

If you wish to apply for indefinite leave to remain in the UK on form SET(O), 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 number for contacting us are given below.

#### OUR WEBSITE

[www.ukba.homeoffice.gov.uk](http://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 (IEB)

**0870 606 7766**

Monday to Thursday 9.00 - 4.45  
 Friday 9.00 - 4.30

For immigration information and enquiries

### OUR PUBLIC ENQUIRY OFFICES

Our Public Enquiry Offices (PEOs) are for premium service applications only. Their addresses and opening times are given below. 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.

BELFAST	CARDIFF	CROYDON	GLASGOW	LIVERPOOL	SHEFFIELD	SOLIHULL
Drumkeen House 1 Drumkeen Complex Upper Galwally Belfast BT8 6TB	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	The Capital Building, 6 Union Street Liverpool L3 9AF	Vulcan House 6 Millsands Sheffield S3 8NU	Dominion Court 41 Station Road Solihull Birmingham B91 3RT
Tuesday, Thursday & Friday 9.00 – 4.00	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(O)?

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

- work permit holder
- employment not requiring a work permit
- businessperson
- innovator
- investor
- highly skilled migrant
- highly skilled migrant under the terms of the HSMP indefinite leave to remain (ILR) judicial review policy document
- self-employed lawyer
- writer, composer or artist

- Tier 1 (General) migrant
- Tier 1 (Entrepreneur) migrant
- Tier 1 (Entrepreneur) migrant - Accelerated route
- Tier 1 (Investor) migrant
- Tier 1 (Investor) migrant - Accelerated route
- Tier 2 migrant
- UK ancestry
- ex-HM Forces
- long residence in the UK
- bereaved partner
- other purposes/reasons not covered by other application forms

You and any dependants applying with you must be in the UK to apply.

You must not use this form to make asylum or similar claims - see next page.

You must not use this form

- to make an application for asylum or international protection (this includes an application for humanitarian protection or an Article 3 European Convention on Human Rights (ECHR) application made on protection grounds). or
- to make further submissions on asylum or human rights grounds after the refusal or withdrawal of an earlier asylum or human rights claim.

## 2 QUALIFYING FOR INDEFINITE LEAVE TO REMAIN

To qualify for indefinite leave to remain in the categories of the Immigration Rules for which you must use form SET(O), you must meet the requirements set out in the following parts of the Rules:

- Part 5 work permit holder, highly skilled migrant\*, employment not requiring a work permit, UK ancestry
- Part 6 businessperson, innovator, investor, and writer, composer or artist
- Part 6A Tier 1 migrant, Tier 2 migrant
- Part 7 ex-HM Forces, long residence in the UK
- Part 8 bereaved partner

The full Immigration Rules are on our website.

\* If you applied successfully under the highly skilled migrant programme (HSMP) before 3 April 2006, your application for indefinite leave to remain will be considered under the terms of the HSMP indefinite leave to remain (ILR) judicial review policy document.

With the exception of the categories mentioned below, applicants aged 18-64 must also 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 6 and 7 of these guidance notes for more information about this.

The categories which are not subject to this requirement are the following: ex-HM Forces; bereaved partner; and highly skilled migrant under the terms of the HSMP indefinite leave to remain (ILR) judicial review policy document.

## 3 WHO MAY APPLY ON THIS FORM?

You and your partner and/or children under 18 if they are applying as your dependants (if allowed by the relevant immigration rules - see below). "Partner" means a spouse, civil partner, unmarried or same-sex partner.

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.

### Long residence in the UK.

The immigration rules for this category do not allow dependants. If you include applications by any depend-

ants, they will be refused. Because of this, they should apply separately in their own right in one of the ways described below.

Dependants may apply in the long residence category if they have completed the qualifying period of 10 or 14 years. If you have a partner who does not qualify, they may apply for limited leave to remain as the partner of a person present and settled in the UK on form FLR(M). If they do that, they may include any children under 18 who are applying as their dependants.

Partners may also choose to apply on form FLR(M) even if they do not qualify in the long residence category, as this option allows children under 18 to apply with them as dependants and the overall cost in terms of fees may be less.

If your only dependants are children under 18 and they do not qualify under the long residence rules, they may apply for indefinite leave to remain as a child of a person present and settled in the UK on form SET(F). Each child would have to apply and pay separately. Any child over 18 wanting to apply as your dependant would also have to apply and pay separately on SET(F).

## 4 THE FEE

- Standard fees
- Council of Europe Social Charter (CESC) fees

The fees for nationals of countries which ratified the 1961 Council of Europe Social Charter (CESC), ie Croatia, FYR Macedonia or Turkey, are different but only if they are applying under the following categories or routes:

- work permit holder
- highly skilled migrant (of either kind)
- Tier 1 (General) migrant
- Tier 1 (Entrepreneur) migrant
- Tier 2 migrant.

### Please note the following:

**- Please note that when making large or multiple payments using your credit card, the anti fraud measures that banks operate sometimes stop the full payment being taken. This is because either the maximum limit on a single transaction, or the number of transactions allowed in a given period of time, has been exceeded. To prevent this you must ensure that you inform your bank of your intention to make large or multiple payments in advance so that your bank allows the full payment to be taken when you submit your application.**

**- 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 dependants applying with you should apply before the end of your/their permitted stay in the UK.

There is a qualifying period to complete in most of the categories on this form. It runs either 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 permission to remain in the UK in the relevant category.

If you entered the UK with a visa several weeks or more after the date from which it was valid for use, you may need to apply for an extension of stay to complete the relevant qualifying period.

Please do not apply more than 28 days before completing the qualifying 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.

The qualifying periods are as follows:

5 years In the work permit holder, employment not requiring a work permit, businessperson, innovator, investor, self-employed lawyer, writer, composer or artist, UK ancestry, Tier 1 and Tier 2 categories or routes.

3 years in the Tier 1 (Entrepreneur) - accelerated route. Applicants must ensure that they qualify for the accelerated route before submitting an application for indefinite leave to remain on that basis.

2 or 3 years in the Tier 1 (Investor) - accelerated route, depending on the level of investment in the UK. Applicants must ensure that they qualify for the relevant accelerated route before submitting an application for indefinite leave to remain on that basis.

5 years or 4 years in the highly skilled migrant category. The 4-year qualifying period applies only to applications made under the terms of the HSMP indefinite leave to remain judicial review policy document. Those terms apply only if you applied successfully under the highly skilled migrant programme (HSMP) before 3 April 2006. All other highly skilled migrant applications are subject to the 5-year period.

4 years in the ex-HM Forces category.

10 or 14 years In the long residence category.

There is no qualifying period in the bereaved partner category.

## 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(O)
- pay the specified fee by one of the methods specified in the payment guidance.
- provide photographs of yourself and any dependants who are applying with you as specified in the application form
- complete section 7 (Personal History) as required
- sign the declaration in section 13.
- send the application by prepaid post or, if permitted, by courier to UK Border Agency, or make it in person at a Public Enquiry Office if the premium service is available.

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 dependants 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.*
- *Two identical passport-size photographs of any*

*dependants 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.

## 10 DOCUMENTS

Documents provided with the application must be originals. All supporting evidence must be in the form of original documents. In addition you should provide photocopies of each of these documents including any pages of your passport(s) that contain personal details, visas or immigration stamps (foreign or UK). These do not have to be notarised by a solicitor or legal representative. If you are unable to provide the original document, 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.

**From 31 October 2011** the Immigration Rules have been amended: Tier 2 (General), Tier 2 (Intra Company Transfer) and Work Permit holders applying for settlement must provide specified documentary evidence in order to demonstrate that they are being paid at or above the appropriate rate for settlement applications. The documents you must provide with your application are either: a payslip and a personal bank or building society statement, or a payslip and a building society pass book.

**Payslip:** This must be the most recent payslip. It must be dated no earlier than one calendar month before the date of the application. It should either be an original payslip or on company-headed paper. If the payslip is not on headed paper or is a printout of an online payslip, you must provide a letter from your sponsor, confirming the payslip is authentic. The letter from the sponsor must be on company headed paper, and must be signed by a senior official.

**Personal bank or building society statement:** This must be the most recent statement dated no earlier than one calendar month before the date of the application. The statement must clearly show your: name; account number; the date of the statement; the financial institution's name and logo; and transactions by the sponsor covering the period no earlier than one calendar month before the date of the application.

**We can also accept as evidence:**

A bank or building society statement printed on the bank's or building society's letterhead, but this excludes mini-statements from automatic teller machines (ATMs);

An electronic bank or building society statement from an online account, but it must contain all of the details listed above. You must also provide either: a supporting letter from their bank or building society, on company headed paper, confirming the statement provided is authentic, or an electronic bank or building society statement bearing the official stamp of the bank or building society on every page;

**A building society pass book:** This can be accepted instead of a bank or building society statement. It must clearly show your: name; account number; financial institution's name and logo; and transactions by the sponsor covering the period no earlier than one calendar month before the date of the application. You may submit a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

## 11 APPLYING BY POST - THE ADDRESS

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

### **UK Border Agency**

SET(O)

Indefinite Leave to Remain

PO Box 591

Durham

DH1 9FS

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 16 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 pre-paid 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 service is not available for applications as a businessperson, innovator, investor, self-

employed lawyer, Tier 1 (Entrepreneur) migrant or Tier 1 (Investor) migrant or on the grounds of long residence.

**Appointments.** To apply in person, you must book 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 must allow at least 2 working days between passing the test and attending your appointment – see 22j on page 7.

The PEO addresses, opening times and web address for appointments are given on the front page of these guidance notes.

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

### **13 SETTLEMENT CHECKING SERVICE**

You may wish to use the Settlement Checking Service operated by a number of local authorities. Please see the UK Border Agency's website for details if one is operated in your area.

### **14 SENDING YOUR APPLICATION BY COURIER**

Applications made on this form as a businessperson, innovator, investor, self-employed lawyer, Tier 1 migrant or Tier 2 migrant may be delivered by courier at the following address between 9.00 and 5.00 on Monday - Friday (excluding public holidays).

#### **UK Border Agency**

Leave to Remain - SET(O)  
Millburngate House  
Durham  
DH97 1PA

### **15 DECISION TIMES**

For the latest information on our service standards 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 for particular cases to be decided, our general advice is not to make any non-urgent travel arrangements until your passport(s) or travel document(s) are returned.

### **16 YOUR STATUS WHILE YOUR APPLICATION IS BEING CONSIDERED**

If you and any dependants 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.

### **17 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**

Liverpool Settlement Casework  
PO Box 306  
Liverpool  
L2 0QN

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, made in person or delivered by courier
- 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 details listed immediately above.

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

### **18 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](http://www.ukba.homeoffice.gov.uk)

### **19 OTHER ENQUIRIES**

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

### **20 CHOOSING AN IMMIGRATION ADVISER**

Immigration advisers are regulated by the Office of the Immigration Services Commissioner (OISC). Their website at [www.oisc.gov.uk](http://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](http://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**

## **21 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.

## **22 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.

## 23 KNOWLEDGE OF THE ENGLISH LANGUAGE AND LIFE IN THE UK

You do not need to read this part of the guidance notes if you are applying in the following categories: ex-HM Forces; bereaved partner; highly skilled migrant under the terms of the HSMP indefinite leave to remain (ILR) judicial review policy document.

### 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?

From 6 April 2011, main applicants in the categories:

- Certain work permit holders; or
- Business person; or
- Innovator; or
- Investor; or
- Highly skilled migrant; or
- Writer, composer or artist; or
- Tier 1 (all categories); or
- Tier 2 (all categories)

are required to show that they meet the Knowledge of Language and Life in the UK requirement and must do so by passing the Life in the UK Test.

However, applicants in the above categories who passed an ESOL with citizenship course with an accredited college before 23 November 2010, or who enrolled on a course before that date and gained the qualification at a later date may use this to demonstrate that they meet the Knowledge of Language and Life in the UK requirement.

#### All other applicants

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 to attend an ESOL with citizenship course at an accredited college and obtain a relevant ESOL qualification as described in 221-m of these guidance notes.

Dependants can show that they meet the Knowledge of Language and Life requirement either by passing the Life in the UK test or obtaining a relevant ESOL qualification as described in 23 l-m of these guidance notes.

### 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.

### 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 [www.lifeintheuktest.gov.uk](http://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.tsoshop.co.uk](http://www.tsoshop.co.uk) 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](http://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 65 Life in the UK test centres throughout the UK. You can find your nearest centre

- via the [Find a test centre](#) link on the Life in the UK test website at [www.lifeintheuktest.gov.uk](http://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 **£50.00**. 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 Biometric Residence Permit 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 electronically within 2 working days.

Please note that, in addition to submitting your pass notification letter, the test result must be on our system before we can decide your application. Therefore, if you wish to make your application for indefinite leave to remain in the UK in person at a Public Enquiry Office (PEO), you must allow at least 2 working days between passing the test and attending your appointment. If the result is not on our system when you attend your appointment, we will be unable to decide your application on the same day.

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

If your English is not good enough to take the Life in the UK test, you will need to attend an ESOL with citizenship course at an accredited college, obtain a relevant qualification from an approved awarding body, and demonstrate relevant progress (see below for a definition of these terms).

The course must have used teaching materials derived from the document entitled "Citizenship Materials for ESOL Learners" (ISBN 1-84478-5424) produced by NIACE/LLU+.

An "**accredited college**" is:

- a publicly funded college that is subject to inspection by Ofsted (if situated in England), the Education and Training Inspectorate (if situated in Northern Ireland), HM Inspectorate of Education (if situated in Scotland), Estyn (if situated in Wales); or an inspection programme that has been approved by the Island's Government (if situated in the Channel Islands or Isle of Man)", or
- a private college that has been accredited by Accreditation UK, the British Accreditation Council (BAC), the Accreditation Body for Language Services (ABLS), or the Accreditation Service for International Colleges (ASIC).

We will accept that a college meets the definition of an 'accredited college' if it was accredited when you obtained your qualification or if it is accredited on the date we decide your application.

A "**relevant qualification**" is:

- an ESOL qualification in speaking and listening at Entry 1, 2 or 3 level approved by the Office of the Qualifications and Examinations Regulation (Ofqual); or
- one National Qualifications Unit in ESOL at Access 2, Access 3, or Intermediate 1 level approved by the Scottish Qualifications Authority.

In England, Wales and Northern Ireland, the awarding bodies approved by Ofqual are:

- Ascentis (formerly Open College of the Northwest)
- Cambridge ESOL
- City & Guilds (Pitmans)
- Edexcel
- Education Development International (EDI)
- English Speaking Board (International) Limited
- Learning Resource Network (LRN)
- National Open College Network
- Trinity College London

In Scotland, the only approved awarding body is:

- the Scottish Qualifications Authority.

To demonstrate "relevant progress", you must have progressed by at least one level from the level at which you were assessed at the beginning of the course leading to your relevant qualification. For example, if you were initially assessed by your college as being below Entry 1 level, you must obtain an ESOL qualification at Entry 1 level or above.

You should check with your college to ensure that it is accredited as described above and that the course meets all of the other criteria outlined above. If your college is not accredited, or if the course does not meet all of the above requirements, your application will be refused.

**m. What evidence will you need to submit to show that you have met the requirement to demonstrate Knowledge of language and life in the UK?**

If you are relying on a pass in the Life in the UK test, you must submit the original pass notification letter with your application for indefinite leave to remain.

If you are relying on an ESOL qualification you must submit the original certificate from an approved awarding body (see above) showing that you have obtained a relevant ESOL qualification. You must submit the original certificate from an approved awarding body (see above) showing that you have obtained a relevant ESOL qualification.

You must also submit a letter from your college confirming:

- Your name
- The title of the qualification you have obtained
- The name of the awarding body
- That the course contained citizenship materials derived from the document entitled "Citizenship Materials for ESOL Learners" produced by NIACE/LLU+
- That you were assessed at the beginning of the course by a suitably qualified teacher
- The level at which you were originally assessed
- The level to which you have progressed
- The duration of the course
- How the college meets the definition of an "accredited college"
- The date your course commenced.

The letter from the college must be on letter-headed paper, be signed and dated by an official of the college, and contain the official stamp or seal of the college.

In addition, where you are relying on a pass in an ESOL course onto which you had enrolled before 23 November 2010, the following evidence must be provided;

- Evidence from an accredited college on headed paper that you had enrolled onto a suitable course before 23 November 2010.
- An original valid ESOL qualification. This does not have to have been issued from the organisation in which enrolment was first undertaken

**n. 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.

**o. 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.

**p. What if you can't pass the Life in the UK test or gain an ESOL qualification before the end of your permission to stay in the UK?**

If you cannot obtain a relevant qualification before the end of your permitted stay, you should apply on the appropriate specified form for an extension of stay in your existing category to give you time to obtain the qualification.

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

**q. What about dependants?**

Any dependants applying with you who are under the age of 18, or aged 65 or over, are not required to show that they have sufficient knowledge of the English language and life in the UK.

Unless they qualify for exemption from the requirement, anyone aged 18-64 who is applying as your partner must also pass the Life in the UK test or obtain a relevant ESOL with citizenship materials qualification. But they will only be granted indefinite leave to remain if your application is granted.

If you have a partner aged 18-64 who is applying with you on form SET(O) and your application is granted but your partner has not yet been able to obtain the relevant pass or qualification, their application will be refused. In this situation, they will need to apply separately for an extension of stay as your dependant to give them time to obtain the necessary qualification. Such an application must be made on form FLR(O).

**r. Where can you get more information about these requirements?**

In addition to the sources already mentioned, you can find more information in the "Settlement" section of our website.

## 24 BIOMETRIC RESIDENCE PERMITS

### What is a Biometric Residence Permit?

1. The Biometric Residence Permit is a residence permit which holds a migrant's biographic details (name, date and place of birth) and biometric features (facial image and fingerprints), and shows his/her immigration status and entitlements while he/she remains in the UK.

2. It replaces the vignette (or sticker) and ink stamps previously placed in the passports of those granted permission to remain in the UK. If a migrant is issued with a Biometric Residence Permit, he/she will receive a leaflet giving more information about it and explaining any obligations.

### What are biometric features?

3. Biometrics features are the unique physical characteristics that can be used to identify a person such as a facial image and fingerprints. We do this by taking a digital photograph of all applicants and scanning the fingerprints of applicants aged 6 or over.

### Requirement to apply for a Biometric Residence Permit

4. You must apply for a Biometric Residence Permit if you make an application:

(a) for limited leave to remain for a period which, together with any preceding period of leave to enter or remain, exceeds a cumulative total of 6 months leave in the United Kingdom;

(b) for indefinite leave to remain;

(c) to replace a stamp, sticker or other attachment in a passport or other document which indicated that he had been granted limited or indefinite leave to enter or remain in the United Kingdom;

(d) to replace a letter which indicated that he had been granted limited or indefinite leave to enter or remain in the United Kingdom;

(e) to be recognised as a refugee or a person in need of humanitarian protection;

(f) to be recognised as a stateless person in accordance with Article 1 of the Stateless Convention;

(g) for a Convention Travel Document, Stateless Person's Travel Document or a Certificate of Travel Document and does not already hold a valid Biometric Residence Permit; or

(h) as the dependant of a person who is making

an application in accordance with sub-paragraph (a), (b), (e) or (f).

5. You do not need to apply for a Biometric Residence Permit if you are applying for leave as an Olympic or Paralympic Games Family Member Visitor or an Olympic or Paralympic Games Family Member Child Visitor (paragraphs 56R and 56U of the immigration rules).

### Transitional Arrangements

6. If you were not required to apply for a Biometric Residence Permit at the time of your application and you are notified before 1st December 2012 that you will be granted limited leave to remain or indefinite leave to remain, you will receive a UK Residence Permit.

7. If you were not required to apply for a Biometric Residence Permit at the time of your application but you are notified on or after 1st December 2012 that you will be granted

(i) limited leave to remain for a period which, together with any preceding period of leave to enter or remain, exceeds a cumulative total of 6 months leave in the United Kingdom; or

(ii) indefinite leave to remain

you must apply for a Biometric Residence Permit and have your biometric features recorded.

### Applying by post

8. If you make a postal application you will be sent a letter notifying you of the need to make arrangements for you and any dependants applying with you to have your biometric features recorded.

9. You must record your biometric features within 15 working days of the date of the letter. For the majority of applicants this will be done at a Post Office.

### Post Office

10. The post office offers a walk-in service, with no need to book an appointment; however, there may be a queue for this service. The Post Office branches where the applicant can record your biometrics will be detailed on the Post Office website which will be highlighted in your Biometric Enrolment letter.

11. You must bring the back page of the letter (which includes your case reference number, full name and date of birth) when you attend the Post Office branch. If you fail to bring the back page of the letter with you the Post Office will not be able

to record your biometric features.

12. You will be charged an additional handling fee payable to Post Office Ltd. Payment to Post Office Ltd can be made by cash or debit card.

### **Applying in person (premium service applications)**

13. If you make an application in person must book an appointment in advance with one of our Public Enquiry Offices (PEOs). You can do this online at <http://ukba.homeoffice.gov.uk/book-appointment> or by phoning our Immigration Enquiry Bureau on 0870 606 7766.

14. More information about this service, including the fee, is available on our website at <http://www.ukba.homeoffice.gov.uk/contact/applyinginperson/>.

### **Super premium service**

15. As part of the super premium service we will visit you to record your biometric features (fingerprints and photograph):

- at a location of your choosing; and
- at a convenient time and date for you (between 09:00 and 17:00, Monday to Friday), with a minimum of 48 hours' notice following initial contact.

16. We will make a decision on the application within 24 hours of your biometric features being recorded.

17. If you want to use this service you should phone 020 8196 3893 or 020 8196 3892.

18. More information about this service, including the fee, is available on our website at <http://www.ukba.homeoffice.gov.uk/contact/super-premium/>.

### **Why do applicants over 5 years old have to give their fingerprints?**

19. The law states that everyone over 5 years old must provide their fingerprints when applying for a Biometric Residence Permit.

### **Who should accompany children under the age of 16?**

20. We cannot record the biometric features of children under the age of 16 unless they are accompanied by a responsible adult.

21. If any such children are applying with an applicant as his/her dependants, we would expect the applicant to be with them when their biometric features are recorded. If not, the person accompanying them must be a responsible adult aged 18 or over who is either the child's parent or guardian, or a person who for the time being takes responsibility for the child. Any such person must be named on

the application form.

22. If the applicant is a single person under the age of 16, he/she must be accompanied by his/her parent, guardian or other responsible adult aged 18 or over.

23. If the person accompanying the child(ren) under 16 is not their parent or guardian, that person must bring with him/her a letter confirming that he/she is authorised to take responsibility for the child(ren) when they have their biometrics recorded.

24. At the appointment the responsible adult will also be asked to provide an acceptable form of identity, such as a passport or driving licence.

### **What happens when I enrol my biometric information?**

25. Enrolling your biometric information is a quick and clean process. We take a digital photograph of your face, then you put your fingers on a glass screen to be scanned - there is no ink or mess.

26. We are aware of the need to protect the dignity, privacy and modesty of applicants, and there will be special arrangements for applicants where needed.

### **How long does it take to enrol biometrics?**

27. The UK Border Agency biometric enrolment process takes 5-10 minutes. There may then be a short wait whilst data checks are made.

### **What about any medical or physical conditions that may require the UK Border Agency to provide the applicant with special arrangements?**

28. If you and/or any dependants who are applying with you have a medical or physical condition which may require special arrangements to be made in order for your biometric features to be recorded, you must obtain a letter or other document giving the details of any such condition and enclose it with your application.

29. Appropriate documentary evidence would be a letter from a treating clinician, such as a practising doctor registered with the General Medical Council, giving details of the condition and/or special needs and explaining any arrangements that may be necessary.

### **What if the migrant has no fingers or hands?**

30. If you are physically unable to provide fingerprints we will take a photograph of the facial image and record on the database the fact that you are physically unable to provide fingerprints.

31. You will not be able to use the biometric enrolment service at a post office branch.

### **Do I need to make any special preparations before my biometric features are recorded?**

32. Before you attend your appointment, we recommend that you check that your hands and fingers are clean. If your hands are not clean, we may ask you to wash them before we scan your fingerprints.

33. We would advise you not to have any colouring or similar substances (such as henna) on your hands as this could prevent us from recording your fingerprints on the day of your appointment. You would then have to make a new appointment which would delay the consideration of the application.

### **Why do I need to give my biometrics as part of my application?**

34. Providing biometrics helps to protect the identities of genuine applicants. Biometric Residence Permits make it easier for individuals to prove their identity, immigration status and entitlements in the UK. Individuals are locked into a single identity which helps the UK Border Agency tackle immigration abuse, child trafficking, illegal working and identity fraud.

### **What if I fail to record my biometric features?**

35. If you fail to record your biometric features or book an appointment within 15 working days from the date of the notification letter you will be sent a warning letter giving you another opportunity within a limited period. The letter will also advise that failure to record your biometric features or to book an appointment within the stated period will result in your application being rejected as invalid.

### **What if I do not comply with the recording process at the appointment?**

36. If you do not co-operate fully with the biometric recording process, for example by attempting to obscure your fingerprints or face, you will be warned that your refusal to comply may result in your immigration application being refused on the grounds of non-compliance.

### **Will I be interviewed?**

37. If the fingerprint check reveals any queries around your identity, these matters may be resolved through an interview. However, this will not routinely be required.

### **Will I be issued with a Biometric Residence Permit?**

38. If the application is successful, you will not be issued with a residence permit in your passport. Instead, you will be issued with a residence permit in the form of a Biometric Residence Permit.

39. The permit will be sent to you by secure delivery.

40. If you do not receive your permit within ten working days of the date of your decision letter you should contact us on 0300 123 2412.

41. You cannot enquire about undelivered permits in person at our offices or biometric enrolment centres. This applies to both premium and postal services.

### **When will I get my biometric residence permit?**

42. If you apply by post, we will post your permit to you by secure delivery, separately from the decision about your application and the return of your documents.

43. If you apply at a public enquiry office, we will post your permit to you by secure delivery after your appointment. Permits cannot be issued on the same day as your appointment.

44. We advise you not to book any non-urgent travel before you have received your permit.

### **What must I do when I receive my biometric residence permit?**

45. You must check your permit carefully when you receive it, to ensure that all the details on it are correct. If you find a mistake, you must phone us on 0300 123 2412 within 10 working days of receiving the permit - otherwise you may be charged for a replacement and will need to apply again.

46. We advise you to make a photocopy of the front and back of your permit, in case it is lost or stolen. If you want to make another application in the future, you will need to send your permit to the UK Border Agency, so you may want to retain a copy for your records.

### **What should I do if my biometric residence permit is not delivered?**

47. If you have not received your permit 10 working days after the date on your letter from us extending your permission to stay in the UK, you should phone us on 0300 123 2412. You cannot ask about undelivered permits in person at our public enquiry offices or biometric enrolment centres.

## How do I use my biometric residence permit?

48. Your biometric residence permit is evidence of your permission to stay in the UK, and shows the conditions of your stay. It enables you to confirm your identity and your rights to study and/or work here, and to access public services.

49. You must show the permit to your employer or approved education provider before you start to work or study.

50. You must take your permit with you if you go abroad while you have permission to stay in the UK. You may need to show the permit to an immigration officer at the border when you leave the UK. You will also need to show it as well as your valid national passport or travel document before you begin your return journey, and again when you re-enter the UK. The permit proves that you are allowed to return to the UK, but it cannot be used instead of a passport or travel document.

## What should I do if my biometric residence permit is lost or stolen?

51. If your biometric residence permit is lost or stolen, you must report the loss or theft to the UKBA Card Management Service as soon as possible by phoning 0300 123 2412 from the UK or (+44) 20 8527 3623 from abroad.

52. You must also report the loss or theft to the police and get a police report and crime reference number as soon as possible.

53. If your permit is lost or stolen when you are in the United Kingdom you must apply for another permit within three months of reporting the loss or theft of your original permit, using form BRP(RC).

54. If your permit is lost or stolen when you are abroad you must apply for a short-term Single Entry Visa in order to travel to and re-enter the United Kingdom. You must then apply for another permit within three months of re-entering the United Kingdom, using form BRP(RC).

55. If you do not apply for a replacement permit you could be liable to a sanction, such as a Civil Penalty Notice of up to £1,000 and/or curtailment of your leave to stay in the United Kingdom.

## How do I change my personal details on my biometric residence permit?

56. You must tell us as soon as you can if:

- you change your name (for example, because of marriage or by deed poll);
- you change your gender, legally or permanently;

- you change your nationality; or
- your facial appearance changes significantly.

57. If you change any personal details listed above or any details shown on your biometric residence permit, you must apply for a new permit within three months using application form BRP(RC). If you do not do this, you may have to pay a financial penalty of up to £1,000 or we may shorten your permission to stay. You can download the application form and guidance from the right side of this page.

## What should I do if I change my address or circumstances?

58. If you change your address before you have received your biometric residence permit, you must tell us immediately by phoning 0870 606 7766.

59. If you change your address at any time after you have received your biometric residence permit, and you think you are likely to be at the new address for at least six months, you should tell us by sending a fax to 020 8196 5454 or by writing to:

UK Border Agency  
Change of Address Team  
11th Floor Lunar House  
Wellesley Road  
Croydon  
CR9 2BY

60. You must tell us immediately by phoning 0870 606 7766 if:

- you change your circumstances so you no longer qualify to stay under the Immigration Rules that were in place when we gave you permission to stay in the UK; or
- you are a student and you change your course and/or education provider (sponsor).

## What should I do if the information on my biometric residence permit is incorrect, someone has been using my permit or it is damaged?

61. You must tell us immediately by phoning 0300 123 2412 if you know or suspect that:

- the information held on your permit is untrue, misleading or incomplete;
- someone has used your permit with or without your permission; or
- your permit has been damaged or tampered with.