

IMMIGRATION DIRECTORATES' INSTRUCTIONS

CHAPTER 15 SECTION 1

ARMED FORCES: GENERAL

1. INTRODUCTION

Section 8(4) of the Immigration Act 1971 exempts from immigration control certain members of armed forces.

A person is to be regarded as exempt from control (except for the provisions relating to deportation) so long as he is:

- a member of the home forces (HM Forces) subject to service law;
- a member of a Commonwealth force or a force raised under the law of an associated state, colony, protectorate or protected state who is undergoing or due to undergo training in the United Kingdom with any body, contingent or detachment of the home forces including NATO forces - **see ANNEX A (below)**;
- serving or posted for service in the United Kingdom as a member of a visiting force including NATO forces - **see ANNEX A (below)**;
- serving or posted for service as a member of an international headquarters or defence organisation.

2. ON ENTRY

Persons exempt under section 8(4) of the 1971 Act may hold a **national passport which has already been endorsed with an exemption from control stamp** (obtainable from ICC 1- see AFTER ENTRY para 3.1).

Alternatively, they may hold the following documentation which is normally sufficient to demonstrate their entitlement to be treated as exempt:

Members of HM Forces and members of Commonwealth or other forces coming to the UK for training should carry a personal identity card issued by the military authority to which they belong. If they are undergoing training they should have documents to show this, usually issued by the UK-based unit with which they will be undergoing training.

Members of the NATO forces should carry the following documentation

- a personal identity card issued by their national authorities bearing their name, date of birth, rank and number, branch of the service and

photograph (they may also carry a passport). **All serving members of the United States forces are issued with a blue/green identity card, known in the Air Force, Army, Navy and Marines as a 2AF, 2AR and 2NA respectively.**

- individual or collective "movement orders", when travelling on duty or on leave, authorising journeys. These orders may be issued by the force concerned, by Supreme Headquarters, Allied Powers, Europe (SHAPE) or, in some cases, by other Allied Headquarters such as those of the Commander-in-Chief Eastern Atlantic Area (CINCEASTLANT) and the Commander-in-Chief Air Forces Eastern Atlantic Area (CINCAIREASTLANT).

2.1. Procedure

On each arrival, a passenger who is exempt from control should have their passport (where presented) endorsed with the immigration officer's date stamp. No landing card is required.

If the immigration officer is **not** satisfied as to the passenger's claimed status, he may consider them as a civilian who requires leave to enter. A passenger who clearly qualifies for leave to enter [e.g. a non-visa national entering as a visitor] should not be delayed while enquiries are being made of the military authorities.

Where a member of any arm of the United States forces is concerned and further enquiries are necessary, the Security Police Commander at the location where the subject claims to be based may be consulted. The immigration office at **RAF Mildenhall** is connected to the US "Defense Switching Network" (DSN) and officers there will be pleased to assist, if necessary, in making such enquiries. (RAF Mildenhall, Suffolk IP28 8NG, switchboard tel: 01638 543000)

See paragraph 4 below for advice relating to the entry of the dependants of such a person.

2.2 Former members of the United States forces (Veterans)

Certain former members of the United States forces may carry "veteran" identity cards and occasionally travel on forces flights. **Such persons are not entitled to any exemption under the Act.** They should carry passports and have visas where necessary and may be regarded as civilians who may, or may not, qualify for leave to enter.

2.3. Further guidance

- ANNEX A** (*below*) *provides a list of the countries designated under Section 1 of the Visiting Forces Act 1952 and a list of countries belonging to NATO.*
- ANNEX B** *provides contact details for armed forces queries.*
- ANNEX C** *provides information about foreign armed forces and related organisations of countries which are neither designated under Section 1 of the Visiting Forces Act 1952 nor members of NATO, and advice concerning the entry into the United Kingdom of members (who are not exempt from control) of such forces/organisations.*

3. AFTER ENTRY

A person who is admitted as exempt from control will remain exempt provided he continues to fall within the provisions of Section 8(4) of the 1971 Act.

A person admitted in another capacity (e.g. visitor, student) who wishes to join HM Forces should be advised to contact them directly - ***enlistment is entirely a matter for the armed force concerned.*** Normally, initial contact with a local recruitment office will be followed by a series of tests, interviews and later, an intensive selection lasting 1.5 days. After this, if a person is to be accepted into one of the armed forces, he will be invited to take an oath of allegiance. This is the point at which he is formally enlisted into HM Forces (for a minimum period of 4 years) and becomes exempt from control under Section 8(4). This attestation ceremony will usually take place at the local recruitment office immediately prior to the commencement of Phase 1 basic training which may last 26 weeks (or 12 weeks in the case of non-infantry recruits).

Once the applicant has been enlisted into HM Forces, he should submit his passport to the UK Border Agency (with a covering note from the military unit, no application form required). When submitted, the passport of the person should be endorsed with suspension of any limited leave to enter/remain. The standard exemption endorsement should be used with the following alteration in manuscript:

* **Delete** "while the holder is employed as.... at...."

- * **Substitute** "while Section 8(4) of the Immigration Act 1971 applies to the holder"

Please note that Managed Migration, ICC 1 (7th Floor, Long Corridor, Lunar House, Croydon, CR9 2BY tel: 020 8196 3957/3959) deals with the endorsement of passports for exempt service personnel and with leave for their dependants.

See paragraph 4 (below) for advice on granting leave to the dependants of exempt armed forces members.

Delayed enlistment. There may be circumstances where the receiving unit only runs one or two basic training courses per year and the enlistment date is therefore delayed. Where evidence of this is supplied, a period of 6 months' leave code 3 may be granted outside the Immigration Rules to cover the period up to the enlistment date provided.

Discharge during basic training. Very occasionally a soldier may have to recommence or repeat their basic training but where such 'back-squadding' occurs, he remains a member of HM Forces and his exemption would not be affected .

In the rare event that a recruit is discharged during their basic training period (on medical grounds or because the recruit exercises their right to do so within the first 8 weeks) ICC1 should be contacted directly by the Unit involved to take cessation of exemption action - see 3.1 below.

3.1 Persons who cease to be exempt from control under Section 8(4) of the 1971 Act.

The exemption from immigration control of persons under S.8(4) of the 1971 Act ceases as soon as their period of enlistment/service/training comes to an end. **Chapter 15 Section 2** describes how to treat those who no longer qualify for Section 8(4) exemption. (Note: they do not benefit from the provisions of section 8A of the 1971 Act (inserted by S.7 of the 1999 Immigration and Asylum Act) whereby persons who cease to qualify for diplomatic or consular exemption are automatically deemed to have a period of 90 days' leave as soon as exemption ceases.)

See Annex D of Chapter 14, Section 1: Persons who cease to be exempt from control on or before 29 February 2000; Persons who cease to be exempt from control under section 8(4) of the 1971 Act. See also Section 2 of this chapter - Persons discharged from Armed Forces

3.2. Settlement

Foreign and Commonwealth citizens who on discharge have completed 4 years' service with HM Forces may apply for settlement. See **Section 2A of this chapter: Persons seeking settlement on discharge from HM Forces.**

3.3. Further guidance

ANNEX A (*below*) provides a list of countries designated under Section 1 of the Visiting Forces Act 1952 and a list of NATO countries.

ANNEX B provides contact details for armed forces queries.

ANNEX C provides information about foreign armed forces and related organisations of countries which are neither designated under Section 1 of the Visiting Forces Act 1952 nor members of NATO, and advice concerning the entry into the United Kingdom of members (who are not exempt from control) of such forces/organisations.

4. DEPENDANTS OF ARMED FORCES MEMBERS WHO ARE EXEMPT FROM IMMIGRATION CONTROL UNDER SECTION 8(4) OF THE IMMIGRATION ACT 1971

4.1 Dependants of members of the armed forces are **not** exempt from immigration control and need to apply for leave under the Immigration Rules. New provisions, effective from 15th March 2005 (HC 346), replaced the provisions of the concession under which dependants were previously granted leave and are contained in the following paragraphs:

- Spouses, civil partners, unmarried or same-sex partners of armed forces members who are exempt from immigration control under section 8(4) of the Immigration Act 1971 (paragraphs 276AD – 276AF)
- Children of armed forces members who are exempt from immigration control under section 8(4) of the Immigration Act 1971 (paragraphs 276AG – 276AI)

New provisions for unmarried or same-sex partners were effective from 31 March 2009 (HC 314).

Applications for further leave should be made on Form FLR(O).

- 4.2 Dependant applicants must, first and foremost, be able to show that they are the spouse, civil partner, unmarried partner, same-sex partner or child of a member of the armed forces (the “sponsor”) who is exempt from immigration control under section 8(4) of the Immigration Act 1971.

If the **sponsor is a member of HM Forces**, they will need to provide:

- **a letter from their sponsor’s Unit confirming the date of their enlistment and their expected final date of service with HM Forces.**

If the **sponsor is not a member of HM Forces** but is exempt from UK immigration control on the basis of their armed forces training, posting or service in the UK (including NATO), or as a member of a designated international headquarters or defence organization, they will need to provide:

- **a letter from the sponsor's unit or employer confirming the start date of their training, posting or service in the United Kingdom and the expected end date of this period of training, posting or service in the UK**

4.3 **Spouses, civil partners, unmarried or same-sex partners of exempt armed forces members**

Spouses, civil partners, unmarried or same-sex partners must satisfy all of the requirements in paragraph 276AD of the Immigration Rules and would normally be expected to produce documentary evidence in support of their application where appropriate.

The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 are that:

- The spouse, civil partner, unmarried or same-sex partner applicants must be married to or in a civil partnership or relationship akin to a marriage or civil partnership with an armed forces member who is exempt from immigration control. The applicant should provide:
 1. A letter from the unit referred to at paragraph 4.2 above. If the letter is not recent, caseworkers may wish to contact the unit concerned, to ensure that the service details

provided remain valid;

AND

2. Evidence of their marriage or civil partnership (including the original marriage certificate or civil partnership certificate);

OR - where the applicant is an unmarried or same-sex partner of an exempt armed forces member - evidence that:

- any previous marriage, civil partnership or relationship akin to a marriage by the applicant or the exempt armed forces member must have permanently broken down;
- the applicant and the exempt armed forces member must not be so closely related that they would be prohibited from marrying each other in the UK; and
- the applicant and the exempt armed forces member must have been living together in a relationship akin to a marriage or civil partnership for a period of at least 2 years.

Chapter 8, Section 9 Annex Z provides further guidance on assessing unmarried and same-sex relationships, including what might be required in the form of documentary evidence.

- The couple should intend to live together during the applicant's stay in the UK and the marriage, civil partnership or relationship akin to a marriage or civil partnership must be subsisting. Unless there is particular reason to think otherwise, the applicant's ability to produce the letter from the sponsor's Unit or employer (as described in 4.2 above), in support of their application, should normally be regarded as satisfactory evidence of this.

[The FLR(O) application form will be revised in due course to include a requirement for armed forces dependent spouses, civil partners, unmarried or same-sex partners to submit a separate letter of support from the sponsor, confirming that: the couple are living together and intend to continue living together whilst the applicant remains in the UK; and that the marriage, civil partnership or relationship akin to a marriage or civil partnership is subsisting.]

Note: caseworkers will also have to allow for circumstances where it is unreasonable to expect cohabitation, such as where the sponsor is posted on an overseas mission as 'married unaccompanied', normally due to the risks involved or the limited availability of suitable accommodation (e.g. in Iraq or Afghanistan - see also section 4.6 below).

- There needs to be adequate accommodation without recourse to public funds. Whether the accommodation is provided by the armed forces or the sponsor's employer or rented (often with a subsidy from the sponsor's employer), it must be occupied 'exclusively' by the sponsor and their dependants. If the accommodation is owned by the sponsor and/or his dependants, exclusive occupation is not a requirement. Further information on maintenance and accommodation of dependants can be found in IDI Chapter 8, section 1, Annex F.
- The sponsor and their dependants must be able to support themselves without recourse to public funds.
- The spouse, civil partner, unmarried or same-sex partner may ultimately apply for settlement once their sponsor is discharged or is naturalized as a British citizen while serving or, once the sponsor has completed 5 years' continuous service. Other than in these circumstances applicants should not intend to stay in the United Kingdom beyond their sponsor's period of enlistment in HM Forces or, if the sponsor is not a member of HM Forces, beyond the period of their sponsor's training, posting or service in the UK. Unless there is particular reason to think otherwise, the applicant's ability to produce a recent letter from the sponsor's Unit or employer in support of the application would normally be regarded as satisfactory evidence of this.

4.4 **Children of exempt armed forces members**

Children must satisfy all of the requirements in paragraph 276AG of the Immigration Rules and would normally be expected to produce documentary evidence in support of their application where appropriate.

In addition to supplying evidence that the sponsor is exempt from immigration control (as indicated in 4.2 above), the requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 are that:

- they are the child of a parent who is a member of the armed forces

and exempt from immigration control under section 8(4) of the Immigration Act 1971. Documentary evidence to support this (birth certificates, adoption papers, etc) may be requested if not supplied initially with the application and there are any doubts about the applicant's relationship to the sponsor; and

- they are under the age of 18 or have current leave to enter or remain in this capacity; and
- they are unmarried, have not formed an independent family unit and are not leading an independent life; and
- they can and will be maintained and accommodated adequately without recourse to public funds in accommodation which their parent(s) own or occupy exclusively; and
- they will not stay in the United Kingdom beyond the period of their parent's enlistment in the home forces, or posting or training in the United Kingdom; and
- their other parent is being or has been admitted to or allowed to remain in the United Kingdom, unless :
 - the parent they are accompanying or joining is their sole surviving parent; or
 - the parent they are accompanying or joining has had sole responsibility for their upbringing; or
 - there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for their care.

4.5 Children over the age of 18

Under the terms of paragraph 276AG(ii) applications for leave as a child dependant 18 years old or over can only succeed under the immigration rules if the applicant already has leave in this capacity. However, applications from dependent children 18 years or over will be considered and in exceptional circumstances discretion to grant leave outside the rules may be exercised in individual cases.

Consideration should be given to whether one (or more) of the following factors apply:

- the applicant formed and continues to form part of the household and wishes to pursue a full-time course of studies in the UK and can provide evidence of acceptance and enrolment on such a course and is financially dependent on the sponsor;

- the applicant formed and continues to form part of the household, is financially dependent on the sponsor and refusal would mean the applicant would be living alone outside the UK;
- the applicant would find it very difficult to function because of illness or disability without the help and support of the sponsor in the UK.

4.6 Granting leave to enter or remain

- (a) If the requirements of paragraph 276AD (for a spouse, civil partner, unmarried or same-sex partner) or 276AG (for a child) are met, the applicant should be granted leave to enter or remain for up to *four years, or for the duration of the sponsor's posting, whichever is the shorter*, on conditions permitting employment (Code 1). Four years is consistent with the minimum period of enlistment in HM Forces. It also provides sufficient leave to cover dependants until their serving spouse, civil partner, unmarried or same-sex partner or parent may apply for settlement in the United Kingdom under the HM Forces Rule after discharge and on completion of 4 years' service.

If the **sponsor is a member of HM Forces**, and leave to enter or remain is to be granted as the dependant of a sponsor who has less than 4 years' service remaining, an **additional 28 days** should be added to the dependant's leave (in other words, leave will not expire until 28 days after the final date of discharge of the sponsor).

The additional 28 days will enable the dependants to remain in the UK for the period immediately after the sponsor's exemption ceases, and is consistent with the 28 days' leave granted to the sponsor upon discharge, when he ceases to qualify for exempt status but may submit an application for settlement.

- (b) If the sponsor is not a member of HM Forces, but is exempt from immigration control on the basis of their **armed forces training, posting or service in the UK (including NATO), or as a member of a designated international headquarters or defence organization**, and leave to enter or remain is granted to the dependant for the duration of the sponsor's posting in the UK (which is shorter than 4 years), an **additional 2 months** should be added to the dependant's leave. In other words, the dependant's leave will not expire until 2 months after the final date of service given. The additional 2 months will allow time for arrangements to be made to pack up and move.

Also note that in practice, some militaries leave dependants in the UK for a certain period whilst the sponsor is sent from the UK on an unaccompanied overseas posting or mission (e.g. deployment in Iraq). For example, the U.S. military leave U.S. Air Force dependants in the UK for 12 months in this situation. If this is indicated in the application, leave should be extended to cover this period (plus an additional 2 months).

4.7 Code for granting leave on Case Information Database (CID): X3

4.8 Dependants switching

As entry clearance is not mandatory for the spouse, civil partner, unmarried partner, same-sex partner or children of armed forces personnel (that are exempt from immigration control under section 8(4) of the 1971 Immigration Act), switching from another category of the rules to this one is permissible, providing all the requirements of the relevant rules are met.

4.9 Refusals

If an applicant for leave to enter or remain as the dependant of a person exempt from immigration control under section 8(4) of the Immigration Act 1971 cannot satisfy the requirements of paragraphs 276AD (for spouses, civil partners, unmarried or same-sex partners) or 276AG (for children), the application should be refused.

Suggested refusal wordings

The wordings below are only provided as examples and are not intended to provide an exhaustive list of the ways the different paragraphs may be used as grounds for the refusal of applications. Where appropriate, caseworkers should ensure that the wording in square brackets is amended to reflect the particulars of the case under consideration.

“You have applied for leave to enter/remain as the [spouse/civil partner/unmarried partner/same-sex partner/child] of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971 but your application has been refused.”

Sponsor discharged, no longer exempt

“In view of the fact that [your spouse/civil partner/unmarried partner/same-sex partner] was discharged from the [named armed

forces] on...[date]...the Secretary of State is not satisfied that you are [married to/the civil partner of/in a relationship akin to a marriage/civil partnership with] a person who is exempt from immigration control under section 8(4) of the Immigration Act 1971”.

Paragraph 276AF with reference to paragraph 276AD(i).

Insufficient evidence of an exempt spouse/civil partner/unmarried partner/same-sex partner.

“In view of the fact that you have failed to provide evidence that you are [married to/the civil partner of/in a relationship akin to a marriage/civil partnership with] a member of the armed forces who is exempt from immigration control under section 8(4) of the 1971 Immigration Act the Secretary of State is not satisfied that you meet the requirements of paragraph 276AD(i)”.

Paragraph 276AF with reference to paragraph 276AD(i).

Not intending to live together/marriage/civil partnership or relationship akin to a marriage or civil partnership not subsisting
(care to be exercised where couple are separated due to exempt sponsor being overseas on ‘unaccompanied’ posting/mission)

“In view of the fact that you have expressed an intention not to live with [sponsor’s name] (OR you have confirmed that you did not live with [sponsor’s name] in the [X] months prior to his departure to enlist in HM Forces)...the Secretary of State is not satisfied that you intend to live with your spouse/civil partner/unmarried/same-sex partner during your stay and that your marriage/civil partnership/relationship akin to a marriage/civil partnership is subsisting.”

Paragraph 276AF with reference to paragraph 276AD (ii)

Accommodation inadequate or recourse to public funds

“In view of the fact that you have not provided evidence that you will be adequately accommodated with your spouse/civil partner/unmarried partner/same-sex partner without recourse to public funds... or

In view of the fact that the evidence of accommodation you provided indicates that...[explanation of what is inadequate about it]]

the Secretary of State is not satisfied that you, your spouse/civil partner/unmarried partner/same-sex partner [and your children] will have adequate accommodation which you exclusively occupy without recourse to public funds.”

Paragraph 276AF with reference to paragraph 276AD (iii)

Inadequate maintenance without recourse to public funds

“In view of the fact that you have not supplied evidence that your sponsor will be able to maintain you during your stay in the United Kingdom without recourse to public funds”...

or

“In view of the fact that the evidence of maintenance you provided indicates that...(explanation of why it is inadequate)

the Secretary of State is not satisfied that you and your [spouse/civil partner/unmarried partner/same-sex partner] [and any children] will be able to maintain yourselves without recourse to public funds.”

Paragraph 276AF with reference to paragraph 276AD (iv)

Intention to remain after sponsor’s period of service in UK or period of enlistment

“In view of the fact that you have stated an intention to remain in the United Kingdom when your [spouse/civil partner/unmarried partner/same-sex partner] has left the UK following their [discharge from/completion of] their period of [service/posting/training] in the U.K. the Secretary of State is not satisfied that you do not intend to stay in the United Kingdom beyond your spouse’s/civil partner’s/unmarried partner’s/same-sex partner’s enlistment in the home forces [or period of posting/training in the United Kingdom].”

Paragraph 276AF with reference to paragraph 276AD (v)

Additional requirements for unmarried or same-sex partners

“In view of the fact that

a previous marriage/civil partnership/relationship akin to a marriage of yours/the exempt armed forces member has not permanently broken down; OR

you and the exempt armed forces member are so closely related that you would be prohibited from marrying each other in the UK; OR

you and the exempt armed forces member have not been living together in a relationship akin to a marriage/civil partnership for a period of at least 2 years

the Secretary of State is not satisfied that you meet the requirements of paragraph 276AD (vi).

Paragraph 276AF with reference to paragraph 276AD (vi)

Child dependant - not provided evidence of an exempt parent.

“In view of the fact that your parent was discharged from XXXX unit on [date] and is no longer exempt from immigration control under section 8(4) of the 1971 Immigration Act

or

“In view of the fact that you have not provided a birth certificate or other evidence to prove that your sponsor is your parent, the Secretary of State is not satisfied that you are the child of a parent who is an armed forces member exempt from immigration control.”

Paragraph 276AI with reference to paragraph 276AG (i)

Child dependant - over 18 and without current leave as a dependant

“In view of the fact that you were not under the age of 18 on the date of your application and did not have current leave to [enter/remain] in this capacity the Secretary of State is not satisfied that you meet the requirements of paragraph 276AG of the Immigration Rules.”

Paragraph 276AI with reference to paragraph 276AG (ii)

Child dependant - already married/in a civil partnership/set up an independent family unit or leading an independent life

“In view of the fact that you [are already/have been married/have previously (or already) formed an independent family unit] the Secretary of State is not satisfied that you meet the requirements of paragraph 276AG of the Immigration Rules.”

Paragraph 276AI with reference to paragraph 276AG (iii)

Child dependant - inadequate maintenance and/or accommodation without recourse to public funds

“In view of the fact that you have not submitted evidence that you will be adequately maintained and supported without recourse to public funds in accommodation which your parent(s) own or occupy exclusively”

or

“In view of the fact that the evidence of maintenance/accommodation you have provided indicates that (explanation of what is inadequate about it)

the Secretary of State is not satisfied that you meet the requirements of paragraph 276AG of the Immigration Rules.”

Paragraph 276AI with reference to paragraph 276AG (iv)

Child dependant - intention to remain in the UK beyond the period of parent's enlistment or training in the UK

"In view of the fact that you have stated that you do not plan to leave the United Kingdom with your parent(s) on completion of your parent's enlistment in the UK armed forces... [or posting/ training in the United Kingdom].. (but intend remaining in the United Kingdom beyond [date] in order to....).

the Secretary of State is not satisfied that you meet the requirements of paragraph 276AG of the Immigration Rules."

Paragraph 276AI with reference to paragraph 276AG (v)

Child dependant - other parent not admitted

"In view of the fact that your other parent [is not being/has not been] admitted or allowed to remain in the United Kingdom, OR

the parent you are accompanying/joining is not your sole surviving parent... OR... has not had sole responsibility for your upbringing and

there are no serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for your care

the Secretary of State is not satisfied that you meet the requirements of paragraph 276AG of the Immigration Rules."

Paragraph 276AI with reference to paragraph 276AG (vi)(a), (b) or (c)

4.10 Refusal Code for Case Information Database (CID) : X6

4.11 Appeal Rights

For rights of appeal please refer to Chapter 12 of these policy instructions.

5. SPECIAL CATEGORIES - LEAVE TO ENTER/REMAIN

5.1. Gurkhas

Gurkhas are members of the home forces within the meaning of the 1971 Act. They are therefore exempt from control when entering/remaining in the United Kingdom. After discharge from the British Army in Nepal Gurkhas may apply for settlement in the UK under the HM Forces rule –

see section 2A of this chapter and paragraphs 276E-276K of the Immigration Rules (HC 395)

5.2. Territorial Army (TA)

Recruitment into the TA is a matter for the Army. Although it appears unlikely that Parliament intended a person in the TA to be exempt from control, we have decided that while a person is serving on duty in the TA (e.g. weekend exercises) he should be regarded as exempt from control. On completion of exercise, a person would resume his previous immigration status (i.e. a person who was an overstayer before going on an exercise would again become an overstayer on completion of that exercise). Caseworkers are unlikely to encounter many such cases.

5.3. **Non-NATO or non-Commonwealth personnel undergoing training/familiarisation courses**

As noted above, members of NATO or Commonwealth armed forces who are posted to the United Kingdom for training are exempt from control under Section 8(4)(b) of the Immigration Act 1971.

Applications for leave on behalf of persons or group of persons **not** falling within this category may also be encountered, i.e. non-NATO or non-Commonwealth military personnel invited to undergo training in the UK provided by H.M. Forces or invited to become familiarized with military equipment being supplied by British firms, overseen by the MOD.

Such applicants are subject to immigration control but they do not require a work permit. Their applications must be accompanied by a letter from their HM Forces/MOD sponsor and are to be dealt with outside the immigration rules - *Annex C refers*.

Enquiries to OPPI (020 8196 0781)

IS Enquiries to BCPI (020 8760 2030)