-LTRP.1.2., D-LTRC.1.1. or D-LTRPT.1.2. (as appropriate) will apply, as if paragraph D-LTRP.1.2., D-LTRC.1.1. or D-LTRPT.1.2. (where relevant) provided for the granting of leave to enter not leave to remain (and except that the references to leave to remain and limited leave to remain are to be read as leave to enter).

(2) The requirements of this sub-paragraph are met where:

> the applicant satisfies the requirements in paragraph R-LTRP.1.1.(a), (b) and (d), paragraph R-LTRC.1.1.(a), (b) and (d) or paragraph R-LTRPT.1.1.(a), (b) and (d), as if those were requirements for leave to enter not leave to remain (and except that the references to leave to remain and indefinite leave to remain are to be read as leave to enter); or
>
> a parent of the applicant has been granted leave to enter in accordance with this paragraph and the applicant satisfies the requirements in paragraph R-LTRC.1.1.(a), (b) and (d), as if those were requirements for leave to enter not leave to remain and as if paragraph R-LTRC.1.1.(d)(iii) referred to a parent of the applicant being or having been granted leave to enter in accordance with this paragraph (and except that the references to leave to remain are to be read as leave to enter).

Exceptional circumstances

GEN.3.1.(1) Where:

(a) the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1., E-LTRP.3.7. (in the context of an application for limited leave to remain as a partner), E-ECC.2.1., E-ECC.2.5., E-LTRC.2.1., or ELTRC.2.5. applies, and is not met from the specified sources referred to in the relevant paragraph; and

(b) it is evident from the information provided by the applicant that there are exceptional circumstances which could render refusal of entry clearance or leave to remain a breach of Article 8 of the European Convention on Human Rights, because such refusal could result in unjustifiably harsh consequences for the applicant, their partner or a relevant child; then

the decision-maker must consider whether such financial requirement is met through taking into account the sources of income, financial support or funds set out in paragraph 21A(2) of Appendix FM-SE (subject to the considerations in sub-paragraphs (3) to (8) of that paragraph).

(2) Where the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1., E-LTRP.3.7 (in the context of an application for limited leave to remain as a partner), E-ECC.2.1., E-ECC.2.5., E-LTRC.2.1., or E-LTRC.2.5. is met following consideration under sub-paragraph (1) (and provided that the other relevant requirements of the Immigration Rules are also met and D-ECP.1.2A.,D-LTRP.1.2A., D-ECC.1.1A and D-LTRC.1.1A do not apply), the applicant will be granted entry clearance or leave to remain under, as appropriate, paragraph D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1., D-LTRC.1.1., Appendix Adoption of the Immigration Rules.

GEN.3.2.(1) Subject to sub-paragraph (4), where an application for entry clearance or leave to enter or remain made under this Appendix, or an application for leave to remain which has otherwise been considered under this Appendix, does not otherwise meet the requirements of this Appendix or Part Suitability, the decision-maker must consider whether the circumstances in sub-paragraph (2) apply.

(2) Where sub-paragraph (1) above applies, the decision-maker must consider, on the basis of the information provided by the applicant, whether there are exceptional circumstances which would render refusal of entry clearance, or leave to enter or remain, a breach of Article 8 of the European Convention on Human Rights, because such refusal would result in unjustifiably harsh consequences for the applicant, their partner, a relevant child or another family member whose Article 8 rights it is evident from that information would be affected by a decision to refuse the application.

(3) Where the exceptional circumstances referred to in sub-paragraph (2) above apply, unless D-ECP.1.2A., D-LTRP.1.2A., D-ECPT.1.2A, D-LTRPT.1.2A., D-ECC.1.1A and D-LTRC.1.1A. applies, the applicant will be granted entry clearance or leave to enter or remain under, as appropriate, paragraph D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1., D-LTRC.1.1., D-ECPT.1.2. or D-LTRPT.1.2.

(4) DELETED.

GEN.3.3.(1) In considering an application for entry clearance or leave to enter or remain where paragraph GEN.3.1. or GEN.3.2. applies, the decision-maker must take into account, as a primary consideration, the best interests of any relevant child.

(2) In paragraphs GEN.3.1. and GEN.3.2., and this paragraph, “relevant child” means a person who:

(a) is under the age of 18 years at the date of the application; and

(b) it is evident from the information provided by the applicant would be affected by a decision to refuse the application.

Family life with a partner

Section EC-P: Entry clearance as a partner

EC-P.1.1. The requirements to be met for entry clearance as a partner are that-

(a) the applicant must be outside the UK;

(b) the applicant must have made a valid application for entry clearance as a partner;

(c) the applicant must not fall for refusal under Section S-EC: Suitability–entry clearance; and

(d) the applicant must meet all of the requirements of Section E-ECP: Eligibility for entry clearance as a partner.

Section S-EC: Suitability-entry clearance

S-EC.1.1. The applicant must not fall for refusal under Part Suitability.

Section E-ECP: Eligibility for entry clearance as a partner

E-ECP.1.1. To meet the eligibility requirements for entry clearance as a partner all of the requirements in paragraphs E-ECP.A1.1. to 4.2. must be met.

E-ECP.A1.1. The applicant must provide a passport or other document which satisfactorily establishes their identity and nationality.

Relationship requirements

E-ECP.2.1. The applicant's partner must be-

(a) a British Citizen in the UK, subject to paragraph GEN.1.3.(c); or

(b) present and settled in the UK, subject to paragraph GEN.1.3.(b); or

(c) in the UK with protection status; or

(d) in the UK with limited leave under Appendix EU, in accordance with paragraph GEN 1.3.(d); or

(e) in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay, in accordance with paragraph GEN.1.3.(e), or

(f) in the UK with permission as a Stateless person.

E-ECP.2.2. The applicant must be aged 18 or over at the date of application.

E-ECP.2.3. The partner must be aged 18 or over at the date of application.

E-ECP.2.4. The applicant and their partner must not be within the prohibited degree of relationship.

E-ECP.2.5. The applicant and their partner must have met in person.

E-ECP.2.6. The relationship between the applicant and their partner must be genuine and subsisting.

E-ECP.2.7. If the applicant and partner are married or in a civil partnership it must be a valid marriage or civil partnership, as specified.

E-ECP.2.8. If the applicant is a fiancé(e) or proposed civil partner they must be seeking entry to the UK to enable their marriage or civil partnership to take place in the United Kingdom.

E-ECP.2.9. (i) Any previous relationship of the applicant or their partner must have broken down permanently, unless it is a relationship which falls within paragraph 278(i) of these Rules; and

(ii) If the applicant is a fiancé(e) or proposed civil partner, neither the applicant nor their partner can be married to, or in a civil partnership with, another person at the date of application.

E-ECP.2.10. The applicant and partner must intend to live together permanently in the UK.

Financial requirements

E-ECP.3.1. The applicant must provide specified evidence, from the sources listed in paragraph E-ECP.3.2., of:

(a) a specified gross annual income of at least £29,000

(b) specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-ECP.3.2.(a)- (d) and the total amount required under paragraph EECP.3.1.(a); or

(c) the requirements in paragraph E-ECP.3.3. being met.

E-ECP.3.2. When determining whether the financial requirement in paragraph E-ECP. 3.1. is met only the following sources will be taken into account-

(a) income of the partner from specified employment or self-employment, which, in respect of a partner returning to the UK with the applicant, can include specified employment or self-employment overseas and in the UK;

(b) specified pension income of the applicant and partner;

(c) any specified maternity allowance or bereavement benefit received by the partner in the UK or any specified payment relating to service in HM Forces received by the applicant or partner;

(d) other specified income of the applicant and partner; and

(e) specified savings of the applicant and partner.

E-ECP.3.3. The requirements to be met under this paragraph are-

(a) the applicant's partner must be receiving one or more of the following -

(i) Disability Living Allowance; or
(ii) Severe Disablement Allowance; or
(iii) Industrial Injuries Disablement Benefit; or
(iv) Attendance Allowance; or
(v) Carer's Allowance; or
(vi) Personal Independence Payment; or
(vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme; or
(viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or
(ix) Police Injury Pension; or
(x) Child Disability Payment (Scotland); or
(xi) Adult Disability Payment (Scotland); or
(xii) Carer's Support Payment (Scotland); or
(xiii) Pension Age Disability Payment (Scotland); or
(xiv) Scottish Adult Disability Living Allowance (Scotland); and

(b) the applicant must provide evidence that their partner is able to maintain and accommodate themselves, the applicant and any dependants adequately in the UK without recourse to public funds.

E-ECP.3.4. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

English language requirement

E-ECP.4.1. The applicant must provide specified evidence that they-

(a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;

(b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;

(c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by the qualification and language assessments provider to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and the qualification and language assessments provider has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or

(d) are exempt from the English language requirement under paragraph E-ECP.4.2.

E-ECP.4.2. The applicant is exempt from the English language requirement if at the date of application-

(a) the applicant is aged 65 or over;

(b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or

(c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement prior to entry to the UK.

Section D-ECP: Decision on application for entry clearance as a partner

D-ECP.1.1. Except where paragraph GEN.3.1.(2) or GEN.3.2.(3) of this Appendix applies, an applicant who meets the requirements for entry clearance as a partner (other than as a fiancé(e) or proposed civil partner) will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months in the UK with leave to enter granted on the basis of such entry clearance or with limited leave to remain as a partner granted under paragraph D-LTRP.1.1. (excluding in all cases any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner); or, where the applicant is a fiancé(e) or proposed civil partner, the applicant will be granted entry clearance for a period not exceeding 6 months, and subject to a prohibition on employment and a condition of no recourse to public funds.

D-ECP.1.2. Unless D-ECP.1.2A. applies, where paragraph GEN.3.1.(2) or GEN.3.2.(3) of this Appendix applies, an applicant who meets the requirements for entry clearance as a partner (other than as a fiancé(e) or proposed civil partner) will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with leave to enter granted on the basis of such entry clearance or of entry clearance granted under paragraph D-ECP.1.1. or with limited leave to remain as a partner granted under paragraph D-LTRP.1.1. or D-LTRP.1.2. (excluding in all cases any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner); or, where the applicant is a fiancé(e) or proposed civil partner, the applicant will be granted entry clearance for a period not exceeding 6 months, and subject to a prohibition on employment and a condition of no recourse to public funds.

D-ECP.1.2A. Where paragraph GEN 3.2(3) applies but the applicant does not meet the suitability paragraphs SUI 2.1., SUI 2.3., SUI 3.1., SUI 4.1., SUI 5.1., in Part Suitability, the application on Appendix FM will be refused.

D-ECP.1.3. If the applicant does not meet the requirements for entry clearance as a partner, the application will be refused.

Section R-LTRP: Requirements for limited leave to remain as a partner

R-LTRP.1.1. The requirements to be met for limited leave to remain as a partner are-

(a) the applicant and their partner must be in the UK;

(b) the applicant must have made a valid application for limited or indefinite leave to remain as a partner; and either

(c)

(i) the applicant must not fall for refusal under Section S-LTR: Suitability leave to remain; and

(ii) the applicant meets all of the requirements of Section E-LTRP: Eligibility for leave to remain as a partner; or

(d)

(i) the applicant must not fall for refusal under Section S-LTR: Suitability leave to remain; and

(ii) the applicant meets the requirements of paragraphs E-LTRP.1.2-1.12. and E-LTRP.2.1-2.2.; and

(iii) paragraph EX.1. applies.

Section S-LTR: Suitability-leave to remain

S-LTR.1.1. The applicant must not fall for refusal under Part Suitability.

Section E-LTRP: Eligibility for limited leave to remain as a partner

E-LTRP.1.1. To qualify for limited leave to remain as a partner all of the requirements of paragraphs E-LTRP.1.2. to 4.2. must be met.

Relationship requirements

E-LTRP.1.2. The applicant's partner must be-

(a) a British Citizen in the UK;

(b) present and settled in the UK;

(c) in the UK with protection status;

(d) in the UK with limited leave under Appendix EU, in accordance with paragraph GEN.1.3.(d); or

(e) in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay, in accordance with paragraph GEN.1.3.(e), or

(f) in the UK with permission as a Stateless person

E-LTRP.1.3. The applicant must be aged 18 or over at the date of application.

E-LTRP.1.4. The partner must be aged 18 or over at the date of application.

E-LTRP.1.5. The applicant and their partner must not be within the prohibited degree of relationship.

E-LTRP.1.6. The applicant and their partner must have met in person.

E-LTRP.1.7. The relationship between the applicant and their partner must be genuine and subsisting.

E-LTRP.1.8. If the applicant and partner are married or in a civil partnership it must be a valid marriage or civil partnership, as specified.

E-LTRP.1.9. Any previous relationship of the applicant or their partner must have broken down permanently, unless it is a relationship which falls within paragraph 278(i) of these Rules.

E-LTRP.1.10. The applicant and their partner must intend to live together permanently in the UK and, in any application for further leave to remain as a partner (except where the applicant is in the UK as a fiancé(e) or proposed civil partner) and in any application for indefinite leave to remain as a partner, the applicant must provide evidence that, since entry clearance as a partner was granted under paragraph D-ECP1.1. or since the last grant of limited leave to remain as a partner, the applicant and their partner have lived together in the UK or there is good reason, consistent with a continuing intention to live together permanently in the UK, for any period in which they have not done so.

E-LTRP.1.11. If the applicant is in the UK with leave as a fiancé(e) or proposed civil partner and the marriage or civil partnership did not take place during that period of leave, there must be good reason why and evidence that it will take place within the next 6 months.

E-LTRP.1.12. The applicant's partner cannot be the applicant's fiancé(e) or proposed civil partner, unless the applicant was granted entry clearance as that person's fiancé(e) or proposed civil partner.

Immigration status requirements

E-LTRP.2.1. The applicant must not be in the UK-

(a) as a visitor; or

(b) with valid leave granted for a period of 6 months or less, unless that leave is as a fiancé(e) or proposed civil partner, or was granted pending the outcome of family court or divorce proceedings

E-LTRP.2.2. The applicant must not be in the UK –

(a) on immigration bail, unless:

(i) the Secretary of State is satisfied that the applicant arrived in the UK more than 6 months prior to the date of application; and

(ii) paragraph EX.1. applies; or

(b) in breach of immigration laws (except that, where the exceptions for overstayers section of Part Suitability applies any current period of overstaying will be disregarded), unless paragraph EX.1. applies.

Financial requirements for an applicant who is making their first application on the partner route on or after 11 April 2024

E-LTRP.3.1. The applicant must provide specified evidence, from the sources listed in paragraph E-LTRP.3.2., of:

(a) a specified gross annual income of at least £29,000

(b) specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-LTRP.3.2.(a)-(f) and the total amount required under paragraph E-LTRP.3.1.(a); or

(c) the requirements in paragraph E-LTRP.3.3. being met, unless paragraph EX.1. applies.

E-LTRP.3.2. When determining whether the financial requirement in paragraph E-LTRP.3.1. or E-LTRP.3.7. is met only the following sources may be taken into account-

(a) income of the partner from specified employment or self-employment;

(b) income of the applicant from specified employment or self-employment unless they are working illegally;

(c) specified pension income of the applicant and partner;

(d) any specified maternity allowance or bereavement benefit received by the applicant and partner in the UK or any specified payment relating to service in HM Forces received by the applicant or partner;

(e) other specified income of the applicant and partner;

(f) income from the sources at (b), (d) or (e) of a dependent child of the applicant or of the applicant's partner under paragraph E-LTRP.3.1. or E-LTRP.3.7. who is aged 18 years or over; and

(g) specified savings of the applicant, partner and a dependent child of the applicant or of the applicant's partner under paragraph E-LTRP.3.1. or E-LTRP.3.7. who is aged 18 years or over.

E-LTRP.3.3. The requirements to meet this paragraph are-

(a) the applicant's partner must be receiving one or more of the following:

(i) Disability Living Allowance; or
(ii) Severe Disablement Allowance; or
(iii) Industrial Injuries Disablement Benefit; or
(iv) Attendance Allowance; or
(v) Carer's Allowance; or
(vi) Personal Independence Payment; or
(vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme; or
(viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or
(ix) Police Injury Pension; or
(x) Child Disability Payment (Scotland); or
(xi) Adult Disability Payment (Scotland); or
(xii) Carer's Support Payment (Scotland); or
(xiii) Pension Age Disability Payment (Scotland); or
(xiv) Scottish Adult Disability Living Allowance (Scotland); and

(b) the applicant must provide evidence that their partner is able to maintain and accommodate themselves, the applicant and any dependants adequately in the UK without recourse to public funds.

E-LTRP.3.4. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively, unless paragraph EX.1. applies: accommodation will not be regarded as adequate if-

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

Transitional financial requirements for an applicant who made their first application as a fiancé(e), proposed civil partner or as a partner before 11 April 2024 and who was granted permission as a fiancé(e), proposed civil partner or as a partner on the five-year route to settlement as a result of that application

E-LTRP.3.5. A person who has permission as a partner on the five-year route to settlement, or as a fiancé(e) or proposed civil partner, at the date of application, must meet the transitional financial requirement at E-LTRP.3.7. if they made an application for entry clearance or permission to stay as a fiancé(e), proposed civil partner or partner under Appendix FM before 11 April 2024, which was successful.

E-LTRP.3.6. To fall within E-LTRP.3.5. the applicant must be applying for permission to stay with the same partner for which they were last granted permission. Those applying for permission to stay with a new partner must meet the financial requirement at E-LTRP.3.1. to E-LTRP.3.4.

E-LTRP.3.7. The applicant must provide specified evidence, from the sources listed in paragraph E-LTRP.3.2., of:

(a) a specified gross annual income of at least:

(i) £18,600;

(ii) an additional £3,800 for the first child; and

(iii)an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-LTRP.3.2.(a)-(f) and the total amount required under paragraph E-LTRP.3.7.(a); or

(c) the requirements in paragraph E-LTRP.3.3. being met, unless paragraph EX.1. applies.

In this paragraph “child” means a dependent child of the applicant or the applicant’s partner who is:

(a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;

(b) applying for entry clearance or leave to remain as a dependant of the applicant or the applicant’s partner, or is in the UK with leave as their dependant;

(c) not a British Citizen, settled in the UK, or in the UK with valid limited leave to enter or remain granted under paragraph EU3 or EU3A of Appendix EU to theseRules; and

(d) not an EEA national with a right to be admitted to or reside in the UK under the Immigration (European Economic Area) Regulations 2016.

E-LTRP.3.8. Where the financial requirement at E-LTRP.3.7. exceeds £29,000 due to the number of children in the family, the applicant will only need to provide evidence of a gross annual income of £29,000.

E-LTRP.3.9. The applicant must meet the accommodation requirement at E-LTRP.3.4.

English language requirement

E-LTRP.4.1. If the applicant has not met the requirement in a previous application for entry clearance or leave to remain as a partner or parent, the applicant must provide specified evidence that they-

(a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;

(b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;

(c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by the qualification and language assessments provider to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and the qualification and language assessments provider has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or

(d) are exempt from the English language requirement under paragraph E-LTRP.4.2.;

unless paragraph EX.1. applies.

E-LTRP.4.1A. Where the applicant:

(i) in a previous application for entry clearance or leave to remain as a partner or parent, met the English language requirement in paragraph E-ECP.4.1.(b), E-LTRP.4.1.(b), E-ECPT.4.1.(b) or E-LTRPT.5.1.(b) on the basis that they had passed an English language test in speaking and listening at level A1 of the Common European Framework of Reference for Languages;

(ii) was granted entry clearance or leave to remain as a partner or parent; and

(iii) now seeks further leave to remain as a partner after 30 months in the UK with leave as a partner; then, the applicant must provide specified evidence that they:

(a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;

(b) have passed an English language test in speaking and listening at a minimum of level A2 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;

(c) have an academic qualification which is either a Bachelor"s or Master"s degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by the qualification and language assessments provider to meet or exceed the recognised standard of a Bachelor"s or Master"s degree or PhD in the UK, and the qualification and language assessments provider has confirmed that the degree was taught or researched in English to level A2 of the Common European Framework of Reference for Languages or above; or

(d) are exempt from the English language requirement under paragraph E-LTRP.4.2.;

unless paragraph EX.1. applies.

E-LTRP.4.2. The applicant is exempt from the English language requirement in paragraph E-LTRP.4.1. or E-LTRP.4.1A. if at the date of application-

(a) the applicant is aged 65 or over;

(b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or

(c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement.

Section D-LTRP: Decision on application for limited leave to remain as a partner

D-LTRP.1.1. If the applicant meets the requirements in paragraph R-LTRP.1.1.(a) to (c) for limited leave to remain as a partner the applicant will be granted limited leave to remain for a period not exceeding 30 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months with such leave or in the UK with leave to enter granted on the basis of entry clearance granted under paragraph D-ECP.1.1. (excluding in all cases any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner); or, if paragraph E-LTRP.1.11. applies, the applicant will be granted limited

leave for a period not exceeding 6 months and subject to a condition of no recourse to public funds and a prohibition on employment.

D-LTRP.1.2. Unless D-LTRP.1.2A. applies, if the applicant meets the requirements in paragraph R-LTRP.1.1.(a), (b) and (d) for limited leave to remain as a partner, or paragraph GEN.3.1.(2) or GEN.3.2.(3) applies to an applicant for leave to remain as a partner, the applicant will be granted leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with such leave, with limited leave to remain as a partner granted under paragraph D-LTRP.1.1., or in the UK with leave to enter granted on the basis of entry clearance as a partner granted under paragraph D-ECP1.1. or D-ECP.1.2. (excluding in all cases any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner), or, if paragraph E-LTRP.1.11. applies, the applicant will be granted limited leave for a period not exceeding 6 months and subject to a condition of no recourse to public funds and a prohibition on employment.

D-LTRP.1.2A. Where paragraph GEN 3.2.(3) applies but the applicant does not meet the suitability paragraphs SUI 2.1., SUI 3.1., SUI 4.1., SUI 5.1., in Part Suitability, the application on Appendix FM will be refused.

D-LTRP.1.3. If the applicant does not meet the requirements for limited leave to remain as a partner the application will be refused.

Section R-ILRP: Requirements for indefinite leave to remain (settlement) as a partner

R-ILRP.1.1. The requirements to be met for indefinite leave to remain as a partner are that-

(a) the applicant and their partner must be in the UK;

(b) the applicant must have made a valid application for indefinite leave to remain as a partner;

(c) the applicant must not fall for refusal under Section S-ILR: Suitability for indefinite leave to remain; and

(d) deleted

(e) the applicant must meet all of the requirements of Section E-ILRP: Eligibility for indefinite leave to remain as a partner.

Section S-ILR: Suitability for indefinite leave to remain

S-ILR.1.1. The applicant must not fall for refusal under Part Suitability.

Section E-ILRP: Eligibility for indefinite leave to remain as a partner

E-ILRP.1.1. To meet the eligibility requirements for indefinite leave to remain as a partner after a 5 year qualifying period all of the requirements of paragraphs E-ILRP.1.2. to 1.6. must be met.

E-ILRP.1.2. The applicant must be in the UK with valid leave to remain as a partner under this Appendix (except that, where the Exceptions for overstayers section of Part Suitability applies, any current period of overstaying will be disregarded).

E-ILRP.1.3. (1) Subject to subparagraph (2), the applicant must, at the date of application, have completed a period of continuous residence in the UK of at least 5 years (60 months) with the following:

(a) leave to enter granted on the basis of entry clearance as a partner granted under paragraph D-ECP.1.1; or

(b) limited leave to remain as a partner granted under paragraph D-LTRP.1.1; or

(c) a combination of leave under (a) and (b).

(1A) In respect of an application falling within subparagraph (1) above, the applicant must meet all the requirements of Section E-LTRP: Eligibility for leave to remain as a partner (except that paragraph E-LTRP.1.2. cannot be met on the basis set out in sub-paragraph (c), (d) or (e) of that paragraph, and in applying paragraph E-LTRP.3.1.(b)(ii) disregard the words “2.5 times”).

(2) In calculating periods of leave for the purposes of subparagraph (1) above, any period of leave to enter or leave to remain as a fiancé(e) or proposed civil partner will be disregarded.

E-ILRP.1.4. In calculating the periods under paragraph E-ILRP.1.3. only the periods when the applicant's partner is the same person as the applicant's partner for the previous period of limited leave shall be taken into account.

E-ILRP.1.5. In calculating the periods under paragraph E-ILRP.1.3. the words "in the UK" in that paragraph shall not apply to any period(s) to which the evidence in paragraph 26A of Appendix FM-SE applies.

E-ILRP.1.5A. E-ILRP.1.5A. In calculating the periods under paragraph E-ILRP.1.3., any current period of overstaying will be disregarded where the Exceptions for overstayers section of Part Suitability applies. Any previous period of overstaying between periods of leave will also be disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and the Exceptions for overstayers section of Part Suitability applied.

E-ILRP.1.6. The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with the requirements of Appendix KoLL of these Rules.

Section D-ILRP: Decision on application for indefinite leave to remain as a partner

D-ILRP.1.1. If the applicant meets all of the requirements for indefinite leave to remain as a partner the applicant will be granted indefinite leave to remain.

D-ILRP.1.2. If the applicant does not meet the requirements for indefinite leave to remain as a partner as they have not demonstrated sufficient knowledge of the English language or about life in the United Kingdom in accordance with Appendix KoLL, subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a partner for a period not exceeding 30 months, and subject to a condition of no recourse to public funds.

D-ILRP.1.3. If the applicant does not meet all the eligibility requirements for indefinite leave to remain as a partner, and does not qualify for further limited leave to remain as a partner under paragraph D-ILRP. 1.2. or D-LTRP.1.2A., the application will be refused, unless the applicant meets the requirements in paragraph R-LTRP.1.1.(a), (b) and (d) for limited leave to remain as a partner. Where they do, and subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a partner for a period not exceeding 30 months under paragraph D-LTRP.1.2. and subject to a condition of no recourse to public funds unless the Secretary of State considers that the person should not be subject to such a condition.

Section EX: Exceptions to certain eligibility requirements for leave to remain as a partner or parent

EX.1. This paragraph applies if

(a)

(i) the applicant has a genuine and subsisting parental relationship with a child who-

(aa) is under the age of 18 years, or was under the age of 18 years when the applicant was first granted leave on the basis that this paragraph applied;

(bb) is in the UK;

(cc) is a British Citizen or has lived in the UK continuously for at least the 7 years immediately preceding the date of application ;and

(ii) taking into account their best interests as a primary consideration, it would not be reasonable to expect the child to leave the UK; or

(b) the applicant has a genuine and subsisting relationship with a partner who is in the UK and is a British Citizen, settled in the UK, or in the UK with protection status, in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d), or in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay in accordance with paragraph

GEN.1.3.(e), or in the UK with permission as a Stateless person and there are insurmountable obstacles to family life with that partner continuing outside the UK.

EX.2. For the purposes of paragraph EX.1.(b) “insurmountable obstacles” means the very significant difficulties which would be faced by the applicant or their partner in continuing their family life together outside the UK and which could not be overcome or would entail very serious hardship for the applicant or their partner.

Bereaved partner

DELETED

Victim of domestic abuse

DELETED

Family life as a child of a person with limited leave as a partner, parent or person with protection status in the UK

This route is for a child whose parent is applying for entry clearance or leave, or who has limited leave, as a partner or parent under this Appendix or has protection status in the UK. For further provision on a child seeking to enter or remain in the UK for the purpose of their family life see Part 8 of these Rules..

Section EC-C: Entry clearance as a child

EC-C.1.1. The requirements to be met for entry clearance as a child are that-

(a) the applicant must be outside the UK;

(b) the applicant must have made a valid application for entry clearance as a child;

(c) the applicant must not fall for refusal under Section S-EC: Suitability for entry clearance; and

(d) the applicant must meet all of the requirements of Section E-ECC: Eligibility for entry clearance as a child.

Section E-ECC: Eligibility for entry clearance as a child

E-ECC.1.1. To meet the eligibility requirements for entry clearance as a child all of the requirements of paragraphs E-ECC.A1.1. to 2.4. must be met.

E-ECC.A1.1. The applicant must provide a passport or other document which satisfactorily establishes their identity and nationality.

Relationship requirements

E-ECC.1.2. The applicant must be under the age of 18 at the date of application.

E-ECC.1.3. The applicant must not be married or in a civil partnership.

E-ECC.1.4. The applicant must not have formed an independent family unit.

E-ECC.1.5. The applicant must not be leading an independent life.

E-ECC.1.6. One of the applicant’s parents must be in the UK with limited leave to enter or remain, or be being granted, or have been granted, entry clearance, as a partner or a parent under this Appendix or have protection status in the UK (referred to in this section as the “applicant’s parent”), and

(a) the applicant’s parent’s partner under Appendix FM is also a parent of the applicant; or

(b) the applicant’s parent has had and continues to have sole responsibility for the child’s upbringing; or

(c) there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child’s care.

Financial requirement for applicants where the transitional requirements at E-ECC.2.5 to E-ECC.2.7. do not apply

E-ECC.2.1. Where a parent of the applicant has, or is applying or has applied for, entry clearance or limited leave to enter or remain as a partner under this Appendix or has protection status in the UK, the applicant must provide specified evidence, from the sources listed in paragraph E-ECC.2.2., of:

(a) a specified gross annual income of at least £29,000

(b) specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-ECC.2.2.(a)- (f) and the total amount required under paragraph E-ECC.2.1.(a); or

(c) the requirements in paragraph E-ECC.2.3. being met.

E-ECC.2.2. When determining whether the financial requirement in paragraph E-ECC.2.1. or E-ECC.2.5. is met only the following sources may be taken into account-

(a) income of the applicant's parent's partner or the applicant's parent who has protection status in the UK from specified employment or self-employment, which, in respect of an applicant's parent's partner returning to the UK with the applicant, can include specified employment or self-employment overseas and in the UK;

(b) income of the applicant's parent from specified employment or self employment if they are in the UK unless they are working illegally;

(c) specified pension income of the applicant's parent and that parent's partner;

(d) any specified maternity allowance or bereavement benefit received by the applicant's parent and that parent's partner in the UK or any specified payment relating to service in HM Forces received by the applicant's parent and that parent's partner;

(e) other specified income of the applicant's parent and that parent's partner;

(f) income from the sources at (b), (d) or (e) of a dependent child of the applicant's parent under paragraph E-ECC.2.1. or E-ECC.2.5. who is aged 18 years or over; and

(g) specified savings of the applicant's parent, that parent's partner and a dependent child of the applicant's parent under paragraph E-ECC.2.1. or E-ECC.2.5. who is aged 18 years or over.

E-ECC.2.3. The requirements to be met under this paragraph are-

(a) the applicant's parent's partner must be receiving one or more of the following:

(i) Disability Living Allowance; or
(ii) Severe Disablement Allowance; or
(iii) Industrial Injuries Disablement Benefit; or
(iv) Attendance Allowance; or
(v) Carer's Allowance; or
(vi) Personal Independence Payment; or
(vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme; or
(viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or
(ix) Police Injury Pension; or
(x) Child Disability Payment (Scotland); or
(xi) Adult Disability Payment (Scotland); or
(xii) Carer's Support Payment (Scotland); or
(xiii) Pension Age Disability Payment (Scotland); or
(xiv) Scottish Adult Disability Living Allowance (Scotland); and

(b) the applicant must provide evidence that their parent's partner or parent with protection status in the UKis able to maintain and accommodate themselves, the applicant's parent, the applicant and any dependants adequately in the UK without recourse to public funds.

E-ECC.2.3A. Where a parent of the applicant has, or is applying or has applied for, entry clearance or limited leave to enter or remain as a parent under this Appendix, the applicant must provide evidence

that that parent is able to maintain and accommodate themselves, the applicant and any other dependants adequately in the UK without recourse to public funds.

E-ECC.2.4. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

Transitional financial requirements

E-ECC.2.5. Where a parent of the applicant has, or is applying or has applied for, entry clearance or limited leave to enter or limited leave to remain as a partner under this Appendix, and that parent meets the requirements of E-LTRP.3.5. the applicant must provide specified evidence, from the sources listed in paragraph E-ECC.2.2., of:

(a) a specified gross annual income of at least

(i) £18,600;

(ii) an additional £3,800 for the first child; and

(iii)an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-ECC.2.2.(a)- (f) and the total amount required under paragraph E-ECC.2.5.(a); or

(c) the requirements in paragraph E-ECC.2.3. being met.

In this paragraph “child” means the applicant and any other dependent child of the applicant’s parent or the applicant’s parent’s partner who is:

(a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;

(b) applying for entry clearance as a dependant of the applicant’s parent or of the applicant’s parent’s partner, or is in the UK with leave as their dependant;

(c) not a British Citizen, settled in the UK, or in the UK with valid limited leave to enter or remain granted under paragraph EU3 or EU3A of Appendix EU to these Rules; and

(d) not an EEA national with a right to be admitted to or reside in the UK under the Immigration (European Economic Area) Regulations 2016.

E-ECC.2.6. Where the financial requirement at E-ECC.2.5. exceeds £29,000 due to the number of children in the family, the applicant will only need to provide evidence of a gross annual income of £29,000.

E-ECC.2.7. The applicant must meet the accommodation requirement at E-ECC.2.4.

Section D-ECC: Decision on application for entry clearance as a child

D-ECC.1.1. If the applicant meets the requirements for entry clearance as a child, they will be granted entry clearance of a duration which will expire at the same time as the leave granted to the applicant’s parent under Appendix FM or the parent with protection status in the UK (where their other parent does not have, and is not being granted, leave under this Appendix). They will be subject to the same conditions in respect of recourse to public funds as that parent.

D-ECC.1.1A. Where paragraph GEN 3.2(3) applies but the applicant does not meet the suitability paragraphs SUI 2.1., SUI 2.3., SUI 3.1., SUI 4.1., SUI 5.1. in Part Suitability, the application on Appendix FM will be refused.

D-ECC.1.2. If the applicant does not meet the requirements for entry clearance as a child the application will be refused.

Section R-LTRC: Requirements for leave to remain as a child

R-LTRC.1.1. The requirements to be met for leave to remain as a child are that-

(a) the applicant must be in the UK;

(b) the applicant must have made a valid application for leave to remain as a child; and either

(c)

(i) the applicant must not fall for refusal under Section S- LTR: Suitability-leave to remain; and

(ii) the applicant meets all of the requirements of Section E-LTRC: Eligibility for leave to remain as a child; and

(iii) unless the applicant's parent has protection status in the UK a parent of the applicant has been or is at the same time being granted leave to remain under paragraph D-LTRP.1.1. or D-LTRPT.1.1. or indefinite leave to remain under this Appendix; or

(d)

(i) the applicant must not fall for refusal under Section S- LTR: Suitability-leave to remain; and

(ii) the applicant meets the requirements of paragraphs E-LTRC.1.2.-1.6.; and

(iii) unless the applicant's parent has protection status in the UK a parent of the applicant has been or is at the same time being granted leave to remain under paragraph D-LTRP.1.2., D-ILRP.1.2., D-LTRPT.1.2. or D-ILRPT.1.2. or indefinite leave to remain under this Appendix.

Section E-LTRC: Eligibility for leave to remain as a child

E-LTRC.1.1. To qualify for limited leave to remain as a child all of the requirements of paragraphs E-LTRC.1.2. to 2.4. must be met (except where paragraph R-LTRC.1.1.(d)(ii) applies).

Relationship requirements

E-LTRC.1.2. The applicant must be under the age of 18 at the date of application or when first granted leave as a child under this route.

E-LTRC.1.3. The applicant must not be married or in a civil partnership.

E-LTRC.1.4. The applicant must not have formed an independent family unit.

E-LTRC.1.5. The applicant must not be leading an independent life.

E-LTRC.1.6. One of the applicant's parents (referred to in this section as the "applicant's parent") must be in the UK and have leave to enter or remain or indefinite leave to remain, or is at the same time being granted leave to remain or indefinite leave to remain, under this Appendix or must have protection status in the UK, and

(a) the applicant's parent's partner under Appendix FM is also a parent of the applicant; or

(b) the applicant's parent has had and continues to have sole responsibility for the child's upbringing or the applicant normally lives with this parent and not their other parent; or

(c) there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care.

Financial requirements for applicants where the transitional requirements at E-LTRC.2.5. to E-LTRC.2.7. do not apply

E-LTRC.2.1. Where a parent of the applicant has, or is applying or has applied for, limited leave to remain as a partner under this Appendix or has protection status in the UK, the applicant must provide specified evidence, from the sources listed in paragraph E-LTRC.2.2., of:

(a) a specified gross annual income of at least £29,000

(b) specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times (or if the parent is applying for indefinite leave to remain 1 times) the amount which is the difference between the gross annual income from the sources listed in paragraph E-LTRC.2.2.(a)-(f) and the total amount required under paragraph E-LTRC.2.1.(a); or

(c) the requirements in paragraph E-LTRC.2.3. being met.

E-LTRC.2.2. When determining whether the financial requirement in paragraph E-LTRC.2.1. or E-LTRC.2.5. is met only the following sources may be taken into account-

(a) income of the applicant's parents with protection status in the UK or the applicant's parent's partner from specified employment or self-employment;

(b) income of the applicant's parent from specified employment or self employment;

(c) specified pension income of the applicant's parent and that parent's partner;

(d) any specified maternity allowance or bereavement benefit received by the applicant's parent and that parent's partner in the UK or any specified payment relating to service in HM Forces received by the applicant's parent and that parent's partner;

(e) other specified income of the applicant's parent and that parent's partner;

(f) income from the sources at (b), (d) or (e) of a dependent child of the applicant's parent under paragraph E-LTRC.2.1. or E-LTRC.2.5. who is aged 18 years or over; and

(g) specified savings of the applicant's parent, that parent's partner and a dependent child of the applicant's parent under paragraph E-ECC.2.1. who is aged 18 years or over.

E-LTRC.2.3. The requirements to be met under this paragraph are-

(a) the applicant's parent's partner or the applicant's parent who has protection status in the UK must be receiving one or more of the following:

(i) Disability Living Allowance; or
(ii) Severe Disablement Allowance; or
(iii) Industrial Injuries Disablement Benefit; or
(iv) Attendance Allowance; or
(v) Carer's Allowance; or
(vi) Personal Independence Payment; or
(vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme; or
(viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or
(ix) Police Injury Pension; or
(x) Child Disability Payment (Scotland); or
(xi) Adult Disability Payment (Scotland); or
(xii) Carer's Support Payment (Scotland); or
(xiii) Pension Age Disability Payment (Scotland); or
(xiv) Scottish Adult Disability Living Allowance (Scotland); and

(b) the applicant must provide evidence that their parent's partner or their parent with protection status in the UK is able to maintain and accommodate themselves, the applicant's parent, the applicant and any dependants adequately in the UK without recourse to public funds.

E-LTRC.2.3A. Where a parent of the applicant has, or is applying or has applied for, limited leave to remain as a parent under this Appendix, the applicant must provide evidence that that parent is able to maintain and accommodate themselves, the applicant and any other dependants adequately in the UK without recourse to public funds.

E-LTRC.2.4. The applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

Transitional financial requirements

E-LTRC.2.5. Where a parent of the applicant has, or is applying or has applied for, entry clearance or leave to enter or limited leave to remain as a partner under this Appendix, and that parent meets the requirements of E-LTRP.3.5. the applicant must provide specified evidence, from the sources listed in paragraph E-LTRC.2.2., of:

(a) a specified gross annual income of at least:

(i) £18,600;

(ii) an additional £3,800 for the first child; and

(iii)an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times (or if the parent is applying for indefinite leave to remain 1 times) the amount which is the difference between the gross annual income from the sources listed in paragraph E-LTRC.2.2.(a)-(f) and the total amount required under paragraph E-LTRC.2.5.(a); or

(c) the requirements in paragraph E-LTRC.2.3. being met.

In this paragraph “child” means the applicant and any other dependent child of the applicant’s parent or the applicant’s parent’s partner who is:

(a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;

(b) applying for entry clearance as a dependant of the applicant’s parent or of the applicant’s parent’s partner, or is in the UK with leave as their dependant;

(c) not a British Citizen, settled in the UK, or in the UK with valid limited leave to enter or remain granted under paragraph EU3 or EU3A of Appendix EU to these Rules; and

(d) not an EEA national with a right to be admitted to or reside in the UK under the Immigration (European Economic Area) Regulations 2016.

E-LTRC.2.6. Where the financial requirement at E-LTRC.2.5. exceeds £29,000 due to the number of children in the family, the applicant will only need to provide evidence of a gross annual income of £29,000.

E-LTRC.2.7. The applicant must meet the accommodation requirement at E-LTRC.2.4.

Section D-LTRC: Decision on application for leave to remain as a child

D-LTRC.1.1. If the applicant meets the requirements for leave to remain as a child the applicant will be granted leave to remain, either:
(a) of a duration which will expire at the same time as the limited leave granted to the applicant’s parent under Appendix FM or the parent with protection status in the UK (where their other parent does not have, and is not being granted, leave under this Appendix). They will be subject to the same conditions in respect of recourse to public funds as that parent; or
(b) 30 months, where a parent is settled but the child does not qualify for settlement, subject to the following conditions:

(i) no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition; and

(ii) study is permitted, subject to the ATAS condition in Appendix ATAS if the applicant is aged 18 or over.

To qualify for indefinite leave to remain as a child of a person with indefinite leave to remain as a partner or parent, the applicant must meet the requirements of Appendix Settlement Family Life if applying as a dependent of a partner or parent who is applying under that Appendix, otherwise the applicant must meet the requirements of paragraph 298 of these rules.

D-LTRC.1.1A. Where paragraph GEN 3.2(3) applies but the applicant does not meet the suitability paragraphs SUI 2.1., SUI 2.3., SUI 3.1., SUI 4.1., SUI 5.1. in Part Suitability, the application on Appendix FM will be refused.

D-LTRC.1.2. If the applicant does not meet the requirements for leave to remain as a child the application will be refused.

Family life as a parent of a child in the UK

Section EC-PT: Entry clearance as a parent of a child in the UK

EC-PT.1.1. The requirements to be met for entry clearance as a parent are that-

(a) the applicant must be outside the UK;

(b) the applicant must have made a valid application for entry clearance as a parent;

(c) the applicant must not fall for refusal under Section S-EC: Suitability–entry clearance; and

(d) the applicant must meet all of the requirements of Section E-ECPT: Eligibility for entry clearance as a parent.

Section E-ECPT: Eligibility for entry clearance as a parent

E-ECPT.1.1. To meet the eligibility requirements for entry clearance as a parent all of the requirements in paragraphs E-ECPT.A1.1. to 4.2. must be met.

E-ECPT.A1.1. The applicant must provide a passport or other document which satisfactorily establishes their identity and nationality.

Relationship requirements

E-ECPT.2.1. The applicant must be aged 18 years or over.

E-ECPT.2.2. The child of the applicant must be-

(a) under the age of 18 years at the date of application;

(b) living in the UK; and

(c) a British Citizen, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d).

E-ECPT.2.3. Either -

(a) the applicant must have sole parental responsibility for the child; or

(b) the parent or carer with whom the child normally lives must be-

(i) a British Citizen in the UK, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d);

(ii) not the partner of the applicant; and

(iii) the applicant must not be eligible to apply for entry clearance as a partner under this Appendix.

E -ECPT.2.4.

(a) The applicant must provide evidence that they have either-

(i) sole parental responsibility for the child; or

(ii) direct access (in person) to the child, as agreed with the parent or carer with whom the child normally lives or as ordered by a court in the UK; and

(b) The applicant must provide evidence that they are taking, and intend to continue to take, an active role in the child's upbringing.

Financial requirements

E-ECPT.3.1. The applicant must provide evidence that they will be able to adequately maintain and accommodate themselves and any dependants in the UK without recourse to public funds

E-ECPT.3.2. The applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

English language requirement

E-ECPT.4.1. The applicant must provide specified evidence that they-

(a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;

(b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;

(c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by the qualification and language assessments provider to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and the qualification and language assessments provider has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or

(d) are exempt from the English language requirement under paragraph E-ECPT.4.2.

E-ECPT.4.2. The applicant is exempt from the English language requirement if at the date of application-

(a) the applicant is aged 65 or over;

(b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or

(c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement prior to entry to the UK.

Section D-ECPT: Decision on application for entry clearance as a parent

D-ECPT.1.1. If the applicant meets the requirements for entry clearance as a parent (except where paragraph GEN.3.2.(3) applies), the applicant will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months in the UK with leave to enter granted on the basis of such entry clearance or with limited leave to remain as a parent granted under paragraph D-LTRPT.1.1.

D-ECPT.1.2. Unless D-ECPT.1.2A. applies, if paragraph GEN.3.2.(3) applies to an applicant for entry clearance as a parent, the applicant will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the person should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with leave to enter granted on the basis of such entry clearance or of entry clearance granted under paragraph D-ECPT.1.1. or with limited leave to remain as a parent granted under paragraph D-LTRPT.1.1. or D-LTRPT.1.2.

D-ECPT.1.2A. Where paragraph GEN 3.2.(3) applies but the applicant does not meet the suitability paragraphs SUI 2.1., SUI 2.3., SUI 3.1., SUI 4.1., SUI 5.1., in Part Suitability, the application on Appendix FM will be refused.

D-ECPT.1.3. If the applicant does not meet the requirements for entry clearance as a parent, the application will be refused.

Section R-LTRPT: Requirements for limited leave to remain as a parent

R-LTRPT.1.1. The requirements to be met for limited leave to remain as a parent are-

(a) the applicant and the child must be in the UK;

(b) the applicant must have made a valid application for limited or indefinite leave to remain as a parent or partner; and either

(c)

(i) the applicant must not fall for refusal under Section S-LTR: Suitability leave to remain; and
(ii) the applicant meets all of the requirements of Section ELTRPT: Eligibility for leave to remain as a parent, or

(d)

(i) the applicant must not fall for refusal under S-LTR: Suitability leave to remain; and
(ii) the applicant meets the requirements of paragraphs E-LTRPT.2.2-2.4. and E-LTRPT.3.1-3.2.; and
(iii) paragraph EX.1. applies.

Section E-LTRPT: Eligibility for limited leave to remain as a parent

E-LTRPT.1.1. To qualify for limited leave to remain as a parent all of the requirements of paragraphs E-LTRPT.2.2. to 5.2. must be met.

Relationship requirements

E-LTRPT.2.2. The child of the applicant must be-

(a) under the age of 18 years at the date of application, or where the child has turned 18 years of age since the applicant was first granted entry clearance or leave to remain as a parent under this Appendix, must not have formed an independent family unit or be leading an independent life;

(b) living in the UK; and

(c) a British Citizen, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d); or

(d) has lived in the UK continuously for at least the 7 years immediately preceding the date of application and paragraph EX.1. applies.

E-LTRPT.2.3. Either-

(a) the applicant must have sole parental responsibility for the child or the child normally lives with the applicant and not their other parent (who is a British Citizen, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d)), and the applicant must not be eligible to apply for leave to remain as a partner under this Appendix; or

(b) the parent or carer with whom the child normally lives must be-

(i) a British Citizen in the UK, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d).;

(ii) not the partner of the applicant (which here includes a person who has been in a relationship with the applicant for less than two years prior to the date of application); and

(iii) the applicant must not be eligible to apply for leave to remain as a partner under this Appendix.

E-LTRPT.2.4.

(a) The applicant must provide evidence that they have either-

(i) sole parental responsibility for the child, or that the child normally lives with them; or

(ii) direct access (in person) to the child, as agreed with the parent or carer with whom the child normally lives or as ordered by a court in the UK; and

(b) The applicant must provide evidence that they are taking, and intend to continue to take, an active role in the child's upbringing.

Immigration status requirement

E-LTRPT.3.1. The applicant must not be in the UK-

(a) as a visitor; or

(b) with valid leave granted for a period of 6 months or less, unless that leave was granted pending the outcome of family court or divorce proceedings;

E-LTRPT.3.2. The applicant must not be in the UK –

(a) on immigration bail, unless:

(i) the Secretary of State is satisfied that the applicant arrived in the UK more than 6 months prior to the date of application; and

(ii) paragraph EX.1. applies; or

(b) in breach of immigration laws (except that, where the Exceptions for overstayers section of Part Suitability applies, any current period of overstaying will be disregarded), unless paragraph EX.1. applies.

Financial requirements

E-LTRPT.4.1. The applicant must provide evidence that they will be able to adequately maintain and accommodate themselves and any dependants in the UK without recourse to public funds, unless paragraph EX.1. applies.

E-LTRPT.4.2. The applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively, unless paragraph EX.1. applies: accommodation will not be regarded as adequate if-

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

English language requirement

E-LTRPT.5.1. If the applicant has not met the requirement in a previous application for entry clearance or leave to remain as a parent or partner, the applicant must provide specified evidence that they-

(a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;

(b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;

(c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by the qualification and language assessments provider to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and the qualification and language assessments provider has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or

(d) are exempt from the English language requirement under paragraph E-LTRPT.5.2.;

unless paragraph EX.1. applies.

E-LTRPT.5.1A. Where the applicant:

(i) in a previous application for entry clearance or leave to remain as a parent or partner, met the English language requirement in paragraph E-ECP.4.1.(b), E-LTRP.4.1.(b), E-ECPT.4.1.(b) or E-LTRPT.5.1.(b) on the basis that they had passed an English language test in speaking and listening at level A1 of the Common European Framework of Reference for Languages; and

(ii) was granted entry clearance or leave to remain as a parent or partner; and

(iii) now seeks further leave to remain as a parent after 30 months in the UK with leave as a parent; then, the applicant must provide specified evidence that they:

(a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;

(b) have passed an English language test in speaking and listening at a minimum of level A2 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;

(c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by the qualification and language assessments provider to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK, and the qualification and language assessments provider has confirmed that the degree was taught or researched in English to level A2 of the Common European Framework of Reference for Languages or above; or

(d) are exempt from the English language requirement under paragraph E-LTRPT.5.2.;

unless paragraph EX.1. applies.

E-LTRPT.5.2. The applicant is exempt from the English language requirement in paragraph E-LTRPT.5.1. or E-LTRPT.5.1A. if at the date of application-

(a) the applicant is aged 65 or over;

(b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or

(c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement.

Section D-LTRPT: Decision on application for limited leave to remain as a parent

D-LTRPT.1.1. If the applicant meets the requirements in paragraph R-LTRPT.1.1.(a) to (c) for limited leave to remain as a parent the applicant will be granted limited leave to remain for a period not exceeding 30 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months with such leave or in the UK with leave to enter granted on the basis of entry clearance as a parent granted under paragraph D-ECPT.1.1.

D-LTRPT.1.2. Unless D-LTRPT.1.2A. applies, if the applicant meets the requirements in paragraph R-LTRPT.1.1.(a), (b) and (d) for limited leave to remain as a parent, or paragraph GEN.3.2.(3) applies to an applicant for leave to remain as a parent, the applicant will be granted leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with such leave, with limited leave to remain as a parent granted under paragraph D-LTRPT.1.1., or in the UK with leave to enter granted on the basis of entry clearance as a parent granted under paragraph D-ECPT.1.1. or D-ECPT.1.2.

D-LTRPT.1.2A. Where paragraph GEN 3.2(3) applies but the applicant does not meet the suitability paragraphs SUI 2.1., SUI 2.3., SUI 3.1., SUI 4.1., SUI 5.1. in Part Suitability, the application on Appendix FM will be refused.

D-LTRPT.1.3. If the applicant does not meet the requirements for limited leave to remain as a parent the application will be refused.

Section R-ILRPT: Requirements for indefinite leave to remain (settlement) as a parent

R-ILRPT.1.1. The requirements to be met for indefinite leave to remain as a parent after a 5 year qualifying period are that:

(a) the applicant must be in the UK; and

(b) the applicant must have made a valid application for indefinite leave to remain as a parent; and

(c) the applicant must not fall for refusal under Section S-ILR: Suitability-indefinite leave to remain; and

(d) the applicant must meet all of the requirements of Section E-ILRPT: Eligibility for indefinite leave to remain as a parent.

Section E-ILRPT: Eligibility for indefinite leave to remain as a parent

E-ILRPT.1.1. To meet the eligibility requirements for indefinite leave to remain as a parent all of the requirements of paragraphs E-ILRPT.1.2. to 1.5. must be met.

E-ILRPT.1.2. The applicant must be in the UK with valid leave to remain as a parent under this Appendix (except that, where the Exceptions for overstayers section of Part Suitability applies, any current period of overstaying will be disregarded).

E-ILRPT.1.3(1) The applicant must, at the date of application, have completed a continuous period of residence of at least 5 years (60 months) with the following:

(a) leave to enter granted on the basis of entry clearance as a parent granted under paragraph D-ECPT.1.1.; or

(b) limited leave to remain as a parent granted under paragraph D-LTRPT.1.1.; or

(c) a combination of leave under (a) and (b).

(1A) In respect of an application falling within subparagraph (1) above, the applicant must meet all of the requirements of Section E-LTRPT: Eligibility for leave to remain as a parent (except that paragraph E-LTRPT.2.2.(c) cannot be met on the basis of a person being in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d)).

(1B) DELETED

E-ILRPT.1.4. DELETED.

E-ILRPT.1.5. The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with the requirements of Appendix KoLL of these Rules.

E-ILRPT.1.5A. In calculating the periods under paragraph E-ILRPT.1.3., any current period of overstaying will be disregarded where the Exceptions for overstayers section of Part Suitability applies. Any previous period of overstaying between periods of leave will also be disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and the Exceptions for overstayers section of Part Suitability applied.

Section D-ILRPT: Decision on application for indefinite leave to remain as a parent

D-ILRPT.1.1. If the applicant meets all of the requirements for indefinite leave to remain as a parent the applicant will be granted indefinite leave to remain.

D-ILRPT.1.2. If the applicant does not meet the requirements for indefinite leave to remain as a parent as they have not demonstrated sufficient knowledge of the English language or about life in the United Kingdom in accordance with Appendix KoLL, subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a partner for a period not exceeding 30 months, and subject to a condition of no recourse to public funds.

D-ILRPT.1.3. If the applicant does not meet all the eligibility requirements for indefinite leave to remain as a parent, and does not qualify for further limited leave to remain under paragraph D-ILRPT.1.2. or D-LTRPT.1.2A., the application will be refused, unless the applicant meets the requirements in paragraph R-LTRPT.1.1.(a), (b) and (d) for limited leave to remain as a parent. Where they do, and subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a parent for a period not exceeding 30 months under paragraph D-LTRPT.1.2. and subject to a condition of no recourse to public funds unless the Secretary of State considers that the person should not be subject to such a condition.

Adult dependent relative

DELETED.

Deportation and removal

Where the Secretary of State or an immigration officer is considering deportation or removal of a person who claims that their deportation or removal from the UK would be a breach of the right to

respect for private and family life under Article 8 of the Human Rights Convention that person may be required to make an application under this Appendix or Appendix Private Life, but if they are not required to make an application Part 13 of these Rules will apply.

Appendix FM-SE – Family Members Specified Evidence

Family Members - Specified Evidence

A. This Appendix sets out the specified evidence applicants need to provide to meet the requirements of rules contained in Appendix FM and, where those requirements are also contained in other rules, including Appendix HM Armed Forces, Appendix International Armed Forces and International Civilian Employees**,** Appendix Adult Dependent Relative, Appendix Adoption and Appendix Child Relative (Sponsors with Protection), and unless otherwise stated, the specified evidence applicants need to provide to meet the requirements of those rules.

B. Where evidence is not specified by Appendix FM, but is of a type covered by this Appendix, the requirements of this Appendix shall apply.

C. In this Appendix references to paragraphs are to paragraphs of this Appendix unless the context otherwise requires.

D. (a) In deciding an application in relation to which this Appendix states that specified documents must be provided, the Entry Clearance Officer or Secretary of State ("the decision-maker") will consider documents that have been submitted with the application, and will only consider documents submitted after the application where sub-paragraph (b), (e) or (f) applies.

(b) If the applicant:

(i) Has submitted:

(aa) A sequence of documents and some of the documents in the sequence have been omitted (e.g. if one bank statement from a series is missing);

(bb) A document in the wrong format (for example, if a letter is not on letterhead paper as specified); or

(cc) DELETED

(dd) A document which does not contain all of the specified information; or

(ii) Has not submitted a specified document, the decision-maker may contact the applicant or his representative in writing or otherwise, and request the document(s) or the correct version(s). The material requested must be received at the address specified in the request within a reasonable timescale specified in the request.

(c) The decision-maker will not request documents where he or she does not anticipate that addressing the error or omission referred to in sub-paragraph (b) will lead to a grant because the application will be refused for other reasons.

(d) If the applicant has submitted:

(i) A document in the wrong format; or

(ii) DELETED

(iii) A document that does not contain all of the specified information, but the missing information is verifiable from:

(1) other documents submitted with the application,

(2) the website of the organisation which issued the document, or

(3) the website of the appropriate regulatory body,

the application may be granted exceptionally, providing the decision-maker is satisfied that the document(s) is genuine and that the applicant meets the requirement to which the document relates.

(e) Where the decision-maker is satisfied that there is a valid reason why a specified document(s) cannot be supplied, e.g. because it is not issued in a particular country or has been permanently lost, he or she may exercise discretion not to apply the requirement for the document(s) or to request alternative or additional information or document(s) be submitted by the applicant.

(f) Before making a decision under Appendix FM or this Appendix, the decision-maker may contact the applicant or their representative in writing or otherwise to request further information or

documents. The material requested must be received at the address specified in the request within a reasonable timescale specified in the request.

E. A reference in this Appendix to the provision of evidence from a UK government department includes evidence from a body performing an equivalent function to such a department.

Evidence of Financial Requirements under Appendix FM

A1. To meet the financial requirement under paragraphs EECP.3.1., E-LTRP.3.1., E-LTRP.3.7., E-ECC.2.1., E-ECC.2.5., ELTRC.2.1. and E-LTRC.2.5. of Appendix FM, the applicant must meet:

(a) The level of financial requirement applicable to the application under Appendix FM; and

(b) The requirements specified in Appendix FM and this Appendix as to:

(i) The permitted sources of income and savings;

(ii) The time periods and permitted combinations of sources applicable to each permitted source relied upon; and

(iii)The evidence required for each permitted source relied upon.

1. In relation to evidencing the financial requirements in Appendix FM, Appendix HM Armed Forces, Appendix International Armed Forces and International Civilian Employees, Appendix Adult Dependent Relative, Appendix Adoption and Appendix Child Relative (Sponsors with Protection), the following general provisions shall apply:

(a) Bank statements must:

(i) be from a financial institution to which Appendix Finance applies.

(ii) DELETED.

(iii) in relation to personal bank statements be only in the name of:

(1) the applicant's partner, the applicant or both as appropriate; or

(2) if the applicant is a child the applicant parent's partner, the applicant's parent or both as appropriate; or

(3) if the applicant is an adult dependent relative, the applicant's sponsor or the applicant, unless otherwise stated.

(iv) cover the period(s) specified.

(v) be:

(1) on official bank stationery; or

(2) electronic bank statements which are either accompanied by a letter from the bank on its headed stationery confirming that the documents are authentic or which bear the official stamp of the issuing bank on every page.

(aa) Where a bank statement is specified in this Appendix, a building society statement, a building society pass book, a letter from the applicant's bank or building society, or a letter from a financial institution regulated by the Financial Conduct Authority and the Prudential Regulation Authority or, for overseas accounts, the appropriate regulatory body for the country in which the institution operates and the funds are located, may be submitted as an alternative to a bank statement(s) provided that:

(1) the requirements in paragraph 1(a)(i)-(iv) are met as if the document were a bank statement; and

(2) a building society pass book must clearly show:

(i) the account number;

(ii) the building society's name and logo; and

(iii) the information required on transactions, funds held and time period(s) or as otherwise specified in this Appendix in relation to bank statements; and/or

(3) a letter must be on the headed stationery of the bank, building society or other financial institution and must clearly show:

(i) the account number,

(ii) the date of the letter;

(iii) the financial institution's name and logo; and

(iv) the information required on transactions, funds held and time period(s) or as otherwise specified in this Appendix in relation to bank statements.

(b) Promises of third party support will not be accepted, except in the limited circumstances set out in paragraph 21A (and to the extent permitted by that paragraph). Existing sources of third party support will be accepted in the form of:

(i) payments from a former partner of the applicant for the maintenance of the applicant or any children of the applicant and the former partner, and payments from a former partner of the applicant's partner for the maintenance of that partner;

(ii) income from a dependent child who has turned 18, remains in the same UK household as the applicant and continues to be counted towards the financial requirement under Appendix FM;

(iii) gift of cash savings (whose source must be declared) evidenced at paragraph 1(a)(iii), provided that the cash savings have been held by the person or persons at paragraph 1(a)(iii) for at least 6 months prior to the date of application and are under their control; and

(iv) a maintenance grant or stipend associated with undergraduate study or postgraduate study or research.

(bb) Payslips must be:

(i) formal payslips issued by the employer and showing the employer's name; or

(ii) accompanied by a letter from the employer, on the employer's headed paper and signed by a senior official, confirming the payslips are authentic;

(c) The employment or self employment income of an applicant will be taken into account if they are in the UK, aged 18 years or over and working legally, and prospective employment income will not be taken into account (except that of an applicant's partner or parent's partner who is returning to employment or self-employment in the UK at paragraphs E-ECP.3.2.(a) and E-ECC.2.2.(a) of Appendix FM, or where paragraph 21A of this Appendix so permits).

(cc) The income of an applicant or sponsor working in the UK in salaried or non-salaried employment or in self-employment can include income from work undertaken overseas, provided paragraph E-LTRP.1.10 of Appendix FM and the other requirements of this Appendix are met.

(d) All income and savings must be lawfully derived.

(e) Savings must be held in cash.

(f) Income or cash savings in a foreign currency will be converted to pounds sterling using the exchange rate specified in FIN 1.1, FIN 1.2 or FIN 1.3..

(g) Where there is income or cash savings in different foreign currencies, each will be converted into pounds sterling before being added together, and then added to any UK income or savings to give a total amount.

(h) DELETED

(i) Evidence of profit from the sale of a business, property, investment, bond, stocks, shares or other asset will:

(i) not be accepted as evidence of income, but

(ii) the associated funds will be accepted as cash savings subject to the requirements of this Appendix and Appendix FM.

(j) Where any specified documents provided are not in English or Welsh, the applicant must provide document in the original language and a full translation that can be independently

verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State. The translation must be dated and include:

(i) confirmation that it is an accurate translation of the document;

(ii) the full name and signature of the translator or an authorised official of the translation company;

(iii) the translator or translation company's contact details; and

(iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company's credentials.

(k) Where the gross (pre-tax) amount of any income cannot be properly evidenced, the net (post-tax) amount will be counted, including towards a gross income requirement.

(l) Where this Appendix requires the applicant to provide specified evidence relating to a period which ends with the date of application, that evidence, or the most recently dated part of it, must be dated no earlier than 28 days before the date of application.

(m) Cash income on which the correct tax has been paid may be counted as income under this Appendix, subject to the relevant evidential requirements of this Appendix.

(n) The gross amount of any cash income may be counted where the person's specified bank statements show the net amount which relates to the gross amount shown on their payslips (or in the relevant specified evidence provided in addition to the specified bank statements in relation to non-employment income). Otherwise, only the net amount shown on the specified bank statements may be counted.

(o) In this Appendix, a reference to the "average" is a reference to the mean average.

2. In respect of salaried employment in the UK (except where paragraph 9 applies), all of the following evidence must be provided:

(a) Payslips covering:

(i) a period of 6 months prior to the date of application if the person has been employed by their current employer for at least 6 months (and where paragraph 13(b) of this Appendix does not apply); or

(ii) any period of salaried employment in the period of 12 months prior to the date of application if the person has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a) of this Appendix), or in the financial year(s) relied upon by a self-employed person.

(b) A letter from the employer(s) who issued the payslips at paragraph 2(a) confirming:

(i) the person's employment and gross annual salary;

(ii) the length of their employment;

(iii) the period over which they have been or were paid the level of salary relied upon in the application; and

(iv) the type of employment (permanent, fixed-term contract or agency).

(c) Personal bank statements corresponding to the same period(s) as the payslips at paragraph 2(a), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(d) Where the person is a director of a limited company based in the UK, evidence that the company is not of a type specified in paragraph 9(a). This can include the latest Annual Return filed at Companies House.

(e) Where a person appointed as a non-executive director of a limited company based in the UK, which is not a company of the type specified in paragraph 9(a), is paid a fee instead of a salary, this income may be treated and evidenced as though it were income received for employment in that capacity.

2A. (i) In respect of salaried employment in the UK (paragraph 2 of this Appendix), statutory or contractual maternity, paternity, adoption or sick pay in the UK (paragraph 5 or 6 of this Appendix), or

a director's salary paid to a self-employed person (paragraph 9 of this Appendix), the applicant may, in addition to the payslips and personal bank statements required under that paragraph, submit the P60 for the relevant period(s) of employment relied upon (if issued). If they do not, the Entry Clearance Officer or Secretary of State may grant the application if otherwise satisfied that the requirements of this Appendix relating to that employment are met. The Entry Clearance Officer or Secretary of State may request that the applicant submit the document(s) in accordance with paragraph D of this Appendix.

(ii) In respect of salaried employment in the UK (paragraph 2 of this Appendix), or statutory or contractual maternity, paternity, adoption or sick pay in the UK (paragraph 5 or 6 of this Appendix), the applicant may, in addition to the letter from the employer(s) required under that paragraph, submit a signed contract of employment. If they do not, the Entry Clearance Officer or Secretary of State may grant the application if otherwise satisfied that the requirements of this Appendix relating to that employment are met. The Entry Clearance Officer or Secretary of State may request that the applicant submit the document(s) in accordance with paragraph D of this Appendix.

3. In respect of salaried employment outside of the UK, evidence should be a reasonable equivalent to that set out in paragraph 2 and (where relevant) paragraph 2A. In respect of an equity partner whose income from the partnership is treated as salaried employment under paragraph 17, the payslips and employer's letter referred to in paragraph 2 may be replaced by other evidence providing the relevant information in paragraph 2 (which may include, but is not confined to, a letter on official stationery from an accountant, solicitor or business manager acting for the partnership).

4. In respect of a job offer in the UK (for an applicant's partner or parent's partner returning to salaried employment in the UK at paragraphs E-ECP.3.2.(a) and E-ECC.2.2.(a) of Appendix FM) a letter from the employer must be provided:

(a) confirming the job offer, the gross annual salary and the starting date of the employment which must be within 3 months of the applicant's partner's return to the UK; or

(b) enclosing a signed contract of employment, which must have a starting date within 3 months of the applicant's partner's return to the UK.

5. In respect of statutory or contractual maternity, paternity or adoption pay all of the following, and in respect of parental leave in the UK only the evidence at paragraph 5(c), must be provided:

(a) Personal bank statements corresponding to the same period(s) as the payslips at paragraph 5(b), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(b) Payslips covering:

(i) a period of 6 months prior to the date of application or to the commencement of the maternity, paternity or adoption leave, if the applicant has been employed by their current employer for at least 6 months (and where paragraph 13(b) does not apply); or

(ii) any period of salaried employment in the period of 12 months prior to the date of application or to the commencement of the maternity, paternity or adoption leave, if the applicant has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a)).

(c) A letter from the employer confirming:

(i) the length of the person's employment;

(ii) the gross annual salary and the period over which it has been paid at this level;

(iii) the entitlement to maternity, paternity, parental or adoption leave; and

(iv) the date of commencement and the end-date of the maternity, paternity, parental or adoption leave.

6. In respect of statutory or contractual sick pay in the UK all of the following must be provided:

(a) Personal bank statements corresponding to the same period(s) as the payslips at paragraph 6(b), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(b) Payslips covering:

(i) a period of 6 months prior to the date of application or to the commencement of the sick leave, if the applicant has been employed by their current employer for at least 6 months (and where paragraph 13(b) does not apply); or,

(ii) any period of salaried employment in the period of 12 months prior to the date of application or to the commencement of the sick leave, if the applicant has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a)).

(c) A letter from employer confirming:

(i) the length of the person's employment;

(ii) the gross annual salary and the period over which it has been paid at this level;

(iii) that the person is in receipt of statutory or contractual sick pay; and

(iv) the date of commencement of the sick leave.

7. In respect of self-employment in the UK as a partner, as a sole trader or in a franchise all of the following must be provided:

(a) Evidence of the amount of tax payable, paid and unpaid for the last full financial year.

(b) The following documents for the last full financial year, or for the last two such years (where those documents show the necessary level of gross profit as an average of those two years):

(i) annual self-assessment tax return to HMRC (a copy or print-out); and

(ii) Statement of Account (SA300 or SA302).

(c) Proof of registration with HMRC as self-employed if available.

(d) Each partner's Unique Tax Reference Number (UTR) and/or the UTR of the partnership or business.

(e) Where the person holds or held a separate business bank account(s), bank statements for the same 12-month period as the tax return(s).

(f) personal bank statements for the same 12-month period as the tax return(s) showing that the income from self-employment has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(g) Evidence of ongoing self-employment through the provision of at least one of the following: a bank statement dated no more than three months earlier than the date of application showing transactions relating to ongoing trading, or evidence dated no more than three months earlier than the date of application of the renewal of a licence to trade or of ongoing payment of business rates, business-related insurance premiums, employer National Insurance contributions or franchise payments to the parent company.

(h) One of the following documents must also be submitted:

(i) (aa) If the business is required to produce annual audited accounts, such accounts for the last full financial year; or

(bb) If the business is not required to produce annual audited accounts, unaudited accounts for the last full financial year and an accountant's certificate of confirmation, from an accountant who is a member of a UK Recognised Supervisory Body (as defined in the Companies Act 2006) or who is a member of the Institute of Financial Accountants, The Association of Authorised Public Accountants, The Chartered Institute of Public Finance and Accountancy, The Chartered Institute of Management Accountants, the Association of International Accountants and The Association of Accounting Technicians;

(ii) A certificate of VAT registration and the VAT return for the last full financial year (a copy or print-out) confirming the VAT registration number, if turnover is in excess of

£79,000 or was in excess of the threshold which applied during the last full financial year;

(iii) Evidence to show appropriate planning permission or local planning authority consent is held to operate the type/class of business at the trading address (where this is a local authority requirement); or

(iv) A franchise agreement signed by both parties.

(i) The document referred to in paragraph 7(h)(iv) must be provided if the organisation is a franchise.

8. In respect of self-employment outside of the UK, evidence should be a reasonable equivalent to that set out in paragraph 7.

8A. In respect of prospective self-employment in the UK (for an applicant's partner or parent's partner who, in respect of paragraph E-ECP.3.2.(a) or E-ECC.2.2.(a) of Appendix FM, is in self-employment outside the UK at the date of application and is returning to the UK to continue that self-employment), one of the following must be provided, with a starting date within three months of the person's return to the UK:

(a) An application to the appropriate authority for a licence to trade;

(b) Details of the purchase or rental of business premises;

(c) A signed employment contract or a signed contract for the provision of services; or

(d) A partnership or franchise agreement signed by the relevant parties to the agreement.

9. In respect of income from employment and/or shares in a limited company based in the UK of a type specified in paragraph 9(a), the requirements of paragraph 9(b)-(e) shall apply in place of the requirements of paragraphs 2 and 10(b).

(a) The specified type of limited company is one in which:

(i) the person is either a director or employee of the company, or both, or of another company within the same group; and

(ii) shares are held (directly or indirectly) by the person, their partner or the following family members of the person or their partner: parent, grandparent, child, stepchild, grandchild, brother, sister, uncle, aunt, nephew, niece or first cousin; and

(iii) any remaining shares are held (directly or indirectly) by fewer than five other persons.

(b) All of the following must be provided:

(i) Company Tax Return CT600 (a copy or print-out) for the last full financial year and evidence this has been filed with HMRC, such as electronic or written acknowledgment from HMRC.

(ii) Evidence of registration with the Registrar of Companies at Companies House.

(iii) If the company is required to produce annual audited accounts, such accounts for the last full financial year.

(iv) If the company is not required to produce annual audited accounts, unaudited accounts for the last full financial year and an accountant's certificate of confirmation, from an accountant who is a member of a UK Recognized Supervisory Body (as defined in the Companies Act 2006) or who is a member of the Institute of Financial Accountants, The Association of Authorised Public Accountants, The Chartered Institute of Public Finance and Accountancy, The Chartered Institute of Management Accountants, the Association of International Accountants and The Association of Accounting Technicians.

(v) Corporate/business bank statements covering the same 12-month period as the Company Tax Return CT600.

(vi) DELETED.

(vii) One of the following documents must also be provided:

(1) A certificate of VAT registration and the VAT return for the last full financial year (a copy or print-out) confirming the VAT registration number, if turnover is in excess of £79,000 or was in excess of the threshold which applied during the last full financial year.

(2) Proof of ownership or lease of business premises.

(3) Proof of registration with HMRC as an employer for the purposes of PAYE and National Insurance, proof of PAYE reference number and Accounts Office reference number. This evidence may be in the form of a certified copy of the documentation issued by HMRC.

(c) Where the person is either listed as a director of the company, or is an employee of the company, or both, and receives a salary from the company, all of the following documents must also be provided:

(i) Payslips and P60 (if issued) covering the same period as the Company Tax Return CT600.

(ii) Personal bank statements covering the same 12-month period as the Company Tax Return CT600 showing that the salary as a director or employee of the company (or both) was paid into an account in the name of the person or in the name of the person and their partner jointly.

(d) Where the person receives dividends from the company, all of the following documents must also be provided:

(i) Dividend vouchers for all dividends declared in favour of the person during or in respect of the period covered by the Company Tax Return CT600 showing the company's and the person's details with the person's net dividend amount.

(ii) Personal bank statement(s) showing that those dividends were paid into an account in the name of the person or in the name of the person and their partner jointly.

(e) For the purposes of paragraph 19(a), evidence of ongoing employment as a director or other employee of the company or of ongoing receipt of dividend income from the company must be provided. This evidence may include payslips (or dividend vouchers) and personal bank statements showing that, in the period since the latest 12-month period covered by the Company Tax Return CT600, the person's salary as a director or employee of the company (or both) (or dividend income from the company) was paid into an account in the name of the person or in the name of the person and their partner jointly. Alternative evidence may include evidence of ongoing payment of business rates, business-related insurance premiums or employer National Insurance contributions in relation to the company.

10. In respect of non-employment income all the following evidence, in relation to the form of income relied upon, must be provided:

(a) To evidence property rental income:

(i) Confirmation that the person or the person and their partner jointly own the property for which the rental income is received, through:

(1) A copy of the title deeds of the property or of the title register from the Land Registry (or overseas equivalent); or

(2) A mortgage statement.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income relied upon was paid into an account in the name of the person or of the person and their partner jointly.

(iii) A rental agreement or contract.

(b) To evidence dividends (except where paragraph 9 applies) or other income from investments, stocks, shares, bonds or trust funds:

(i) A certificate showing proof of ownership and the amount(s) of any investment(s).

(ii) A portfolio report (for a financial institution regulated by the Financial Conduct Authority (and the Prudential Regulation Authority where applicable) in the UK) or a dividend voucher showing the company and person's details with the person's net dividend amount.

(iii) personal bank statements for or from the 12-month period prior to the date of application showing that the income relied upon was paid into an account in the name of the person or of the person and their partner jointly.

(iv) Where the person is a director of a limited company based in the UK, evidence that the company is not of a type specified in paragraph 9(a). This can include the latest Annual Return filed at Companies House.

(c) To evidence interest from savings:

(i) personal bank statements for or from the 12-month period prior to the date of application showing the amount of the savings held and that the interest was paid into an account in the name of the person or of the person and their partner jointly.

(d) To evidence maintenance payments (from a former partner of the applicant to maintain their and the applicant's child or children or the applicant, or from a former partner of the applicant's partner to maintain the applicant's partner):

(i) Evidence of a maintenance agreement through any of the following:

(1) A court order;

(2) Written voluntary agreement; or

(3) Child Support Agency documentation.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income relied upon was paid into an account in the name of the person or the person and their partner jointly.

(e) To evidence a pension:

(i) Official documentation from:

(1) The Department for Work and Pensions (in respect of the Basic State Pension and the Additional or Second State Pension) or other government department or agency, including the Veterans Agency;

(2) An overseas pension authority; or

(3) A pension company,

confirming pension entitlement and amount (and, where applicable, reflecting any funds withdrawn from the pension account or fund).

(ii) At least one personal bank statement in the 12-month period prior to the date of application showing payment of the pension into the person's account.

(iii) For the purposes of sub-paragraph (i), War Disablement Pension, War Widow's/Widower's Pension and any other pension or equivalent payment for life made under the War Pensions Scheme, the Armed Forces Compensation Scheme or the Armed Forces Attributable Benefits Scheme may be treated as a pension, unless excluded under paragraph 21 of this Appendix.

(f) To evidence UK Maternity Allowance, Bereavement Allowance, Bereavement Payment and Widowed Parent's Allowance:

(i) Department for Work and Pensions documentation confirming the person or their partner is or was in receipt of the benefit in the 12-month period prior to the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income was paid into the person's account.

(ff) Subject to paragraph 12, to evidence payments under the War Pensions Scheme, the Armed Forces Compensation Scheme or the Armed Forces Attributable Benefits Scheme which are not treated as a pension for the purposes of paragraph 10(e)(i):

(i) Veterans Agency or Department for Work and Pensions documentation in the form of an award notification letter confirming the person or their partner is or was in receipt of the payment at the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income was paid into the person's account.

(g) To evidence a maintenance grant or stipend (not a loan) associated with undergraduate study or postgraduate study or research:

(i) Documentation from the body or company awarding the grant or stipend confirming that the person is currently in receipt of the grant or stipend or will be within 3 months of the date of application, confirming that the grant or stipend will be paid for a period of at least 12 months or for at least one full academic year from the date of application or from the date on which payment of the grant or stipend will commence, and confirming the annual amount of the grant or stipend. Where the grant or stipend is or will be paid on a tax-free basis, the amount of the gross equivalent may be counted as income under this Appendix.

(ii) personal bank statements for any part of the 12-month period prior to the date of the application during which the person has been in receipt of the grant or stipend showing the income was paid into the person's account.

(h) To evidence ongoing insurance payments (such as, but not exclusively, payments received under an income protection policy):

(i) documentation from the insurance company confirming:

(a) that in the 12 months prior to the date of application the person has been in receipt of insurance payments and the amount and frequency of the payments.

(b) the reason for the payments and their expected duration.

(c) that, provided any relevant terms and conditions continue to be met, the payment(s) will continue for at least the 12 months following the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the insurance payments were paid into the person's account.

(i) To evidence ongoing payments (other than maintenance payments under paragraph 10(d)) arising from a structured legal settlement (such as, but not exclusively, one arising from settlement of a personal injury claim):

(i) documentation from a court or the person's legal representative confirming:

(a) that in the 12 months prior to the date of application the person has been in receipt of structured legal settlement payments and the amount and frequency of those payments.

(b) the reason for the payments and their expected duration.

(c) that the payment(s) will continue for at least the 12 months following the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the payments were paid into the person's account, either directly or via the person's legal representative.

11. In respect of cash savings the following must be provided:

(a) personal bank statements showing that at least the level of cash savings relied upon in the application has been held in an account(s) in the name of the person or of the person and their partner jointly throughout the period of 6 months prior to the date of application.

(b) A declaration by the account holder(s) of the source(s) of the cash savings.

11A. In respect of cash savings:

(a) The savings may be held in any form of bank/savings account (whether a current, deposit or investment account, provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating), provided that the account allows the savings to be accessed immediately (with or without a penalty for withdrawing funds without notice). This can include savings held in a pension savings account which can be immediately withdrawn.

(b) Paid out competition winnings or a legacy which has been paid can contribute to cash savings.

(c) Funds held as cash savings by the applicant, their partner or both jointly at the date of application can have been transferred from investments, stocks, shares, bonds or trust funds within the period of 6 months prior to the date of application, provided that:

(i) The funds have been in the ownership and under the control of the applicant, their partner or both jointly for at least the period of 6 months prior to the date of application.

(ii) The ownership of the funds in the form of investments, stocks, shares, bonds or trust funds; the cash value of the funds in that form at or before the beginning of the period of 6 months prior to the date of application; and the transfer of the funds into cash, are evidenced by a portfolio report or other relevant documentation from a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating.

(iii) The requirements of this Appendix in respect of the cash savings held at the date of application are met, except that the period of 6 months prior to the date of application in paragraph 11(a) will be reduced by the amount of that period in which the relevant funds were held in the form of investments, stocks, shares, bonds or trust funds.

(iv) For the purposes of sub-paragraph 11A(c), “investments” includes funds held in an investment account or pension account or fund which does not meet the requirements of paragraphs 11 and 11A(a).

(d) Funds held as cash savings by the applicant, their partner or both jointly at the date of application can be from the proceeds of the sale of property, in the form only of a dwelling, other building or land, which took place within the period of 6 months prior to the date of application, provided that:

(i) The property (or relevant share of the property) was owned at the beginning of the period of 6 months prior to the date of application and at the date of sale by the applicant, their partner or both jointly.

(ii) Where ownership of the property was shared with a third party, only the proceeds of the sale of the share of the property owned by the applicant, their partner or both jointly may be counted.

(iii) The funds deposited as cash savings are the net proceeds of the sale, once any mortgage or loan secured on the property (or relevant share of the property) has been repaid and once any taxes and professional fees associated with the sale have been paid.

(iv) The decision-maker is satisfied that the requirements in sub-paragraphs (i)-(iii) are met on the basis of information and documents submitted in support of the application. These may include for example:

(1) Registration information or documentation (or a copy of this) from the Land Registry (or overseas equivalent).

(2) A letter from a solicitor (or other relevant professional, if the sale takes place overseas) instructed in the sale of the property confirming the sale price and other relevant information.

(3) A letter from a lender (a bank or building society) on its headed stationery regarding the repayment of a mortgage or loan secured on the property.

(4) Confirmation of payment of taxes or professional fees associated with the sale.

(5) Any other relevant evidence that the requirements in subparagraphs (i)-(iii) are met.

(v) The requirements of this Appendix in respect of the cash savings held at the date of application are met, except that the period of 6 months mentioned in paragraph 11(a) will be reduced by the amount of time which passed between the start of that 6-month period and the deposit of the proceeds of the sale in an account mentioned in paragraph 11(a).

12. Where a person is in receipt of

(a) Disability Living Allowance; or
(b) Severe Disablement Allowance; or
(c) Industrial Injuries Disablement Benefit; or
(d) Attendance Allowance; or
(e) Carer's Allowance; or
(f) Personal Independence Payment; or
(g) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme; or
(h) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or
(i) Police Injury Pension; or
(j) Child Disability Payment (Scotland); or
(k) Adult Disability Payment (Scotland): or
(l) Carer's Support Payment (Scotland); or
(m) Pension Age Disability Payment (Scotland); or
(n) Scottish Adult Disability Living Allowance (Scotland),

all the following must be provided:

(i) Official documentation from the Department for Work and Pensions, Veterans Agency or Police Pension Authority confirming the current entitlement and the amount currently received.

(ii) At least one personal bank statement in the 12-month period prior to the date of application showing payment of the amount of the benefit or allowance to which the person is currently entitled into their account.

12A. Where the financial requirement the applicant must meet under Appendix FM or under Appendix Adult Dependent Relative, Appendix HM Armed Forces, Appendix International Armed Forces and International Civilian Employees, Appendix Adoption or Appendix Child Relative (Sponsors with Protection), relates to adequate maintenance, paragraphs 2 to 12 apply only to the extent and in the manner specified by this paragraph. Where such a financial requirement applies, the applicant must provide the following evidence:

(a) Where the current salaried employment in the UK of the applicant or their partner, parent, parent's partner or sponsor is relied upon:

(i) A letter from the employer confirming the employment, the gross annual salary and the annual salary after income tax and National Insurance contributions have been paid, how long the employment has been held, and the type of employment (permanent, fixed-term contract or agency).

(ii) Payslips covering the period of 6 months prior to the date of application or such shorter period as the current employment has been held.

(iii) personal bank statement covering the same period as the payslips, showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(b) Where statutory or contractual maternity, paternity, adoption or sick pay in the UK of the applicant or their partner, parent, parent's partner or sponsor are relied upon, paragraph 5(b)(i) and (c) or paragraph 6(b)(i) and (c) apply as appropriate.

(c) Where self-employment in the UK of the applicant or their partner, parent, parent's partner or sponsor, or income from employment and/or shares in a limited company based in the UK of a type to which paragraph 9 applies, is relied upon, paragraph 7 or 9 applies as appropriate.

(d) Where the non-employment income of the applicant or their partner, parent, parent's partner or sponsor is relied upon, paragraph 10 applies and paragraph 10(f) shall apply as if it referred to any UK welfare benefit or tax credit relied upon and to HMRC as well as Department for Work and Pensions or other official documentation.

(e) Where the cash savings of the applicant or their partner, parent, parent's partner or sponsor are relied upon, paragraphs 11 and 11A apply.

(f) The monthly housing and Council Tax costs for the accommodation in the UK in which the applicant (and any other family members who are or will be part of the same household) lives or will live if the application is granted.

(g) Where the applicant is an adult dependent relative the applicant must in addition provide details of the care arrangements in the UK planned for them by their sponsor (which can involve other family members in the UK), of the cost of these arrangements and of how that cost will be met by the sponsor.

12B. Where the financial requirement an applicant must meet under Part 8 (excluding an applicant who is a family member of a Relevant Points Based System Migrant), under Appendix FM or under Appendix Adult Dependent Relative, Appendix International Armed Forces and International Civilian Employees, Appendix Adoption or Appendix Child Relative (Sponsors with Protection), relates to adequate maintenance and where cash savings are relied upon to meet the requirement in full or in part, the decision-maker will:

(a) Establish the total cash savings which meet the requirements of paragraphs 11 and 11A;

(b) Divide this figure by the number of weeks of limited leave which would be issued if the application were granted, or by 52 if the application is for indefinite leave to enter or remain;

(c) Add the figure in sub-paragraph 12B(b) to the weekly net income (before the deduction of housing costs) available to meet the requirement.

Calculating Gross Annual Income under Appendix FM

13. Based on evidence that meets the requirements of this Appendix, and can be taken into account with reference to the applicable provisions of Appendix FM, gross annual income under paragraphs E-ECP.3.1. E-LTRP.3.7, E-LTRP.3.1., E-ECC.2.1. E-LTRC.2.1. and E-ECC 2.5 will, subject to paragraph 21A of this Appendix, be calculated in the following ways:

(a) Where the person is in salaried employment in the UK at the date of application, has been employed by their current employer for at least 6 months and has been paid throughout the period of 6 months prior to the date of application at a level of gross annual salary which equals or exceeds the level relied upon in paragraph 13(a)(i), their gross annual income will be (where paragraph 13(b) does not apply) the total of:

(i) The level of gross annual salary relied upon in the application;

(ii) The gross amount of any specified non-employment income (other than pension income) received by them or their partner in the 12 months prior to the date of application; and

(iii) The gross annual income from a UK or foreign State pension or a private pension received by them or their partner.

(b) Where the person is in salaried employment in the UK at the date of application and has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a)), their gross annual income will be the total of:

(i) The gross annual salary from employment as it was at the date of application;

(ii) The gross amount of any specified non-employment income (other than pension income) received by them or their partner in the 12 months prior to the date of application; and

(iii) The gross annual income from a UK or foreign State pension or a private pension received by them or their partner. In addition, the requirements of paragraph 15 must be met.

(c) Where the person is the applicant's partner, is in salaried employment outside of the UK at the date of application, has been employed by their current employer for at least 6 months, and is returning to the UK to take up salaried employment in the UK starting within 3 months of their return, the person's gross annual income will be calculated:

(i) On the basis set out in paragraph 13(a); and also

(ii) On that basis but substituting for the gross annual salary at paragraph 13(a)(i) the gross annual salary in the salaried employment in the UK to which they are returning.

(d) Where the person is the applicant's partner, has been in salaried employment outside of the UK within 12 months of the date of application, and is returning to the UK to take up salaried employment in the UK starting within 3 months of their return, the person's gross annual income will be calculated:

(i) On the basis set out in paragraph 13(a) but substituting for the gross annual salary at paragraph 13(a)(i) the gross annual salary in the salaried employment in the UK to which they are returning; and also

(ii) On the basis set out in paragraph 15(b).

(e) Where the person is self-employed, their gross annual income will be the total of their gross income from their self-employment (and that of their partner if that person is in the UK with permission to work), from any salaried or non-salaried employment they have had or their partner has had (if their partner is in the UK with permission to work), from specified non-employment income received by them or their partner, and from income from a UK or foreign State pension or a private pension received by them or their partner, in the last full financial year or as an average of the last two full financial years. The requirements of this Appendix for specified evidence relating to these forms of income shall apply as if references to the date of application were references to the end of the relevant financial year(s). The relevant financial year(s) cannot be combined with any financial year(s) to which paragraph 9 applies and vice versa.

(f) Where the person is self-employed, they cannot combine their gross annual income at paragraph 13(e) with specified savings in order to meet the level of income required under Appendix FM.

(g) Where the person is not relying on income from salaried employment or self-employment, their gross annual income will be the total of:

(i) The gross amount of any specified non-employment income (other than pension income) received by them or their partner in the 12 months prior to the date of application; and

(ii) The gross annual income from a UK or foreign State pension or a private pension received by them or their partner.

(h) Where the person is the applicant's partner and is in self-employment outside the UK at the date of application and is returning to the UK to take up salaried employment in the UK starting within 3 months of their return, the person's gross annual income will be calculated:

(i) On the basis set out in paragraph 13(a) but substituting for the gross annual salary at paragraph 13(a)(i) the gross annual salary in the salaried employment in the UK to which they are returning; and also

(ii) On the basis set out in paragraph 13(e).

(i) Any period of unpaid maternity, paternity, adoption, parental or sick leave in the 12 months prior to the date of application will not be counted towards any period relating to employment, or any period relating to income from employment, for which this Appendix provides.

(j) The provisions of paragraph 13 which apply to self-employment and to a person who is self-employed also apply to income from employment and/or shares in a limited company based in the UK of a type to which paragraph 9 applies and to a person in receipt of such income.

(k) Where the application relies on the employment income of the applicant and the sponsor, all of that income must be calculated either under subparagraph 13(a) or under sub-paragraph 13(b) and paragraph 15, and not under a combination of these methods.

14. Where the requirements of this Appendix and Appendix FM are met by the combined income or cash savings of more than one person, the income or the cash savings must only be counted once unless stated otherwise.

15. In respect of paragraph 13(b) and paragraph 13(d), the provisions in this paragraph also apply:

(a) In order to evidence the level of gross annual income required by Appendix FM, the person must meet the requirements in paragraph 13(b) or paragraph 13(d)(i); and

(b) The person must also meet the level of gross annual income required by Appendix FM on the basis that their income is the total of:

(i) The gross income from salaried employment in the UK or overseas earned by the person in the 12 months prior to the date of application;

(ii) The gross amount of any specified non-employment income (other than pension income) received by the person or their partner in the 12 months prior to the date of application;

(iii) The gross amount received from a UK or foreign State pension or a private pension by the person or their partner in the 12 months prior to the date of application; and

(iv)The person cannot combine the gross annual income at paragraph 15(b)(i)-(iii) with specified savings in order to meet the level of income required.

16. Where a person is in receipt of maternity, paternity, adoption or sick pay or has been so in the 6 months prior to the date of application, this paragraph applies:

(a) the relevant date for considering the length of employment with their current employer will be the date that the maternity, paternity, adoption or sick leave commenced or the date of application; and

(b) the relevant period for calculating income from their salaried employment will be the period prior to the commencement of the maternity, paternity, adoption or sick pay or to the date of application.

17. If a person is an equity partner, for example in a law firm, the income they draw from the partnership (including where this is in the form of a profit share) will be treated as salaried employment for the purposes of this Appendix and Appendix FM.

17A. Where a person is a subcontractor under the Construction Industry Scheme administered by HMRC and does not rely on paragraph 13(e), the income they receive as a subcontractor under the Construction Industry Scheme may be treated as income from salaried employment for the purposes of this Appendix and Appendix FM. In that case, the requirements for specified evidence in paragraph 2 must be met, subject to applying those requirements so as to reflect the person’s status as a subcontractor under the Construction Industry Scheme.

18. When calculating income from salaried employment under paragraphs 12A and 13 to 16, this paragraph applies:

(a) Basic pay, skills-based allowances, and UK location-based allowances will be counted as income provided that:

(i) They are contractual; and

(ii) Where these allowances make up more than 30% of the total salary, only the amount up to 30% is counted.

(b) Overtime, payments to cover travel time, commission-based pay and bonuses (which can include tips and gratuities paid via a tronc scheme registered with HMRC) will be counted as income, where they have been received in the relevant period(s) of employment or self-employment relied upon in the application.

(bb) In respect of a person in salaried employment at the date of application, the amount of income in sub-paragraph (b) which may be added to their gross annual salary, and counted as part of that figure for the purposes of paragraph 13(a)(i) or 13(b)(i), is the annual equivalent of the person's average gross monthly income from that income in their current employment in the 6 months prior to the date of application.

(c) Payments relating to the costs of UK or overseas travel, including (for example) travelling or relocation expenses and subsistence or accommodation allowances, and payments made towards the costs of living overseas, will not be counted as income.

(d) Gross income from non-salaried employment will be calculated on the same basis as income from salaried employment, except as provided in paragraph 18(e) and 18(f), and the requirements of this Appendix for specified evidence relating to salaried employment shall apply as if references to salary were references to income from non-salaried employment. Non-salaried employment includes that paid at an hourly or other rate (and the number and/or pattern of hours required to be worked may vary), or paid an amount which varies according to the work undertaken, whereas salaried employment includes that paid at a minimum fixed rate (usually annual) and is subject usually to a contractual minimum number of hours to be worked.

(e) For the purpose of paragraph 13(a)(i), in respect of a person in non-salaried employment at the date of application "the level of gross annual salary relied upon in the application" shall be no greater than the annual equivalent of the person's average gross monthly income from non-salaried employment in the 6 months prior to the date of application, where that employment was held throughout that period.

(f) For the purpose of paragraph 13(b)(i), "the gross annual salary from employment as it was at the date of application" of a person in non-salaried employment at the date of application shall be considered to be the annual equivalent of:

(aa) the person's gross income from non-salaried employment in the period immediately prior to the date of application, where the employment has been held for a period of no more than one month at the date of application; or

(bb) the person's average gross monthly income from non-salaried employment, where the employment has been held for a period of more than one month at the date of application.

(g) For the purpose of paragraphs 13(c)(ii) and 13(d)(i), "the gross annual salary in the salaried employment in the UK to which they are returning" of a person who is returning to the UK to take up non-salaried employment in the UK starting within 3 months of their return is the gross annual income from that employment, based on the rate or amount of pay, and the standard or core hours of work, set out in the document(s) from the employer provided under paragraph 4. Notwithstanding paragraph 18(b), this may include the gross "on-target" earnings which may be expected from satisfactory performance in the standard or core hours of work.

19. When calculating income from self-employment under paragraphs 12A and 13(e), and in relation to income from employment and/or shares in a limited company based in the UK of a type to which paragraph 9 applies, this paragraph applies:

(a) There must be evidence of ongoing self-employment, and (where income from salaried employment is also relied upon or where paragraph 9(c) applies) ongoing employment, at the date of application.

(b) Where the self-employed person is a sole trader or is in a partnership or franchise agreement, the income will be the gross taxable profits from their share of the business in the relevant financial year(s), not including any deductable allowances, expenses or liabilities which may be applied to the gross taxable profits to establish the final tax liability.

(c) Where income to which paragraph 19 applies is being used to meet the financial requirement for an initial application for leave to remain as a partner under Appendix FM by an applicant who used such income to meet that requirement in an application for entry clearance as a fiancé(e) or proposed civil partner under that Appendix in the last 12 months, the Secretary of State may continue to accept the same level and evidence of income to which paragraph 19 applies that was accepted in granting the application for entry clearance, provided that there is evidence of ongoing self-employment, and (where income from salaried employment is also relied upon or where paragraph 9(c) applies) ongoing employment, at the date of the application for leave to remain.

(d) The financial year(s) to which paragraph 7 refers is the period of the last full financial year(s) to which the required Statement(s) of Account (SA300 or SA302) relates.

(e) The financial year(s) to which paragraph 9 refers is the period of the last full financial year(s) to which the required Company Tax Return(s) CT600 relates.

20. When calculating income from specified non-employment sources under paragraphs 12A and 13 to 15, this paragraph applies:

(a) Assets or savings must be in the name of the person, or jointly with their partner.

(b) Any asset or savings on which income is based must be held or owned by the person at the date of application.

(c) Any rental income from property, in the UK or overseas, must be from a property that is:

(i) owned by the person;

(ii) not their main residence and will not be so if the application is granted, except in the circumstances specified in paragraph 20(e); and

(iii) if ownership of the property is shared with a third party, only income received from their share of the property can be counted.

(cc) The amount of rental income from property received before any management fee was deducted may be counted.

(d) Equity in a property cannot be used to meet the financial requirement.

(e) Where the applicant and their partner are resident outside the UK at the date of application, rental income from a property in the UK that will become their main residence if the application is granted may only be counted under paragraph 13(c)(i) and paragraph 13(d)(ii).

(f) Any future entitlement to a maintenance grant or stipend of the type specified in paragraph 10(g) may be counted as though the person had received the annual amount of that grant or stipend in the 12 months prior to the date of application.

20A. When calculating the gross annual income from pension under paragraph 13, the gross annual amount of any pension received may be counted where the pension has become a source of income at least 28 days prior to the date of application.

21. When calculating income under paragraphs 13 to 16, the following sources will not be counted:

(a) Loans and credit facilities.

(b) Income-related benefits: Income Support, income-related Employment and Support Allowance, Pension Credit, Housing Benefit, Council Tax Benefit or Support (or any equivalent) and income-based Jobseeker’s Allowance.

(c) The following contributory benefits: contribution-based Jobseeker’s Allowance, contribution-based Employment and Support Allowance and Incapacity Benefit.

(cc) Unemployability Allowance, Allowance for a Lowered Standard of Occupation and Invalidity Allowance under the War Pension Scheme.

(d) Child Benefit.

(e) Working Tax Credit.

(f) Child Tax Credit.

(ff) Universal Credit.

(g) Any other source of income not specified in this appendix.

Other sources of income, financial support or funds in exceptional circumstances

21A(1). Where paragraph GEN.3.1.(1) of Appendix FM applies, the decision-maker is required to take into account the sources of income, financial support or funds specified in sub-paragraph (2).

(2) Subject to sub-paragraphs (3) to (8), the following sources of income, financial support or funds will be taken into account (in addition to those set out in, as appropriate, paragraph E-ECP.3.2., E-LTRP. 3.2., E-ECC.2.2. or E-LTRC.2.2. of Appendix FM):

(a) a credible guarantee of sustainable financial support to the applicant or their partner from a third party;

(b) credible prospective earnings from the sustainable employment or self-employment of the applicant or their partner; or

(c) any other credible and reliable source of income or funds for the applicant or their partner, which is available to them at the date of application or which will become available to them during the period of limited leave applied for.

(3) Where the applicant is a child:

(a) other references in this paragraph to “applicant” mean the “applicant’s parent” under paragraph E-ECC.1.6. or E-LTRC.1.6. of Appendix FM; and

(b) references in this paragraph to “partner” refer to the “applicant’s parent’s partner” under those paragraphs.

(4) The onus is on the applicant to satisfy the decision-maker of the genuineness, credibility and reliability of the source of income, financial support or funds relied upon, on the basis of the information and evidence provided, having regard (in particular, but without limitation) to the factors set out below.

(5) The source of income, financial support or funds must not be a loan, unless evidence submitted with the application shows that:

(a) the source is a mortgage on a residential or commercial property in the UK or overseas which at the date of application is owned by the applicant, their partner or both, or by the third party to whom sub-paragraph (2)(a) refers;

(b) the mortgage is provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating; and

(c) the mortgage payments are reasonably affordable by the person(s) responsible for them and are likely to remain so for the period of limited leave applied for.

(6) Any cash savings or any current financial investment or product relied upon by the applicant under sub-paragraph (2)(c) must at the date of application be in the name(s), and under the control, of the applicant, their partner or both.

(7) Any cash savings relied upon by the applicant must enable the financial requirement in paragraph E-ECP.3.1.(b), E-LTRP.3.1.(b), E-LTRP.3.7.(b), E-ECC.2.1.(b), E-ECC.2.5.(b), E-LTRC.2.1.(b) or E-LTRC.2.5.(b) of Appendix FM (as applicable) to be met, except that the criteria in sub-paragraph (8)(c) apply in place of the requirements in paragraphs 11 and 11A of this Appendix.

(8) In determining the genuineness, credibility and reliability of the source of income, financial support or funds relied upon under sub-paragraph (2), the decision-maker will take into account all the information and evidence provided, and will consider (in particular):

(a) in respect of a guarantee of sustainable financial support from a third party:

(i) whether the applicant has provided verifiable documentary evidence from the third party in question of their guarantee of financial support;

(ii) whether that evidence is signed, dated and witnessed or otherwise independently verified;

(iii) whether the third party has provided sufficient evidence of their general financial situation to enable the decision-maker to assess the likelihood of the guaranteed financial support continuing for the period of limited leave applied for;

(iv) whether the third party has provided verifiable documentary evidence of the nature, extent and duration of any current or previous financial support which they have provided to the applicant or their partner;

(v) the extent to which this source of financial support is relied upon by the applicant to meet the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1., E-LTRP.3.7., E-ECC.2.1., EECC.2.5., E-LTRC.2.1. or E-LTRC.2.5. of Appendix FM (as applicable); and.

(vi) the likelihood of a change in the third party's financial situation or in their relationship with the applicant or the applicant's partner during the period of limited leave applied for.

(b) in respect of prospective earnings from sustainable employment or self-employment of the applicant or their partner:

(i) whether, at the date of application, a specific offer of employment has been made, or a clear basis for self-employment exists. In either case, such employment or self-employment must be expected to commence within three months of the applicant's arrival in the UK (if the applicant is applying for entry clearance) or within three months of the date of application (if the applicant is applying for leave to remain);

(ii) whether the applicant has provided verifiable documentary evidence of the offer of employment or the basis for self-employment, and, if so, whether that evidence:

(aa) is on the headed notepaper of the company or other organisation offering the employment, or of a company or other organisation which has agreed to purchase the goods or services of the applicant or their partner as a self-employed person;

(bb) is signed, dated and witnessed or otherwise independently verified;

(cc) includes (in respect of an offer of employment) a signed or draft contract of employment;

(dd) includes (in respect of self-employment) any of a signed or draft contract for the provision of goods or services; a signed or draft partnership or franchise agreement; an application to the appropriate authority for a licence to trade; or details of the agreed or proposed purchase or rental of business premises;

(iii) whether, in respect of an offer of employment in the UK, the applicant has provided verifiable documentary evidence:

(aa) of a relevant employment advertisement and employment application;

(bb) of the hours to be worked and the rate of gross pay, which that evidence must establish equals or exceeds the National Living Wage or the National Minimum Wage (as applicable, given the age of the person to be employed) and equals or exceeds the going rate for such work in that part of the UK; and

(cc) which enables the decision-maker to assess the reliability of the offer of employment, including in light of the total size of the workforce and the turnover (annual gross income or sales) of the relevant company or other organisation;

(iv) whether the applicant has provided verifiable documentary evidence that at the date of application, the person to be employed or self-employed is in, or has recently been in, sustained employment or self-employment of the same or a similar type, of the same or a similar level of complexity and at the same or a similar level of responsibility;

(v) whether the applicant has provided verifiable documentary evidence that the person to be employed or self-employed has relevant professional, occupational or educational qualifications and that these are recognised in the UK;

(vi) whether the applicant has provided verifiable documentary evidence that the person to be employed or self-employed has the level of English language skills such prospective employment or self-employment is likely to require;

(vii) the extent to which this source of income is relied upon by the applicant to meet the financial requirement in paragraph EECP.3.1., E-LTRP.3.1., E-LTRP.3.7., E-ECC.2.1., E-ECC.2.5., ELTRC.2.1. or E-LTRC.2.5. of Appendix FM (as applicable); and

(viii) where an offer of employment is relied upon, and where the proposed employer is a family member or friend of the applicant or their partner, the likelihood of a relevant change in that relationship during the period of limited leave applied for.

(c) in respect of any other credible and reliable source of income or funds for the applicant or their partner:

(i) whether the applicant has provided verifiable documentary evidence of the source;

(ii) whether that evidence is provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating, and is signed, dated and witnessed or otherwise independently verified;

(iii) where the income is or the funds are based on, or derived from, ownership of an asset, whether the applicant has provided verifiable documentary evidence of its current or previous ownership by the applicant, their partner or both;

(iv) whether the applicant has provided sufficient evidence to enable the decision-maker to assess the likelihood of the source of income or funds being available to them during the period of limited leave applied for; and

(v) the extent to which this source of income or funds is relied upon by the applicant to meet the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1., E-LTRP.3.7., E-ECC.2.1., EECC.2.5., E-LTRC.2.1. or E-LTRC.2.5. of Appendix FM (as applicable).

Evidence of Marriage or Civil Partnerships

22. A marriage in the United Kingdom must be evidenced by a valid marriage certificate recognised under the laws of England and Wales, Scotland or Northern Ireland.

23. (a) A divorce in England and Wales must be evidenced by either a decree absolute or a final order.

(b) A divorce in Scotland must be evidenced by a decree of divorce.

(c) A divorce in Northern Ireland must be evidenced by a decree absolute.

24. A civil partnership in the United Kingdom must be evidenced by a civil partnership certificate.

25. The dissolution of a civil partnership in the UK must be evidenced by a final order of civil partnership dissolution from a civil court.

26. Marriages, civil partnerships or evidence of divorce or dissolution from outside the UK must be evidenced by a reasonable equivalent to the evidence detailed in paragraphs 22 to 25, valid under the law in force in the relevant country.

Evidence of the Applicant Living Overseas with a Crown Servant

26A. Where:

(a) An applicant for entry clearance, limited leave to enter or remain or indefinite leave to remain as a partner under Appendix FM (except as a fiancé(e) or proposed civil partner) or Appendix Settlement Family Life intends to enter or remain in the UK to begin their probationary period (or has done so) and then to live outside the UK for the time being with their sponsor (or is doing so or has done so) before the couple live together permanently in the UK; and

(b) the sponsor, who is a British Citizen or settled in the UK, is an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government, or a permanent member of the British Council on a tour of duty outside the UK,

the applicant must provide a letter on official stationery from the sponsor's head of mission confirming the information at (a) and (b) and confirming the start date and expected end date of the sponsor's tour of duty outside the UK.

Evidence of English Language Requirements

27. The evidence required of passing an English language test in speaking and listening (at a minimum of level A1 or A2 (as the case may be) of the Common European Framework of Reference for Languages) with a provider approved by the Secretary of State, where the applicant relies on that pass to meet an English language requirement, is confirmation on the on-line verification system operated by an approved English language test provider and at an approved Secure English Language Test centre that:

(i) the applicant has passed such a test; and

(ii) that test was an English language test in speaking and listening which is approved by the Secretary of State and was taken no more than two years before the date of application and at a test centre approved by the Secretary of State as a Secure English Language Test Centre or if they have already shown they met the requirement in this manner at the level required for their current application, in a previous successful application for entry clearance or permission to stay.

28. The evidence required to show that a person is a citizen or national of a majority English speaking country is a valid passport or travel document, unless paragraphs 29 and 30 apply. A dual national may invoke either of their nationalities.

29. If the applicant has not provided their passport or travel document other evidence of nationality can be supplied in the following circumstances only (as indicated by the applicant on their application form):

(a) where the passport or travel document has been lost or stolen;
(b) where the passport or travel document has expired and been returned to the relevant authorities; or
(c) where the passport or travel document is with another part of the Home Office.

30. Alternative evidence as proof of nationality, if acceptable, must be either:

(a) A current national identity document; or
(b) A letter from the applicant's national government, Embassy or High Commission confirming the applicant's full name, date of birth and nationality.

31. Evidence of an academic qualification under paragraphs 284(ix)(c), (d) and (e), 290 (viii) (c), (d) and (e) and 295D(xi)(c), (d) and (e) of Part 8 and paragraphs E-ECP.4.1.(c), E-LTRP.4.1.(c), E-LTRP.4.1A.(c), E-ECPT.4.1.(c), E-LTRPT.5.1.(c) and E-LTRPT.5.1A.(c) of Appendix FM must be:

(a) a certificate issued by the relevant institution confirming the award of the academic qualification showing:

(i) the applicant's name;

(ii) the title of award;

(iii)the date of award; and

(iv)the name of the awarding institution; or

(b) if the applicant is awaiting graduation or no longer has the certificate and cannot obtain a new one, either:

(i) an academic reference from the institution awarding the academic qualification that:

1) is on official letter headed paper;

2) shows the applicant's name;

3) shows the title of award;

4) explains when the academic qualification has been, or will be, awarded; and

5) confirms either the date that the certificate will be issued (if the applicant has not yet graduated) or that the institution is unable to re-issue the certificate of award; or

(ii) an academic transcript that:

(1) is on official letter headed paper;

(2) shows the applicant's name;

(3) shows the name of the academic institution;

(4) shows the course title; and

(5) confirms either the date that the certificate will be issued (if the applicant has not yet graduated) or that the institution is unable to re-issue the certificate of award; and

(c) if the qualification was awarded by an educational establishment outside the UK, a document from the qualification and language assessments provider which confirms that the qualification meets or exceeds the recognised standard of a Bachelor's or Master's degree or PhD in the UK and was taught or researched in English to level A1 or A2 (as the case may be) of the Common Framework of Reference for Languages or above.

32. If the qualification was taken in one of the following countries, it will be assumed for the purpose of paragraph 31 that it was taught or researched in English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, the British Overseas Territories, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the UK, the USA, Malta.

32A. For the avoidance of doubt paragraphs 27 to 32D of this Appendix apply to fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner and same sex partner applications for limited leave to enter or remain made under Part 8 of these Rules where English language requirements apply, regardless of the date of application. Paragraphs 27 to 32D of this Appendix also apply to spouse, civil partner, unmarried partner and same sex partner applications which do not meet the requirements of Part 8 of these Rules for indefinite leave to remain (where the application is for indefinite leave to remain) and are being considered for a grant of limited leave to remain where paragraph A277A(b) of these Rules applies. Any references in paragraphs 27 to 32D of this Appendix to "limited leave to enter or remain" shall therefore be read as referring to all applicants referred to in this paragraph.

32B. Where the decision-maker has:

(a) reasonable cause to doubt that an English language test in speaking and listening at a minimum of level A1 or A2 (as the case may be) of the Common Framework of Reference for Languages relied on at any time to meet a requirement for limited leave to enter or remain in Part 8 or Appendix FM was genuinely obtained; or

(b) information that the test certificate or result awarded to the applicant has been withdrawn by the test provider for any reason,

the decision-maker may discount the test certificate or result and require the applicant to provide a new test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it.

32C. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result which has ceased by the date of application to be:

(a) from an approved test provider, or

(b) in respect of an approved test, or

(c) from an approved test centre, the decision-maker will not accept that certificate or result as valid, unless the decision-maker does so in accordance with paragraph 32D of this Appendix and subject to any transitional arrangements made in respect of the test provider, test or test centre in question.

32D. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result and the Home Office has already accepted it as part of a successful previous application in any route (but not where the application was refused, even if on grounds other than the English language requirement), the decision-maker will accept that certificate or result as valid if it is:

(a) from a provider which is no longer approved, or

(b) from a provider who remains approved but the test the applicant has taken with that provider is no longer approved, or

(c) from a test centre which is no longer approved, or

(d) past its validity date (if a validity date is required), provided that it is at or above the requisite level of the Common European Framework of Reference for Languages and when the subsequent application is made the award to the applicant does not fall within the circumstances set out in paragraph 32B of this Appendix.

Adult dependent relatives

DELETED

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Appendix Family Reunion (Sponsors with Protection)

This Appendix, also known as refugee family reunion, is now closed to new applications pending a review. For those who applied under Appendix Family Reunion (Sponsors with Protection) as a partner or child of a person with protection status before 1500 on 4 September 2025, the Appendix FRP rules in place on that date will apply to a pre-flight partner or dependent child applying to stay with or join a person who has protection status or settlement on a protection route in the UK.

There is a separate route under Appendix Child Relative (Sponsors with Protection) for a child to stay with or join a close relative, for example a sibling, who has protection status in the UK.

There is a separate route under Appendix FM: family members for a partner or child to join a sponsor who has protection status, is settled or a British Citizen in the UK on the basis of their family life.

[FRP1.1. to FRP 1.4.] DELETED

FRP 2.1. The applicant must not fall for refusal under Part Suitability.

FRP 2.2. to FRP 10.1.] DELETED

Transitional provisions

FRP 11.1. Applications made before 1500 on 4 September 2025 by a partner or child of a person with protection status will be decided under the Appendix Family Reunion (Sponsors with Protection) rules in force on that date. In any other case, the partner or child of a person with protection status must apply under Appendix FM to stay with or join that person until further notice.

Appendix Finance

This Appendix sets out how the financial requirement must be met.

The routes set out the requirements for the amount of funds and length of time they must be held.

This Appendix applies to applications under these routes:

• Appendix Child Student
• Appendix Domestic Worker in a Private Household
• Appendix Global Business Mobility – Senior or Specialist
• Appendix Global Business Mobility – Graduate Trainee
• Appendix Global Business Mobility – UK Expansion Worker
• Appendix Global Business Mobility – Service Supplier
• Appendix Global Business Mobility – Secondment Worker
• Appendix Global Talent
• Appendix High Potential Individual
• Appendix Hong Kong British National (Overseas)
• Appendix Innovator Founder
• Appendix International Sportsperson
• Appendix Parent of a Child Student
• Appendix Representative of an Overseas Business
• Appendix Scale-up
• Appendix Short-term Student
• Appendix Skilled Worker
• Appendix Start-up
• Appendix Student
• Appendix Temporary Work - Charity Worker
• Appendix Temporary Work - Creative Worker
• Appendix Temporary Work - International Agreement
• Appendix Temporary Work - Government Authorised Exchange
• Appendix Temporary Work - Religious Worker
• Appendix Temporary Work - Seasonal Worker
• Appendix T2 Minister of Religion
• Appendix UK Ancestry
• Appendix Visitor
• Appendix Youth Mobility Scheme

Currency

FIN 1.1. Where money is held in one or more foreign currencies, this will be converted into pound sterling (£) using the spot exchange rate which appears on www.oanda.com for the date of the application unless FIN 1.2. or FIN 1.3. applies.

FIN 1.2. Where money is held in one or more foreign currencies and the exchange rate for a foreign currency does not appear on www.oanda.com, this will be converted into pound sterling (£), using the monthly FCDO Consular Exchange Rate ("CER") rate published at www.gov.uk/government/publications/fco-consular-services-abroad-exchange-rates on the date of application. The following currencies do not appear on www.oanda.com:

- Syrian Pounds
- Mongolian Tugrik

FIN 1.3. The following currencies will also be converted into pound sterling (£) using the monthly FCDO CER rate published at www.gov.uk/government/publications/fco-consular-services-abroad-exchange-rates applicable on the date of application:

- Iranian Rials.

Financial institutions

FIN 2.1. Funds will not be considered if they are held in a financial institution where any of the following apply:

(a) the decision maker is unable to make satisfactory verification checks; or

(b) the financial institution is not regulated by the appropriate regulatory body for the country in which that institution is operating; or

(c) the financial institution does not use electronic record keeping.

Overdrafts

FIN 3.1. Overdraft facilities will not be counted towards meeting financial requirements.

Requirement to have legally earned or acquired funds, savings, or income

FIN 4.1. If funds, savings or income were earned or acquired when the applicant was in the UK, they must have been earned or acquired lawfully and while the applicant had permission and was not in breach of any conditions attached to that permission.

Account holders

FIN 5.1. Accounts relied on must be in the name of the applicant (either alone or as a joint account holder), unless one of the following applies:

(a) the account is in the name of the applicant's partner who is applying for entry clearance or permission to stay at the same time or has been granted permission; or

(b) the applicant is applying as a Child Student, Student, Short-Term Student (English language), or dependent child, and the account is in the name of their parent, or their legal guardian; or

(c) the applicant is applying as a Child Student and they are being cared for by a close relative, or a private foster care arrangement has been made which complies with the requirements in CS 9.3. to CS 9.5, and the account is in the name of the applicant's close relative or private foster carer; or

(d) the requirements for the route under which the applicant is applying state that an account in the name of a third party may be relied upon and the account is in the name of that third party.

FIN 5.2. The applicant, or account holder in FIN.5.1, must have control of the funds.

FIN 5.3. If the applicant is applying as a Student, Short-Term Student (English language), or Child Student and they are relying on funds held in an account in the name of a parent or legal guardian as specified in FIN 5.1. they must provide proof of that relationship and written consent from the parent or legal guardian to use those funds.

Third party support

FIN 6.1. Promises of future third-party support will not be accepted as evidence of funds, except where this is specified in the route under which the applicant is applying.

Dates of financial evidence

FIN 7.1. The most recently dated piece of financial evidence must be dated within 31 days before the date of application.

FIN 7.2. The length of time for which funds are held will be calculated by counting back from the date of the closing balance on the most recently dated piece of financial evidence.

FIN 7.3. The financial evidence provided must cover the whole period of time for which the funds must be held.

Accounts

FIN 8.1. Funds may be held in any form of personal bank or building society account (including current, deposit, savings, pension from which the funds can be withdrawn or investment account) provided the account allows the funds to be accessed immediately.

FIN 8.2. Funds held in other accounts or financial instruments such as shares, bonds, credit cards, pensions from which the funds cannot be withdrawn immediately, regardless of notice period, will not be accepted as evidence of funds.

FIN 8.3. An applicant applying as a Student or Child Student, will meet the financial requirements if they provide evidence of any of the following (or a combination of them):

(a) money held in an account that meets the requirements set out in FIN 5.1. and FIN 8.1; or

(b) funds provided by an official financial sponsor, which must be His Majesty's Government, the applicant's national government, the British Council or any international organisation, international company, university or Independent School; or

(c) a student loan provided by:

(i) a government; or

(ii) a government sponsored student loan company; or

(iii) an academic or educational loans scheme which is provided by a financial institution regulated for the purpose of issuing student loans by either the Financial Conduct Authority (FCA) or the Prudential Regulation Authority (PRA) or, in the case of an overseas loan, the official regulatory body for purpose of issuing student loans in the country the institution is in and where the money is held.

FIN 8.4. An applicant applying as a Short-Term Student will meet financial requirements if they provide evidence of any of the following (or a combination of them):

(a) money held in an account that meets the requirements set out in FIN 5.1. and FIN 8.1; or

(b) sufficient funds from an official financial sponsor, which must be His Majesty's Government, the applicant's national government, the British Council or any international organisation, international company, university or Independent School.

Evidence of financial sponsorship or student loans for students

FIN 9.1. An applicant relying on funds provided by an official financial sponsor under FIN 8.3.(b) must provide evidence, either:

(a) where the student sponsor is providing financial sponsorship, the funds being provided must be stated in the Confirmation of Acceptance for Studies; or

(b) a letter of confirmation from the official financial sponsor.

FIN 9.2. An applicant relying on a student loan under FIN 8.3.(c), must show evidence of the student loan by providing a student loan letter from the lender which must:

(a) be dated no more than 6 months before the date of application; and

(b) confirm the loan is a student loan provided to the applicant by either the relevant government or a government sponsored student loan company or an academic or educational loans scheme; and

(c) confirm there are no conditions on release of the loan funds other than a successful application to study in the UK as a Student or Child Student; and

(d) confirm the amount of the loan; and

(e) confirm the loan is to the applicant; and

(f) confirm the funds will be:

(i) available to the applicant before they travel to the UK; or

(ii) paid directly to the student sponsor before the applicant travels to the UK, with any living cost portion of the loan being made available to the applicant by the time they arrive in the UK; or

(iii) available before the applicant begins their course if the loan is provided by the applicant's national government; and

(g) confirm the lender meets the requirement at FIN 8.3(c).

Appendix Graduate

This route is for a Student in the UK who wants to work, or look for work, following the successful completion of an eligible course of study at UK bachelor's degree-level or above. The study must have been with a higher education provider with a track record of compliance.

The Graduate route is an unsponsored route.

Individuals who already have permission as a dependant of a Student who is applying on this route can also apply to extend their permission as a dependant on this route; other types of dependants are not permitted on this route.

The Graduate route is not a route to settlement.

Validation requirements for Graduate

GR 1.1. A person applying for permission to stay as a Graduate must apply online on the gov.uk website on the specified form "Graduate".

GR 1.2. An application for permission as a Graduate must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK.

GR 1.3. The applicant must have, or have last had, permission as a Student.

GR 1.4. The applicant must not have been previously granted permission under the Doctorate Extension Scheme or as a Graduate.

GR 1.5. If the applicant has in the 12 months before the date of application completed a course of studies in the UK for which they have been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

GR 1.6. An application which does not meet all the validity requirements for a Graduate may be rejected as invalid and not considered.

Suitability requirements for Graduate

GR 2.1. The applicant must not fall for refusal under Part Suitability.

GR 2.2. The applicant must not be:

(a) in the UK in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for Graduate

Points requirement

GR 3.1 The applicant must be awarded all 70 points in the table below.

Points type	Relevant requirements to be met	Number of points
Successful course completion	• Successful completion requirement • Qualification requirement • Study in the UK requirement	70

Successful completion requirement

GR 4.1. The applicant must have last been sponsored by a Student sponsor which is a higher education provider with a track record of compliance on the date of application.

GR 4.2. The applicant must have successfully completed the course of study which was undertaken during their last grant of permission to study on the Student route (where the applicant was allowed to change their course of study without applying for further permission as a Student, this requirement only applies to the course to which they changed).

GR 4.3. The student sponsor must have notified the Home Office, by the date of application, that the applicant has successfully completed the course of study in GR 4.2.

Qualification requirement

GR 5.1. The applicant will meet the qualification requirement if they have successfully completed a course of study for which they have been or will be awarded a UK bachelor's degree, a UK postgraduate degree, or successfully completed a relevant qualification listed in GR 5.2.

GR 5.2 A relevant qualification is one of the following:

(a) a law conversion course validated by the Solicitors Regulation Authority in England and Wales; or

(b) the Legal Practice Course in England and Wales, the Solicitors Course in Northern Ireland, or a Diploma in Professional Legal Practice in Scotland; or

(c) the Bar Practice Course in England and Wales, or the Bar Course in Northern Ireland; or

(d) DELETED

(e) a Postgraduate Certificate in Education (PGCE) or Postgraduate Diploma in Education (PGDE); or

(f) a professional course requiring study at UK bachelor's degree level or above in a profession with reserved activities that is regulated by UK law or UK public authority.

GR 5.3. If the name of the applicant's course of study was changed by the Student sponsor, but the course content remained the same, or if an integral and assessed work placement or permitted study abroad programme was added, this will not prevent the applicant being able to meet the qualification requirement.

GR 5.4 The qualification must have been gained during the last grant of permission to study as a Student, or in the period of permission immediately before the applicant's last grant of permission, if the last grant of permission was to undertake a role as a Student Union Sabbatical Officer.

Study in the UK requirement

GR 6.1. The applicant must have held permission as a Student, which was granted to study the relevant qualification in the UK, for a minimum period of time (the relevant period), as in the table below.

Total length of course	Relevant period of Student permission granted during which all study took place in the UK (apart from permitted study abroad programmes)
12 months or less	Full duration of course
Longer than 12 months	At least 12 months

GR 6.2. Where distance learning took place overseas between 24 January 2020 and 30 June 2022, this will not prevent the applicant meeting the requirement to spend the relevant period at GR 6.1 studying in the UK if either:

(a) they began a course of 12 months or less prior to 21 June 2021 and entered the UK on or before 27 September 2021 with permission as a Student; or

(b) they began a course of 12 months or less between 21 June 2021 and 30 June 2022 and entered the UK on or before 30 June 2022 with permission as a Student.

GR 6.3. Any period of distance learning that took place between 24 January 2020 and 30 June 2022 as part of a course of study lasting longer than 12 months whilst the applicant held permission as a Student, will not prevent the applicant from meeting the requirement to spend the relevant period at GR 6.1. studying in the UK.

Decision on an application as a Graduate

GR 7.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Graduate are met the application will be granted, otherwise the application will be refused.

GR 7.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period of grant for a Graduate,

GR 8.1. The applicant will be granted the period of permission as set out in the table below:

Type of Qualification	Period granted from date of decision
PhD or other doctoral qualification	3 years
All other qualifications	2 years if the applicant has successfully completed a course at UK bachelor's degree or master's degree level, or another relevant qualification that meets the requirement of ST8.1/2/3 of the Rules, and the application is made before 1 January 2027.
All other qualifications	18 months if the applicant has successfully completed a course at UK bachelor's degree or master's degree level, or another relevant qualification that meets the requirement of ST8.1/2/3 of the Rules, and the application is made on or after 1 January 2027.

Conditions of grant for a Graduate

GR 8.2. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) is permitted, apart from work as a professional sportsperson; and

(c) study is permitted, except study with an education provider which is a Student sponsor, and which would meet the approved qualification and level of study requirements of the Student route which are set out in Appendix Student; and

(d) study is subject to the ATAS condition in Appendix ATAS.

(e) DELETED

Dependants of a Graduate

Validity requirements for a dependent partner or dependent child of a Graduate

GR 9.1. A person applying for permission to stay as a partner or child of a Graduate must apply on the specified form on the gov.uk website as follows:

Either (as applicable):

Dependant partner

Dependant child

GR 9.2. An application for permission to stay as a partner or child of a Graduate must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as partner or child of a person who:

(i) has made a valid application for permission to stay on the Graduate route that has not been decided; or

(ii) has permission to stay on the Graduate route.

GR 9.3. If the applicant has in the 12 months before the date of application completed a course of studies in the UK for which they have been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

GR 9.4. The applicant must be in the UK on the date of application.

GR 9.4A. The applicant must meet one of the following requirements:

(a) they must have, or have last been granted, permission as a dependent partner of a Student and that Student is applying for, or has now been granted, permission to stay in the Graduate route; or

(b) they must have, or have last been granted, permission as a dependent child of either a Student or dependent partner of the Student and that Student is applying for, or has now been granted, permission to stay in the Graduate route; or

(c) they must be a child born in the UK during the last grant of Student permission of a Student and that Student is applying for, or has now been granted, permission to stay in the Graduate route.

GR 9.5. An application which does not meet all the validity requirements for a partner or child of a Graduate may be rejected as invalid and not considered.

Suitability requirements for a dependent partner or dependent child of a Graduate,

GR 10.1. The applicant must not fall for refusal under Part Suitability.

GR 10.2. The applicant must not be:

(a) in the UK in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a dependent partner or dependent child of a Graduate,

Relationship requirement for dependent partner of a Graduate

GR 11.1. The applicant must be the partner of a Person (P) where one of the following applies:

(a) P has permission to stay on the Graduate route; or

(b) P is, at the same time, applying for (and is granted) permission to stay on the Graduate route.

GR 11.2. The requirements of Appendix Relationship with Partner must be met.

GR 11.3. DELETED

Relationship requirement for dependent child of a Graduate,

GR 12.1. DELETED.

GR 12.2. DELETED

GR 12.3. DELETED.

Care requirement for dependent child of a Graduate,

GR 13.1. DELETED.

Age requirement for a dependent child of a Graduate,

GR 14.1. DELETED.

GR 14.2. DELETED.

Requirements for a dependent child of a Graduate,

GR 14A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) relationship requirement: entry clearance and permission to stay; and

(b) care requirement; and

(c) age and independent life requirement.

Decision on an application as a dependent partner or dependent child of a Graduate

GR 15.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner or dependent child of a Graduate are met, the application will be granted, otherwise the application will be refused.

GR 15.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR.

Period of grant for a dependent partner or dependent child of a Graduate,

GR 16.1. A dependent partner will be granted permission which ends on the same date as the Graduate partner's permission.

GR 16.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

Conditions of grant for a dependent partner or dependent child of a Graduate

GR 16.3. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) is permitted except as a professional sportsperson (including as a sports coach); and

(c) study is permitted, subject to the ATAS condition in Appendix ATAS (if the study will commence when the person is aged over 18).

(d) DELETED

Appendix KoLL

Knowledge of language and life.

Part 1 – general

1.1

Purpose

This Appendix sets out how an applicant for indefinite leave to enter or remain must demonstrate sufficient knowledge of the English language and about life in the United Kingdom where it is a requirement of the Rules to demonstrate this for the purposes of an application for indefinite leave to enter or remain. It also sets out general exemptions to the requirement on grounds of age and enables the decision maker to waive the requirement in light of special circumstances in any particular case

"Specified" in this Appendix means "specified in Part 4 of this appendix"

Part 2 - knowledge of language and life

2.1 An applicant for indefinite leave to enter or remain has sufficient knowledge of the English language and about life in the United Kingdom if they meet the requirements set out in paragraphs 2.2 and 2.3. They do not need to satisfy the requirements in 2.2 and 2.3 where the exceptions set out in Part 3 of this Appendix apply.

2.2 For the purposes of paragraph 2.1, an applicant demonstrates sufficient knowledge of the English language if:

(a) the applicant has provided specified documentary evidence that:

(i) the applicant is a national or citizen of one of the following countries:

Antigua and Barbuda
Australia
The Bahamas
Barbados
Belize
The British Overseas Territories
Canada
Dominica
Grenada
Guyana
Jamaica
New Zealand
St Kitts and Nevis
St Lucia
St Vincent and the Grenadines
Trinidad and Tobago
USA
Malta.

or

(iii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which either:

1) is a UK Bachelor's degree, Master's degree or PhD; or

2) is deemed by the qualification and language assessments provider to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; The British Overseas Territories; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the USA; Malta; and provides the specified documents; or

or

(iv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by the qualification and language assessments provider to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

1) provides the specified documentary evidence to show he has the qualification, and

2) the qualification and language assessments provider has confirmed that the qualification was taught or researched in English; or

(v) Deleted or

(b) the applicant applied before 26 March 2027 and the applicant:

(i) has limited leave to enter or remain in the UK, and

(ii) that leave (or a grant of leave which preceded it provided any periods of leave since have been unbroken) was given on the basis that the applicant had an English language qualification at a minimum level of B1 on the Common European Framework of Reference for Languages; and

(iii) at the date of application, the provider of that qualification continues to be approved by the Secretary of State; or

(ba) the applicant applied on or after 26 March 2027 and:

(i) has limited leave to enter or remain in the UK, and

(ii) that leave (or a grant of leave which preceded it provided any periods of leave since have been unbroken) was given on the basis that the applicant had an English language qualification at a minimum level of B2 on the Common European Framework of Reference for Languages; and

(iii) at the date of application, the provider of that qualification continues to be approved by the Secretary of State.

or

(c) the online verification system operated by an approved English language test provider, as published on the UK Visas and Immigration pages of Gov.uk confirms:

(i) where the date of application is before 26 March 2027, that the applicant has passed an English language test in speaking and listening, at a minimum level B1 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application; or

(ii) where the date of application is on or after 26 March 2027, that the applicant has passed an English language test in speaking and listening, at a minimum level B2 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application.

2.3 For the purposes of sub-paragraph (1), an applicant demonstrates sufficient knowledge about life in the United Kingdom if:

(a) the applicant has passed the test known as the "Life in the UK test" administered by an educational institution or other person approved for this purpose by the Secretary of State; or

(b) in respect of an applicant who was resident in the Isle of Man, the applicant took and passed the test in the Isle of Man known as the "Life in the UK test" and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor; or

(c) in respect of an applicant who was resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, the applicant took and passed the test known as the “Citizenship Test” and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey (as the case may be).

Part 3 - exceptions

3.1 Notwithstanding any requirement to the contrary in these Rules, for the purposes of this appendix, an applicant will not be required to demonstrate sufficient knowledge of the English language and about life in the UK where:

(a) the applicant is under 18 years of age at the date of his or her application, or

(b) the applicant is at least 65 years of age at the date of his or her application, or

(c) in all the circumstances of the case, the decision maker considers that, because of the applicant’s mental or physical condition, it would be unreasonable to expect the applicant to fulfil either or both parts of that requirement.

3.2 In the following circumstances an applicant will be deemed to have demonstrated sufficient knowledge of the English language and about life in the UK:

(a) Where the application for indefinite leave to enter or remain in the United Kingdom is made under:

(i) paragraph 196D, as a dependent partner under Appendix UK Ancestry or Appendix Representative of an Overseas Business and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I -135K), or

(ii) paragraph 199, as a dependent child under Appendix UK Ancestry or Appendix Representative of an Overseas Business and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128–193 (but not paragraphs 135I-135K), or

(iii) paragraph 248D and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as a person exercising rights of access to a child resident in the United Kingdom and that child is under the age of 18 at the day on which the applicant’s application for indefinite leave is made under paragraph 248D, or

(iv) paragraph 273D and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as a spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means, or

(v) paragraph 275A and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means, or

(vi) paragraph 287 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 281 or paragraph 284,

or

(vii) paragraph 295G and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 295B or paragraph 295D, or

(viii) paragraph 298 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 302 or Appendix FM or paragraph 319R or paragraph 319X and Appendix Child joining a Non-Parent Relative (Protection), or

(ix) paragraph 319E, a dependent partner under Appendix Skilled Worker, Appendix Global Talent, Appendix Innovator Founder, Appendix T2 Minister of Religion, or Appendix T2 Sportsperson and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the partner of a relevant points based system migrant; or

(x) paragraph 319J, a dependent child under Appendix Skilled Worker, Appendix Global Talent, Appendix Innovator, Appendix T2 Minister of Religion, or Appendix T2 Sportsperson and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a relevant points based system migrant; or

(xi) section E-ILRP of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years on the day on which the application is made as a partner (except where leave is as a fiancé or proposed civil partner) under section D-LTRP of Appendix FM; or

(xii) section E-ILRPT of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years on the day on which the application is made as a parent under section D-ILRPT of Appendix FM, and

(b)(i) the applicant has provided specified documentary evidence of an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3; or

(ii) where paragraph 39C(c) of these Rules applies, the on-line verification system operated by an approved English language test provider, as published on the UK Visas and Immigration pages of Gov.uk, confirms that the applicant has passed an English language test in speaking and listening, at a minimum level A2 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application.

and

(c) Where the date of application is before 26 March 2027, the applicant has provided specified documentary evidence from a qualified English language teacher that the applicant has made efforts to learn English but does not yet have sufficient knowledge of the English language to pass a qualification at B1 CEFR; or

(ca) Where the date of application is on or after 26 March 2027, the applicant has provided specified documentary evidence from a qualified English language teacher that the applicant has made efforts to learn English but does not yet have sufficient knowledge of the English language to pass a qualification at B2 CEFR.

(d) the applicant is not a national or a citizen of one of the following countries:

Antigua and Barbuda	Canada	St Kitts and Nevis
Australia	Dominica	St Lucia
The Bahamas	Grenada	St Vincent and the Grenadines
Barbados	Guyana	Trinidad and Tobago
Belize	Jamaica	USA
The British Overseas Territories	New Zealand	Malta.

3.3 Where paragraph 39C(c) of these Rules applies, subject to paragraph 3.2 of this Appendix, an applicant demonstrates sufficient knowledge of the English language and about life in the UK where:

(i) in cases where the applicant failed to satisfy paragraph 2.2 of this Appendix, the on-line verification system operated by an approved English language test provider, as published on the UK Visas and Immigration pages of Gov.uk, confirms that the applicant has passed an English language test in speaking and listening, at the required level, which is approved by the Secretary of State, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application. For the purposes of this sub-paragraph, the required level is B1 CEFR in the case of an application made before 26 March 2027 and B2 CEFR in the case of an application on or after 26 March 2027.

(ii) in cases where the applicant failed to satisfy paragraph 2.3 of this Appendix, he or she has provided specified evidence that he or she has passed the test known as the "Life in the UK test" administered by an educational institution or other person approved for this purpose by the Secretary of State under arrangements approved by the decision-maker or

(iii) in cases where the applicant failed to satisfy paragraphs 2.2 and 2.3 of this Appendix, the requirements set out in sub-paragraphs (i) and (ii) are met.

Part 4 - specified documents

4.1 Where these Rules require an applicant to demonstrate sufficient knowledge of the English language and of life in the United Kingdom, the applicant must supply the documents or information specified in paragraphs 4.6 to 4.14 below.

4.2 The decision maker will only consider evidence submitted after the date on which an application is made where the circumstances in paragraph 39(C)(c) of these Rules or paragraphs 4.3 or .4.6 of the Appendix apply.

4.3 Where an applicant has submitted:

(i) a document in the wrong format (for example, if a letter is not on letterhead paper as specified); or

(ii) DELETED

(iii) a document which does not contain all of the specified information, or

(iv) fails to submit a specified document,

the decision-maker may contact the applicant or his or her representative (in writing or otherwise), and request the document or the correct version of the document. The document must be received by the Home Office at the address specified in the request within such timescale (which will not be unreasonable) as is specified.

4.4 A decision-maker may decide not to request a document under paragraph 4.3 where he or she does not anticipate that the supply of that document will lead to a grant of leave to enter or remain in the United Kingdom because the application may be refused for other reasons.

4.5 Without prejudice to the decision maker's discretion under paragraph 4.2 and also his or her right in all cases to request the original or specified document and refuse an application in circumstances in which they are not provided, where an applicant submits a specified document:

(i) in the wrong format, or

(ii) DELETED

(iii) which does not contain all of the specified information but the missing information is verifiable from,

(aa) other documents submitted with the application,

(bb) the website of the organisation which issued the document,

or

(cc) the website of the appropriate regulatory body;

the application for leave to enter or remain in the United Kingdom may be granted exceptionally providing the decision-maker is satisfied that the specified documents are genuine and that the applicant meets all the other requirements.

4.6 Where the decision-maker is satisfied that there is a valid reason why a document has not been and cannot be supplied, (for example, because the document has been permanently lost or destroyed), he or she may waive the requirement for the document to be provided or may instead request alternative or additional evidence (which may include confirmation of evidence from the organisation which issued the original document).

4.7 The information specified for the purposes of paragraph 2.2(c) of this Appendix is the unique reference number assigned by the provider to the English language test taken by the applicant.

4.8 Subject to paragraphs 4.9 and 4.10 the documentary evidence specified for the purposes of paragraph 2.2 of this Appendix as showing that a person is a national or a citizen of one of the countries listed in paragraph 2.2 is a valid passport or travel document which satisfactorily establishes the applicant's nationality.

4.9 If the applicant cannot provide their passport or travel document other evidence of nationality of the type described in paragraph 4.10 may exceptionally be supplied in the following circumstances (the reason for which must be indicated by the applicant on their application form), where:

(a) the applicant's passport has been lost or stolen, or

(b) the applicant's passport has expired and has been returned to the relevant authorities, or

(c) the applicant's passport is with another part of the Home Office.

4.10 Where paragraph 4.9 applies, the alternative evidence specified for the purposes of establishing the applicant's nationality is:

(a) a valid national identity document; or

(b) a letter from the applicant's Home Government or Embassy confirming the applicant's full name, date of birth and nationality.

4.10A The evidence specified for the purposes of paragraph 2.2(a)(iii)(1) is:

(a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing:

(i) the applicant's name,
(ii) the title of the award,
(iii) the date of the award,
(iv) the name of the awarding institution

or,

(b) where an applicant has not, at the date of application, formally graduated or no longer has his or her certificate and is unable to obtain a duplicate certificate:

(i) an academic reference from the institution awarding the academic qualification that:
(a) is on official letter headed paper,
(b) shows the applicant's name,
(c) shows the title of the award,
(d) states when the academic qualification was (or as the case may be, will be) awarded,

and

(e) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued,

or

(ii) an academic transcript that;
(a) is on official letter headed paper,
(b) shows the applicant's name,
(c) shows the name of the academic institution,
(d) shows the course title, and
(e) confirms the award given.

4.11. The evidence specified for the purposes of paragraph 2.2(a)(iii)(2) to 2.2(a)(v) (academic qualification recognised by the qualification and language assessments provider) is:

(a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing:

(i) the applicant's name,
(ii) the title of the award,
(iii) the date of the award,
(iv) the name of the awarding institution, and,
(v) for paragraph 2.2(a)(iii) that the qualification was taught in English

or,

(b) where an applicant has not, at the date of application, formally graduated or no longer has his or her certificate and is unable to obtain a duplicate certificate:

(i) an academic reference from the institution awarding the academic qualification that:

(aa) is on official letter headed paper,
(bb) shows the applicant's name,
(cc) shows the title of the award,
(dd) confirms that the qualification was taught in English,
(ee) states when the academic qualification was (or as the case may be, will be) awarded, and
(ff) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued.

or

(ii) an academic transcript that;

(aa) is on official letter headed paper,
(bb) shows the applicant's name,
(cc) shows the name of the academic institution,
(dd) shows the course title,
(ee) confirms that the qualification was taught in English, and,
(ff) confirms the award given.

4.12 In the absence of any evidence to the contrary, a qualification obtained in one of the following countries will be assumed for the purposes of this Appendix to have been taught in English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, The British Overseas Territories, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the UK, the USA, or Malta.

4.13 The information or evidence specified for the purposes of paragraph 3.2(b)(i) (evidence of English language speaking and listening) is:

(a) the unique reference number assigned by the provider to the English language test taken by the applicant; or

(b) a certificate or other document issued by an awarding organisation that is recognised either by Ofqual, the Welsh Government, or CCEA that:

(i) is issued in England, Wales or Northern Ireland in respect of a qualification listed as an ESOL qualification in the OFQUAL Register of Regulated Qualifications, and

(ii) shows that the level of speaking and listening skills attained by the applicant met ESOL entry level 2; or

(c) a certificate that:

(i) is issued in Scotland in respect of a National Qualification in English for Speakers of Other Languages awarded by the Scottish Qualifications Authority, and

(ii) shows that the level of speaking and listening skills attained by the applicant met Scottish Credit and Qualifications Framework level 3."

4.13ZA The information or evidence specified for the purposes of requesting an exception under Paragraph 3.1(c) of this appendix is to be provided on a copy of the form published on GOV.UK for this purpose which must be completed by a professional who is either:

(a) the applicant's GP or a GP based in the practice with which the applicant is normally registered; or

(b) a General Medical Council (GMC) registered consultant

who has met with the applicant in person, assessed their ability to fulfil the requirements set out in this appendix, and supports their request for an exception from either or both elements of KOLL on the basis that they have a condition which would prevent them from satisfying the requirements for the foreseeable future.

4.13A The information specified for the purposes of paragraph 3.2(b)(ii) (evidence of English language speaking and listening) is the unique reference number assigned by the provider to the English language test taken by the applicant.

4.14 a) The evidence specified for the purposes of paragraph 3,2(c) (evidence from qualified English teacher) is a letter from the teacher which is signed by him or her and dated no more than 3 months before the date on which the application for indefinite leave to remain is made and which includes the following information:

(i) the applicant's name,

(ii) confirmation that the applicant has attended an English language class taught by that teacher for at least 75 guided learning hours and which was taught during the period of 12 months immediately preceding the date on which the application for indefinite leave to remain was made,

(iii) confirmation that the teacher has assessed that the speaking and listening level attained by the applicant is not at the level specified in 3.2(c) or 3.2 (ca) as appropriate,

(iv) confirmation that the applicant is considered unlikely to attain the level specified in 3.2(c) or 3.2(ca) as appropriate through further study

(v) confirmation of the teacher's qualifications as an English language teacher within the meaning of this Appendix.

(b) For the purposes of paragraph (a)(ii) "guided learning hours" means the time during which a person is taught or given instruction and does not include any time spent on unsupervised preparation or study.

4.15 The information specified for the purposes of paragraph 2.3 of this Appendix is a unique reference number issued to the applicant by the provider of the "Life in the UK" test.

4.16 The information specified for the purposes of paragraph 3.3(i) of this Appendix (evidence of English language speaking and listening) is the unique reference number assigned by the provider to the English language test taken by the applicant.

4.17 The evidence specified for the purposes of paragraph 3.3(ii) of this Appendix (evidence of knowledge about life in the UK) is the same as that specified at paragraph 4.15(a) of this Appendix.

Part 5 - interpretation

5.1 For the purposes of this Appendix "decision maker" means an Entry Clearance Officer or the Secretary of State.

5.2 For the purposes of this Appendix, "qualified English language teacher" means a person who holds a qualification in teaching English as a foreign language or in teaching English to speakers of other languages which was awarded by an awarding organisation regulated by OFQUAL or the Welsh Government or the CCEA or the Scottish Qualification Authority.

Appendix KOL UK

This Appendix sets out how the Knowledge of Life in the UK requirement is met by a person applying for settlement.

It applies only to applications for settlement under Appendix Student, Appendix Skilled Worker, Appendix Representatives of an Overseas Business, Appendix T2 Minister of Religion, Appendix International Sportsperson, Appendix UK Ancestry, Appendix Global Talent, Appendix Innovator Founder, Appendix T5 (Temporary Worker) International Agreement Worker, Appendix Domestic Worker in a Private Household, Appendix Scale-up, Appendix Private Life, Appendix Settlement Family Life, Appendix Hong Kong British National (Overseas), Appendix Child Relative (Sponsors with Protection),Appendix Long Residence and Appendix HM Armed Forces.

Applications for settlement under other routes must continue to apply Appendix KOLL.

Exemption

KOL 1.1. An applicant is exempt from the Knowledge of Life in the UK requirement if at the date of application, they:

(a) are aged 65 or over; or

(b) are aged under 18; or

(c) have a disability (physical or mental condition) which prevents them from meeting the requirement; or

(d) are applying for settlement as a partner, parent or dependent child aged over 18 and are exempt from meeting the English language requirements following 15 years under Appendix EL 1.1(d).

Knowledge of Life in the UK requirement

KOL 2.1. An applicant will meet the Knowledge of Life in the UK requirement if they:

(a) provide a valid digital reference number from an educational institution or other person approved for this purpose by the Secretary of State showing they have passed the Life in the UK test; or

(b) are resident in the Isle of Man, and provide a valid digital reference number from an educational institution or other person approved for this purpose by the Lieutenant Governor showing they have passed the Isle of Man's Life in the UK test; or

(c) are resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, and provide a valid digital reference number from an educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey showing they have passed the "Citizenship Test".

Appendix Long Residence

The Long Residence route is for a person who has lived in the UK lawfully and continuously for 10 years or more. The person can count time with permission on most routes towards the 10 year qualifying period.

There is no provision for dependents of a person on the Long Residence route to apply on this route.

A person may apply for immediate settlement if they meet all the requirements for settlement or may apply for temporary permission to stay if they meet the suitability and qualifying period and continuous residence requirements but do not meet the English language or Knowledge of life in the UK requirements.

A person who has lived in the UK for a long period but has not been lawfully and continuously resident for 10 years may be eligible to apply under Appendix Private Life.

Permission to stay on the Long Residence route

Validity requirements for permission to stay on the Long Residence route

LR 1.1. A person applying for permission to stay on the Long Residence route must apply online on the gov.uk website on the specified form "Application to extend your stay in the UK on the basis of long residence".

LR 1.2. An application for permission to stay on the Long Residence route must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

LR 1.3. The applicant must be in the UK on the date of application.

LR 1.4. An application which does not meet all the validity requirements for permission to stay on the Long Residence route may be rejected as invalid and not considered. Suitability requirements for permission to stay on the Long Residence route

LR 2.1. The applicant must not fall for refusal under Part Suitability.

LR 2.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded (although it will not count towards the qualifying period); or

(b) on immigration bail.

Eligibility requirements for permission to stay on the Long Residence route

Qualifying period requirement for permission to stay on the Long Residence route

LR 3.1. The applicant must have spent a qualifying period of 10 years lawfully in the UK, for the entirety of which one or more of the following applied:

(a) the applicant had permission, except permission under Appendix Ukraine Scheme, or permission as a Visitor, Short-term Student (English language) or Seasonal Worker (or under any of their predecessor routes); or

(b) the applicant was exempt from immigration control; or

(c) the applicant was in the UK as an EEA national, or the family member of an EEA national, exercising a right to reside under the Immigration (European Economic Area) Regulations 2016 prior to 11pm on 31 December 2020 (and until 30 June 2021 or the final determination of an application under Appendix EU made by them by that date); or

(d) a period as a British citizen, except where citizenship has subsequently been deprived.

LR 3.2. The following periods will not count towards the qualifying period for Long Residence:

(a) time spent on immigration bail, temporary admission or temporary release; and

(b) any period of overstaying between periods of permission before 24 November 2016, even if a further application was made within 28 days of the expiry of the previous permission; and

(c) any period of overstaying between periods of permission on or after 24 November 2016 even if the Exceptions for overstayers section of Part Suitability applies to that period of overstaying; and

(d) any current period of overstaying where the Exceptions for overstayers section of Part Suitability applies.

Continuous residence requirement for permission to stay on the Long Residence route

LR 4.1. The applicant must have met the continuous residence requirement set out in Appendix Continuous Residence for the entirety of the qualifying period.

Transitional arrangements for the Long Residence route

LR 5.1. A person granted an extension of stay on the basis of long residence following an application made on or before 8 July 2012 will remain subject to the rules in force on 8 July 2012.

Decision on an application for permission to stay on the Long Residence route

LR 6.1. If the decision maker is satisfied the suitability and eligibility requirements for permission to stay on the Long Residence route are met, the application will be granted.

LR 6.2. If the decision maker is not satisfied the requirements for permission to stay on the Long Residence route are met, the applicant will be considered under the leave to remain rules for a partner, parent or child under Appendix FM (family life) and the permission to stay requirements of Appendix Private Life, and where those requirements are met, the applicant will be granted leave to remain under the relevant rules in Appendix FM (family life) or granted permission to stay under Appendix Private Life.

LR 6.3. Subject to LR 6.2, if the decision maker is not satisfied that the applicant meets the suitability and eligibility requirements for permission to stay on the Long Residence route, the application will be refused.

Period of grant for permission to stay on the Long Residence route

LR 7.1. The applicant will be granted permission to stay for a period of 24 months.

Conditions of grant for permission to stay on the Long Residence route

LR 8.1. The grant will be subject to the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) is permitted; and

(c) study is permitted, subject to the Academic Technology Approval Scheme (ATAS) condition in Appendix ATAS.

Settlement on the Long Residence route

Validity requirements for settlement on the Long Residence route

LR 9.1. A person applying for settlement on the Long Residence route must apply online on the gov.uk website on the specified form "Apply to settle in the UK – long residence".

LR 9.2. An application for settlement on the Long Residence route must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

LR 9.3. The applicant must be in the UK on the date of application.

LR 9.4. An application which does not meet all the validity requirements for settlement on the Long Residence route may be rejected as invalid and not considered.

Suitability requirements for settlement on the Long Residence route

LR 10.1. The applicant must not fall for refusal under Part Suitability..

LR 10.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded (although it will not count towards the qualifying period); or

(b) on immigration bail.

Eligibility requirements for settlement on the Long Residence route

Qualifying period requirement for settlement on the Long Residence route

LR 11.1. The applicant must have spent a qualifying period of 10 years lawfully in the UK, for the entirety of which one or more of the following applied:

(a) the applicant had permission, except permission under Appendix Ukraine Scheme, or permission as a Visitor, Short-term Student (English language) or Seasonal Worker (or under any of their predecessor routes); or

(b) the applicant was exempt from immigration control; or

(c) the applicant was in the UK as an EEA national, or the family member of an EEA national, exercising a right to reside under the Immigration (European Economic Area) Regulations 2016 prior to 11pm on 31 December 2020 (and until 30 June 2021 or the final determination of an application under Appendix EU made by them by that date); or

(d) a period as a British citizen, except where citizenship has subsequently been deprived.

LR 11.2. The following periods will not count towards the qualifying period for Long Residence:

(a) time spent on immigration bail, temporary admission or temporary release; and

(b) any period of overstaying between periods of permission before 24 November 2016 even if a further application was made within 28 days of the expiry of the previous permission; and

(c) any period of overstaying between periods of permission on or after 24 November 2016 even if the Exceptions for overstayers section of Part Suitability applies to that period of overstaying; and

(d) any current period of overstaying where the Exceptions for overstayers section of Part Suitability applies.

LR 11.3. Subject to LR 11.4, the applicant must have had permission on their current immigration route for at least 12 months on the date of application, or have been exempt from immigration control in the 12 months immediately before the date of application.

LR 11.4. If the applicant's current permission was granted before 11 April 2024, LR 11.3. does not apply.

Continuous residence requirement for settlement on the Long Residence route

LR 12.1. The applicant must have met the continuous residence requirement set out in Appendix Continuous Residence for the entirety of the qualifying period.

English Language requirement for settlement on the Long Residence route

LR 13.1. Unless an exemption applies, the applicant must:

(a)Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b)Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

LR 13.2. The applicant must show they meet the English language requirement, or that an exemption applies, as set out in Appendix English Language.

Knowledge of life in the UK requirement for settlement on the Long Residence route

LR 14.1. Unless an exemption applies, the applicant must meet the Knowledge of life in the UK requirement as set out in Appendix KOL UK.

LR 14.2. The applicant must show they meet the Knowledge of life in the UK requirement, or that they are exempt, as set out in Appendix KOL UK.

Decision on an application for settlement on the Long Residence route

LR 15.1. If the decision maker is satisfied that the suitability and eligibility requirements for settlement on the Long Residence route are met, the applicant will be granted settlement.

LR 15.2. If the decision maker is not satisfied the suitability and eligibility requirements for settlement on the Long Residence route are met, but thinks the applicant may meet requirements for permission to stay on the Long Residence route or one of the following routes, the application will be varied by the Secretary of State to an application for permission to stay:

(a) as a partner, parent or child under Appendix FM (family life); or

(b) under Appendix Private Life.

LR 15.3. If the application is varied as set out in LR 15.2, the Secretary of State will contact the applicant informing them of this variation and:

(a) no additional application fee for the application for permission to stay will be required and the settlement application fee will not be refunded; and

(b) the applicant must pay any required Immigration Health Charge.

LR 15.4. If LR 15.2. applies and the applicant does not pay the required Immigration Health Charge, or does not request a waiver for the Immigration Health Charge, which is then granted, the application for

permission to stay will be rejected as invalid and the applicant will not be refunded the fee paid for the settlement application.

LR 15.5. If the application is varied to an application for permission to stay and the decision maker is satisfied the suitability and eligibility requirements for permission to stay on the Long Residence route are met, the applicant will be granted permission to stay on the Long Residence route.

LR 15.6. If the decision maker is not satisfied the requirements for permission to stay on the Long Residence route are met, the applicant will be considered under the leave to remain rules for a partner, parent or child under Appendix FM (family life) and the permission to stay requirements of Appendix Private Life, and where the relevant requirements are met, the applicant will be granted under those rules.

LR 15.7. If the decision maker is not satisfied the requirements for settlement or permission to stay on the Long Residence route are met, and the applicant is not granted permission to stay under Appendix FM (family life) or Appendix Private Life, the applicant will be refused settlement on the Long Residence route.

Appendix Private Life

The Private Life route is for a person seeking permission to stay in the UK on the basis they have developed a Private Life in the UK.

A child born in the UK to a person who has permission on the Private Life route can apply for permission for the same duration as their parent.

The Private Life route is a route to settlement.

A child born in the UK who has been continuously resident for 7 years may qualify for immediate settlement on this route.

Alternative routes may be available to those considering the Private Life route. For example, a person may be able to qualify for immediate settlement on the basis of 10 years Long Residence in the UK, under paragraphs 276A to 276D of these rules.

Validity requirements for the Private Life route

PL 1.1. A person applying for permission to stay on the Private Life route must apply online on the gov.uk website on the specified form: “Application to remain in the UK on the basis of family life or private life”.

PL 1.2. An application for permission to stay on the Private Life route must meet all the following validity requirements:

(a) any fee and Immigration Health Charge must have been paid (unless the applicant has been granted a fee waiver in whole or in part); and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK on the date of application.

PL 1.3. If a private life claim is made under Article 8 of the Human Rights Convention and it is made:

(a) at the same time as a protection claim or further submission in person after a protection claim has been refused; or

(b) when the applicant is in detention (and the claim is submitted to a prison officer, custody officer or a member of Home Office staff at the place of detention); or

(c) during an appeal (subject to the consent of the Secretary of State where applicable), the requirements at PL 1.1. and at PL 1.2. (a) and (c) will be waived.

PL 1.4. An application which does not meet all the validity requirements for the Private Life route is invalid and may be rejected and not considered.

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Suitability requirements on the Private Life route

PL 2.1. The applicant must not fall for refusal under Part Suitability.

PL 2.2. DELETED.

Eligibility requirements on the Private Life route

Residence requirements for a child on the Private Life route

PL 3.1. Where the applicant is aged under 18 at the date of application the following requirements must be met:

(a) the applicant must have been continuously resident in the UK for at least 7 years; and

(b) the decision maker must be satisfied that it would not be reasonable to expect the applicant to leave the UK.

Residence requirements for a young adult on the Private Life route (where the applicant arrived in the UK as a child)

PL 4.1. Where the applicant is aged 18 or over and aged under 25 at the date of application and arrived in the UK before the age of 18, the applicant must have spent at least half their life continuously resident in the UK.

Residence requirements for an adult on the Private Life route (including a young adult who does not qualify under PL 4.1.)

PL 5.1. Where the applicant is aged 18 or over on the date of application:

(a) the applicant must have been continuously resident in the UK for more than 20 years; or

(b) where the applicant has not been continuously resident in the UK for more than 20 years, the decision maker must be satisfied there would be very significant obstacles to the applicant's integration into the country where they would have to live if required to leave the UK.

Exclusion of certain asylum seekers

PL 6.1. An applicant who has made a protection or asylum claim which has been declared inadmissible under Part 11 of these rules before 28 June 2022, or under section 80B and 80C of the Nationality, Immigration and Asylum Act 2002, and which continues to be treated as inadmissible, cannot meet the requirement at PL 5.1(b).

Continuous Residence requirements on the Private Life route

PL 7.1. The period of continuous residence at PL 3.1, PL 4.1. or PL 5.1. may include time spent in the UK with or without permission.

PL 7.2. The period of continuous residence at PL 3.1, PL 4.1. or PL 5.1. does not include any period of imprisonment or detention where the applicant was convicted of an offence and sentenced to a period of imprisonment or was directed to be detained in an institution other than a prison.

PL 7.3. The period of continuous residence at PL 3.1, PL 4.1. or PL 5.1 is broken (i.e. is no longer continuous) if any of the following apply:

(a) the applicant has been absent from the UK for more than 6 months at any one time; or

(b) the applicant has spent a total of 550 days or more absent from the UK during the period of continuous residence at PL 3.1, PL 4.1 or PL 5.1; or

(c) the applicant has been removed, deported or has left the UK having had an application for permission to enter or stay in the UK refused; or

(d) the applicant left the UK with no reasonable expectation at the time of leaving that they would lawfully be able to return.

Eligibility requirement for Private Life route relying on Article 8 of the Human Rights Convention

PL 8.1. If the applicant does not meet the suitability requirements (subject to PL 8.2), or does not meet any of the eligibility requirements in PL 3.1., PL 4.1. or PL 5.1. the decision maker must be satisfied that refusal of permission to stay would not breach Article 8 of the Human Rights Convention on the basis of private life.

PL 8.2. Where PL 8.1. applies and the applicant falls for refusal under SUI 2.1. SUI 3.1., SUI 4.1., or SUI 5.1. of Part Suitability the application on the Private Life route will be refused.

Decision on an application on the Private Life route

PL 9.1. If the decision maker is satisfied that all the suitability requirements are met and the eligibility requirements at PL 3.1, PL 4.1, PL 5.1 or PL.8.1. are met then, unless paragraph PL 8.2. applies, the applicant will be granted permission to stay on the Private Life route, otherwise the application will be refused.

Period of grant for permission to stay on the Private Life route

PL 10.1. If the applicant is under 18 at the date of application (or was under 18 when first granted permission on the private life route), they will be granted permission to stay for either:

(a) 30 months, where the applicant has applied for a period of 30 months; or

(b) 60 months, where the applicant has applied for a period of 60 months.

PL 10.2. If the applicant is a young adult who has spent half their life in the UK at the date of application (or was previously granted as a young adult on the private life route), they will be granted permission to stay for either:

(a) 30 months, where the applicant has applied for a period of 30 months; or

(b) 60 months, where the applicant has applied for a period of 60 months.

PL 10.3. In all other cases the applicant will be granted 30 months permission to stay.

PL 10.4. Where a person is seeking to extend their permission to stay, any remaining period of permission at the date of application will be added to their next grant of permission, up to a maximum of 28 days.

Conditions of grant for the Private Life route

PL 10.5. The grant of permission will be subject to the following conditions:

(a) work (including self-employment and voluntary work) permitted; and

(b) study is permitted, subject to the ATAS condition in Appendix ATAS; and

(c) if the decision maker is satisfied that:

(i) the applicant is destitute, as defined in section 95 of the Immigration and Asylum Act 1999, or is at risk of imminent destitution; or

(ii) there are reasons relating to the welfare of a relevant child which outweigh the considerations for imposing or maintaining the condition (treating the best interests of a relevant child as a primary consideration), or

(iii) the applicant is facing exceptional circumstances affecting their income or expenditure,

then the applicant will not be subject to a condition of no access to public funds. If the decision maker is not so satisfied, the applicant will be subject to a condition of no access to public funds.

PL 10.6. For the purposes of PL 10.5.(c)(ii) 'relevant child' means a person who:

(a) is under the age of 18 years at the date of application; and

(b) it is clear from the information provided by the applicant, is a child who would be affected by a decision to impose or maintain the no access to public funds condition.

Settlement on the Private Life route

Validity requirements for settlement on the Private Life route

PL 11.1. A person on the Private Life route who is applying for settlement must apply online on the gov.uk website on the specified form as follows:

Adult (aged 18 or over)	**Settlement on the private life route**
Child (aged under 18)	Settlement as a child (including a child aged over 18 already in the UK as a dependent)

PL 11.2. An application for settlement must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK on the date of application.

PL 11.3. An applicant must have, or have last been granted, permission on the Private Life route, unless:

(a) they are a child who was born in the UK; or

(b) they are a child who has, or last had, permission as a dependent child (under Appendix FM or leave outside the Immigration Rules), before 20 June 2022 and would have met the continuous residence requirements in paragraph PL 3.1(a) at the time that permission or leave was granted; or

(c) they are over the age of 18 and meet or met the half-life test, and has, or last had, permission on the basis of their family or private life (under Appendix FM or with leave outside the Immigration Rules), before 20 June 2022.

PL 11.4. An application which does not meet all the validity requirements for settlement on the Private Life route is invalid and may be rejected and not considered.

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Suitability requirements for settlement on the Private Life route

PL 12.1. The applicant must not fall for refusal under Part Suitability.

PL 12.2. DELETED.

PL 12.3. The applicant must not fall for refusal under SUI 5.3. of Part Suitability, unless the applicant has completed a qualifying period of 10 years continuous residence with permission as set out in PL 12.6. and has completed 5 years continuous residence with such permission since the end of their sentence.

PL 12.4. Where any of the following occur during the applicant's qualifying period for settlement, the applicant must be refused settlement unless the applicant has completed a continuous qualifying period of 10 years with permission as set out in PL 12.6. and has completed 5 years continuous residence with such permission after the date of the first grant of permission after the suitability ground came to the attention of the decision maker:

(a) involvement in a sham marriage or civil partnership (SUI 8.1. of Part Suitability); or

(b) use of false documents or information or deception (SUI 9.1. and SUI 10.1. of Part Suitability); or

(c) litigation debt owed to the Home Office, unless the debt has been paid (SUI 17.1. of Part Suitability); or

(d) debt to the NHS, unless the debt has been paid, or the total value of outstanding charges is under £500 (SUI 16.1. of Part Suitability); or

(e) the applicant has breached the conditions of their permission (SUI 11.1. of Part Suitability).

PL 12.5. Unless the applicant is a child or young adult who was granted permission to stay on the basis of private life under paragraphs PL 3.1. or PL 4.1, if the applicant entered the UK illegally settlement must be refused unless the applicant has completed a qualifying period of 10 years with permission under PL 12.6.

PL 12.6. Where an applicant must complete a qualifying period of 10 years continuous residence (under PL 12.3. to PL 12.5.), they must have had permission as (or as a combination of) the following for that 10 year qualifying period:

(a) entry clearance or permission granted as a partner or parent under Appendix FM (except for permission as a fiancé(e) or proposed civil partner); or

(b) permission described in the Home Office grant letter as "family permission as a parent" or "family permission as a partner"; or

(c) permission on the private life route under paragraph 276ADE or 276BE(2) before 20 June 2022 or Appendix Private Life; or

(d) entry clearance or permission as a child of a person with limited leave as a partner or parent under Appendix FM; or

(e) permission granted outside the rules as a partner, a parent or child or because of private life on the basis of Article 8 of the Human Rights Convention.

PL 12.7. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement on the Private Life route

Child born in the UK requirements for settlement on the Private life route

PL 13.1. The applicant must have been born in the UK and must provide a full UK birth certificate.

PL 13.2. The applicant must have lived continuously in the UK since their birth and for at least 7 years at the date of application.

PL 13.3. The decision maker must be satisfied that it is not reasonable to expect the applicant to leave the UK.

Qualifying period requirement for settlement on the Private Life route (where the applicant was not born in the UK)

PL 14.1. An applicant who has, or last had, permission to stay on the private life route as a child, or young adult who met the half-life test under PL 4.1, must have lived in the UK for a continuous qualifying period of 5 years with permission as set out in PL 14.3 or 14.4.

PL 14.1A. A child applicant who has, or last had, permission as a dependent child under Appendix FM or leave outside the Immigration Rules before 20 June 2022, and would have met the private life rules at the time they were granted that permission, must:

(a) meet the continuous residence requirements for a child at PL 3.1(a) at the date of application or have met the continuous residence requirements for a child at PL 3.1(a) in a previous application; and

(b) have lived in the UK for a continuous qualifying period of 5 years with permission as set out in PL 14.3.

PL 14.1B. The periods at PL 14.1A(a) and (b) must not run concurrently.

PL 14.2. An applicant who is aged 18 or over at the date of application and does not meet the requirement in PL 14.1., must either:

(a) have lived in the UK for a continuous qualifying period of 10 years with permission set out in PL 14.3. or 14.4.; or

(b) have, or last had, permission on the basis of their family or private life (under Appendix FM or leave outside the Immigration Rules before 20 June 2022), before 20 June 2022.

PL 14.2A. Where 14.2(b) applies, the applicant must have lived in the UK for a continuous qualifying period of 5 years with permission as set out in PL 14.3, and either:

(a) meet the half-life test at PL 4.1. at the date of application; or

(b) have met the half-life test at PL 4.1. in a previous application, or;

(c) have been initially granted permission as a child (as set out in PL 14.3.) and have since turned 25 and have spent at least half their life continuously resident in the UK.

PL 14.3. Permission on the following routes (or any combination of those routes) counts towards the qualifying period in PL 14.1, PL 14.2 or PL 14.2A:

(a) entry clearance or permission granted as a partner or parent under Appendix FM (except for permission as a fiancé(e) or proposed civil partner); or

(b) permission described in the Home Office grant letter as “family permission as a parent” or “family permission as a partner”; or

(c) permission on the private life route under paragraph 276ADE or 276BE(2) before 20 June 2022 or Appendix Private Life; or

(d) entry clearance or permission as a child of a person with limited leave as a partner or parent under Appendix FM; or

(e) permission granted outside the rules as a partner, a parent or child or because of private life on the basis of Article 8 of the Human Rights Convention.

PL 14.4. Permission on any other route that includes rules allowing an applicant to qualify for settlement also counts towards the qualifying period in PL 14.1. or PL 14.2, if the applicant:

(a) did not enter the UK illegally (unless they have permission to stay on the private life route as a child or young adult); and

(b) has had permission either under paragraph 276ADE or 276 BE(2) before 20 June 2022 or Appendix Private Life for at least one year at the date of application.

Continuous Residence requirement for settlement on the Private Life route

PL 15.1. The applicant must meet the continuous residence requirements as set out in Appendix Continuous Residence for the qualifying period for settlement, unless they are a child born in the UK.

Continuous residence requirements for a child born in the UK applying for settlement on the Private Life route

PL 15A.1. The period of continuous residence at PL 13.2. may include time spent in the UK with or without permission.

PL 15A.2. The period of continuous residence at PL 13.2. does not include any period during which the applicant was serving a sentence of imprisonment or was detained in an institution other than a prison.

PL 15A.3. The period of continuous residence at PL 13.2. is broken (i.e. is no longer continuous) if any of the following apply:

(a) the applicant has been absent from the UK for more than 6 months at any one time; or

(b) the applicant has spent a total of 550 days or more absent from the UK during the period of continuous residence at PL 13.2.; or

(c) the applicant has been removed, deported or has left the UK having had an application for permission to enter or stay in the UK refused; or

(d) the applicant left the UK with no reasonable expectation at the time of leaving that they would lawfully be able to return.

English language requirement for settlement on the Private Life route

PL16.1. Unless an exemption applies, the applicant must:

(a) Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b) Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

PL 16.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement on the Private Life route

PL17.1. Unless an exemption applies (for example where the applicant is aged under 18), the applicant must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.

Decision on an application for settlement on the Private Life route

PL 18.1. If the decision maker is satisfied the suitability and eligibility requirements for settlement on the Private Life route are met the applicant will be granted settlement.

PL 18.2. If the requirements for settlement are not met, but the decision maker believes the applicant is likely to meet all the suitability and eligibility requirements for permission to stay on the private life

route the application will be varied by the Secretary of State to an application for permission to stay on the private life route. Where this happens:

(a) no additional application fee for permission to stay will be required and the settlement application fee will not be refunded; and

(b) the Secretary of State will write to the applicant informing them of this variation and if required will request the applicant pay any Immigration Health Charge.

PL 18.3. If the applicant does not pay the requested Immigration Health Charge or does not request a fee waiver for the Immigration Health Charge which is then granted, the application for permission to stay will be rejected as invalid and the applicant will not be refunded the fee paid for the settlement application.

PL 18.4. Where an applicant is granted permission to stay they will be granted for a period as set out in PL 10.1. to 10.4. (as relevant), subject to the conditions in PL 10.5.

PL 18.5. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement or permission to stay the application for settlement on the Private Life route will be refused.

Dependent child born in the UK to a person on the Private Life Route

Validity requirements for a child born in the UK to a person on the Private Life route

PL 19.1. A person applying for permission to stay as a child born in the UK to a person on the Private Life route must apply online on the gov.uk website on the specified form: “Application to remain in the UK on the basis of family life or private life”.

PL 19.2. An application for permission to stay as a child born in the UK to a person on the Private Life route must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid (unless a fee waiver has been granted in whole or in part); and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as a child of a person (P) on the Private Life route who:

(i) has made a valid application for permission to stay in the UK on the Private Life route that has not been decided; or

(ii) has permission to stay on the Private Life route; or

(iii)is settled or has become a British citizen, providing P had permission to stay on the Private Life route when they settled, and the applicant was born before P settled; and

(e) the applicant must be in the UK on the date of application.

PL 19.3. An applicant must be aged under 18 at the date of application.

PL 19.4. If a claim is made under Article 8 of the Human Rights Convention:

(a) at the same time as a protection claim or further submission in person after a protection claim is refused; or

(b) in an appeal (subject to the consent of the Secretary of State where applicable); the requirements at PL 19.1. and at PL 19.2. (a) and (c) will be waived.

PL 19.5. An application which does not meet all the validity requirements for a child born in the UK of a person on the Private Life route is invalid and may be rejected and not considered.

Suitability requirements for a child born in the UK to a person on the Private Life route

PL 20.1. The applicant must not fall for refusal under Part Suitability.

PL 20.2. DELETED

Eligibility requirements for a child born in the UK to a person on the Private Life route

Relationship requirements for a child born in the UK to a person on the Private Life route

PL 21.1. DELETED

PL 21.2. DELETED

Requirements for a child born in the UK to a person on the Private Life route

PL 21A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) independent life requirement; and

(b) care requirement; and

(c) relationship requirement: entry clearance and permission to stay.

PL 21A.2. The applicant must have been born in the UK.

PL 22.1. DELETED

Decision on an application as a child born in the UK to a person on the Private Life route

PL 23.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met the applicant will be granted permission to stay, otherwise the application will be refused.

Period of grant as a child born in the UK to a person on the Private Life route

PL 24.1. The applicant will be granted permission to stay which ends on the same date as whichever of their parents' permission ends first unless the other parent is a British citizen or a person who has a right to enter or stay in the UK without restriction and is or will be ordinarily resident in the UK. In such cases, the applicant will be granted permission to stay which ends on the same date as the parent on the Private Life route.

Conditions of grant as a child born in the UK to a person on the Private Life route

PL 25.1. The grant of permission will be subject to the following conditions:

(a) work is permitted; and

(b) study is permitted, subject to the ATAS condition in Appendix ATAS; and

(c) if the decision maker is satisfied that:

(i) the applicant is destitute, as defined in section 95 of the Immigration and Asylum Act 1999, or is at risk of imminent destitution; or

(ii) there are reasons relating to the welfare of a relevant child which outweigh the considerations for imposing or maintaining the condition (treating the best interests of a relevant child as a primary consideration), or

(iii) the applicant is facing exceptional circumstances affecting their income or expenditure,

then the applicant will not be subject to a condition of no access to public funds. If the decision maker is not so satisfied, the applicant will be subject to a condition of no access to public funds.

PL 25.2. For the purposes of PL 25.1(c) 'relevant child' means a person who:

(a) is under the age of 18 years at the date of application; and

(b) it is clear from the information provided by the applicant, is a child who would be affected by a decision to impose or maintain the no access to public funds condition.

Settlement as a child born in the UK of a person on the Private Life route

Validity requirements for settlement as a child born in the UK of a person on the Private Life route

PL 26.1. A child applying for settlement as a child born in the UK of a person on the Private Life route must apply online on the gov.uk website on the specified form: "Settlement as a Child (including a child aged over 18 already in the UK as a dependent).".

PL 26.2. An application for settlement must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as a child born in the UK of a person (P) on the Private Life route who:

(i) has made a valid application for settlement on the Private Life route that has not been decided; or

(ii) is settled or has become a British Citizen, providing P had permission on the Private Life route when they settled, and the applicant was born before P settled; and

(e) the applicant must be in the UK.

PL 26.3. An application as a child born in the UK of a person on the Private Life route which does not meet all the validity requirements for settlement may be rejected as invalid and not considered.

Suitability requirements for settlement as a child born in the UK of a person on the Private Life route

PL 27.1. The applicant must not fall for refusal under Part Suitability.

PL 27.2. DELETED

PL 27.3. The applicant must not fall for refusal under SUI 5.3. of Part Suitability, unless the applicant has completed a qualifying period of 10 years with permission as set out in PL 27.5 and has spent at least 5 years with such permission since the end of their sentence.

PL 27.4. Where any of the following occur during the applicant's qualifying period for settlement, the applicant must be refused settlement unless the applicant has completed a continuous qualifying period of 10 years with permission under PL 27.5 and has completed 5 years continuous residence with such permission after the date of the first grant of permission after the suitability ground came to the attention of the decision maker:

(a) involvement in a sham marriage or civil partnership (SUI 8.1. of Part Suitability); or

(b) use of false documents or information or deception (SUI 9.1. and SUI 10.1. of Part Suitability); or

(c) litigation debt owed to the Home Office, unless the debt has been paid (SUI 17.1. of Part Suitability); or

(d) debt to the NHS, unless the debt has been paid, or the total value of outstanding charges is under £500 (SUI 16.1. of Part Suitability); or

(e) the applicant has breached the conditions of their permission (SUI 11.1. of Part Suitability).

PL 27.5. Where an applicant must complete a qualifying period of 10 years (under PL 27.3. to PL 27.4.), they must have had permission as one or a combination of the following for that 10 year qualifying period:

(a) entry clearance or permission granted as a partner or parent under Appendix FM (except for permission as a fiancé(e) or proposed civil partner); or

(b) permission described in the Home Office grant letter as "family permission as a parent" or "family permission as a partner"; or

(c) permission on the private life route under paragraph 276ADE or 276BE(2) before 20 June 2022 or Appendix Private Life; or

(d) entry clearance or permission as a child of a person with limited leave as a partner or parent under Appendix FM; or

(e) permission granted outside the rules as a partner, a parent or child or because of private life on the basis of Article 8 of the Human Rights Convention.

PL 27.6. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement as a child born in the UK of a person on the Private Life route

Relationship requirement for settlement as a child born in the UK of a person on the Private Life route

PL 28.1. DELETED

PL 28.2. DELETED

Requirements for settlement as a child born in the UK to a person on the Private Life route

PL 28A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) age requirement; and
(b) independent life requirement; and
(c) care requirement; and
(d) relationship requirement: settlement.

PL 28A.2. The applicant must have been born in the UK.

PL 29.1. DELETED

PL 29.2. DELETED

PL 30.1. DELETED

English language requirement for settlement as a child born in the UK of a person on the Private Life route

PL31.1. Unless an exemption applies, the applicant must:

(a) Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b) Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

PL 31.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement as a child born in the UK of a person on the Private Life route

PL 32.1. Unless an exemption applies (for example where the applicant is aged under 18), they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

Decision on an application for settlement as a dependent child born in the UK of a person on the Private Life route.

PL 33.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement as a dependent child born in the UK of a person on the Private Life route are met the applicant will be granted settlement.

PL 33.2. If the requirements for settlement are not met, but the decision maker believes the applicant is likely to meet all the suitability and eligibility requirements for permission to stay as a dependent child born in the UK of a person on the Private Life route, the application will not be refused, but will be varied by the Secretary of State to an application for permission to stay as a dependent child born in the UK of a person on the Private Life route. Where this happens:

(a) no additional application fee for permission to stay will be required and the settlement application fee will not be refunded; and

(b) the Secretary of State will write to the applicant informing them of this variation and if required will request the applicant pay any Immigration Health Charge.

PL 33.3. If the applicant does not pay the requested Immigration Health Charge, or does not request and is granted a fee waiver for the Immigration Health Charge, the application for permission to stay will be rejected as invalid.

PL 33.4. Where an applicant is granted permission to stay, they will be granted for the period as set out in PL 24.1, subject to the conditions in PL 25.1.

PL 33.5. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement or permission to stay as a dependent child born in the UK of a person on the Private Life route, the application for settlement will be refused.

Appendix Relationship with Partner

This Appendix sets out the requirements for an application based on a relationship with a partner: spouse, civil partner, or unmarried partner in a durable relationship of at least 2 years.

It applies to applications under:

• Appendix HM Armed Forces
• Appendix International Armed Forces and International Civilian Employees
• Appendix Settlement Protection
• Appendix Student
• Appendix Graduate
• Appendix Skilled Worker
• Appendix Global Business Mobility – Senior or Specialist Worker
• Appendix Global Business Mobility – Graduate Trainee
• Appendix Global Business Mobility – UK Expansion Worker
• Appendix Global Business Mobility – Service Supplier
• Appendix Global Business Mobility – Secondment Worker
• Appendix T2 Minister of Religion
• Appendix Representative of an Overseas Business
• Appendix UK Ancestry
• Appendix Global Talent
• Appendix High Potential Individual
• Appendix Scale-up
• Appendix Start-up
• Appendix Innovator Founder
• Appendix International Sportsperson
• Appendix Temporary Work - Creative Worker
• Appendix Temporary Work - Religious Worker
• Appendix Temporary Work - Charity Worker
• Appendix Temporary Work - International Agreement
• Appendix Temporary Work - Government Authorised Exchange
• Appendix Hong Kong British National (Overseas)
• Appendix Ukraine Scheme
• Appendix Afghan Relocation and Assistance Policy (ARAP)
• Appendix Family Reunion (Sponsors with Protection)
• Appendix Settlement Family Life
• Appendix Gurkhas and Hong Kong military unit veteran discharged before 1 July 1997
• Appendix Statelessness

Age requirement for a person applying as a partner

RWP 1.1. The applicant and their partner must be aged 18 or over on the date of application.

Requirement that the partners must not be closely related

RWP 2.1. The applicant and their partner must not be so closely related that they would be prohibited from marrying, or entering into a civil partnership with, each other as defined in the Marriage Acts 1949 to 1986, the Marriage (Scotland) Act 1977 and 1986, the Marriage (Northern Ireland) Order 2003, the Civil Partnership Act 2004 and the Marriage and Civil Partnership (Scotland) Act 2014.

Requirement for previous relationships to have broken down permanently

RWP 3.1. Any previous marriage or civil partnership or durable relationship of the applicant or their partner with another person must have permanently broken down unless RWP 7.1. applies.

Requirement that any marriage or civil partnership is valid

RWP 4.1. Where the applicant and their partner are married or in a civil partnership, that marriage or civil partnership must be recognised by law in the country in which it took place.

Requirement for a durable relationship where a person is not married or in a civil partnership

RWP 5.1. Where the applicant and their partner are not married or in a civil partnership, they must have been in a relationship similar to a marriage or civil partnership for at least 2 years before the date of application.

Genuine and subsisting relationship requirement

RWP 6.1. The applicant and their partner must have met in person.

RWP 6.2. The relationship between the applicant and their partner must be genuine and subsisting.

Polygamous or polyandrous marriages and civil partnerships

RWP 7.1. If the applicant or their partner is currently in a polygamous or polyandrous marriage or civil partnership, they may only rely on that marriage or civil partnership for the purposes of an application for entry clearance, permission to enter or stay or settlement as a partner where no other partner to the marriage or civil partnership is seeking, or has been granted:

(a) permission to enter or stay (except as a visitor or person in transit); or

(b) settlement; or

(c) a certificate of entitlement to Right of Abode in the UK.

Appendix Returning Resident

This route is for a 'Returning Resident', which means a person who previously had indefinite permission to enter or stay (settlement) in the UK which has now lapsed and who now wants to return to and settle in the UK.

A Returning Resident's previous settlement in the UK must have lapsed by operation of law after they were outside the UK for a continuous period:

- *of more than 2 years under the Immigration (Leave to Enter and Remain) Order 2000, or*
- *of more than 5 years, if they previously had settlement in the UK under the EU Settlement Scheme, or*
- *of more than 4 years, if they previously had settlement in the UK under the EUSS as a Swiss national or a family member of a Swiss national.*

A Returning Resident cannot bring or be joined by a partner or children on this route. Each person must qualify as a Returning Resident in their own right.

Settlement does not lapse for a person who is outside the UK accompanying their partner or parent who is a member of HM Forces or a Crown Servant.

A Returning Resident may also be able to apply under the Windrush Scheme.

Validity requirements for an application as a Returning Resident

RR 1.1. A person applying as a Returning Resident must apply online on the gov.uk website on the specified form as follows:

(a) Form "UKA/ROA/RR"; or

(b) for applicants under the Windrush Scheme, the "Windrush Scheme application (Overseas)" form. See Applying to the Windrush schemes from overseas guidance - GOV.UK (www.gov.uk)

RR 1.2. An application as a Returning Resident must meet all the following requirements:

(a) the applicant must be outside the UK; and

(b) the applicant must have paid any required fee (no fee is required under the Windrush Scheme); and

(c) the applicant must have provided biometrics when required; and

(d) the applicant must provide a passport or other travel document which satisfactorily establishes their identity and nationality.

RR 1.3. DELETED.

RR 1.4. An application which does not meet all the validity requirements for a Returning Resident may be rejected as invalid and not considered.

Suitability requirements for a Returning Resident

RR 2.1. The applicant must not fall for refusal under Part Suitability.

Eligibility requirements for a Returning Resident

Entry requirement for a Returning Resident

RR 3.1. A person seeking to come to the UK as a Returning Resident must apply for and obtain an entry clearance as a Returning Resident before they arrive in the UK.

RR 3.2. A person applying for entry clearance as a Returning Resident must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

RR 3.3. A person applying for entry clearance must have previously been granted settlement in the UK which has lapsed by operation of law due to their absence from the UK.

Intention to settle requirement for a Returning Resident

RR 4.1. The decision maker must be satisfied that the applicant genuinely intends to return to the UK for the purpose of settlement.

Previous departure from UK requirement for a Returning Resident

RR 5.1. Unless they are applying under the Windrush Scheme, the applicant must not have received assistance from public funds towards the cost of leaving the UK.

Strong ties to the UK requirement for a Returning Resident

RR 6.1. The decision maker must be satisfied that the applicant has maintained strong ties to the UK during their absence from the UK.

Parental consent requirement for a Returning Resident aged under 18

RR 7.1. The applicant must meet the parental consent requirement for “applicant not applying as a dependent child” in Appendix Children.

RR 7.2. DELETED.

Decision on an application as a Returning Resident

RR 8.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Returning Resident are met, the application will be granted; otherwise, the application will be refused.

RR 8.2. If the application is refused, a request can be made for an Administrative Review under Appendix AR: Administrative Review.

Period of grant as a Returning Resident

RR 9.1. The applicant will be granted entry clearance for settlement.

Appendix Settlement Family Life

This route is for a person who has permission to stay as a partner or parent (or has had a combination of the two) under Appendix FM, and who is eligible to settle in the UK after a qualifying period of 10 years.

The person may also be able to count time with permission on other routes towards the 10 year qualifying period, if certain conditions are met.

Alternatively, partners, parents and their dependent children may qualify for settlement on the basis of 10 years Long Residence in the UK, under paragraphs 276A to 276D or 298 of the rules.

Where a person has permission as a partner and the relationship has broken down due to domestic abuse, the applicant may be able to qualify for settlement as a victim of domestic abuse under Appendix FM.

Where a person has permission as a partner and their partner has died, the applicant may be able to qualify for settlement as a bereaved partner under Appendix FM.

Dependent children of a partner or parent who is applying to settle on this route may also qualify for settlement under these Rules.

Children born in the UK where a parent is settled in the UK will be British citizens by birth. There are registration routes for British Citizenship for children born in the UK before their parent is settled: either once a parent is granted settlement or if the child lives in the UK for the first 10 years of their life. Other children may also apply for registration as a British citizen at the Home Secretary's discretion: Registration as a British citizen: children - GOV.UK (www.gov.uk).

Settlement as a partner or parent based on a qualifying period of 10 years

Validity requirements for settlement as a partner or parent based on a qualifying period of 10 years

SETF 1.1. A person who is applying for settlement must apply online on the gov.uk website on the specified form "Settlement as a partner or parent.".

SETF 1.2. An application for settlement must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK on the date of application.

SETF 1.3. The applicant must have, or have last been granted, permission as a partner or parent under Appendix FM.

SETF 1.4. An application which does not meet all the validity requirements for settlement may be rejected as invalid and not considered.

Suitability Requirements for settlement as a partner or parent based on a qualifying period of 10 years

SETF 2.1. The applicant must not fall for refusal under Part Suitability.

SETF 2.2. DELETED

SETF 2.3. The applicant must not fall for refusal under SUI 5.3. of Part Suitability, unless the applicant has completed a qualifying period of 10 years with permission as set out in SETF 2.6 and the applicant has spent at least 5 years with such permission since the end of their sentence.

SETF 2.4. Where any of the following occur during the applicant's qualifying period for settlement, the applicant must be refused settlement unless the applicant has completed a continuous qualifying period of 10 years with permission as set out in SETF 2.6 and has completed 5 years continuous residence with such permission after the date of the first permission after the suitability ground came to the attention of the decision maker:

(a) involvement in a sham marriage or civil partnership (SUI 8.1. of Part Suitability); or

(b) use of false documents or information or deception (SUI 9.1. and SUI 10.1. of Part Suitability); or

(c) litigation debt owed to the Home Office, unless the debt has been paid (SUI 17.1. of Part Suitability); or

(d) debt to the NHS, unless the debt has been paid, or the total value of outstanding charges is under £500 (SUI 16.1 of Part Suitability); or

(e) the applicant has breached the conditions of their permission (SUI 11.1. of Part Suitability).

SETF 2.5. Unless the applicant is a child or young adult who was granted on the basis of private life under PL 3.1. or PL 4.1 of Appendix Private Life, if the applicant has entered the UK illegally they must be refused settlement unless the applicant has completed a qualifying period of 10 years with permission under SETF 2.6.

SETF 2.6. Where an applicant must complete a qualifying period of 10 years (under SETF 2.3. to SETF 2.5.), they must have had permission as one of, or a combination of the following for that 10 year qualifying period:

(a) entry clearance or permission granted as a partner or parent under Appendix FM (except for permission as a fiancé(e) or proposed civil partner); or

(b) permission described in the Home Office grant letter as “family permission as a parent” or “family permission as a partner”; or

(c) permission on the private life route under paragraph 276ADE or 276BE(2) before 20 June 2022 or Appendix Private Life; or

(d) entry clearance or permission as a child of a person with limited leave as a partner or parent under Appendix FM; or

(e) permission granted outside the rules as a partner, a parent or child or because of private life on the basis of Article 8 of the Human Rights Convention.

SETF 2.7. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement as a partner or parent based on a qualifying period of 10 years

Qualifying period requirement for settlement as a partner or parent based on a qualifying period of 10 years

SETF 3.1. The applicant must have spent a continuous qualifying period in the UK of 10 years with permission under the following (or any combination of the following):

(a) entry clearance or permission granted as a partner or parent under Appendix FM (except for permission as a fiancé(e) or proposed civil partner); or

(b) permission described in the Home Office grant letter as “family permission as a parent” or “family permission as a partner”; or

(c) permission on the private life route under paragraph 276ADE or 276BE(2) before 20 June 2022 or Appendix Private Life; or

(d) entry clearance or permission as a child of a person with limited leave as a partner or parent under Appendix FM; or

(e) permission granted outside the rules as a partner, a parent or child or because of private life on the basis of Article 8 of the Human Rights Convention.

SETF 3.2. If the applicant does not meet SETF 3.1, the 10-year qualifying period can be met by also counting time on any other route that includes rules allowing an applicant to qualify for settlement, if the applicant:

(a) did not enter the UK illegally; and

(b) has had permission as a partner (if applying as a partner) or parent (if applying as a parent) under Appendix FM for at least one year.

Continuous residence requirement for settlement as a partner or parent based on a qualifying period of 10 years

SETF 4.1. The applicant must have met the continuous residence requirement as set out in Appendix Continuous Residence for the qualifying period.

English language requirement for settlement as a partner or parent based on a qualifying period of 10 years

SETF5.1. Unless an exemption applies, the applicant must:

(a) Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b) Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

SETF 5.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement as a partner or parent based on a qualifying period of 10 years

SETF 6.1. Unless an exemption applies, the applicant must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

Relationship requirement for settlement as a partner based on a qualifying period of 10 years

SETF 7.1. The applicant must be the partner of a person who is one of the following:

(a) a British citizen who is living in the UK; or

(b) present and settled in the UK; or

(c) applying for settlement at the same time as the applicant.

SETF 7.2. The requirements of Appendix Relationship with Partner must be met.

SETF 7.3. The applicant must have had permission based on their relationship with their current partner for at least one year.

Relationship requirement for settlement as a parent based on a qualifying period of 10 years

SETF 8.1. The applicant must have, or have last had, permission as a parent of a child (C) under Appendix FM (whether or not the child is aged under 18 at the date of the parent's application for settlement).

SETF 8.2. The applicant must be the parent of a child who:

(a) is a British citizen and living in the UK; or

(b) is present and settled in the UK; or

(c) is applying for settlement at the same time as the applicant.

SETF 8.3. If the child (C) at SETF 8.1. is under 18 at the date of application, the applicant must have:

(a) sole parental responsibility; or

(b) C must normally live with the applicant; or

(c) the applicant must have direct access (in person) to C, as agreed with the parent or carer with whom C normally lives or as ordered by a court in the UK.

SET 8.4. The applicant must show that they are taking, and intend to continue to take, an active role in the child's upbringing.

Decision on an application for settlement as a partner or parent based on a qualifying period of 10 years

SETF 9.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement as a partner or parent based on a qualifying period of 10 years are met the applicant will be granted settlement.

SETF 9.2. If the requirements for settlement are not met, but the decision maker believes the applicant is likely to meet all the suitability and eligibility requirements for permission to stay under Appendix FM as either a partner (D-LTRP.1.2.) or parent (D-LTRPT.1.2.), the application will not be refused, but will be varied by the Secretary of State to an application for permission to stay on that route. Where this happens:

(a) no additional application fee for permission to stay will be required and the settlement application fee will not be refunded; and

(b) the Secretary of State will write to the applicant informing them of this variation and, if required, will request the applicant pay any Immigration Health Charge.

SETF 9.3. If the applicant does not pay the requested Immigration Health Charge, or does not request or is granted a fee waiver for the Immigration Health Charge, the application for permission to stay will be rejected as invalid.

SETF 9.4. Where an applicant is granted permission to stay it will be granted for the period as set out in D-LTRP.1.2 or D-LTRPT.1.2 of Appendix FM (as relevant), subject to the conditions in the relevant paragraph.

SETF 9.5. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement or permission to stay as a partner or parent, the application for settlement will be refused.

Settlement as the child of a partner or parent based on a qualifying period of 10 years

Validity requirements for settlement as a dependent child of a partner or parent based on a qualifying period of 10 years

SETF 10.1. A child who is applying for settlement on this route must apply online on the gov.uk website on the specified form as follows: “Settlement as a Child (including a child aged over 18 already in the UK as a dependent)”.

SETF 10.2. An application for settlement must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK, and

(e) the applicant must be applying as the child of a person (P) who:

(i) has made a valid application for settlement in the UK as a partner or parent based on a 10 year qualifying period, and that application has not been decided; or

(ii) is settled or has become a British citizen, providing P had permission as a partner or parent based on a 10 year qualifying period when P settled.

SETF 10.3. The applicant must have, or have last had, permission to stay in the UK as a dependent child, unless they were born in the UK.

SETF 10.4. An application which does not meet all the validity requirements for settlement as a child may be rejected as invalid and not considered.

Suitability requirements for settlement as a child of a partner or parent based on a qualifying period of 10 years

SETF 11.1. The applicant must not fall for refusal under Part Suitability.

SETF 11.2. DELETED

SETF 11.3. The applicant must not fall for refusal under SUI 5.3. of Part Suitability, unless the applicant has completed a qualifying period of 10 years with permission as set out in SETF 11.6 and the applicant has spent at least 5 years continuous residence with such permission since the end of their sentence.

SETF 11.4. Where any of the following occur during the applicant's qualifying period for settlement, the applicant must be refused settlement unless the applicant has completed a continuous qualifying period of 10 years with permission as set out in SETF 11.6 and has completed 5 years continuous residence with such permission after the date of the first grant of permission after the suitability ground came to the attention of the decision maker:

(a) involvement in a sham marriage or civil partnership (SUI 8.1. of Part Suitability); or

(b) use of false documents or information or deception (SUI 9.1. and SUI 10.1. of Part Suitability); or

(c) litigation debt owed to the Home Office, unless the debt has been paid (SUI 17.1. of Part Suitability); or

(d) debt to the NHS, unless the debt has been paid, or the total value of outstanding charges is under £500 (SUI 16.1 of Part Suitability); or

(e) the applicant has breached the conditions of their permission (SUI 11.1. of Part Suitability).

SETF 11.5. Unless the applicant is a child or young adult who was granted on the basis of private life under PL 3.1. or PL 4.1. of Appendix Private Life, if the applicant has entered the UK illegally they must be refused settlement unless the applicant has completed a qualifying period of 10 years with permission under SETF 11.6.

SETF 11.6. Where an applicant must complete a qualifying period of 10 years (under SETF 11.3. to SETF 11.5.), they must have had permission as one or a combination of the following for that 10 year qualifying period:

(a) entry clearance or permission granted as a partner or parent under Appendix FM (except for permission as a fiancé(e) or proposed civil partner); or

(b) permission described in the Home Office grant letter as "family permission as a parent" or "family permission as a partner"; or

(c) permission on the private life route under paragraph 276ADE or 276BE(2) before 20 June 2022 or Appendix Private Life; or

(d) entry clearance or permission as a child of a person with limited leave as a partner or parent under Appendix FM; or

(e) permission granted outside the rules as a partner, a parent or child or because of private life on the basis of Article 8 of the Human Rights Convention.

SETF 11.7. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement as a child of a partner or parent based on a qualifying period of 10 years

Relationship requirement for settlement as a child of a partner or parent based on a qualifying period of 10 years

SETF 12.1. The applicant must be the child of a person (P) where one of the following applies:

(a) P is, at the same time, being granted settlement as a partner or parent based on a qualifying period of 10 years; or

(b) P is settled or has become a British citizen, providing P had permission as a partner or parent based on a qualifying period of 10 years when they settled.

SETF 12.2. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

(a) the person (P) in SETF 12.1. is the applicant's sole surviving parent; or

(b) the person (P) in SETF 12.1. has sole responsibility for the applicant's upbringing; or

(c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

Age requirement for settlement as a child of a partner or parent based on a qualifying period of 10 years

SETF 13.1. The applicant must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

SETF 13.2. If the applicant is aged 16 or over on the date of application, they must not be leading an independent life.

Care requirement for settlement as a child of a partner or parent based on a qualifying period of 10 years

SETF 14.1. If the applicant is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK law.

English language requirement for settlement as a child of a partner or parent based on a qualifying period of 10 years

SETF 15.1. Unless an exemption applies, the applicant must:

(a)Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b)Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

SETF 15.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement as a child of a partner or parent based on a qualifying period of 10 years

SETF 16.1. Unless an exemption applies (for example where the applicant is aged under 18), they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

Decision on an application for settlement as a child of a partner or parent based on a qualifying period of 10 years

SETF 17.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement are met the applicant will be granted settlement.

SETF 17.2 If the requirements for settlement are not met, but the decision maker believes the applicant is likely to meet all the suitability and eligibility requirements for permission to stay under Appendix FM as a child of a person with limited leave as a partner or parent (D-LTRC.1.1.), or qualifies under paragraph GEN 3.2 of Appendix FM, the application will be varied by the Secretary of State to an application for permission to stay on that route. Where this happens:

(a) no additional application fee for permission to stay will be required and the settlement application fee will not be refunded; and

(b) the Secretary of State will write to the applicant informing them of this variation and, if required, will request the applicant pay any Immigration Health Charge.

SETF 17.3 If the applicant does not pay the requested Immigration Health Charge, or does not request and is granted a fee waiver for the Immigration Health Charge, the application for permission to stay will be rejected as invalid.

SETF 17.4. Where an applicant is granted permission to stay they will be granted for the period as set out in paragraph D-LTRC.1.1 of Appendix FM, subject to the conditions in paragraph D-LTRP.1.2 (where their parent has permission as a partner) or D-LTRPT.1.2 (where their parent has permission as a parent).

SETF 17.5. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement or permission to stay, the application for settlement will be refused.

Appendix Settlement Protection

Settlement for people on a protection route

A person who has been on a protection route for at least five years may be eligible for settlement on this route.

Partners and children of a person with refugee status or humanitarian protection who is eligible to apply on the settlement protection route may also apply on this route if they have been granted permission to stay as the dependant partner or child of such a person.

Validity requirements for settlement on a protection route

STP 1.1. A person granted permission on a protection route who is applying for settlement must apply online on the gov.uk website on the specified form as follows:

(a) form: 'Apply to settle in the UK – refugee or humanitarian protection'; or

(b) form, 'Settlement Protection' where available.

STP 1.2. The application for settlement must meet all the following requirements:

(a) the applicant must have provided any required biometrics; and

(b) the applicant must satisfactorily establish their identity and nationality; and

(c) the applicant must be in the UK on the date of application.

STP 1.3. The applicant must have, or have last been granted:

(a) permission to stay as a refugee or as a person granted humanitarian protection following an asylum application made before 28 June 2022; or

(b) refugee permission to stay following an asylum application made on or after 28 June 2022.

STP 1.4. An application which does not meet all the validity Page 12 of 63 requirements for settlement for a person on a protection route may be rejected as invalid and not considered.

Suitability requirements for settlement by a person on a protection route

STP 2.1. An application for settlement on a protection route must be refused where the applicant:

(a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of four years or more; or

(b) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of at least 12 months but less than four years, unless a period of 15 years has passed since the end of their sentence; or

(c) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months, unless a period of seven years has passed since the end of their sentence; or

(d) within the 24 months before the date on which the application for settlement is decided, has been convicted of, or admitted to an offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record; or

(e) is a persistent offender who shows a particular disregard for the law; or

(f) has committed a criminal offence, or offences, which caused serious harm; or

(g) where a grant of settlement is not conducive to the public good because of their conduct, character, associations or other reasons (including convictions which do not fall within the criminality grounds) or because they represent a threat to national security.

Eligibility requirements for settlement for a person on a protection route

Qualifying period requirement for settlement for a person on a protection route

STP 3.1. The applicant must have spent a continuous period of at least five years in the UK with either:

(a) refugee status; or

(b) humanitarian protection.

Continuing status requirement for settlement for a person on a protection route

STP 4.1. The applicant's refugee status or humanitarian protection must not have been revoked or renounced.

STP 4.2. When considering the Settlement protection application, a safe return review will be undertaken unless the SSHD directs otherwise to consider whether there have been any changes in personal circumstances or country conditions that could lead to a grant of refugee status or humanitarian protection being revoked or not renewed as per paragraph 339A to 339AC and 339G to 339GD of the immigration rules.

Decision on an application for settlement for a person on a protection route

STP 5.1. If the decision maker is satisfied that the applicant meets all the suitability and eligibility requirements for settlement for a person on a protection route are met, the applicant will be granted settlement.

STP 5.2. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement for a person on a protection route, but is satisfied that the applicant is still entitled to refugee status or humanitarian protection, the applicant will be granted a further period of permission to stay on a protection route for at least 30 months.

STP 5.3. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement for a person on a protection route, or for permission to stay on a protection route, the application for settlement will be refused.

Settlement as a partner or child of a person on a protection route

Validity requirements for settlement as a partner or child of a person on a protection route

STP 6.1. An applicant who is applying for settlement as a partner or child of a person on a protection route must apply online on the gov.uk website on the specified form as follows:

Applicant	Form
Partner	Either: 'Apply to settle in the UK – refugee or humanitarian protection'; or 'Settlement as a partner or parent' (where available).
Child	Either: 'Apply to settle in the UK – refugee or humanitarian protection'; or 'Settlement as a child (including a child aged over 18 already in the UK as a dependent)' (where available).

STP 6.2. An application for settlement as a partner or child on a person on a settlement route must meet all the following requirements:

(a) the applicant must have provided any required biometrics; and

(b) the applicant must satisfactorily establish their identity and nationality; and

(c) the applicant must be in the UK on the date of application.

STP 6.3. (a) Unless the applicant is a child born in the UK while their parent had refugee status or humanitarian protection, the applicant must have, or have last been granted permission as the child of a person granted refugee status or humanitarian protection following an asylum application made before 28 June 2022.

(b) Unless the applicant is a child born in the UK while their parent had refugee permission to stay, the applicant must have, or have last been granted permission to stay under paragraph 339QC, 352B-BA, 352E, 352FB or 352FH of these rules.

STP 6.4. An application which does not meet all the validity requirements for settlement as a partner or child of a person on a protection route may be rejected as invalid and not considered. **Suitability requirements for settlement as a partner or child of a person on a protection route**

STP 7.1. An application for settlement as a partner or child of a person on a settlement route must be refused where the applicant:

(a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of four years or more; or

(b) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of at least 12 months but less than four years, unless a period of 15 years has passed since the end of their sentence; or

(c) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months, unless a period of seven years has passed since the end of their sentence; or

(d) within the 24 months prior to the date on which the application for settlement is decided, has been convicted of or admitted to an office in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record; or

(e) is a persistent offender who shows a particular disregard for the law; or

(f) has committed a criminal offence, or offences, which caused serious harm; or

(g) where a grant of settlement is not conducive to the public good because of their conduct, character, associations or other reasons (including convictions which do not fall within the criminality grounds) or the fact they represent a threat to national security.

Eligibility requirements for settlement as a partner or child of a person on a protection route.

Relationship requirement for settlement as the partner of a person on a protection route.

STP 8.1. The applicant must be the partner of a person (P) where one of the following applies:

(a) P has refugee status or humanitarian protection and is, at the same time as the applicant, being granted settlement; or

(b) P has refugee status or humanitarian protection, is settled on the protection route and the applicant had permission to stay as P's partner when P settled.

STP 8.2. The relationship between the applicant and their partner (P) must be genuine and subsisting.

STP 8.3. The applicant and their partner (P) must intend to continue to live together as partners in the UK.

Relationship requirement for settlement as a child of a person on a protection route

STP 9.1. The applicant must be the child of a person (P) where one of the following applies:

(a) P has refugee status or humanitarian protection and is, at the same time as the applicant, being granted settlement; or

(b) P has refugee status or humanitarian protection, is settled and the applicant had permission to stay as P's child or was born in the UK while P had permission to stay on a protection route.

STP 9.2. If the applicant is a child born in the UK, the applicant must provide a full UK birth certificate showing the name of the parent (P) who is or was on a protection route.

Age requirement for settlement as a child of a person on a protection route

STP 10.1. The child must be under the age of 18 on the date of application unless they were last granted permission as the dependent child of a parent or parents who is or was at that time on a protection route.

Decision on an application for settlement as a partner or child of a person on a protection route

STP 11.1. If the decision maker is satisfied that the applicant meets all the suitability and eligibility requirements for settlement as a partner or child of a person on a protection route, the applicant will be granted settlement.

STP 11.2. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement as a partner or child of a person on a protection route, but is satisfied that the applicant continues to qualify as a partner or child of a person on a protection route, the applicant will be granted permission to stay for at least 30 months.

STP 11.3. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement as a partner or child of a person on a protection route, or for permission to stay as a partner or child of a person on a protection route, the application for settlement will be refused.

Appendix Immigration Salary List (extract)

Occupations where a reduced salary threshold applies in the Skilled Worker route.

An occupation is only included on the list where an application has been made using a certificate of sponsorship issued by a sponsor to an applicant before the removal date stated in the table.

SOC 2020 occupation code and any further criteria	**Included on the Immigration Salary List in:**				**Removal date**
	England	Scotland	Wales	Northern Ireland	
1212 Managers and proprietors in forestry, fishing and related services – only “fishing boat masters”	-	Yes	-	-	31 December 2026

(NB: the rest of the ISL is not provided in this Resource Book)

Appendix Skilled Occupations (extract)

Immigration Rules Appendix Skilled Occupations

Eligible SOC 2020 occupation codes and going rates for Skilled Worker, Global Business Mobility and Scale-up routes

In this Appendix:

- "SW" refers to the Skilled Worker route
- "GBM" refers to the Global Business Mobility routes
- "GTR" refers to the Global Business Mobility - Graduate Trainee route
- "SCU" refers to the Scale-up route

Table 1: Eligible SOC 2020 occupation codes where going rates are based on median Annual Survey of Hours and Earnings (ASHE) data

These SOC 2020 occupation codes are considered to be skilled to Regulated Qualifications Framework (RQF) level 6 or above, and are eligible for the Skilled Worker route. This table relates to points options A-E set out in Appendix Skilled Worker.

Going rates in Table 1 are per year and based on a 37.5-hour working week. They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant's sponsor. Options A to E refer to the points options set out in Appendix Skilled Worker.

The going rates and associated reductions which apply are whichever is the higher of:

- the rate shown by the median ASHE data for that occupation; or
- £17.13 per hour

For the avoidance of doubt, where £17.13 per hour calculates as more than 70%, 80% or 90% of the stated going rate, £17.13 will nevertheless be taken to be 70%, 80% or 90% of the going rate, as applicable.

Only the going rate column applies to Skilled Worker settlement applications; the columns setting out 70%, 80% and 90% of the going rate do not apply.

SOC 2020 Occupation Code	Examples of related job titles (non-exhaustive)	Going rate (SW – options A and D)	90% of going rate (SW - option B)	80% of going rate (SW – option C)	70% of going rate (SW - option E)	Eligible for PhD points (SW)?
1111 Chief executives and senior officials	• Chairpersons • Chief executives • Diplomats and foreign office officials • Senior public service officials	£88,100 (£45.18 per hour)	£79,300 (£40.67 per hour)	£70,400 (£36.10 per hour)	£61,600 (£31.59 per hour)	Yes

(NB: the rest of this table is not provided in this Resource Book)

Table 1a: Additional eligible SOC 2020 occupation codes and related going rates for Skilled Worker applicants granted permission under the rules in place before 22 July 2025

These SOC 2020 occupation codes are considered to be skilled to Regulated Qualifications Framework (RQF) level 3-5, other than "6135 Care workers and home carers", which is considered to be skilled to RQF level 2. This table relates to points options A-E set out in Appendix Skilled Worker.

Except where option D or the Temporary Shortage List in SW 6.1A applies, sponsors may **ONLY** sponsor Skilled Worker applicants in these SOC2020 occupation codes if the applicant was granted permission as a Skilled Worker under the rules in place before 22 July 2025, and they have had continuous permission as a Skilled Worker since then.

Other than skill level, the notes accompanying Table 1 also apply to this table.

(NB: Table not provided in this Resource Book)

Table 2: Eligible SOC 2020 occupation codes and related going rates based on 25th percentile Annual Survey of Hours and Earnings (ASHE) data

These SOC 2020 occupation codes are considered to be skilled to Regulated Qualifications Framework (RQF) level 6 or above, and are eligible for the Skilled Worker, Global Business Mobility and Scale-up routes. This table relates to points options F-J set out in Appendix Skilled Worker.

Going rates in Table 2 are per year and based on a 37.5-hour working week. They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant's sponsor. Options F to J refer to the points options set out in Appendix Skilled Worker.

The going rates and associated reductions which apply are whichever is the higher of:

- the rate shown by the 25th percentile ASHE data for that occupation; or
- £12.82 per hour

For the avoidance of doubt, where £12.82 per hour calculates as more than 70%, 80% or 90% of the stated going rate, £12.82 will nevertheless be taken to be 70%, 80% or 90% of the going rate, as applicable.

Only the going rate column applies to Skilled Worker settlement applications; the columns setting out 70%, 80% and 90% of the going rate do not apply.

Equivalent SOC 2010 occupation codes are included where they were previously eligible for the Skilled Worker route, for ease of matching to the relevant SOC 2020 occupation codes for applicants being sponsored to continue working in the same occupation.

SOC 2020 occupation code	Equivalent SOC 2010 occupation code(s)	Examples of related job titles (non-exhaustive)	Going rate (SW – options F and I, GBM and SCU)	90% of going rate (SW - option G)	80% of going rate (SW - option H)	70% of going rate (SW - option J, GTR)	Eligible for PhD points (SW)?
1111 Chief executives and senior officials	1115, 1172	Chairpersons • Chief executives • Diplomats and foreign office officials • Senior public service officials • Chief executives	£60,000 (£30.77 per hour)	£54,000 (£27.69 per hour)	£48,000 (£24.62 per hour)	£42,000 (£21.54 per hour)	Yes

SOC 2020 occupation code	Equivalent SOC 2010 occupation code(s)	Examples of related job titles (non-exhaustive)	Going rate (SW – options F and I, GBM and SCU)	90% of going rate (SW - option G)	80% of going rate (SW - option H)	70% of going rate (SW - option J, GTR)	Eligible for PhD points (SW)?
		and senior officials not elsewhere classified					

(NB: the rest of the Table is not provided in this Resource Book)

Table 2aa: Additional eligible SOC 2020 occupation codes and related going rates for Skilled Worker applicants granted permission under the rules in place before 22 July 2025

These SOC 2020 occupation codes are considered to be skilled to Regulated Qualifications Framework (RQF) level 3-5, other than “6135 Care workers and home carers”, which is considered to be skilled to RQF level 2. This table relates to points options F-J set out in Appendix Skilled Worker.

Except where option I or the Temporary Shortage List in SW 6.1A applies, sponsors may **ONLY** sponsor Skilled Worker applicants in these SOC2020 occupation codes if the applicant was granted permission as a Skilled Worker under the rules in place before 22 July 2025, and they have had continuous permission as a Skilled Worker since then.

These SOC 2020 occupation codes are not eligible for the Global Business Mobility or Scale-up routes.

Other than skill level, the notes accompanying Table 2 also apply to this table.

(NB: table not provided in this Resource Book)

Table 2a: Additional eligible SOC 2020 occupation codes and related going rates for Skilled Worker applicants granted permission under the rules in place before 4 April 2024

These SOC 2020 occupation codes were previously considered to be skilled to Regulated Qualifications Framework (RQF) level 3-5, but have been reassessed as being below RQF level 3. This table relates to points options F-J set out in Appendix Skilled Worker.

Sponsors may **ONLY**sponsor Skilled Worker applicants in these SOC2020 occupation codes if the date of application is before 4 April 2030, the applicant was granted permission as a Skilled Worker under the rules in place before 4 April 2024, has had continuous permission as a Skilled Worker since then, and is applying to work for the same sponsor as in their most recent permission.

These SOC 2020 occupation codes are not eligible for the Global Business Mobility or Scale-up routes.

Other than skill level, the notes accompanying Table 2 also apply to this table.

(NB: Table not provided in this Resource Book)

Table 3: Eligible health and education SOC 2020 occupation codes where going rates are based on national pay scales

These SOC 2020 occupation codes are considered to be skilled to Regulated Qualifications Framework (RQF) level 6 or above, and are eligible for the Skilled Worker, Global Business Mobility and Scale-up routes, other than roles below Agenda for Change band 5, which are ineligible for the

Global Business Mobility and Scale-up routes, and are only eligible for the Skilled Worker route if the conditions specified in Table 4 are met.

SOC 2020 occupation codes in Table 3 are eligible for points option K set out in Appendix Skilled Worker. They are also eligible for the Global Business Mobility and Scale-up routes.

Equivalent SOC 2010 occupation codes are included where they were previously eligible for the Skilled Worker route, for ease of matching to the relevant SOC 2020 occupation codes for applicants being sponsored to continue working in the same occupation.

(NB: Table not provided in this Resource Book)

Table 3a: Additional health and education SOC 2020 occupation codes where going rates are based on national pay scales, for Skilled Worker applicants granted permission under the rules in place before 22 July 2025

These SOC 2020 occupation codes are considered to be skilled to Regulated Qualifications Framework (RQF) level 3-5.

Except for “6131 Nursing auxiliaries and assistants, sponsors may ONLY sponsor Skilled Worker applicants in these SOC2020 occupation codes if the applicant was granted permission as a Skilled Worker under the rules in place before 22 July 2025, and they have had continuous permission as a Skilled Worker since then. In these circumstances, they are eligible under points option K in Appendix Skilled Worker.

These SOC 2020 occupation codes are not eligible for the Global Business Mobility or Scale-up routes.

Equivalent SOC 2010 occupation codes are included where they were previously eligible for the Skilled Worker route, for ease of matching to the relevant SOC 2020 occupation codes for applicants being sponsored to continue working in the same occupation.

(NB: Table not provided in this Resource Book)

Table 4: Going rates for listed healthcare SOC 2020 occupation codes by administration and band

Going rates in Table 4 are per year and based on a 37.5-hour week (in Scotland, a 37-hour week). They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant’s sponsor. Band 1 and band 2 jobs are not eligible to be sponsored.

Except for “6131 Nursing auxiliaries and assistants, sponsors may ONLY sponsor Skilled Worker applicants in band 3 and band 4 jobs if the applicant was granted permission as a Skilled Worker under the rules in place before 22 July 2025, and they have had continuous permission as a Skilled Worker since then.

Band 1 to band 4 jobs are not eligible for the Global Business Mobility or Scale-up routes.

(NB: Table not provided in this Resource Book)

Table 5: Going rates for listed education SOC 2020 occupation codes by administration and role

Going rates in Table 5 are per year and based on the definition of a full-time teacher used when determining these pay scales. They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant’s sponsor.

(NB: Table not provided in this Resource Book)

Table 6: SOC 2020 occupation codes which are not eligible for the Skilled Worker, Global Business Mobility or Scale-up routes

These occupations are ineligible for the Skilled Worker, Global Business Mobility or Scale-up routes because:
• they do not meet the required skill level; or
• applicants must be sponsored in another route for jobs in these occupations; or
• those subject to immigration control cannot apply for jobs in these occupations.
SOC 2020 occupation codes in Tables 1a, 2aa, 2a, 2b and 3a are also not eligible for these routes, except where otherwise indicated.

(NB: Table not provided in this Resource Book)

Appendix Skilled Worker

The Skilled Worker route is for employers to recruit people to work in the UK, including in UK waters, in a specific job. A Skilled Worker must have a job offer in an eligible skilled occupation from a Home Office-approved sponsor.

A dependent partner and dependent children can apply on this route.

Skilled Worker is a route to settlement.

Health and Care ASHE salary jobs

SW A1.1. For the purpose of this Appendix "Health and Care ASHE salary job" means a job in one of the following SOC 2020 occupation codes:

- 1171 Health services and public health managers and directors
- 1231 Health care practice managers
- 1232 Residential, day and domiciliary care managers and proprietors
- 2113 Biochemists and biomedical scientists
- 2114 Physical scientists
- 3111 Laboratory technicians
- 3211 Dispensing opticians
- 3212 Pharmaceutical technicians
- 6135 Care workers and home carers
- 6136 Senior care workers;

where the applicant is sponsored, employed or engaged:

(a) by one of the following:

England
- an NHS Foundation Trust
- an NHS Trust
- the Care Quality Commission
- Health Education England
- Health Research Authority
- Human Fertilization and Embryology Authority
- Human Tissue Authority
- Medicines and Healthcare products Regulatory Agency
- National Institute for Health and Care Excellence
- NHS Blood and Transplant
- NHS Business Services Authority Page 62 of 289
- NHS Digital (the Health and Social Care Information Centre)
- NHS England (the NHS Commissioning Board)
- NHS Improvement (Monitor and the NHS Trust Development Authority
- NHS Resolution (the NHS Litigation Authority)
- UK Health Security Agency
- a Local Authority or Clinical Commissioning Group

Wales
- a local Health Board
- Health Education & Improvement Wales
- Public Health Wales
- The Welsh Ambulance Service
- Velindre NHS Trust

Scotland
- A Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978
- Common Services Agency for the Scottish Health Service (established under Section 10 of that Act)

• Social Care and Social Work Improvement Scotland (known as the Care Inspectorate) established under Section 44 of the Public Services (reform) (Scotland) Act 2010
• Scottish Social Services Council established under section 43 of the Regulation of Care (Scotland) Act 2001

Northern Ireland
• A Health and Social Care Trust in Northern Ireland
• Northern Ireland Blood Transfusion Service
• Northern Ireland Guardian Ad Litem Agency
• Northern Ireland Medical and Dental Training Agency
• Northern Ireland Practice and Education Committee
• Northern Ireland Social Care Council, Patient and Client Council
• Regional Agency for Public Health and Social WellBeing (the Public Health Agency)
• Regional Business Services Organisation
• Regional Health and Social Care Board
• Regulation and Quality Improvement Authority
or

(b) to provide, or to support the provision of, regulated activities as prescribed in Schedule 1 (read with Schedule 2) to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936), and who is also employed or engaged by an institution or organisation registered with the Care Quality Commission; or

(c) for the purposes of an establishment or agency in Wales regulated under Part 2 of the Care Standards Act 2000; or

(d) for the purposes of a service regulated under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or

(e) on a general medical services contract to provide primary medical services, or an agreement for the provision of primary medical services under section 50 of the NHS (Wales) Act 2006; or

(f) on a general dental services contract to provide primary dental services, or an agreement for the provision of primary dental services under section 64 of the NHS (Wales) Act 2006; or

(g) to provide care services as defined in section 47(1) of the Public Services Reform (Scotland) Act 2010 and registered under that Act; or

(h) by an organisation registered with Social Care and Social Work Improvement Scotland; or

(i) in connection with the provision of services under the National Health Service (Scotland) Act 1978 by, a party (other than a Health Board) to one of the following:

- an arrangement to provide services under section 2C of that Act
- an agreement to provide services under section 17C of that Act
- a contract to provide services under section 17J of that Act
- an arrangement to provide services under section 25, 26 or 27 of that Act; or

(j) by a General Practitioner Federation or by any entity with which the Northern Ireland Regional Health and Social Care Board has a contract or an arrangement under the Health and Personal Social Services (Northern Ireland) Order 1972 to provide Family Practitioner Services; or

(k) by a body registered with, or monitored or inspected by, the Regulation and Quality Improvement Authority; or

(l) or registered with, one of the following organisations:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council

• General Pharmaceutical Council

• Health and Care Professions Council

• Northern Ireland Social Care Council

• Nursing and Midwifery Council

• Pharmaceutical Society of Northern Ireland

• Scottish Social Services Council (under the Regulation of Care (Scotland) Act 2001) • Social Care Wales; or

(m) an organisation providing adult social care services, meaning any services which an English Local Authority must or may provide or arrange to be provided under:

(i) section 117 of the Mental Health Act 1983 – (After-care); or

(ii) Part 1 of the Care Act 2014 (Care and Support).

Validity requirements for a Skilled Worker

SW 1.1. A person applying for entry clearance or permission to stay as a Skilled Worker must apply online on the gov.uk website on the specified form as follows:

(a) for applicants outside the UK, form “Skilled Worker visa”; or

(b) for applicants inside the UK, form “Skilled Worker”.

SW 1.2. An application for entry clearance or permission to stay as a Skilled Worker must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must have a certificate of sponsorship that was issued to them by their sponsor no more than 3 months (or 90 days, where the Certificate of Sponsorship is linked to a Sponsorship Reference Number, disregarding any days during which an edit requested by a sponsor to their Sponsor a Worker submission is being reviewed)before the date of application.

SW 1.3. The applicant must be aged 18 or over on the date of application.

SW 1. 4. An applicant applying for entry clearance or permission to stay, who has received an award from a Government or international scholarship agency in the 12 months before the date of application which covers both fees and living costs for study in the UK, must have provided written consent to the application from that Government or agency.

SW 1.5. If applying for permission to stay, the applicant must be in the UK on the date of application.

SW 1.5ZA. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

(a) as a Visitor; or

(b) as a Short-term student; or

(c) as a Parent of a Child Student; or

(d) as a Seasonal Worker; or

(e) as a Domestic Worker in a Private Household; or

(f) outside the Immigration Rules.

SW 1.5A. An applicant who is applying for permission to stay and has, or last had, permission as a Student, must fulfil one of the Conditions A, B or C below on the date of application:

(a) Condition A: the applicant must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which ST 27.3 of Appendix Student applies); or

(b) Condition B:

(i) the applicant must be studying a full-time course of study at degree level or above with a higher education provider which has a track record of compliance; and

(ii) the Certificate of Sponsorship in SW 1.2(d) must have a start date no earlier than the course completion date; or

(c) Condition C:

(i) the applicant must be studying a full-time course of study leading to the award of a PhD with a higher education provider which has a track record of compliance; and

(ii) the Certificate of Sponsorship in SW 1.2(d) must have a start date no earlier than 24 months after the start date of that course.

SW 1.6. An application which does not meet all the validity requirements for a Skilled Worker may be rejected as invalid and not considered.

Suitability requirements for a Skilled Worker

SW2.1. The applicant must not fall for refusal under Part Suitability.

SW2.2. If applying for permission to stay the applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a Skilled Worker

Entry requirements for a Skilled Worker

SW 3.1. A person seeking to come to the UK as a Skilled Worker must apply for and obtain entry clearance as a Skilled Worker before they arrive in the UK.

SW 3.2. A person applying for entry clearance as a Skilled Worker must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

SW 3.3. A person must not be applying for entry clearance as a Skilled Worker as a national or citizen of Afghanistan.

Points requirement for a Skilled Worker

SW 4.1.

The applicant must be awarded all 50 points in the table below.

Mandatory points requirements	**Relevant rules**	**Points**
Sponsorship	SW 5.1. to SW 5.7.	20
Job at an appropriate skill level	SW 6.1. to SW 6.5.	20
English language skills at level B2 or, where the applicant's most recent permission was as a Skilled Worker and which was granted subject to a requirement at level B1, level B1	SW 7.1. to SW 7.3.	10

SW 4.2. The applicant must be awarded 20 points from one of the options in the table below and for the purpose of meeting these points:

(a) an applicant can only be awarded points from options A to E, unless they meet the requirements in (b) or (c).

(b) An applicant can only be awarded points from options F to J if:

(i) they are being sponsored for a Health and Care ASHE salary job; or

(ii) the date of application is before 4 April 2030, they were granted permission as a Skilled Worker under the rules in place before 4 April 2024, and they have had continuous permission as a Skilled Worker since then (except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded).

(c) An applicant can only be awarded points from option K if they are being sponsored for a job in an appropriate eligible SOC 2020 occupation code listed in Table 3 or Table 3a of Appendix Skilled Occupations.

(d) An applicant can be awarded points from option F if:

(i) they are being sponsored for a job in the SOC 2020 occupation code "3314 Prison service officers (below principal officer)"; and

(ii) the date of application is before 1 January 2028; and

(iii) the end date of the certificate of sponsorship is not more than three years after the start date.

SW 4.3. Details of how these points are awarded are set out in the table and in SW 8.1. to SW 13.3. The salary for each option will be considered as set out in SW 14.1. to SW 14.5.

SW 4.4. If the requirements for the relevant option are met, the applicant will be awarded 20 points. However, no points will be awarded if the applicant is not also being awarded the 20 points for sponsorship under SW 5.7. and the 20 points for a job at the appropriate skill level under SW 6.4.

Option	Requirements	Relevant further rules	Points
A	The applicant's salary equals or exceeds both: • £41,700 per year; and • the going rate for the SOC 2020 occupation code.	SW 8.1.	20
B	The applicant has a PhD in a subject relevant to the job and their salary equals or exceeds both: • £37,500 per year; and • 90% of the going rate for the SOC 2020 occupation code.	SW 9.1. to SW 9.4	20
C	The applicant has a PhD in a STEM subject relevant to the job and their salary equals or exceeds both: • £33,400 per year; and • 80% of the going rate for the SOC 2020 occupation code.	SW 10.1. to SW 10.3.	20
D	The applicant is being sponsored for a job on the Immigration Salary List and their salary equals or exceeds both:	SW 11.1. to SW 11.3.	20

Option	Requirements	Relevant further rules	Points
	• £33,400 per year; and • the going rate for the SOC 2020 occupation code		
E	The applicant is a new entrant at the start of their career and their salary equals or exceeds both: • £33,400 per year and • 70% of the going rate for the SOC 2020 occupation code.	SW 12.1. to SW 12.3.	20
F	The applicant's salary equals or exceeds both: • £31,300 per year; and • the going rate for the SOC 2020 occupation code.	SW 8.1	20
G	The applicant has a PhD in a subject relevant to the job and their salary equals or exceeds both: • £28,200 per year; and • 90% of the going rate for the SOC 2020 occupation code.	SW 9.1 to 9.4	20
H	The applicant has a PhD in a STEM subject relevant to the job and their salary equals or exceeds both: • £25,000 per year; and • 80% of the going rate for the SOC 2020 occupation code.	SW 10.1 to 10.3.	20
I	The applicant is being sponsored for a job on the Immigration Salary List and their salary equals or exceeds both: • £25,000 per year; and • the going rate for the SOC 2020 occupation code.	SW 11.1. to 11.3.	20
J	The applicant is a new entrant at the start of their career and their salary equals or exceeds both: • £25,000 per year; and • 70% of the going rate for the SOC 2020 occupation code.	SW 12.1. to 12.3.	20
K	The applicant is being sponsored for a job in a listed health or education occupation and their salary equals or exceeds both: • £25,000 per year; and • the going rate for the SOC 2020 occupation code.	SW 13.1. to 13.3.	20

Points for sponsorship (mandatory)

SW 5.1. The applicant must have a valid Certificate of Sponsorship for the job they are planning to do; which to be valid must:

(a) confirm the applicant's name, that they are being sponsored as a Skilled Worker, details of the job and salary the sponsor is offering them and PAYE details if HM Revenue and Customs (HMRC) requires income tax and National Insurance for the sponsored job to be paid via PAYE; and

(b) if the application is for entry clearance, have been allocated by the Home Office to that sponsor for the specific job and salary details shown; and

(c) include a start date, stated by the sponsor, which is no more than 3 months after the date of application; and

(d) not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn); and

(e) not have been withdrawn by the sponsor or cancelled by the Home Office; and (f) confirm whether or not the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies.

SW 5.2. The sponsor must be authorised by the Home Office to sponsor the job in question under the Skilled Worker route.

SW 5.3. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a Skilled Worker and is applying to continue working for the same sponsor as in their last permission.

SW 5.4. The sponsor must have paid in full any required Immigration Skills Charge.

SW 5.5. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do:

(a) does not exist; or

(b) is a sham; or

(c) has been created mainly so the applicant can apply for entry clearance or permission to stay.

SW 5.6. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do amounts to:

(a) the hire of the applicant to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent; or

(b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between the sponsor and the third party.

SW 5.6A. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do does not comply with the National Minimum Wage Regulations or the Working Time Regulations.

SW 5.7. If the requirements in SW 5.1. to SW 5.6A. are met, the applicant will be awarded 20 mandatory points for sponsorship.

Points for a job at the appropriate skill level (mandatory)

SW 6.1. Subject to SW 6.1A to SW 6.3A, the applicant must be sponsored for a job in an eligible SOC 2020 occupation code (or, where relevant, an eligible job within a SOC 2020 occupation code), listed as eligible in:

(a) Table 1, Table 2 or Table 3 of Appendix Skilled Occupations; or

(b) the Immigration Salary List in Appendix Immigration Salary List; or

(c) the Temporary Shortage List in SW 6.1A; or

(d) Table 1a, Table 2aa or Table 3a of Appendix Skilled Occupations if the applicant was granted permission as a Skilled Worker under the rules in place before 22 July 2025, and they have had continuous permission as a Skilled Worker since then (except that where the

Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded); or

(e) Table 2aa of Appendix Skilled Occupations, if the applicant is being awarded points under options F to J in the table following SW 4.4 and meets the requirement in SW 4.2(b)(ii); or

(f) Table 2a of Appendix Skilled Occupations, if the applicant is being awarded points under options F to J in the table following SW 4.4, meets the requirement in SW 4.2(b)(ii), and is applying to work for the same sponsor as in their most recent permission; or

(g) the SOC 2020 occupation code "3314 Prison service officers (below principal officer)", if the application is for permission to stay and:

(i) the date of application is before 1 January 2027 and the end date of the certificate of sponsorship is not more than three years after the start date; or

(ii) the applicant was last granted permission as a Skilled Worker, sponsored in the SOC 2020 occupation code "3314 Prison service officers (below principal officer)" based on a certificate of sponsorship assigned to them before 1 January 2027.

SW 6.1A. A SOC 2020 occupation code (or, where relevant, an eligible job within a SOC 2020 occupation code) is only included on the Temporary Shortage List where:

(a) it appears in the list below; and

(b) an application has been made using a certificate of sponsorship issued by a sponsor to an applicant before 31 December 2026.

Temporary Shortage List

- 1243 Managers in logistics
- 1258 Directors in consultancy services
- 3111 Laboratory technicians
- 3112 Electrical and electronics technicians
- 3113 Engineering technicians
- 3114 Building and civil engineering technicians
- 3115 Quality assurance technicians
- 3116 Planning, process and production technicians
- 3120 CAD, drawing and architectural technicians
- 3131 IT operations technicians
- 3132 IT user support technicians
- 3133 Database administrators and web content technicians
- 3412 Authors, writers and translators
- 3414 Dancers and choreographers
- 3417 Photographers, audio-visual and broadcasting equipment operators
- 3422 Clothing, fashion and accessories designers
- 3429 Design occupations not elsewhere classified – only the following job types:
  - Industrial and product designers
  - Packaging designers
  - Performance make-up artists
  - Set designers
  - Visual merchandising managers and designers
- 3512 Ship and hovercraft officers
- 3520 Legal associate professionals
- 3532 Insurance underwriters
- 3533 Financial and accounting technicians
- 3541 Estimators, valuers and assessors
- 3544 Data analysts
- 3549 Business associate professionals not elsewhere classified – only the following job types:
  - Business support officers
  - Business systems analysts
  - Contract administrators

    - Clinical coders
    - Clinical trials administrators
    - Research coordinators
- 3552 Business sales executives
- 3554 Advertising and marketing associate professionals
- 3571 Human resources and industrial relations officers
- 3573 Information technology trainers
- 4121 Credit controllers
- 4122 Book-keepers, payroll managers and wages clerks
- 4129 Financial administrative occupations not elsewhere classified – only the following job types:
    - Box office assistants
    - Grants officers
    - Mortgage administrators
    - Revenue assistants (excludes National and Local government revenue occupations)
    - Treasury assistants
- 4132 Pensions and insurance clerks and assistants
- 5213 Welding trades
- 5214 Pipe fitters
- 5223 Metal working production and maintenance fitters
- 5225 Air-conditioning and refrigeration installers and repairers
- 5231 Vehicle technicians, mechanics and electricians
- 5232 Vehicle body builders and repairers
- 5233 Vehicle paint technicians
- 5235 Boat and ship builders and repairers
- 5241 Electricians and electrical fitters
- 5242 Telecoms and related network installers and repairers
- 5244 Computer system and equipment installers and servicers
- 5245 Security system installers and repairers
- 5249 Electrical and electronic trades not elsewhere classified
- 5311 Steel erectors
- 5315 Plumbers and heating and ventilating installers and repairers
- 5319 Construction and building trades not elsewhere classified – only the following job types:
    - Builders
    - Divers
    - Fence erectors
    - Industrial climbers
    - Remotely Operated Vehicle (ROV) operators
    - Steel fixers and underpinners
- 5322 Floorers and wall tilers
- 5323 Painters and decorators
- 5330 Construction and building trades supervisors
- 8133 Energy plant operatives

SW 6.1B. If the applicant is being sponsored in the SOC 2020 occupation code “6135 Care workers and home carers” or “6136 Senior care workers”, the application must be for permission to stay, and either:

(a) (i) the applicant must have been legally working for the sponsor in one of these SOC 2020 occupation codes for at least the three months ending on the date the certificate of sponsorship was issued by the sponsor to the applicant; and

(ii) the date of application must be before 22 July 2028; or

(b) the applicant must have permission as a Skilled Worker, sponsored in either of these SOC 2020 occupations codes (or the SOC 2010 occupation codes “6145 Care workers and home carers” or “6146 Senior care workers”) (except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded).

SW 6.1C. If SW 6.1B applies and the applicant:

(a) was previously granted permission as a Skilled Worker, sponsored in the SOC 2010 occupation code “6145 Care workers and home carers” or “6146 Senior care workers”, under the Rules in force before 11 March 2024; and

(b) since then, has continuously had permission as a Skilled Worker, sponsored in either or both these SOC 2010 occupation codes, or SOC 2020 occupation codes “6135 Care workers and home carers” or “6136 Senior care workers” (except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded); and

(c) is applying to continue working with the same sponsor as in their most recent grant of permission,

the Care Quality Commission regulation requirement for these occupation codes does not apply.

SW 6.2. The sponsor must choose an appropriate SOC 2020 occupation code, and the decision maker must not have reasonable grounds to believe the sponsor has chosen a less appropriate SOC 2020 occupation code for any of the following reasons:

(a) the most appropriate SOC 2020 occupation code is not eligible under the Skilled Worker route; or

(b) the most appropriate SOC 2020 occupation code has a higher going rate than the proposed salary; or

(c) the most appropriate SOC 2020 occupation code is not on the Immigration Salary List and the applicant is claiming points for a job on the Immigration Salary List; or

(d) the most appropriate SOC 2020 occupation code is not listed as “eligible for PhD points” in Table 1 of Appendix Skilled Occupations and the applicant is claiming points for an educational qualification.

SW 6.3. To support the assessment in SW 6.2., the decision maker may, in particular, consider:

(a) whether the sponsor has shown a genuine need for the job as described; and

(b) whether the applicant has the appropriate skills, qualifications and experience needed to do the job as described; and

(c) the sponsor’s history of compliance with the immigration system including, but not limited to, paying its sponsored workers appropriately; and

(d) any additional information from the sponsor.

SW 6.3A. If the ATAS requirement in Appendix ATAS applies, the applicant must provide a valid ATAS certificate.

SW 6.4. If the requirements in SW 6.1. to SW 6.3A. are met, an applicant will be awarded 20 mandatory points for a job at the appropriate skill level, subject to SW 6.5.

SW 6.5. No points will be awarded for a job at the appropriate skill level if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7.

Points for the English language requirement (mandatory)

SW 7.1. An applicant must show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) to at least the level specified by SW 4.1

SW 7.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

SW 7.3. If the requirements in SW 7.1. to SW 7.2. are met, the applicant will be awarded 10 mandatory points for meeting the English language requirement.

Points options A and F

SW 8.1. The applicant must meet the going rate salary requirement for the SOC 2020 occupation code they are being sponsored for a job in, as shown for the relevant option in:

(a) Table 1 or Table 1a of Appendix Skilled Occupations, if being awarded points under option A; or

(b) Table 2, Table 2aa or Table 2a of Appendix Skilled Occupations, if being awarded points under option F.

Points options B and G

SW 9.1. The applicant must be sponsored for a job in a SOC 2020 occupation code listed as being "eligible for PhD points" in:

(a) Table 1 or Table 1a of Appendix Skilled Occupations, if being awarded points under option B; or

(b) Table 2, Table 2aa or Table 2a of Appendix Skilled Occupations, if being awarded points under option G;

and the applicant must meet the relevant going rate salary requirement for the SOC 2020 occupation code shown for the relevant option in that table.

SW 9.2. The applicant must have a UK PhD or other academic doctoral qualification, or an overseas academic qualification which the qualification and language assessments provider confirms meets the recognised standard of a UK PhD.

SW 9.3. The applicant's sponsor must have provided a credible explanation of how the qualification is relevant to the job for which the applicant is being sponsored.

SW 9.4. If the applicant has been correctly awarded points for an educational qualification in a previous grant of permission as a Skilled Worker, the applicant does not need to provide evidence of the qualification again, but the sponsor must still have provided the explanation of how the qualification is relevant to the job for which the applicant is being sponsored.

Points options C and H

SW 10.1. The applicant must be sponsored for a job in a SOC 2020 occupation code listed as being "eligible for PhD points" in:

(a) Table 1 or Table 1a of Appendix Skilled Occupations, if being awarded points under option C; or

(b) Table 2, Table 2aa or Table 2a of Appendix Skilled Occupations, if being awarded points under option H;

and the applicant must meet the relevant going rate salary requirement for the SOC 2020 occupation code shown for the relevant option in that table.

SW 10.2. The applicant must meet the requirements in SW 9.2. to SW 9.4.

SW 10.3. The applicant's sponsor must have provided a credible explanation that the qualification in question is in a Science, Technology, Engineering or Mathematics (STEM) subject.

Points options D and I

SW 11.1. The applicant must be sponsored for a job in an eligible SOC 2020 occupation code (or, where relevant, an eligible job within a SOC 2020 occupation code) listed in Appendix Immigration Salary List for the nation of the UK where that job is based, unless SW 11.2. applies.

SW 11.2. If, on or before the date the sponsor assigned the Certificate of Sponsorship to the applicant, the applicant's job was removed from Appendix Immigration Salary List (or the previous Appendix Shortage Occupation List), both of the following conditions must be met:

(a) the applicant's most recent permission was as a Skilled Worker in which they were sponsored to work in a job listed in Appendix Immigration Salary List (or the previous Appendix Shortage Occupation List) under the applicable rules at that time; and

(b) the applicant is being sponsored to continue working in the same job for the same sponsor as in their previous permission.

SW 11.3. The applicant must meet the going rate salary requirement for the SOC 2020 occupation code they are being sponsored for a job in, as shown for the relevant option in:

(a) Table 1 or Table 1a of Appendix Skilled Occupations, if being awarded points under option D; or

(b) Table 2, Table 2aa or Table 2a of Appendix Skilled Occupations, if being awarded points under option I.

Points options E and J

SW 12.1. The applicant must be sponsored for a job in an eligible SOC 2020 occupation code (or, where relevant, an eligible job within a SOC 2020 occupation code) listed in:

(a) Table 1 of Appendix Skilled Occupations, if being awarded points under option E; or

(b) Table 2 of Appendix Skilled Occupations, if being awarded points under option J; or

(c) Tables 2 or 2a of Appendix Skilled Occupations, if being awarded points under option J, and the applicant meets the requirement in SW 4.2(b)(ii) and is applying to work for the same sponsor as in their most recent permission,

and the applicant must meet the relevant going rate salary requirement shown for the relevant option in that table.

SW 12.2. The applicant must meet one or more of the following requirements:

(a) the applicant must be under the age of 26 on the date of application; or

(b) the job for which the applicant is being sponsored must be a postdoctoral position in any of the following SOC 2020 occupation codes:

- 2111 Chemical scientists
- 2112 Biological scientists
- 2113 Biochemists and biomedical scientists
- 2114 Physical scientists
- 2115 Social and humanities scientists
- 2119 Natural and social science professionals not elsewhere classified
- 2162 Other researchers, unspecified discipline
- 2311 Higher education teaching professionals; or

(c) the job for which the applicant is being sponsored must be in a UK Regulated Profession and the applicant must be working towards a UK recognised professional qualification for that profession; or

(d) the applicant must be working towards full registration or chartered status with the relevant professional body for the job for which they are being sponsored; or

(e) all of the following conditions apply:

(i) the applicant's most recent permission (disregarding any permission as a visitor) was as a Student; and

(ii) if that Student permission has expired, it must have expired less than 2 years before the date of application; and

(iii) in that Student permission or any previous permission as a Student, the applicant was sponsored to study one of the following courses (not any other qualifications of an equivalent level):

- a UK bachelor's degree; or
- a UK master's degree; or
- a UK PhD or other doctoral qualification; or
- a Postgraduate Certificate in Education; or
- a Professional Graduate Diploma of Education; and

(iv) the applicant has completed (or is applying no more than 3 months before they are expected to complete) the course in SW 12.2(e)(iii) above, or the applicant is currently studying for a PhD for which they have completed at least 12 months study in the UK, or

(f) the applicant's most recent permission (disregarding any permission as a visitor) was as a Graduate, and if that permission has expired, it must have expired less than 2 years before the date of application.

SW 12.3. Granting the application must not mean the applicant's combined permission as a Skilled Worker, Graduate and/or Tier 2 Migrant would be more than 4 years in total, whether or not the permission is for a continuous period.

Points option K

SW 13.1. The applicant must meet the going rate salary requirement for the SOC 2020 occupation code they are being sponsored for a job in (or, where relevant, the job within that SOC 2020 occupation code), as shown in Table 3, 3a, 4 or 5 of Appendix Skilled Occupations.

SW 13.2. If the applicant is being sponsored for a job in one of the following SOC 2020 occupation codes:

- 2231 Midwifery nurses
- 2232 Community nurses
- 2233 Specialist nurses
- 2234 Nurse practitioners
- 2235 Mental health nurses
- 2236 Children's nurses
- 2237 Other nursing professionals

their salary may be temporarily (for up to 8 months) less than the ££25,000 per year required under points option K in either of the following circumstances:

(a) the applicant has previously held Nursing and Midwifery Council (NMC) registration and is undertaking an NMC-approved programme with a view to returning to practice; or

(b) the applicant is working towards NMC registration, and both of the following apply:

(i) the applicant has passed the NMC's English language requirements and Computer Based Test of competence, before the date of application; and

(ii) the applicant will sit an Objective Structured Clinical Examination (OSCE) to obtain NMC registration no later than 3 months after the stated job start date.

SW 13.3. Where SW 13.2. applies:

(a) the sponsor must have confirmed that the applicant will stop being sponsored if they do not achieve full NMC registration within 8 months of the job start date (if the applicant was last granted permission to work in one of the SOC 2020 occupation codes in SW 13.2, or either of the SOC 2010 occupation codes "2231 Nurses" or "2232 Midwives", on the Skilled Worker route, the 8 months is counted from the start date of the job they were sponsored to do in their most recent permission); and

(b) during the 8 months in (a), or until the applicant achieves NMC registration (if sooner), the applicant's salary must be at least equal to the appropriate Agenda for Change Band 3 rate, as stated in Table 4 of Appendix Skilled Occupations.

Consideration of salary (all tradeable points options)

SW 14.1. Salary only includes guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions) and other guaranteed payments which are treated exactly the same as basic gross pay for tax, pension and national insurance purposes .

SW 14.2. Salary does not include other pay and benefits, such as any of the following:

(a) pay which cannot be guaranteed because the nature of the job means that hours fluctuate; or

(b) additional pay such as shift, overtime or bonus pay, (whether or not it is guaranteed); or

(c) employer pension and employer national insurance contributions; or

(d) any allowances, such as accommodation or cost of living allowances; or

(e) in-kind benefits, such as equity shares, health insurance, school or university fees, company cars or food; or

(f) one-off payments, such as ‘golden hellos’; or

(g) any payments relating to immigration costs, such as the fee or Immigration Health Charge; or

(h) payments to cover business expenses, including (but not limited to) travel to and from the applicant’s country of residence, equipment, clothing, travel or subsistence.

SW 14.2A. Any money paid by the applicant to the sponsor (or a related organisation) will be considered as follows:

(a) The following payments will be subtracted from salary, unless (c) applies:

(i) deductions from salary; or

(ii) repayments of loans; or

(iii) investments.

(b) Any such subtractions will be averaged over the length of time the applicant is being sponsored for, for the purpose of salary considerations.

(c) Money will not be deducted where the payment is not related to business costs, immigration costs or investment, but rather an additional benefit offer which the applicant has a genuine choice whether to take up, for example salary sacrifice arrangements.

SW 14.3. If the applicant is being sponsored to work more than 48 hours a week, subject to SW 14.3A, only the salary for the first 48 hours a week will be considered towards the salary thresholds referred to in the table following SW 4.4.

For example, an applicant who works 60 hours a week for £10 per hour will be considered to have a salary of £24,960 (£10 x 48 x 52) per year and not £31,200 (£10 x 60 x 52).

SW 14.3A. If the applicant is being sponsored to work a pattern where the regular hours are not the same each week, resulting in uneven pay:

(a) work in excess of 48 hours in some weeks can be considered towards the salary thresholds, providing the average over a regular cycle (which can be less than, but not more than, 17 weeks) is not more than 48 hours a week; and

(b) any unpaid rest weeks will count towards the average when considering whether the salary thresholds are met; and

(c) any unpaid rest weeks will not count as absences from employment for the purpose of paragraph 9.30.1 in Part 9 of these rules.

For example, an applicant who works a pattern of 60 hours a week for £12 per hour for two weeks, followed by an unpaid rest week, will be considered to work 40 hours a week on average and have a salary of £24,960 (£12 x 40 x 52) per year.

SW 14.3B. A worker must be paid the required salary in pay periods of at least monthly frequency, or as otherwise specified in their contract, and:

(a) The salary paid to the worker in each pay period must equal or exceed the going rate for every hour worked in that pay period.

(b) Subject to (c) and (d):

(i) where the worker is paid at a frequency of monthly or less, the salary paid to the worker over any three-month period must be at least equal to a quarter of the required annual salary; or

(ii) where the worker is paid more frequently, the salary paid to the worker over any 12-week period must be at least equal to 12/52 of the required annual salary.

(c) If the worker is being sponsored to work a pattern where the regular hours are not the same each week, resulting in uneven pay, the sponsor must confirm the working pattern and the salary over any 17-week period must be at least equal to 17/52 of the required annual salary.

(d) If the pay is below the requirements in (c) in any given period, due to salary subtractions in SW 14.2(a) being subtracted over a shorter period than the length of time the applicant is being sponsored for, the sponsor must confirm this.

SW 14.4. Going rates will be pro-rated to the applicant's working pattern, as follows:

(a) going rates for SOC 2020 occupation codes listed in Tables 1 to 2a of Appendix Skilled Occupations are based on a 37.5-hour week and will be pro-rated as follows:

(the going rate for the SOC 2020 occupation code stated in Tables 1 to 2a of Appendix Skilled Occupations) x (the number of weekly working hours stated by the sponsor ÷ 37.5)

(b) where an applicant's salary is required to be 70%, 80% or 90% of the going rate, the resulting figure from the calculation in (a) will be multiplied by 0.7, 0.8 or 0.9 as appropriate, to calculate the required salary; and.

(c) going rates for the health and education SOC 2020 occupation codes listed in Tables 3 to 5 of Appendix Skilled Occupations will be pro-rated as stated in Appendix Skilled Occupations; and

(d) the applicant's full weekly hours will be included when checking their salary against the going rate, even if they work more than 48 hours a week.

Transitional arrangements for salary on the Skilled Worker route

SW 14.5. If the applicant is applying for permission to stay or settlement, the applicant was granted permission as a Tier 2 (General) Migrant and has had continuous permission as a Skilled Worker ever since, the following transitional arrangements apply:

(a) if the date of application is before 1 December 2026 salary may also include allowances (the other restrictions in SW 14.20 also apply), providing the following conditions are met:

(i) the applicant is applying to work for the same sponsor as in their previous permission; and

(ii) the allowances are guaranteed, will be paid for the duration of the applicant's permission, and would be paid to a local settled worker in similar circumstances, such as London weighting; and

(b) DELETED

(c) if the applicant:

(i) was sponsored to work in one of the SOC 2010 occupation codes in the table below at the time they applied for their last permission as a Tier 2 (General) Migrant; and

(ii) has continued to be sponsored in that SOC 2010 occupation code or an equivalent SOC 2020 occupation code ever since (whether as a Tier 2 (General) Migrant and/or as a Skilled Worker); and

(iii) the date of application is before 1 December 2026;

the going rates in the table below apply, instead of the going rates listed in Table 2 of Appendix Skilled Occupations. These going rates are based on a 37.5-hour working week and must be pro-

rated for other working patterns, based on the weekly working hours stated by the applicant's sponsor:

[NB: THIS TABLE OMITTED FROM THIS RESOURCE BOOK]

SW 14.6. DELETED.

Genuineness requirement for a Skilled Worker

SW 14A.1. The applicant must:

(a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and

(b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted by SW 18.2.

Financial requirement (mandatory) for a Skilled Worker

SW 15.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SW 15.2. If the applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:

(a) the applicant must have funds of at least £1,270; or

(b) the applicant's A-rated sponsor must certify that they will, if necessary, maintain and accommodate the applicant up to the end of the first month of their employment, to an amount of at least £1,270.

SW 15.3. If SW 15.2.(a) applies, the applicant must show that they have held the required funds for a 28-day period and as specified in Appendix Finance.

Criminal record certificate requirement (mandatory) for a Skilled Worker

SW 16.1. If the applicant is applying for entry clearance and is being sponsored for a job in any of the SOC 2020 occupation codes listed below, they must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (whether continuously or in total) in the 10 years before the date of application, and while aged 18 or over:

- 1171 Health services and public health managers and directors
- 1172 Social services managers and directors
- 1231 Health care practice managers
- 1232 Residential, day and domiciliary care managers and proprietors
- 1233 Early education and childcare services proprietors
- 2211 Generalist medical practitioners
- 2212 Specialist medical practitioners
- 2221 Physiotherapists
- 2222 Occupational therapists
- 2223 Speech and language therapists
- 2224 Psychotherapists and cognitive behaviour therapists
- 2225 Clinical psychologists
- 2226 Other psychologists
- 2229 Therapy professionals not elsewhere classified
- 2231 Midwifery nurses
- 2232 Community nurses
- 2233 Specialist nurses
- 2234 Nurse practitioners
- 2235 Mental health nurses
- 2236 Children's nurses
- 2237 Other nursing professionals
- 2251 Pharmacists
- 2252 Optometrists
- 2253 Dental practitioners
- 2254 Medical radiographers
- 2255 Paramedics
- 2256 Podiatrists
- 2259 Other health professionals not elsewhere classified
- 2312 Further education teaching professionals
- 2313 Secondary education teaching professionals
- 2314 Primary education teaching professionals
- 2315 Nursery education teaching professionals
- 2316 Special needs education teaching professionals
- 2317 Teachers of English as a foreign language
- 2319 Teaching professionals not elsewhere classified
- 2321 Head teachers and principals
- 2322 Education managers

• 2323 Education advisers and school inspectors
• 2324 Early education and childcare services managers
• 2329 Other educational professionals not elsewhere classified
• 2461 Social workers
• 2462 Probation officers
•2464 Youth work professionals
• 2469 Welfare professionals not elsewhere classified
• 3211 Dispensing opticians
• 3212 Pharmaceutical technicians
• 3213 Medical and dental technicians
• 3214 Complementary health associate professionals
• 3219 Health associate professionals not elsewhere classified
• 3221 Youth and community workers
• 3222 Child and early years officers
•3223 Housing officers
• 3224 Counsellors
• 3229 Welfare and housing associate professionals not elsewhere classified
• 3231 Higher level teaching assistants
• 3232 Early education and childcare practitioners
• 3433 Fitness and wellbeing instructors
• 3571 Human resources and industrial relations officers
• 6111 Early education and childcare assistants
• 6112 Teaching assistants
• 6113 Educational support assistants
• 6114 Childminders
• 6117 Playworkers
• 6131 Nursing auxiliaries and assistants
• 6132 Ambulance staff (excluding paramedics)
• 6133 Dental nurses
• 6134 Houseparents and residential wardens
• 6135 Care workers and home carers
• 6136 Senior care workers

SW 16.2. The requirement in SW 16.1. does not apply if the applicant provides a satisfactory explanation why it is not reasonably practicable for them to obtain a criminal record certificate from any or all of the relevant authorities.

Decision on an application as a Skilled Worker

SW 17.1. If the decision maker is satisfied all the suitability and relevant eligibility requirements for a Skilled Worker are met, the application will be granted, otherwise the application will be refused.

SW 17.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period of grant for a Skilled Worker

SW 18.1. The applicant will be granted entry clearance or permission to stay until 14 days after the end date of their certificate of sponsorship (the end date of the certificate of sponsorship may be up to a maximum of 5 years after the start date of their certificate of sponsorship), subject to SW 18.1A.

SW 18.1A. If the applicant is being sponsored in the occupation code “the SOC 2020 occupation code “2211 Generalist medical practitioners”” for General Practitioner (GP) specialty training, they will be granted entry clearance or permission to stay until 4 months after the end date of their certificate of sponsorship.

Conditions of grant for a Skilled Worker

SW 18.2. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work is permitted only in the job the applicant is being sponsored for, subject to (c) to (e); and

(c) supplementary employment is permitted, providing the person continues to work in the job for which they are being sponsored (and where the supplementary employment takes place during the 4-month period after the end date of their certificate of sponsorship referred to in SW 18.1A the requirement to continue to work for the sponsor will not apply); and

(d) voluntary work is permitted; and

(e) working out a contractual notice period is permitted, for a job the applicant was lawfully working in on the date of application; and

(f) study is permitted, subject to the ATAS condition in Appendix ATAS.

(g) DELETED

Settlement as a Skilled Worker

Validity requirements for settlement as a Skilled Worker

SW 19.1. A person applying for settlement as a Skilled Worker must apply online on the gov.uk website on the specified form, “Settle in the UK in various immigration categories: form SET(O)”.

SW 19.2. An application for settlement as a Skilled Worker must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK on the date of application.

SW 19.3. The applicant must have, or have last been granted, permission as a Skilled Worker.

SW 19.4. An application which does not meet the validity requirements for settlement as a Skilled Worker is invalid and may be rejected and not considered.

Suitability requirements for settlement as a Skilled Worker

SW20.1. The applicant must not fall for refusal under Part Suitability.

SW20.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement as a Skilled Worker

Qualifying period requirement for settlement as a Skilled Worker

SW 21.1. The applicant must have spent a continuous period of 5 years in the UK.

SW 21.2. The 5-year continuous period must consist of time with permission (not as a dependant) on any of, or any combination of, the following routes:

(a) Skilled Worker; or
(b) Global talent; or
(c) Innovator Founder; or
(d) T2 Minister of Religion; or
(e) International Sportsperson; or
(f) Representative of an Overseas Business; or
(g) Tier 1, other than Tier 1 (Graduate Entrepreneur); or
(h) Scale-up; or
(i) permission on any other route, during the time the applicant was waiting for a decision on their application as a Skilled Worker, provided that application:
    (i) was for permission to stay; and
    (ii) was made between 24 January 2020 and 30 June 2021 (inclusive); and
    (iii) was supported on the date of application by a certificate of sponsorship assigned by a licensed sponsor; and
    (iv) was granted.

Continuous residence requirement for settlement as a Skilled Worker

SW 22.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous Residence during the period in SW 21.1.

English language requirement for settlement as a Skilled Worker

SW22A.1. Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

SW22A.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement as a Skilled Worker

SW 23.1 The applicant must meet the knowledge of Life in the UK requirement as set out in Appendix KOL UK.

Sponsorship and salary requirement for settlement as a Skilled Worker

SW 24.1. The sponsor in the applicant's most recent permission must still be approved by the Home Office to sponsor Skilled Workers on the date of decision.

SW 24.2. The sponsor must confirm that they still require the applicant to work for them for the foreseeable future, and that the applicant is paid, and will be paid for the foreseeable future, at least the salary in SW 24.3.

SW 24.3. Subject to SW 24.4, the applicant's salary must equal or exceed both salary requirements shown in the relevant row of the table below.

	Applicant's circumstances	**General salary**	**Going rate**
A	All cases where rows B to E do not apply	Salary of at least £41,700 per year	At least the relevant going rate listed in Table 1 or Table 1a of Appendix Skilled Occupations
B	The applicant was sponsored in their most recent permission for a job in Appendix Immigration Salary List, and rows C to E do not apply.	Salary of at least £33,400 per year	At least the relevant going rate listed in Table 1 or Table 1a of Appendix Skilled Occupations
C	The applicant meets the requirements of SW 4.2(b), save that references to being sponsored should be read as meeting the requirements in SW 24.1. to SW 24.2, and rows D and E do not apply.	Salary of at least £31,300 per year	At least the relevant going rate listed in Tables 2 to 2a of Appendix Skilled Occupations
D	The applicant was sponsored in their most recent permission for a job in either: • Appendix Immigration Salary List (or the previous Appendix Shortage Occupation List), and the applicant meets the requirements of SW 4.2(b), save that references to being sponsored should be read as meeting the requirements in SW 24.1. to SW 24.2; or • a health or education SOC 2020 occupation code listed in Table 3 of Appendix Skilled	Salary of at least £25,000 per year	At least the relevant going rate listed in Tables 2 to 5 of Appendix Skilled Occupations

	Applicant's circumstances	General salary	Going rate
	Occupations (or a related SOC 2010 occupation code shown in that table); and, in either case, row E does not apply.		
E	The 5-year qualifying period for settlement includes time as a Tier 2 (General) Migrant in which the applicant was sponsored for a job in one of the following SOC 2010 occupation codes: • 2111 Chemical scientists • 2112 Biological scientists and biochemists • 2113 Physical scientists • 2114 Social and humanities scientists • 2119 Natural and social science professionals not elsewhere classified • 2150 Research and development managers • 2311 Higher education teaching professionals	Salary of at least £25,000 per year	At least the going rate in the table at SW 14.5(c), if the applicant has continued to be sponsored in that SOC 2010 occupation code, or the equivalent SOC 2020 occupation code shown in Table 2 of Appendix Skilled Occupations, ever since. At least the relevant going rate in Tables 2 to 5 of Appendix Skilled Occupations, in other cases.

SW 24.4. Salary under the table in SW 24.3 is subject to the following:

(a) salary will be considered as set out in SW 14.1. to SW 14.5. (and in SW 14.3., references to the salary thresholds of £41,700, £33,400, £31,300 or £25,000 per year should be read as including references in the table in SW 24.3 above); and

(b) if the applicant is currently absent from work for one of the reasons set out in Part 9 paragraph 9.30.1, or has returned from such an absence within the month before the date of application, consideration will be based on their salary on their return to work, as stated by their sponsor.

Decision on an application for settlement as a Skilled Worker

SW 25.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement as a Skilled Worker are met, the applicant will be granted settlement, otherwise the application will be refused.

SW 25.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Dependants of a Skilled Worker

Validity requirements for a dependent partner or dependent child of a Skilled Worker

SW 26.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child of a Skilled Worker must apply online on the gov.uk website on the specified form as follows:

Location of Partner or Child	Specified form
Applicant outside the UK	Dependant partner visa Dependant child visa
Applicant inside the UK	Dependant partner Dependant child

SW 26.2. An application for entry clearance or permission to stay as a partner or child of a Skilled Worker must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as partner or child of a person (P) who:

(i) has made a valid application for entry clearance or permission to stay in the UK on the Skilled Worker route that has not been decided; or

(ii) has entry clearance or permission to stay on the Skilled Worker route; or

(iii) is settled or has become a British citizen, providing that P had permission on the Skilled Worker route when they settled and the applicant either had permission as their partner or child at that time, or the applicant is applying as a child of P and the applicant was born in the UK before P settled.

SW 26.3. If the applicant is applying as a dependent partner they must be aged 18 or over on the date of application.

SW 26.4. If applying for permission to stay, the applicant must be in the UK on the date of application.

SW 26.4ZA. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

(a) as a Visitor; or
(b) as a Short-term student; or
(c) as a Parent of a Child Student; or
(d) as a Seasonal Worker; or
(e) as a Domestic Worker in a Private Household; or
(f) outside the Immigration Rules.

“SW 26.4A. An applicant who is applying for permission to stay and has, or last had, permission as a Student, must fulfil one of the Conditions A or B below on the date of application:

(a) Condition A: the applicant must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which ST 27.3 of Appendix Student applies); or

(b) Condition B: the applicant must:

(i) be studying a full-time course of study leading to the award of a PhD with a higher education provider which has a track record of compliance; and

(ii) have completed at least 24 months of study on that course.

SW 26.5. An application which does not meet all the validity requirements for a partner or child of a Skilled Worker may be rejected as Page 17 of 63 invalid and not considered.

Suitability requirements for a dependent partner or dependent child of a Skilled Worker

SW 27.1. The applicant must not fall for refusal under Part Suitability.

SW 27.2. If applying for permission to stay the applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a dependent partner or dependent child of a Skilled Worker

Entry requirement for a dependent partner or dependent child of a Skilled Worker

SW 28.1. A person seeking to come to the UK as a dependent partner or dependent child of a Skilled Worker must apply for and obtain entry clearance as a dependent partner or dependent child of a Skilled Worker before they arrive in the UK.

SW 28.2. A person applying for entry clearance as the partner or child of a Skilled Worker must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Relationship requirement for a dependent partner of a Skilled Worker

SW 29.1. Subject to SW29.1A the applicant must be the partner of a person (P) where one of the following applies:

(a) P has permission on the Skilled Worker route; or

(b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Skilled Worker route; or

(c) P is settled or has become a British citizen, providing P had permission on the Skilled Worker route when they settled and the applicant had permission as P's partner at that time.

SW 29.1A. In SW 29.1(a) and (b), P must have (or be applying for) entry clearance or permission as a Skilled Worker sponsored for a job in Table 1, Table 2 or Table 3 of Appendix Skilled Occupations, unless P:

(a) was (or is being) granted entry clearance or permission as a Skilled Worker, sponsored in:

(i) the SOC 2010 occupation code "6145 Care workers and home carers" or "6146 Senior care workers", under the Rules in force before 11 March 2024; or

(ii) a SOC 2020 occupation code listed in Table 1a, Table 2aa, Table 2a or Table 3a (or an equivalent SOC 2010 occupation code listed in any of those tables), other than "6135 Care workers and home carers" or "6136 Senior care workers", under the Rules in force before 22 July 2025; or

(iii) the SOC 2020 occupation code "3314 Prison service officers (below principal officer)" and the application is for permission to stay;

and

(b) since the grant of entry clearance or permission in (a), P has continuously had permission as a Skilled Worker, sponsored in one or more of these SOC 2010 occupation codes or SOC 2020 occupation codes (except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded).

SW 29.2. The requirements of Appendix Relationship with Partner must be met.

SW 29.3. DELETED

SW 29.4. DELETED

Relationship requirement for a dependent child of a Skilled Worker

SW 30.1. DELETED.

SW 30.2 DELETED.

SW 30.3. DELETED

Care requirement for a dependent child of a Skilled Worker

SW 31.1. DELETED.

Age requirement for a dependent child of a Skilled Worker

SW 32.1. DELETED.

SW 32.2. DELETED.

Requirements for a dependent child of a Skilled Worker

SW 32A.1. Subject to SW 32A.2 the applicant must meet the following requirements for a dependent child in Appendix Children:

(a) relationship requirement: entry clearance and permission to stay; and

(b) care requirement; and

(c) age and independent life requirement.

SW 32A.2. In Appendix Children, where CHI 3.1 (a) or (b) refer to the applicant applying as the child of a person (P), P must be a Skilled Worker sponsored for a job in Table 1, Table 2 or Table 3 of Appendix Skilled Occupations, unless:

(a) P was (or is being) granted entry clearance or permission as a Skilled Worker, sponsored in:

(i) the SOC 2010 occupation code "6145 Care workers and home carers" or "6146 Senior care workers", under the Rules in force before 11 March 2024; or

(ii) a SOC 2020 occupation code listed in Table 1a, Table 2aa, Table 2a or Table 3a (or an equivalent SOC 2010 occupation code listed in any of those tables), other than "6135 Care workers and home carers" or "6136 Senior care workers", under the Rules in force before 22 July 2025; or

(iii) the SOC 2020 occupation code "3314 Prison service officers (below principal officer)" and the application is for permission to stay;

and since that grant of entry clearance or permission, P has continuously had permission as a Skilled Worker, sponsored in one or more of these SOC 2010 occupation codes or SOC 2020 occupation codes (except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded); or

(b) the applicant was born in the UK; or

(c) P is the sole surviving parent or has sole responsibility for the applicant and this is an application for permission to stay; or

(d) P has joint responsibility for the applicant with another Skilled Worker who is also sponsored for a job in one of the occupation codes referred to in (a) and this is an application for permission to stay.

Financial requirement for a dependent partner or dependent child of a Skilled Worker

SW 33.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SW 33.2. If the applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:

(a) funds of at least the amount required in SW 33.3 must be held collectively by one or more of the following:

i) the applicant; and

ii) the Skilled Worker (P); and

iii) if the applicant is applying as a dependent child, their parent who is lawfully present in the UK or being granted entry clearance, or permission to stay, at the same time;

or

(b) the Skilled Worker's A-rated sponsor must certify that they will, if necessary, maintain and accommodate the dependent partner and/or any dependent child as well as the Skilled

Worker, up to the end of the first month of each of their grants of permission, to at least the amounts required in SW 33.3.

SW 33.3. The funds required are:

(a) £285 for a dependent partner in the UK, or applying for entry clearance; and

(b) £315 for the first dependent child in the UK, or applying for entry clearance; and

(c) £200 for any other dependent child in the UK, or applying for entry clearance.

SW 33.4. If SW 33.2.(a) applies, the funds held for the applicant must be held in addition to any funds required for the Skilled Worker to meet the financial requirement and any other dependants in the UK or applying at the same time.

SW 33.5. If SW 33.2.(a) applies, the funds must have been held for a 28-day period and as specified in Appendix Finance.

Criminal record certificate requirement for a dependent partner of a Skilled Worker

SW 34.1. Where a Skilled Worker is being sponsored for a job in an SOC 2020 occupation code listed in SW 16.1, an applicant applying for entry clearance as the partner of the Skilled Worker must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (whether continuously or in total) in the 10 years before the date of application, and while aged 18 or over.

SW 34.2. The requirement in SW 34.1. does not apply if the applicant provides a satisfactory explanation why it is not reasonably practicable for them to obtain a criminal record certificate from any or all of the relevant authorities.

Decision on an application as a dependent partner or dependent child of a Skilled Worker

SW 35.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner or dependent child of a Skilled Worker are met, the application will be granted, otherwise the application will be refused.

SW 35.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period of grant for a dependent partner or dependent child of a Skilled Worker

SW 36.1. A partner will be granted:

(a) permission which ends on the same date as their partner's permission as a Skilled Worker; or

(b) 3 years' permission if the Skilled Worker was (or is being) granted settlement as a Skilled Worker.

SW 36.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 3 years.

Conditions of grant for a dependent partner or dependent child of a Skilled Worker

SW 36.3. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) is permitted, except as a professional sportsperson (including as a sports coach); and

(c) study is permitted, subject to the ATAS condition in Appendix ATAS, if the applicant is over the age of 18.

(d) DELETED

Settlement as a dependent partner or dependent child of a Skilled Worker

Validity requirements for settlement as a dependent partner or dependent child of a Skilled Worker

SW 37.1. A person applying for settlement as a dependent partner or dependent child of a Skilled Worker must apply online on the gov.uk website on the specified form, “Settle in the UK in various immigration categories: form SET(O)”.

SW 37.2. An application for settlement as a partner or child of a person on the Skilled Worker route must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided either a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK on the date of application; and

(e) the applicant must be applying as a partner or child of a person (P) who:

(i) has made a valid application for settlement in the UK on the Skilled Worker route and that application has not been decided; or

(ii) is settled or has become a British citizen, provided that P had permission on the Skilled Worker route when they settled and the applicant either had permission as their partner or child at that time, or the applicant is applying as a child of P and the applicant was born in the UK before P settled.

SW 37.3. An application which does not meet the validity requirements for a dependent partner or dependent child of a Skilled Worker is invalid and may be rejected and not considered.

Suitability requirements for settlement as a dependent partner or dependent child of a Skilled Worker

SW38.1. The applicant must not fall for refusal under Part Suitability.

SW38.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement as a dependent partner or dependent child of a Skilled Worker

Relationship requirement for settlement for a dependent partner or dependent child of a Skilled Worker

SW 39.1. The applicant must be the partner or child of a person (P) where one of the following applies:

(a) P is, at the same time, being granted settlement as a Skilled Worker; or

(b) P is settled in the UK or has become a British citizen, providing P had permission as a Skilled Worker when they settled and the applicant either:

i) had permission as P’s partner or child at that time; or

ii) is applying as a child of P, and was born in the UK before P settled.

SW 39.2. The applicant must either:

(a) have last been granted permission as a dependent partner or dependent child of the person (P) in SW 39.1; or

(b) have been born in the UK and be applying as a child of the person (P) in SW 39.1.

SW 39.3. If applying as a partner, the requirements of Appendix Relationship with Partner must be met.

SW 39.4. If applying as a child, the applicant must meet the relationship requirement for settlement in Appendix Children.

Care requirement for settlement as a dependent child of a Skilled Worker

SW 40.1. DELETED.

Age requirement for settlement as a dependent child of a Skilled Worker

SW 41.1. DELETED.

SW 41.2. DELETED.

Requirements for settlement as a dependent child of a Skilled Worker

SW 41A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) care requirement; and

(b) age and independent life requirement.

Qualifying period requirement for settlement as a dependent partner of a Skilled Worker

SW 42.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a dependent partner of the person (P) in SW 39.1.

Continuous residence requirement for settlement as a dependent partner of a Skilled Worker

SW 43.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous Residence during the period in SW 42.1.

English language requirement for settlement as a dependent partner or dependent child of a Skilled Worker

SW44.1. Unless an exemption applies, the applicant must:

(a) Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b) Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

SW 44.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement as a dependent partner or dependent child of a Skilled Worker

SW 45.1. If the applicant is aged 18 or over on the date of application, they must meet the knowledge of Life in the UK requirement as set out in Appendix KOL UK.

Decision on an application for settlement as a dependent partner or dependent child of a Skilled Worker

SW 46.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child of a Skilled Worker, the application will be granted, otherwise the application will be refused.

SW 46.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Appendix Student

Student route

This route is for a person aged 16 or over who wants to study with a sponsor on a course of further or higher education, a pre-sessional English course, a recognised foundation programme or to take an elected post as a Student Union Sabbatical Officer.

The register of licensed student sponsors can be found at: www.gov.uk/government/publications/register-of-licensed-sponsors-students

A person who is aged 16 or 17 and wants to study with a sponsor that is an Independent School on a course at Regulated Qualifications Framework 3 or Scottish Credit and Qualifications Framework 6 and above can apply as either a Student or as a Child Student (see Appendix Child Student).

A person who wants to study a course for 6 months or less without a student sponsor but with an accredited provider should apply under Appendix V: Visitor. A person aged 16 or over who wants to study an English Language course of 11 months or less without a student sponsor but with an accredited provider, should apply under Appendix Short-term Student.

Some Students can bring a dependent partner and dependent children to the UK, for example if they are studying at postgraduate level or on a government sponsored scheme.

The Student route is not a route to settlement.

Validity requirements for a Student

ST 1.1. A person applying for entry clearance or permission to stay as a Student must apply on the specified form on the gov.uk website as follows:

(a) for applicants outside the UK applying for entry clearance, form “Student visa”; or

(b) for applicants in the UK applying for permission to stay, form “Student”

ST 1.2. An application for entry clearance or permission to stay as a Student must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must provide a Confirmation of Acceptance for Studies reference number that was issued to them no more than 6 months before the date of application.

ST 1.3. If the applicant has, in the last 12 months before the date of application, completed a course of studies in the UK for which they have been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent in relation to the application from that Government or agency.

ST 1.4. If applying for permission to stay, the applicant must be in the UK on the date of application.

ST 1.4A. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

(a) as a Visitor; or
(b) as a Short-term Student; or
(c) as a Parent of a Child Student; or
(d) as a Seasonal Worker; or
(e) as a Domestic Worker in a Private Household; or
(f) outside the Immigration Rules.

ST 1.5. The applicant must be at least 16 years old on the date of application.

ST 1.6. An application which does not meet all the validity requirements for a Student may be rejected as invalid and not considered.

Suitability requirements for a Student

ST2.1. The applicant must not fall for refusal under Part Suitability.

ST2.2. If the applicant is applying for permission to stay, they must not be:

(a) in the UK in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a Student

Entry requirements for a Student

ST 3.1. A person seeking to come to the UK as a Student must apply for and obtain entry clearance as a Student before they arrive in the UK.

ST 3.2. A person applying for entry clearance as a Student must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

ST 3.3. A person must not be applying for entry clearance as a Student as a national or citizen of the following countries:

(a) Afghanistan; or

(b) Cameroon; or

(c) Myanmar; or

(d) Sudan

Date of application requirement for a Student

ST 4.1. An application for entry clearance must be made no more than 6 months before the start date of the course stated on the Confirmation of Acceptance for Studies.

ST 4.2. An application for permission to stay must be made no more than 3 months before the start date of the course on the Confirmation of Acceptance for Studies.

ST 4.3. An application for permission to stay must be for study on a course with a start date no more than 28 days after the expiry date of the applicant's previous permission.

Genuine Student requirement

ST 5.1. The applicant must be a genuine student.

Points requirement for a Student

ST 6.1. The applicant must be awarded all 70 points from the table below.

Points type	Relevant requirements to be met	Points
Study (must meet all)	• Confirmation of Acceptance for Studies requirement • Course requirement • Approved qualification requirement • Level of study requirement • Place of study requirement	50
Financial	Financial requirement	10
Language	Language requirement	10

Confirmation of Acceptance for Studies requirement

ST 7.1. The Confirmation of Acceptance for Studies must have been issued by a student sponsor whose licence is still valid on the date on which the application is decided.

ST 7.2. The Confirmation of Acceptance for Studies must not have been used in a previous application which was either granted or refused (but could have been relied on in a previous application which was rejected as invalid, made void or withdrawn).

ST 7.3. The student sponsor must not have withdrawn the offer to the applicant after the date that the Confirmation of Acceptance for Studies was issued.

ST 7.4. The Confirmation of Acceptance for Studies must contain the necessary information to confirm all the following requirements are met:

(a) the course requirement; and

(b) the approved qualification requirement; and

(c) the level of study requirement; and

(d) the place of study requirement.

ST 7.5. The Confirmation of Acceptance for Studies must state the cost of any accommodation provided by the sponsor and fees (and any payment already made) so that the financial requirement can be assessed.

ST 7.6. The Confirmation of Acceptance for Studies must show how the English language requirement has been met, and where the sponsor has assessed the applicant's English language ability, must include the information in ST 13.3. and ST 13.4.

Course requirement for a Student

ST 8.1. The application must be for a single course of study that meets the requirements in ST 8.2. unless it is one of the following:

(a) a combined pre-sessional course which meets the requirements in ST 15.1. to 15.3.; or

(b) a full-time, salaried, elected executive position as a Student Union Sabbatical Officer, where the applicant is either part-way through their studies or will fill the position in the academic year immediately after their graduation

ST 8.2. The application must be for a course which is one of the following:

(a) a full-time course at degree level or above that leads to an approved qualification; or

(b) a full-time course below degree level involving a minimum of 15 hours per week of classroom-based daytime study (08:00 to 18:00, Monday to Friday) that leads to an approved qualification; or

(c) a full-time course involving a minimum of 15 hours per week of classroom-based daytime study that is a pre-sessional course; or

(d) a part-time course above degree level that leads to an approved qualification where the Confirmation of Acceptance for Studies has been issued by a higher education provider with a track record of compliance; or

(e) a full-time course at degree level or above that is recognised by the qualification and language assessments provider as being equivalent to a UK higher education course where the Confirmation of Acceptance for Studies has been assigned by an overseas higher education institution or a higher education provider with a track record of compliance.

ST 8.3. If the course is an Association of Certified Chartered Accountants (ACCA) qualification or an ACCA Foundations in Accountancy qualification, the student sponsor must be an ACCA approved learning partner – student tuition at either Gold or Platinum level.

ST 8.4. If the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies, the applicant must have a valid ATAS certificate and provide it with the application.

Approved qualification requirement for a Student

ST 9.1. The course of study, unless it is a pre-sessional course, must lead to an approved qualification which is one of the following:

(a) validated by Royal Charter; or

(b) awarded by a UK recognised body; or

(c) covered by a legal agreement between a UK recognised body and another education provider or awarding body, which confirms both:

(i) the UK recognised body's independent assessment of the level of the student sponsor's or awarding body's programme compared to the Regulated Qualifications Framework or its equivalents; and

(ii) that the UK recognised body would admit any student who successfully completes the education provider's or the awarding body's named course onto a specific or a range of degree-level courses it provides; or

(d) recognised by one or more recognised bodies through a formal articulation agreement with the awarding body; or

(e) in England, Wales and Northern Ireland, is at Regulated Qualifications Framework level 3 or above; or in Scotland is accredited at Scottish Credit and Qualifications Framework level 6 or above; or

(f) an overseas qualification that the qualification and language assessments provider assesses as valid and equivalent to Regulated Qualifications Framework level 3 or above; or

(g) an aviation licence, rating or certificate issued by the UK's Civil Aviation Authority.

Level of study requirement for a Student

ST 10.1. If the Confirmation of Acceptance for Studies has been assigned by a probationary sponsor, the course must meet one of the following requirements unless it is a pre-sessional course:

(a) the course will be studied in England, Wales or Northern Ireland, and the applicant is aged under 18, and the course is at Regulated Qualifications Framework level 3 or above; or

(b) the course will be studied in England, Wales or Northern Ireland, and the applicant is aged 18 or over, and the course is at Regulated Qualifications Framework level 4 or above; or

(c) the course will be studied in Scotland, and the applicant is aged under 18, and the course is at Scottish Credit and Qualifications Framework level 6 or above; or

(d) the course will be studied in Scotland, and the applicant is aged 18 or over and the course is at Scottish Credit and Qualifications Framework level 7 or above.

ST 10.2. If the Confirmation of Acceptance for Studies has been assigned by a student sponsor, the course must meet one of the following requirements:

(a) the course will be studied in England, Wales or Northern Ireland and it is at Regulated Qualifications Framework level 3 or above; or

(b) the course will be studied in Scotland and it is at Scottish Credit and Qualifications Framework level 6 or above; or

(c) the course is a short-term study abroad programme in the UK as part of the applicant's qualification at an overseas higher education institution outside of the UK, and that qualification is recognised as being at UK bachelor's degree level or above by the qualification and language assessments provider; or

(d) the course is a pre-sessional course in English language at level B2 or above of the Common European Framework of Reference for Languages; or

(e) DELETED

(f) the course is being delivered under a partnership between a higher education institution and a research institute and is accredited at Regulated Qualifications Framework level 7 or above, or at Scottish Credit and Qualifications Framework Level 11 or above.

Place of study requirement for a Student

ST 11.1. All study that forms part of the course of study apart from permitted remote delivery must take place on the premises of the student sponsor or a partner institution unless the applicant is on a course-related work placement, a study abroad programme overseas, or a pre-sessional course.

Financial requirement for a Student

ST 12.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or more on the date of application, they will meet the financial requirement and do not need to show funds.

ST 12.2. If the applicant is applying for entry clearance or permission to stay and is applying as a Student Union Sabbatical Officer they will meet the financial requirement and do not need to show funds.

ST 12.3. If ST 12.2. does not apply, and the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK with permission for less than 12 months, the applicant must have the following funds:

(a) Studying in London

Type of Study	Funds required
Residential Independent School	Sufficient funds to pay outstanding fees (course fees and boarding fees) for one academic year
All other cases	Sufficient funds to pay any outstanding course fees as stated on the Confirmation of Acceptance for Studies, and £1529 for each month of the course (up to a maximum of 9 months)

(b) Studying outside London

Type of Study	Funds required
Residential Independent School	Sufficient funds to pay outstanding fees (course fees and boarding fees) for one academic year
All other cases	Sufficient funds to pay any outstanding course fees as stated on the Confirmation of Acceptance for Studies, and £1171 for each month of the course (up to a maximum of 9 months)

If the length of the applicant's course includes a part of a month, the time period will be rounded up to the next full month.

ST 12.4. If the applicant has paid a deposit to the student sponsor for accommodation arranged by the sponsor, this deposit (up to a maximum of £1529) can be offset against the funds required in ST 12.3.

ST 12.5. If the applicant has paid all or part of their course fees to their student sponsor this must be confirmed on the Confirmation of Acceptance for Studies, or the applicant must provide a receipt issued by the student sponsor confirming the amount of fees paid.

ST 12.6. The applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance unless the applicant is relying on a student loan or official financial sponsorship which meets the requirements of FIN 8.3. in Appendix Finance

ST.12.7. If the funds held in the applicant's account on the date of decision fall substantially below the level of funds required at ST.12.3, the decision maker must be satisfied that the spent funds have been used to pay outstanding course fees, a deposit for accommodation or other costs associated with the proposed course of study in the UK

English language requirement for a Student

ST 13.1. An applicant must either:

(a) show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least:

(i) level B2, where the applicant is studying a course at UK bachelor's degree level or above; or

(ii) level B1, where the applicant is studying a pre-sessional course or a course below UK bachelor's degree level; or

(b) have a GCSE level qualification or above in Welsh, Scots Gaelic, or Irish language.

ST 13.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

ST 13.3. Where the student sponsor has assessed that the applicant meets the English language requirement, they must state this and the method of assessment on the Confirmation of Acceptance for Studies.

ST 13.4. Where a Secure English Language Test is required, the name of the test provider, the unique reference number for the test and the score for each component tested (reading, writing, listening, speaking) must be included on the Confirmation of Acceptance for Studies.

Academic Progress requirement for a Student

ST 14.1. An applicant who has, or previously had, permission as a Student and is applying for permission to stay as a Student must have successfully completed the course of study for which they were last granted permission as a Student or one of the following applies:

(a) one of the exceptions in ST 14.4.; or

(b) they are applying to progress to a higher level course as specified in ST 14.3.(a) or (b).; or

(c) they have successfully completed the course of study for which they were last granted permission as a Student or the course of study they were allowed to change to without applying for further permission on the Student route and will now be taking a course at the same level as specified at ST 14.3(c); or

(d) they have successfully completed the course of study with their sponsor where the change of course was allowed without applying for further permission on the Student route.

ST 14.2. An applicant who has, or previously had, permission on the Student route and is applying for permission to stay as a Student must show academic progress from the previous courses of study unless one of the exceptions in ST 14.4. applies.

ST 14.3. An applicant will show academic progress if they are applying for any of the following:

(a) to progress from a bachelor's to master's level course which is part of an integrated master's course, where the applicant has been offered a place on a higher-level course by the student sponsor after an assessment of their academic ability; or

(b) to progress from a master's degree to a PhD which is part of an integrated master's and PhD programme, where the applicant has been offered a place on a higher-level course by the student sponsor after an assessment of their academic ability; or

(c) a course which is above the level of the previous course of study for which they were last granted permission unless:

(i) the student sponsor is a higher education provider with a track record of compliance; and

(ii) the course is at degree level or above; and

(iii) the new course is at the same level as the previous course of study; and

(iv) the student sponsor confirms that either:

(a) the new course of study is related to the applicant's previous course of study (meaning that it is either connected to the previous course, part of the same subject group, or involves deeper specialisation); or

(b) the combination of the previous course of study and the new course of study support the applicant's genuine career aspirations.

(c) the applicant has left an integrated master's or PhD programme having successfully completed the course leading to the award of the lower level qualification which formed a part of that programme.

ST 14.4. An applicant does not need to show academic progress where they:

(a) are applying to re-sit examinations or repeat modules under ST 14.5.; or

(b) have previously re-sat examinations or repeated modules under ST 14.5. and are applying to complete the course for which those examinations were re-sat or modules repeated; or

(c) are applying to:

(i) continue studying with their current student sponsor; or

(ii) move to a new student sponsor to enable them to follow their academic supervisor to another institution,

for the purpose of completing the PhD or other doctoral qualification for which study was undertaken during their last period of permission as a Student; or

(d) are making an application to move to a new student sponsor to complete a course of study begun at a student sponsor that has subsequently had its licence revoked; or

(e) are applying to undertake a role as a Student Union Sabbatical Officer; or

(f) after undertaking a period as a Student Union Sabbatical Officer are applying to complete the qualification for which the Confirmation of Acceptance for Studies was assigned before that period; or

(g) DELETED

(h) are applying to undertake an intercalated bachelor's or master's degree course or PhD where they are studying medicine, veterinary medicine and science, or dentistry as their principal course of study, or to complete their principal course, having completed a period of intercalation; or

(i) are applying to undertake a study abroad programme or work placement which is both integral to and assessed as part of the course, or to complete their course, having completed a study abroad programme or work placement.

ST 14.5. If the applicant is sponsored by a probationary sponsor, they must not previously have re-sat the same examination or repeated the same module, more than once (they can only do so twice).

Combined Pre-sessional Course requirement for a Student

ST 15.1. A single Confirmation of Acceptance for Studies can be assigned for a combined pre-sessional course and a main course at degree level or above by a higher education provider with a track record of compliance if:

(a) the pre-sessional course lasts no longer than 3 months; and

(b) the main course will begin no more than 1 month after the pre-sessional course ends.

ST 15.2. If the applicant has been assessed as having language ability of at least level B2 in order to meet the English language requirement at ST 13.1., the Confirmation of Acceptance for Studies must confirm that the applicant has an unconditional offer of a place on the main course.

ST 15.3. If the applicant has been assessed (which must be by a method other than assessment by the student sponsor) as having language ability of at least level B1 in order to meet the English language requirement at ST 13.1., the Confirmation of Acceptance for Studies must confirm that the student sponsor is satisfied that the applicant will have at least level B2 at the end of the pre-sessional course.

Postgraduate Doctor or Dentist requirement

ST 16.1. DELETED

Work Placement requirement

ST 17.1. A course that includes a work placement must lead to an approved qualification and the Confirmation of Acceptance for Studies must be assigned by a student sponsor (who is not a probationary sponsor) if the course of study is below degree level.

ST 17.2. A work placement must be assessed as an integral part of the course and must not be longer than one third of the total length of the course, except when there is a statutory requirement that it must be so, or where ST 17.3. applies.

ST 17.3. A work placement on a course that is at degree level or above:

(a) at a higher education provider with a track record of compliance; or

(b) at an overseas higher education institution in the UK; or

(c) as part of a qualification recognised as being at UK bachelor's degree level or above by a student undertaking a study abroad programme in the UK,

must not be longer than half of the total length of the course of study.

ST 18.1. DELETED.

ST 18.2. DELETED.

Maximum period of study requirement for a Student

ST 19.1. If the course is below degree level, the grant of permission must not lead to the applicant being granted more than two years' permission as a Student to study courses below degree level from the age of 18 unless ST 19.2. applies.

ST 19.2. If the course is below degree level but is subject to a regulatory requirement by the Maritime and Coastguard Agency that the applicant must spend at least 12 months at sea as a part of that course, the grant of permission must not lead to the applicant being granted more than 3 years' permission as a Student from the age of 18 to study courses below degree level.

ST 19.3. If the course is at degree level, the grant of permission must not lead to the applicant being granted more than five years' permission as a Student from the age of 18 to study courses at degree level unless the course of study is one of those listed at ST 19.4.

ST 19.4. The five-year maximum period of study at degree level in ST 19.3. will not apply if the applicant has a Confirmation of Acceptance for Studies that has been assigned for a course of study in one of the following subjects:

(a) architecture; or
(b) medicine; or
(c) dentistry; or
(d) veterinary medicine and science; or
(e) music at a music college that is a member of Conservatoires UK; or
(f) law, where the applicant has completed a course at degree level or above and is applying for a course of study which is:
    (i) a law conversion course validated by the Solicitors Regulation Authority and the Bar Standards Board in England and Wales; or
    (ii) a Masters in Law (MLaw) in Northern Ireland; or
    (iii) an accelerated graduate LLB in Scotland.

ST 19.5. DELETED

ST 19.6. When calculating the period of permission granted under ST 19.1. to ST 19.5., any period of permission as a Student extended under section 3C of the Immigration Act 1971 will count towards the period of permission granted.

Documents used to obtain an offer requirement for a Student

ST 20.1. The applicant must provide evidence of the qualifications or references they used to obtain the offer of a place on the course of study from the student sponsor, unless either:

(a) the applicant is applying for a course of study at degree level or above and is sponsored by a higher education provider with a track record of compliance; or

(b) ST 22.1. applies.

ST 20.2. The evidence of each qualification must be one of the following:

(a) the certificate(s) of qualification; or

(b) the transcript of results; or

(c) a print out of the qualification or transcript results from the awarding body's online checking service.

ST 20.3. Where the applicant has provided a print out of qualifications or transcript results from the awarding body's online checking service, the decision maker may require the applicant to provide the certificate of qualification or transcript of results.

Parental consent requirement for a Student

ST 21.1. The applicant must meet the parental consent requirement for applicant not applying as a dependent child in Appendix Children.

ST 21.2. DELETED

Differential evidence requirement for a Student

ST 22.1. Evidence to show that the applicant meets the financial requirement and the requirement to provide documents used to obtain an offer does not need to be provided with the application (but may be required by the decision maker) if the applicant is applying from the country or territory where they are living, or from in the UK, and the applicant either:

(a) holds a passport which shows they are registered as a British National (Overseas), or which was issued by the competent authorities of Hong Kong SAR, Macau SAR or Taiwan (which includes the number of the identification card issued by the competent authority in Taiwan); or

(b) is a national of any of the following:

Australia	France	New Zealand
Austria	Germany	Norway
Bahrain	Greece	Oman
Barbados	Hungary	Peru
Belgium	Iceland	Poland
Botswana	Indonesia	Portugal
Brazil	Ireland	Qatar
Brunei	Italy	Romania
Bulgaria	Japan	Serbia
Cambodia	Kazakhstan	Singapore
Canada	Kuwait	Slovakia
Chile	Latvia	Slovenia
China	Liechtenstein	South Korea
Croatia	Lithuania	Spain
Republic of Cyprus	Luxembourg	Sweden
Czech Republic	Malaysia	Switzerland
Denmark	Malta	Thailand
The Dominican Republic	Mauritius	Tunisia
Estonia	Mexico	United Arab Emirates
Finland	Netherlands	United States of America

Information on the Confirmation of Acceptance for Studies requirement

ST 23.1. The student sponsor must provide all the following information about the course of study on the Confirmation of Acceptance for Studies:

(a) title of course; and

(b) academic level of course; and

(c) course start and end dates; and

(d) hours of study per week, including confirmation on whether the course is part-time or full-time; and

(e) the address of the main place of study; and

(f) the cost of accommodation and fees; and

(g) if the student sponsor has assessed the applicant by use of one or more references, details of the references assessed; and

(h) if the course involves a work placement, details of any work placement relating to the course; and

(i) if the course will be provided by an education provider which is not the student sponsor, details of the partner institution; and

(j) whether the ATAS requirement in Annex ATAS applies; and

(k) DELETED

(l) a statement of how the student sponsor has assessed the applicant's English language ability including, where relevant, the applicant's English language test scores in all 4 components (reading, writing, speaking and listening); and

(m) if the course is part of a study abroad programme, the name and address of the partner institution; and

(n) if the applicant is applying for a full-time, salaried, elected executive position as a Student Union Sabbatical Officer and is part-way through their studies or being sponsored to fill the position in the academic year immediately after their graduation; and

(o) DELETED

(p) if the applicant has previously been granted permission as a Student, confirmation that the new course meets the academic progress requirement from the previous course as required by ST 14.1. to ST 14.5.

Decision on application for a Student

ST 24.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Student are met, the application will be granted; otherwise, the application will be refused.

ST 24.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR.

Period and conditions of grant for a Student

ST 25.1. The grant of permission will be subject to the following conditions:

(a) no access to public funds; and

(b) no work, except as specified in ST 26; and

(c) no study, except as specified in ST 27.

(d) DELETED

ST 25.2. The applicant will be granted permission for the duration of the course as specified on the Confirmation of Acceptance for Studies plus the relevant periods specified in ST 25.3.

ST 25.3. The period of permission granted to an applicant before the start of the course who is applying for entry clearance will be either:

(a) the relevant period before the course date which is set out in the table below, if entry clearance is granted 1 month or more before the start date of the course; or

(b) 7 days before the intended date of travel, if entry clearance is granted less than 1 month before the start date of the course; or

(c) with immediate effect, if entry clearance is granted less than 7 days before the intended date of travel and less than 1 month before the start date of the course.

The applicant will be granted a period of permission dependent on the type and length of course as in the table below:

Type of Course	Period granted before course start date	Period granted after course end date
A course of 12 months or longer	1 Month	4 Months
A course of 6 months or longer but shorter than 12 months	1 Month	2 Months
A pre-sessional course of less than 6 months	1 Month	1 Month
DELETED		
A course of less than 6 months in length which is not a pre- sessional course	7 Days	7 Days

Work Conditions for a Student

ST26.1. The applicant will be granted permission with the following employment conditions:

Type of study	Employment conditions
Student following a full-time course of degree level or above study: • sponsored by a higher education provider with a track record of compliance; or • sponsored by an overseas higher education institution to undertake a short-term study abroad programme in the UK	20 hours per week during term-time (full- time employment permitted outside of term-time)
Student undertaking a full-time course below degree level study sponsored by a higher education provider with a track record of compliance	10 hours per week during term-time (full- time employment permitted outside of term-time)
All other study, including all part-time study	No employment permitted

ST 26.2. Students are permitted to undertake work related to a work placement, assessed as an integral part of the course, that meets the requirements at ST 17.1. to ST 17.3.

ST 26.3. Employment as an elected Student Union Sabbatical Officer or elected National Union of Students (NUS) position is permitted for up to 2 years if the Confirmation of Acceptance for Studies was assigned for this purpose.

ST 26.4. DELETED.

ST 26.5. A Student is not allowed to do any of the following:

(a) be self-employed or engage in business activity unless ST 26.8 applies; or

(b) work as a professional sportsperson (including as a sports coach); or

(c) work as an entertainer; or

(d) work in a position which would fill a permanent full-time vacancy unless ST 26.6. applies.

ST 26.6. A Student who makes a valid application for permission to stay under the Skilled Worker, or Graduate route, may start employment in a full-time permanent vacancy either up to 3 months prior to

the course completion date (for the Skilled Worker route) or once they have successfully completed their course of study (for the Graduate route), provided all of the following apply:

(a) the Student is studying a full-time course of study at degree level or above with a higher education provider with a track record of compliance; and

(b) the application as a Skilled Worker, or Graduate, was made when the applicant had permission as a Student; and

(c) a decision has not been made on the Skilled Worker, or Graduate, application, or where a decision has been made, any Administrative Review against a refusal of that application has not been finally determined.

ST 26.7. DELETED

ST 26.8. A Student may be self-employed, if:

(a) they have applied for permission on the Innovator Founder route; and

(b) that application is supported by an endorsement from an Innovator Founder endorsing body; and

(c) the application was made when the applicant had permission as a Student; and

(d) a decision has not been made on the application, or where the application has been refused, any Administrative Review against a refusal has not been finally determined.

Study Conditions

ST 27.1. A Student must only study with the student sponsor which assigned the Confirmation of Acceptance for Studies unless either:

(a) the Student is studying at a partner institution of their student sponsor; or

(b) the Student has made an application for permission to stay while they have permission as a Student:

(i) which is supported by a valid Confirmation of Acceptance for Studies assigned by a student sponsor; and

(ii) the application has not yet been decided, or any Administrative Review against that decision has not been determined; and

(iii) the Student will be studying at the student sponsor that assigned the Confirmation of Acceptance for Studies.

ST 27.2. A Student must only study on the course of study, or courses where a combined pre-sessional course is being taken, for which the Confirmation of Acceptance for Studies was assigned unless ST 27.3. applies.

ST 27.3. A Student may begin studying on a new course with their current student sponsor if:

(a) the student sponsor is a higher education provider with a track record of compliance; and

(b) the Student has not completed the course that the Confirmation of Acceptance for Studies was assigned for; and

(c) the new course is not at a lower qualification level than the course the Confirmation of Acceptance for Studies was assigned for unless they were last granted permission to study an integrated master's or PhD programme and will now be studying on the lower level qualification of that programme.; and

(d) the course is at degree level or above; and

(e) any new course at degree level can be completed within the current period of permission; and

(f) the student sponsor confirms that new course is related to the course for which the Confirmation of Acceptance for Studies was assigned or supports the Student's genuine career aspirations.

ST 27.4. The Student may study on a study abroad programme overseas that is an integral and assessed part of the course of study named on the Confirmation of Acceptance for Studies.

ST 27.5. Supplementary study is permitted.

ST 27.6. Study is subject to the ATAS condition in Appendix ATAS.

ST 27.7. The Student must not study at a State School or Academy (except for a voluntary grammar school with boarding in Northern Ireland) but if the Student has been granted permission to study at a student sponsor which becomes a State School or Academy during that period of permission the Student may complete the course for which the Confirmation of Acceptance for Studies was assigned.

Dependants of a Student

Validity requirements for a dependent partner or dependent child of a Student

ST 28.1. A person applying for entry clearance or permission to stay as a partner or child of a Student must apply on the specified form on the gov.uk website as follows:

Location of Partner or Child	Specified form
Applicant outside the UK	Dependant partner visa Dependant child visa
Applicant inside the UK	Dependant partner Dependant child

ST 28.2. An application for entry clearance or permission to stay as a partner or child of a Student must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as partner or child of a person who:

(i) has made a valid application for entry clearance or permission to stay on the Student route that has not been decided; or

(ii) has entry clearance or permission to stay on the Student route.

ST 28.3. If the applicant has in the 12 months before the date of application completed a course of studies in the UK for which they have been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

ST 28.4. If applying for permission to stay, the applicant must be in the UK on the date of application.

ST 28.4A. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

(a) as a Visitor; or
(b) as a Short-term Student; or
(c) as a Parent of a Child Student; or
(d) as a Seasonal Worker; or
(e) as a Domestic Worker in a Private Household; or
(f) outside the Immigration Rules.

ST 28.5. An application which does not meet all the validity requirements for a partner or child of a Student may be rejected as invalid and not considered.

Suitability requirements for a dependent partner or dependent child of a Student

ST 29.1. The suitability requirements for a partner or child on the Student route are that they must not fall for refusal under Part Suitability.

ST 29.2. A person applying for permission to stay must not be:

(a) in the UK in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a dependent partner or dependent child of a Student

Entry requirement for a dependent partner or dependent child of a Student

ST 30.1. A person seeking to come to the UK as a partner or child of a Student must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

ST 30.2. A person applying for entry clearance as the partner or child of a Student must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Student course requirement for a dependent partner or dependent child of a Student

ST 31.1. Unless they are a child who meets the requirements in ST 31.2., the applicant must be the partner or child of a person who is:

(a) a Student who has received an award from a Government and has, or is applying for, permission to study on a full-time course of 6 months or longer; or

(b) a full-time Student who has, or is applying for, permission to study a postgraduate level course of 9 months or longer at a higher education provider with a track record of compliance and, if the course start date is on or after 1 January 2024, the provider has confirmed the course is a PhD or other doctoral qualification, or a research-based higher degree; or

(c) DELETED

(d) a Student who has, or had within the last 3 months before the date of application, permission to study on a full-time course of 6 months or longer, and is now applying for permission to study a full-time course of 6 months or longer where either:

(i) the partner or child already has, or had within the last 3 months before the date of application, permission as a dependent partner or dependent child of the Student; or

(ii) the child was born since the last grant of permission to the Student, where the Student and partner or child are applying at the same time.

ST 31.2. If the applicant is a child who does not meet the requirement at ST.31.1., they must instead meet one of the following requirements:

(a) the applicant must have been born during the Student's current period of permission to study a full-time course of 6 months or longer and they are applying for permission during that period; or

(b) where the Student has permission to re-sit examinations or repeat a module of a full- time course of 6 months or longer, the applicant must have been born either:

(i) during the Student's original period of permission; or

(ii) during the period of permission granted for re-sitting examinations or to repeat a module; or

(c) the applicant must have been born no more than 3 months after the expiry of the Student's most recent permission and must be making an application for entry clearance within 6 months of the expiry of their parent's most recent permission.

Relationship requirement for dependent partner of a Student

ST 32.1. The applicant must be the partner of a Person (P) where one of the following applies:

(a) P has permission to stay on the Student route; or

(b) P is, at the same time, applying for (and is granted) entry clearance or permission to stay on the Student route.

ST 32.2. The requirements of Appendix Relationship with Partner must be met. .

ST 32.3. DELETED

ST 32.4. DELETED

ST 32.5. DELETED

ST 32.6. DELETED

Financial requirement for dependent partner of a Student

ST 33.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

ST 33.2. If the applicant is applying for entry clearance or permission to stay, where they have been in the UK less than 12 months, the applicant or their partner (who must be a Student or applying at the same time as a Student) must have the funds specified in the table below, for a total of 9 months, or for the period of permission applied for by the applicant, whichever is the shorter.

Place of Student's study	Funds required by a dependent partner
Studying in London	£845 per month
Studying outside London	£680 per month

ST 33.3. The funds must be in addition to the funds required for the Student to meet the financial requirement, and the funds required to meet the financial requirement for any dependent child who is applying at the same time, or is already in the UK as a dependent child of the Student.

ST 33.4. Unless the applicant is relying on financial sponsorship from a Government or international scholarship agency that covers the living costs of the applicant and the Student, they must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

ST 33.5. Unless the applicant is applying at the same time as the Student and ST 22.1. applies, the applicant must show that they have the required funds as specified in Appendix Finance.

ST.33.6. If the funds held in the applicant's account on the date of decision fall substantially below the level of funds required at ST 33.2, the decision maker must be satisfied that the spent funds have been used to pay a deposit for accommodation or other costs associated with the proposed period of permission in the UK.

Relationship requirement for dependent child of a Student

ST 34.1. DELETED

ST 34.2. DELETED

ST 34.3. DELETED

ST 35.1. DELETED

ST 36.1. DELETED

ST 36.2. DELETED

Requirements for a dependent child of a Student

ST 36A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) relationship requirement: entry clearance and permission to stay; and

(b) care requirement; and

(c) age and independent life requirement.

Financial requirement for dependent child of a Student

ST 37.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

ST 37.2. Where the applicant is applying for entry clearance, or permission to stay and they have been in the UK less than 12 months on the date of application, the applicant or their parent must have the funds specified in the table below, for a total of 9 months, or for the period of permission applied for by the applicant, whichever is the shorter.

Place of Student's study	Funds required for a dependent child
Studying in London	£845 per month
Studying outside London	£680 per month

ST 37.3. The funds must be in addition to the funds required for the Student to meet the financial requirement, and the funds required for any dependant of the Student, who is applying at the same time as the applicant or is already in the UK as a dependant of the Student.

ST 37.4. Where ST 37.2. applies, unless the applicant is relying on financial sponsorship from a Government or international scholarship agency that covers the living costs of the Student and the applicant, the required level of funds must have been held for a 28-day period and as specified in Appendix Finance.

ST.37.5. If the funds held in the applicant's account on the date of decision fall substantially below the level of funds required at ST 37.2, the decision maker must be satisfied that the spent funds have been used to pay a deposit for accommodation or other costs associated with the proposed period of permission in the UK.

Decision on an application as a dependent partner or dependent child of a Student

ST 38.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the dependent partner or dependent child of a Student are met, the application will be granted, otherwise the application will be refused.

ST 38.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR.

Period and conditions of grant for a dependent partner or dependent child of a Student

ST 39.1. A dependent partner will be granted permission which ends on the same date as the Student's permission.

ST 39.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

ST 39.3. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) is permitted except:

(i) where the dependant meets the requirement at ST 31.1.(d) and the Student has been granted less than 9 months' permission, unless that is to continue a course of study where they had previously been granted at least 9 months' permission; or

(ii) where the dependant meets the requirement at ST 31.1.(d) and the Student is studying a course below degree level; or

(iii) no employment as a professional sportsperson (including as a sports coach); and

(c) study is permitted, subject to the ATAS condition in Appendix ATAS (if the study will commence when the partner or child is aged over 18).

(d) DELETED

Appendix Temporary Work: Religious Worker

The Religious Worker route is for a person who wants to support the activities of religious institutions in the UK by conducting religious work such as working in a religious order or undertaking non-pastoral work for a religious organisation.

The Temporary Work - Religious Worker route is for a person who wants to come to the UK to support the activities of religious institutions by conducting religious work such as working in a religious order or undertaking non-pastoral work for a religious organisation. A person on the Religious Worker route can stay in the UK for up to a maximum of two years.

A partner and children can apply as dependants on this route.

The Religious Worker route is not a route to settlement.

A Minister of Religion must apply on the T2 Minister of Religion route if their engagement in the UK involves leading a congregation in performing rites, rituals and preaching the essentials of the creed as its core duties.

Validity requirements for a Religious Worker

RW 1.1. A person applying for entry clearance or permission to stay as a Religious Worker must apply online on gov.uk on the specified form as follows:

Applicant	Specified form
EEA national with a chipped passport	Either: • Temporary Worker using the UK Immigration: ID Check app; or • the forms listed below for applicants outside or inside the UK (as relevant)
Applicants outside the UK	Temporary Worker visa
Applicants inside the UK	Temporary Worker

RW 1.2. An application for entry clearance or permission to stay as a Religious Worker must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must have a Certificate of Sponsorship that was issued to them no more than 3 months before the date of application.

RW 1.3. The applicant must be aged 18 or over on the date of application.

RW 1.4. If applying for permission to stay, the applicant must be in the UK on the date of application.

RW 1.4A. If applying for permission to stay, the applicant must have, or have last had, permission as a Religious Worker.

RW 1.5. An application which does not meet all the validity requirements for a Religious Worker may be rejected as invalid and not considered.

Suitability requirements for a Religious Worker

RW 2.1. The applicant must not fall for refusal under Part Suitability.

RW 2.2. If applying for permission to stay the applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a Religious Worker

Entry requirements for a Religious Worker

RW 3.1. A person seeking to come to the UK on the Religious Worker route must have applied for and obtained entry clearance as a Religious Worker before they arrive in the UK.

RW 3.2. A person applying for entry clearance as a Religious Worker must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

RW 3.3. An applicant for entry clearance must not have had permission as a Religious Worker or Charity Worker at any time during the 12 months immediately before the date of application unless they can show they were not in the UK at any time during those 12 months.

Sponsorship requirement for a Religious Worker

RW 4.1. The applicant must have a valid Certificate of Sponsorship for the job they are planning to do; which to be valid must:

(a) confirm the applicant's name, that they are being sponsored as a Religious Worker, details of the job and pay the sponsor is offering them; and

(b) include a start date, stated by the sponsor, which is no more than 3 months after the date of application; and

(c) not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn); and

(d) not have been withdrawn by the sponsor or cancelled by the Home Office; and

(e) confirm that the role meets the requirements at RW 4.3; and

(f) confirm whether the applicant is a member of the sponsor's order, if the sponsor is a religious order; and

(g) confirm that the applicant will receive pay and conditions at least equal to those given to settled workers in the same role; and

(h) confirm that the pay complies with or is exempt from the National Minimum Wage; and

(i) confirm that the requirements of the resident labour consideration, as set out in RW 4.2, in respect of the job, have been complied with, or that the applicant is applying for permission to stay and the sponsor is the same sponsor as in their last grant of permission as a Religious Worker.

RW 4.2. The requirements of the resident labour consideration are:

(a) that the role is supernumerary, such that it is over and above the sponsor's normal staffing requirements and if the person filling the role was not there, it would not need to be filled by anyone else (with a full explanation of why it is supernumerary); or

(b) that the role involves living mainly within and being a member of a religious order, which must be a lineage of communities or of people who live in some way set apart from society in accordance with their specific religious devotion, for example an order of nuns or monks; or

(c) that the sponsor holds national records of all available individuals, details of those records and confirms that the records show that no suitable settled worker is available to fill the role; or

(d) that a national recruitment search was undertaken, and the following details are provided:

(i) where the role was advertised, which must be at least one of the following:

(1) a national form of media appropriate to the sponsor's religion or denomination; or

(2) the sponsor's own website, if that is how the sponsor usually reaches out to its community on a national scale, that is where it normally advertises vacant positions, and the pages containing the advertisement are free to view without paying a subscription fee or making a donation; or

(3) Jobcentre Plus (or in Northern Ireland, Job Centre Online) or in the employment section of a national newspaper, if there is no suitable national form of media appropriate to the sponsor's religion or denomination; and

(ii) any reference numbers of the advertisements; and

(iii) the period the role was advertised for, which must include at least 28 days during the six month period immediately before the date the sponsor assigned the Certificate of Sponsorship to the applicant; and

(iv) confirmation that no suitable settled workers are available to be recruited for the role.

RW 4.3. The sponsor must ensure the role meets all the following requirements:

(a) the role must involve performing religious duties within, or directed by, the sponsor's organisation to support the activities of the religious institution; and

(b) the religious duties must not include work which falls under a role of a Minister of Religion (which means the applicant must not have core duties of leading a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed).

RW 4.4. The sponsor must be authorised by the Home Office to sponsor the job in question under the Religious Worker route.

RW 4.5. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a Religious Worker and is applying to continue working for the same sponsor as in their last permission.

RW 4.6. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do does not comply with the National Minimum Wage Regulations or the Working Time Regulations.

Genuineness requirement for a Religious Worker

RW 5.1. The applicant must:

(a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and

(b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted by paragraph RW 8.3.

Financial requirement for a Religious Worker

RW 6.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

RW 6.2. If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, either:

(a) the applicant must have funds of at least £1,270; or

(b) the applicant's A rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270.

RW 6.3. If RW 6.2.(a) applies, the applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

Decision on an application as a Religious Worker

RW 7.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the Religious Worker route are met, the application will be granted, otherwise the application will be refused.

RW 7.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period of grant for a Religious Worker

RW 8.1. If the application is for entry clearance, the applicant will be granted whichever is the shorter of:

(a) the period of the job on the Certificate of Sponsorship plus 14 days before and after; or

(b) 24 months.

RW 8.2. If the application is for permission to stay, the applicant will be granted whichever is the shorter of:

(a) the period of the job on the Certificate of Sponsorship plus 14 days; or

(b) the difference between the period the applicant has already spent in the UK since their last grant of permission as a Religious Worker and 24 months.

Conditions of grant for a Religious Worker

RW 8.3. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work is permitted only in the role the applicant is being sponsored for; and

(c) supplementary employment is permitted; and

(d) study is permitted, subject to the ATAS condition in Appendix ATAS.

(e) DELETED.

Dependants of a Religious Worker

Validity requirements for a dependent partner or dependent child of a Religious Worker

RW 9.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child of a Religious Worker must apply online on the gov.uk website on the specified form as follows:

Applicant	Specified form
EEA national with a chipped passport	Either (as applicable): • Dependant partner or dependant child using the UK Immigration: ID Check app; or • the forms listed below for dependant applicants outside or inside the UK as relevant.
Applicants outside the UK	Dependant partner visa Dependant child visa
Applicants inside the UK	If the dependant is applying at the same time as the Religious Worker, they can be included in the form Temporary Worker where the form allows dependants to be added. Otherwise: - Dependant partner - Dependant child

RW 9.2. An application for entry clearance or permission to stay as a partner or child of a Religious Worker must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as a partner or child of a person who:

(i) has made a valid application for entry clearance or permission to stay on the Religious Worker route that has not been decided; or

(ii) has entry clearance or permission to stay on the Religious Worker route.

RW 9.3. An applicant applying as a dependent partner must be aged 18 or over on the date of application.

RW 9.4. If applying for permission to stay, the applicant must be in the UK on the date of application.

RW 9.4ZA. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

(a) as a Visitor; or

(b) as a Short-term student; or

(c) as a Parent of a Child Student; or

(d) as a Seasonal Worker; or

(e) as a Domestic Worker in a Private Household; or

(f) outside the Immigration Rules.

RW 9.4A. An applicant who is applying for permission to stay and has, or last had, permission as a Student, must fulfil one of the Conditions A or B below on the date of application:

(a) Condition A: the applicant must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which ST 27.3 of Appendix Student applies); or

(b) Condition B: the applicant must:

(i) be studying a full-time course of study leading to the award of a PhD with a higher education provider which has a track record of compliance; and

(ii) have completed at least 24 months of study on that course.

RW 9.5. An application which does not meet all the validity requirements for a partner or child of a Religious Worker may be rejected as invalid and not considered.

Suitability requirements for a dependent partner or dependent child of a Religious Worker

RW 10.1. The applicant must not fall for refusal under Part Suitability.

RW 10.2. If applying for permission to stay the applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a dependent partner or dependent child of a Religious Worker

Entry requirement for a dependent partner or dependent child of a Religious Worker

RW 11.1. A person seeking to come to the UK as a dependent partner or dependent child of a Religious Worker must apply for and obtain entry clearance as a dependent partner or dependent child of a Religious Worker before they arrive in the UK.

RW 11.2. A person applying for entry clearance as the partner or child of a Religious Worker must, if Appendix Tuberculosis to these Rules applies, provide a valid medical certificate confirming that they

have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Relationship requirement for a dependent partner of a Religious Worker

RW 12.1. The applicant must be the partner of a person (P) where one of the following applies:

(a) P has permission on the Religious Worker route; or

(b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Religious Worker route.

RW 12.2. The requirements of Appendix Relationship with Partner must be met.

RW 12.3. DELETED.

RW 12.4. DELETED.

Relationship requirement for a dependent child of a Religious Worker

RW 13.1. DELETED.

RW 13.2. DELETED.

RW 13.3. DELETED.

Care requirement for a dependent child of a Religious Worker

RW 14.1. DELETED.

Age requirement for a dependent child of a Religious Worker

RW 15.1. DELETED.

RW 15.2. DELETED.

Requirements for a dependent child of a Religious Worker

RW 15A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) relationship requirement: entry clearance and permission to stay; and

(b) care requirement; and

(c) age and independent life requirement.

Financial requirement for a dependent partner or dependent child of a Religious Worker

RW 16.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

RW 16.2. If the applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:

(a) funds of at least the amount required in RW 16.3. must be held collectively by one or more of the following:

i) the applicant; and

ii) the Religious Worker (P); and

iii) if the applicant is applying as a dependent child, their parent who is lawfully present in the UK or being granted entry clearance, or permission to stay, at the same time; or

(b) the Religious Worker's A-rated sponsor must certify that they will, if necessary, maintain and accommodate the dependent partner and/or any dependent child as well as the Religious Worker, up to the end of the first month of each of their grants of permission, to at least the amounts required in RW 16.3.

RW 16.3. The funds required are:

(a) £285 for a dependent partner in the UK, or applying for entry clearance; and

(b) £315 for the first dependent child in the UK, or applying for entry clearance; and

(c) £200 for any other dependent child in the UK, or applying for entry clearance.

RW 16.4. If RW 16.2.(a) applies, the funds held for the applicant must be held in addition to any funds required for the Religious Worker to meet the financial requirement and any other dependants in the UK or applying at the same time.

RW 16.5. If RW 16.2.(a) applies, the funds must have been held for a 28-day period and as specified in Appendix Finance.

Decision on an application as a dependent partner or dependent child of a Religious Worker

RW 17.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner or dependent child of a Religious Worker are met, the application will be granted, otherwise the application will be refused.

RW 17.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period of grant for a dependent partner or dependent child of a Religious Worker

RW 18.1. A partner will be granted permission which ends on the same date as their partner's permission as a Religious Worker.

RW 18.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

Conditions of grant for a dependent partner or dependent child of a Religious Worker

RW 18.3. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) is permitted, except as a professional sportsperson (including as a sports coach); and

(c) study is permitted, subject to the ATAS condition in Appendix ATAS if the applicant is over the age of 18.

(d) DELETED.

Appendix Tuberculosis (TB)

This appendix sets out when a person is required to provide a valid TB certificate with their application for entry clearance and the requirements for a TB certificate to be valid.

TB1. A person must provide a valid TB certificate with their application if paragraph TB2 applies, and they are applying for entry clearance to come to the UK:

(a) for more than 6 months, except for applications made under Appendix Ukraine Scheme; or

(b) as a fiancé(e) or proposed civil partner under Appendix FM: family members; or

(c) as a returning resident in accordance with Appendix Returning Residents.

TB2. A valid TB certificate is required if the applicant has been continuously present in a country or countries listed at TB6 for 6 months or more, which includes a period (of any length) within the 6 months before the date of application.

TB3: A TB certificate is valid only if it:

(a) was issued by a medical practitioner approved by the Secretary of State for the purpose of these rules, as listed on the Gov.uk website; and

(b) confirms that the applicant has undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant; and

(c) was issued within the 6-month period immediately before the date of application; and

(d) has not expired.

TB4. A person may be required to provide a new valid TB certificate before the application for entry clearance is granted, if:

(a) the TB certificate provided with their application expired more than 6 months before the date on which the application is considered; and

(b) the applicant otherwise meets the requirements to be granted entry clearance.

TB5. The decision maker may waive the requirement to provide a valid TB certificate if they are satisfied that the applicant is unable to obtain a certificate and it is reasonable to waive the requirement on the specific facts of the case.

TB6. The list of countries for the purpose of TB2 is:

- Afghanistan
- Algeria
- Angola
- Armenia
- Azerbaijan
- Bangladesh
- Belarus
- Benin
- Bhutan
- Bolivia
- Botswana
- Brunei Darussalam
- Burkina Faso
- Burma
- Burundi
- Cambodia
- Cape Verde
- Central African Republic
- Chad
- Cameroon
- China
- Congo
- Congo Democratic Republic
- Côte d'Ivoire
- Democratic People's Republic of Korea

- Djibouti
- Dominican Republic
- Ecuador
- Equatorial Guinea
- Eritrea
- Ethiopia
- Gabon
- Gambia
- Georgia
- Ghana
- Guatemala
- Guinea
- Guinea Bissau
- Guyana
- Haiti
- Hong Kong or Macau
- India
- Indonesia
- Iraq
- Kazakhstan
- Kenya
- Kiribati
- Korea
- Kyrgyzstan
- Laos
- Lesotho
- Liberia
- Madagascar
- Malawi
- Malaysia
- Mali
- Marshall Islands
- Mauritania
- Micronesia
- Moldova
- Mongolia
- Morocco
- Mozambique
- Namibia
- Nepal
- Niger
- Nigeria
- Pakistan
- Palau
- Papua New Guinea
- Panama
- Paraguay
- Peru
- Philippines
- Russian Federation
- Rwanda
- Sao Tome and Principe
- Senegal
- Sierra LeoneSolomon Islands
- Somalia
- South Africa
- South Sudan
- Sri Lanka
- Sudan
- Suriname
- Swaziland
- Tajikistan
- Tanzania
- Thailand
- Timor Leste
- Togo
- Turkmenistan
- Tuvalu
- Uganda
- Ukraine
- Uzbekistan
- Vanuatu
- Vietnam
- Zambia
- Zimbabwe

Appendix UK Ancestry

The UK Ancestry route is for a Commonwealth citizen aged 17 or over who wants to live and work in the UK and who has a grandparent who was born in the UK or Islands.

A dependent partner and dependent children can apply under this route.

UK Ancestry is a route to settlement.

Validity requirements for UK Ancestry

UKA 1.1. A person applying for entry clearance or permission to stay on the UK Ancestry route must apply online on the gov.uk website on the specified form as follows:

(a) for entry clearance, form “UK Ancestry, Right of Abode or Returning Residents visa”; or

(b) for permission to stay, form “Application to extend stay in the UK: FLR(IR)”.

UKA 1.2. An application for entry clearance or permission to stay on the UK Ancestry route must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

UKA 1.3. The applicant must be a Commonwealth citizen.

UKA 1.4. If applying for entry clearance, the applicant must be aged 17 or over on the date of their intended arrival in the UK.

UKA 1.5. If applying for permission to stay, the applicant must be in the UK on the date of application.

UKA 1.5A. If applying for permission to stay, the applicant must have previously been granted permission on the UK Ancestry route as a person with UK Ancestry.

UKA 1.6. An application which does not meet all the validity requirements for the UK Ancestry route may be rejected as invalid and not considered.

Suitability requirements for UK Ancestry

UKA 2.1. The applicant must not fall for refusal under Part Suitability.

UKA 2.2. If applying for permission to stay, the applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for UK Ancestry

Entry requirements for UK Ancestry

UKA 3.1. A person seeking to come to the UK on the UK Ancestry route must apply for and obtain entry clearance on the UK Ancestry route before they arrive in the UK.

UKA 3.2. A person applying for entry clearance on the UK Ancestry route must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Grandparent born in the UK or Islands requirement

UKA 4.1. The applicant must have a grandparent born in the UK or Islands.

Financial requirement for UK Ancestry

UKA 5.1. The decision maker must be satisfied that the applicant can and will adequately maintain and accommodate themselves, and any dependants in the UK, or applying for entry clearance, without recourse to public funds.

UKA 5.2. Funds must be shown as specified in Appendix Finance.

UKA 5.3. In assessing whether the applicant meets the financial requirement in UKA 5.1, the decision maker may take into account credible promises of financial support from a third party, such as a relative or friend of the applicant.

Work requirement for UK Ancestry

UKA 6.1. The applicant must be able to work and intend to seek and take employment in the UK.

Parental consent requirement for UK Ancestry applicant aged under 18

UKA 7.1. The applicant must meet the parental consent requirement for an applicant not applying as a dependent child in Appendix Children.

UKA 7.2. DELETED.

Decision on an application for UK Ancestry

UKA 8.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for UK Ancestry, the application will be granted, otherwise the application will be refused.

UKA 8.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period of grant on the UK Ancestry route

UKA 9.1. The applicant will be granted permission for 5 years.

Conditions of grant on the UK Ancestry route

UKA 9.2. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work is permitted (including self-employment); and

(c) voluntary work is permitted; and

(d) study is permitted, subject to the ATAS condition in Appendix ATAS.

(e) DELETED

Settlement on the UK Ancestry route

Validity requirements for settlement on the UK Ancestry route

UKA 10.1. A person on the UK Ancestry route who is applying for settlement must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

UKA 10.2. An application for settlement must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK.

UKA 10.3. The applicant must be a Commonwealth citizen on the date of application.

UKA 10.4. An application which does not meet all the validity requirements for settlement on the UK Ancestry route is invalid and may be rejected and not considered.

Suitability Requirements for settlement on the UK Ancestry route

UKA 11.1. The applicant must not fall for refusal under Part Suitability.

UKA 11.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement on the UK Ancestry route

UKA 12.1. The applicant must continue to meet the eligibility requirements of UKA 4.1 to UKA 6.1.

Qualifying period requirement for settlement on the UK Ancestry route

UKA 13.1. The applicant must have spent 5 years in the UK with permission on the UK Ancestry route as a person with UK Ancestry.

Continuous residence requirement for settlement on the UK Ancestry route

UKA 14.1. The applicant must meet the continuous residence requirement in Appendix Continuous Residence during the period in UKA 13.1.

English language requirement for settlement on the UK Ancestry route

UKA15.1. Unless an exemption applies, the applicant must:

(a)Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b)Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

UKA 15.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement on the UK Ancestry route

UKA 16.1. The applicant must meet the knowledge of Life in the UK requirement as specified in Appendix KOL UK.

Decision on an application for settlement on the UK Ancestry route

UKA 17.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement on the UK Ancestry route, the applicant will be granted settlement, otherwise the application will be refused.

UKA 17.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Dependants of a person with UK Ancestry

Validity requirements for a dependent partner or dependent child on the UK Ancestry route

UKA 18.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child on the UK Ancestry route must apply online on the gov.uk website on the specified form as follows:

(a) for entry clearance, “Join or accompany a family member” on the “Find and apply for other visas from outside the UK” form; or

(b) for permission to stay, form “Application to extend stay in the UK: FLR(IR)”.

UKA 18.2. An application for entry clearance or permission to stay as a partner or child of a person on the UK Ancestry route must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as partner or child of a person who:

(i) has made a valid application for entry clearance or permission to stay on the UK Ancestry route that has not been decided; or

(ii) has entry clearance or permission to stay on the UK Ancestry route; or

(iii) is settled or has become a British citizen, providing that person (P) had permission on the UK Ancestry route when they settled.

UKA 18.3. If applying for permission to stay, the applicant must be in the UK on the date of application.

UKA 18.3ZA. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

(a) as a Visitor; or

(b) as a Short-term Student; or

(c) as a Parent of a Child Student; or

(d) as a Seasonal Worker; or

(e) as a Domestic Worker in a Private Household; or

(f) outside the Immigration Rules.

UKA 18.3A. An applicant who is applying for permission to stay and has, or last had, permission as a Student, must fulfil one of the Conditions A or B below on the date of application:

(a) Condition A: the applicant must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which ST 27.3 of Appendix Student applies); or

(b) Condition B: the applicant must:

(i) be studying a full-time course of study leading to the award of a PhD with a higher education provider which has a track record of compliance; and

(ii) have completed at least 24 months of study on that course.

UKA 18.4. An application which does not meet all the validity requirements for a partner or child on the UK Ancestry route may be rejected as invalid and not considered.

Suitability requirements for a dependent partner or dependent child on the UK Ancestry route

UKA 19.1. The suitability requirements for a dependent partner or dependent child on the UK Ancestry route are that they must not fall for refusal under Part Suitability.

UKA 19.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for a dependent partner or dependent child on the UK Ancestry route

Entry requirement for a dependent partner or dependent child on the UK Ancestry route

UKA 20.1. A person seeking to come to the UK as a partner or child must apply for and obtain an entry clearance as a partner or child before they arrive in the UK.

UKA 20.2. A person applying for entry clearance as a partner or child on the UK Ancestry route must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Relationship requirements for a partner on the UK Ancestry route

UKA 21.1. The applicant must be the partner of a person (P) and one of the following must apply:

(a) P has permission on the UK Ancestry route; or

(b) P is, at the same time, applying for (and is granted) permission on the UK Ancestry route; or

(c) if the applicant is applying for permission to stay, P is settled or has become a British citizen, providing P had permission on the UK Ancestry route when they settled.

UKA 21.2. The requirements of Appendix Relationship with Partner must be met.

UKA 21.3. DELETED.

UKA 21.4. DELETED.

Relationship requirement for a dependent child on the UK Ancestry route

UKA 22.1. DELETED.

UKA 22.2. DELETED.

Care requirement for a dependent child on the UK Ancestry route

UKA 23.1. DELETED.

Age requirement for a dependent child on the UK Ancestry route

UKA 24.1. DELETED.

UKA 24.2. DELETED.

Requirements for a dependent child on the UK Ancestry route

UKA 24.1. The applicant must meet the following requirements for a dependent child in Appendix Children: (a) relationship requirement: entry clearance and permission to stay; and (b) care requirement; and (c) age and independent life requirement.

Financial requirement for a partner or child on the UK Ancestry route

UKA 25.1. The decision maker must be satisfied that there will be adequate maintenance and accommodation for the applicant, the person with UK Ancestry, and any other dependants in the UK, without recourse to public funds.

UKA 25.2. Funds must be shown as specified in Appendix Finance.

UKA 25.3. In assessing whether the applicant meets the financial requirement in UKA 25.1, the decision maker may take into account credible promises of financial support from a third party, such as a relative or friend of the applicant.

Decision on an application for a dependent partner and dependent child on the UK Ancestry route

UKA 26.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on the UK Ancestry route, the application will be granted, otherwise the application will be refused.

UKA 26.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period of grant for a dependent partner and dependent child on the UK Ancestry route

UKA 27.1. Unless UKA 27.2 applies, the applicant will be granted permission which ends on the same date as the person with UK Ancestry.

UKA 27.2. If the application is for permission to stay, and the person with UK Ancestry is being, or has been, granted settlement on the UK Ancestry route, or has become a British Citizen having previously had permission on the UK Ancestry route, the applicant will be granted permission to stay for 30 months.

Conditions of grant for a dependent partner and dependent child on the UK Ancestry route

UKA 27.3. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) permitted; and

(c) study is permitted, subject to the ATAS condition in Appendix ATAS.

(d) DELETED

Settlement by a dependent partner and dependent child on the UK Ancestry route

Validity requirements for settlement by a dependent partner or dependent child on the UK Ancestry route

UKA 28.1. A partner or child on the UK Ancestry route who is applying for settlement must apply online on the gov.uk website on the specified form "Settle in the UK in various immigration categories: form SET(O)".

UKA 28.2. An application for settlement must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided either a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK; and

(e) the applicant must be applying as a partner or child of a person (P) who:

(i) has made a valid application for settlement on the UK Ancestry route and that application has not been decided; or

(ii) is settled or has become a British citizen, providing P had permission on the UK Ancestry route when they settled.

UKA 28.3. The applicant must not have, or have last been granted, permission:

(a) as a Visitor; or

(b) as a Short-term Student; or

(c) as a Parent of a Child Student; or

(d) as a Seasonal Worker; or

(e) as a Domestic Worker in a Private Household; or

(f) outside the Immigration Rules.

UKA 28.3A. An applicant who has, or last had, permission as a Student, must fulfil one of the Conditions A or B below on the date of application:

(a) Condition A: the applicant must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which ST 27.3 of Appendix Student applies); or

(b) Condition B: the applicant must:

(i) be studying a full-time course of study leading to the award of a PhD with a higher education provider which has a track record of compliance; and

(ii) have completed at least 24 months of study on that course.

UKA 28.4. An application which does not meet all the validity requirements for settlement as a partner or child on the UK Ancestry route is invalid and may be rejected and not considered.

Suitability requirements for settlement by a dependent partner and dependent child on the UK Ancestry route

UKA 29.1. The applicant must not fall for refusal under Part Suitability.

UKA 29.2. The applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for settlement by a dependent partner or dependent child on the UK Ancestry route

Relationship requirement for settlement by a partner or child on the UK Ancestry route

UKA 30.1. The applicant must be the partner or child of a person (P) where one of the following applies:

(a) P is, at the same time, being granted settlement on the UK Ancestry route; or

(b) P is settled or has become a British citizen, providing P had permission on the UK Ancestry route when they settled.

UKA 30.2. If applying as a partner, the requirements of Appendix Relationship with Partner must be met.

UKA 30.3. DELETED.

UKA 30.4. DELETED.

UKA 30.5 If applying as a child, the applicant must meet the relationship requirement for settlement in Appendix Children.

Care requirement for settlement by a child on the UK Ancestry route

UKA 31.1. DELETED.

Age requirement for settlement by a child on the UK Ancestry route

UKA 32.1. DELETED.

UKA 32.2. DELETED.

Requirements for settlement as a dependent child on the UK Ancestry route

UKA 32A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) care requirement; and

(b) age and independent life requirement

Financial requirement for settlement for a partner or child on the UK Ancestry route

UKA 33.1. The decision maker must be satisfied that there will be adequate maintenance and accommodation for the applicant, the person with UK Ancestry, and any other dependants in the UK, without recourse to public funds.

UKA 33.2. Funds must be shown as specified in Appendix Finance.

UKA 33.3. In assessing whether the applicant meets the financial requirement in UKA 33.1, the decision maker may take into account credible promises of financial support from a third party, such as a relative or friend of the applicant.

English language requirement for settlement by a partner or child on the UK Ancestry route

UKA34.1. Unless an exemption applies, the applicant must:

(a) Where the date of application is before 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1; or

(b) Where the date of application is on or after 26 March 2027, the applicant must, unless an exemption applies, show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B2.

UKA 34.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

Knowledge of life in the UK requirement for settlement by a partner or child on the UK Ancestry route

UKA 35.1 If the applicant is aged 18 or over at the date of application, they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

Decision on an application for settlement as a partner or child on the UK Ancestry route

UKA 36.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child on the UK Ancestry route the applicant will be granted settlement, otherwise the application will be refused.

UKA 36.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Appendix Victim of Domestic Abuse

This route allows settlement where a person has, or was last granted, permission as a partner on a specified route and the relationship has permanently broken down due to domestic abuse.

The applicant must be in the UK, unless the applicant is overseas because they have been abandoned overseas.

Dependent children can also apply on this route.

An alternative route may be available for relevant family members under Appendix EU who are victims of domestic abuse.

Validity requirements for the Victim of Domestic Abuse route

VDA 1.1. A person applying from outside the UK on the Victim of Domestic Abuse route must apply for entry clearance online on the gov.uk website on the specified form: “Return to the UK”.

VDA 1.2. A person applying in the UK on the Victim of Domestic Abuse route must apply online on the gov.uk website on one of the specified forms as follows:

(a) for the Victim of Domestic Abuse, and a child applying on the Victim of Domestic Abuse route at the same time as their parent and who is included in their parent’s application, form SET (DV); or

(b) for a child of a Victim of Domestic Abuse who is not applying at the same time as their parent, form SET (DV).

VDA 1.3. An application on the Victim of Domestic Abuse route must meet all of the following validity requirements:

(a) any fee must have been paid (unless the applicant has been granted a fee waiver); and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

VDA 1.4. An application which does not meet all the validity requirements for the Victim of Domestic Abuse route may be rejected as invalid and not considered.

Suitability requirements for the Victim of Domestic Abuse route

VDA 2.1. The applicant must not fall for refusal under Part Suitability, but SUI 11.4(a) does not apply.

Eligibility requirements for Victim of Domestic Abuse Route

Entry requirements for the Victim of Domestic Abuse route

VDA 3.1 Where a person is outside the UK they must apply for and obtain entry clearance on the Victim of Domestic Abuse route before they arrive in the UK.

VDA 3.2. Where a person is applying for entry clearance on the Victim of Domestic Abuse route they must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Relationship requirements for a Victim of Domestic Abuse

VDA 4.1. The applicant must have, or have last been granted, permission as one of the following:

(a) a partner under Appendix FM (except for permission as a fiancé(e) or proposed civil partner) of a person who is a British citizen, settled in the UK or an EEA national in the UK with limited leave to enter or remain granted under paragraph EU3 of Appendix EU on the basis of meeting condition 1 in paragraph EU14 of Appendix EU; or

(aa) a spouse, civil partner or durable partner under Appendix EU with limited leave to enter or remain as a family member of a relevant EEA citizen (or of a qualifying British citizen), as a joining family member of a relevant sponsor or as a family member who has retained the right of residence, granted under paragraph EU3 or EU3A of that Appendix; or

(b) a partner under Appendix FM, Part 8, Part 11, or Appendix Family Reunion (Protection) of a person with permission as a refugee; or

(c) a spouse, civil partner, unmarried or same sex partner under paragraph 282(a), 282(c), 285, 295B(a), 295B(c) or 295E of Part 8 of a person present and settled in the UK; or

(d) a victim of domestic abuse under Appendix FM or Part 8; or

(e) a partner under Appendix Armed Forces or Part 7 (except for permission as a fiancé(e) or proposed civil partner), of any of the below:

(i) a person who is a British citizen; or

(ii) a foreign and commonwealth citizen with at least 4 years' reckonable service in HM Forces at the date of application under this paragraph or;

(iii) a member of HM Armed forces who has applied for or been granted permission or settlement as a foreign and commonwealth citizen discharged from HM Armed Forces; or

(f) leave outside the rules granted under the Migrant Victims of Domestic Abuse Concession (formerly the Destitution Domestic Violence Concession (DDVC)), and before that were last granted permission under one of the categories defined in VDA 4.1(a) to (e).

VDA 4.2. The relationship between the applicant and their partner must have broken down permanently as a result of domestic abuse.

VDA 4.3. If the applicant is applying from outside the UK, they must have been abandoned outside the UK.

Requirements for a child of a Victim of Domestic Abuse

VDA 5.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

(a) relationship requirement for settlement; and

(b) care requirement; and

(c) age and independent life requirement.

English language requirements for a child of a Victim of Domestic Abuse

VDA 6.1. DELETED.

VDA 6.2. DELETED.

Knowledge of life in the UK requirements for a child of a Victim of Domestic Abuse

VDA 7.1. DELETED.

Maintenance and Accommodation requirements for a child of a Victim of Domestic Abuse

VDA 8.1. DELETED.

VDA 8.2. DELETED

Decision on an application for settlement on the Victim of Domestic Abuse route

VDA 9.1. If the decision maker is satisfied that all the suitability and eligibility requirements for entry clearance or settlement on the Victim of Domestic Abuse route are met, the application will be granted, otherwise the application will be refused.

VDA 9.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

Period and conditions of grant on the Victim of Domestic Abuse route

VDA 10.1. Where the applicant is outside the UK and the requirements for entry clearance are met, they will be granted entry clearance for settlement.

VDA 10.2. Where the applicant is in the UK and the requirements for settlement are met, they will be granted settlement.

Appendix V: Visitor

This route is for a person who wants to visit the UK for a temporary period, (usually for up to 6 months), for purposes such as tourism, visiting friends or family, carrying out a business activity, or undertaking a short course of study.

Each Visitor must meet the requirements of the Visitor route, even if they are travelling as, for example, a family group, a tour group or a school party.

A visa national as set out in Appendix Visitor: Visa National list must obtain entry clearance as a Visitor (a visit visa) before arrival in the UK.

A non-visa national can normally seek entry on arrival in the UK.

There are 4 types of Visitor:

- Standard Visitor: for those seeking to undertake the activities set out in Appendix Visitor: Permitted Activities, for example tourism and visiting family, usually for up to 6 months. A Standard Visitor may apply for a visit visa of six months, two, five or 10 years validity, however each stay in the UK must not exceed the permitted length of stay endorsed on the visit visa (usually six months).
- Marriage/Civil Partnership Visitor: for those seeking to come to the UK to marry or form a civil partnership, or give notice of marriage or civil partnership.
- DELETED
- Transit Visitor: for those who want to transit the UK on route to another country outside the Common Travel Area and who will enter the UK for up to 48 hours by crossing the UK border unless Appendix Visitor: Transit Without Visa Scheme applies.
- Diplomatic Visa Arrangement (DVA) Visitor: for individuals holding a valid diplomatic passport who are visiting the UK, nominated through a Note Verbale from their sending government. DVA Visitors may apply for a visit visa for 2 years validity, however each stay in the UK must not exceed 6 months.

Visitors cannot work in the UK unless this is expressly allowed under the permitted activities set out in Appendix Visitor: Permitted Activities.

Further information of how long each Visitor can stay and what they can and cannot do in the UK is set out at V 17.2 and Appendix Visitor: Permitted Activities.

The DVA Visitor application process will open on 18 February 2025 for nationals set out at V15A.4 who intend to travel to the UK on or after 11 March 2025.

Entry requirements for Visitors

V 1.1. A person seeking to come to the UK as a Visitor must apply for and obtain entry clearance before they arrive in the UK if they are:

(a) a visa national, unless V 1.3. (b) applies; or

(b) seeking to marry or form a civil partnership, or give notice of marriage or civil partnership, in the UK unless they are a “relevant national” as defined in section 62 of the Immigration Act 2014; or

(c) seeking to come to the UK as a Visitor for more than 6 months.

V 1.2. Within the period for which the entry clearance is valid, a Visitor may enter and leave the UK multiple times, unless the entry clearance is endorsed as single or dual entry.

V 1.3. A person seeking to come to the UK as a Visitor may apply for permission to enter on arrival in the UK where they are:

(a) a non-visa national, unless V 1.1. (b) or (c) apply; or

(b) a visa national and an exception applies as set out in Appendix Visitor: Visa National list or Appendix Visitor: Transit Without Visa Scheme.

V 1.4. A person seeking to enter the UK as a Visitor must, where required, under Appendix Electronic Travel Authorisation, obtain an Electronic Travel Authorisation before travelling to the UK.

V 1.5. A child who holds entry clearance as a Visitor on arrival in the UK must either:

(a) hold a valid entry clearance that states they are accompanied and will be travelling with an adult identified on that entry clearance; or

(b) hold an entry clearance which states they are unaccompanied;

otherwise the child may be refused entry to the UK, unless they meet the requirements of V 5.1. and V 5.2.

Validity requirements for entry clearance or permission to stay as a Visitor

V 2.1. A person applying for entry clearance as a Visitor must apply online on the gov.uk website on the specified form "Apply for a UK visit visa" unless they are applying for entry clearance as a Diplomatic Visa Arrangement Visitor, in which case they must apply online on the gov.uk website on the specified form "Apply for an exempt, diplomatic, official visit vignette or S2 Healthcare Visitor visa".

V 2.2. A person applying for permission to stay as a Visitor must apply online on the gov.uk website on the specified form "Application to extend stay in the UK: FLR(IR)".

V 2.3. An application for entry clearance or permission to stay as a Visitor must meet all the following requirements:

(a) any required fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

V.2.3A. An application for entry clearance as a Diplomatic Visa Arrangement Visitor must meet all the following requirements:

(a) the applicant must be aged 18 or older on the date of application; and

(b) the applicant must have a valid diplomatic passport which satisfactorily establishes the applicant's identity and nationality.

V 2.4. An application for entry clearance as a Visitor must be made while the applicant is outside the UK and to a post designated to accept such applications.

V 2.5. An application for permission to stay as a Visitor must be made by a person:

(a) in the UK; and

(b) with permission as a Standard Visitor or Marriage/Civil Partnership Visitor.

V 2.6. An application which does not meet all the validity requirements for a Visitor may be rejected as invalid and not considered.

Suitability requirements for all Visitors

V 3.1. The applicant must not fall for refusal under Part Suitability.

V 3.2. If applying for permission to stay the applicant must not be:

(a) in breach of immigration laws, except that where the Exceptions for overstayers section of Part Suitability applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

Eligibility requirements for Visitors

V 4.1. The decision maker must be satisfied that the applicant (unless they are applying for entry clearance or permission to enter as a Transit Visitor) meets all of the eligibility requirements in V 4.2. to V 4.6. and that they meet the specified additional eligibility requirements where the applicant:

(a) is a child at the date of application, they must also meet the additional requirements at V 5.1. and V 5.2; or

(b) is coming to the UK under the Approved Destination Status Agreement, they must also meet the requirements at V 6.1; or

(c) is coming to the UK to receive private medical treatment, they must also meet the additional requirements at V 7.1. to V 7.3; or

(d) is coming to the UK as an organ donor, they must also meet the additional requirements at V 8.1. to V 8.4; or

(e) is coming to the UK to study as a Visitor, they must also meet the additional requirements at V 9.1. to V 9.5; or

(f) is an academic seeking a 12-month entry clearance, they must also meet the additional requirements at V 10.1; or

(g) is coming to the UK to undertake work related training, they must also meet the additional requirements at V 11.1. to V 11.3; or

(h) is coming to the UK to marry or form a civil partnership, or give notice of intention to marry or form a civil partnership, they must also meet the additional requirements at V 12.1. and V 12.2; or

(i) is coming to the UK to undertake permitted paid engagements, they must also meet the additional requirements in V 13.1. to V 13.3; or

(j) is applying for permission to stay as a Visitor, they must also meet the additional requirements at V 15.1. to V 15.4; or

(k) is applying for entry clearance as a Diplomatic Visa Arrangement visitor, they must also meet the additional requirements at V15A.1. to V15A.4.

Genuine visitor requirement

V 4.2. The applicant must satisfy the decision maker that they are a genuine visitor, which means the applicant:

(a) will leave the UK at the end of their visit; and

(b) will not live in the UK for extended periods through frequent or successive visits, or make the UK their main home; and

(c) is genuinely seeking entry or stay for a purpose that is permitted under the Visitor route as set out in Appendix Visitor: Permitted Activities and at V 13.3; and

(d) will not undertake any of the prohibited activities set out in V 4.4. to V 4.6; and

(e) must have sufficient funds to cover all reasonable costs in relation to their visit without working or accessing public funds, including the cost of the return or onward journey, any costs relating to their dependants, and the cost of planned activities such as private medical treatment. The applicant must show that any funds they rely upon are held in a financial institution permitted under FIN 2.1 in Appendix Finance.

V 4.3. In assessing whether an applicant has sufficient funds under V 4.2.(e), the applicant's travel, maintenance and accommodation may be provided by a third party only if that third party:

(a) has a genuine professional or personal relationship with the applicant; and

(b) is not, or will not be, in breach of immigration laws at the time of the decision or the applicant's entry to the UK as a Visitor; and

(c) can and will provide support to the applicant for the intended duration of the applicant's stay as a Visitor.

Prohibited activities and payment requirements for Visitors

V 4.4. The Visitor must not intend to:

(a) work in the UK, which includes:

(i) taking employment in the UK; and

(ii) doing work for an organisation or business in the UK; and

(iii) establishing or running a business as a self-employed person; and

(iv) doing a work placement or internship; and

(v) direct selling to the public; and

(vi) providing goods and services,

unless expressly allowed by the permitted activities in Appendix Visitor: Permitted Activities or Appendix Visitor: Permit Free Festival List in V 13.3; or

(b) study in the UK, except as permitted by Appendix Visitor: Permitted Activities (and provided they meet the relevant additional requirements for study); or

(c) access medical treatment, other than private medical treatment or to donate an organ (for either of these activities they must meet the relevant additional eligibility requirements); or

(d) get married or form a civil partnership, or give notice of intention to marry or form a civil partnership, unless they are applying for entry clearance as a Marriage/Civil Partnership Visitor or are a relevant national as defined in section 62 of the Immigration Act 2014.

V 4.5. Permitted activities must not amount to the Visitor undertaking employment, or doing work which amounts to them filling a role or providing short-term cover for a role within a UK based organisation and where the Visitor is already paid and employed outside of the UK they must remain so.

V 4.6. The Visitor must not receive payment from a UK source for any activities undertaken in the UK, except for the following:

(a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or

(b) international drivers or Seafarers undertaking activities permitted under PA 9.2 to PA 9.4; or

(c) prize money; or

(d) billing a UK client for their time in the UK, where the Visitor's overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas (payment must be lower than the amount of the Visitor's salary); or

(e) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or

(f) paid performances at a permit free festival as listed in Appendix Visitor: Permit Free Festival List, where the Visitor is an artist, entertainer or musician; or

(g) the permitted paid engagements listed in V 13.3, providing the requirements in V 13.1 and V 13.2 are met.

Additional eligibility requirements for children

V 5.1. Adequate arrangements must have been made for a child's travel to, reception and care in the UK.

V 5.2. If the child is not travelling with a parent or legal guardian, based in their home country or country of ordinary residence, who is responsible for their care, that parent or legal guardian must consent to the child's travel to, reception and care in the UK and, where requested, this consent must be given in writing.

Additional eligibility requirement for Visitors under the Approved Destination Status Agreement

V 6.1. A person applying for entry clearance as a Visitor under the Approved Destination Status Agreement must:

(a) be a national of the People's Republic of China; and

(b) intend to enter, leave and travel within the UK as a member of a tourist group under the Approved Destination Status Agreement.

Additional eligibility requirements for Visitors coming to the UK to receive private medical treatment

V 7.1. If the applicant is suffering from a communicable disease they must have satisfied the medical inspector that they are not a danger to public health.

V 7.2. The applicant must have arranged their private medical treatment before they travel to the UK, and must provide either:

(a) a letter from their doctor or consultant in the UK detailing:

(i) the medical condition requiring consultation or treatment; and

(ii) the estimated costs and likely duration of any treatment, which must be of a finite duration; and

(iii) where the consultation or treatment will take place; or

(b) if the applicant intends to receive NHS treatment under a reciprocal healthcare arrangement between the UK and another country, an authorisation form issued by the government of that country.

V 7.3. If the applicant is applying for an 11-month entry clearance for the purposes of private medical treatment they must also:

(a) provide either:

(i) evidence from their doctor or consultant in the UK that the proposed treatment is likely to exceed 6 months, but not more than 11 months; or

(ii) if the applicant intends to receive NHS treatment under a reciprocal healthcare arrangement between the UK and another country, an authorisation form issued by the government of that country which clearly states that the proposed treatment is likely to exceed 6 months, but not more than 11 months; and

(b) if Appendix Tuberculosis applies, provide a valid medical certificate, confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Additional eligibility requirements for Visitors coming to the UK to donate an organ

V 8.1. The applicant must satisfy the decision maker that they genuinely intend to donate an organ to, or be assessed as a potential organ donor for, an identified recipient in the UK with whom they have a genetic or close personal relationship.

V 8.2. The applicant must provide written confirmation of medical tests to show that they are a donor match to the identified recipient, or that they are undergoing further tests to be assessed as a potential donor to the identified recipient.

V 8.3. The applicant must provide a letter, dated no more than 3 months before the applicant's intended date of arrival in the UK from either:

(a) the lead nurse or coordinator of the UK NHS Trust's Living Donor Kidney Transplant team; or

(b) a UK registered medical practitioner who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council;

which confirms that the applicant meets the requirements in V 8.1. and V 8.2. and confirms when and where the planned organ transplant or medical tests will take place.

V 8.4. The applicant must be able to show, if required to do so, that the identified recipient is lawfully present in the UK, or will be at the time of the planned organ transplant.

Additional eligibility requirements for Visitors coming to the UK to study for up to six months

V 9.1. Where the applicant is seeking to come to the UK to study, they must have been accepted onto a course of study that is to be provided by an Accredited Institution that is not a State Funded School or Academy.

V 9.2. The course of study referred to in V 9.1. must last no longer than six months unless the course is being undertaken from outside the UK as a Distance Learning Course.

V 9.3. Where the applicant is seeking to come to the UK for up to six months to undertake electives relevant to a course of study abroad, they must:

(a) be aged 16 or over; and

(b) be enrolled on a course of study abroad equivalent to at least degree level study in the UK; and

(c) be studying medicine, veterinary medicine and science, nursing, midwifery, or dentistry as their principal course of study; and

(d) have been accepted by a UK Higher Education Provider to undertake electives relevant to their course of study provided these are unpaid and involve no treatment of patients; and

(e) provide written confirmation from the UK Higher Education Provider.

V 9.4. Where the applicant is seeking to come to the UK to undertake research or be taught about research (research tuition) for up to six months:

(a) they must be aged 16 or over; and

(b) they must be enrolled on a course of study abroad equivalent to at least degree level study in the UK; and

(c) they must have been accepted by a UK Higher Education Provider to undertake research or be taught about research (research tuition); and

(d) the overseas course provider must confirm that the research or research tuition is part of or relevant to the course of study that they are enrolled on overseas; and

(e) this must not amount to the Visitor being employed at the UK institution.

V 9.5. The research or research tuition referred to in V 9.4. may be undertaken at a UK research institute, providing a formal partnership exists between the research institute and the UK Higher Education Provider for this purpose.

Additional eligibility requirements for academics seeking to come to the UK for more than 6 months

V 10.1. An academic applying for a 12-month entry clearance must:

(a) intend to undertake one (or more) of the following activities for up to 12 months:

(i)take part in formal exchange arrangements with UK counterparts (including doctors); or

(ii) carry out research for their own purposes, if they are on sabbatical leave from their home institution; or

(iii) if they are an eminent senior doctor or dentist, take part in research, teaching or clinical practice, provided this does not amount to filling a permanent teaching post; and

(b) be highly qualified within their own field of expertise; and

(c) currently be working in that field at an academic institution or institution of higher education overseas; and

(d) if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Additional eligibility requirements for Visitors coming to the UK for work related training

V 11.1. Where the applicant is seeking to come to the UK to undertake a clinical attachment or dental observer post as an overseas graduate from a medical, dental or nursing school, they must provide written confirmation of their offer to take up this post and confirm they have not previously undertaken this activity in the UK.

V 11.2. Where the applicant is seeking to come to the UK to take the Professional and Linguistic Assessment Board test, they must provide written confirmation of this from the General Medical Council.

V 11.3. Where the applicant is seeking to come to the UK to take the Objective Structured Clinical Examinations for overseas, they must provide written confirmation of this from the Nursing and Midwifery Council.

Additional eligibility requirement for Visitors coming to the UK for purpose of marriage or civil partnership

V 12.1. The applicant must be aged 18 or over on the date of application.

V 12.2. The applicant must, within the period for which they are seeking permission as a Visitor:

(a) intend to give notice of marriage or civil partnership in the UK; or

(b) intend to marry or form a civil partnership in the UK;

which is not a sham marriage or civil partnership.

Additional eligibility requirement for Visitors coming to the UK for Permitted Paid Engagements

V 13.1. Where the applicant is seeking to come to the UK to undertake a permitted paid engagement, they must be aged 18 or over when they enter the UK.

V 13.2. The applicant must intend to do one (or more) of the permitted paid engagements set out in V 13.3. which must be:

(a) arranged before the applicant travels to the UK; and

(b) declared as part of the application for entry clearance or if asked, declared when seeking permission to enter the UK; and

(c) evidenced by a formal invitation, as required by V 13.3; and

(d) relate to the applicant's area of expertise and occupation overseas.

V 13.3. The following are permitted paid engagements:

(a) an academic who is highly qualified within their field of expertise, coming to examine students and/or participate in or chair selection panels, and have been invited by a UK higher education institution, or a UK-based research or arts organisation as part of that institution or organisation's quality assurance processes; and

(b) an expert coming to give lectures in their subject area, where they have been invited by a higher education institution, or a UK-based research or arts organisation, and this does not amount to filling a teaching position for the host organisation; and

(c) an overseas designated pilot examiner coming to assess UK-based pilots to ensure they meet the national aviation regulatory requirements of other countries, where they have been invited by an approved training organisation based in the UK that is regulated by the UK Civil Aviation Authority for that purpose; and

(d) a qualified lawyer coming to provide advocacy for a court or tribunal hearing, arbitration or other form of dispute resolution for legal proceedings within the UK, where they have been invited by a client; and

(e) a professional artist, entertainer, or musician coming to carry out an activity directly relating to their profession, where they have been invited by a creative (arts or entertainment) organisation, agent or broadcaster based in the UK; and

(f) a Professional Sportsperson coming to carry out an activity directly relating to their profession, where they have been invited by a sports organisation, agent, or broadcaster based in the UK; and

(g) a speaker coming to the UK to give a one-off or short series of talks and speeches, where they have been invited to a conference or other event.

Eligibility requirement for Visitors coming to the UK to transit

V 14.1. A visa national must hold entry clearance as a Standard Visitor, Marriage/Civil Partnership Visitor or Transit Visitor, unless they meet the requirements for admission under Appendix Visitor: Transit Without Visa Scheme, in which case they may apply for permission to enter on arrival in the UK.

V 14.2. An applicant applying for entry clearance or permission to enter as a Transit Visitor must satisfy the decision maker that they:

(a) are genuinely in transit to another country outside the Common Travel Area, meaning the main purpose of their visit is to transit the UK (passing through immigration control) and that the applicant is taking a reasonable transit route; and

(b) will not access public funds or medical treatment, work or study in the UK; and

(c) genuinely intend and are able to leave the UK within 48 hours after their arrival; and

(d) are assured entry to their country of destination and any other countries they are transiting on their way there.

Additional eligibility requirements for permission to stay as a Visitor

V 15.1. Where the applicant is applying for permission to stay as a Visitor for the purpose of receiving private medical treatment they must also:

(a) satisfy the decision maker that the costs of any medical treatment already received have been met; and

(b) provide either:

(i) a letter from a registered medical practitioner, at a private practice or NHS hospital, who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council, detailing the medical condition requiring further treatment; or

(ii) if the applicant intends to continue to receive NHS treatment under a reciprocal healthcare arrangement between the UK and another country, an authorisation form issued by the government of that country which authorises further treatment.

V 15.2. Where the applicant applying for permission to stay is an academic (or the accompanying partner or child of such an academic) they must:

(a) continue to intend to:

(i) take part in formal exchange arrangements with UK counterparts (including doctors); or

(ii) carry out research for their own purposes, if they are on sabbatical leave from their home institution; or

(iii) if they are an eminent senior doctor or dentist, take part in research, teaching or clinical practice, provided this does not amount to filling a permanent teaching post; and

(b) be highly qualified within their own field of expertise; and

(c) have been working in that field at an academic institution or institution of higher education overseas prior to their arrival in the UK.

V 15.3. Where the applicant is applying for permission to stay as a Visitor to resit the Professional and Linguistic Assessment Board Test, they must provide written confirmation of this from the General Medical Council.

V 15.4. Where the applicant is applying for permission to stay as a Visitor and they are an overseas graduate of a medical, dental or nursing school intending to undertake an unpaid clinical attachment or dental observer post, they must have been successful in the Professional and Linguistic Assessment Board test.

Eligibility requirement for entry clearance as a Diplomatic Visa Arrangement Visitor:

V 15A.1. The decision maker must be satisfied that the Diplomatic Visa Arrangement Visitor's application is supported by a Note Verbale issued by the government of their nationality.

V 15A.2. The Note Verbale must be issued by the government of the applicant's country of nationality and include:

(a) the applicant's name, date of birth and passport number; and

(b) confirmation that the application is supported by the government of their nationality.

V 15A.3. The Note Verbale must have been issued on or prior to the application date and the government of their nationality must not have withdrawn the Note Verbale or support for the application by issuing a new Note Verbale.

V 15A.4. The applicant must travel on or after 11 March 2025 and be:

(a) a national of the People's Republic of China who holds a diplomatic passport issued by the People's Republic of China; or

(b) a national of Indonesia who holds a diplomatic passport issued by Indonesia; or

(c) a national of South Africa who holds a diplomatic passport issued by South Africa; or

(d) a national of Turkey who holds a diplomatic passport issued by Turkey; or

(e) a national of Vietnam who holds a diplomatic passport issued by Vietnam.

Decision

V 16.1. If the decision maker is satisfied that all the suitability requirements are met, and that the relevant eligibility requirements for a Visitor are met, the application will be granted, otherwise the application will be refused.

Period and conditions of grant for Visitors

V 17.1. The grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) no work (which does not prohibit the permitted activities in Appendix Visitor: Permitted Activities or Appendix Visitor: Permit Free Festival List in V 13.3.); and

(c) no study except where permitted by Appendix Visitor: Permitted Activities at PA 2. and PA 17.

(d) study or research as part of a permitted activity is subject to the ATAS condition in Appendix ATAS.

V 17.2. Entry clearance and permission to enter as a Visitor will be granted for the periods set out in the following table:

	Visitor type	**Maximum initial length of stay in the UK**
(a)	Standard Visitor	up to 6 months except: (i) a Visitor who is coming to the UK for private medical treatment may be granted entry clearance for up to 11 months; (ii) an academic (or the accompanying partner or child of such an academic), who is employed by an overseas institution and is carrying out the specific permitted activities at V10.1(a), may be granted entry clearance for up to 12 months; (iii) a Visitor under the Approved Destination Status Agreement may be granted entry clearance for up to 30 days.
(b)	Marriage / Civil Partnership Visitor	up to 6 months
(c)	Transit Visitor	up to 48 hours, except for permission to enter as a Transit Visitor under the Transit Without Visa Scheme which may be granted until 23:59 hours on the next day after the day the applicant arrived in the UK.
(d)	Diplomatic Visa Arrangement Visitor	up to 6 months

V 17.3. Permission to stay will be granted for the following periods:

(a) a Standard Visitor or a Marriage/Civil Partnership Visitor, who was granted permission for less than 6 months may be granted permission to stay for a period which results in the total period they can remain in the UK (including both the original grant and the extension) not exceeding 6 months; and

(b) a Standard Visitor who is in the UK for private medical treatment may be granted permission to stay as a Visitor for a further 6 months, provided the purpose is for private medical treatment; and

(c) a Standard Visitor who is in the UK to undertake the activities in Appendix Visitor: Permitted Activities at PA 11.2. or the accompanying partner or child of such a Standard Visitor, may be granted permission to stay for a period which results in the total period they can remain in the UK (including both the original grant and the extension) not exceeding 12 months; and

(d) a Standard Visitor may be granted permission to stay as a Visitor for up to 6 months in order to resit the Professional and Linguistic Assessment Board Test; and

(e) a Standard Visitor who is successful in the Professional and Linguistic Assessment Board Test may be granted permission to stay as a Visitor to undertake the activities in PA 10.1. (a) for a period which results in the total period they can remain in the UK (including both the original grant and the extension) not exceeding 18 months.

Appendix Visitor: Permitted Activities

Permitted Activities for Visitors

PA 1. Visitors are permitted to undertake the following activities:

	Visitor type	Visitors of this type can
(a)	Standard Visitor	do all permitted activities in Appendix Visitor: Permitted Activities, except Visitors under the Approved Destination Status Agreement may only do the activities in PA 2(a).
(b)	Marriage/Civil Partnership Visitor	marry or form a civil partnership, or give notice of marriage or civil partnership and do all permitted activities in Appendix Visitor: Permitted Activities, other than study as described in PA 17.
(c)	Transit Visitor	transit the UK as described in PA 18.
(d)	Diplomatic Visa Arrangement Visitor	do all the permitted activities in Appendix Visitor: Permitted Activities, except PA 10.1, PA 16.1, PA 16.2, PA 17.

Tourism and Leisure

PA 2. A Visitor may:

(a) visit friends and family and / or come to the UK for a holiday; and

(b) take part in educational exchanges or visits with a state funded school or academy or independent school; and

(c) attend recreational courses (not English Language training) for a maximum of 30 days.

Volunteering

PA 3. A Visitor may undertake volunteering provided it lasts no more than 30 days in total and is for a charity that is registered with either the Charity Commission for England and Wales; the Charity Commission for Northern Ireland; or the Office of the Scottish Charity Regulator.

General Business Activities

PA 4. A Visitor may:

(a) attend meetings, conferences, seminars, interviews; and

(b) give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser; and

(c) negotiate and sign deals and contracts; and

(d) attend trade fairs, for promotional work only, provided the Visitor is not directly selling; and

(e) carry out site visits and inspections; and

(f) gather information for their employment overseas; and

(g) be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.

(h) undertake activities relating to their employment overseas remotely from within the UK, providing this is not the primary purpose of their visit.

Intra-corporate Activities

PA 5. An employee of an overseas based company may:

(a) advise and consult; and

(b) trouble-shoot; and

(c) provide training; and

(d) share skills and knowledge;

on a specific internal project with UK employees of the same corporate group, provided no work is carried out directly with clients.

PA 5.2. An employee of an overseas based company may also undertake the activities in PA 5.1. directly with clients, providing:

(a) the employee's movement is in an intra-corporate setting and any client facing activity is incidental to their employment abroad; and

(b) these activities are required for the delivery of a project or service by the UK branch of the Visitor's employer overseas, and are not part of a project or service that is being delivered directly to the UK client by the Visitor's employer overseas.

PA 6. An internal auditor may carry out regulatory or financial audits at a UK branch of the same group of companies as the Visitor's employer overseas.

Manufacture and supply of goods to the UK

PA 7. An employee of an overseas company may install, dismantle, repair, service or advise on machinery, equipment, computer software or hardware (or train UK based workers to provide these services) where there is a contract of purchase, supply or lease with a UK company or organisation and either:

(a) the overseas company is the manufacturer or supplier; or

(b) the overseas company is part of a contractual arrangement for after sales services agreed at the time of the sale or lease, including in a warranty or other service contract incidental to the sale or lease.

Clients of UK export companies

PA 8. A client of a UK export company may be seconded to the UK company in order to oversee the requirements for goods and services that are being provided under contract by the UK company or its subsidiary company, provided the two companies are not part of the same group.

Overseas roles requiring specific activities in the UK

PA 9.1. Individuals employed outside the UK may visit the UK to take part in the following activities in relation to their employment overseas:

(a) a translator and/or interpreter may translate and/or interpret in the UK as an employee of an enterprise located overseas; or

(b) personal assistants and bodyguards may support an overseas business person in carrying out permitted activities, provided they will attend the same event(s) as the business person and are employed by them outside the UK. They must not be providing personal care or domestic work for the business person; or

(c) a tour group courier, contracted to a company with its headquarters outside the UK, who is entering and departing the UK with a tour group organised by their company; or

(d) a journalist, correspondent, producer or cameraman gathering information for an overseas publication, programme or film; or

(e) archaeologists taking part in a one-off archaeological excavation; or

(f) a professor from an overseas academic institution accompanying students to the UK as part of a study abroad programme, may provide a small amount of teaching to the students at the host organisation providing this does not amount to filling a permanent teaching role for that institution; or

(g) market researchers and analysts may conduct market research or analysis for an enterprise located outside the UK.

(h) between 01 March and 31 October a pilot or cabin crew member may work in the UK temporarily under the terms of a Civil Aviation Authority approved Wet Lease Agreement, providing they remain employed and renumerated overseas.

PA 9.2. Drivers on a genuine international route between the UK and a country outside the UK may:

(a) deliver or collect goods or passengers from a country outside the UK to the UK; and

(b) undertake cabotage operations.

PA 9.3. Drivers under PA 9.2. must be employed or contracted to an operator registered in a country outside the UK or be a self-employed operator and driver based outside the UK and the operator must hold an International Operators Licence or be operating on an own account basis.

PA 9.4. A Seafarer working on a vessel on a genuine international route between a port in the UK and a port outside the UK may:

(a) deliver or collect goods or passengers from a port outside the UK to bring to the UK port; and

(b) call at up to a further 10 UK ports within a 60-day time period to deliver or collect goods or passengers before travelling to a port outside the UK.

Work-related training

PA 10.1. Overseas graduates from medical, dental or nursing schools may:

(a) undertake clinical attachments or dental observer posts provided these are unpaid and involve no treatment of patients, where the additional requirements of Appendix V: Visitor at V 11.1. are also met; and

(b) take the following test/examination in the UK:

(i) the Professional and Linguistic Assessment Board test, where the additional requirements of Appendix V: Visitor at V 11.2. are also met; or

(ii) the Objective Structured Clinical Examinations for overseas, where the additional requirements of Appendix V: Visitor at V 11.3. are also met.

PA 10.2. Employees of an overseas company or organisation may receive training from a UK based company or organisation in work practices and techniques which are required for the Visitor's employment overseas and not available in their home country.

PA 10.3. An employee of an overseas based training company may deliver a short series of training to employees of a UK based company, where the trainer is employed by an overseas business contracted to deliver global training to the international corporate group to which the UK based company belongs.

Science and academia

PA 11.1. Academics, scientists, and researchers may:

(a) take part in formal exchange arrangements with UK counterparts (including doctors); and

(b) collaborate, gather information and facts, or conduct research, either for a specific project which directly relates to their employment overseas, or independently; and

(c) if they are an eminent senior doctor or dentist, take part in research, teaching or clinical practice, provided this does not amount to filling a permanent teaching post.

PA 11.2. DELETED.

Legal

PA 12.2.An overseas lawyer may provide legal services including:

(a) advice; and

(b) appearing in arbitrations; and

(c) acting as an arbitrator or mediator; and

(d) acting as an expert witness; and

(e) appearing in court in jurisdictions which allow short term call or where qualified in that jurisdiction; and

(f) conferences, teaching; and

(g) providing advocacy for a court or tribunal hearing; and

(h) litigation; and

(i) transactional legal services, including drafting contracts

Religion

PA 13. Religious workers overseas may visit the UK to preach or do pastoral work.

Creative

PA 14.1. An artist, entertainer, or musician may:

(a) give performances as an individual or as part of a group; and

(b) take part in competitions or auditions; and

(c) make personal appearances and take part in promotional activities; and

(d) take part in one or more cultural events or festivals on the list of permit free festivals in Appendix Visitor: Permit Free Festival List.

PA 14.2. Personal or technical staff or members of the production team of an artist, entertainer or musician may support the activities in PA 14.1. or Appendix V: Visitor at V13.3 (e) provided they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of the UK.

PA.14.3. Film crew (actor, producer, director or technician) employed by an overseas company may visit the UK to take part in a location shoot for a film or programme or other media content that is produced and financed overseas.

Sports

PA 15.1. A sports person may:

(a) take part in a sports tournament or sports event as an individual or part of a team; and

(b) make personal appearances and take part in promotional activities; and

(c) take part in trials provided they are not in front of a paying audience; and

(d) take part in short periods of training provided they are not being paid by a UK sporting body; and

(e) join an amateur team or club to gain experience in a particular sport if they are an amateur in that sport.

PA 15.2. Personal or technical staff of the sports person may support the activities in PA 15.1. or in Appendix V: Visitor at V 13.3.(f), if they are attending the same event as the sports person. Personal or technical staff of the sports person must be employed to work for the sports person outside the UK.

PA 15.3. Sports officials may support a sports tournament or sports event, where they have been invited by either:

(a) a sports organisation, agent, or broadcaster based in the UK; or

(b) a sports person with permission as a Visitor undertaking the activities in PA 15.1. or in Appendix V: Visitor at V 13.3.(f), at the same sports tournament or sports event.

Medical treatment and organ donation

PA 16.1. A Visitor may receive private medical treatment provided the additional requirements at Appendix V: Visitor at V 7.1. to V 7.3. are also met.

PA.16.2. A Visitor may act as an organ donor or be assessed as a potential organ donor to an identified recipient in the UK, provided the additional requirements at Appendix V: Visitor at V 8.1. to V 8.4. are also met.

Study as a Visitor

PA 17. A Visitor may study for up to six months providing the requirements of V 9.1. to V 9.5. are met.

Transit

PA 18. A Visitor may transit the UK, provided they meet the requirements of Appendix V: Visitor at V 14.1. and V 14.2.

Permitted Paid Engagements

PA 19. A Visitor may undertake the permitted paid engagements in V 13.3, providing they are completed within 30 days of the Visitor's entry to the UK, and the requirements of V 13.1. to V 13.2. are met.

Appendix Visitor: Visa national list

List of nationalities requiring entry clearance prior to travel to the UK as a Visitor, or for any other purpose for less than six months

VN 1.1. A person who meets one or more of the criteria below needs entry clearance (a visa) in advance of travel to the UK for any purpose, unless they meet one of the exceptions set out in VN 2.1., VN 2.2. (subject to VN 2.3.) or VN 3.1.

(a) Nationals or citizens of the following countries or territorial entities (a "*" indicates there are exceptions in VN 2.2 to VN 6.5):

Afghanistan
Albania
Algeria
Angola
Armenia
Azerbaijan
Bahrain*
Bangladesh
Belarus
Benin
Bhutan
Bolivia
Bosnia Herzegovina
Botswana
Burkina Faso
Burundi
Cambodia
Cameroon
Cape Verde
Central African Republic
Chad
People's Republic of China*
Colombia
Comoros
Congo
Côte d'Ivoire (formerly Ivory Coast)
Cuba
Democratic Republic of the Congo
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Eritrea
Eswatini (formerly Swaziland)
Ethiopia
Fiji
Gabon
Gambia
Georgia
Ghana
Guinea
Guinea Bissau
Haiti
Honduras
India
Indonesia
Iran
Iraq
Jamaica
Jordan
Kazakhstan
Kenya
Korea (North)
Kosovo
Kuwait*
Kyrgyzstan
Laos
Lebanon
Lesotho
Liberia
Libya
Madagascar
Malawi
Mali
Mauritania
Moldova
Mongolia
Montenegro
Morocco
Mozambique
Myanmar (formerly Burma)
Namibia
Naura
Nepal
Nicaragua
Niger
Nigeria
North Macedonia (formerly Macedonia)
Oman*
Pakistan
Palestine
Philippines
Russia
Rwanda
São Tomé and Principe
Saudi Arabia
Senegal
Serbia
Sierra Leone
Somalia
South Africa
South Sudan
Sri Lanka
St Lucia
Sudan
Suriname
Syria
Taiwan*
Tajikistan
Tanzania
Thailand
Timor-Leste
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
United Arab Emirates*
Uzbekistan
Vanuatu
Venezuela
Vietnam
Yemen
Zambia
Zimbabwe

(b) stateless people; and

(c) people travelling on any document other than a national passport, or, in the case of a person to whom paragraphs 11A and 11B of these rules apply, a national identity card, regardless of whether the document is issued by or evidences nationality of a state not listed in VN 1.1. (a), except where that document has been issued by the UK.

Exceptions to the list of visa nationals

Holders of specified travel documents

VN 2.1. It is not necessary for a Transit Visitor to hold an entry clearance before they travel to the UK if they are travelling on an emergency travel document issued by, and evidencing the nationality of, a country not listed in VN 1.1.(a) and the purpose of their transit is to travel to the country in which they are ordinarily resident.

VN 2.2. The following people do not need a visit visa before they travel to the UK as a Visitor, other than where VN 2.3. applies:

(a) nationals or citizens of the People's Republic of China who hold a passport issued by the Hong Kong Special Administrative Region; or

(b) nationals or citizens of the People's Republic of China who hold a passport issued by the Macao Special Administrative Region; or

(c) nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes in it the number of the identification card issued by the competent authority in Taiwan; or

(d) people who hold a Service, Temporary Service or Diplomatic passport issued by the Holy See; or

(e) DELETED

(f) DELETED

(g) nationals or citizens of the United Arab Emirates who hold a diplomatic or special passport issued by the United Arab Emirates; or

(h) DELETED

(i) DELETED

(j) DELETED

(k) DELETED

(l) DELETED

(m) DELETED

(n) DELETED

(o) DELETED

(p) DELETED

(q) DELETED

(r) DELETED

(s) DELETED

(t) nationals or citizens of Nicaragua and nationals or citizens of St Lucia, who hold a confirmed booking to the UK, and who have been granted an Electronic Travel Authorisation, on or before 15:00 GMT on 5 March 2026 where arrival in the UK is no later than 15:00 BST on 16 April 2026.

VN 2.3. VN 2.2. does not apply where the person is:

(a) visiting the UK to marry or to form a civil partnership, or to give notice of marriage or civil partnership, unless they are a "relevant national" as defined in section 62 of the Immigration Act 2014; or

(b) seeking to visit the UK for more than 6 months.

Exception where the applicant holds an Electronic Visa Waiver (EVW) Document (Bahrain, Kuwait, Oman, Saudi Arabia and United Arab Emirates nationals or citizens only)

VN 3.1. DELETED

VN 3.2 DELETED

VN 3.3. DELETED

Obtaining an Electronic Visa Waiver Document

VN 4.1. DELETED

VN 4.2. DELETED

VN 4.3. DELETED

Validity Requirements for an Electronic Visa Waiver Document

VN 5.1. – VN 5.7 DELETED

Use of the Electronic Visa Waiver Document

VN 6.1. – VN 6.5 DELETED

Exception where the Visitor is a person aged 18 or under on an organised trip from a school in France

VN 7.0. Nationals or citizens of any country who are aged 18 or under, studying at a school or educational institution in France registered with the French Ministry of Education and seeking to enter the UK as part of a school party of 5 or more pupils organised by that school or institution, do not need entry clearance before they travel to the UK as a Visitor.

Exception where the Visitor is a person aged 19 or under on an organised trip from a school in Germany

VN 8.0. Nationals or citizens of any country who are aged 19 or under, studying at a school or educational institution in Germany, the existence of which is confirmed by the relevant German municipal or competent authority, and seeking to enter the UK as part of a school party of 5 or more organised by that school or institution, do not need entry clearance before they travel to the UK as a Visitor.

The Immigration (European Economic Area) Regulations 2016

- repealed in its entirety on 31 December 2020, saved with modifications not here reproduced (found in SI 2020/1210, 2020/1209 & 2020/1309)

Table of Contents
Immigration (European Economic Area) Regulations 2016/1052
Preamble

Part 1 PRELIMINARY
reg. 1 Citation and commencement
reg. 2 General interpretation
reg. 3 Continuity of residence
reg. 4 "Worker", "self-employed person", "self-sufficient person" and "student"
reg. 5 “Worker or self-employed person who has ceased activity”
reg. 6 “Qualified person”
reg. 7 “Family member”
reg. 8 “Extended family member”
reg. 9 Family members and extended family members of British citizens
reg. 9A Dual national: national of an EEA State who acquires British citizenship
reg. 10 “Family member who has retained the right of residence”

Part 2 EEA RIGHTS
reg. 11 Right of admission to the United Kingdom
reg. 12 Issue of EEA family permit
reg. 13 Initial right of residence
reg. 14 Extended right of residence
reg. 15 Right of permanent residence
reg. 16 Derivative right to reside

Part 3 RESIDENCE DOCUMENTATION
reg. 17 Issue of registration certificate
reg. 18 Issue of residence card
reg. 19 Issue of a document certifying permanent residence and a permanent residence card
reg. 20 Issue of a derivative residence card
reg. 21 Procedure for applications for documentation under this Part and regulation 12
reg. 22 Verification of a right of residence

Part 4 REFUSAL OF ADMISSION AND REMOVAL ETC
reg. 23 Exclusion and removal from the United Kingdom
reg. 24 Refusal to issue or renew and revocation of residence documentation
reg. 25 Cancellation of a right of residence
reg. 26 Misuse of a right to reside
reg. 27 Decisions taken on grounds of public policy, public security and public health
reg 27A Decisions taken on conducive grounds
reg. 28 Application of Part 4 to a person with a derivative right to reside

Part 6 APPEALS UNDER THESE REGULATIONS
reg. 35 Interpretation of Part 6
reg. 36 Appeal rights
reg. 37 Out of country appeals
reg. 42 Alternative evidence of identity and nationality

Part 7 GENERAL

Schedule 1 CONSIDERATIONS OF PUBLIC POLICY, PUBLIC SECURITY AND THE FUNDAMENTAL INTERESTS OF SOCIETY ETC

Considerations of public policy and public security
para. 1

Application of paragraph 1 to the United Kingdom
para. 2
para. 3
para. 4
para. 5
para. 6

The fundamental interests of society
para. 7

PART 1 PRELIMINARY

PART 1

PRELIMINARY

1.— Citation and commencement

(1) These Regulations may be cited as the Immigration (European Economic Area) Regulations 2016.
(2) These Regulations come into force—
(a) for the purposes of this regulation, regulation 44 and Schedule 5 (transitory provisions), on 25th November 2016;
(b) for all other purposes, on 1st February 2017.

2.— General interpretation

(1) In these Regulations—
"the 1971 Act" means the Immigration Act 1971;
"the 1999 Act" means the Immigration and Asylum Act 1999;
"the 2002 Act" means the Nationality, Immigration and Asylum Act 2002;
"the 2006 Regulations" means the Immigration (European Economic Area) Regulations 20061
;
"the 2016 Act" means the Immigration Act 2016;
"civil partner" does not include—
(a) a party to a civil partnership of convenience; or
(b) the civil partner ("C") of a person ("P") where a spouse, civil partner or durable partner of C or P is already present in the United Kingdom;
"civil partnership of convenience" includes a civil partnership entered into for the purpose of using these Regulations, or any other right conferred by the EU Treaties, as a means to circumvent—
(a) immigration rules applying to non-EEA nationals (such as any applicable requirement under the 1971 Act to have leave to enter or remain in the United Kingdom); or
(b) any other criteria that the party to the civil partnership of convenience would otherwise have to meet in order to enjoy a right to reside under these Regulations or the EU Treaties;
"Common Travel Area" has the meaning given in section 1(3) of the 1971 Act;
"decision maker" means the Secretary of State, an immigration officer or an entry clearance officer (as the case may be);
"deportation order" means an order made under regulation 32(3);
"derivative residence card" means a card issued to a person under regulation 20;
"derivative right to reside" means a right to reside under regulation 16;
"document certifying permanent residence" means a document issued under regulation 19(1);
"durable partner" does not include—

(a) a party to a durable partnership of convenience; or
(b) the durable partner (“D”) of a person (“P”) where a spouse, civil partner or durable partner of D or P is already present in the United Kingdom and where that marriage, civil partnership or durable partnership is subsisting;
“durable partnership of convenience” includes a durable partnership entered into for the purpose of using these Regulations, or any other right conferred by the EU Treaties, as a means to circumvent—
(a) immigration rules applying to non-EEA nationals (such as any applicable requirement under the 1971 Act to have leave to enter or remain in the United Kingdom); or
(b) any other criteria that the party to the durable partnership of convenience would otherwise have to meet in order to enjoy a right to reside under these Regulations or the EU Treaties;
“EEA decision” means a decision under these Regulations that concerns—
(a) a person's entitlement to be admitted to the United Kingdom;
(b) a person's entitlement to be issued with or have renewed, or not to have revoked, an EEA family permit,
a registration certificate, residence card, derivative residence card, document certifying permanent residence or permanent residence card (but does not include a decision to reject an application for the above documentation as invalid);
(c) a person's removal from the United Kingdom; or
(d) the cancellation, under regulation 25, of a person's right to reside in the United Kingdom,
but does not include a decision to refuse an application under regulation 26(4) (misuse of a right to reside: material change of circumstances), or any decisions under regulation 33 (human rights considerations and interim orders to suspend removal) or 41 (temporary admission to submit case in person);
“EEA family permit” means a document issued under regulation 12;
"EEA national" means—
(a) a national of an EEA State who is not also a British citizen; or
(b) a national of an EEA State who is also a British citizen and who prior to acquiring British citizenship exercised a right to reside as such a national, in accordance with regulation 14 or 15,
save that a person does not fall within paragraph (b) if the EEA State of which they are a national became a member State after that person acquired British citizenship;
“EEA State” means—
(a) a member State, other than the United Kingdom; or
(b) Liechtenstein, Iceland, Norway or Switzerland;
“entry clearance” has the meaning given in section 33(1) of the 1971 Act
“entry clearance officer” means a person responsible for the grant or refusal of entry clearance;
“exclusion order” means an order made under regulation 23(5);
“indefinite leave” , “immigration laws” and “immigration rules” have the meanings given in section 33(1) of the 1971 Act;
“marriage of convenience” includes a marriage entered into for the purpose of using these Regulations, or any other right conferred by the EU Treaties, as a means to circumvent—
(a) immigration rules applying to non-EEA nationals (such as any applicable requirement under the 1971 Act to have leave to enter or remain in the United Kingdom); or
(b) any other criteria that the party to the marriage of convenience would otherwise have to meet in order to enjoy a right to reside under these Regulations or the EU Treaties;
“military service” means service in the armed forces of an EEA State;
“permanent residence card” means a document issued under regulation 19(2);
“qualifying EEA State residence card” means a valid document called a “Residence card of a family member of a Union Citizen” issued under Article 10 of Council Directive 2004/38/EC9
(as applied, where relevant, by the EEA agreement) by any EEA State (except Switzerland) to a non-EEA family member of an EEA national as proof of the holder's right

of residence in that State;
“registration certificate” means a certificate issued under regulation 17;
“relevant EEA national” in relation to an extended family member has the meaning given in regulation 8(6);
“residence card” means a card issued under regulation 18;
“right to reside” means a right to reside in the United Kingdom under these Regulations (or where so specified, a right to reside under a particular regulation);
“spouse” does not include—
(a) a party to a marriage of convenience; or
(b) the spouse (“S”) of a person (“P”) where a spouse, civil partner or durable partner of S or P is already present in the United Kingdom.
(2) Section 11 of the 1971 Act (construction of references to entry)10 applies for the purpose of determining whether a person has entered the United Kingdom for the purpose of these Regulations as it applies for the purpose of determining whether a person has entered the United Kingdom for the purpose of that Act.

3.— Continuity of residence

(1) This regulation applies for the purpose of calculating periods of continuous residence in the United Kingdom under these Regulations.
(2) Continuity of residence is not affected by—
(a) periods of absence from the United Kingdom which do not exceed six months in total in any year;
(b) periods of absence from the United Kingdom on compulsory military service; or
(c) one absence from the United Kingdom not exceeding twelve months for an important reason such as pregnancy and childbirth, serious illness, study or vocational training or an overseas posting.
(3) Continuity of residence is broken when—
(a) a person serves a sentence of imprisonment;
(b) a deportation or exclusion order is made in relation to a person; or
(c) a person is removed from the United Kingdom under these Regulations.
(4) Paragraph (3)(a) applies, in principle, to an EEA national who has resided in the United Kingdom for at least ten years, but it does not apply where the Secretary of State considers that—
(a) prior to serving a sentence of imprisonment, the EEA national had forged integrating links with the United Kingdom;
(b) the effect of the sentence of imprisonment was not such as to break those integrating links; and
(c) taking into account an overall assessment of the EEA national's situation, it would not be appropriate to apply paragraph (3)(a) to the assessment of that EEA national's continuity of residence.

4.— “Worker”, “self-employed person”, “self-sufficient person” and “student”

(1) In these Regulations—
(a) “worker” means a worker within the meaning of Article 45 of the Treaty on the Functioning of the European Union1
;
(b) “self-employed person” means a person who is established in the United Kingdom in order to pursue activity as a self-employed person in accordance with Article 49 of the Treaty on the Functioning of the European Union
;
(c) “self-sufficient person” means a person who has—
(i) sufficient resources not to become a burden on the social assistance system of the United Kingdom during the person's period of residence; and
(ii) comprehensive sickness insurance cover in the United Kingdom;
(d) “student” means a person who—
(i) is enrolled, for the principal purpose of following a course of study (including vocational training), at a public or private establishment which is—
(aa) financed from public funds; or
(bb) otherwise recognised by the Secretary of State as an establishment

which has been accredited for the purpose of providing such courses or training within the law or administrative practice of the part of the United Kingdom in which the establishment is located;
(ii) has comprehensive sickness insurance cover in the United Kingdom; and
(iii) has assured the Secretary of State, by means of a declaration, or by such equivalent means as the person may choose, that the person has sufficient resources not to become a burden on the social assistance system of the United Kingdom during the person's intended period of residence.
(2) For the purposes of paragraphs (3) and (4) below, “relevant family member” means a family member of a self-sufficient person or student who is residing in the United Kingdom and whose right to reside is dependent upon being the family member of that student or self-sufficient person.
(3) In sub-paragraphs (1)(c) and (d)—
(a) the requirement for the self-sufficient person or student to have sufficient resources not to become a burden on the social assistance system of the United Kingdom during the intended period of residence is only satisfied if the resources available to the student or self-sufficient person and any of their relevant family members are sufficient to avoid the self-sufficient person or student and all their relevant family members from becoming such a burden; and
(b) the requirement for the student or self-sufficient person to have comprehensive sickness insurance cover in the United Kingdom is only satisfied if such cover extends to cover both the student or self-sufficient person and all their relevant family members.
(4) In paragraph (1)(c) and (d) and paragraph (3), the resources of the student or self-sufficient person and, where applicable, any of their relevant family members, are to be regarded as sufficient if—
(a) they exceed the maximum level of resources which a British citizen (including the resources of the British citizen's family members) may possess if the British citizen is to become eligible for social assistance under the United Kingdom benefit system; or
(b) paragraph (a) does not apply but, taking into account the personal circumstances of the person concerned and, where applicable, all their relevant family members, it appears to the decision maker that the resources of the person or persons concerned should be regarded as sufficient.
(5) For the purposes of regulation 16(2) (criteria for having a derivative right to reside), references in this regulation to “family members” includes a “primary carer” as defined in regulation 16(8).

5.— “Worker or self-employed person who has ceased activity”

(1) In these Regulations, “worker or self-employed person who has ceased activity” means an EEA national who satisfies a condition in paragraph (2), (3), (4) or (5).
(2) The condition in this paragraph is that the person—
(a) terminates activity as a worker or self-employed person and—
(i) had reached the age of entitlement to a state pension on terminating that activity; or
(ii) in the case of a worker, ceases working to take early retirement;
(b) pursued activity as a worker or self-employed person in the United Kingdom for at least 12 months prior to the termination; and
(c) resided in the United Kingdom continuously for more than three years prior to the termination.
(3) The condition in this paragraph is that the person terminates activity in the United Kingdom as a worker or self-employed person as a result of permanent incapacity to work; and—
(a) had resided in the United Kingdom continuously for more than two years immediately prior to the termination; or
(b) the incapacity is the result of an accident at work or an occupational disease that entitles the person to a pension payable in full or in part by an institution in the United Kingdom.
(4) The condition in this paragraph is that the person—
(a) is active as a worker or self-employed person in an EEA State but retains a place of residence in the United Kingdom and returns, as a rule, to that place at least once a week; and
(b) immediately prior to becoming so active in the EEA State, had been continuously resident and continuously active as a worker or self-employed person in the United Kingdom for at least three years.

(5) A person who satisfied the condition in paragraph (4)(a) but not the condition in paragraph (4)(b) must, for the purposes of paragraphs (2) and (3), be treated as being active and resident in the United Kingdom during any period during which that person is working or self-employed in the EEA State.
(6) The conditions in paragraphs (2) and (3) as to length of residence and activity as a worker or self-employed person do not apply in relation to a person whose spouse or civil partner is a British citizen.
(7) Subject to regulation 6(2), periods of—
(a) inactivity for reasons not of the person's own making;
(b) inactivity due to illness or accident; and
(c) in the case of a worker, involuntary unemployment duly recorded by the relevant employment office,
must be treated as periods of activity as a worker or self-employed person, as the case may be.

6. "Qualified person"

(1) In these Regulations—
"jobseeker" means an EEA national who satisfies conditions A, B and, where relevant, C;
"qualified person" means a person who is an EEA national and in the United Kingdom as—
(a) a jobseeker;
(b) a worker;
(c) a self-employed person;
(d) a self-sufficient person; or
(e) a student;
"relevant period" means—
(a) in the case of a person retaining worker status under paragraph (2)(b) or self-employed person status under paragraph (4)(b), a continuous period of six months;
(b) in the case of a jobseeker, 91 days, minus the cumulative total of any days during which the person concerned previously enjoyed a right to reside as a jobseeker, not including any days prior to a continuous absence from the United Kingdom of at least 12 months.
(2) A person who is no longer working must continue to be treated as a worker provided that the person—
(a) is temporarily unable to work as the result of an illness or accident;
(b) is in duly recorded involuntary unemployment after having been employed in the United Kingdom for at least one year, provided the person—
(i) has registered as a jobseeker with the relevant employment office; and
(ii) satisfies conditions A and B;
(c) is in duly recorded involuntary unemployment after having been employed in the United Kingdom for less than one year, provided the person—
(i) has registered as a jobseeker with the relevant employment office; and
(ii) satisfies conditions A and B;
(d) is involuntarily unemployed and has embarked on vocational training; or
(e) has voluntarily ceased working and has embarked on vocational training that is related to the person's previous employment.
(3) A person to whom paragraph (2)(c) applies may only retain worker status for a maximum of six months.
(4) A person who is no longer in self-employment must continue to be treated as a self-employed person provided that the person—
(a) is temporarily unable to engage in activities as a self-employed person as the result of an illness or accident;
(b) is in duly recorded involuntary unemployment after having worked as a self-employed person in the United Kingdom for at least one year provided the person—
(i) has registered as a jobseeker with the relevant employment office; and
(ii) satisfies conditions D and E;
(c) is in duly recorded involuntary unemployment after having worked as a self-employed person in the United Kingdom for less than one year, provided the person—
(i) has registered as a jobseeker with the relevant employment office; and
(ii) satisfies conditions D and E;

(d) is involuntarily no longer in self-employment and has embarked on vocational training; or
(e) has voluntarily ceased self-employment and has embarked on vocational training that is related to the person's previous occupation.
(4A) A person to whom paragraph (4)(c) applies may only retain self-employed person status for a maximum of six months.
(4B) Condition D is that the person—
(a) entered the United Kingdom as a self-employed person or in order to seek employment as a self-employed person; or
(b) is present in the United Kingdom seeking employment or self-employment, immediately after enjoying a right to reside under sub-paragraphs (c) to (e) of the definition of qualified person in paragraph (1) (disregarding any period during which self-employed status was retained pursuant to paragraph (4)(b) or (c)).
(4C) Condition E is that the person provides evidence of seeking employment or self-employment and having a genuine chance of being engaged.
(5) Condition A is that the person—
(a) entered the United Kingdom in order to seek employment; or
(b) is present in the United Kingdom seeking employment, immediately after enjoying a right to reside under sub-paragraphs (b), (d) or (e) of the definition of qualified person in paragraph (1) (disregarding any period during which worker status was retained pursuant to paragraph (2)(b) or (c)).
(6) Condition B is that the person provides evidence of seeking employment and having a genuine chance of being engaged.
(7) A person may not retain the status of—
(a) a worker under paragraph (2)(b);
(b) a jobseeker; or
(c) a self-employed person under paragraph (4)(b);
for longer than the relevant period without providing compelling evidence of continuing to seek employment and having a genuine chance of being engaged.
(8) Condition C applies where the person concerned has, previously, enjoyed a right to reside under this regulation as a result of satisfying conditions A and B or, as the case may be, conditions D and E
—
(a) in the case of a person to whom paragraph (2)(b) or (c) or (4)(b) or (c) applied, for at least six months; or
(b) in the case of a jobseeker, for at least 91 days in total,
unless the person concerned has, since enjoying the above right to reside, been continuously absent from the United Kingdom for at least 12 months.
(9) Condition C is that the person has had a period of absence from the United Kingdom.
(10) Where condition C applies—
(a) paragraph (7) does not apply; and
(b) condition B or, as the case may be, condition E has effect as if “compelling” were inserted before “evidence”.

7.— “Family member”

(1) In these Regulations, “family member” means, in relation to a person (“A”)—
(a) A's spouse or civil partner;
(b) A's direct descendants, or the direct descendants of A's spouse or civil partner who are either—
(i) aged under 21; or
(ii) dependants of A, or of A's spouse or civil partner;
(c) dependent direct relatives in A's ascending line, or in that of A's spouse or civil partner.
(2) Where A is a student residing in the United Kingdom otherwise than under regulation 13 (initial right of residence), a person is not a family member of A under paragraph (1)(b) or (c) unless—
(a) in the case of paragraph (1)(b), the person is the dependent child of A or of A's spouse or civil partner; or
(b) A also falls within one of the other categories of qualified person mentioned in regulation 6(1).
(3) A person (“B”) who is an extended family member and has been issued with an EEA family

permit, a registration certificate or a residence card must be treated as a family member of A, provided—
(a) B continues to satisfy the conditions in regulation 8(1A), 8(2), (3), (4) or (5); and
(b) the EEA family permit, registration certificate or residence card remains in force.
(4) A must be an EEA national unless regulation 9 applies (family members and extended family members of British citizens).

8.— "Extended family member"

(1) In these Regulations "extended family member" means a person who is not a family member of an EEA national under regulation 7(1)(a), (b) or (c) and who satisfies a condition in paragraph (1A), (2), (3), (4) or (5) .
(1A) The condition in this paragraph is that the person—
(a) is under the age of 18;
(b) is subject to a non-adoptive legal guardianship order in favour of an EEA national that is recognised under the national law of the state in which it was contracted;
(c) has lived with the EEA national since their placement under the guardianship order;
(d) has created family life with the EEA national; and
(e) has a personal relationship with the EEA national that involves dependency on the EEA national and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the EEA national.
(2) The condition in this paragraph is that the person is—
(a) a relative of an EEA national; and
(b) residing in a country other than the United Kingdom and is dependent upon the EEA national or is a member of the EEA national's household; and either—
(i) is accompanying the EEA national to the United Kingdom or wants to join the EEA national in the United Kingdom; or
(ii) has joined the EEA national in the United Kingdom and continues to be dependent upon the EEA national, or to be a member of the EEA national's household.
(3) The condition in this paragraph is that the person is a relative of an EEA national and on serious health grounds, strictly requires the personal care of the EEA national or the spouse or civil partner of the EEA national.
(4) The condition in this paragraph is that the person is a relative of an EEA national and would meet the requirements in the immigration rules (other than those relating to entry clearance) for indefinite leave to enter or remain in the United Kingdom as a dependent relative of the EEA national.
(5) The condition in this paragraph is that the person is the partner (other than a civil partner) of, and in a durable relationship with, an EEA national or the child (under the age of 18) of that partner, and is able to prove this to the decision maker.
(6) In these Regulations, "relevant EEA national" means, in relation to an extended family member—
(a) referred to in paragraph (2), (3) or (4), the EEA national to whom the extended family member is related;
(b) referred to in paragraph (5), the EEA national who is the durable partner of the extended family member.
(7) In paragraphs (2), (3) and (4), "relative of an EEA national" includes a relative of the spouse or civil partner of an EEA national.
(8) Where an extensive examination of the personal circumstances of the applicant is required under these Regulations, it must include examination of the following—
(a) the best interests of the applicant, particularly where the applicant is a child;
(b) the character and conduct of the applicant; and
(c) whether an EEA national would be deterred from exercising their free movement rights if the application was refused.

9.— Family members and extended family members of British citizens

(1) If the conditions in paragraph (2) are satisfied, these Regulations apply to a person who is the family member ("F") of a British citizen ("BC") as though the BC were an EEA national.
(1A) These Regulations apply to a person who is the extended family member ("EFM") of a BC as though the BC were an EEA national if—

(a) the conditions in paragraph (2) are satisfied; and
(b) the EFM was lawfully resident in the EEA State referred to in paragraph (2)(a)(i).
(2) The conditions are that—
(a) BC—
(i) is residing in an EEA State as a worker, self-employed person, self-sufficient person or a student, or so resided immediately before returning to the United Kingdom; or
(ii) has acquired the right of permanent residence in an EEA State;
(b) F or EFM and BC resided together in the EEA State;
(c) F or EFM and BC's residence in the EEA State was genuine;
(d) either—
(i) F was a family member of BC during all or part of their joint residence in the EEA State;
(ii) F was an EFM of BC during all or part of their joint residence in the EEA State, during which time F was lawfully resident in the EEA State; or
(iii) EFM was an EFM of BC during all or part of their joint residence in the EEA State, during which time EFM was lawfully resident in the EEA State;
(e) genuine family life was created or strengthened during F or EFM and BC's joint residence in the EEA State; and
(f) the conditions in sub-paragraphs (a), (b) and (c) have been met concurrently.
(3) Factors relevant to whether residence in the EEA State is or was genuine include—
(a) whether the centre of BC's life transferred to the EEA State;
(b) the length of F or EFM and BC's joint residence in the EEA State;
(c) the nature and quality of the F or EFM and BC's accommodation in the EEA State, and whether it is or was BC's principal residence;
(d) the degree of F or EFM and BC's integration in the EEA State;
(e) whether F's or EFM's first lawful residence in the EU with BC was in the EEA State.
(4) This regulation does not apply—
(a) where the purpose of the residence in the EEA State was as a means for circumventing any immigration laws applying to non-EEA nationals to which F or EFM would otherwise be subject (such as any applicable requirement under the 1971 Act to have leave to enter or remain in the United Kingdom).
…
(b) …
(5) Where these Regulations apply to F or EFM, BC is to be treated as holding a valid passport issued by an EEA State for the purposes of the application of these Regulations to F or EFM .
(6) In paragraph (2)(a)(ii), BC is only to be treated as having acquired the right of permanent residence in the EEA State if such residence would have led to the acquisition of that right under regulation 15, had it taken place in the United Kingdom.
(7) For the purposes of determining whether, when treating the BC as an EEA national under these Regulations in accordance with paragraph (1), BC would be a qualified person—
(a) any requirement to have comprehensive sickness insurance cover in the United Kingdom still applies, save that it does not require the cover to extend to BC;
(b) in assessing whether BC can continue to be treated as a worker under regulation 6(2)(b) or (c), BC is not required to satisfy condition A;
(c) in assessing whether BC can be treated as a jobseeker as defined in regulation 6(1), BC is not required to satisfy conditions A and, where it would otherwise be relevant, condition C.

9A. Dual national: national of an EEA State who acquires British citizenship

(1) In this regulation "DN" means a person within paragraph (b) of the definition of "EEA national" in regulation 2(1).
(2) DN who comes within the definition of "qualified person" in regulation 6(1) is only a qualified person for the purpose of these Regulations if DN—
(a) came within the definition of "qualified person" at the time of acquisition of British citizenship; and
(b) has not at any time subsequent to the acquisition of British citizenship lost the status

of qualified person.
(3) Regulation 15 only applies to DN, or to the family member of DN who is not an EEA national, if DN satisfies the condition in paragraph (4).
(4) The condition in this paragraph is that at the time of acquisition of British citizenship DN either—
(a) was a qualified person; or
(b) had acquired a right of permanent residence in accordance with these Regulations.

10.— "Family member who has retained the right of residence"

(1) In these Regulations, "family member who has retained the right of residence" means, subject to paragraphs (8) and (9), a person who satisfies a condition in paragraph (2), (3), (4) or (5).
(2) The condition in this paragraph is that the person—
(a) was a family member of a qualified person or of an EEA national with a right of permanent residence when the qualified person or the EEA national with the right of permanent residence died;
(b) resided in the United Kingdom in accordance with these Regulations for at least the year immediately before the death of the qualified person or the EEA national with a right of permanent residence; and
(c) satisfies the condition in paragraph (6).
(3) The condition in this paragraph is that the person—
(a) is the direct descendant of—
(i) a qualified person or an EEA national with a right of permanent residence who has died;
(ii) a person who ceased to be a qualified person on ceasing to reside in the United Kingdom;
(iii) the spouse or civil partner of the qualified person or EEA national described in sub-paragraph (i) immediately preceding that qualified person or EEA national's death; or
(iv) the spouse or civil partner of the person described in sub-paragraph (ii); and
(b) was attending an educational course in the United Kingdom immediately before the qualified person or the EEA national with a right of permanent residence died, or ceased to be a qualified person, and continues to attend such a course.
(4) The condition in this paragraph is that the person is the parent with actual custody of a child who satisfies the condition in paragraph (3).
(5) The condition in this paragraph is that the person ("A")—
(a) ceased to be a family member of a qualified person or an EEA national with a right of permanent residence on the initiation of proceedings for the termination of the marriage or civil partnership of A;
(b) was residing in the United Kingdom in accordance with these Regulations at the date of the initiation of proceedings for the termination;
(c) satisfies the condition in paragraph (6); and
(d) either—
(i) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least three years and the parties to the marriage or civil partnership had resided in the United Kingdom for at least one year during its duration;
(ii) the former spouse or civil partner of the qualified person or the EEA national with a right of permanent residence has custody of a child of that qualified person or EEA national;
(iii) the former spouse or civil partner of the qualified person or the EEA national with a right of permanent residence has the right of access to a child of that qualified person or EEA national, where the child is under the age of 18 and where a court has ordered that such access must take place in the United Kingdom; or
(iv) the continued right of residence in the United Kingdom of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence whilst the marriage or civil partnership was subsisting.
(6) The condition in this paragraph is that the person—
(a) is not an EEA national but would, if the person were an EEA national, be a worker, a

self-employed person or a self-sufficient person under regulation 6; or
(b) is the family member of a person who falls within paragraph (a).
(7) In this regulation, “educational course” means a course within the scope of Article 10 of Council Regulation (EU) No. 492/20112
.
(8) A person (“P”) does not satisfy a condition in paragraph (2), (3), (4) or (5) if, at the first time P would otherwise have satisfied the relevant condition, P had a right of permanent residence under regulation 15.
(9) A family member who has retained the right of residence ceases to enjoy that status on acquiring a right of permanent residence under regulation 15.

PART 2 – EEA RIGHTS

11.— Right of admission to the United Kingdom

(1) An EEA national must be admitted to the United Kingdom on arrival if the EEA national produces a valid national identity card or passport issued by an EEA State.
(2) A person who is not an EEA national must be admitted to the United Kingdom if that person is—
(a) a family member of an EEA national and produces on arrival a valid passport and qualifying EEA State residence card, provided the conditions in regulation 23(4) (family member of EEA national must accompany or join EEA national with right to reside) are met; or
(b) a family member of an EEA national, a family member who has retained the right of residence, a person who meets the criteria in paragraph (5) or a person with a right of permanent residence under regulation 15 and produces on arrival—
(i) a valid passport; and
(ii) a valid EEA family permit, residence card, derivative residence card or permanent residence card.
(3) An immigration officer must not place a stamp in the passport of a person admitted to the United Kingdom under this regulation who is not an EEA national if the person produces a residence card, a derivative residence card, a permanent residence card or a qualifying EEA State residence card.
(4) Before an immigration officer refuses admission to the United Kingdom to a person under this regulation because the person does not produce on arrival a document mentioned in paragraph (1) or (2), the immigration officer must provide every reasonable opportunity for the document to be obtained by, or brought to, the person or allow the person to prove by other means that the person is—
(a) an EEA national;
(b) a family member of an EEA national with a right to accompany that EEA national or join that EEA national in the United Kingdom;
(c) a person who meets the criteria in paragraph (5); or
(d) a family member who has retained the right of residence or a person with a right of permanent residence under regulation 15.
(5) The criteria in this paragraph are that a person (“P”)—
(a) previously resided in the United Kingdom under regulation 16(3) and would be entitled to reside in the United Kingdom under that regulation were P in the country;
(b) is accompanying an EEA national to, or joining an EEA national in, the United Kingdom and P would be entitled to reside in the United Kingdom under regulation 16(2) were P and the EEA national both in the United Kingdom;
(c) is accompanying a person (“the relevant person”) to, or joining the relevant person in, the United Kingdom and—
(i) the relevant person is residing, or has resided, in the United Kingdom under regulation 16(3); and
(ii) P would be entitled to reside in the United Kingdom under regulation 16(4) were P and the relevant person both in the United Kingdom;
(d) is accompanying a person who meets the criteria in sub-paragraph (b) or (c) (“the relevant person”) to the United Kingdom and—
(i) P and the relevant person are both—
(aa) seeking admission to the United Kingdom in reliance on this paragraph for the first time; or

(bb) returning to the United Kingdom having previously resided there pursuant to the same provisions of regulation 16 in reliance on which they now base their claim to admission; and
(ii) P would be entitled to reside in the United Kingdom under regulation 16(6) were P and the relevant person there; or
(e) is accompanying a British citizen to, or joining a British citizen in, the United Kingdom and P would be entitled to reside in the United Kingdom under regulation 16(5) were P and the British citizen both in the United Kingdom.
(6) Paragraph (7) applies where—
(a) a person ("P") seeks admission to the United Kingdom in reliance on paragraph (5)(b), (c) or (e); and
(b) if P were in the United Kingdom, P would have a derived right to reside under regulation 16(8)(b)(ii).
(7) Where this paragraph applies a person ("P") must only be regarded as meeting the criteria in paragraph (5)(b), (c) or (e) where P—
(a) is accompanying the person with whom P would on admission to the United Kingdom jointly share care responsibility for the purpose of regulation 16(8)(b)(ii); or
(b) has previously resided in the United Kingdom pursuant to regulation 16(2), (4) or (5) as a joint primary carer and seeks admission to the United Kingdom in order to reside there again on the same basis.
(8) But this regulation is subject to regulations 23(1), (2), (3) and (4) and 31.
(9) A person is not entitled to be admitted by virtue of this regulation where that person is subject to a decision under regulation 23(6)(b) (removal decision).

12.— Issue of EEA family permit

(1) An entry clearance officer must issue an EEA family permit to a person who applies for one if the person is a family member of an EEA national and—
(a) the EEA national—
(i) is residing in the United Kingdom in accordance with these Regulations; or
(ii) will be travelling to the United Kingdom within six months of the date of the application and will be an EEA national residing in the United Kingdom in accordance with these Regulations on arrival in the United Kingdom; and
(b) the family member will be accompanying the EEA national to the United Kingdom or joining the EEA national there.
(2) An entry clearance officer must issue an EEA family permit to a person who applies and provides evidence demonstrating that, at the time at which the person first intends to use the EEA family permit, the person—
(a) would be entitled to be admitted to the United Kingdom because that person would meet the criteria in regulation 11(5); and
(b) will (save in the case of a person who would be entitled to be admitted to the United Kingdom because that person would meet the criteria for admission in regulation 11(5)(a)) be accompanying to, or joining in, the United Kingdom any person from whom the right to be admitted to the United Kingdom under the criteria in regulation 11(5) is derived.
(3) An entry clearance officer must issue an EEA family permit to—
(a) a family member who has retained the right of residence; or
(b) a person who is not an EEA national but who has acquired the right of permanent residence under regulation 15.
(4) An entry clearance officer may issue an EEA family permit to an extended family member of an EEA national (the relevant EEA national) who applies for one if—
(a) the relevant EEA national satisfies the condition in paragraph (1)(a);
(b) the extended family member wants to accompany the relevant EEA national to the United Kingdom or to join that EEA national there; and
(c) in all the circumstances, it appears to the entry clearance officer appropriate to issue the EEA family permit.
(5) Where an entry clearance officer receives an application under paragraph (4) an extensive examination of the personal circumstances of the applicant must be undertaken by the Secretary of State and if the application is refused, the entry clearance officer must give reasons justifying the refusal unless this is contrary to the interests of national security.
(5A) An EEA family permit issued under this regulation may be issued in electronic form.

(6) An EEA family permit issued under this regulation must be issued free of charge and as soon as possible.
(7) But an EEA family permit must not be issued under this regulation if the applicant or the EEA national concerned is not entitled to be admitted to the United Kingdom as a result of regulation 23(1), (2) or (3) or falls to be excluded in accordance with regulation 23(5).
(8) An EEA family permit must not be issued under this regulation to a person ("A") who is the spouse, civil partner or durable partner of a person ("B") where a spouse, civil partner or durable partner of A or B holds a valid EEA family permit.

13.— Initial right of residence

(1) An EEA national is entitled to reside in the United Kingdom for a period not exceeding three months beginning on the date of admission to the United Kingdom provided the EEA national holds a valid national identity card or passport issued by an EEA State.
(2) A person who is not an EEA national but is a family member who has retained the right of residence or the family member of an EEA national residing in the United Kingdom under paragraph (1) is entitled to reside in the United Kingdom provided that person holds a valid passport.
(3) An EEA national or the family member of an EEA national who is an unreasonable burden on the social assistance system of the United Kingdom does not have a right to reside under this regulation.
(4) A person who otherwise satisfies the criteria in this regulation is not entitled to a right to reside under this regulation where the Secretary of State or an immigration officer has made a decision under regulation 23(6)(b) (decision to remove on grounds of public policy, public security or public health), 24(1) (refusal to issue residence documentation etc), 25(1) (cancellation of a right of residence), 26(3) (misuse of right to reside) or 31(1) (revocation of admission), or an order under regulation 23(5) (exclusion order) or 32(3) (deportation order), unless that decision or order, as the case may be, is set aside, revoked or otherwise no longer has effect

14.— Extended right of residence

(1) A qualified person is entitled to reside in the United Kingdom for as long as that person remains a qualified person.
(2) A person ("P") who is a family member of a qualified person residing in the United Kingdom under paragraph (1) or of an EEA national with a right of permanent residence under regulation 15 is entitled to remain in the United Kingdom for so long as P remains the family member of that person or EEA national.
(3) A family member who has retained the right of residence is entitled to reside in the United Kingdom for so long as that person remains a family member who has retained the right of residence.
(4) A person who otherwise satisfies the criteria in this regulation is not entitled to a right to reside in the United Kingdom under this regulation where the Secretary of State or an immigration officer has made a decision under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1), or an order under regulation 23(5) (exclusion order) or 32(3) (deportation order), unless that decision or order, as the case may be, is set aside, revoked or otherwise no longer has effect.

15.— Right of permanent residence

(1) The following persons acquire the right to reside in the United Kingdom permanently—
(a) an EEA national who has resided in the United Kingdom in accordance with these Regulations for a continuous period of five years;
(b) a family member of an EEA national who is not an EEA national but who has resided in the United Kingdom with the EEA national in accordance with these Regulations for a continuous period of five years;
(c) a worker or self-employed person who has ceased activity;
(d) the family member of a worker or self-employed person who has ceased activity, provided—
(i) the person was the family member of the worker or self-employed person at the point the worker or self-employed person ceased activity; and
(ii) at that point, the family member enjoyed a right to reside on the basis of being the family member of that worker or self-employed person;
(e) a person who was the family member of a worker or self-employed person where—

(i) the worker or self-employed person has died;
(ii) the family member resided with the worker or self-employed person immediately before the death; and
(iii) the worker or self-employed person had resided continuously in the United Kingdom for at least two years immediately before dying or the death was the result of an accident at work or an occupational disease;
(f) a person who—
(i) has resided in the United Kingdom in accordance with these Regulations for a continuous period of five years; and
(ii) was, at the end of the period, a family member who has retained the right of residence.
(2) Residence in the United Kingdom as a result of a derivative right to reside does not constitute residence for the purpose of this regulation.
(3) The right of permanent residence under this regulation is lost through absence from the United Kingdom for a period exceeding two years.
(4) A person who satisfies the criteria in this regulation is not entitled to a right to permanent residence in the United Kingdom where the Secretary of State or an immigration officer has made a decision under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1), or an order under regulation 23(5) (exclusion order) or 32(3) (deportation order), unless that decision or order, as the case may be, is set aside, revoked or otherwise no longer has effect.

16.— Derivative right to reside

(1) A person has a derivative right to reside during any period in which the person—
(a) is not an exempt person; and
(b) satisfies each of the criteria in one or more of paragraphs (2) to (6).
(2) The criteria in this paragraph are that—
(a) the person is the primary carer of an EEA national; and
(b) the EEA national—
(i) is under the age of 18;
(ii) resides in the United Kingdom as a self-sufficient person; and
(iii) would be unable to remain in the United Kingdom if the person left the United Kingdom for an indefinite period.
(3) The criteria in this paragraph are that—
(a) any of the person's parents ("PP") is an EEA national who resides or has resided in the United Kingdom;
(b) both the person and PP reside or have resided in the United Kingdom at the same time, and during such a period of residence, PP has been a worker in the United Kingdom; and
(c) the person is in education in the United Kingdom.
(4) The criteria in this paragraph are that—
(a) the person is the primary carer of a person satisfying the criteria in paragraph (3) ("PPP"); and
(b) PPP would be unable to continue to be educated in the United Kingdom if the person left the United Kingdom for an indefinite period.
(5) The criteria in this paragraph are that—
(a) the person is the primary carer of a British citizen ("BC");
(b) BC is residing in the United Kingdom; and
(c) BC would be unable to reside in the United Kingdom or in another EEA State if the person left the United Kingdom for an indefinite period.
(6) The criteria in this paragraph are that—
(a) the person is under the age of 18;
(b) the person does not have leave to enter, or remain in, the United Kingdom under the 1971 Act (but see paragraph (7A));
(c) the person's primary carer is entitled to a derivative right to reside in the United Kingdom under paragraph (2), (4) or (5); and
(d) the primary carer would be prevented from residing in the United Kingdom if the person left the United Kingdom for an indefinite period.
(7) In this regulation—
(a) "education" excludes nursery education but does not exclude education received before the compulsory school age where that education is equivalent to the education received at

or after the compulsory school age;
(b) “worker” does not include a jobseeker or a person treated as a worker under regulation 6(2);
(c) an “exempt person” is a person—
(i) who has a right to reside under another provision of these Regulations;
(ii) who has the right of abode under section 2 of the 1971 Act2
;
(iii) to whom section 8 of the 1971 Act, or an order made under subsection (2) of that section, applies; or
(iv) who has indefinite leave to enter or remain in the United Kingdom (but see paragraph (7A)).
(7A) Leave to enter, or remain in, the United Kingdom under the 1971 Act which has been granted by virtue of Appendix EU to the immigration rules is not to be treated as leave for the purposes of paragraph (6)(b) or (7)(c)(iv).
(8) A person is the “primary carer” of another person (“AP”) if—
(a) the person is a direct relative or a legal guardian of AP; and
(b) either—
(i) the person has primary responsibility for AP's care; or
(ii) shares equally the responsibility for AP's care with one other person… .
(9) In paragraph (2)(b)(iii), (4)(b) or (5)(c), if the role of primary carer is shared with another person in accordance with paragraph (8)(b)(ii), the words “the person” are to be read as “both primary carers”.
(10) Paragraph (9) does not apply if the person with whom care responsibility is shared acquired a derivative right to reside in the United Kingdom as a result of this regulation prior to the other person's assumption of equal care responsibility.
(11) A person is not be regarded as having responsibility for another person's care for the purpose of paragraph (8) on the sole basis of a financial contribution towards that person's care.
(12) A person does not have a derivative right to reside where the Secretary of State or an immigration officer has made a decision under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1), unless that decision is set aside or otherwise no longer has effect.

PART 3 – RESIDENCE DOCUMENTATION

17.— Issue of registration certificate

(1) The Secretary of State must issue a registration certificate to a qualified person immediately on application and production of—
(a) a valid national identity card or passport issued by an EEA State; and
(b) proof that the applicant is a qualified person.
(2) In the case of a worker, confirmation of the worker's engagement from the worker's employer or a certificate of employment is sufficient proof for the purposes of paragraph (1)(b).
(3) The Secretary of State must issue a registration certificate to an EEA national who is the family member of a qualified person or of an EEA national with a right of permanent residence under regulation 15 immediately on application and production of—
(a) a valid national identity card or passport issued by an EEA State; and
(b) proof that the applicant is such a family member.
(4) The Secretary of State must issue a registration certificate to an EEA national who is a family member who has retained the right of residence on application and production of—
(a) a valid national identity card or passport; and
(b) proof that the applicant is a family member who has retained the right of residence.
(5) The Secretary of State may issue a registration certificate to an extended family member not falling within regulation 7(3) who is an EEA national on application if—
(a) the application is accompanied or joined by a valid national identity card or passport;
(b) the relevant EEA national is a qualified person or an EEA national with a right of permanent residence under regulation 15; and
(c) in all the circumstances it appears to the Secretary of State appropriate to issue the registration certificate.
(6) Where the Secretary of State receives an application under paragraph (5) an extensive examination of the personal circumstances of the applicant must be undertaken by the Secretary of State and if the application is refused, the Secretary of State must give reasons justifying the

refusal unless this is contrary to the interests of national security.
(7) A registration certificate issued under this regulation must state the name and address of the person registering and the date of registration.
(8) A registration certificate is—
(a) proof of the holder's right to reside on the date of issue;
(b) no longer valid if the holder ceases to have a right to reside under these Regulations;
(c) invalid if the holder never had a right to reside under these Regulations.
(9) This regulation is subject to regulations 24 (refusal to issue or renew and revocation of residence documentation) and 25 (cancellation of a right of residence).

18.— Issue of residence card

(1) The Secretary of State must issue a residence card to a person who is not an EEA national and is the family member of a qualified person or of an EEA national with a right of permanent residence under regulation 15 on application and production of—
(a) a valid passport; and
(b) proof that the applicant is such a family member.
(2) The Secretary of State must issue a residence card to a person who is not an EEA national but who is a family member who has retained the right of residence on application and production of—
(a) a valid passport; and
(b) proof that the applicant is a family member who has retained the right of residence.
(3) On receipt of an application under paragraph (1) or (2) and the documents that are required to accompany the application the Secretary of State must immediately issue the applicant with a certificate of application for the residence card and the residence card must be issued no later than six months after the date on which the application and documents are received.
(4) The Secretary of State may issue a residence card to an extended family member not falling within regulation 7(3) who is not an EEA national on application if—
(a) the application is accompanied or joined by a valid passport;
(b) the relevant EEA national is a qualified person or an EEA national with a right of permanent residence under regulation 15; and
(c) in all the circumstances it appears to the Secretary of State appropriate to issue the residence card.
(5) Where the Secretary of State receives an application under paragraph (4) an extensive examination of the personal circumstances of the applicant must be undertaken by the Secretary of State and if the application is refused, the Secretary of State must give reasons justifying the refusal unless this is contrary to the interests of national security.
(6) A residence card issued under this regulation is valid for—
(a) five years from the date of issue; or
(b) in the case of a residence card issued to the family member or extended family member of a qualified person, the envisaged period of residence in the United Kingdom of the qualified person,
whichever is the shorter.
(7) A residence card—
(a) must be called “Residence card of a family member of a Union citizen”;
(b) is proof of the holder's right to reside on the date of issue;
(c) is no longer valid if the holder ceases to have a right to reside under these Regulations;
(d) is invalid if the holder never had a right to reside under these Regulations.
(8) This regulation is subject to regulations 24 and 25.

19.— Issue of a document certifying permanent residence and a permanent residence card

(1) The Secretary of State must, as soon as possible, issue an EEA national with a right of permanent residence under regulation 15 with a document certifying permanent residence on application and the production of—
(a) a valid national identity card or passport issued by an EEA State; and
(b) proof that the EEA national has a right of permanent residence.
(2) The Secretary of State must issue a person who is not an EEA national who has a right of permanent residence under regulation 15 with a permanent residence card no later than six months after an application is received and the production of—
(a) a valid passport; and

(b) proof that the person has a right of permanent residence.
(3) Subject to paragraph (4) a permanent residence card is valid for ten years from the date of issue and must be renewed on application.
(4) A document certifying permanent residence and a permanent residence card is—
(a) proof that the holder had a right to reside under regulation 15 on the date of issue;
(b) no longer valid if the holder ceases to have a right of permanent residence under regulation 15;
(c) invalid if the holder never had a right of permanent residence under regulation 15.
(5) This regulation is subject to regulations 24 and 25.

20.— Issue of a derivative residence card

(1) The Secretary of State must issue a person with a derivative residence card on application and on production of—
(a) a valid national identity card issued by an EEA State or a valid passport; and
(b) proof that the applicant has a derivative right to reside under regulation 16.
(2) On receipt of an application under paragraph (1) the Secretary of State must issue the applicant with a certificate of application as soon as possible.
(3) A derivative residence card issued under paragraph (1) is valid until—
(a) the date five years from the date of issue; or
(b) any earlier date specified by the Secretary of State when issuing the derivative residence card.
(4) A derivative residence card issued under paragraph (1) must be issued as soon as practicable.
(5) A derivative residence card is—
(a) proof of the holder's derivative right to reside on the day of issue;
(b) no longer valid if the holder ceases to have a derivative right to reside under regulation 16;
(c) invalid if the holder never had a derivative right to reside under regulation 16.
(6) This regulation is subject to regulations 24 and 25.

21.— Procedure for applications for documentation under this Part and regulation 12

(1) An application for documentation under this Part, or for an EEA family permit under regulation 12, must be made—
(a) online, submitted electronically using the relevant pages of www.gov.uk; or
(b) by post or in person, using the relevant application form specified by the Secretary of State on www.gov.uk.
(2) All applications must—
(a) be accompanied … by the evidence or proof required by this Part or regulation 12, as the case may be, as well as that required by paragraph (5), within the time specified by the Secretary of State on www.gov.uk; and
(b) be complete.
(3) An application for a residence card or a derivative residence card must be submitted while the applicant is in the United Kingdom.
(4) When an application is submitted otherwise than in accordance with the requirements in this regulation, it is invalid and must be rejected.
(4A) An application for documentation under this Part, or for an EEA family permit under regulation 12, is invalid where the person making the application is subject to a removal decision made under regulation 23(6)(b), a deportation order made under regulation 32(3) or an exclusion order made under regulation 23(5).
(5) Where an application for documentation under this Part is made by a person who is not an EEA national on the basis that the person is or was the family member of an EEA national or an extended family member of an EEA national, the application must be accompanied … by a valid national identity card or passport in the name of that EEA national.
(6) Where—
(a) there are circumstances beyond the control of an applicant for documentation under this Part; and
(b) as a result, the applicant is unable to comply with the requirements to submit an application online or using the application form specified by the Secretary of State,
the Secretary of State may accept an application submitted by post or in person which does not use

the relevant application form specified by the Secretary of State.

22.— Verification of a right of residence

(1) This regulation applies where the Secretary of State—
(a) has reasonable doubt as to whether a person (“A”) has a right to reside or a derivative right to reside; or
(b) wants to verify the eligibility of a person (“A”) to apply for an EEA family permit or documentation issued under Part 3.
(2) Where this regulation applies, the Secretary of State may invite A to—
(a) provide evidence to support the existence of a right to reside or a derivative right to reside (as the case may be), or to support an application for an EEA family permit or documentation under this Part; or
(b) attend an interview with the Secretary of State.
(3) If A purports to have a right to reside on the basis of a relationship with another person (“B”), (including, where B is a British citizen, through having lived with B in another EEA State), the Secretary of State may invite B to—
(a) provide information about their relationship or residence in another EEA State; or
(b) attend an interview with the Secretary of State.
(4) If without good reason A or B (as the case may be)—
(a) fails to provide the information requested;
(b) on at least two occasions, fails to attend an interview if so invited;
the Secretary of State may draw any factual inferences about A's entitlement to a right to reside as appear appropriate in the circumstances.
(5) The Secretary of State may decide following the drawing of an inference under paragraph (4) that A does not have or ceases to have a right to reside.
(6) But the Secretary of State must not decide that A does not have or ceases to have a right to reside on the sole basis that A failed to comply with this regulation.
(7) This regulation may not be invoked systematically.

PART 4 – REFUSAL OF ADMISSION AND REMOVAL ETC

23.— Exclusion and removal from the United Kingdom

(1) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 11 if a refusal to admit that person is justified on grounds of public policy, public security or public health in accordance with regulation 27.
(2) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 11 if that person is subject to a deportation or exclusion order, except where the person is temporarily admitted pursuant to regulation 41.
(3) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 11 if the Secretary of State considers there to be reasonable grounds to suspect that the person's admission would lead to the misuse of a right to reside under regulation 26(1).
(4) A person is not entitled to be admitted to the United Kingdom as the family member of an EEA national under regulation 11(2) unless, at the time of arrival—
(a) that person is accompanying the EEA national or joining the EEA national in the United Kingdom; and
(b) the EEA national has a right to reside.
(5) If the Secretary of State considers that the exclusion of the EEA national or the family member of an EEA national is justified on the grounds of public policy, public security or public health in accordance with regulation 27 the Secretary of State may make an order prohibiting that person from entering the United Kingdom.
(6) Subject to paragraphs (7) and (8), an EEA national who has entered the United Kingdom or the family member of such a national who has entered the United Kingdom may be removed if—
(a) that person does not have or ceases to have a right to reside under these Regulations;
(b) the Secretary of State has decided that the person's removal is justified on grounds of public policy, public security or public health in accordance with regulation 27; or
(c) the Secretary of State has decided that the person's removal is justified on grounds of misuse of rights under regulation 26(3).
(7) A person must not be removed under paragraph (6)—

(a) as the automatic consequence of having recourse to the social assistance system of the United Kingdom; or
(b) if that person has leave to remain in the United Kingdom under the 1971 Act unless that person's removal is justified on the grounds of public policy, public security or public health in accordance with regulation 27.
(8) A decision under paragraph (6)(b) must state that upon execution of any deportation order arising from that decision, the person against whom the order was made is prohibited from entering the United Kingdom—
(a) until the order is revoked; or
(b) for the period specified in the order.
(9) A decision taken under paragraph (6)(b) or (c) has the effect of terminating any right to reside otherwise enjoyed by the individual concerned.

24.— Refusal to issue or renew and revocation of residence documentation

(1) The Secretary of State may refuse to issue, revoke or refuse to renew a registration certificate, a residence card, a document certifying permanent residence or a permanent residence card if the refusal or revocation is justified on grounds of public policy, public security or public health, or on grounds of misuse of rights in accordance with regulation 26(3).
(2) A decision under regulation 23(6) or 32(4) to remove a person from the United Kingdom, or a decision under regulation 31 to revoke a person's admission to the United Kingdom invalidates a registration certificate, residence card, document certifying permanent residence or permanent residence card held by that person or an application made by that person for such a certificate, card or document.
(3) The Secretary of State may revoke or refuse to renew a registration certificate or a residence card if the holder of the certificate or card has ceased to have, or never had, a right to reside under these Regulations.
(4) The Secretary of State may revoke or refuse to renew a document certifying permanent residence or a permanent residence card if the holder of the certificate or card has ceased to have, or never had, a right of permanent residence under regulation 15.
(5) An immigration officer may, at the time of a person's arrival in the United Kingdom—
(a) revoke that person's residence card if the person is not at that time the family member of a qualified person or of an EEA national who has a right of permanent residence under regulation 15, a family member who has retained a right of residence or a person with a right of permanent residence under regulation 15;
(b) revoke that person's permanent residence card if the person is not at that time a person with a right of permanent residence under regulation 15.
(6) An entry clearance officer or an immigration officer may at any time revoke a person's EEA family permit, including one issued in electronic form, if—
(a) the revocation is justified on grounds of public policy, public security or public health; or
(b) the person is not at that time the family member of an EEA national with the right to reside in the United Kingdom under these Regulations or is not accompanying that EEA national or joining that EEA national in the United Kingdom.
(7) Any action taken under this regulation on grounds of public policy, public security or public health must be in accordance with regulation 27.

25.— Cancellation of a right of residence

(1) Where the conditions in paragraph (2) are met the Secretary of State may cancel a person's right to reside.
(2) The conditions in this paragraph are met where—
(a) a person has a right to reside in the United Kingdom as a result of these Regulations;
(b) the Secretary of State has decided that the cancellation of that person's right to reside in the United Kingdom is justified on the grounds of public policy, public security or public health in accordance with regulation 27 or on grounds of misuse of rights in accordance with regulation 26(3);
(c) the circumstances are such that the Secretary of State cannot make a decision under regulation 24(1); and`
(d) it is not possible for the Secretary of State to remove the person from the United Kingdom

under regulation 23(6)(b) or (c).

26.— Misuse of a right to reside

(1) The misuse of a right to reside occurs where a person—
(a) observes the requirements of these Regulations in circumstances which do not achieve the purpose of these Regulations (as determined by reference to Council Directive 2004/38/EC1
and the EU Treaties); and
(b) intends to obtain an advantage from these Regulations by engaging in conduct which artificially creates the conditions required to satisfy the criteria set out in these Regulations.
(2) Such misuse includes attempting to enter the United Kingdom within 12 months of being removed under regulation 23(6)(a), where the person attempting to do so is unable to provide evidence that, upon re-entry to the United Kingdom, the conditions for a right to reside, other than the initial right of residence under regulation 13, will be met.
(3) The Secretary of State may take an EEA decision on the grounds of misuse of rights where there are reasonable grounds to suspect the misuse of a right to reside and it is proportionate to do so.
(4) Where, as a result of paragraph (2), the removal of a person under regulation 23(6)(a) may prevent that person from returning to the United Kingdom during the 12 month period following removal, during that 12 month period the person who was removed may apply to the Secretary of State to have the effect of paragraph (2) set aside on the grounds that there has been a material change in the circumstances which justified that person's removal under regulation 23(6)(a).
(5) An application under paragraph (4) may only be made whilst the applicant is outside the United Kingdom.
(6) This regulation may not be invoked systematically.

27.— Decisions taken on grounds of public policy, public security and public health

(1) In this regulation, a “relevant decision” means an EEA decision taken on the grounds of public policy, public security or public health.
(2) A relevant decision may not be taken to serve economic ends.
(3) A relevant decision may not be taken in respect of a person with a right of permanent residence under regulation 15 except on serious grounds of public policy and public security.
(4) A relevant decision may not be taken except on imperative grounds of public security in respect of an EEA national who—
(a) has a right of permanent residence under regulation 15 and who has resided in the United Kingdom for a continuous period of at least ten years prior to the relevant decision; or
(b) is under the age of 18, unless the relevant decision is in the best interests of the person concerned, as provided for in the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989.
(5) The public policy and public security requirements of the United Kingdom include restricting rights otherwise conferred by these Regulations in order to protect the fundamental interests of society, and where a relevant decision is taken on grounds of public policy or public security it must also be taken in accordance with the following principles—
(a) the decision must comply with the principle of proportionality;
(b) the decision must be based exclusively on the personal conduct of the person concerned;
(c) the personal conduct of the person must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society, taking into account past conduct of the person and that the threat does not need to be imminent;
(d) matters isolated from the particulars of the case or which relate to considerations of general prevention do not justify the decision;
(e) a person's previous criminal convictions do not in themselves justify the decision;
(f) the decision may be taken on preventative grounds, even in the absence of a previous criminal conviction, provided the grounds are specific to the person.
(6) Before taking a relevant decision on the grounds of public policy and public security in relation to a person (“P”) who is resident in the United Kingdom, the decision maker must take account of considerations such as the age, state of health, family and economic situation of P, P's length of residence in the United Kingdom, P's social and cultural integration into the United Kingdom and

the extent of P's links with P's country of origin.
(7) In the case of a relevant decision taken on grounds of public health—
(a) a disease that does not have epidemic potential as defined by the relevant instruments of the World Health Organisation or is not a disease listed in Schedule 1 to the Health Protection (Notification) Regulations 2010; or
(b) if the person concerned is in the United Kingdom, any disease occurring after the three month period beginning on the date on which the person arrived in the United Kingdom, does not constitute grounds for the decision.
(8) A court or tribunal considering whether the requirements of this regulation are met must (in particular) have regard to the considerations contained in Schedule 1 (considerations of public policy, public security and the fundamental interests of society etc.).

27A Decisions taken on conducive grounds

(1) An EEA decision may be taken on the ground that the decision is conducive to the public good.
(2) But a decision may only be taken under this regulation in relation to a person as a result of conduct of that person that took place after IP completion day

28.— Application of Part 4 to a person with a derivative right to reside

(1) This regulation applies where a person—
(a) would, but for this Part of these Regulations, be entitled to a derivative right to reside (other than a derivative right to reside conferred by regulation 16(3));
(b) holds a derivative residence card; or
(c) has applied for a derivative residence card.
(2) Where this regulation applies, this Part of these Regulations applies as though—
(a) references to “the family member of an EEA national” referred instead to “a person with a derivative right to reside”;
(b) references to a registration certificate, a residence card, a document certifying permanent residence or a permanent residence card referred instead to a “derivative residence card”;
(c) regulation 24(5) instead conferred on an immigration officer the power to revoke a derivative residence card where the holder is not at that time a person with a derivative right to reside; and
(d) regulations 24(4) and 27(3) and (4) were omitted.

PART 5 – PROCEDURE IN RELATION TO EEA DECISIONS

29.— Person claiming right of admission

(1) This regulation applies to a person who claims a right of admission to the United Kingdom under regulation 11 as—
(a) a person, not being an EEA national, who—
(i) is a family member of an EEA national;
(ii) is a family member who has retained the right of residence;
(iii) has a derivative right to reside;
(iv) has a right of permanent residence under regulation 15; or
(v) is in possession of a qualifying EEA State residence card;
(b) an EEA national, where there is reason to believe that the EEA national may be a person to whom regulation 23(1), (2), (3) or (4) applies; or
(c) a person to whom regulation 41 applies (temporary admission to submit case in person).
(2) A person to whom this regulation applies is to be treated as if that person were a person seeking leave to enter the United Kingdom under the 1971 Act for the purposes of paragraphs 2, 3, 4, 7 and 16 to 18A of Schedule 2 to the 1971 Act (administrative provisions as to control on entry etc), except that—
(a) the reference in paragraph 2(1) to the purpose for which the immigration officer may examine any persons who have arrived in the United Kingdom is to be read as a reference to the purpose of determining whether the person is to be granted admission under these Regulations;
(b) the references in paragraphs 3, 7 and 16(1) to a person who is, or may be, given leave to enter are to be read as references to a person who is, or may be, granted admission under

these Regulations; and
(c) a medical examination is not to be carried out under paragraph 2 or paragraph 7 as a matter of routine and may only be carried out within three months of the person's arrival in the United Kingdom.
(3) For so long as a person to whom this regulation applies is detained under the powers conferred by Schedule 2 to the 1971 Act, or granted bail under Schedule 10 to the 2016 Act whilst liable to be detained under the powers conferred by Schedule 2 to the 1971 Act, the person is deemed not to have been admitted to the United Kingdom.

30.— Person refused admission

(1) This regulation applies to a person who is in the United Kingdom and has been refused admission to the United Kingdom—
(a) because that person does not meet the requirements of regulation 11 (including where that person does not meet those requirements because that person's EEA family permit, residence card, derivative residence card or permanent residence card has been revoked by an immigration officer in accordance with regulation 24); or
(b) in accordance with regulation 23(1), (2), (3) or (4).
(2) A person to whom this regulation applies, is to be treated as if the person were a person refused leave to enter under the 1971 Act for the purpose of paragraphs 8, 10, 10A, 11 and 16 to 19 of Schedule 2 to the 1971 Act (and the provisions of Schedule 10 to the 2016 Act apply accordingly), except that the reference in paragraph 19 to a certificate of entitlement, entry clearance or work permit is to be read as a reference to an EEA family permit, residence card, derivative residence card, a qualifying EEA State residence card, or a permanent residence card.

31.— Revocation of admission

(1) This regulation applies to a person admitted to the United Kingdom under regulation 11 in circumstances where, under regulation 23(1), (2) or (3) that person was not entitled to be admitted.
(2) Paragraph 6(2) of Schedule 2 to the 1971 Act (administrative provisions as to control on entry: refusal of leave to enter) applies to a person to whom this regulation applies, as though the references:
(a) to that person's examination under paragraph 2 of Schedule 2 to the 1971 Act were to that paragraph as applied by regulation 29(2)(a) and (c);
(b) to notices of leave to enter the United Kingdom were to a decision to admit that person to the United Kingdom under these Regulations; and
(c) to the cancellation of such a notice and the refusal of leave to enter were to revocation of the decision to admit that person to the United Kingdom under this regulation.
(3) Where a person's admission to the United Kingdom is revoked, that person is to be treated as a person to whom admission to the United Kingdom has been refused and regulation 30 applies accordingly.

32.— Person subject to removal

(1) If there are reasonable grounds for suspecting that a person is someone who may be removed from the United Kingdom under regulation 23(6)(b), that person may be detained under the authority of the Secretary of State pending a decision whether or not to remove the person under that regulation, and paragraphs 17 to 18A of Schedule 2 to the 1971 Act apply in relation to the detention of such a person as those paragraphs apply in relation to a person who may be detained under paragraph 16 of that Schedule.
(2) Where a decision is taken to remove a person under regulation 23(6)(a) or (c), the person is to be treated as if the person were a person to whom section 10(1) of the 1999 Act1 applies, and
section 10 of that Act (removal of certain persons unlawfully in the United Kingdom) is to apply accordingly.
(3) Where a decision is taken to remove a person under regulation 23(6)(b), the person is to be treated as if the person were a person to whom section 3(5)(a) of the 1971 Act2 (liability to
deportation) applies, and section 5 of that Act3 (procedure for deportation) and Schedule 3 to that

Act4
(supplementary provision as to deportation) are to apply accordingly.
(4) A person who enters the United Kingdom in breach of a deportation or exclusion order, or in circumstances where that person was not entitled to be admitted under regulation 23(1) or (3), is removable as an illegal entrant under Schedule 2 to the 1971 Act and the provisions of that Schedule apply accordingly.
(5) Where a deportation order is made against a person but the person is not removed under the order during the two year period beginning on the date on which the order is made, the Secretary of State may only take action to remove the person under the order at the end of that period if, having assessed whether there has been any material change in circumstances since the deportation order was made, the Secretary of State considers that the removal continues to be justified on the grounds of public policy, public security or public health.
(6) A person to whom this regulation applies must be allowed one month to leave the United Kingdom, beginning on the date on which the decision to remove is communicated before being removed because of that decision except—
(a) in duly substantiated cases of urgency;
(b) where the person is detained pursuant to the sentence or order of any court;
(c) where the person is a person to whom paragraph (4) applies.
(7) Paragraph (6) does not apply where a decision has been taken under regulation 23(6) on the basis that the relevant person—
(a) has ceased to have a derivative right to reside; or
(b) is a person who would have had a derivative right to reside but for the effect of a decision to remove under regulation 23(6)(b).

33.— Human rights considerations and interim orders to suspend removal

(1) This regulation applies where the Secretary of State intends to give directions for the removal of a person (“P”) to whom regulation 32(3) applies, in circumstances where—
(a) P has not appealed against the EEA decision to which regulation 32(3) applies, but would be entitled, and remains within time, to do so from within the United Kingdom (ignoring any possibility of an appeal out of time with permission); or
(b) P has so appealed but the appeal has not been finally determined.
(2) The Secretary of State may only give directions for P's removal if the Secretary of State certifies that, despite the appeals process not having been begun or not having been finally determined, removal of P to the country or territory to which P is proposed to be removed, pending the outcome of P's appeal, would not be unlawful under section 6 of the Human Rights Act 19981 (public authority not to act contrary to Human Rights Convention).
(3) The grounds upon which the Secretary of State may certify a removal under paragraph (2) include (in particular) that P would not, before the appeal is finally determined, face a real risk of serious irreversible harm if removed to the country or territory to which P is proposed to be removed.
(4) If P applies to the appropriate court or tribunal (whether by means of judicial review or otherwise) for an interim order to suspend enforcement of the removal decision, P may not be removed from the United Kingdom until such time as the decision on the interim order has been taken, except—
(a) where the removal decision is based on a previous judicial decision;
(b) where P has had previous access to judicial review; or
(c) where the removal decision is based on imperative grounds of public security.
(5) In this regulation, “finally determined” has the same meaning as in Part 6.

34.— Revocation of deportation and exclusion orders

(1) An exclusion order remains in force unless it is revoked by the Secretary of State under this regulation.
(2) A deportation order remains in force—
(a) until the order is revoked under this regulation; or
(b) for the period specified in the order.
(3) A person who is subject to a deportation or exclusion order may only apply to the Secretary of State to have it revoked on the basis that there has been a material change in the circumstances that justified the making of the order.
(4) An application under paragraph (3) must set out the material change in circumstances relied

upon by the applicant and may only be made whilst the applicant is outside the United Kingdom.
(5) On receipt of an application under paragraph (3), the Secretary of State must revoke the order if the Secretary of State considers that the criteria for making such an order are no longer satisfied.
(6) The Secretary of State must take a decision on an application under paragraph (2) no later than six months after the date on which the application is received.

PART 6 – APPEALS UNDER THESE REGULATIONS

35.— Interpretation of Part 6

(1) In this Part—
"the 1997 Act" means the Special Immigration Appeals Commission Act 1997;
"Commission" has the same meaning as in the 1997 Act.
(2) For the purposes of this Part, and subject to paragraphs (3) and (4), an appeal is to be treated as pending during the period when notice of appeal is given and ending when the appeal is finally determined, withdrawn or abandoned.
(3) An appeal is not to be treated as finally determined while a further appeal may be brought; and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.
(4) A pending appeal is not to be treated as abandoned solely because the appellant leaves the United Kingdom.

36.— Appeal rights

(1) The subject of an EEA decision may appeal against that decision under these Regulations.
(2) If a person claims to be an EEA national, that person may not appeal under these Regulations without producing a valid national identity card or passport issued by an EEA State.
(3) If a person claims to be in a durable relationship with an EEA national, that person may not appeal under these Regulations without producing—
(a) a valid passport; and
(b) either—
(i) an EEA family permit; or
(ii) sufficient evidence to satisfy the Secretary of State that the person is in a relationship with the EEA national.
(4) If a person to whom paragraph (2) does not apply claims to be the family member of an EEA national under regulation 7, the relative of an EEA national who is an extended family member under regulation 8, or a family member who has retained the right of residence under regulation 10, that person may not appeal under these Regulations without producing—
(a) a valid passport; and
(b) either—
(i) an EEA family permit
(ii) a qualifying EEA State residence card;
(iii) in the case of a person claiming to be the family member of an EEA national, proof that the definition of "family member" in regulation 7(1) is met ; …
(iv) in the case of a person claiming to be a family member who has retained the right of residence, proof that the definition of "family member who has retained the right of residence" in regulation 10(1) is met; or
(v) in the case of a person claiming to be the relative of an EEA national who is an extended family member, proof that the definition of "extended family member" in regulation 8(1) is met.
(5) If a person ("P") claims to have a derivative right to reside, P may not appeal under these Regulations unless P produces a valid national identity card issued by an EEA State or a valid passport, and either—
(a) an EEA family permit; or
(b) where P claims to have a derivative right to reside as a result of—
(i) regulation 16(2), proof that P is a direct relative or legal guardian of an EEA national who is under the age of 18;
(ii) regulation 16(3), proof that P is the child of an EEA national;
(iii) regulation 16(4), proof that P is a direct relative or legal guardian of the child of an EEA national;

(iv) regulation 16(5), proof that P is a direct relative or legal guardian of a British citizen;
(v) regulation 16(6), proof that P is under the age of 18 and is a dependant of a person satisfying the criteria in paragraph (i), (iii) or (iv).
(6) If a person claims to be entitled to a right to reside under regulation 9 (family members or extended family members of British citizens), that person may not appeal without producing a valid passport and either—
(a) an EEA family permit; or
(b) in respect of a family member, a qualifying EEA State residence card; and
(37)proof that the criteria to be a family member of the British citizen are met; and
(ii) proof that the British citizen is residing, or did reside, in another EEA State as a worker, self-employed person, self-sufficient person or student.
l in respect of an extended family member—
(37)…
(ii) proof that—
(aa) the condition in regulation 9(1A)(b) is met;
(bb) the criteria to be an extended family member of the British citizen are met, and
(cc) the British citizen is residing, or did reside, in another EEA State as a worker, self-employed person, self-sufficient person or a student.
(7) The Secretary of State or an immigration officer may certify a ground for the purposes of paragraph (8) if it has been considered in a previous appeal brought under these Regulations or under section 82(1) of the 2002 Act.
(8) A person may not bring an appeal under these Regulations on a ground certified under paragraph (7) or rely on such a ground in an appeal brought under these Regulations.
(9) Except where an appeal lies to the Commission, an appeal under these Regulations lies to the First-tier Tribunal.
(10) The provisions of, or made under, the 2002 Act referred to in Schedule 2 have effect for the purposes of an appeal under these Regulations to the First-tier Tribunal in accordance with that Schedule.
(11) Nothing in this Part prevents a person who has a right of appeal under this regulation from appealing to the First-tier Tribunal under section 82(1) of the 2002 Act (right of appeal to the Tribunal), or, where relevant, to the Commission pursuant to section 2 of the 1997 Act (jurisdiction of the Commission: appeals)11 , provided the criteria for bringing such an appeal under those Acts are met.
(12) Where there is a requirement under this regulation to produce an EEA family permit—
(37)where notice of appeal is given electronically, the permit may be produced either in paper or electronic form;
(b) in all other cases, the permit must be produced in paper form.

37.— Out of country appeals

(1) Subject to paragraph (2), a person may not appeal under regulation 36 whilst in the United Kingdom against an EEA decision—
(a) to refuse to admit that person to the United Kingdom;
(b) to revoke that person's admission to the United Kingdom;
(c) to make an exclusion order against that person;
(d) to refuse to revoke a deportation or exclusion order made against the person;
(e) to refuse to issue the person with an EEA family permit;
(f) to revoke, or to refuse to issue or renew any document under these Regulations where that decision is taken at a time when the person is outside the United Kingdom; or
(g) to remove the person from the United Kingdom following entry to the United Kingdom in breach of a deportation or exclusion order, or in circumstances where that person was not entitled to be admitted pursuant to regulation 23(1), (2), (3) or (4).
(2) Sub-paragraphs (a) to (c) of paragraph (1) do not apply where the person is in the United Kingdom and—
(a) the person, not being a person who is deemed not to have been admitted to the United Kingdom under regulation 29(3)2—
(i) holds a valid EEA family permit, registration certificate, residence card, derivative residence card, document certifying permanent residence, permanent residence card

or qualifying EEA State residence card on arrival in the United Kingdom; or
(ii) can otherwise prove that the person is resident in the United Kingdom; or
(b) the person is deemed not to have been admitted to the United Kingdom under regulation 29(3) but at the date on which notice of the decision to refuse admission is given the person has been in the United Kingdom for at least 3 months.

38.— Appeals to the Commission

(1) An appeal against an EEA decision lies to the Commission where paragraph (2) or (4) applies.
(2) This paragraph applies if the Secretary of State certifies that the EEA decision was taken—
(a) by the Secretary of State wholly or partly on a ground listed in paragraph (3); or
(b) in accordance with a direction of the Secretary of State which identifies the person to whom the decision relates and which is given wholly or partly on a ground listed in paragraph (3).
(3) The ground mentioned in paragraph (2) are that the person's exclusion or removal from the United Kingdom is—
(a) in the interests of national security; or
(b) in the interests of the relationship between the United Kingdom and another country.
(4) This paragraph applies if the Secretary of State certifies that the EEA decision was taken wholly or partly in reliance on information which the Secretary of State considers must not be made public—
(a) in the interests of national security;
(b) in the interests of the relationship between the United Kingdom and another country; or
(c) otherwise in the public interest.
(5) In paragraphs (2) and (4) the reference to the Secretary of State is a reference to the Secretary of State acting in person.
(6) Where a certificate is issued under paragraph (2) or (4) in respect of a pending appeal to the First-tier Tribunal or Upper Tribunal the appeal must lapse.
(7) An appeal against an EEA decision lies to the Commission where an appeal lapses by virtue of paragraph (6).
(8) The 1997 Act applies to an appeal to the Commission under this regulation as it applies to an appeal under section 2 of that Act.
(9) Where the 1997 Act applies to an appeal to the Commission under this regulation, section 2(2) of that Act is to be treated as though it applies the 2002 Act to that appeal in the form modified by Schedule 2 to these Regulations.

39.— National Security: EEA Decisions

(1) Section 97A of the 2002 Act1 applies to an appeal against an EEA decision where the Secretary of State has certified under regulation 38(2) or (4) that the EEA decision was taken in the interests of national security.
(2) Where section 97A so applies, it has effect as if—
(a) the references in that section to a deportation order were to an EEA decision;
(b) subsections (1), (1A), (2)(b) and (4) were omitted;
(c) the reference in subsection (2)(a) to section 79 were a reference to regulations 37(2) and 40 of these Regulations; and
(d) in subsection (2A) for sub-paragraphs (a) and (b), “against an EEA decision” were substituted.

40.— Effect of appeals to the First-tier Tribunal or Upper Tribunal

(1) This regulation applies to appeals under these Regulations made to the First-tier Tribunal or Upper Tribunal.
(2) If a person in the United Kingdom appeals against an EEA decision refusing admission to the United Kingdom (other than a decision under regulation 23(1), (2), or (5)), any directions for that person's removal from the United Kingdom previously given by virtue of the refusal cease to have effect, except in so far as they have already been carried out, while the appeal is pending.
(3) If a person in the United Kingdom appeals against an EEA decision concerning that person's removal from the United Kingdom (other than a decision under regulation 23(6)(b)), any directions

for removal given under section 10 of the 1999 Act or Schedule 3 to the 1971 Act are to have no effect, except in so far as they have already been carried out, while the appeal is pending.
(4) The provisions of Part 1 of Schedule 2, or as the case may be, Schedule 3 to the 1971 Act concerning detention and persons liable to detention, apply to a person appealing against a refusal of admission, a decision to revoke admission, or a removal decision as if there were in force directions for that person's removal from the United Kingdom, except that the person may not be detained on board a ship or aircraft so as to compel that person to leave the United Kingdom while the appeal is pending and the provisions of Schedule 10 to the 2016 Act apply accordingly.
(5) In paragraph (4), the words “except that the person” to the end do not apply to an EEA decision to which regulation 33 applies (human rights considerations and interim orders to suspend removal).
(6) In calculating the period of two months limited by paragraph 8(2) of Schedule 2 to the 1971 Act for—
(a) the giving of directions under that paragraph for the removal of a person from the United Kingdom; and
(b) the giving of a notice of intention to give such directions,
any period during which there is an appeal pending by that person is to be disregarded (except in cases where the EEA decision was taken under regulation 23(1), (2), (5) and (6)(b).
(7) …

41.— Temporary admission to submit case in person

(1) This regulation applies where—
(a) a person (“P”) is subject to a decision to remove made under regulation 23(6)(b);
(b) P has appealed against the decision referred to in sub-paragraph (a);
(c) a date for P's appeal has been set by the First-tier Tribunal or Upper Tribunal;
(d) P wants to make submissions before the First-tier Tribunal or Upper Tribunal in person; and
(e) P is outside the United Kingdom.
(2) P may apply to the Secretary of State for permission to be temporarily admitted to the United Kingdom in order to make submissions in person.
(3) The Secretary of State must grant P permission, except when P's appearance may cause serious troubles to public policy or public security.
(4) When determining when P is entitled to be given permission, and the duration of P's temporary admission should permission be granted, the Secretary of State must have regard to the dates upon which P will be required to make submissions in person.
(5) Where—
(a) P is temporarily admitted to the United Kingdom pursuant to this regulation;
(b) a hearing of P's appeal has taken place; and
(c) the appeal is not finally determined,
P may be removed from the United Kingdom pending the remaining stages of the appeal (but P may apply to return to the United Kingdom to make submissions in person during the remaining stages of the appeal in accordance with this regulation).
(6) Where the Secretary of State grants P permission to be temporarily admitted to the United Kingdom under this regulation, upon such admission P is to be treated as if P were a person refused leave to enter under the 1971 Act for the purposes of paragraphs 8, 10, 10A, 11 and 16 to 18A of Schedule 2 to the 1971 Act and the provisions of Schedule 10 to the 2016 Act apply accordingly.
(7) Where Schedule 2 to the 1971 Act so applies, it has effect as if—
(a) the reference in paragraph 8(1) to leave to enter were a reference to admission to the United Kingdom under these Regulations; and
(b) the reference in paragraph 16(1) to detention pending a decision regarding leave to enter or remain in the United Kingdom were to detention pending submission of P's case in person in accordance with this regulation.
(8) P is deemed not to have been admitted to the United Kingdom during any time during which P is temporarily admitted pursuant to this regulation.
(9) For the purposes of this regulation, a person (“P”) is temporarily admitted to the United Kingdom if P is admitted on bail under Schedule 10 to the 2016 Act without having otherwise been admitted, and the expression temporary admission is to be construed accordingly.

42.— Alternative evidence of identity and nationality

(1) Subject to paragraph (2), where a provision of these Regulations requires a person to hold or produce a valid national identity card issued by an EEA State or a valid passport, the Secretary of State may accept alternative evidence of identity and nationality where the person is unable to obtain or produce the required document due to circumstances beyond the person's control.
(2) This regulation does not apply to regulation 11.
Commencement
Pt 6 reg. 42(1)-(2): February 1, 2017 (SI 2016/1052 Pt 1 reg. 1(2)(b))
Extent
Pt 6 reg. 42(1)-(2): United Kingdom

PART 7 – GENERAL

43. Effect on other legislation

Schedule 3 (effect on other legislation) has effect.
Commencement
Pt 7 reg. 43: February 1, 2017 (SI 2016/1052 Pt 1 reg. 1(2)(b))
Extent
Pt 7 reg. 43: United Kingdom

44. … repealed

45. Revocations, savings, transitory and transitional provisions and consequential Modifications

Schedule 4 (revocations and savings), Schedule 6 (transitional provisions) and Schedule 7 (consequential modifications) have effect.

46. Revocation of regulation 44 and Schedule 5

The following are revoked—
(a) regulation 44;
(b) Schedule 5.
Commencement
Pt 7 reg. 46(a)-(b): February 1, 2017 (SI 2016/1052 Pt 1 reg. 1(2)(b))
Extent
Pt 7 reg. 46(a)-(b): United Kingdom

Robert Goodwill
Minister of State
Home Office
2nd November 2016

SCHEDULE 1 – CONSIDERATIONS OF PUBLIC POLICY, PUBLIC SECURITY AND THE FUNDAMENTAL INTERESTS OF SOCIETY ETC.

Regulation 27

Considerations of public policy and public security

1. The EU Treaties do not impose a uniform scale of public policy or public security values: member States enjoy considerable discretion, acting within the parameters set by the EU Treaties, applied where relevant by the EEA agreement, to define their own standards of public policy and public security, for purposes tailored to their individual contexts, from time to time.

Application of paragraph 1 to the United Kingdom

2. An EEA national or the family member of an EEA national having extensive familial and societal links with persons of the same nationality or language does not amount to integration in the United

Kingdom; a significant degree of wider cultural and societal integration must be present before a person may be regarded as integrated in the United Kingdom.
Commencement

3. Where an EEA national or the family member of an EEA national has received a custodial sentence,
or is a persistent offender, the longer the sentence, or the more numerous the convictions, the greater the likelihood that the individual's continued presence in the United Kingdom represents a genuine, present and sufficiently serious threat affecting of the fundamental interests of society.

4.Little weight is to be attached to the integration of an EEA national or the family member of an EEA national within the United Kingdom if the alleged integrating links were formed at or around the same time as—

(a) the commission of a criminal offence;
(b) an act otherwise affecting the fundamental interests of society;
(c) the EEA national or family member of an EEA national was in custody.

5.The removal from the United Kingdom of an EEA national or the family member of an EEA national who is able to provide substantive evidence of not demonstrating a threat (for example, through demonstrating that the EEA national or the family member of an EEA national has successfully reformed or rehabilitated) is less likely to be proportionate.

6.It is consistent with public policy and public security requirements in the United Kingdom that EEA decisions may be taken in order to refuse, terminate or withdraw any right otherwise conferred by these Regulations in the case of abuse of rights or fraud, including—
(a) entering, attempting to enter or assisting another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience; or
(b) fraudulently obtaining or attempting to obtain, or assisting another to obtain or to attempt to obtain, a right to reside under these Regulations.

The fundamental interests of society

7.For the purposes of these Regulations, the fundamental interests of society in the United Kingdom include—

(a) preventing unlawful immigration and abuse of the immigration laws, and maintaining the integrity and effectiveness of the immigration control system (including under these Regulations) and of the Common Travel Area;
(b) maintaining public order;
(c) preventing social harm;
(d) preventing the evasion of taxes and duties;
(e) protecting public services;
(f) excluding or removing an EEA national or family member of an EEA national with a conviction (including where the conduct of that person is likely to cause, or has in fact caused, public offence) and maintaining public confidence in the ability of the relevant authorities to take such action;
(g) tackling offences likely to cause harm to society where an immediate or direct victim may be difficult to identify but where there is wider societal harm (such as offences related to the misuse of drugs or crime with a cross-border dimension as mentioned in Article 83(1) of the Treaty on the Functioning of the European Union);
(h) combating the effects of persistent offending (particularly in relation to offences, which if taken in isolation, may otherwise be unlikely to meet the requirements of regulation 27);
(i) protecting the rights and freedoms of others, particularly from exploitation and trafficking;
(j) protecting the public;
(k) acting in the best interests of a child (including where doing so entails refusing a child admission to the United Kingdom, or otherwise taking an EEA decision against a child);
(l) countering terrorism and extremism and protecting shared values.

SCHEDULE 2 – APPEALS TO THE FIRST-TIER TRIBUNAL

Regulation 36

1.The following provisions of, or made under, the 2002 Act have effect in relation to an appeal under these Regulations to the First-tier Tribunal as if it were an appeal against a decision of the Secretary of State under section 82(1) of the 2002 Act (right of appeal to the Tribunal)—

section 84 (grounds of appeal), as though the sole permitted grounds of appeal were that the decision breaches the appellant's rights under the EU Treaties in respect of entry to or residence in the United Kingdom ("an EU ground of appeal");

section 85 (matters to be considered), as though—

a) the references to a statement under section 120 of the 2002 Act include, but are not limited to, a statement under that section as applied by paragraph 2; and

(b) a "matter" in subsection (2) and a "new matter" in subsection (6)include a ground of appeal of a kind listed in section 84 of the 2002 Act and an EU ground of appeal;

section 86 (determination of appeal);

section 105 and any regulations made under that section; and

section 106 and any rules made pursuant to that section.

2.—(1) Section 92(3) of the 2002 Act has effect as though an additional basis upon which an appeal under section 82(1)(b) of that Act (human rights claim appeal) must be brought from outside the United Kingdom were that—

(a) the claim to which that appeal relates arises from an EEA decision or the consequences of an EEA decision; and
(b) the removal of that person from the United Kingdom has been certified under regulation 33 (human rights considerations and interim orders to suspend removal).

(2) Section 120 of the 2002 Act applies to a person ("P") if an EEA decision has been taken or may be taken in respect of P and, accordingly, the Secretary of State or an immigration officer may by notice require a statement from P under subsection (2) of that section, and that notice has effect for the purpose of section 96(2) of the 2002 Act2
.
(3) Where section 120 of the 2002 Act so applies, it has effect as though—

(a) subsection (3) also provides that a statement under subsection (2) need not repeat reasons or grounds relating to the EEA decision under challenge previously advanced by P;
(b) subsection (5) also applies where P does not have a right to reside.

(4) For the purposes of an appeal brought under section 82(1) of the 2002 Act, subsections (2) and (6)(a) of section 85 (matters to be considered) have effect as though section 84 included a ground of appeal that the decision appealed against breaches the appellant's right under the EU Treaties in respect of entry into or residence in the United Kingdom.

3. Tribunal Procedure Rules made under section 22 of the Tribunals, Courts and Enforcement Act 2007 have effect in relation to appeals under these Regulations.

SCHEDULE 3 – EFFECT ON OTHER LEGISLATION Regulation 43

Leave under the 1971 Act

1. Where a person has leave to enter or remain under the 1971 Act which is subject to conditions and that person also has a right to reside under these Regulations, those conditions do not have effect for as long as the person has that right to reside.

Person not subject to restriction on the period for which they may remain

2.— (1) For the purposes of the 1971 Act and British Nationality Act 1981, a person who has a right of permanent residence under regulation 15 must be regarded as a person who is in the United Kingdom
without being subject under the immigration laws to any restriction on the period for which the person may remain.

(2) But a qualified person, the family member of a qualified person, a person with a derivative right to reside and a family member who has retained the right of residence must not, by virtue of that status, be so regarded for those purposes.

Carriers' liability under the 1999 Act

3. For the purposes of satisfying a requirement to produce a visa under section 40(1)(b) of the 1999 Act (charges in respect of passenger without proper documents), "a visa of the required kind" includes an EEA family permit, a residence card, a derivative residence card, a qualifying EEA State residence card, or a permanent residence card required for admission under regulation 11(2), or permission to be temporarily admitted under regulation 41.

SCHEDULE 4 – REVOCATIONS AND SAVINGS Regulation 45

PART 1 – Table of Revocations

1.—
(1) The Regulations listed in column 1 of the table are revoked.
(2) Sub-paragraph (1) is subject to the savings and transitory provisions in Part 2 of this Schedule and the transitional provisions in Schedule 6.
Table of revocations
(1) (2)
Regulations revoked References
The Immigration (European Economic Area) Regulations 2006 S.I. 2006/1003
The Immigration (European Economic Area) (Amendment) S.I. 2009/1117
Regulations 2009
The Immigration (European Economic Area) (Amendment) S.I. 2011/1247
Regulations 2011
The Immigration (European Economic Area) (Amendment) S.I. 2012/1547
Regulations 2012
The Immigration (European Economic Area) (Amendment) S.I. 2012/2560
(No. 2) Regulations 2012
The Immigration (European Economic Area) (Amendment) S.I. 2013/1391
Regulations 2013
The Immigration (Economic Area Regulations) (Amendment) S.I. 2013/3032
(No. 2) Regulations 2013
The Immigration (European Economic Area) (Amendment) S.I. 2014/1451
Regulations 2014
The Immigration (European Economic Area) (Amendment) S.I. 2014/1976
(No. 2) Regulations 2014
(1) (2)
Regulations revoked References
The Immigration (European Economic Area) (Amendment) S.I. 2014/2761
(No. 3) Regulations 2014
The Immigration (European Economic Area) (Amendment) S.I. 2015/694
Regulations 2015

PART 2 - Savings and modifications

2.— Accession member States: savings and modifications

(1) Regulations 7A and 7B of the 2006 Regulations (arrangements for accession member States)

continue to have effect in relation to any EEA national to whom they applied immediately before 1st February 2017.
(2) Where regulations 7A and 7B continue to have effect—
(a) they do so with the following modifications—
(i) in paragraph (3) of regulation 7A and paragraph (4) of regulation 7B, as though the references to treating periods of involuntary unemployment duly recorded by the relevant employment office as periods of work for the purposes of regulation 5(7)(c) of the 2006 Regulations were to treating such periods of involuntary unemployment as periods of work for the purposes of regulation 6(2) of these Regulations; and
(ii) as though the references to regulations 6(2) (persons who continue to be treated as a worker) and 15 (right of permanent residence) were references to those provisions in these Regulations; and
(b) these Regulations have effect save that regulation 17 (issue of registration certificate) has effect as though, in paragraph (9), for "regulation 24" there were substituted "regulations 7A and 7B of the 2006 Regulations and regulation 24 of these Regulations".

3.— Appeals

(1) Notwithstanding the revocation of the 2006 Regulations by paragraph 1(1), those Regulations continue to apply—
(a) in respect of an appeal under those Regulations against an EEA decision which is pending (within the meaning of regulation 25(2) of the 2006 Regulations) on 31st January 2017;
(b) in a case where a person has, on 31st January 2017, a right under those Regulations to appeal against an EEA decision.
(2) For the purposes of this paragraph, "EEA decision" has the meaning given in regulation 2 of the 2006 Regulations and the definition of "EEA decision" in regulation 2 of these Regulations does not apply.

SCHEDULE 5 - TRANSITORY PROVISIONS

Regulation 44

Repealed
1. …
Repealed
2. …

SCHEDULE 6 – TRANSITIONAL PROVISIONS

Regulation 45

1.— Interpretation

(1) In this Schedule, "permission to be temporarily admitted in order to make submissions in person" means—
(a) in relation to the 2006 Regulations, permission to be temporarily admitted under regulation 29AA(2) of the 2006 Regulations;
(b) in relation to these Regulations, permission to be temporarily admitted under regulation 41(2).
(2) References to documents applied for or issued under the 2006 Regulations are to those documents
as defined in regulation 2(1) of the 2006 Regulations.

2.— Existing documents

(1) An EEA family permit issued under regulation 12 of the 2006 Regulations before 1st February 2017 is to be treated as an EEA family permit issued under regulation 12 of these Regulations.
(2) Any document issued or treated as though issued under Part 3 of the 2006 Regulations is to be

treated as though issued under Part 3 of these Regulations.
(3) Nothing in this paragraph extends the validity of any document issued under the 2006 Regulations beyond that document's original period of validity.

3. Verification of a right of residence

Where, before 1st February 2017, the Secretary of State had invited a person to provide evidence or information or to attend an interview under regulation 20B of the 2006 Regulations (verification of a right of residence), the Secretary of State's invitation is to be treated as though made under regulation 22 of these Regulations.

4. Outstanding applications

(1) An application for—
(a) an EEA family permit;
(b) a registration certificate;
(c) a residence card;
(d) a document certifying permanent residence;
(e) a permanent residence card;
(f) a derivative residence card; or
(g) permission to be temporarily admitted in order to make submissions in person;
made but not determined before 1st February 2017 is to be treated as having been made under these Regulations.
(2) But regulation 21 and the words in parentheses in paragraph (b) of the definition of an EEA decision in regulation 2(1) are of no application to such an application made before 1st February 2017

5.— Removal decisions, deportation orders and exclusion orders under the 2006 Regulations

(1) A decision to remove a person under regulation 19(3)(a), (b) or (c) of the 2006 Regulations must, upon the coming into force of Part 4 of these Regulations in its entirety, be treated as a decision to remove that person under regulation 23(6) (a), (b) or (c) of these Regulations, as the case may be.
(2) A deportation order made under regulation 24(3) of the 2006 Regulations must be treated as a deportation order made under regulation 32(3) of these Regulations.
(3) Until the coming into force of Part 4 in its entirety, a deportation order to which sub-paragraph (2) applies has effect until revoked by the Secretary of State.
(4) An exclusion order made under regulation 19(1B) of the 2006 Regulations must, upon the coming into force of Part 4 in its entirety, be treated as though having been made under regulation 23(5) of these Regulations.
(5) A person removed under regulation 19(3)(a) of the 2006 Regulations before 1st February 2017 is to be taken into account for the purposes of regulation 26(2).
(6) Where sub-paragraph (5) applies to a person, regulation 26 has effect as though the references to “12” were to “36”.

6.— Certification under regulations 24AA and 29AA of the 2006 Regulations

(1) Where the Secretary of State certified under regulation 24AA of the 2006 Regulations (human rights considerations and interim orders to suspend removal) that a person's removal from the United Kingdom would not be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to the Human Rights Convention), the removal of that person is to be treated as though certified under regulation 33 of these Regulations.
(2) Where sub-paragraph (1) applies, certification treated as though given under regulation 33 does not amount to certification under that regulation for the purposes of paragraph 2(1)(b) of Schedule 2 to these Regulations (appeals to the First-tier Tribunal).
(3) Where the Secretary of State granted a person permission to be temporarily admitted to the United Kingdom to make submissions in person under regulation 29AA of the 2006 Regulations, that permission is to be treated as though given under regulation 41 of these Regulations.
(4) A person temporarily admitted to the United Kingdom in order to make submissions in person under regulation 29AA(6) of the 2006 Regulations is to be treated as though having been temporarily

admitted under regulation 41(6) of these Regulations.

7. Appeals to the Commission

Where the Secretary of State certified an EEA decision under regulation 28(2) of the 2006 Regulations (appeals to the Special Immigration Appeals Commission) before 1st February 2017, that EEA decision is to be treated as though having been certified under regulation 38(2) of these Regulations.

8.— Periods of residence prior to the coming into force of these Regulations

(1) Any period of time during which an EEA national (“P”) resided in the United Kingdom in accordance with the conditions listed in sub-paragraphs (2) or (3) is to be taken into account for the purpose of calculating periods of residence in the United Kingdom in accordance with these Regulations.
(2) The condition in this paragraph is that P resided in, or was treated as though having resided in, the United Kingdom in accordance with—
(a) the Immigration (European Economic Area) Regulations 20001
; or
(b) the 2006 Regulations.
(3) The condition in this paragraph is that P resided in the United Kingdom in circumstances where—
(a) P was a national of a State which at that time was not an EEA State;
(b) P had leave to enter or remain in the United Kingdom under the 1971 Act for the duration of P's residence; and
(c) P would have been residing in the United Kingdom in accordance with these Regulations, had P's State of origin been an EEA State at that time, and had these Regulations been in force.
(4) Any period during which P resided in the United Kingdom in circumstances which met the conditions in sub-paragraph (2) or (3) is not to be taken into account for the purposes of sub-paragraph (1) where that residence was followed by a period of at least two continuous years during which—
(a) P was absent from the United Kingdom; or
(b) P's residence in the United Kingdom—
(i) did not meet the conditions in sub-paragraph (2) or (3); or
(ii) was not otherwise in accordance with these Regulations.

9.— Preservation of transitional provisions in relation to family members of dual nationals

(1) Where—
(a) the right of a family member (“F”) to be admitted to, or reside in, the United Kingdom pursuant to these Regulations depends on a person (“P”) being an EEA national;
(b) P would be an EEA national if P was not also a British citizen; and
(c) any of the criteria in sub-paragraphs (2), (3) and (4) is met;
P will, notwithstanding the effect of the definition of an EEA national in regulation 2, be regarded as an EEA national for the purpose of these Regulations.
(2) The criterion in this sub-paragraph is met where F was on 16th July 2012 a person with the right of permanent residence in the United Kingdom under the 2006 Regulations.
(3) Subject to sub-paragraph (5), the criterion in this sub-paragraph is met where F—
(a) was on 16th July 2012 a person with a right of residence in the United Kingdom under the 2006 Regulations; and
(b) on 16th October 2012—
(i) held a valid registration certificate or residence card issued under the 2006 Regulations;
(ii) had made an application under the 2006 Regulations for a registration certificate or residence card which had not been determined; or
(iii) had made an application under the 2006 Regulations for a registration certificate or residence card which had been refused and in respect of which an appeal under regulation 26 of the 2006 Regulations could be brought while the appellant was in the United Kingdom (excluding the possibility of an appeal out of time with

permission) or was pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 20022
, as it applied on 16th July 2012).
(4) Subject to sub-paragraph (6), the criterion in this sub-paragraph is met where F—
(a) had, prior to 16th July 2012, applied for an EEA family permit pursuant to regulation 12 of the 2006 Regulations; or
(b) had applied for and been refused an EEA family permit and where, on 16th July 2012, an appeal under regulation 26 of the 2006 Regulations against that decision could be brought (excluding the possibility of an appeal out of time with permission) or was pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002 Act, as it applied on 16th July 2012).
(5) The criterion in sub-paragraph (3) is not met in a case to which sub-paragraph (3)(b)(ii) or (iii) applies where no registration certificate or residence card was, in fact, issued pursuant to that application.
(6) The criterion in sub-paragraph (4) is not met where—
(a) F was issued with an EEA family permit pursuant to an application made prior to 16th July 2012 but F had not been admitted to the United Kingdom within six months of the date on which it was issued; or
(b) no EEA family permit was, in fact, issued pursuant to that application.
(7) Where met, the criteria in sub-paragraphs (2), (3) and (4) remain satisfied until the occurrence of the earliest of the following events—
(a) the date on which F ceases to be the family member of P; or
(b) the date on which F's right of permanent residence is lost.
(8) P will only continue to be regarded as an EEA national for the purpose of considering the position of F under these Regulations.

SCHEDULE 7 – CONSEQUENTIAL MODIFICATIONS

Regulation 45

1.—
(1) Unless the context otherwise requires—
(a) any reference in any enactment to the 2006 Regulations, or a provision of the 2006 Regulations, has effect as though referring to these Regulations, or the corresponding provision of these Regulations, as the case may be1
;
(b) but—
(i) any reference to a provision of the 2006 Regulations in column 1 of the table has effect as though it were a reference to the corresponding provision of these Regulations listed in column 2; and
(ii) any reference to a provision of the 2006 Regulations with no corresponding provision in these Regulations ceases to have effect.
(2) Unless otherwise specified in the table, sub-divisions of the provisions of the 2006 Regulations listed in column 1 correspond to the equivalent sub-division in the corresponding provision of these Regulations.
(3) This paragraph is of no application where the reference to the 2006 Regulations had the effect of amending the 2006 Regulations. Additionally this paragraph has no application to amendments to the 2006 Regulations made under Schedule 5 of these Regulations.

Table of equivalences

(1)	*(2)*	*(3)*
Provision in the 2006 Regulations	*Corresponding provision in these Regulations*	*Description of provision*
1	1(1) to (2)	Citation and commencement
2(3)	2(2)	General interpretation
3(3)	3(3)(c)	Continuity of residence

4(2)	4(2) and (3)	"Worker", "self-employed person", "self-sufficient person" and "student"
4(4)	4(2) and (4)	
6(2)(ba)	6(2)(c)	"Qualified person"
6(2)(c)	6(2)(d)	
6(2)(d)	6(2)(e)	
6(2A)	6(3)	
6(3)	6(4)	
6(4) and 6(8)	Relevant definitions in 6(1)	
6(9)	6(8)	
6(10)	6(9)	
6(11)	6(10)	
8(2)	8(2) and (7)	Extended family member
8(3)	8(3) and (7)	
9(1)	9(1) and (7)	Family members of British citizens
9(3)(a) to (c)	9(3)(a) to (e)	
9(4)	9(5)	
11(4)(ba)	11(4)(c)	Right of admission to the United Kingdom
11(4)(c)	11(4)(d)	
12(1A)	12(2)	Issue of EEA family permit
12(1B)	12(3)(a)	
12(2)	12(4)	
12(3)	12(5)	
12(4)	12(6)	
12(5)	12(7)	
12(6)	12(8)	
14(5)	14(4)	Extended right of residence
15(1A)	15(2)	Right of permanent residence
15(2)	15(3)	
15(3)	15(4)	
15A	16	Derivative right to reside
15A(1)	16(1)	
15A(2)	16(2)	
15A(3)	16(3)	
15A(4)	16(4)	
15A(4A)	16(5)	
15A(5)	16(6)	
15A(6)	16(7)	
15A(7)	16(8)	
15A(7A)	16(9)	
15A(7B)	16(10)	
15A(8)	16(11)	
15A(9)	16(12)	
16	17	Issue of registration certificate
16(8)	17(9)	
17	18	Issue of residence card
17(6A)	18(7)	
18	19	Issue of a document certifying permanent residence and a permanent residence card
18(5)	19(4)(b)	
18(6)	19(5)	
18A	20	Issue of a derivative residence card
18A(5)	20(6)	
19	23	Exclusion and removal from the United Kingdom
19(1A)	23(2)	
19(1AB)	23(3)	
19(1B)	23(5)	
19(2)	23(4)	

19(3)	23(6)	
19(4)	23(7)(a)	
19(5)	23(7)(b)	
20	24	Refusal to issue or renew and revocation of residence documentation
20(1A)	24(2)	
20(2)	24(3)	
20(3)	24(4)	
20(4)	24(5)	
20(5)	24(6)	
20(6)	24(7)	
20A	25	Cancellation of a right of residence
20B	22	Verification of a right of residence
20B(8)	Relevant definition in 2(1)	
21	27	Decisions taken on public policy, public security and public health grounds
21(5)	27(5) and (8) and Schedule 1	
21A	28	Application of Part 4 to persons with a derivative right to reside
21A(1)	28(2)	
21A(2)	28(1)	
21A(3)(c)	28(2)(a)	
21A(3)(d)	28(2)(b)	
21A(3)(f)	28(2)(c)	
21A(3)(g)	28(2)(d)	
21B	26	Misuse of a right to reside
21B(1)	26(1) and (2)	
21B(2)	26(3)	
21B(3)	26(4)	
21B(4)	26(5)	
21B(5)	26(6)	
21B(6)	Relevant definition in 2(1)	
22	29	Person claiming right of admission
23	30	Person refused admission
23A	31	Revocation of admission
24	32	Person subject to removal
24A	34	Revocation of deportation and exclusion orders
24A(1)	34(1) and (2)	
24A(2)	34(3)	
24A(3)	34(4)	
24A(4)	34(5)	
24A(5)	34(6)	
24AA	33	Human rights considerations and interim orders to suspend removal
25	35	Interpretation of Part 6
26	36	Appeal rights
26(2A)	36(3)	
26(3)	36(4)	
26(3A)	36(5)	
26(4)	36(8)	
26(5)	36(7)	
26(6)	36(9)	
26(7)	36(10)	
26(8)	36(11)	
27	37	Out of country appeals
27(1)(zaa)	37(1)(b)	
27(1)(aa)	37(1)(c)	

27(1)(b)	37(1)(d)	
27(1)(c)	37(1)(e)	
27(1)(ca)	37(1)(f)	
27(1)(d)	37(1)(g)	
28	38	Appeals to the Commission
28(8)	38(8) and (9)	
28A	39	National security: EEA Decisions
29	40	Effect of appeals to the First-tier Tribunal or Upper Tribunal
29(4A)	40(5)	
29(5)	40(6)	
29A	42	Alternative evidence of identity and nationality
29AA	41	Temporary admission in order to submit case in person
30	43	Effect on other legislation
31	45 and 46	Revocations etc
Schedule 1	Schedule 2	Appeals to the First-tier Tribunal
Schedule 1, paragraph 1	Schedule 2, paragraph 2	
Schedule 1, paragraph 2	Schedule 2, paragraph 3	
Schedule 2	Schedule 3	Effect on other legislation
Schedule 2, paragraph 1(2)	Schedule 3, paragraph 1	
Schedule 2, paragraph 3	Schedule 3, paragraph 3	
Schedule 2, paragraph 4	Schedule 2, paragraph 2	

Refugee Convention (extract)

Articles 1A, 1C-1F, 31-34 only

The Refugee Convention 1951

Chapter I
GENERAL PROVISIONS

Article 1 - Definition of the term "refugee"
Article 31. Refugees unlawfully in the country of refuge
Article 32. Expulsion
Article 33. Prohibition of expulsion or return ('refoulement)

Article 1

definition of the term “refugee”

A. For the purposes of the present Convention, the term “refugee” shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

…

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for

refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article 31 - Refugees unlawfully in the country of refugee

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32 - Expulsion

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period 30 convention and protocol within which to seek legal admission into another country. The Contracting

States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 33 - Prohibition of expulsion or return (“refoulement”)

1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Article 34. Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Home Office guidance Part 8 – Family Migration: Adequate Maintenance & Accommodation 8 December 2021

General

Accommodation

Applications under Part 8, including where an applicant may rely on transitional arrangements to make such an application, must meet a requirement for adequate accommodation where specified.

An applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household. This must be accommodation which the family own or which they occupy exclusively.

There are not expected to be any further new entry clearance applications for partners under Part 8 in the family route, although there may be ongoing appeals which may need to consider the approach to prospective accommodation.

Accommodation for the couple may be prospective rather than available on arrival because the marriage or civil partnership has not yet taken place. The decision maker must be satisfied that adequate permanent accommodation will be available after the marriage or the civil partnership has taken place and that adequate temporary accommodation will be available in the meantime, for example provided by family or friends.

Evidence relating to the temporary address and the proposed long-term address after marriage or civil partnership should be provided with the entry clearance application as a fiancé(e) or proposed civil partner. An entry clearance application may be refused if the temporary or proposed long term address is not considered to be adequate accommodation. An application made after the marriage or civil partnership has taken place should not rely on prospective accommodation. Accommodation should not generally be prospective in child applications made under Part 8.

Accommodation is not adequate if it is not owned or legally occupied by the family unit.

Accommodation can be shared with others. 'Occupy exclusively' is defined in paragraph 6 of the Immigration Rules and means that at least part of the accommodation must be for the exclusive use of the family.

Decision makers should expect to see evidence that the family unit of the applicant/sponsor and any dependants have or will have exclusive use of at least the bedroom(s) required for the number, age and gender of members of the family unit (see 'Method of assessing whether accommodation is overcrowded' below). The rest of the accommodation outside those exclusive areas which are for the exclusive use of the family unit can be shared with others. For example, the required number of bedrooms for the applicant/sponsor and their dependants may be in a home shared with and owned by the parents of the sponsor (and the parents have their own exclusive bedroom which they occupy).

Accommodation is not adequate if it is, or will be, overcrowded. Under paragraph 6 of the Immigration Rules, the meaning of overcrowded is the meaning in the Housing Act 1985, the Housing (Scotland) Act 1987 or the Housing (Northern Ireland) Order 1988 (as appropriate).

Accommodation is not adequate if it does or will contravene public health regulations.

Ownership/occupation

The applicant should provide evidence as to the basis on which the accommodation is or will be owned or occupied (including rented) by the family unit. This may for example be in the form of a copy of the property deeds, a letter from a bank or building society as to the mortgage arrangements, a lease agreement and rent book, or a letter from a family member or friend who is making the accommodation available to the applicant and their family unit.

Where the accommodation is rented from a local authority or housing association, correspondence from them can normally be relied upon as sufficient evidence. Greater care needs to be taken in respect of a private tenancy. If there are any aspects of the accommodation arrangements which raise substantial doubts as to whether the requirements of the Immigration Rules are met, further evidence should be sought.

Where the accommodation is not 'owned' by the sponsor (in the sense that they are not the head of the household but, for example, are living with their parents or are living alongside other tenants in a house in multiple occupation), the rules require there to be adequate accommodation which the sponsor and any partner and dependants will occupy for their exclusive use. This need not be a separate house or self-contained flat but, where it is as little as one bedroom of their own, enquiries should be made about the number of rooms in the property, the number of occupants and whether this is only intended to be a short-term arrangement.

Housing standards

Local authorities have the power to set the housing standards that must be met in their area. While it will not generally be necessary to approach the local authority in each case to see whether their standards are met, the applicant should provide sufficient evidence that the accommodation will be adequate. This may take the form for example of a letter from a housing authority or building society or a description of the property that the decision maker can be satisfied is accurate and genuine.

Definition of overcrowding

In England and Wales, under the Housing Act 1985 if either the **room** standard and/or the **space** standard is breached a dwelling will be regarded as **overcrowded** under the Act. The overcrowding definition covers privately owned homes and those owned by local authorities.

The room standard

The room standard is contravened under the Act when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that 2 persons aged 10 or over of the opposite sex who are not living together as a couple must sleep in the same room.

The space standard

The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.

For immigration purposes we do not look at the floor area for each room as it is complex to evidence and assess. We focus on the number of permitted occupants based on the number of rooms.

Method of assessing whether accommodation is overcrowded

1. Count the number of people who would be occupying the accommodation.

This includes everyone who would be occupying the house, including those who are not parties to the application for leave. Children under one year old are not counted; children aged between one and 10 are counted as a half.

2. Count the number of rooms available as sleeping accommodation.

When counting the number of rooms to assess whether a property is or will be overcrowded, the decision maker should look at how the sleeping arrangements within the premises **could** be organised rather than at how they are currently organised. In practice, this means counting the number of rooms that are bedrooms or are living rooms which could be used as a bedroom. Bathrooms and kitchens should not be counted as sleeping accommodation.

Rooms of less than 50 square feet are not counted.

3. Compare the number of people who would be occupying the accommodation with the number of rooms available as sleeping accommodation to assess whether it would be overcrowded.

The following table represents what would, subject to their age, gender and whether they are a couple, be an acceptable maximum number of people to occupy a house with the relevant number of rooms available as sleeping accommodation:

Number of rooms in the accommodation available for sleeping	**Number of people permitted to sleep in the accommodation without it being overcrowded**
1	2
2	3
3	5
4	7.5
5	10
More than 5 rooms	10 plus an additional 2 persons for each room in excess of 5 rooms For example, 6 rooms = 12 people, 7 rooms = 14 people.

Additionally, the decision maker should consider whether there are an acceptable number of rooms available as sleeping accommodation to accommodate those who must have a separate bedroom (as set out above, 'The room standard'). The decision maker does not have to go on to consider this issue if they have already assessed the accommodation as overcrowded based on the above table.

Example A

The accommodation has 1 room available as sleeping accommodation. The house would be occupied by a couple, and one child aged 5. The housing is overcrowded and therefore does not provided adequate accommodation under the Immigration Rules because only 2 people are permitted to sleep in the property without it being overcrowded whereas 2.5 people wish to sleep there.

Example B

The sponsor rents a one bedroom flat with a living room. There are 2 rooms available for sleeping. His wife wishes to join him in the UK. The housing is not overcrowded as up to 3 people are permitted to sleep at the property without it being overcrowded.

Houses in multiple occupation

A house in multiple occupation (HMO) is defined as "a house which is occupied by persons who do not form a single household". This covers hotels and hostels, as well as houses lived in by 2 or more family units or by a couple (and their dependent children) living with the parents or other family members of one of them.

There are separate overcrowding provisions for HMOs. Local authorities have the power to serve an overcrowding notice in relation to a
HMO specifying the maximum number of people permitted in the house or preventing any further residents. Where an overcrowding notice renders an occupant homeless, the local authority may be obliged to provide them with accommodation under the Housing Act 1985, for example, if they have dependent children or are old or infirm. Such accommodation would count as recourse to public funds under the Immigration Rules. In the case of HMOs, it may be necessary for the decision maker to obtain written confirmation from the local authority that there is no objection to an additional resident moving in.

When is overcrowding allowed?

Overcrowding is only allowed if it is:

- due to a new-born child or a child who has just turned one of the specified ages above and alternative accommodation arrangements have not yet been made
- temporary, for example, if a member of the family comes to live in the home for a short time
- licensed overcrowding, where the local authority has given permission

Public health regulations

It is likely to be rare that the property contravenes public health regulations. However, if the decision maker has satisfactory evidence that that is or will be the case, they may determine that the accommodation is not adequate.

List of Commonwealth Countries by Region

Africa
Botswana
Cameroon
Gabon
Gambia, The
Ghana
Kenya
Kingdom of Eswatini
Lesotho
Malawi
Mauritius
Mozambique
Namibia
Nigeria
Rwanda
Seychelles
Sierra Leone
South Africa
Togo
Uganda
United Republic of Tanzania
Zambia
Zimbabwe*

Asia
Bangladesh
Brunei Darussalam
India
Malaysia
Maldives
Pakistan
Singapore
Sri Lanka

Caribbean and Americas
Antigua and Barbuda
Bahamas, The
Barbados
Belize
Canada
Dominica
Grenada
Guyana
Jamaica
St Kitts and Nevis
St Lucia
St Vincent and The Grenadines
Trinidad and Tobago

Europe
Cyprus
Malta
United Kingdom

Pacific
Australia
Fiji
Kiribati
Nauru
New Zealand
Papua New Guinea
Samoa
Solomon Islands
Tonga
Tuvalu
Vanuatu

*Zimbabwe left the Commonwealth in December 2003 but remains listed in Schedule 3 to the British Nationality Act 1981. Nationals of Zimbabwe continue to be entitled to apply under the UK Ancestry route.

Caselaw

Assessment candidates should be familiar with the following principles extracted from the case law

Immigration Law

- TD Yemen [2006] UKAIT 00049 – “sole responsibility" is a factual matter to be decided upon all the evidence, the test being whether the parent has continuing control and direction over the child's upbringing, including making all the important decisions in the child's life

- Ishtiaq [2007] EWCA Civ 386 - an applicant who is claiming leave to remain under the domestic violence rule can prove her case by producing cogent relevant evidence (ie not merely the forms of evidence preferred by the Home Office policy)

- Alvi [2012] UKSC 33 - a substantive requirement that must be satisfied for an application to succeed must be included in the Immigration Rules. Home Office policy which supplements the Rules should be read sensibly, and applied having regard to the facts of an individual case.

- Basnet [2012] UKUT 113 (IAC) - the SSHD bears the burden of proof in showing that an application was invalid, where the matter in question relies on facts within the SSHD’s own knowledge. An example is where the application was declared invalid due to the lack of authority to take payment for the fee.

- AA (Nigeria) [2010] EWCA Civ 773 – the SSHD must demonstrate active dishonesty when relying on the general refusal reasons

- Balajigari [2019] EWCA Civ 673 – the SSHD must expressly raise an allegation of dishonesty in the decision making process. This may require an interview or some other measure by which the SSHD puts the applicant on notice that their honesty is in issue before the application is refused.

- Khan [2016] EWCA Civ 416 **-** it is wrong to attempt to restrict the forms of evidence that could satisfy a decision maker of a person’s length of unlawful residence: it was likely that those lacking status would not have access to the ‘official’ documentation which the Home Office guidance seemed to demand

- Pathan [2020] UKSC 41 - there is a duty on the SSHD to notify an applicant with an outstanding sponsored application promptly of the revocation of a sponsor’s licence – but there is no public law duty on the SSHD to confer any period of leave

- Hoque [2020] EWCA Civ 1357 – when assessing whether 10 years continuous lawful residence is established, periods of overstaying can count so long as they ended with a further grant of leave (“book-ended” overstaying) but open-ended overstaying does not qualify.

- LA (para 289A: causes of breakdown) Pakistan [2009] UKAIT 00019 - when deciding if an appellant who is the victim of domestic violence has proved that the "relationship was caused to permanently break down before the end of that period as a result of domestic violence" the Tribunal must be careful to assess the evidence in the round, looking at the totality of the evidence and remembering that a broken marriage may have ended before the parties separate and the marriage may have broken down as a result of domestic violence even if other grounds are given in matrimonial proceedings or raised before the Tribunal.

Children

- ZH (Tanzania) [2011] UKSC 4 - a decision-maker should look to the best interests of the children

as a primary consideration, asking whether the force of any other consideration outweighed it and that it would be wrong in principle to devalue what was in a child's best interests by something for which they could in no way be held to be responsible

- Mundeba [2013] UKUT 88(IAC) – Decisions on entry clearance applications involving family or other considerations making the child's exclusion undesirable must assess the child's welfare and best interests. Due regard must be had to the UN Convention on the Rights of the Child

- Zoumbas [2013] UKSC 74 - a "best interests" assessment is integral to assessing proportionality under ECHR Art 8

- EV (Philippines) [2014] EWCA Civ 874 - A decision as to what is in the best interests of children will depend on a number of factors such as (a) their age; (b) the length of time that they have been here; (c) how long they have been in education; (c) what stage their education has reached; (d) to what extent they have become distanced from the country to which it is proposed that they return; (e) how renewable their connection with it may be; (f) to what extent they will have linguistic, medical or other difficulties in adapting to life in that country; and (g) the extent to which the course proposed will interfere with their family life or their rights (if they have any) as British citizens

- Azimi-Moayed [2013] UKUT 197 (IAC) - seven years' residence after the age of four are more likely to be significant to a child than the first seven years of life

- MA (Pakistan) [2016] EWCA Civ 705 – After seven years of UK residence a child will have put down roots and developed social, cultural and educational links in the UK such that it will be disruptive to expect them to uproot, and the disruption becomes more serious as they get older. Powerful reasons are needed to justify the departure of a seven-year resident child.

- KO (Nigeria) [2018] UKSC 53 – whilst parental conduct should not be held against children, the fact that both parents lacked immigration status was the real world background against which cases should be assessed

- HK (Turkey) [2010] EWCA Civ 583 - the family life of young adults did not terminate simply because they reached majority, when they continued to live at home

International Protection

Refugee Law

- Karanakaran [2000] Imm AR 271 - the benefit of the doubt should be given to an asylum seeker

- Adimi [2001] QB 667 - there is no absolute requirement in international law that a refugee claim asylum in the first safe country they reach

- HJ (Iran) [2010] UKSC 31 – where a person will conduct themselves in the future in a way that persecution for a Convention reason will ensue, they are a refugee. If they would, on the other hand, act discreetly on return abroad, the reasons for that must be considered, and if the discretion is motivated by a fear of serious harm, then they should be recognised as facing persecution

- Danian [1999] EWCA Civ 3000 - risks generated by actions carried out in bad faith, eg those brought about by making an unmeritorious asylum claim, do not exclude a person from refugee status

- Shah and Islam [1999] UKHL 20 - persecution cannot define membership of a particular social group. Discrimination is relevant to the identification of a particular social group. Women and homosexuals may be members of a particular social group depending on the circumstances of the society from which they come

- K and Fornah [2006] UKHL 46 - the family is a particular social group

- SB Moldova CG [2008] UKAIT 00002 - "Former victims of trafficking" and "former victims of trafficking for sexual exploitation" are capable of being members of a particular social group because of their shared common background or past experience of having been trafficked

- AH (Sudan) [2007] EWCA Civ 297 - the reasonableness of internal relocation is to be assessed by a comparison between the asylum seeker's place of habitual residence and conditions in any place of relocation, based on the individual's own characteristics: If under those conditions the asylum-seeker cannot live a relatively normal life according to the standards of his country it will be unduly harsh to expect him to go to the safe haven

- SM Iran [2005] UKAIT 00116 - the evidence regarding the credibility of an asylum claim must be considered as a whole, notwithstanding that a factor identified in section 8 of the Asylum (Treatment of Claimants etc) Act 2004 may be present in the claim

- HK - in many asylum cases, some, even most, of the appellant's story may seem inherently unlikely but that does not mean that it is untrue in asylum cases where much of the evidence will be referable to societies with customs and circumstances which are very different from those of which decision makers have any experience

- Gurung [2002] UKIAT 04870 - issues of exclusion may arise on appeal even though the point was not taken in the refusal letter

- KJ (Sri Lanka) [2009] EWCA Civ 292 - mere membership of an organisation that, among other activities, commits acts contrary to the UN's purposes does not exclude the asylum seeker absent personal association with those acts

- YS (Egypt) [2009] EWCA Civ 222 - there are no circumstances in which evidence gained from torture could be used in the refugee determination process

- JS (Sri Lanka) [2009] EWCA Civ 364 - a person may be excluded from the Refugee Convention for participating in criminal activity in a way that made a significant contribution to the crime's commission, with the intention of furthering the perpetration of crime

- EN (Serbia) [2009] EWCA Civ 630 - section 72 of the NIA 2002 contains rebuttable presumptions in relation to both of the relevant requirements of Article 33(2) (addressing loss of the prohibition on return to a country where one's life or freedom is threatened) - ie both the presumptions as to the seriousness of the crime and in relation to danger to the community may be rebutted

- MA (Ethiopia) [2009] EWCA Civ 289 - denial of nationality may be persecutory, depending on what rights in practice are lost

- YB (Eritrea) [2008] EWCA Civ 360 - there is no requirement of affirmative evidence to establish the likelihood that intelligence services of repressive regimes with bad human rights records monitor the internet and demonstrations in the UK for information about oppositionist groups

- Said [2012] UKUT 413 (IAC) - a Palestinian forced out of the region where protection is provided by the UN Agency UNRWA due to circumstances beyond their control, such as armed conflict in

their refugee camp, may well be entitled to the benefits of the Refugee Convention, regardless of whether or not they also possess a well-founded fear of persecution for a Convention reason

- MA (Bangladesh) [2016] EWCA Civ 175 - where a disputed document is at the centre of the asylum application, a decision maker should consider authenticating it if a simple process of inquiry will conclusively resolve its authenticity and reliability

Human Rights and Humanitarian Protection

Human Rights

Article 3 ECHR

- Chahal (1997) 23 EHRR 413 - Article 3 of the ECHR is absolute and available to anyone at risk of an infringement of it, irrespective of their conduct

- Limbuela [2004] EWCA Civ 540 - a denial of support and accommodation in the UK can constitute an Article 3 breach, depending on factors such as age and infirmity, illness or accident, and a lack of shelter

- East African Asians (1981) 3 EHRR 76 - discrimination based on race could, in certain circumstances, of itself amount to degrading treatment

Health and Articles 3 & 8 ECHR

- AM (Zimbabwe) [2020] UKSC 17 – facing imminent death alone without family care is not the only situation where Article 3 ECHR would be violated due to health problems. There are other ‘‘very exceptional’ cases where there is a real risk that a seriously ill person’s removal would result in intense suffering or a significant reduction in life expectancy

- GS and EO India [2012] UKUT 397 (IAC) – there may also be an Article 3 breach on health grounds falling short of the general health threshold in cases concerning children, discriminatory denial of treatment, absence of resources through civil war or similar human agency

- RS (Zimbabwe) [2008] EWCA Civ 839 - "humanitarian considerations" recognised by the ECtHR in N meant that a health case could succeed notwithstanding that it was not a deathbed case, and that problems caused by a deliberate withholding of medical care or food were not caught by the high threshold in N

- JA (Ivory Coast) [2009] EWCA Civ 1353 – the fact that a person was granted leave to remain for health treatment was relevant to the proportionality of removal. A continuously lawful entrant was not required to demonstrate exceptional circumstances as compelling as those in N

- Akhalu [2013] UKUT 00400 (IAC) – when assessing proportionality, in general the cost of health treatment will mean that the public interest in removal will outweigh private life connections in the UK by way of health treatment

- MM (Zimbabwe) [2012] EWCA Civ 279 – a combination of family ties in the UK and medical treatment requirements here should be considered in the round, and not simply via the high threshold for health cases generally

Article 6 ECHR

- MNM (00/TH/02423) - Article 6 of the ECHR (right to fair trial) is not available in proceedings relating to immigration status

Limited & qualified ECHR rights

- Ullah [2004] UKHL 26 - Articles of the ECHR may be relevant in terms of breaches of human rights committed abroad, but aside from breaches that involve the absolute rights, such breaches have to be "flagrant" to overcome the normal operation of immigration control

- EM (Lebanon) [2008] UKHL 64 - removal of a child from its mother's care might amount to a flagrant breach of their right to family life

Humanitarian Protection – indiscriminate volence

- Elgafaji [2009] EUECJ C-465/07 - the protection of Article 15(c) of the Qualification Directive may run where there is a high level of "indiscriminate violence" of a volume which may extend to people irrespective of their personal circumstances and the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.

Article 8 ECHR

- Huang [2007] UKHL 11 - the ultimate question on appeal is whether the immigration decision, where the life of the family cannot reasonably be expected to be enjoyed elsewhere, taking full account of all considerations weighing in favour of the refusal, prejudices the family life of the applicant in a manner sufficiently serious to amount to a breach of their family life. On appeal an immigration judge must make up their own minds on whether a removal is disproportionate

- Razgar [2004] UKHL 27 – sets out the five stage test for approaching Article 8 claims

- Abdulaziz [1985] ECHR 7 - family life is presumed to include the relationship that arises from a lawful and genuine marriage

- Berrehab (1988) 11 EHRR 322 - cohabitation is not essential to the existence of family life between parents and minor children and that from the moment of the child's birth and by the very fact of it, there exists between him and his parents a bond amounting to 'family life', even if the parents are not then living together

- Singh v ECO New Delhi [2004] EWCA Civ 1075 - family life should be given a broad meaning

- Niemietz v Germany (1992) 16 EHRR 97 - respect for private life includes the right to establish and develop relationships with other human beings

- Chikwamba [2008] UKHL 40 (25 June 2008) - it will rarely be proportionate to expect someone to return to their country to obtain entry clearance where there are children involved, absent a very bad immigration history

- Ahmadi [2005] EWCA Civ 1721 - the obligations under Article 8 require a state not only to refrain from interference with existing life, but also from inhibiting the development of a real family life in the future

- MS (Ivory Coast) [2007] EWCA Civ 133 - depending on the circumstances it may be disproportionate to remove a parent from the United Kingdom while contact proceedings regarding their child remain unresolved

- EB (Kosovo) v [2008] UKHL 41 - the passage of time has 3 consequences: family and private life ties are likely to strengthen, the expectation will grow that if the authorities had intended to remove the applicant they would have taken steps to do so, and the weight otherwise to be

accorded to the requirements of firm and fair immigration control lessens

- Beoku-Betts [2008] UKHL 39 - third party rights should be taken into account in human rights claims and appeals

- Al Hassan (Article 8, entry clearance, KF (Syria)) [2024] UKUT 00234 - where family life exists, the article 8 rights of family members overseas need to be taken into account and it is wrong to focus only on the rights of the UK based sponsor.

- LD Zimbabwe [2010] UKUT 278 (IAC) - the UN Convention on the Rights of the Child is highly relevant to Article 8 ECHR

- Rhuppiah [2018] UKSC 58 – a person's residence is precarious whenever they lack indefinite leave to remain: but their appeal may still succeed if a compelling case is shown

- Agyarko [2017] UKSC 11 - where family life is precarious, a very strong or compelling claim is required to outweigh the public interest in immigration control, and the requirements in the Appendix FM exception at Ex.1 requiring very significant difficulties in continuing their family life together outside the UK which could not be overcome or would entail very serious hardship for the applicant or their partner set the benchmark

- MM (Lebanon) [2017] UKSC 10 – when assessing proportionality, the Tribunal must make its own judgment but in so doing should attach considerable weight to judgments made by the SSHD when setting immigration policy via the Immigration Rules. However the Rules are only the starting point and all relevant considerations must be assessed.

- Kamara [2016] EWCA Civ 813 – when assessing "very significant obstacles to integration", the question was whether an individual will be enough of an insider in the country to which they are returned to participate in society such as to have a reasonable opportunity to be accepted there, to be able to operate on a day-to-day basis in that society and to build up within a reasonable time a variety of human relationships to give substance to the individual's private or family life

- Ahsan [2017] EWCA Civ 2009 - a student's involvement with their course and their college can itself be an important aspect of their private life

- TZ (Pakistan) [2018] EWCA Civ 1109 – once private or family life in the UK is established, it will be disproportionate to refuse leave where on analysis a relevant immigration rule is satisfied

- Uddin [2020] EWCA Civ 338 - the irreducible minimum for family life between adults is whether support is real or effective or committed. Dependent children living with their parents will not stop enjoying family life simply because they achieve majority

- Alam [2023] EWCA Civ 30 - *Chikwamba* does not state any binding general rule of law and is only relevant when an application for leave is refused on the narrow procedural ground that the applicant must leave and apply for entry clearance. A full analysis of the article 8 claim is always necessary. *Younas [2020] UKUT 00129 (IAC)* was correctly decided.

- Advic v UK [1995] ECHR 57 – family life will only be in play where the relationship is one of spouse/ life partner, or parent and minor child, unless in all the circumstances there is dependency or emotional ties exceeding the norm.

Deportation

- Hesham Ali [2016] UKSC 60 – in deportation cases it is necessary to show "a very strong case indeed" where the Rules and statute required "very compelling circumstances" to be

demonstrated: ie where the exceptions under the Rules are not met or where there is a prison sentence exceeding four years

- HA (Iraq) [2020] EWCA Civ 1176 – when assessing whether the exceptions under the Rules are met (re prison sentences below four years), one should not be looking for exceptional circumstances where children are involved: all relevant factors should be assessed and the situation might be unduly harsh even though commonly encountered

Trafficking

- ES [2018] UKUT 335 (IAC) – the FTT and UT are not bound by decisions of the Competent Authority under the National Referral Mechanism when determining immigration appeals. The Tribunal has to consider the different question of whether there is a real chance of persecution for a Convention reason or a real chance of a human rights violation, whilst NRM decisions are made on balance of probabilities

- Rantsev (Application no. 25965/04) - trafficking falls within the scope of Article 4 of the ECHR, and refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation

- MS (Pakistan) [2020] UKSC 9 – a trafficking victim should not be removed until they have had an opportunity to give all necessary assistance to investigating the trafficking offences of which they were a victim. An appeal may be allowed on the basis of an infringement of ECHR Art 4 if this has not been done. FTT Judges in immigration appeals are not bound by decisions of the competent authority regarding whether someone is a victim of trafficking

Appeals

- Devaseelan [2002] UKIAT 00702 – where an issue has previously been determined on appeal, the first decision formed the starting point for the second judge. Facts occurring since the first decision should be taken into account, along with events that pre-dated that first decision but which had not been considered by the first judge. There must be a good explanation for producing evidence in the second appeal that could have been put forward earlier.

- AH Sudan [2006] UKAIT 00038 - re-hearings of appeals in the Upper Tribunal normally proceed by reference to the findings of fact of the original Tribunal

- FP (Iran) [2007] EWCA Civ 13 – migrants should not necessarily be held responsible for errors by their legal representatives

- MY (Pakistan) [2021] EWCA Civ 1500 – only the actual refusal of a human rights claim carries the right of appeal. Human rights decisions following applications that the SSHD does not treat as a human rights claim will not be appealable

- Mahmud [2017] UKUT 488 (IAC) - a “new matter” for the purposes of section 85 of the NIA 2002 means facts which have not previously been considered by the SSHD in the refusal decision or in a further decision responding to a section 120 statement. This requires the matter to be factually distinct from that previously raised by an appellant, as opposed to further or better evidence of an existing matter

- Hydar [2021] UKUT 176 (IAC) - Consideration of "new matters" under section 85(5) requires SSHD consent in both the FtT and the UT

- Nwaigwe [2014] UKUT 418 (IAC) - Where an adjournment refusal is challenged on fairness grounds, the question is not whether the FtT acted reasonably, but whether the hearing was in fact fair

- Nare [2011] UKUT 00443 (IAC) – witnesses giving remote evidence from abroad must obtain the permission of the relevant foreign government to do so (or confirm with FCO that this is unnecessary)

- Kiarie and Byndloss [2017] UKSC 42 – out-of-country appeals are only lawful where the foreign criminal's removal in advance of their appeal their expulsion does not prevent the appeal from being effective

- Ahsan [2017] EWCA Civ 2009 - allegations of fraud must be assessed by a judge hearing oral evidence who is able to make their own mind up as to whether dishonesty occurred

- BH Iraq [2020] UKUT 189 (IAC) – SSHD is under a duty to not to mislead and must direct the other party to documents within the SSHD's possession or control which the other party cannot access

- Lata [2023] UKUT 163 (IAC) – Parties are required to define and narrow the issues in dispute by filing and serving a focused Appeal Skeleton Argument and Respondent's review. Proceedings before the IAC are not some form of rolling reconsideration by either party of its position.

- TC [2023] UKUT 164 (IAC) – The FtT should ensure that the parties comply with the mandatory requirements of the Presidential Practice Statement No. 1 of 2022. The need for procedural rigour apples with equal force when permission to appeal to the UT is sought and in the UT.

- *R (Chowdhury) v The First-tier Tribunal (Immigration And Asylum Chamber) & Anor* [2024] EWCA Civ 1380 - where a notice of decision fails to advise an applicant of their right of appeal a refusal in breach of the Immigration (Notices) Regulations 2003, the time limit for appealing does not start to run.

Detention and removal

- Hardial Singh [1984] 1 WLR 704 – detention must be for the purpose of removal and for a reasonable period

- DN (Rwanda) [2020] UKSC 7 - detention founded on an unlawful immigration decision is unlawful

- FB (Afghanistan) [2020] EWCA Civ 1338 – the SSHD must always give 3 working days notice of a decision on an outstanding application before enforcing removal