



HM FORCES

FREQUENTLY ASKED IMMIGRATION QUESTIONS

Introduction

There are specific immigration rules relating to the immigration status of those foreign nationals who have joined HM Forces and their dependants.

This leaflet reflects the policies and processes applicable to members of HM Forces and their dependants at the time of publication but it does not replace the guidance on the implementation of the Armed Forces rules available in Chapter 15 of the Immigration Directorate Instructions (IDI). It does however provide answers to the most common immigration questions from potential, current and former HM Forces personnel and their family members. If there is any difference between what is stated in this leaflet and the IDI then you should rely on the IDI.

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When you've joined HM Forces

What is my immigration status while I'm in the HM Forces?

You will be exempt from immigration control once you enlist into the regular forces under section 8(4)(a) of the Immigration Act 1971. A person who is exempt from immigration control does not need UKBA's permission to enter or leave the UK but may be required to supply biometric information to prove his/her identity.

I am exempt from immigration control. Do I need a visa?

No. There is no legal requirement for a person who is exempt from immigration control to obtain a visa to travel. However, this may mean that when you are travelling a Border Force Officer may need to make enquiries on encounter to ensure that you are in fact who you say you are. Therefore, although not necessary to have a visa, it is recommended.

What is an 'exempt from control' visa?

It is possible for a HM Forces member to apply for an 'exempt from control' visa. Although it is not essential to have this visa UKBA recommend personnel apply for this because it will help your journey go more smoothly.

How do I get an 'exempt from control' visa?

If you are a serving member of HM Forces coming to the UK, you can get an 'exempt from control' visa from your nearest UK High Commission or post. It is offered free of charge to serving HM Forces personnel.

Can I be granted settlement while I am serving?

No. If you are a foreign or Commonwealth national serving in HM Forces it is not possible to be granted settlement while you are still serving. This is because settlement technically imposes residence restrictions on an individual and is therefore a form of immigration control. A person can not be made the subject of potential immigration control whilst they are exempted from such control when serving in HM Forces.

If you already had settlement when you joined HM Forces, you won't lose this. This will automatically be reinstated when you leave the HM Forces. You won't need to make another application for settlement.

Can I become a British citizen while I am serving in HM Forces?

Most members of HM Forces (except serving Gurkhas) can apply for citizenship while they are still in the military once they have been in service with HM Forces for a

continuous period of 5 years. Guidance on applications for British citizenship from HM Forces members is available at Annex B(i) of Chapter 18 of the Nationality Instructions:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nichapter18/ch18annexbi1?view=Binary>

A HM Forces member will need to meet all the requirements for naturalisation in order to become a British citizen. It is important applicants consider how applying for British citizenship may affect the immigration status of your immediate family.

Can I become a British citizen while I am serving in the Brigade of Gurkhas?

A serving Gurkha **cannot** be granted British citizenship while they remain in the Brigade of Gurkhas. The reason for this concerns one of the conditions of service in the Brigade. These, were agreed with the Nepalese government and state that individuals must remain Nepalese nationals for the full duration of their service.

If a Gurkha has served continuously for a minimum of five years in the Brigade and wishes to become a British citizen they should permanently transfer to the wider HM Forces and then apply for citizenship.

Leaving HM Forces and applying for settlement

What is my immigration status when I leave HM Forces?

As soon as you leave HM Forces you will stop being exempt from immigration control. This applies even if you still have an 'exempt from control' stamp or vignette in your passport.

When you leave HM Forces you or your unit should make sure that your discharge is known to UKBA so that the Agency can arrange for you to be granted 28 days leave to remain. This period will allow you to regularise your status in the UK (e.g., apply for settlement) or to arrange your departure.

If you have not been given 28 days leave to remain after you have left HM Forces you will still be subject to immigration control. However, you will still be free to approach UKBA to request they issue you this 28 days leave to remain in line with UKBA policy so that when you apply you have valid leave to remain in the UK. There is no fee for making this request by post.

In order to remain in the UK for any longer you will need to make an application for leave to remain or settlement and pay the appropriate fee.

I have been discharged outside the UK but want to apply for settlement. What should I do?

The armed forces rules allow an individual to apply for indefinite leave to enter (ILE) the UK if they meet all of the relevant requirements of the Rules. For further information on making an ILE application see

<http://www.ukba.homeoffice.gov.uk/visas-immigration/partners-families/citizens-settled/spouse-cp/apply-outside-uk/>

There are specific forms for armed forces applications which are provided in the above link:

VAF4A – Appendix 3 for applications by HM Forces personnel

VAF4A – Appendix 6 for applications by Gurkhas

In addition, all applicants will need to complete the VAF4A form.

What's the difference between indefinite leave to enter and indefinite leave to remain?

Indefinite leave to enter is granted to someone who is outside the UK on the date of application. It normally takes the form of a visa in a passport. When the holder arrives in the UK an Immigration Officer will endorse the visa. From that point on, the holder will have settlement in the UK.

Indefinite leave to remain is granted to those who are already in the UK on the date of application. This takes the form of a vignette in the holder's passport. It grants the holder settlement in the UK.

If someone has indefinite leave to enter the UK, then they do not need to apply for indefinite leave to remain here. Both ILE and ILR give the recipient 'settlement' in the UK so are the same product in practice.

I have been discharged in the UK, what criteria do I need to meet to get settlement as a former HM Forces member?

All applicants must:

- Have completed at least four years service with HM Forces; and
- Have been discharged from HM Forces on completion of engagement; and
- Have been discharged by HM Forces no more than 2 years prior to the date on which the application is made; and
- Have leave to enter or remain in the United Kingdom on the date of application; and
- Have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974 on the date of application (if this applies, including service disciplinary offences, please seek advice before making an application).

I have been discharged in the UK, how do I apply for settlement?

You will need to:

- Complete application form SET(O) which is available from the UKBA website
- Pay the correct fee
- Supply all the documents and evidence that the form asks for
- Send the form, payment and documents to the address noted on the SET(O)

What happens if I don't fill out the SET(O) form correctly?

If you provide inaccurate information and/or don't supply all the necessary documents required, your application form could be rejected or your application refused. HM Forces personnel who intend to make an application for settlement following discharge should look at the guide to filling out the SET(O) form that can be found at the end of this leaflet.

How can I pay for my settlement application?

You can pay by credit card or cheque. If you pay by cheque, please be aware that it will take a few days to clear which could delay consideration of your application. Under no circumstances should you send cash with your postal application.

When can I apply for settlement?

You can make an application up to 10 weeks before you are discharged. If you don't want to do that, then you can make an application within two years of leaving HM

Forces but you will need valid leave to remain in the UK on the date that you do apply.

If you do wish to apply for settlement when you are discharged then UKBA recommends that you apply as early as possible within the 10 week window. This will help you get a decision as soon as possible after discharge and allow you to start looking for employment earlier. If you are being made redundant special provisions to apply earlier may apply – please seek advice from your unit welfare officer.

I've applied for settlement 10 weeks before my discharge date. When am I likely to get a decision?

While you are still a member of the HM Forces, UKBA is prevented by law from granting you settlement. Provided that you submit all the relevant information and meet the relevant criteria, UKBA will endeavour to send your grant of settlement within a few weeks of your discharge date.

What is an Indicative Letter?

An Indicative Letter is a document that UKBA issues to serving military personnel who are close to being discharged and who have applied for settlement while in the UK. It states that on the information available UKBA have made a decision in principle to grant the holder settlement when they are discharged.

I've applied for settlement following discharge. Can I work while waiting for UKBA to make a decision?

You will not normally be able to work while you are waiting for a decision on your settlement application to be reached. The only exception to this would be where you have current leave to enter or remain that permits you to engage in employment. In the vast majority of cases recently discharged servicepersons will not have such an endorsement.

Can I look for work while waiting for UKBA to make a decision on my settlement application?

Yes. Although you can't take up a post until you have been granted settlement there is nothing to stop you researching job opportunities and applying for interviews. Where you have received an Indicative Letter, this will inform employers that they can arrange interviews for you and carry out any necessary checks while you are awaiting a decision on your settlement application.

I am being made redundant from HM Forces, what can I do to get settlement when I am discharged?

You will still need to meet all the relevant conditions for settlement listed above. However, UKBA has introduced a streamlined process for those being made

redundant but want to apply for settlement. If you think this applies to you then you should speak to your Unit Welfare Officer.

I have not completed four years service. Can I still apply for settlement?

Except for those occasions where an individual has been medically discharged (see below) all successful applicants must have served a minimum of four years service. If you have not served a minimum of four years service and have not been medically discharged you will not be able to qualify for settlement under the armed forces rules.

I was medically discharged from HM forces. Can I apply for settlement?

If you were medically discharged and have completed 4 years or more continuous service you may apply for settlement in accordance with the armed forces rules.

If you have not served four years service you may apply for settlement and UKBA will consider if the four years service requirement can be waived. Whether settlement is granted will depend on the circumstances of your case. When considering whether to grant settlement to a former member of HM Forces who has been medically discharged UKBA will consider how the injury occurred, the severity of the injury, how long you served, and other relevant factors.

UKBA will only consider waiving the requirement to have served four years service in medical discharge cases, all other requirements of the Rules must be met.

I haven't applied within two years of discharge from HM forces. Can I still apply for settlement?

The armed forces rules state that a person must apply for settlement within two years of discharge. Any application that is made after two years will be refused. It is therefore important for those who are discharged to ensure they make a timely application for settlement.

FAMILIES OF HM FORCES

I'm a British citizen serving in HM Forces Can my partner and children get settlement under the Armed Forces Rules?

If you are a British citizen your family will **not** be able to apply for leave to remain or settlement under the armed forces rules but will need to apply as the family member(s) of a person present and settled in the UK. For further information see the following link: <http://www.ukba.homeoffice.gov.uk/visas-immigration/partners-families/>

Can my family get settlement while I am still serving?

Yes. If you have served a minimum of 5 years continuously in the HM Forces on a full time basis it may be possible for your dependants to be granted settlement in the UK without you needing to leave the HM Forces.

How does my spouse/partner acquire settlement whilst I am still in service?

In order for a spouse/partner of a serving HM Forces member to be granted settlement the serving individual must:

- Have completed a minimum of five years continuous service in HM Forces.

In addition, the spouse/partner must:

- Have met the HM Forces member; and
- Have been in a subsisting relationship for a minimum of two years; and
- Plan to live in the UK upon the HM Forces member's discharge from the UK military; and
- Have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

How do my children acquire settlement whilst I am still in service?

In order for a child of a serving HM Forces member to be granted settlement the serving individual must:

- Have completed a minimum of five years continuous service in HM Forces.

In addition, the spouse/partner of the HM Forces member must, if also the parent of the child:

- Have settlement in the UK, or, be in the process of being granted settlement at the same time as the child.

Finally, the child must:

- Be under 18 years of age; and
- Be dependant on their parents and not be leading an independent life; and
- Have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

Will my spouse/partner need to pass the knowledge of life/ English language test to get a UK visa?

No, under the armed forces rules spouses/partners do not need to pass a Knowledge of Life in the UK or English Language test.

If I die in service will my partner and/or my children be able to settle in the UK?

UKBA have a concession that allows the family members of those who die in *operational service* to be granted settlement in the UK. Bereaved family members should seek advice before making an application under this route. This route does not apply to children over the age of 18 years.

I have a child who is over 18, can they settle in the UK at the same time as me?

Children over the age of 18 cannot be granted settlement in line with an HM Forces member under the Rules.

If there are exceptional reasons why a child who is over 18 should be granted settlement together with their family UKBA will consider this on a case by case basis against agreed criteria.

I have heard that UKBA changed the family settlement rules in July 2012. Will I or my family be affected?

There are special transitional arrangements in place that apply to both serving British HM Forces Personnel and their foreign and Commonwealth colleagues. In the vast majority of cases this means that the changes to the family settlement rules announced in July 2012 will not affect serving personnel and their dependants. For further information personnel should see the note on the transitional arrangements that UKBA have produced in collaboration with the MoD. This is available in Annex B and you are encouraged to read this and the current guidance before making an application.

Forms

These are the commonly used forms for members of HM Forces applying for leave to remain or indefinite leave to remain in the UK. This is a general guide only and applicants must make sure the form they use is appropriate to the application they are making. All the forms can be downloaded via the UKBA website.

If you are –

A British citizen and your family wish to apply to UKBA under the marriage route you should normally:

- Use the FLR(M) form for leave to remain; and
- Use the SET(M) form for settlement.
- Use the VAF4A form if applying outside the UK

A Commonwealth national and you and/or your family wish to apply to UKBA under the armed forces rules you should normally:

- Use the FLR(O) form for leave to remain; and
- Use the Set (O) form for settlement.
- Use VAF4 and VAF4A – Appendix 3 if applying outside the UK

A Gurkha and you and/or your family wish to apply to UKBA under the armed forces rules you should normally:

- Use the FLR(O) form for leave to remain; and
- Use the Set (O) form for settlement.
- Use VAF4 and VAF4A – Appendix 6 if applying outside the UK

A Commonwealth national or a Gurkha and you or your family wish to apply under an Armed Forces concession such as those applicable to the medically discharged should normally:

- Use the SET(O) form for settlement

WHERE CAN I GO FOR HELP?

www.bia.homeoffice.gov.uk/ (for information on armed forces rules guidance provided by UKBA)

UKBA Immigration Contact centre (Tel: 0870 606 7766)

http://oisc.homeoffice.gov.uk/people_seeking_immigration_advice/ (for details of accredited immigration advisors)

<http://www.sra.org.uk/home/home.page> (for details of solicitors)

www.army.mod.uk/welfare-support/23209.aspx

<http://defenceintranet.diiweb.r.mil.uk/DefenceIntranet/Library/Army/BrowseDocumentCategories/Personnel/WelfareAndFamilySupport/BritishArmyGuideToSupportingCommonwealthCitizensAndTheirFamilies.htm>

Unit Admin Office

Unit Welfare Officer

ANNEX A: Guide to filling out the SET(O) application form

Filling in a Set(O) Form: A guide for HM Forces personnel and their dependants.

Note: This guide is aimed at those personnel who will be leaving HM Forces who are either a Gurkha or a Commonwealth member in HM Forces. It only relates to those making an application under paragraphs 276I (Gurkhas), 276O (Commonwealth personnel), 276U (spouse, civil partner, unmarried or same-sex partner of exempt HM Forces) and 276AA (Children of exempt AF member). If the serving member of HM Forces is a British citizen then they **must not apply** on a Set(O) form. UKBA recommend that British serving personnel seek independent immigration advice before applying.

Sections of Set(O) form to be completed.

Page 1-3: General Guidance.

Page 4: **To be Completed.**

Page 5: Can be left blank.

Page 7: **To be completed.** Provide main applicant details (this will be the details of the serving AF member).

Page 8: **To be completed (unless AF member is applying on their own).** Provide all details of those applying for settlement with AF member (e.g., partner and/or children). If there is not enough space then a blank copy of this page should be made and further details added and attached to the application (photos should be kept in a sealed and marked envelope).

Page 9: **Tick the box (in Section B) for Ex-HM Forces** (partners and dependants should also tick this box in applying on their own).

Page 10: Can be left blank.

Page 11-12: Can be left blank.

Page 13-14: HM Forces members do not need to fill this in. There is no mandatory requirement for partners and dependants of HM Forces personnel to complete this although it will help to avoid delays and further queries if this is provided with the application if immigration history is complicated. If there are gaps in immigration history it will help if reasons for this are given, together with any available supporting evidence.

Page 15-16: **To be completed.** Applicants should disclose any convictions they have, whether they were acquired in the UK or abroad. This includes both criminal convictions and any acquired that are disciplinary or other service related. You should include what the conviction was for as well as the length of any sentence or other punishment incurred (e.g. a fine.)

Depending on the circumstances applications can still be granted depending on the type of offence and when it occurred on a case by case basis. However, if information is not disclosed applications are likely to be refused because of non-disclosure of information rather than the conviction itself.

Page 17: **Photograph section at top of page must be completed;** remainder of page 17 can be left blank.

Page 18: Can be left blank

Page 19-35: Can be left blank

Page 36-39: **To be completed.**

Page 40-46: **Following sections to be completed: Questions 11A, 11R.** If applying before discharge then your interim certificate of discharge should be provided.

Page 47-48: **To be completed.**

Page 49-50: **To be completed.**

Common Problems UKBA encounter with settlement applications from HM Forces.

To help ensure you get your application right the first time these are some common mistakes people make on their application forms. By checking your form before you send it this will help UKBA deal with your application as quickly as possible and prevent the need for UKBA to either request further information or sometimes refuse an application (which will mean you are likely to lose your application fee).

Answer Every Question

You must make sure every question you need to answer is fully answered (follow the guide above and to ensure everything you need to answer has been answered).

Not providing all Information

If your circumstances are complicated you should supply all the information you want to be considered straight away. If after submitting your application but before an application is decided you can submit further information to the address on page 2 of the Set(O) form.

Responding to enquiries from caseworkers

In some cases, caseworkers may write to you requesting documents, further information or further clarification relating to your application. You should read the request carefully and try and provide what is asked for by sending it to the relevant address. The address will be on the enquiry letter. You should also be aware that the caseworker enquiry will give you a set amount of time to respond and provide what is requested. You should seek to provide whatever evidence is required in the timeframe specified. If you don't your application may be refused and you may lose your fee. If you need further time to get the evidence requested, you should contact the caseworker as quickly as you can explaining the circumstances and asking for further time to collate the information.

Photographs

Make sure you submit all the photographs needed for each applicant and they are of the quality and size required.

Documents

Make sure you send original (not photocopied) documents. Make sure you include your current passport with application. Where family members are also applying, they will need to provide their current passports also.

Payment

Make sure you have sufficient payment to cover the application fee. If a fee isn't paid and cleared then no consideration of your application will take place. The relevant fee for anyone applying through the special arrangement MOD have agreed with UKBA will be the relevant "postal" fee. Also, although payment can be made by either personal cheque or major credit/debit cards if payment is made by cheque there will be a delay whilst your payment clears. Payment **cannot** be made by cash.

Change of address

If you change your address after applying you must make sure you tell UKBA your new address. This is important because without it UKBA will not be able to send you a decision.

Sign the form

Please make sure the main applicant (usually the HM Forces member) has signed the form.

Include all dependants on one form

Make sure everyone who wants to apply is included in your application. UKBA will only consider the applications of those listed in the application form subject to the appropriate fee being paid. Therefore, anyone not listed in an application will need to make a separate application with a separate fee.

ANNEX B: Effect of Transitional Arrangements for Family Settlement Routes on HM Forces

Changes to the Family Settlement Routes and how they may affect HM Forces personnel and their dependants

This note is intended for Service personnel, their families and the staff who support them including Army Unit Welfare Officers. It explains how the new Immigration Rules for family members that came into force on 9 July 2012 will affect them.

General details of the changes can be found on the UKBA website here:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/13-family-migration>

Information is also provided in the Government's Statement of Intent, which is available here:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/soi-fam-mig.pdf>.

This note also includes a MoD letter for applicants to include in families visa/leave applications to assist UKBA caseworkers with recognizing UK Armed Forces families Visa/leave applications. If included applications will be considered under the relevant transitional arrangements outlined below.

How will the new Immigration Rules for families affect Service Personnel?

In general, families of Service personnel will **not** be immediately affected by the rules changes made on 9 July 2012. Further details are given below.

However, Service personnel should be aware that the Government intends to review the Immigration Rules relating to HM Armed Forces with the intention of aligning them with the new Immigration Rules for families, where this is appropriate. This note, therefore, describes the arrangements that will apply pending the outcome of that review. The intention is that new immigration arrangements will apply to Service personnel from April 2013. The Government will publish the detail of these arrangements in due course.

Section 1: Arrangements in place from 9 July 2012 until further notice - Serving Foreign and Commonwealth citizens (including Gurkhas) and their families

The Armed Forces Rules: Foreign and Commonwealth Citizens who are Serving Personnel (Including Gurkhas)

No change. Foreign and Commonwealth Personnel (including Gurkhas who have not naturalized as British citizens) and their families should continue to apply under the armed forces rules. Foreign and Commonwealth personnel who apply under the armed forces rules, will, if successful, get the same periods of leave as now: e.g. if they apply for settlement upon discharge in the UK they will be granted Indefinite Leave to Remain.

The Armed Forces Rules: Dependants of Foreign and Commonwealth Citizens who are Serving Personnel (including Gurkhas)

No change. Family members of Foreign and Commonwealth Citizens who are serving personnel can continue to apply under the armed forces rules as before. Where a family member of a serving Foreign and Commonwealth citizen applies for leave to enter or further leave to remain, under the armed forces rules they will continue to be granted a period of 4 years.

The Armed Forces Rules: Foreign and Commonwealth Citizens who are Serving Personnel (including Gurkhas) and their dependants- Application forms

Applications under the armed forces rules made in the UK by Foreign and Commonwealth Citizens who are serving personnel and their families should be made as before on the FLR(O) or Set(O) forms. Applicants must apply using the latest version of the forms and guidance notes. Applicants applying under the Armed Forces rules from outside the UK should now use the new VAF4A forms that have been issued.

Application forms to be completed by dependants when AF member is NOT a British citizen but is exempt from immigration control

	In Armed Forces and had leave under AF rules on 8/07/12	First Application under Armed Forces rules	HM Forces Concessions. This includes settlement for: <ul style="list-style-type: none"> • those medically discharged, • Gurkhas discharged before 1 July 1997 and their dependants • Bereaved spouses/partners of those killed on operational duty
Applying in UK (settlement)	Set(O)	Set(O)	Set(O)
Applying in UK (non-settlement)	FLR(O)	FLR(O)	FLR(O)
Applying outside UK (Settlement)	VAF4A – Appendix 3 and VAF4A	VAF4A – Appendix 3 and VAF4A	VAF4A – Appendix 3 or VAF4A – Appendix 6 (if former Gurkha related) and VAF4A
Applying outside UK (non-settlement)	VAF4A – Appendix 3 and VAF4A	VAF4A – Appendix 3 and VAF4A	VAF4A – Appendix 3 or VAF4A – Appendix 6 (if former Gurkha related) and VAF4A

The forms needed are available on the UKBA website:

- Set(O) form
- FLR(O) form

- VAF4A forms

The Armed Forces Rules: Biometric Residence Permits

Dependants of Foreign and Commonwealth Citizens who are serving personnel who apply under the Armed Forces rules will need to obtain a biometric residence permit if:

- They are applying for more than 6 months leave and
- They are applying from in the UK

Where the application is for entry from outside the UK (e.g., Germany or Brunei), you will not be subject to biometric requirements. Guidance on the biometric process is here: <http://www.ind.homeoffice.gov.uk/visas-immigration/settlement/brp/>

The Armed Forces Rules: Dependants of serving UK citizens

No change. As before, dependants sponsored by a member of the armed forces who is a British citizen are not able to apply for temporary leave or settlement under the armed forces rules, they must apply under the family rules.

Section 2: Arrangements in place from 9 July 2012 until further notice- Serving UK citizens, their dependants and the Family Rules

The Family Rules: Dependants of serving UK citizens who already have leave under the family rules as they were on or before 8 July 2012

No change. Any person who is already on a route to settlement and had leave as the spouse/partner¹ of a serving British citizen on 8 July 2012 will not be affected by the changes to the family rules. Their route to settlement will continue on the basis of the Rules in place on 8 July 2012 (i.e. they will be eligible for settlement after completing a two year probationary period as before and will not be subject to the new income threshold requirement).

Similarly, any person who submitted an application for leave under the family rules on or before 8 July 2012 will be dealt with under the Rules in place on 8 July 2012, even if the application is not processed until after that date.

The Family Rules: Dependants of Serving UK citizens who apply under the family rules on or after 9 July 2012

No change. Where the dependant of someone sponsored by a UK citizen serving in HM Forces applies for leave to begin their route to settlement (i.e. leave to begin their probationary period) on or after 9 July 2012 they will be covered by temporary transitional arrangements, which mean that the new family rules do not apply to them. Until further

¹ Including leave as a fiancé(e), prospective civil partner, civil partner, same-sex or unmarried partner.

notice, they will continue to be dealt with under the Rules in force on 8 July 2012 and will be able to progress to settlement on this basis.

The Family Rules: Serving UK citizens and their dependants- Application forms

New application forms have been issued, together with guidance, since 9 July 2012. There will not be a different form for family members of HM Forces but there will be a separate section for armed forces within existing application forms. Guidance notes were issued on 9 July 2012 and applicants must read these carefully. The forms will continue to be called FLR(M) and Set (M) but applicants must make sure the new versions are used.

Application forms to be completed by dependants when the HM Forces member IS a British citizen

	First application under family rules to begin route to settlement	Applicant has leave under old Part 8 of the Rules on 8/07/12 (transitional arrangement)
Applying in UK (settlement route)	FLR(M)	Set(M)
Applying outside UK (Settlement)	VAF4A	VAF4A

Family members of armed forces personnel who are British citizens should **not** use the forms marked HM Forces (appendix 3) or Gurkhas (appendix 6) because these are intended for [serving?] personnel who are not British citizens.

As before all applications *made in the UK* under UK Border Agency's armed forces concessions, such as medical discharge applications should be made on a Set(O) form. The forms needed are available on the UKBA website at the following links:

- [Set\(O\) form](#)
- [FLR\(O\) form](#)
- [VAF4A forms](#)

The Family Rules: Dependants accompanying a serving UK citizen on an overseas posting

An applicant who has current leave to enter or remain in the UK and is accompanying a service person overseas should **return to the UK** to make their application for leave to remain.

If an applicant does not have leave to enter or remain in the UK and is accompanying a service person overseas they should make their application for leave to enter online or at their nearest application centre.

The UK Border Agency is exploring whether it is possible to accept applications made overseas through a BFPO address and this will form part of the wider review taking place in coming months.

The Family Rules: Biometric Residence Permits

Every person applying in the UK under the family rules will need to follow the biometric registration process. Where an application is for entry from outside the UK (e.g. Germany or Brunei), you will not be subject to the biometric requirements.

Guidance on the biometric process is here: <http://www.ind.homeoffice.gov.uk/visas-immigration/settlement/brp/>

Letter to Accompany UK Armed Forces Family Rules leave Applications made on or after 9 July 2012 by those in the UK

Service personnel and their families submitting applications under the armed forces rules or under the family rules in the UK from 9 July 12 onwards are encouraged to print off and submit a copy of the letter at Annex A to this instruction with their applications.

If they do this, UKBA caseworkers will be able to identify that the application is being submitted under the UK Armed Forces Transitional Arrangements and the application will be considered under the immigration rules in place on 8 July 2012.

Those service personnel and their families submitting applications under the armed forces rules or under the family rules from 9 July outside the UK should use the VAF4A application form which already has a dedicated HM Forces section.

Annex:

- (i). Letter to Accompany UK Armed Forces & Family Visa Applications 9 Jul 12 onwards



**UK HM Forces family visa application submitted under the
HM Forces Transitional arrangements in operation from 9
July 2012**

To: The UKBA Caseworker processing the accompanying UK
Armed Forces Application.

1. This application has been submitted under the transitional arrangements for UK Armed Forces family visa applications in operation from 9 Jul 12 until further notice
2. You are requested to consider the application using the special transitional arrangements put in place by the UKBA for UK Armed Forces families.
3. If you are unclear on which transitional measures apply you should contact your senior caseworker or the Armed Forces Operational Policy Team.
4. Thank you.

Glossary

This glossary explains what UKBA mean by some commonly used terms in respect of HM Forces that may not readily understood by all applicants.

Term	Description
Armed forces rules	These are the specific Immigration Rules that refer to foreign and Commonwealth members of HM Forces.
Biometrics	This is where UKBA take details of your physical characteristics e.g. height and eye colour. The information is used to produce the relevant visa or endorsement in your passport. Its purpose is to make sure that the right person gets the right visa/endorsement
Exempt from immigration control	This is a status given by law. It means that you do not need permission to enter or stay in the UK.
Family Member	This means close family members who are a spouse/partner of the HM Forces member or children who are under 18 years of age. It does not apply to parents of HM Forces or other members of the wider family.
HM Forces	This applies to members of the Royal Navy, British Army (including Gurkhas) and Royal Air Force. It may refer to reserve forces depending on the circumstances but does not include international forces serving in the UK (for example, members of the US Military).
Immigration Rules	These are the laws that govern who can come and stay in the UK and under what conditions.
Indefinite Leave to Enter (ILE)	This is a visa issued to those outside the UK that gives them settlement here. The ILE visa will have an expiry date on it. This means that the holder must travel to the UK before the expiry date in order for their settled status to be confirmed. When they arrive in the UK, the Immigration Officer at the airport or port will endorse the ILE visa. Once that is done the holder has settled status. They won't need to make any further application to enter or remain in the UK.
Indefinite Leave to Remain (ILR)	This is an endorsement issued to those already in the UK that gives them settlement here. It does not have an expiry date. Once the holder has been granted ILR they won't need to make any further application to enter or remain in the UK.
Leave to Enter	This is issued to people who are outside the UK. When someone has been granted this, it means that they have permission to enter the UK for a limited period of time. The leave to enter endorsement will tell you for how long you will be able to enter and stay in the UK.
Leave to Remain	This is issued to people who are already in the UK. When someone has been granted this, it means they have permission to stay in the UK for a limited period of time. The leave to remain endorsement will tell you how long you can stay in the UK.
Naturalisation	This is the process by which a person who is over 18 is granted as a British citizen after application.

Settlement	This is a term commonly used to describe those who have ILE or ILR in the UK or have another basis to remain in the UK without any immigration time restriction. If you have ILE or ILR then you will have settlement in the UK.
Subsisting relationship	This means that the relationship between the applicant and his/her spouse or partner must be a genuine one. It should not be a sham marriage or where the only basis of the relationship is to get round the immigration rules.
Visa	This is granted to someone that allows them to come to the UK. It will take the form of an endorsement in the passport. The visa will tell you under what conditions you need to abide by when you come to the UK e.g. it may say you can't work or access benefits.