

If you wish to apply for indefinite leave to remain in the UK as a victim of domestic violence, please read these guidance notes and the 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	IMMIGRATION ENQUIRY BUREAU	APPLICATION FORMS UNIT
www.ukba.homeoffice.gov.uk	0870 606 7766	0870 241 0645
For information about immigration law and policy, and to see and download application forms and related guidance	Monday to Thursday: 9.00 - 4.45 Friday: 9.00 - 4.30	Monday to Thursday: 9.00 - 4.45 Friday: 9.00 - 4.30
	For immigration enquiries and information	For application forms, guidance notes and photograph guidance

The premium service at our Public Enquiry Offices is not available for SET(DV) applications.

GUIDANCE NOTES

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

Form SET(DV) must be used if you are applying for indefinite leave to remain as a victim of domestic violence after being admitted to the UK or given an extension of stay for 2 years as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the UK.

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

2 QUALIFYING FOR INDEFINITE LEAVE TO REMAIN

To qualify for indefinite leave to remain as a victim of domestic violence you must meet the requirements set out in Part 8 of the Immigration Rules, which are on our website. You can also seek information about the relevant rules by calling **0870 606 7766**.

3 WHO MAY APPLY ON THIS FORM?

You and any 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

The current specified fee for an application by post on form SET(DV) is **£820** if you are the only applicant. If any children under 18 are applying with you, there is an additional fee of **£50** for each child.

The premium service at our Public Enquiry Offices is not available for applications on form SET(DV).

You do not need to pay the fee if you can show that you are **destitute**.

A person who claims to be destitute for the purpose of being exempt from the fee must provide evidence to show that, on the date of making the application, they have:

- no access to sufficient funds to pay the specified application fee; and that they are
- totally and necessarily reliant on a third party for the provision of essential living costs, such as basic accommodation and food.

You must provide satisfactory evidence if you claim to be destitute - see next page.

Unless you provide satisfactory evidence, your claim to be destitute will not be accepted and your application will be rejected as invalid. Satisfactory evidence could, for example, be a signed letter from a local authority or agency supporting you. The letter must confirm that your circumstances have been assessed, and that you have been deemed to be destitute and are therefore unable to pay the application fee.

If you are not claiming to be destitute, you must pay the specified fee. **Please note that if you do not, the application will be invalid and will be returned to you.**

Please also note that if you are paying the application fee, we will not refund it 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 child under 18 who is applying with you should apply before the end of your/their permitted stay in the UK.

Your application should be made as soon as is practically possible after your marriage or other partnership has broken down as a result of domestic violence.

You should not wait until the end of your permitted stay in the UK.

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(DV)*
- *pay the specified fee by one of the methods specified in the payment guidance (unless you are destitute)*
- *provide photographs of yourself and any children under 18 who are applying with you as specified in the application form*
- *complete section 8 (Personal History) as required*
- *sign the declaration in section 11*
- *send the application by prepaid post to UK Border Agency.*

If you fail to do any of these things, the 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.

If you need help with any of the questions, you can seek advice by telephoning **0870 606 7766**.

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 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 attached 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 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(DV) is:

**UK Border Agency
Leave to Remain - SET(DV)
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 14 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 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, or which need 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.

13 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.

14 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
PO Box 3468
Sheffield
S3 8WA**

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*
- *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 decide the application.

15 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.

16 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**.

17 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**

18 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.

If you are unable to access the website or if you need further advice after reading the information on the complaints page, please telephone our Immigration Enquiry Bureau on **0870 606 7766**.

19 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.