

If you wish to apply for indefinite leave to remain in the UK on form SET(M), please read these guidance notes and the separate UKBA photograph guidance (version 04/2009) before making your application.

CONTACTING US

Our main website address and telephone numbers for contacting us are given below.

OUR WEBSITE

www.ukba.homeoffice.gov.uk

For information about immigration law and policy, the services offered by our Public Enquiry Offices, and to see and download application forms and related guidance

IMMIGRATION ENQUIRY BUREAU

0870 606 7766

Monday to Thursday 9.00 - 4.45
Friday 9.00 - 4.30

For immigration information and enquiries, and to book appointments at our Public Enquiry Offices

APPLICATION FORMS UNIT

0870 241 0645

Monday to Thursday 9.00 - 4.45
Friday 9.00 - 4.30

For application forms, guidance notes and photograph guidance only

OUR PUBLIC ENQUIRY OFFICES

Our Public Enquiry Offices (PEOs) are for premium service applications only. Their addresses and opening times are given below - with the exception of Belfast PEO, as it currently offers a more limited service. The telephone number for appointments is given above. For details of the services and facilities provided by each of the PEOs, please go to our website.

| CARDIFF | CROYDON | GLASGOW | LIVERPOOL | SHEFFIELD | SOLIHULL |
|--|--|---|--|--|--|
| General Buildings Ground Floor 31-33 Newport Road Cardiff CF24 0AB | Lunar House 40 Wellesley Road Croydon CR9 2BY | Festival Court 200 Brand Street Govan Glasgow G51 1DH | Reliance House 20 Water Street Liverpool L2 8XU | Vulcan House 6 Millsands Sheffield S3 8NU | Dominion Court 41 Station Road Solihull Birmingham B91 3RT |
| Monday to Friday 9.00 - 4.00 | Monday to Friday 8.00 - 4.00 | Monday to Thursday 8.30 - 4.30 Friday 8.30 - 4.00 | Monday to Friday 8.30 - 4.00 | Monday to Friday 9.00 - 4.00 | Monday to Friday 9.00 - 4.00 |

GUIDANCE NOTES

1 FOR WHICH APPLICATIONS MUST YOU USE FORM SET(M)?

Form SET(M) must be used if you are applying for indefinite leave to remain in one of the following categories:

- spouse or civil partner of a person present and settled in the UK
- unmarried or same-sex partner of a person present and settled in the UK

You and any children under 18 applying with you must be in the UK to apply.

“Partner” means spouse, civil partner, unmarried or same-sex partner.

If you have not yet been given leave to enter or remain as the partner of a person present and settled in the UK, you must use form FLR(M).

If you are a national of a country from outside the European Economic Area (EEA) and your partner is an EEA national exercising Treaty Rights in the UK, you should not be applying on form SET(M). As a family member of an EEA national, you should apply for a residence card or permanent residence under EEA Regulations on form EEA2 or EEA4 depending on your circumstances - see our website.

2 QUALIFYING FOR INDEFINITE LEAVE TO REMAIN

To qualify for indefinite leave to remain in one of the categories for which you must use form SET(M), you must satisfy the requirements set out in Part 8 of the Immigration Rules, which are on our website.

One of the requirements is that you have to complete 2 years' leave to enter or remain as the partner of the person named in your application. That period runs from

- **the date on which you entered the UK with a visa in the relevant category;** or, if you did not enter the UK with such a visa, from
- **the date on which you were first granted leave to remain in the UK** in the relevant category

If you were granted leave to enter or remain as an unmarried or same-sex partner and are now applying for indefinite leave to remain as the spouse or civil partner of the same person, the 2-year period to be completed started when you either entered the UK or were granted leave to remain as an unmarried or same-sex partner.

With certain exceptions, **applicants aged 18-64 must show that they have sufficient knowledge of the English language and life in the UK** in order to qualify for indefinite leave to remain. See pages 5 and 6 of these notes for more information about this.

3 WHO MAY APPLY ON THIS FORM?

You and your children under 18 if they are applying as your dependants.

Children aged 18 or over may not be included; they must each apply individually and pay the specified fee, as must any children under 18 if there is some reason preventing them from applying with you.

4 THE FEE

If you are a single applicant and no children under 18 are applying with you, the current specified fees for applications on form SET(M) are **£820** for postal applications or **£1020** for the premium service at one of our Public Enquiry Offices.

If any children under 18 are applying with you, there is an additional fee of **£50** for each child.

Please note the following:

- **If you do not pay the specified fee, the application will be invalid and will be returned to you.**
- **We will not refund the fee if we refuse the application or if you withdraw it.**

For information about methods of payment, please see the payment details guidance on page 2 of the form.

For more information about the current fees, please go to our website.

5 WHEN TO APPLY

You and any children under 18 who are applying with you should apply before the end of your/their permitted stay in the UK when you are nearing completion of the 2-year qualifying period required by the Immigration Rules.

Please do not apply more than 28 days before completing that period. If you apply earlier than that, your application may be refused. If that happens, we will not refund the fee and you will have to pay again when reapplying.

For visa holders only. If, after receiving your visa, you delayed your journey such that you will reach the "valid until" date on your visa before completing 2 years in the UK, you may need to apply for an extension of stay to complete the 2-year period before applying for indefinite leave to remain on form SET(M). An application for an extension of stay must be made on form FLR(M)

6 MAKING SURE YOUR APPLICATION IS VALID

Paragraphs 34-34I of the Immigration Rules specify certain requirements with which an application on a form specified for the purpose of the Rules must comply. To make a valid application, you must:

- *apply on the current version of form SET(M)*
- *pay the specified fee by one of the methods specified in the payment guidance.*
- *provide photographs of yourself, your partner and any children under 18 who are applying with you as specified in the application form*
- *complete section 8 (Personal History) as required*
- *make sure that the declarations in section 11 are signed by you and your partner*
- *send the application by prepaid post to UK Border Agency or make it in person at a Public Enquiry Office.*

If you fail to do any of these things, your application will be invalid and we will return it to you. This could result in the loss of appeal rights if your permitted stay has run out by the time you make a valid application.

7 ENSURING YOUR APPLICATION IS COMPLETE

You do this by completing every relevant section of the form as required and providing all the documents specified for your particular application, including your passport and those of any children applying with you. **If you do not do this, we reserve the right to decide your application on the basis of the information and documents provided.**

It is important, therefore, to provide an explanation if you cannot give us all relevant information or documents when making your application.

8 COMPLETING THE FORM

Please use a black pen to complete the form; write names, addresses and similar details in capital letters.

In the payment details and other sections where you give personal details and addresses, leave an empty box between each part of the name and of the address.

Please note that we always use the personal details in an applicant's passport or travel document for official purposes, including any residence permit if the application is granted.

Take care to complete all sections as required, including the Personal History section. Follow the guidance on page 2 of the form when completing the payment details. Read the notes in various sections of the form.

As already emphasised in part 7 of these notes, you must enclose a letter of explanation if you are unable to provide all the required information or any relevant specified documents.

9 PHOTOGRAPHS

For your application to be valid, it is mandatory to provide the following photographs:

- *Two identical passport-size photographs of yourself with your full name written on the back of each one.*
- *One photograph of your partner with his or her full name written on the back of it.*
- *Two identical passport-size photographs of any children under 18 who are applying with you with their full name written on the back of each one.*

The photographs you provide must also comply with **the format requirements specified in the separate UKBA photograph guidance.**

Please ensure that you place the photographs in a small sealed envelope and attach it to section 1 of the form as instructed there - and without any staples, clips, pins or anything else which could mark or damage the photographs.

If the application(s) is/are successful, the photographs which you provide will be reproduced in the residence permit(s) in your passport or travel document and those of any children under 18 who are applying with you.

10 DOCUMENTS

Documents provided with the application **must be originals.**

Copies of any kind are not acceptable unless there are valid reasons for not being able to provide the original document. In such circumstances, we may accept a copy certified by the body or authority which issued the original (for example, a copy of a savings book certified by the building society or bank), or by a notary.

The reasons for not being able to provide the original document must be explained in a covering letter. We are unlikely to grant your application without the original document.

Any documents which are not in English must be accompanied by a reliable English translation.

Make sure passports or travel documents are signed.

11 APPLYING BY POST - THE ADDRESS

If you are applying by post, the address to which you must send an application on form SET(M) is:

UK Border Agency
Leave to Remain - SET(M)
PO Box 495
Durham
DH99 1WR

Posting it to any other address will not only delay your application but could make it invalid. This address is only to be used when sending your application. Please use the address given in part 15 for any other correspondence about your application.

If you use Recorded or Special Delivery, this will help us to record the receipt of your application. Make sure that you keep the Recorded or Special Delivery number.

We will return your passport(s) and other documents by Recorded Delivery. If you would like them to be returned by Special Delivery, you must provide a prepaid Special Delivery envelope which is large enough.

You will receive a letter of acknowledgement within a few days of your application being received unless there is a problem concerning the payment of the fee, in which case you will be contacted as soon as possible.

12 APPLYING IN PERSON

We offer a premium service to people who apply in person at our Public Enquiry Offices (PEOs). This service is available only for applications which are straightforward and do not require further enquiries. The premium rate of **£1020** has to be paid for this service - plus **£50** per child under 18 if any are applying with you.

Appointments. To apply in person, you must make an appointment in advance with one of the PEOs. If you make one for some time ahead, please check that the application form you use is still valid on the day of your appointment.

If you are taking the Life in the UK test, you should not book an appointment until you have passed it - see **21j.** on page 6.

The PEO addresses, appointments telephone number and opening times are given on the front page of these guidance notes.

For the latest information about their opening times and services, please see their pages on our website.

13 DECISION TIMES

For the latest information on our service standards for deciding charged applications in the 2009/10 business year, please go to our website.

Applications which are not straightforward and/or which require further enquiries take longer to decide. These include applications by people who have remained here unlawfully after the expiry of their permitted stay.

As we cannot tell in advance how long it will take to decide particular cases, our general advice is not to make any non-urgent travel arrangements until your passport(s) or travel document(s) are returned.

14 YOUR STATUS WHILE YOUR APPLICATION IS BEING CONSIDERED

If you and any children under 18 apply before the end of your permitted stay in the UK, your/their existing immigration status, including any permission to work, will continue until your/their application(s) is/are decided.

15 CONTACTING US AFTER YOU HAVE APPLIED

If you need to contact us after you have applied, please do so as follows.

To send us more information about your application, write to the following address (not the one to which you posted your application):

**UK Border Agency
Initial Consideration Unit - SET(M)
Lunar House
40 Wellesley Road
Croydon
CR9 2BY**

and give the following details in your letter:

- *the applicant's full name, date of birth and nationality*
- *any Recorded or Special Delivery number*
- *the date on which the application was posted or made in person*
- *the Home Office reference number if you have one.*

If you need your passport because you have to travel urgently and unexpectedly, call **0870 606 7766** and give the personal and other details listed above.

Your application will be treated as withdrawn if your passport is returned for travel abroad before we are able to decide the application.

16 OBTAINING APPLICATION FORMS

You can obtain application forms, the accompanying guidance notes and the UKBA photograph guidance from our website at **www.ukba.homeoffice.gov.uk**

If you are unable to obtain the form and accompanying guidance from our website, our Application Forms Unit on **0870 241 0645** will be able to help but it will take longer.

17 OTHER ENQUIRIES

For enquiries other than obtaining an application form, consult our website or call **0870 606 7766**.

We also have the following freephone textphone number: **0800 38 98 28 9**.

18 CHOOSING AN IMMIGRATION ADVISER

Immigration advisers are regulated by the Office of the Immigration Services Commissioner (OISC). Their website at **www.oisc.gov.uk** contains a list of authorised advisers. It also has links to websites for solicitors, barristers and legal executives.

If you have a complaint about an immigration adviser or need other information, the OISC contact details are:

**Office of the Immigration Services Commissioner
5th Floor,
Counting House
53 Tooley Street
London
SE1 2QN**

Telephone: **0845 000 0046**

Alternatively the Solicitors Regulation Authority, which regulates solicitors in England and Wales, can help you find a solicitor if you contact them on **0870 606 2555** or visit their website at **www.sra.org.uk**

The address and telephone number for any complaints about a solicitor are:

**Legal Complaints Service
Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE**

Telephone: **0845 608 6565**

19 COMPLAINTS ABOUT OUR SERVICE

If you wish to make a complaint about our service, please refer to the complaints page on our website for detailed information on how to do so.

20 DATA PROTECTION NOTICE

We will treat all information provided by you in confidence but may disclose it to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions.

We may also use the information provided by you for training purposes.

The information in the payment details page will be known to the private contractor engaged by the Home Office to process application payments.

21 KNOWLEDGE OF THE ENGLISH LANGUAGE AND LIFE IN THE UK

a. Background

Following changes introduced in April 2007, people aged 18 to 64 must have sufficient knowledge of the English language and life in the UK in order to qualify for indefinite leave to remain.

This change in the Immigration Rules was introduced to ensure that migrants wishing to settle here have an understanding of life in the UK and the skills to allow them to integrate fully.

b. What must you do to show that you have sufficient knowledge of English and life in the UK?

If your English is already at or above ESOL (English for speakers of other languages) Entry Level 3, you can take the test known as the **Life in the UK test**.

If your English is below ESOL Entry Level 3, you will need one of the following accredited qualifications:

- an **ESOL “Skills for Life” qualification in speaking and listening at Entry 1, Entry 2 or Entry 3 level** approved by the Qualifications and Curriculum Authority and taught with **citizenship materials**; or

- one **ESOL unit at Access 2, Access 3 or Intermediate 1 level** approved by the Scottish Qualifications Authority and which contains **citizenship materials**.

c. Does this requirement apply to everyone?

It does not apply to anyone under the age of 18 or aged 65 or over at the time the application is made.

Anyone with a significant physical and/or mental health condition(s) or incapacity may be exempt if it prevents them from studying for and taking the Life in the UK test or from studying for an ESOL qualification. Exemption on these grounds will only be given in exceptional cases.

If your partner is a permanent member of HM Diplomatic Service, or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development, a designated person (normally the head of the post at which your partner is based) may certify that you have a sufficient knowledge of the English language and life in the UK for the purpose of settlement.

d. What is the Life in the UK test?

The test consists of questions based on information in the handbook **Life in the United Kingdom: A Journey to Citizenship**. The standard of English required to pass the test is ESOL Entry 3 level or above.

If you are not sure whether your English is good enough to take the test, you can work through the tutorial on the Life in the UK Test website at **www.lifeintheuktest.gov.uk** to help you decide.

You will need to study the relevant edition of the handbook before taking the test. It is published on behalf of the Life in the United Kingdom Advisory Group by The Stationery Office (TSO) for **£9.99**.

You can order it from **www.tso.co.uk/bookshop** or by telephoning **0870 243 0123** or faxing **0870 600 5533**.

It is also available from Waterstone's, W H Smith and other large booksellers.

The test is taken on a computer. The Life in the UK test website at **www.lifeintheuktest.gov.uk** has a section to help with the practical skills needed to take the test, including training in the use of a mouse and keyboard.

Staff at the test centres also specialise in supporting learners new to computers.

e. What if you don't have a computer or access to the internet?

If you live in England you can contact **UK online** on **0800 77 1234** for details of local centres providing computer and internet access.

In other parts of the UK, as well as in England, you can contact your local library or Citizen's Advice Bureau for information on free or low cost access to computers and the internet.

f. Where can you take the test?

At one of around 75 Life in the UK test centres throughout the UK.

You can find your nearest test centre

- via the [Find a test centre](#) link on the Life in the UK test website at **www.lifeintheuktest.gov.uk**

- or by calling their helpline on **0800 0154245**.

g. Booking the test

To book the test, contact the test centre by telephone or in person.

If you have a disability, the test centre can provide the test in a format to meet your particular needs.

Tell the centre about any such needs when you book the test - and also about any medical condition in case it affects the amount of time you need for the test.

h. Is there a charge for the test?

Yes. The current charge is **£33.28**. It has to be paid before you take the test.

The [Find a test centre](#) page mentioned above gives information on the methods of payment accepted by individual test centres.

i. Taking the test

At the test centre you will be asked to confirm your identity by producing one of the following:

- *your passport or Home Office travel document*
- *your identity card for foreign nationals if you have been issued with one*
- *a UK photocard driving licence (full or provisional)*
- *an Immigration Status Document endorsed with a UK residence permit bearing your photograph.*

You will also be asked for your postcode, so you should take a letter or other document containing it.

j. The test result

You will be told the result of the test at the test centre on the day. If you pass, you will be given a pass notification letter, which you must include with your application for indefinite leave to remain. The test result will also be sent to us.

If you wish to make your application for indefinite leave to remain in the UK in person at a Public Enquiry Office (PEO), please note that you will need to have passed the test before making an appointment. Because of the high demand for PEO appointments, we do not have the capacity to agree bookings in cases where there is any uncertainty as to whether the application will take place as planned.

k. What if you fail the test?

If you fail the test, you can retake it any number of times. You will have to pay the current fee every time you take it.

Since the questions are drawn randomly from a large number, they will be different every time you take the test.

l. English for Speakers of Other Languages (ESOL) courses with citizenship material

If your English is not good enough to take the Life in the UK test, you will need to obtain a recognised ESOL qualification of the kind described in paragraph **21b.** above.

ESOL courses are available at many further education, adult and community colleges across the UK.

The course must be one approved by a recognised awarding body - the Scottish Qualifications Authority for courses in Scotland, and the bodies listed in Note 2 in section 5 of the

SET(M) application form for courses in England, Wales and Northern Ireland.

m. Will you have to pay for ESOL courses?

The Department for Business Innovation and Skills (BIS) has decided that people doing an ESOL course should make a contribution to the cost of the course in accordance with their ability to pay.

You should contact your local college to find out about the fee and whether you will be required to pay.

You can also get more information about this in the Learning and Skills Council's funding guidance on their website at www.lsc.gov.uk

n. How long will the ESOL course take?

This may vary according to the particular college and course, as well as the ability of the individual. You should ask the college at which you are planning to take the course about this.

o. What if you can't pass the Life in the UK test or gain an ESOL qualification before the end of your leave to enter or remain in the UK?

If you cannot obtain the relevant qualification before the end of your permitted stay, you should apply on form FLR(M) for an extension of stay in the category to give you time to obtain the necessary qualification.

If you apply for indefinite leave to remain but do not have the relevant qualification demonstrating your knowledge of language and life in the UK, **your application will be refused without any refund of the application fee.**

p. What about dependants?

In the categories for which you must use form SET(M), the only dependants who may apply with you are children under the age of 18. They are not required to show that they have sufficient knowledge of the English language and life in the UK in order to qualify for indefinite leave as your dependant.

q. Where can you get more information about these requirements?

In addition to the sources already mentioned, you can find more information in the Questions and Answers pages on our website.