

UNIT GUIDE TO SUPPORTING NON-BRITISH NATIONALS



ARMY

Edition No 7.5 dated 18 Sep 18

Distributed by Pers Cap Pers Svcs

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This guide contains unit advice and guidance to support Non-British nationals in the Armed Forces and their entitled family members and Non-British entitled family members of a serving British Citizen. This guide does not replace MoD or tri-Service Foreign and Commonwealth and non-EEA policy or instructions which are the authority for Chain of Command action. The guide will be subject to regular on-line updates.

This guide contains many user-friendly internet and intranet information links which are regularly checked for serviceability. Note that some internet users may not have access to all the intranet links. If the reader finds a link that is broken please contact Pers Svcs on telephone Civil: 01264 886055 / 6068 or Mil 94393 6055 / 6068 or email to ModNet [Army PersCap-PersSvcs-Pol-SO2A](#) or [Army PersCap-PersSvcs-Pol-SO2C](#). Where a Reference source is included, electronic readers can access the link from the relevant paragraph.

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Changes since Edition 7.3 Minor changes to the overall content, structure and the process.	
From the start of their service, Regular F&C SP should be encouraged by the Chain of Command to start saving money for the initial travel, payment and upkeep of visas for their family and the future substantial costs for applications to naturalise or settlement on discharge.	
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INTRODUCTION

1. This guidance directs the Chain of Command (COC) to engage with the immigration and cultural challenges faced by Service Personnel (SP) and their entitled family members who enter the UK under the [Immigration Rules Appendix Armed Forces](#) as they manage their Regular service life, establish a family life and [transition through to civilian life](#) on discharge.
2. The guidance also applies to the Army Reserves where practical and within the immigration rules affecting their status as a civilian or when they are mobilised, the general rule is that Reserve service is secondary employment and the Reservist must have a right to work and live in the UK in their civilian capacity and neither the Reservist or their family members are eligible to enter or settle in the UK under the Immigration Rules Appendix Armed Forces.
3. For ease of use the guide has been restructured into two parts:
 - a. Part 1 - Regular Serving Soldier and their entitled family members.
 - b. Part 2 - Army Reserve.

AWARENESS

4. **F&C Awareness Briefing SP.** Units should deliver a F&C awareness brief to Regular F&C SP and entitled family members when they join the unit and when the SP is warned for discharge. The brief should cover; the immigration status of the SP when serving, the immigration challenge and costs of establishing a service family life and the substantial costs and challenges of settlement on discharge. The awareness brief should also be delivered to Army Reserve F&C SP on joining the unit and especially if the Reservist is mobilised. Units can create their own bespoke presentation from the [awareness briefing](#) pack.
5. **F&C Awareness Briefing COC.** The unit COC should also have an annual unit F&C awareness brief extracted from the awareness briefing pack. The COC are to be aware of the immigration and financial challenges faced by the Regular SP as they seek to establish a forces family life and the immigration and financial challenges faced on discharge to settle in the UK. For Reserves units the COC should be aware of the immigration status of the Reservist whilst on normal training including FTRS or when mobilised and demobilised.
6. **Consular Protection Arrangements.** It is the responsibility of the Commanding Officer (CO) to ensure that when any non-British national under their command is placed in custody or detained¹, they inform the individual of their right to have their consulate informed of their detention². If the individual requests this right, the CO must notify their consulate without delay and where possible arrange or facilitate unfettered consular communication and consular access to the detainee.
7. When Foreign and Commonwealth F&C) Service Personnel (SP) are on official leave or duty and are arrested by authorities overseas, the parent unit must contact MoD Central Legal Services (CLS) (Tel: (Mil) 9621 84691 (Civ) 020 721 84691) to get advice over jurisdictional responsibilities in accordance with the Vienna Convention on Consular Relations. The CO should advise the SP requiring assistance that they have the option of contacting either the nearest consular department of the passport they are travelling under, or the British Consular service or UK Defence Advisor in the country concerned.

¹ Including held in Service custody, or is ordered into arrest or custody without the involvement of Service Police.

² There is no obligation for the CO to inform the consulate of the individual as a matter of course.

Part 1 – REGULAR SERVING SOLDIER AND ENTITLED FAMILY MEMBERS

8. **Immigration Status SP.** When a Foreign or Commonwealth (F&C) citizen is accepted for service in the Regular British Army they are deemed to be exempt UK immigration control under Section 8(4)(a) of the Immigration Act 1971 whilst they remain subject to service law. This exemption ceases on discharge.

9. **Passport Endorsement SP.** When a non-UK passport holder has been accepted into Regular service or they have their Country of Origin (CoO) passport renewed³, the unit administration office must carry out the immigration control actions at Annex A, this includes explaining the contents of Appendix 1 and giving the SP a copy of Appendix 1.

10. Once the Armed Forces Team (AFT) at UK Visa and Immigration (UKVI) received the CoO passport and unit letter they will write to the SP to confirm the conditions of the endorsement and the following endorsement will be inserted into the SP passport:

“The holder is not subject to any condition or limitation on the period of permitted stay in the United Kingdom whilst serving as a regular in HM Forces until date of discharge”

11. **British Citizenship SP.** British Citizenship is not required for service reasons therefore, applying for citizenship is a personal choice at personal cost. A serving Commonwealth SP can apply to become a British citizen by naturalisation providing they are eligible see [AFF F&C Citizenship](#) and apply on [Form AN](#). Before applying for British citizenship Commonwealth SP are advised to seek guidance from their own High Commission on the implications of holding dual citizenship and confirm the change of eligibility for DOMCOL and GYH(O) with their unit administration office. A Gurkha **cannot** be granted British citizenship whilst in service serving in the Brigade of Gurkhas, but can apply for settlement on discharge with four years' service and then apply for citizenship.

12. **Gurkha Transfer.** Gurkhas who have five years' service can apply to transfer to the Regular Army and then apply for citizenship providing they meet the requirements. For more details contact the Brigade of Gurkhas 94261 2757 (01276 41 2757). When a Gurkha has transferred to the Regular Army and wants to apply for citizenship, the unit can provide a letter confirming their transfer as at Annex B.

13. **Settlement F&C SP.** F&C SP **cannot** be granted settlement whilst in service, but can apply for settlement at personal cost on discharge with 4 years' service or less if for medical reasons⁴ see [Immigration Rules Appendix Armed Forces](#) and the settlement advice:

a. **Indefinite Leave to Remain (ILR).** ILR can be granted to those discharged who are already in the UK on the date of application. This takes the form of a vignette in the holder's passport which grants the holder settlement in the UK. SP can only apply for ILR on discharge after four years of service. UK Applicants must meet the settlement rules and apply on form SET (AF). Application can be made 10 weeks before discharge and the grant of ILR will only happen after discharge.

b. **Indefinite Leave to Enter (ILE).** ILE can be granted to those discharged outside the UK on the date of application. It normally takes the form of a visa in a passport and when the holder arrives in the UK from that point on, the holder will have settlement in the UK. SP can only apply for ILE on discharge after four years of service, applicants must meet the relevant settlement rules and apply on form VAF(AF). Application can be made 10 weeks before discharge and the grant of ILE will only happen after discharge. This is not the recommended route for those SP who are discharging overseas and wish to settle in the UK.

³ Exempt status remains valid if the passport has lapsed, Unit are to advise SP that a lapsed passport will restrict personal travel. Units are to ensure that SP CoO passports remain in-date for the duration of any operational tour.

⁴ For medical exceptions see the Immigration Rules Appendix Armed Forces. Part 3 - Discharged members of HM Forces.

c. **Further Leave to Remain (FLR).** F&C SP may be able to apply for FLR if they are medically discharged with under four years' service. Application can be made 10 weeks before discharge on Form FLR(AF), the grant of FLR will only happen after discharge. SP may also apply for FLR if they know they will not meet the requirements for settlement (for example because of a criminal record).

14. **Settlement from Overseas.** Units should be aware that settlement (ILR) cannot be applied for from overseas. Therefore, SP and their entitled family members seeking settlement and being discharged from overseas should be moved back to UK at least a minimum of 10 weeks before their discharge date to allow UKVI to process their application(s) to coincide with their discharge date. Applying for settlement Indefinite Leave to Enter (ILE) from overseas under the 10-week arrangement is not advised as any delay in settlement may leave the discharged SP in a situation of loss of entitlement to facilities and exempt status making them subject to the overseas country's immigration policy. Extensions to discharge date will not be granted for immigration reasons.

15. **Entitled Family Members Visas.** Entitled family members wishing to establish a family life should Register on visa4uk.fco.gov.uk to apply for a settlement entry visa on Form [VAF AF](#) under the Immigration Rules [Appendix Armed Forces](#). If an entitled family member does not have a valid visa or their visa has lapsed they are breaking the law and will be registered as an overstayer by the Home Office and this may affect any future settlement applications.

16. **Costs of Entry Visa, Naturalisation or Settlement Applications.** It is the SP's responsibility to meet the entry settlement visa application costs for their entitled family members and any future application for naturalisation (citizenship) or settlement. The cost is high and the CoC should encourage the SP to save money to meet the costs which rise every April.

17. **Unit Informing the Home Office.** It is a unit responsibility to inform the Home Office on [Home Office Notification Form AFC 07037](#) of any changes in F&C SP personal circumstances that may affect the SP or entitled family member immigration status:

- a. Discharge and include any entitled family members.
- b. Estrangement when the PStat has changed and there are entitled family members.
- c. When a F&C SP is deceased.

ESTABLISHING A FAMILY LIFE - REGULAR

MARRIAGE AND CIVIL PARTNERSHIPS

18. **Marriage & Civil Partnerships Abroad.** Any SP who intends to marry or form a civil partnership abroad should contact the local authorities in the country where they intend to get married or enter into a civil partnership, see www.gov.uk/marriage-abroad. Your marriage or civil partnership will need to be recognised in the UK if you wish to establish a family life in the UK.

19. **Marriage & Civil Partnerships UK.** A foreign national who is subject to immigration control and wishes to get married in the UK would normally be expected to have the correct entry visa for marriage or hold ILR/E. If they do not have the correct visa, the couple cannot be stopped from giving a notice of marriage, but they are automatically referred to the Home Office (HO) under the Immigration Referral and Investigation Scheme whereby HO officers investigate wedding notices for sham marriages.

SPOUSE/PARTNER JOINING SP FROM COUNTRY OF ORIGIN (CoO)

20. **Entering the UK.** A non-EEA national subject to immigration control who is planning on entering the UK to enter a legal relationship and establish a service family life will need the correct UK settlement entry visa. If the entry to the UK is on a standard visitor or marriage visitor visa the holder will not be able to extend or switch visas whilst in the UK. The holder of these types of visas

will not be on the Armed Forces route to settlement and will not be eligible to be classed as an entitled family in terms of accompanied service and should return to their CoO register on visa4uk.fco.gov.uk and re-apply for the correct UK settlement entry visa on entry form [VAF AF](#) under the [Immigration Rules Appendix Armed Forces](#).

21. **Eligibility to Enter the UK.** For a spouse/partner to be eligible for a settlement entry visa to the UK the sponsor must be either British, a serving member of HM Forces, or have been granted settlement following discharge. A veteran cannot sponsor a new dependant under the armed forces rules if they were discharged more than 2 years ago.

22. **Biometric Residence Permits (BRP) from 31 May 15.** Any non-EEA nationals travelling to the UK to establish or join a family for more than six months will receive a 30-day sticker in their passport instead of a 'vignette' with the full grant of leave to enter. This is the authority to travel to the UK. Applicants will then be required to collect their BRP from a post office within ten days of arrival in the UK. Applicants will receive a letter which provides detailed information about how to collect their BRP on arrival. Further information for overseas visa applicants is at Gov.UK/Biometric Residence Permits overseas applicant and sponsor information and full guidance is at Gov.UK/biometric-residence-permits. The BRP card can then be used as proof of the right to work or study and have access to public services and some benefits in the UK.

23. **BRP – Existing Visa.** A person can apply for a Biometric Residence Permit (BRP) as part of an application to extend an existing visa or to settle in the UK. They will also have to apply for a BRP if they want to [transfer their visa to a new passport](#). A BRP can be used to confirm identity, the right to study or work in the UK and entitlement to any public services or benefits.

24. **Unit Letters Supporting VAF (AF) Applications.** Before applying for a UK entry visa (VAF AF) the applicant must first obtain from the sponsor's unit a letter that confirms the sponsor's service details, see Annex C. The letter should accompany the application, but does not give right to a UK entry visa. For information on how UKVI handle Armed Forces applications made outside the UK see [Armed Forces Entry Clearance Guidance](#) and [Immigration Rules Appendix Armed Forces](#).

25. **Maintaining Passports and Visas.** Receiving Units are to check that entitled accompanying entitled family members have a valid passport and settlement entry visa and **not a standard visitor visa**. Units in the UK and overseas are to ensure that SP and entitled family members maintain a valid passport and visa and explain to the SP that if entitled family members failure to maintain a valid entry visa and the visa lapses the Home Office will register the dependant as an overstayer in the UK. This will affect their ability to travel to the UK in an emergency, they will not be on a route to settlement and it may affect any future immigration applications. Applications to extend a visa can be made 28 before the expiry date of the current visa.

26. **Passports and Visas at Public Expense.** There are certain circumstances when the costs for the upkeep of passports and visas are met by public expense, the eligibility is contained JSP 752 Chapter 10 Section 13 and DINs; 2017DIN01-73, 2017DIN01-104 and 2017DIN01-117.

27. **Call Forward Requirements.** Call forward is the term given to the process by which permission is granted to entitled family members sponsored by a member of the British Armed Forces to travel to accompany the sponsor on assignment. In all cases of non-EEA entitled family members the sponsor and applicant are responsible for meeting the entry and eligibility requirements in [Immigration Rules Appendix Armed Forces](#).

28. **Families Section Abbey Wood.** For further details on call forward and movement see [Families Section Global Removal and Family Service](#) Tel Civil: 030 679 81013 / Mil: 9679 81013 or mail DESLCSMSS-FamSec-Group@mod.uk. **Note that a UK standard visitor visa should not**

be used for Call Forward purposes.

29. **Call Forward to UK.** All members of the British Armed Forces wishing to call forward their entitled family members are to notify their admin/welfare staff before making any travel arrangements. Those not in possession of a valid settlement entry visa or settlement under Indefinite Leave to Remain or Enter (ILR/E) are to register on visa4uk.fco.gov.uk and apply to enter the UK on form [VAF AF](#) under [Immigration Rules Appendix Armed Forces](#).

30. **Accommodation.** The entitlement and eligibility to occupy service accommodation is contained in JSP 464 Tri-Service Accommodation Regulations (TSARS). Units should note that SP can apply for SFA during or after their Phase 2 training (depending on the length of the course). The spouse/children should have a valid leave to enter visa under [Immigration Rules Appendix Armed Forces](#) on a five year route to settlement. and if possible, SP should have an address for a spouse/partner to record on their visa application form [VAF AF](#). **A spouse / partner / children travelling on a standard visitor visa will not be entitled to accompanied^[1] status or occupancy of Service Family Accommodation (SFA). SP should not be allowed to occupy SFA until the SP can prove to the unit that the spouse/partner / children have proved to the unit that they have the correct entry visa and not a visitor visa. Occupancy by the SP may be granted if they have copy of the letter sent to the applicants giving 30 days to enter the UK and they can provide travel details. In this case the family passports must be checked by the unit as soon as possible on arrival to ensure the correct visa has been issued to allow the family to occupy the SFA.**

31. **Visitors - SFA.** Where a visitor is intending to stay with SP in SFA the visitor can only stay under the guidelines and authority of JSP 464 - TSARS. SP must also seek authority / advice from their Chain of Command regarding the occupancy rules and length of stay for visitors in SFA.

32. **Call Forward from Country of Origin to an Overseas Assignment.** Any entitled family member subject to immigration control wishing to join their SP sponsor **must** first register on visa4uk.fco.gov.uk and apply for a UK settlement visa on form [VAF AF](#) and **not a standard visitor visa**. Entitled Family members can only travel to the UK once they received travel notification from the Home Office to do so. Onward travel arrangements to the overseas country is made through Families Section Abbey Wood under the Status Agreement of the overseas country. See [Global Removals and Family Services](#) or Tel Civil: 030 679 81013 / Mil: 9679 81013.

33. **The only exception to Call Forward in Para 30 is Brunei and this is currently under review by RC.**

34. **UK Address for Overseas Call Forward.** A SP sponsor will need to provide a UK address for overseas call forward, the unit must also include the same address in the unit supporting letter. This address will be used by Abbey Wood families section to send the dependant the relevant overseas **temporary travel** documentation and travel information. Entitled family members who do not have family or friends in the UK may wish to consider staying at the Service Cotswold Centre (SSC) in Corsham (at the SP cost). The unit must first check availability with SCC Telephone: Civil 01225 810358 Mil: 94382 4521 before declaring the SCC address in the unit letter.

35. **Travel by Air from the UK to BFG.** When issued, temporary and permanent SOFA Certificates only allow movement in and out of Germany. On initial assignment to BFG, Non-EEA family members are to travel from the UK to Germany by air. Travel by over-land via the use of Schengen Visas is inappropriate on initial assignment to BFG as Schengen Visas are visitor visas and do not allow individuals to enter the Schengen Area and remain there to reside. SP and entitled family members who attempt to do this are likely to be stopped and returned at own cost. NATO Travel Orders must not be issued or used for entitled family travel.

^[1] See the Guidance for Accompanied Status in JPS 752

36. **Assigned from Overseas back to UK.** Unit HR/Welfare Staff are to ensure that before travelling back to the UK on assignment; F&C entitled family members have a valid settlement entry visa for the UK. Those without a valid entry visa will have to meet UKVI entry requirements including language and income requirements. The policy for the public upkeep of visas for entitled families outside the UK is contained in JSP 752 Annex A to Section 13 to Chapter 10.

37. **Assignment from Overseas to Overseas.** Movement of entitled family members on assignment between overseas locations are to be managed by the unit HR/welfare staff though the Families Section at Abbey Wood see link [Global Removals and Family Services](#).

Children

38. **Nationality of Children Born to F&C Parents.** Children normally take on the nationality of their parents, in the case of F&C serving personnel:

a. **Child born in the UK to F&C serving soldier.** The child may be registered as British at birth and can apply for a British passport at parents cost.

b. **Child born during an overseas assignment.** Children born on or after 1 April 15 to non-British parents serving on an accompanied overseas assignment can now be registered as British at public expense, see [2015DIN01-130](#) and for applications see [Guide MN1](#) and [Form MN1](#). Applications made for children born prior to this date are not eligible for reimbursement.

c. For children born outside the UK when the serving person is on an overseas assignment and who will be joining the serving person on an overseas assignment, the parents may only be reimbursed for an initial new-born passport at public expense see JSP 752 Chap 10.

39. **Movement of Children from Overseas.** The requirements and rules for a child to enter the UK are contained in [Immigration Rules Appendix Armed Forces](#). Units should seek advice from their Chain of Command before authorising a child to accompany parents on an overseas assignment. Soldiers should be made aware that children who join them on overseas assignment directly from CoO will need to meet the UK immigration rules before joining the SP and before entry to the UK at the end of the overseas assignment. Where there is doubt over a child to enter the UK the SP are advised to seek [OISC Homeoffice.gov.uk](#) accredited legal advice:

a. **Children from Previous Relationships to the UK.** A child cannot normally come to live in the UK if one parent is living abroad, unless the sponsoring parent in the UK has sole legal responsibility for the child, or if there are special reasons why the child should be allowed to join the parent in the UK. Bringing the child to the UK because it offers a higher standard of living than their own country is not classed as a special reason.

b. **Children from Previous Relationships from CoO to Overseas.** Children from previous relationships will need to qualify for a UK Leave to Enter/Remain visa before being allowed to join the SP on assignment overseas.

c. **Adopted Children.** The [Gov.uk/government Immigration Rules Part-8](#) Para 309A outlines the rules and requirements that have to be met for a genuine adoption to be regarded as having taken place.

d. **Inter-Country Adoptions.** Inter-country adoptions which are not considered genuine under Para 34(c) are subject to the [Adoption and Children Act 2002](#) and [Adoptions with a Foreign Element Regulations 2005](#).

e. **Overseas Adoption.** All prospective adopters must be assessed as suitable to adopt by a competent authority in the UK, and obtain a Certificate of Eligibility from the Department for Education, before travelling abroad to identify a child for adoption. This Certificate of Eligibility

must be provided with all entry clearance adoption applications under paragraphs 310-316F of the above government immigration rules. See [adopting a child from overseas](#).

40. **UK Only Adoptions.** For UK only adoptions see ssafa.org.uk/how-we-help/adoption/.

41. **MOD Safeguarding Policy.** There are certain offences in place that protect children from harm from parents through smacking. These include charges of Common Assault and Actual Bodily Harm (ABH), Grievous Bodily Harm (GBH) and GBH with intent. The law in the UK is intended to protect children against excessive force and assaults. If a parent or guardian hits their child and causes bruising, grazes or other damage to the child's skin or body, they are liable for legal action. For further advice and guidance see JSP 834 [Link](#) Safeguarding Service Children and Young People.

FAMILY IMMIGRATION MATTERS

42. **Migration Special Measures Before 1 Dec 13.** The special migration measures put in place for those entitled family members already on a route to settlement prior to 1 Dec 13 are contained in 2015DIN01-130.

43. **Migration Rules after 1 Dec 13.** From 1 Dec 13 families of existing serving personnel who have remained in their country of origin and serving personnel being joined by new families must comply with the current immigration rules which include meeting minimum income requirements and initial entry English Language standards.

44. **Settlement for Entitled Family Members.** The applicant must be the partner or child of a member of HM Forces who is British, settled or a foreign or Commonwealth citizen with 5 years' reckonable service. See [Immigration Rules Appendix Armed Forces](#) and [Home Office Applications on Discharge](#). If the partner or child is applying from overseas and the sponsor is settled, the sponsor must be in the UK.

45. **Naturalisation if Married to or the Civil Partner of a British Citizen.** A person who is married to or the civil partner of a British citizen is not automatically entitled to become a British citizen by naturalisation. A decision can only be made to grant citizenship if the individual is living in the UK and can satisfy the legal and residence requirements outlined in [Booklet and Guide AN](#) and [Application to Naturalise as a British Citizen](#).

46. **Naturalisation if not Married to or the Civil Partner of a British Citizen.** A person who is not married to or the civil partner of a British citizen is not automatically entitled to become a British citizen by naturalisation. A decision can only be made to grant citizenship if the individual is living in the UK and can satisfy the legal and residence requirements outlined in [Booklet and Guide AN](#) and [Application to Naturalise as a British Citizen](#).

47. **Citizenship First Day Rule Entitled Family Members.** Entitled family members must meet the first day rule of residency which means the applicant must have been physically present in the UK on the start date they put on their application form. Further guidance on residency and absences from the UK is contained in [Booklet AN](#). **The overseas concession of residency rule for Service Personnel does not apply to entitled family members.**

48. **Application Fees.** The immigration and naturalisation fees normally change annually every April. Care must be taken when submitting any application because if the application fails the applicant will lose the fee which can be substantial. Units are to advise SP that if there are any doubts about their application they should be encouraged to contact [AFF](#) who have OISC accredited F&C specialists or visit the [OISC Homeoffice.gov.uk](http://OISC.Homeoffice.gov.uk) site to find an OISC accredited advisor or an Immigration Solicitor regulated by the Solicitors Regulation Authority, see <http://solicitors.lawsociety.org.uk/>.

49. **Passport Expiry with ILR/ILE.** Passports with ILR/E means that there is no time limit on

your permitted stay in the UK, if you renew your passport the visa is not automatically entered into your new passport but the visa remains valid, you are advised to carry both old and new passports when required to prove settlement. See [Transfer your visa from your passport](#)

50. Returning Residents from Overseas Assignments. When a person has settlement ILR/E to enter or remain in the United Kingdom they are exempt the 2 years away from UK rule limit, if they are a spouse, civil partner, unmarried partner or same-sex partner on the AF route to settlement who has accompanied a member of HM Forces who is assigned overseas. See [Gov.UK Immigration Rules](#) Part 1 (19A).

51. Immigration Health Surcharge⁵. As an entitled family member of the UK's armed forces you **do not** have to pay the Immigration Health Surcharge (IHS) but you will still need an IHS reference number for your application for a visa to enter the UK. For refunds see [gov.uk/healthcare-immigration-application/refunds](#) or [AFF Army family F&C Visas](#).

52. Transfer of Visa. You may be able to transfer your UK visa to a new passport when your old passport expires, you will pay a fee if you apply to do this. How you transfer your visa depends on whether you're applying in the UK and what type of visa status you have. If you are in the UK you **can't** transfer your ILE/ILR visa to your new passport. Instead, you'll need to apply for a Biometric Residence Permit which is a separate document and will replace the visa you had in your old passport. See [Gov.uk/transfer-visa](#) and guidance notes on [Form NTL](#).

EMPLOYMENT

53. Entitled Family Members Employment. Entitled family members entering the UK on a settlement visa are eligible to seek employment in the UK. They will then be liable to pay UK Income Tax and National Insurance in the same way as British citizens. Entitled family members on accompanied service overseas should seek employment guidance through either Garrison Labour Support Units or the Civilian Labour and Recruitment Offices.

54. National Insurance Numbers. You must have the right to work in the UK to get a National Insurance number. For further information see the HMRC website [HMRC NI](#).

55. Qualifications and Experience. Entitled family members are advised to bring evidence of their professional qualifications and previous work experience if they wish to work and they are eligible to do so.

BENEFITS

56. Access to UK State Benefits. Where eligible, a serving soldier's UK immigration status normally enables them to claim some state benefits such as Child Benefit and Tax Credits.

57. No Recourse to Public Funds. Entitled family members who are subject to immigration control and have an endorsement stating '*no recourse to public funds*' (e.g. spousal visas) are not eligible to claim state benefits or allowances. See [www.Gov.UK/public Funds](#).

EDUCATION

58. Certificates. Spouses/ partners are advised to bring any certificates of education or awards for both themselves and entitled children to assist in easing the transition to UK education services.

59. Compulsory Education. In the UK, accompanying dependant family members must comply with UK compulsory education laws. [The Children's Education Advisory Service \(CEAS\)](#) should be approached for guidance on matters relating to the education of service children and young adults,

⁵ The Home Office is currently reviewing the application process to clearly define the Armed Forces exemption and how that is recognised during the application process to avoid paying and then reclaiming.

including overseas assignments and boarding schools. Where a unit is conducting a unit move, the unit welfare staff should notify their new Regional Chain of Command to advise local education authorities of the number of non-British children who are likely to attend schools in the area, including any known additional supportability requirements. Where non-EEA nationals are on accompanied assignment outside the UK and children are attending Boarding school in the UK then the non-serving parent must have a valid UK visa. Further information is available in JSP 342 Education of Service Children and Young People.

60. **Further Education (FE).** FE includes any study after secondary education that's not part of higher education (that is, not taken as part of an undergraduate or graduate degree). Courses range from Basic English and Math's to Higher National Diploma (HND). FE also includes [technical level qualifications](#) and [applied general qualifications](#), which replace diplomas and vocational qualifications. For further guidance see [Gov.UK Further Education Course Overview](#).

61. **Higher Education (HE).** A person generally must be 18 or older to take HE course which is usually taught in universities, colleges or specialist institutions like art schools or agricultural colleges, see [HE Course Find and Apply](#). UK student finance is dependant on immigration status. Non-British SP who are "exempt immigration control" and accompanying entitled family members who have limited leave to enter/remain in the UK are **not considered** to have settled status (ILR/E) and are liable to pay the 'overseas' rate of fees. Those over 18 may qualify for student finance if they have settled status (ILR/E). The eligibility for student finance is laid down at [Gov.UK Student Finance](#). Once over the age of 18 a non-EEA dependant will have to apply for settlement if they have not previously regularised their immigration status.

MISCELLANEOUS

62. **Driving Licenses.** You may be able to drive in Great Britain⁶ (GB) on your CoO driving licence for a fixed period (normally 12 months). You may also be able to exchange you CoO licence if you are from a "designated country" that have exchange agreements with GB see [Gov.UK Driving non-GB Licence](#). If you are not from a "designated country" then after 12 months you'll need to take a [theory test](#) and [practical test](#) to get a GB issued driving license.

63. **Medical and Dental Care.** Entitled family members with a valid UK residency visa are eligible for medical and dental treatment provided by the National Health Services such as [NHS England](#). On overseas accompanied assignments the MoD/local private healthcare scheme provides a service like the NHS. Charges for medical prescriptions and dental treatment will be paid both in the UK and overseas, which is the same for British citizens. Entitled family members are advised to bring evidence of any additional supportability or medical requirements that local medical services should be aware of.

64. **Visitors.** The MOD does not officially sponsor family or friends who wish to visit the UK or overseas, units can provide official letters to confirm SP details of serving and their living arrangements, the unit should not embellish the letter or offer any official support to a visitor entering the UK. It is the responsibility of the visitor to satisfy the visa issuing authority that they are entitled to enter and visit the UK. Individuals entering the UK on a visitor's visa are not able to undertake paid or unpaid work which includes childcare responsibilities for service parent(s). Nor are they able to switch to another visa whilst in the UK. For more details see <https://www.gov.uk/standard-visitor-visa/overview>.

RELATIONSHIP BREAKDOWN

65. **Estrangement Procedures.** The estrangement procedure is laid down in AGAI 81 and is the same for all Army personnel. When dealing with estrangement units are to take note of non-British citizen immigration status and whether they are on a route to settlement linked to the serving spouse's (sponsor) immigration status as going forward this could affect any eligibility to

⁶ There is a different process for driving in Northern Ireland – see the [NIDirect.gov website](#)

state allowances, housing and benefits.

66. Change of PStat Cat. If the estrangement is likely to be permanent and a formal change of Personal Status Category (PStat Cat) for the SP occurs, the unit is to notify Home Office using [Home Office Notification Form AFC 07037](#) of a change in circumstances and be prepared to support and advise the estranged spouse who may not qualified to settle or naturalised that their status under the Immigration Rules Appendix Armed Forces will change and that:

- a. That UKVI will be informed about changes in marital circumstances. If they plan to remain in the UK under their current visa, they must ensure they seek [OISC Homeoffice.gov.uk](#) accredited legal advice before making an application for further leave to remain (FLR) on the grounds of change of marital status.
- b. Failure to seek accredited immigration advice or to apply to stay before their current period of leave to settle expires could leave the estranged spouse and entitled family members without recourse to housing, public funds, the right to work and an expired UK visa which might affect any future application.
- c. During and before the 93 days' Notice to Vacate' accommodation period expires they should be contacting the Local Authority (LA) for alternative accommodation in the UK if they are not planning to leave the UK. When the "Notice to Vacate" period expires the family will become "Irregular Occupants" and steps may be taken to repossess the property.

67. Domestic Abuse Policy. The MOD has an unwavering commitment to addressing all suspected or actual incidences of Domestic Abuse (DA) and has procedures in place to provide confidential advice and support to those subjected to it. These procedures are described in JSP 913 and ABN 103-14, they include reporting to an investigation by Service, civil police and or the statutory civilian authorities or the British Forces Statutory Social Work Service overseas. Also see the Gov.UK site [Domestic abuse guidance and support for the Armed Forces community](#).

68. Settlement for Victims. DA victims (and their children) who are subject to UK immigration controls, may be eligible for settlement (ILR) if they have experienced DA as the partner of a British citizen, a person settled in the UK, or a Foreign or Commonwealth member of HM Forces who has served for at least four years. The Domestic Violence Concession enables DA victims who are eligible to apply for settlement (ILR) to access UK state support whilst they make their application.

69. The Home Office publishes up to date information regarding the rules for ILR applications for victims of DA see [Gov.UK Settle in the UK](#) and [Gov.uk Apply to Settle in the UK](#). Spouses or partners of service personnel who are not British citizens or settled in the UK and who have not yet served for four years are not eligible for leave to remain under the domestic violence provisions. They would need to take [OISC Homeoffice.gov.uk](#) accredited advice on whether they were eligible to remain on another route.

70. Destitute Domestic Violence Concession (DDVD). Victims of Domestic Abuse can ask for permission to stay in the UK for three months with access to public funds while they apply to settle as a victim of domestic violence see part 6 Immigration Rules Appendix Armed Forces. If given the concession, they can then apply for financial help from the UK government also see [victims of domestic violence and abuse DDVD concession](#)

71. Child Maintenance Overseas. SP should be advised by the COC to engage with any Foreign Court Order raised against them for child maintenance, failure to engage will likely result in an order made against them in their absence and being enforced upon their return to the country the order was raised. Even if the SP has no intention of returning to the country where the order was raised, the claimant can register the findings of a Foreign Court Order in the UK through the REMO (Reciprocal Enforcement of Maintenance Orders) Unit and the order will be enforced in the UK and the SP will have to pay both the maintenance order going forward and any arrears that have accrued. See [Gov.UK REMO Unit](#)

TRAVEL AND LEAVE

72. **Official Travel.** Units are responsible for ensuring that SP and their families who are warned for official duty or assignment overseas are in possession of valid visa and travel documents in advance of travelling and in the case of assignment, SP should follow the call-forward procedure stipulated by the relevant overseas command.

73. **Defence Travel.** For all official and duty travel, including advice on passports and visa requirements, units are to use [Defence Travel \(DT\)](#). **The DT Visa Section cannot give advice or assistance on private UK entry visas for non-EEA passport holders.**

74. **NATO Travel Orders.** For F&C Service personnel travelling on **official duty** directly between most NATO countries a NATO Travel Order (F Mov 220) supported by a Services Identity Card is a valid travel document. F&C Service personnel are to ensure that they also carry their passports as they may be required for immigration purposes whilst travelling under official sanction. Further information is contained in JSP 800 Volume 2, Part 2 Chapter 14. NATO Travels Orders are not used for personal leave or entitled family travel purposes.

75. **SOFA BFG.** A SOFA Certificate is issued by HQ BFG [BFG/Home/Pages/BFGHome.aspx](#) to all non-EEA citizens on their arrival in BFG. A SOFA Certificate identifies the holder as a member of the BFG community, indicates the period that they may reside in BFG and allows the holder movement in and out of Germany. Other overseas countries have a similar “Status” agreement.

76. **Declaratory Resident Permit BFG.** Holders of valid SOFA Certificates may also apply to their local German authority (or Stadt) for a Declaratory Resident Permit (DRP) for travel within mainland Europe. Although DRPs are similarly priced to Schengen visas, they can be applied to cover the tour length or the expiry date of the applicant's passport which makes it suitable for those wishing to frequently travel around Europe whilst residing in Germany.

77. **Schengen Visa BFG.** [Schengen Visa \(SV\)](#) enable holders to pass freely through any of the Schengen Member States on a short-term basis (up to 90 days) and are generally used by non-EEA family members visiting Germany. SV should not be used when taking up an assignment to reside in BFG. The UK is not a member of the Schengen Area and as such does not issue SV therefore, a SV cannot be used to enter UK

78. **Travel Advice.** When required for official travel, the MoD/British Army will issue travel and security advice for serving personnel (including British citizens). Those considering travelling back to CoO on leave should check relevant travel advice on their country government website and [Gov.UK Foreign Travel Advice](#).

79. **DOMCOL.** All SP that meet the criteria may be granted DOMCOL, units are to ensure that non-British SP eligibility for DOMCOL and DOMCOL substitute is registered with [RC-Pers-SPS-Tech-WO1](#) in accordance with JSP 760 – The Tri-Service Regulations for Leave and Other Types of Absences. Units should also note that from 11 Jul 13, all Regular Armed Forces applicants from Commonwealth countries who have five years UK residency prior to their application to enlist and those who naturalise in service are not eligible for DOMCOL.

80. **Compassionate Leave and Travel and DILFOR (UK and Overseas).** JSP 751 is the tri-Service policy dealing with casualty reporting and notification, compassionate leave and travel at public expense, visits by relatives & friends to sick & injured personnel in hospital in the UK and Dangerously Ill Forwarding of Relatives (DILFOR) in the UK or overseas.

LEAVE OUTSIDE THE UK

81. When travelling outside the UK on leave F&C SP and entitled family members are travelling under their own countries passport and should check and meet the visa needs of the countries

they are visiting, the SP's exempt immigration control and families leave to enter UK visas will not be accepted by other countries outside the UK as a valid travel/entry document. Any support or assistance required outside the UK is usually through the SP/Families High Commission in the country they are visiting especially if this involves loss of identity/travel documents. The British embassy will not be able assist in providing replacement temporary travel/identity documents, the British Defence attaché may be able to assist in contacting parents units if the SP is going to be delayed in returning back to their unit.

DISCHARGE

82. **Transition.** Transition is something that all service personnel should engage with over the full period of their service life. Early engagement in Employment, Education, Housing, Health and Welfare will make the transition to civilian life easier and less stressful see [Transition to Civilian Life](#). **F&C SP are advised to take every opportunity to improve future employment prospects through transition and to save money to pay for settlement costs or to pay for travel and the movement of personal effects on leaving the UK.**

83. **Resettlement.** The Career Transition Partnership ([CTP](#)) is the official provider of Armed Forces resettlement. Provision is based on entitlement, for further guidance see [Gov.UK Information for Service Leavers](#). Non-British SP can use their Standard Learning Credits (SLCs) to pay for the ESOL Exams required by the HO for settlement and citizenship applications, but only in the last 2 years of service for resettlement purposes. SLCs cannot be used for these exams during normal service. Full details on the policy and eligibility rules for Standard Learning Credits are contained in JSP 898 Part 4 Chapter 4.

84. **Discharge Process.** Discharge normally takes place in the UK. Discharging non-British Service personnel from assignment outside the UK is on permission from the overseas command. Foreign or Commonwealth veterans who return to CoO after discharge have up to two years to apply for settlement (Indefinite Leave to Enter (ILE)) in the UK. The veteran needs to be settled and in the UK if his entitled family members apply for settlement from overseas. If they all leave the country without having settled, the ex-soldier would be able to settle (within two years) but the entitled family members would have to start their route to settlement again if they want to enter the UK. Applications are either made on-line or at their nearest UK Visa Application Centre. For Additional discharge information including soldiers under sentence see Annex D.

85. **Settlement from Overseas.** Units should be aware that settlement (ILR) **cannot** be applied for from overseas. Therefore, SP and their entitled family members seeking settlement and being discharged from overseas should be moved back to UK at least a minimum of 10 weeks before their discharge date to allow UKVI to process their application(s) to coincide with their discharge date. Applying for Indefinite Leave to Enter (ILE) from overseas under the 10-week arrangement is **not advised** as any delay in settlement may leave the discharged SP in a situation of loss of entitlement to facilities and exempt status making them subject to the overseas country's immigration policy. Extensions to discharge date will not be granted for immigration reasons.

86. **Last Moves to and from Overseas.** The authority is JSP 752 Ch 7 Part 3 – Movement and Storage of Personal Effects on leaving the Services. The pre-2007 Gurkha Terms and Conditions of Service and eligibility may allow Gurkhas and their entitled family members to travel back to Nepal at public expense.

ADVICE AND SUPPORT

87. **Armed Forces Defence Attaché / Advisers (UKDA).** Support to serving soldiers and families in their CoO are in most cases through the UKDA who is located within British Embassies and High Commission overseas. Units seeking assistance should contact the appropriate UKDA using the details provided in MSP (Yellow book) overseas directory available on DII.

88. **Support in Fiji - BASO.** British Army Support Officer (BASO) Fiji is based in the British High

Commission (BHC) in Suva. The time difference in Fiji is 12 hours ahead of GMT. Contact:

- (1) Email – Daren.Dangerfield@fco.gov.uk
- (2) BASO Fiji Phone – (+679) 322 9110 [FTN 8443 2110]
- (3) Fax - 00 679 3229132

89. The [Royal Commonwealth Ex-Service League](#) (RCEL). The RCEL provides direct support to Veterans who served the British Crown prior to independence of their native country. In addition, through the 57-member Organisations in 49 Commonwealth countries, they can also provide advice and assist and co-ordinate applications for welfare assistance for contemporary veteran Commonwealth service personnel.

USEFUL SOURCES OF ADVICE

90. **Government Support.** See [Gov.UK Support Services for military and defence personnel and families](#).

91. **D Pers, Pers Svcs.** The [D Pers, Pers Svcs](#) site is available only to MOD Intranet users.

92. **Home Office (HO).** The HO is the UK Government Ministry with overall responsibility for Immigration and Nationality matters. The [UK Visas and Immigration](#) (UKVI) deals with Armed Forces applications, UKVI will not deal with general immigration enquiries.

93. **The Office of the Immigration Services Commissioner (OISC).** The Office of the Immigration Services Commissioner (OISC) regulates immigration advisers, ensuring they are fit and competent and act in the best interest of their clients. Advisers don't make immigration decisions and can only give advice. Applicants who require qualified immigration advice can access the OISC guidance at [OISC Homeoffice.gov.uk](#).

94. **The Solicitors Regulation Authority.** The Solicitors Regulation Authority (SRA) maintains a list of solicitors who deal in immigration matters see <http://solicitors.lawsociety.org.uk/>.

95. **Service Casework.** Where a unit has identified a Service need due to a complex situation they should gather all the facts with any HO references and submit to [RC-Pers-FamSp-SO2](#) for further advice telephone Mil: 94222 7392 or Civil 01252 787392.

96. **The Army Welfare Service and HIVE.** The Army Welfare Service is the Army's professional welfare provider. The [HIVE](#) is an information network for signposting, available to all members of the Service community; it is a key delivery pillar within the AWS. It serves all Service personnel, their entitled family members and civilians employed by the Services.
<https://www.army.mod.uk/personnel-and-welfare/>

97. **Army Families Federation (AFF).** The Army Families Federation is the independent voice of Army families; see the AFF website [AFF.org.uk/Foreign & Commonwealth](#). The AFF have OISC trained staff who can advise on a wide range of immigration issues.

98. **AFF Guide to Visa Applications.** The [AFF Guide for Visa Applications](#) is available to all internet user.

99. **Cobseo F&C Cluster.** The Army Families Federation (AFF) is the lead for this Cluster, representing the Foreign and Commonwealth community. [cobseo.org.uk/clusters/foreign-and-commonwealth/](#)

100. **Government Links and Modernised Guidance.** Modernised guidance for how UK Visas and Immigration handles HM forces and their entitled families who exempt from immigration control can be found at Annex F.

101. **Citizens Advice.** Provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities <https://www.citizensadvice.org.uk/>.

Part 2 – ARMY RESERVE

SPECIFIC GUIDANCE FOR ARMY RESERVE

102. **Reserve Forces Home Office Guidance.** The [Reserve Forces Home Office Guidance](#) tells you when and in what circumstances a member of HM forces reserves will be considered exempt from immigration control under section 8(4) of the Immigration Act 1971. This guidance covers members of HM reserve forces and dependants of HM reserve forces personnel.

103. **Immigration Status.** Since 11 Jul 13 Commonwealth applicants to join Army Reserve must have ILR (ABN 65/13). Army Reserves who enlisted before 11 Jul 13 and do not have ILR or UK citizenship must have a valid UK visa that permits a right to work, before they can undertake Army Reserve training. The unit have a statutory responsibility to conduct annual right to work checks on all Reserves subject to immigration control, this includes any period of FTRS and unless mobilised the reservist remains under the immigration rules that govern them as a civilian.

104. **Exempt Immigration Control.** Army Reserves are **not** given the same immigration control as a Regular as reserve service is secondary employment for immigration purposes and in all cases the reservist must have a right to work before they undertake reserve service. Army Reserve unless they are mobilised.

Note: That as a matter of law the Army Reserves are only exempt from immigration control whilst on-duty for training under the Armed Forces Act 2006 Sects 22, 24, 25 and 27⁷ or in permanent service because of being ‘called out’ under the provisions of the Reserve Forces Acts 1980 and 1996.

105. **FTRS.** FTRS is a reserve commitment and the reservist remains under the immigration rules that govern them as a civilian, the Reservist must hold a valid right to work visa for the duration of the FTRS and Units must not apply for an immigration exemption for reservists on FTRS. If the Reservist has settlement Indefinite Leave to Remain or Enter (ILR/E) they can undertake FTRS in the UK, it is not recommended that they undertake FTRS overseas as this could affect their ILR/E status as they will be considered by the Home Office as having left the country. Reservist on FTRS are subject to annual right to work checks.

106. **Mobilised Reserve.** When Army Reserves are mobilised the unit or MTMC must carry out the immigration control actions at Annex D and explain the contents of Appendix 1 to Annex D and give the reservist a copy of Appendix 1. Units are to ensure that the Reservists passport will remain valid for the whole period of mobilisation. If successfully mobilised the Reservist passport will be endorsed “exempt immigration control” under Section 8(4)(a) of the Immigration Act 1971. UK Visas and Immigration (UKVI) will confirm in writing the conditions of the Reservist exemption. The unit and UKVI will confirm in writing the conditions of the following exemption:

“The holder is not subject to any condition or limitation on the period of permitted stay in the United Kingdom whilst serving as a reservist deployed with HM Forces”

107. **Demobilised Reserve.** When Army Reserves are demobilised MTMC or the demobilising unit must complete and fax [Home Office Notification Form AFC 07037](#). The unit must brief the Reservist that the HO will be informed of their demobilisation and that the “exempt immigration period” has ceased and warn the Reservist that **“even though their passport stamp is not physically cancelled when they are demobilised, the reservist will not have permission to work or remain in the UK unless they have a valid civilian visa”**. The Reserve parent unit should also conduct the annual right to work check at prior to the reservist resuming their Reserve training.

108. **Unit Responsibility – Reserves Annual Right to Work Checks.** Units have a statutory requirement to conduct and record annual right to work document checks of their Reserve SP who

⁷ Armed Forces Act 96 Sects 22 (Obligatory training for bounty), 24 (FTRS), 25 (ADC) and 27 (VOTD).

are subject to immigration control. These checks should be done prior to the start of every training year to ensure a right to work still exists. For further government advice see www.gov.uk/acceptable-right-to-work-documents; and for unit discharge actions see [2014DIN01-181.pdf](#).

- a. Units should note that overseas student visas are time dependant and only remain valid if an individual is in education. If the education sponsor has reported the student as no longer active in education the HO may have already cancelled the visa and therefore a right to work may no longer exist, see 2014DIN01-181 Employment of Foreign and Commonwealth Reserve Service Personnel.
- b. If a Reservist is found to still have an “exempt immigration endorsement” as a result of a previous regular service or mobilisation, the unit must inform UKVI on [Home Office Notification Form AFC 07037](#) that the Reservist has previously been discharged from regular service or demobilised from Reserve service. The SP must be advised that they are not exempt from immigration control and must regularise their immigration status to be in the Reserve.

109. **Reserve Training Overseas.** When there is a requirement for Army Reservists to train overseas, the unit must check whether a NATO Travel Order⁸ or additional visa is required by contacting [Defence Travel](#) for advice. The requirements to obtain Visas for official duty are constantly changing and this list is frequently updated. If you are in doubt please contact the DTMO Visa Section on 9621 84366 for assistance. Also See JSP 752 Chapter 10 for payment for official visas. **Units should not apply for “exempt immigration control” for training reasons.**

110. **Individual Responsibility.** Units are to remind the Reservist that it is their responsibility to report to their unit any changes to their immigration status that affects a right to work and that it is an individual’s personal responsibility to regularise their immigration status after demobilisation and before commencing any further Army Reserve training.

111. **Reserve Family Entitlement.** There are no provisions within the Immigration Rules for the dependant of a reservist to enter or remain in the UK solely based on their sponsor’s reserve service. This includes family members of those who have mobilised or are on the full-time reserve service (FTRS). All dependants must have valid immigration leave on conditions to remain in the UK in line with that of their sponsor.

112. When issuing an exempt vignette to a reservist, the status of any of their dependants will not change. The dependant will remain on the immigration conditions for which they were given leave to enter or remain. If a reservist is granted 28 days’ leave outside the rules as they no longer hold valid leave on return from mobilisation, their dependants are not entitled to be considered at the same time.

113. **Supporting Letters - Army Reserve.** Army Reserve units or individuals should not write official letters on headed paper to the Home Office in support of a Reservists application to change their immigration status because of a change of their civilian circumstances. Army Regular or Army Reserve personnel should not attend in any official capacity, this includes appearing in uniform at any hearing to give expert advice on Reserve service at any tribunal or court case dealing with a Reservists civilian immigration issue.

114. **Informing the Home Office.** The unit are to inform the Home Office on [Home Office Notification Form AFC 07037](#) of any changes in F&C Reserve SP personal circumstances:

- a. Notify the Home Office of Army Reserve Discharge.
- b. Notify the Home Office when a Reservist has demobilised.
- c. Notify the Home Office F&C Reservist is deceased.

⁸ JSP 800 Defence Movements and Transport Regulations Vol 2 - Passenger Travel Instructions.

ANNEXES AND APPENDICES

A. British Army Request for an “Exempt UK Immigration Control” Endorsement for Regular Serving Soldier.

Appendix:

1. Immigration Conditions During Regular Service and Discharge.

B. Confirmation that a Nepalese Citizen has transferred from the Brigade of Gurkhas to the British Regular Army.

C. British Army Letter of Confirmation of a Sponsoring Soldier’s Details for HM Forces VAF AF Application.

D. Non-British Soldiers Additional Discharge Procedures.

E. British Army Request for an “Exempt UK Immigration Control” Endorsement for Army Reserve Soldier for Mobilisation.

Appendix:

1. Immigration Conditions for Reserve Mobilisation Service and Demobilisation.

F. Government Links and Modernised Guidance

BRITISH ARMY REQUEST FOR AN “EXEMPT UK IMMIGRATION” CONTROL ENDORSEMENT FOR REGULAR ARMY SOLDIER

Maintaining Immigration Status - Regular

1. When a non-UK passport holder has been accepted into Regular service or has a Country of Origin passport renewed during Regular service the unit administration office is responsible for carrying out the following actions:

a. Send by registered mail the passport a covering letter below and enclose 2 x passport style photographs no longer than 3 months old with the name of the individual written on the back of each (costs recovered under JSP 752).

b. Prior to dispatch the unit must issue the SP with a copy of their passport and explain and issue Appendix 1, Immigration Conditions During Regular Service and Discharge.

c. The AFT at UKVI will insert the “exempt” immigration endorsement into the passport and will also confirm the conditions of issue in writing to the soldier.

Premium Service Centre Army / FCO team 3rd floor Short Corridor Lunar House 40 Wellesley Road Croydon, CR9 2BY FAO: Armed Forces Casework	UNIT HEADED LETTER	Reference: Date:
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BRITISH ARMY REQUEST FOR AN “EXEMPT UK IMMIGRATION” CONTROL ENDORSEMENT FOR REGULAR SERVING SOLDIER

I am the Regimental Administrative Officer of (Insert Unit)

I can confirm that (Insert number, rank, full name, DoB and nationality) enlisted as a Regular Soldier into the British Army (Insert date). Having been enlisted into the Regular British Army he is exempt UK Immigration Control under Section 8(4)(a) of the Immigration Act 1971.

I have enclosed the soldiers Country of Origin Passport (Passport Number) and 2 x Passport photographs with the soldier’s name on the back of each and request that the UKVI insert an “exempt” from immigration control endorsement.

Please do not hesitate to contact me if you require any additional information

Signed

(Insert) Signature Block
for Commanding Officer

Encl:

1. (Insert) Service Person Full Name (Insert Nationality) Passport (Insert Serial Number).
2. 2 x Passport Photographs with soldier’s name on the back

Appendix:

1. Immigration Conditions During Regular Service and Discharge.

IMMIGRATION CONDITIONS DURING REGULAR SERVICE AND DISCHARGE

Regular Service

Your passport has been forwarded to the Home Office (HO) so that it can be endorsed with an Exempt UK Immigration Control vignette. The HO will write to you to confirm the conditions of your exempt status. As a Foreign or Commonwealth citizen currently serving in HM Forces you will be exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 until you are discharged or naturalise British.

Exempt Immigration Control Travel

Your immigration exemption only allows you to travel to the UK, it is not valid to travel to other countries, if you undertake personal travel you must ensure you meet the visa requirements of the countries you are visiting. If you are on MOD official travel your unit administration office will contact defence travel to determine what kind of visa you require.

Passport Renewal

When you renew your passport, you must report to the unit administration office with your new passport to have the exempt immigration control put into your new passport.

Establishing a Family Life

If you wish a spouse / legal partner and children to join you and they are non-British they may be subject to immigration control. This means that they must apply for a settlement entry visa through UK Visas and Immigration on HM Forces Application Form VAF AF. **The Army does not pay for travel or visa costs to the UK for your family.** The settlement entry visa cost (change every April) for 2018/19 are £1523. Your spouse or partner may also be required to have A1 English, which is required if your spouse partner is not national of a predominately English-speaking country. **You may have to serve in the Army for a few years to reach the required salary to meet the income requirement to establish a family life.**

The Home Office has a Minimum Income Requirement that you must meet for spouses/partners and children to legally enter the UK, the amount of money you must prove you are earning to apply for entry depends on whether you have Dependant children and if so, how many, the applicant to join you must also complete the Financial Requirement which is at Appendix 2 to VAF AF. **Your annual income before tax (also known as the gross income) needs to be:**

- Partner applying (no children) = £18,600
- Partner + 1 child = £22,400
- Partner + 2 children = £24,800
- Partner + 3 children = £27,200

If the applicant is successful they will eventually receive Biometric Residence Permit (BRP) and be on a 5-year route to settlement based on your Army Service under Appendix Armed Forces Immigration Rules

Discharge from Service

When you are discharged you must contact the Home Office to tell them of your discharge, your unit will also inform the Home Office of your impending discharge. **It is then your responsibility to regularise your own immigration status and your families,** you can do this 10 weeks before your discharge date at personal cost. If after discharging you stay on in the country without a valid settlement status you will not be entitled to work, have access local authority housing or benefits. Even if your passport still has the exemption stamp you will be recorded by the Home Office as having left the Armed Forces. This will also show up when any future prospective employer conducts a statutory right to work check. **Your exempt immigration control will cease on discharge.**

You are strongly advised to start saving money from the day you enlist to meet family entry visa costs and future settlement visa costs for you and your family.

CONFIRMATION THAT A NEPALESE CITIZEN HAS TRANSFERRED FROM THE BRIGADE OF GURKHAS TO THE BRITISH REGULAR ARMY

Premium Service Centre Army / FCO team 3rd floor Short Corridor Lunar House 40 Wellesley Road Croydon, CR9 2BY FAO: Armed Forces Casework	UNIT HEADED LETTER	Reference: Date:
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CONFIRMATION THAT A NEPALESE CITIZEN HAS TRANSFERRED FROM THE BRIGADE OF GURKHAS TO THE BRITISH REGULAR ARMY

Reference:

A. Application for British naturalisation by (Insert Service Persons details: Service number, Full Name, DoB and unit).

The purpose of this letter is to provide confirmation that above Service person is a Nepalese citizen who has transferred from the Brigade of Gurkhas into the British Regular Army.

He is therefore no longer a serving member of the Brigade of Gurkhas and so can naturalise as a British citizen provided he meets all the Home Office rules to apply for British citizenship.

If you require any further information please contact me using the details at the top of this letter.

Signed

Insert Signature Block
for Commanding Officer

BRITISH ARMY LETTER OF CONFIRMATION OF A SPONSORING SOLDIER’S DETAILS FOR HM FORCES VAF AF APPLICATION
(Letter of confirmation of sponsors details to be submitted with spouse / partner application for an entry visa to the UK)

For the Attention of: The Entry Clearance Officer, BHC (Insert Country of application address)	UNIT HEADED LETTER	Reference: Date:
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BRITISH ARMY LETTER OF CONFIRMATION OF A SPONSORING SOLDIER’S DETAILS

References:

Sponsoring Service Person:

Surname	Forenames	Service Number	Nationality
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Entitled Family Members Leave to Enter Visa applications for:

Surname	Forenames	Date of Birth	Nationality and Relationship to Soldier
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I am the Unit Welfare Officer of *(Insert Unit Name)*.

Under Appendix Armed Forces, the sponsoring Service Person listed above, has requested a British Army letter to confirm his service details in respect of **his/her** sponsorship of a UK Leave to Enter Visa application⁹ for all those entitled family members listed above.

(full name) is currently serving in the United Kingdom*¹⁰ and I can confirm that as a condition of his service **he/she** has been provided with*/**will** be provided* with suitable Service Families Accommodation to accommodate the family prior to their arrival in the United Kingdom (**provide allocated address if available or if a contact house is being used as an interim or use the full unit address**).

Please do not hesitate to contact me if you require additional information.

(Insert Signature Block)
for Commanding Office

(note the sponsor must produce evidence of gross salary and not just pay or bank statements as they do not actually state the gross salary, a JPA print out from “My Information Views” tab salary to accompany the application may prove to be useful).

⁹ This letter is not to be used to sponsor a visitor visa.

¹⁰ Overseas Comd HQs will have a relevant amended letter template which overseas units are to use.

NON-BRITISH SOLDIERS – ADDITIONAL DISCHARGE PROCEDURES

1. **Unit Administration Manual.** All Non-British SP are discharged in accordance with the [Unit Administration Manual \(UAM\)](#) Chap 5. As soon as the SP is warned for discharge the RAO/RCMO must check the immigration status of the transitioning non-British SP and entitled family members to determine if they can apply for settlement and calculate the costs involved. Those who have not regularised their immigration status should be briefed by the RCMO/UWO at least 6 months prior to discharge the following additional information:
 - a. It is the soldiers responsibility to apply for settlement for them and their entitled family members, or to leave the country after discharge application are made on Form [SET \(AF\)](#) under the [Immigration Rules Appendix Armed Forces](#).
 - b. **Biometric Residence Permits (BRP).** Everybody who applies for settlement, including SP must complete the biometric residence permit registration process [Gov.uk/biometric residence permits](#) before settlement can be granted.
 - c. **Criminality or Service Discipline Offences on Applications for Settlement or Citizenship.** The rules have been incorporated into DIN 2013-01-130 and see [gov.uk/government/01-forces-criminality.pdf](#). Applicants for settlement or naturalisation must disclose all criminal convictions (spent or unspent) on their application forms. If in doubt individuals with criminal convictions should seek qualified immigration advice before applying for settlement.
 - d. On the day a non-British SP is discharged their “**Exemption from UK Immigration Control**” is cancelled and they become subject to UK immigration control. UKVI will issue the SP with 28 day’s notice to regularise their immigration status if they have not already applied to do so.
 - e. If an application is submitted after discharge and during the 28 days’ notice period they can remain in the UK legally during the consideration process but only as civilians. Even if their passport endorsement has not been physically cancelled by the unit on discharge, the SP (veteran) will not have permission to legally work or remain in the UK as the Home Office will have been informed to cancel their exempt status.
 - f. Discharge normally takes place in the UK. Nepalese citizens (Gurkha) are enlisted in Nepal and thus can opt to be discharged in Nepal. Units discharging SP outside the UK **must** have the authority of the overseas Comd. Once the authority has been granted, the Commanding Officer will notify the relevant cap badge section career manger in APC that the SP will be discharged overseas. Discharging units **must** advise Non-British SP on housing and immigration implications and status including any UK entry restrictions and issues if they choosing to try to regularising immigration status overseas.
 - g. Where an early departure discharge (Medical, Administrative or Discipline) has been recommended, the unit managing the discharge must take account of the immigration time lines for settlement application and raise any concerns about SP settlement to the chain of command as soon as possible. For overseas units this includes the timely return to the UK for SP and entitled family members to prepare for transition towards discharge noting the policy for entitlement to occupy SFA in JSP 464.
 - h. **Regular Reserve Liability.** Discharged Commonwealth and Nepalese citizens who are settled in the UK are liable for the same Regular Reserve liability of as their British counterparts.
 - i. **Non-British SP who Leave the UK.** Non-British, Commonwealth or Nepalese Veterans who opt to leave the UK after discharge and have 24 months after discharge to apply for settlement Indefinite Leave to Enter (ILE) through their local UK Visa Application Centre.

Additional Unit Discharge Information

2. **Discharge after 4 years’ Service.** Inform SP that if they wish to regularise their immigration status their applications should be submitted 10 weeks before their discharge date or up to 6 months before a redundancy discharge date. This will enable UKVI to grant settlement the day after their discharge providing

they meet the Immigration Rules.

3. **Medical Discharge.** Units who administer Non-British SP who are considered for discharged on medical grounds must consider any additional vulnerability issues especially if they have severe physical/mental disability and if they are single and need additional family support that requires immigration consideration. Welfare casework should be raised through the Chain of Command well in advance of discharge action being conducted this includes any referral under the [Veterans Welfare Service Protocols](#). In all cases where the discharge is complex and requires immigration consideration the casework team should engage with [RC-Pers-FamSp-SO2](#) Mil: 94222 7392 or Civil 01252 787392 for further advice.

4. **Medical Discharge Less than 4 Years' Service.** Where SP is medically discharged with less than 4 years' service UKVI will consider settlement applications where the medical discharge is due to injuries sustained during operations or whilst on training. When any other medical discharge occurs, SP may still be able to apply for settlement with less than 4 years' service. In both cases SP will have to submit supporting medical evidence with their application to UKVI and if required SP should seek OISC accredited immigration advice. Extensions to discharge dates are not given for immigration reasons.

5. **Other forms of Discharge with Less than Four Years Army Service.** There is no discretion within the rules for settlement to be granted to those discharging with less than 4 years' service, units should advise SP to seek OISC qualified immigration advice before they submit any application to UKVI for leave to remain ('outside the rules'). On the day of discharge the unit should receive a 28-day notice letter by fax from the AFT. Those SP who have not regularised their immigration status can apply for further Leave to Remain or would be expected to leave the country.

6. **Warning Armed Forces Team (AFT) of Discharge.** Units are to give the AFT warning of the date of discharge from the Armed Forces by completing Part A of the [Home Office Notification Form AFC 07037](#) and fax to AFT UKVI, Part B is completed on discharge day and again fax to UKVI. Once UKVI receive Part A they will issue a receipt to the unit and a notice to those SP (a separate letter for any dependant) who have not regularised their immigration status. On the final day of service, the unit must complete Part B of the form above ensuring that the SP and unit sign the declaration and fax the whole form again to AFT UKVI.

7. **Indicative Letter.** Once UKVI receive check and assess a settlement application, they may issue an indicative letter¹¹. This letter is to assist the SP in planning for future employment, housing, healthcare and benefits as part of the transition to civilian life¹². Where an indicative letter has been issued and is not accepted by providers during transition the SP is raise the issue with their unit who should contact [RC-Pers-FamSp-SO2](#) Mil: 94222 7392 or Civil 01252 787392 with the details of those providers who have not accepted the letter.

8. **Discharge Day.** Normally, the notice is 28 days and will be issued effective from the planned date of discharge from receipt of the completed Part A. However, in practice if the date of discharge is imminent then it is likely the AFT will hold off until Part B is also received.

9. If the SP has not applied to regularise their immigration status by their discharge date the AFT will fax the unit (SP) a 28-day notice letter to regularise their immigration or leave the country. When the fax is received the unit should hand one copy of the fax directly to the SP and confirm receipt by signature of both the discharged SP and the discharging officer and copy by fax the signed letter(s) back to UKVI.

10. **Custodial Sentence Family Support.** When a non-British SP has been awarded a custodial sentence that will lead to dismissal and discharge the supporting unit must immediately engage and give support and help to the SP family who may have issues of entitlement to SFA and Families Maintenance Grant and if overseas, any immigration issues on repatriation to the UK. Further immigration advice should be sought from overseas Comd HQ G1 staff prior to discharge taking place.

11. **Discharge before or after Custodial Sentence.** Before a SP is discharged before or after a custodial sentence the discharging unit must consider any welfare, financial or immigration issues that will impact on the family, if in any doubt units should seek early advice from their Chain of Command. When the SP is discharged from the Army under these conditions the actions at Para 13/14 must be completed.

¹¹ The Home Office can only issue an "Indicative Letter" if it receives the application in good time (10 weeks before discharge).

¹² The "Indicative Letter" is not a guarantee of settlement.

BRITISH ARMY REQUEST FOR AN “EXEMPT UK IMMIGRATION” CONTROL ENDORSEMENT ARMY RESERVE SOLDIER FOR MOBILISATION

1. *When a non-UK passport holder (with a right to work visa) in the Army Reserve has been selected for mobilisation the employing unit must take the following action:*
 - a. *Send by registered mail the passport, the covering letter below and 2 x passport style photographs no longer than 3 months old with the name of the individual written on the back of each (costs recovered under JSP 752).*
 - b. ***The unit must issue the Reservist with a photocopy of their passport and explain the Immigration Conditions for Reserve Mobilisation Service and Demobilisation at Appendix 1 and give the reservist a copy of the Appendix.***
 - c. *The AFT at UKVI will insert the “exempt” immigration endorsement into the passport and confirm the conditions of issue in writing to the soldier.*
2. **This letter is not to be used for FTRS commitments.**

Home Office Premium Service Centre Army / FCO team 3rd floor Short Corridor Lunar House 40 Wellesley Road Croydon, CR9 2BY FAO: Armed Forces Casework	UNIT HEADED LETTER	Reference: Date:
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BRITISH ARMY REQUEST FOR AN “EXEMPT UK IMMIGRATION” CONTROL ENDORSEMENT ARMY RESERVE SOLDIER FOR MOBILISED SERVICE

I am the Regimental Administrative Officer of (*Insert*) Unit

I can confirm that (*Insert Rank, full name, DoB and nationality details*) enlisted as a Reserve Soldier into the British Army (*Insert date*).

This request is for a Reserve soldier to be exempt UK Immigration Control under Section 8(4)(a) of the Immigration Act 1971 for mobilised service.

I have enclosed the soldiers Country of Origin Passport (Passport Number) and 2 x Passport photographs with the soldier’s name on the back of each and request that the Borders and Immigration Agency insert an “exempt” from immigration control endorsement. The unit will inform you when the soldier is demobilised.

Please do not hesitate to contact me if you require additional information.

Signed
 (*Insert*) Signature Block
 for Commanding Officer.

Encl:

1. (*Insert*) Service Person Name (*Insert Nationality*) Passport (*Insert Number*)
-

Appendix:

1. Immigration Conditions for Reserve Mobilisation Service and Demobilisation.

IMMIGRATION CONDITIONS FOR RESERVE MOBILISATION SERVICE AND DEMOBILISATION INFORMATION FOR THE RESERVIST

Immigration Control Mobilised Service

As a Reservist Soldier you must have a valid visa for the duration of your mobilised service that allows you to work and reside in the UK. If you have a valid visa your passport will be stamped with an exemption from immigration controls under section 8(4)(a) of the Immigration Act 1971. This exemption only lasts for the duration of your mobilised service with the British Army.

Immigration Status Demobilisation

When you are demobilised, you must contact the Home Office to inform them of your demobilisation. MTMC or your demobilising unit will also inform the Home Office of your demobilisation. Prior to your mobilisation you had an immigration status and you will automatically resume that immigration status and do not need to make another application providing that your immigration status is still in-date and valid. **If you do not contact UKVI when you are demobilised and you attempt to remain in the UK without permission you may become liable to removal**

Immigration Status Civilian

Once your exemption has been cancelled and if your visa has lapsed you will require permission to stay in the UK and will normally have 28 days to regularise your immigration status or leave the country. Even if your mobilisation passport stamp is in your passport it will have been cancelled by the Home Office and you will not have permission to work or remain in the UK. If you are in doubt your Unit HR/Welfare staff can explain this Appendix to you and signpost you to a qualified source of immigration advice if you request it.

Right to Work Checks

Your unit has statutory requirement to conduct and record right to work document checks on you if you remain subject to immigration control. Your unit will check this before you can resume your reserve training. This check will be done prior to the start of every training year to ensure you have a valid right to work. If during a right to work check you still have an "exempt immigration endorsement" as a result of a previous mobilisation, your unit will seek advice from the Home Office as to your immigration status.

Discharge from Service

If you are discharged because of not having a right to live and work in the UK, you must contact the Home Office to tell them of your discharge, your discharging unit will also inform the Home Office. Your Reserve service will not entitle you to settle in the UK under Immigration Rules Appendix Armed Forces as Reserves service is secondary employment. Even if your passport still has the mobilised service exemption stamp you will be recorded by the Home Office as having left the Armed Forces. This will also show up when any prospective future employer conducts a statutory right to work check.

GOVERNMENT LINKS AND MODERNISED GUIDANCE

UK ARMED FORCES AND THEIR ENTITLED FAMILY MEMBERS

UK Armed Forces. UK Visas and Immigration modernised guidance for how it handles applications from members of the armed forces who are exempt from immigration control under section 8(4)(a), (b) and (c) of the Immigration Act 1971 see [Armed forces: exempt from immigration control](#).

Partners and Children. UK Visas and Immigration modernised guidance for how it handles applications from partners and children of British, foreign and commonwealth nationals serving in HM forces based on the Immigration Rules. [HM forces: partners and children](#)

Partners and Children Transition Arrangements. UK Visas and Immigration modernised guidance explaining the transitional arrangements put in place for family members of HM Forces personnel. [HM Forces: partners and children: transitional arrangements](#) This guidance covers:

- Family members of discharged and serving HM Forces personnel who hold entry clearance or limited leave to remain as the partner or child of a member of HM Forces under parts 7 or 8 of the Immigration Rules before 30 November 2013.
- Those who applied for such leave before 1 December 2013
- Adult dependant relatives where the sponsor is a British or settled member of HM Forces, including those who submitted applications before 1 December 2013 but had not been decided before that date

UK Armed Forces Discharge. UK Visas and Immigration modernised guidance for how it handles settlement applications from members of HM forces on discharged. [HM forces: applications on discharge](#)

UK Armed Forces Criminality. UK Visas and Immigration modernised guidance for how it handles applications from HM Forces who are exempt from immigration control under section 8(4)(a) of the Immigration Act where there is evidence of criminality. [HM forces: criminality](#)

Gurkhas Prior to 1 Jul 1977. This guidance [Gurkhas discharged prior to 1 July 1997](#) provides information on the discretionary policy in place for those discharged from the British Army, Brigade of Gurkhas prior to 1 July 1997. It covers the following people:

- A Gurkha who was discharged prior to 1 July 1997
- Family members of a Gurkha discharged prior to 1 July 1997
- Widows and orphans of a Gurkha discharged prior to 1 July 1997
- Adult children of former Gurkhas

UK Armed Forces Reserves. UK Visas and Immigration guidance on when and in what circumstances a member of HM forces reserves will be considered exempt from immigration control under section 8(4) of the Immigration Act 1971. [HM Forces reservists](#)

Victims of Domestic Violence. The victims of domestic violence guidance also include the eligibility and criteria for those applying for leave to remain under the destitution domestic violence (DDV) concession. [Victims of Domestic Violence](#)