

GUIDE FOR NON-UK NATIONALS AND UNIT SUPPORT

## **PART 2**

# **INFORMATION FOR NON-UK SOLDIERS AND NON-UK SPOUSES/ CIVIL PARTNERS**



**ARMY**  
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This guide contains advice and guidance to support Non-UK nationals (Commonwealth, Gurkhas and Nepali citizens serving in the wider Army) in the British Army and their entitled family members and Non-UK entitled family members of a serving British Citizen. This guide does not replace MoD or tri-Service non-UK and non-EEA policy or instructions which are the authority for Chain of Command action. The prime source of policy direction for the Army is contained in Army General and Administrative Instruction (AGAI) [Vol 2 Chap 50](#), and is referenced throughout. This guide will be subject to regular on-line updates.

This guide contains many user-friendly internet and intranet information links. Please 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 886730 or Mil 94393 6730 or email to [ModNet Army Pers-Pol-PersSvcs-SO2-A](#). Where a reference source is included, electronic readers can access the link from the relevant paragraph.

From the start of their service, Regular non-uk 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.

Home Office guidance from spouses/dependants from EU countries (less Ireland), Iceland, Liechtenstein, Norway or Switzerland who will be living in UK post 31 Dec 2020 is at <https://www.gov.uk/staying-uk-eu-citizen>.

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# Introduction

This guidance is intended to inform and guide soldiers who are either not from the UK themselves and/or have a family member(s) not from the UK. It outlines the immigration requirements for non-UK 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, during the course of their service career, [transition through to civilian life](#) on discharge.

The main source of guidance for non-UK soldiers and the Chain of Command (CoC) is [AGAI 50](#). This guide is intended to supplement the guidance given in that document, and refers to it as necessary.

The guidance also applies to the Army Reserves, noting 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.

This Guide gives some basic advice on the most frequent issues affecting non-UK soldiers and families. Sources of further guidance are at Annex E.

Should you have any questions that you cannot find the answer to, you should approach your Regimental Administrative Officer (RAO) or Unit Welfare Officer (UWO). Outside of the CoC, you can approach the [HIVE](#), while the [Army Families Federation](#) (AFF) have experts in immigration matters relating to families from outside the UK.

The Guide will tell you of actions that your unit should take to ensure that you and your family comply with immigration requirements. If you believe that your unit is not taking the required action, please speak with your Unit Welfare Officer or Regimental Admin Officer.

**IMPORTANT:** The cost of travel and visas for family members, and the cost of either remaining in UK or travelling home to your country of origin at the end of your service is considerable. You are strongly encouraged to save money for this as soon as possible - there are credit unions for SP who can help.

# Immigration Matters

## Regular Service Personnel (SP)

### **Your Immigration Status.**

When you are enlisted for service in the Regular British Army you become exempt from UK immigration control under Section 8(4)(a) of the Immigration Act 1971 while you remain in Regular service. This exemption ceases on discharge and you must then apply to regularise your immigration status if you wish to remain in the UK or leave and return to your country of origin.

### **Passport Endorsement.**

When you are accepted into Regular service or have your Country of Origin (CoO) passport renewed, your unit administration office must carry out the

immigration control actions at Annex A, this includes explaining the contents of Appendix 1 and giving you a copy of Appendix 1.

Once the Home Office (HO) Armed Forces Team (AFT) at UK Visa and Immigration (UKVI) receive your CoO passport and unit letter they will write to you to confirm the conditions of the endorsement, confirming that you are exempt from immigration control, and the following endorsement will be inserted into your passport:

**“Exempt 8(4) serving Regular HM Forces”.**





# Immigration Matters

## Non-UK Families of Regular Service Personnel (SP)

### Entitled Family Members.

The Armed Forces have strict rules on entitlement to Service housing (known as Service Family Accommodation - SFA) and allowances. To be entitled a family member should be the SP's spouse or civil partner or a dependent child of the family (by birth or adoption). Any mention of family members in this publication assumes that they are entitled, unless otherwise stated.

### Spouse/Civil Partner Joining SP From Country of Origin (CoO)

#### Family Members Visas.

You are responsible for ensuring that you and your family have the correct visa status. Family members wishing to establish a forces family life should visit the Army Families Federation (AFF) [website](#) to apply for a settlement entry visa under the [Immigration Rules Appendix Armed Forces](#). You should be aware that this type of limited leave does not entitle successful applicants to any public funds during the length of the visa. They will be able to work, study and be treated on the NHS.

#### 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 previously.

#### Use of Visit Visas.

Your family must enter the UK on the correct visa. If they don't this may prevent you from establishing a family life in the UK. If they enter the UK on a standard visitor or marriage visitor visa they will not be able to extend or switch visas once in the UK. If they hold these types of visas they will not be classed as an entitled family in terms of being able to live in SFA or entitled to allowances. If they are on an incorrect visa they must return to their CoO and register as in the paragraph above.

#### Costs of Entry Visa, Naturalisation or Settlement Applications.

You are responsible for meeting the entry settlement visa application costs for your family members and any future application for naturalisation (citizenship) or settlement. The [costs](#) are high, and we recommend that you consider saving money to meet these, which rise most years, in April. There are credit unions specifically for members of the Armed Forces, and you can get details of these from your admin office or HIVE.

**Minimum Income Requirement.** For your family to come to the UK, you and your family must meet the minimum income and [English language requirements](#). The current minimum income requirements to bring in entitled family members are:

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

Once you have completed initial training you will be earning enough to bring your spouse or partner to the UK (subject to them meeting the qualification criteria). If you have children please be aware that it will take you several more years' service before you earn enough to bring them to the UK as well. A rough guide to what you can earn can be found on the Army [website](#), but typically a soldier would need to serve from 5-6 years to earn £27,200.

If you have savings or some other forms of financial holding (such as property) this could count towards the MIR. If you wish to know more, you can contact [AFF](#).

### **Biometric Residence Permit (BRP).**

A BRP is a proof of identity which includes fingerprints and a photo. It is required for family members coming to the UK for more than six months. They will receive

a 30-day sticker in their passport 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 and sponsors, together with full guidance is at [www.Gov.UK/biometric-residence-permits](http://www.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.

### **Unit Letters Supporting Visa Applications.**

Before applying for a UK entry [visa](#) the applicant must first obtain from the sponsor's (your) unit a letter that confirms your service details, see Annex B. The letter should accompany the application, but does not give right to a UK entry visa.

### **Immigration Health Surcharge.**

As an entitled family member of the UK's Armed Forces you do not have to pay the Immigration Health Surcharge (IHS). If you have paid the IHS under the previous rules you will be able to claim a refund. AFF can arrange this.

## Marriage and Civil Partnerships

### Marriage & Civil Partnerships Abroad.

If you intend to marry or form a civil partnership abroad, you should contact the local authorities in the country where you intend to get married or enter into a civil partnership, see [www.gov.uk/marriage-abroad](http://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. If you have previously been married you should ensure your divorce is recognised in the UK - explained at this [link](#)

### Marriage & Civil Partnership with Host Nation Nationals.

If you marry a or form a civil partnership with someone from the nation where you are serving, you should consider how their immigration status may need to be regularised for your career. If you intend to come to the UK or any other country later, your spouse/civil partner will require the correct immigration status.

### 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 HO under the Immigration Referral and Investigation Scheme whereby HO officers investigate wedding notices for sham marriages.

All of the above situations can be complex; if you have any questions, [AFF](#) will be able to advise.

## Children

### Movement of Children from Overseas.

The requirements and rules for a child to enter the UK are contained in [Immigration Rules Appendix Armed Forces](#). Children who join SP 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. Children who come to UK on a visit visa will not be allowed to remain after that visa has expired. Where there is doubt over your child's eligibility to enter the UK you should seek legal advice from someone who is accredited by [OISC](#), such as [AFF](#).

#### a. Children from Previous Relationships to the UK.

A child cannot 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 is a serious and compelling reason 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 serious and compelling 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 an SP on assignment overseas.

c. **Adoption.**

[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. There are a number of restrictions placed on families wishing to adopt from overseas. Before taking any action to adopt from overseas, you should read the UK Government guidance, [adopting a child from overseas](#). AFF are able to advise.

**Single Parents.**

If you are a single parent, please be aware that you will have to spend time away on training/exercises and operations. You will have to make arrangements for your child(ren) to be looked after while you are in Basic Training. On completion of training and posting to a Regular unit, you will be encouraged to provide a care plan to inform the Army of what arrangements you have made for someone to provide care for your child(ren) if you are sent away.

**Visas for Parents of Service Personnel or Spouse/Civil Partner**

If you are considering bringing your parents to live with you in UK, you should note that the Home Office rules are very strict, and a visa would normally be approved only where the parent is completely dependant for day-to-day care. If you are living in SFA, there may also be restrictions. You are advised to consult AFF before making a visa application for parents.

# Service Family Accommodation (SFA)

## Accommodation.

If you are married, you are entitled to be provided with Service Family Accommodation (SFA). The entitlement and eligibility to occupy service accommodation is contained in [JSP 464](#) Tri-Service Accommodation Regulations (TSARs). You can apply for SFA during or after Phase 2 training (depending on the length of the course).

It is likely that you will wish to apply for SFA before submitting an application for a visa for your spouse/partner. If possible, you should have an address for your spouse/partner to record on their visa application form - the Army can assist with this. See Annex C for the process to apply for SFA if your family is coming to join you in the UK from overseas. The Occupancy Services team can help with

any questions and can be contacted on 0800 707 6000 option 3. Your Unit admin and welfare staffs can also assist.

## Accommodation - visa status.

Your spouse/partner/children should have a valid Leave to Enter visa. A spouse / partner / children travelling on a standard visitor visa will not be entitled to accompanied status or occupancy of SFA. You should not be allowed to occupy SFA until you can prove to your unit that your spouse/partner / children have the correct entry visa, not a visitor visa. Occupancy may be granted if you have copy of the letter sent to the applicants giving 30 days to enter the UK and you can provide travel details. In this case the family passports will be checked by your unit as soon as possible on arrival to ensure the correct visa has been issued to allow the family to occupy the SFA.



# Settlement and Naturalisation (Citizenship)

## For Yourself

**British Citizenship SP.** You do not need British Citizenship for service reasons. If you wish to apply for citizenship this is a personal choice at your own cost. You can apply to become a British citizen by naturalisation providing you meet the requirements, see the [AFF website](#) for advice on the procedure. Before applying for British citizenship, you should seek advice from your own High Commission on the implications of holding dual citizenship. Gaining citizenship will affect your eligibility for DOMCOL and Get You Home (Overseas) (GYH(O)) - you should speak with your unit administration office, who will also advise of any action you need to take on your JPA record.

## **Gurkha Transfer and British Citizenship.**

A Gurkha cannot be granted British citizenship while serving in the Brigade of Gurkhas, but can apply for settlement on discharge with four years' service (less if discharged for medical reasons) and then apply for citizenship after holding settled status for at least one year. Limitations on the transfer of Gurkha soldiers to the Regular Army and subsequently applying for citizenship are given in [AGAI Vol 2 Chap 50 para 50.023b](#).

## **Settlement non-UK SP.**

Non-UK SP cannot be granted settlement (known as Indefinite Leave to Remain or Indefinite Leave to Enter) while serving, but you can apply for settlement at personal cost on discharge with four years' service (less if discharged for medical reasons). Please see the section on Discharge.

## For Your Family

### **Settlement (Indefinite Leave to Remain or Indefinite Leave to Enter) for Family Members.**

This is set out in [Immigration Rules Appendix Armed Forces](#). After five years limited leave your family members will be entitled to apply for Indefinite Leave to Remain. This is not linked to your service so they can stay on the Appendix Armed Forces route to settlement even if you have discharged from the Army. The applicant must also have spent five years in the UK on the Armed Forces rules, unless they are in the UK under a different set of rules. It is recommended that you refer to the [AFF website](#) before making an application for ILR.

## Citizenship

Unlike SP, spouses/partners are required to have indefinite leave or permanent residency in order to apply for Citizenship. It is not necessary for the soldier to be a British Citizen but slightly different requirements and residential qualifying periods will apply in each case. Time spent on an overseas assignment will count as residence in the UK but only if the applicant was physically in the UK on the first day of the residential qualifying period. Different rules apply to spouses of Gurkha soldiers. For a full list of requirements refer the [AFF website](#) or <https://www.gov.uk/apply-citizenship-indefinite-leave-to-remain>.

### Application Fees.

The [immigration and naturalisation fees](#) normally change annually in April. You should take care when submitting an application because if the application fails you will lose the fee, which can be substantial. If you have any doubts about your application you should contact [AFF](#) who have OISC-accredited specialists.

### Transfer a Visa from a Passport.

If your limited leave to enter or ILE visa was placed in your passport instead of on a BRP, you can transfer it to a BRP if you wish. If your passport expires you will not be able to work in the UK if your visa is in an expired

passport. Different costs and options are in place depending whether your visa is limited or indefinite. For further info see [www.Gov.uk/transfer-visa](http://www.Gov.uk/transfer-visa).

## Nationality of Children Born to Non-UK National Parents.

Children normally take on the nationality of their parents. In the case of non-UK national SP:

### a. **Child born in the UK to non-UK national serving soldier.**

You will need to ensure that the child's birth is registered - guidance can be found on the UK Government website [here](#). 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 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 however the child is still entitled to Citizenship. In both cases the child is not British until an application is made on form MN1



and a certificate to evidence the new nationality has been received. Only then can a passport be applied for. The initial new-born passport can be claimed at public expense for those on an overseas assignment, see [JSP 752](#) Chap 9.

- c. For children born outside the UK when the SP is on an overseas assignment and who will be remaining with the SP on an overseas assignment, the parents may only be reimbursed for an initial new-born passport at public expense, irrespective of the nationality of the child - see [JSP 752](#) Chap 9, Section 13.

### **UK Only Adoptions.**

If you are considering adopting a child from the UK, you can approach any registered adoption agency. However, the Soldiers, Sailors, Airmen's and Families Association (SSAFA) run an adoption service and can provide an informed understanding of the unusual nature of Army life. As a national agency, SSAFA can continue to support their applicants through postings, so they do not have to start the process again in their new location. Go to [www.ssafa.org.uk/how-we-help/adoption/](http://www.ssafa.org.uk/how-we-help/adoption/).





# Overseas Assignment

## Family travelling from Country of Origin to Join SP on an Overseas Assignment

### Call Forward from Country of Origin to an Overseas Assignment.

Call Forward is the term applied to families coming from overseas to join their Service spouse/partner. You must notify your admin/welfare staff if you intend to call forward your family while you are posted overseas. A family member subject to immigration control coming from overseas to join you on a posting outside UK must come to the UK first in order to be on the Armed Forces Route to Settlement.

As with families coming to UK to live, they should visit the Army Families Federation (AFF) [website](#) to apply for a settlement entry visa under the [Immigration Rules Appendix Armed Forces](#). Family members can only travel to the UK once they have received travel notification from UKVI 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. Speak with your unit, and see [Global Removals and Family Services](#) or Tel Civil: 030 679 81013 / Mil: 9679 81013.

If you are a member of the Brigade of Gurkhas stationed in Brunei, and your family wish to join you from Nepal, they do not need to travel via the UK. You must advise your admin/welfare staff before making any travel arrangements.

### 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 [Global Removals and Family Services](#) to send the dependant the relevant overseas temporary travel documentation and travel information. Family members who do not have family or friends in the UK can apply to stay at the [Services Cotswold Centre \(SCC\)](#) in Corsham, Wiltshire, but you will have to pay for this.

### Travel by Air from the UK to British Army Germany (BAG).

When issued, temporary and permanent SOFA Certificates only allow movement in and out of Germany. On initial assignment to BAG, Non-EEA family members are to travel from the UK to Germany by air. Your family should not travel to Germany to join you using a Schengen Visas as they are visitor visas which do not allow people to live there. Your family should use the call forward to overseas assignment procedure stated above.

## Overseas Travel General

### Official Travel.

SP and their families who are travelling overseas on duty must possess valid visa and travel documents before travelling. If you are assigned overseas you should follow the call-forward procedure given by the relevant overseas command.

### NATO Travel Orders.

For non-UK SP 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. You are to ensure that you also carry your passport as it may be required for immigration purposes when travelling on duty. 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.

**Status of Forces Agreement (SOFA).** A SOFA Stamp (Certificate) is issued by the Germany Enabling Office (GEO) to all non-European Union (EU) Passport Holders, as part of their arrivals process within the Force in Germany. The SOFA Stamp identifies the holder as a 'Member of the Force' and provides freedom of movement

for the holder in and out of Germany. It negates any Visa requirements within Germany, as the holder has the right to reside iaw the provisions of the SOFA as a 'Member of the Force'.

### Declaratory Resident Permit.

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 while living in Germany.

### Schengen Visa.

[Schengen Visa](#) (SV) enables 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 family members that are non-UK passport holders (Non-EU) visiting Germany. SV should not be used when taking up an assignment to reside in Germany under the SOFA as part of the Force. 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.

**Travel Advice.**

When required for official travel, the MOD/ British Army will issue travel and security advice for serving personnel (including British citizens). If you are considering travelling back to your CoO on leave you should check relevant travel advice on your country's government website and [Gov.UK Foreign Travel Advice](#).

**Returning Residents from Overseas Assignments.**

When a person has settlement (ILR/E) to enter or remain in the United Kingdom they are exempt the two 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 \(19A\)](#).



# Travel and Leave

## **Domiciled Collective Leave (DOMCOL).**

This provides non-UK personnel whose home remains in their CoO with leave and travel home at public expense on completion of each five years of service. Eligibility rests on meeting certain criteria. DOMCOL Substitute (leave, but no travel at public expense) is available to those who meet some, but not all, the criteria for DOMCOL. If you think that you might qualify, you can check the criteria in [JSP 760 - The Tri-Service Regulations for Leave and Other Types of Absences](#) and register accordingly.

## **Compassionate Travel.**

If you need to travel back to your country of origin for compassionate reasons, you may be able to travel at public expense. You should check [JSP751 Part 1 Volume 3 Section 6](#) for the rules. You can also check with your RAO.

## **Leave Outside the UK.**

If you travel outside the UK on leave, you and your family will be travelling under your own country's passport. You should check and meet the visa needs of the countries you visit. Your exempt immigration control and your family's leave to enter UK visas will not be accepted by other countries outside the UK as a valid travel or entry document.

If you need support or assistance when outside the UK you should contact your country's Embassy in the country you 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, although the British Defence Attaché may be able to assist in contacting your parent unit if you are going to be delayed in returning.

## **Defence Travel.**

The Defence Travel (DT) Visa Section cannot give advice or assistance on private UK entry visas for non-EEA passport holders.



# Employment and State Benefits

## Visa Status.

For your family to be able to work in UK or to claim state benefits it is important that they come to UK on the correct visa using Form [VAF\(AF\)](#).

## Family Members Employment.

Family members entering the UK on a settlement visa are eligible to seek employment in the UK, and will then be liable to pay UK Income Tax and National Insurance in the same way as British citizens. If your family accompany you on an overseas posting, they should seek employment guidance through either Garrison Labour Support Units or the Civilian Labour and Recruitment Offices.

## National Insurance Numbers.

We encourage you to have your family apply for a National Insurance (NI) Number as soon as they get to the UK as this will be required for employment and for applications for benefits made by you. This will only be provided to those who have the right to work in the UK according to their immigration status. For how to apply for an NI Number, see the HMRC website [HMRC NI](#).

## Qualifications and Experience.

A family member who wishes to work in the UK, and who is eligible to do so, should bring evidence of their professional qualifications and previous work experience to help them find employment.

## State Benefits

### Access to UK State Benefits.

Where eligible, your UK immigration status as a member of the Armed Forces normally enables you to claim some state benefits such as Child Benefit and Tax Credits.

### No Access to UK State Benefits.

If your family members who are subject to immigration control have an endorsement stating 'no recourse to public funds' (e.g. limited leave visas) they will not be eligible to claim many state benefits or allowances. For more information, see <https://www.gov.uk/government/publications/public-funds--2/public-funds>.

# Education

## **Certificates.**

Your spouse/ civil partner should bring any certificates of education or awards for both themselves and entitled children. This will help in moving to UK education services.

## **Compulsory Education.**

In the UK, your family must comply with UK compulsory education laws. The law states that full time education is compulsory for all children between the ages of 5 (4 in Northern Ireland) and 16, the compulsory school age. In England, compulsory education or training has been extended to 18 for those born on or after 1 September 1997. Most children are educated in state schools. Your unit and HIVE will have a list of schools in your area, but some schools are unable to take on more pupils so your child(ren) may not be able to attend the closest school to your home.

You should contact the [Children's Education Advisory Service \(CEAS\)](#) for guidance on matters relating to the education of service children and young adults, including overseas assignments and boarding schools. 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](#).

## **Further Education (FE).**

FE includes any study after secondary education that is not part of higher education (that is, not taken as part of an undergraduate or graduate degree). Courses range from Basic English and Maths 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](#).

## **Higher Education (HE).**

A person generally must be 18 or older to take a HE course which is usually taught in universities, colleges or specialist institutions like art schools or agricultural colleges, see [HE Course Find and Apply](#). As a Serviceperson, official funding is available for Service-related courses - ask your unit. Family members are usually required to hold settlement or permanent residency in order to be considered as 'home students' at a higher education institution.





### **Student Finance.**

UK student finance is dependant on immigration status and length of residence. Non-UK 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 may be liable to pay the overseas

rate unless the soldier is already British. SP should speak with their unit if the course is related to their career. There are exceptions and the UKCISA website is a good place to get more information <https://www.ukcisa.org.uk/Information-Advice/Fees-and-Money/England-fee-status>.

# Living in UK

## Medical and Dental Care.

As a soldier, you will receive medical and dental care from the Army. If your family has a valid UK residency visa, they can get medical and dental treatment provided by the National Health Service, such as [NHS England](#). When arriving in UK, and when posted to other areas of the UK, your family should register with a local doctor (known as a “GP”) and dentist. Your Unit Welfare Office and HIVE will have details. Your family should bring evidence of any additional supportability or medical requirements that local medical services should know about.

On overseas accompanied assignments the MOD/local private healthcare scheme provides a service like the NHS, under the Global Medical Supportability Cell. Charges for medical prescriptions and dental treatment need to be paid both in the UK and overseas, which is the same as for British citizens.

## Visitors.

The MOD does not officially sponsor family or friends who wish to visit the UK or overseas. However, your unit can provide an official letter to confirm your details and your living arrangements. Your visitor will need to satisfy the visa issuing authority that they are entitled to enter and visit the UK. People entering

the UK on a visitor visa are not able to undertake paid or unpaid work, and they are not able to switch to another visa once in the UK. For more details see <https://www.gov.uk/standard-visitor-visa/overview> or visit the AFF [website](#).

Where a family member is coming to look after a child in the UK, this is permitted provided it is a short visit and does not amount to the relative being employed as a child-minder. The relative is not allowed to live in the UK for extended periods through frequent or successive visits.

You should ensure that any visitors have taken out suitable travel insurance to cover loss of possessions and medical treatment. It can cost up to several thousand pounds for visitors from overseas to be treated in the UK.

## Driving Licences.

You may be able to drive in Great Britain (GB) on your CoO driving licence for a fixed period (normally 12 months). You may also be able to exchange your CoO licence if you are from a “designated country” that has exchange agreements with GB, see [Gov.UK Driving non-GB Licence](#). If you are not from a “designated country” then after 12 months you will need to take a [theory test](#) and [practical test](#) to get a GB-issued driving licence.



**Child Maintenance Overseas.**

You should deal with any Foreign Court Order raised against you for child maintenance; if you do not respond this will likely result in an order made against you in your absence and being enforced when you return to the country in which the order was raised. Even if you do not intend to return 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. You will have to pay both the maintenance order going forward and any arrears that have accrued. See [Gov.UK REMO Unit](#).



# Discharge

## **Transition.**

“Transition” is the term that is given to Service Personnel and their families preparing for the time when they leave the Armed Forces. You will be encouraged by your unit to take positive steps through your service career for what will follow. Early engagement in Employment, Education, Housing, Health and Welfare will make the transition to civilian life easier and less stressful. Part of the Army website - [Leave Well](#) - has a great deal of information on what you need to think about when leaving the Army. You are advised to take every opportunity to improve your future employment prospects through transition.

As a non-UK Serviceperson, you and your family will also have to decide whether to remain in UK or return to your country of origin following your Army career. Whether you choose to remain in the UK or return to your country of origin, there will be a significant cost. You are strongly encouraged to save money through your Army career to pay for settlement costs in UK or to pay for travel and the movement of personal effects on leaving the UK. One way to save is through an [Armed Forces Credit Union](#), who can offer competitive savings rates as well as understanding Service life.

## **Discharge Process.**

The process that your unit will undertake is shown in [AGAI Vol 2 Chap 50](#), para 50.025 and [JSP100](#) Chapter 4. The action that your Unit should take is shown at Annex D. On discharge your exempt immigration control status will cease. Your unit must take action to register this with the Home Office before you leave the Army and they should discuss this with you; if you are concerned that your unit has not contacted you to do this, you must contact your Unit Admin Office.

## **Transfer to other forms of Army Service.**

At the end of your service you might wish to take up a different role in the Army. If you transfer to the Military Provost Guard Service, you will still be a full-time Regular soldier and you will remain exempt immigration control. If you leave and go into any form of Reserve service, including Full-Time Reserve Service, your exempt immigration control status will cease. Please see the following section on Reserve service.

## **Remaining in UK.**

Should you choose to remain, you will need to ensure that you and your family have the correct visa status, or alternatively you may take the opportunity to apply for British citizenship.

### Leave to Remain.

If you have four years' service or more, or if you have been discharged earlier for medical reasons, you are able to apply for Leave to Remain - 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 Biometric Residence Permit which grants the holder settlement in the UK. UK Applicants must meet the [settlement rules](#), and the process is outlined on the [AFF website](#). Application should be made ten weeks before discharge, to enable a faster decision, and the grant of ILR will only happen after discharge.

#### b. Indefinite Leave to Enter (ILE).

ILE can be granted to those who have moved overseas following discharge. 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. Applicants must meet the relevant [settlement rules](#), and the process is outlined on the [AFF website](#). Application can be made up to two years following discharge.

- c. **Further Leave to Remain (FLR).** Non-UK SP may be able to apply for FLR if they are medically discharged with less than four years' service. Applicants will need to meet further criteria; it is not automatic that it will be granted. Application can be made ten 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).

If you have naturalised in service you do not need to complete or pay for any further applications on discharge.

### Discharge and Settlement when Serving Overseas.

Settlement (ILR) cannot be applied for from overseas. Therefore, you and any entitled family members seeking settlement and being discharged from overseas should be moved back to UK at least ten weeks before your discharge date to allow UKVI to process your application(s) to coincide with your discharge date. If you have not been notified of a move to UK, contact your Unit Admin Office in advance. You should not apply for ILE from overseas in this situation.



### **Resettlement.**

[The Career Transition Partnership](#) is the official provider of Armed Forces resettlement. Provision is based on entitlement, for further guidance see [Gov.UK Information for Service Leavers](#). You can use your Standard Learning Credits (SLCs) to pay for the English exams required by the HO for 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 SLCs are contained in [JSP 822 Part 1](#) Chapter 6.4.

### **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.

# Immigration Matters

## Reserve Service Personnel (SP) and Families

### Immigration Status.

Your immigration status is linked to your civilian employment. Unlike Regular Service Personnel, you are not exempt from immigration control (except for when you are mobilised overseas). Therefore, you must have a valid visa to live in the UK and to serve in the Army Reserve.

If for any reason your visa status changes or you naturalise as a British citizen you must inform your unit.

### Visa Checks.

Your unit will check your visa every year in order to be satisfied that you are still able to serve in the Army Reserve.

### Mobilisation.

If you are mobilised for service overseas your unit will send an application to UK Visas and Immigration (UKVI) for you to be registered as Exempt Immigration Control. You will need to hand your passport to your unit, and UKVI will return the passport with a vignette stating that you are exempt immigration control. This will last for the duration of your mobilisation and it will be cancelled once you are demobilised.



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

## C. Process for Applying for Service Family Accommodation.

## D. Non-British Soldiers Additional Discharge Procedures.

## E. Useful Sources of Advice.

## F. List of Abbreviations.

## G. Government Links and Modernised Guidance.

Annex A to  
Guide for Non-UK SP Part 2  
Dated Sep 20

## 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.

Armed Forces/ FCO team Visa & Citizenship UK Visas and Immigration 7th Floor Apollo House 36 Wellesley Road Croydon, CR9 3RR	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/she is exempt UK Immigration Control under Section 8(4)(a) of the Immigration Act 1971.

I have enclosed the soldier’s 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 UK Visas and Immigration (UKVI) so that it can be endorsed with an Exempt UK Immigration Control vignette. UKVI will write to you to confirm the conditions of your exempt status. As a Non-UK citizen currently serving in HM Forces you will be exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 until your service is terminated or you 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 status put into your new passport.

### Establishing a Family Life

If you wish a spouse / legal partner and children to join you and they are not from the UK they may be subject to immigration control. This means that they must apply for a settlement entry visa through UK Visas and Immigration,

guidance can be found through the Army Families Federation (AFF) [website](#). The Army does not pay for travel or visa costs to the UK for your family. The settlement entry visa cost changes most years in April and is currently in excess of £1500 per person. Current visa fees may be found at <https://www.gov.uk/government/publications/visa-regulations-revised-table>. Your spouse or partner will also be required to have A1 English if they are not a 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 required to establish a family life (explained below).

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](#). The annual income before tax (also known as the gross income) is set out at <https://www.gov.uk/uk-family-visa/proof-income>. This can be topped up with savings. For further information on how to meet the requirement please refer to the AFF [website](#).

If the applicant is successful they will eventually receive a Biometric Residence Permit (BRP) and be on a 5-year route



to settlement based on your Army Service under [Appendix Armed Forces Immigration Rules](#). Further guidance is available from AFF.

### Termination of Service

When your service is terminated your unit will inform UKVI of your impending termination of service. **It is then your responsibility to regularise your own immigration status and your family (who should already be on a route to settlement - if in doubt contact [AFF](#))**, you can do this 10 weeks before your discharge date at personal cost and if you choose to do this you should take action as soon as possible. **Your exempt immigration control will cease on termination of service.** If after termination of service you stay on in the country without a valid immigration status you will not be entitled to work, have access to local authority housing, benefits or any other form of public funds. Even if your passport still has the exemption stamp you will be recorded by UKVI as having left the Armed Forces. This will also show up when any future prospective employer conducts a statutory right to work check.

**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. This can be done in a number of ways, including through an Armed Forces Credit Union.**

**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)*

UNIT HEADED LETTER	Reference:
	Date:

**BRITISH ARMY LETTER OF CONFIRMATION OF A SPONSORING SOLDIER'S DETAILS**

References:

Sponsoring Service Person:

Surname	Forenames	Service Number	Nationality
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I am the Unit Welfare Officer/Regimental Admin 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 application<sup>1</sup> for those entitled family members listed in the application.

*(full name)* is currently serving in the United Kingdom<sup>2\*</sup> and I can confirm the following details related to his/her service<sup>3</sup>:

- (i) the person is employed as a soldier in the British Army, at a gross annual salary of £ ;
- (ii) the length of their employment **(this is the soldier's length of engagement, NOT the length of posting)** years;
- (iii) the period over which they have been or were paid the level of salary relied upon in the application months/years;
- (iv) the type of employment is permanent.

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 Officer*

*(note the sponsor must produce evidence of gross salary, which is provided on his/her pay statements).*

<sup>1</sup> This letter is not to be used to sponsor a visitor visa.

<sup>2</sup> Overseas Comd HQs will have a relevant amended letter template which overseas units are to use.

<sup>3</sup> Unit to complete details as required.

## **PROCESS FOR APPLYING FOR SERVICE FAMILY ACCOMMODATION (SFA)**

For personnel bringing families from their country of origin, the recommended process for applying for SFA is below.

The Service Person (SP) applies for SFA on an [e1132](#) application form prior to submission of visa application.

The SP ticks visa required box on e1132 - this invokes an automatic deferment of 12 weeks from acceptance of offer by SP to Move In date.

If the visa application is confirmed by UKVI within that time, the SP can speak to Amey Occupancy Services Team (OST) and, if SP provides proof of visa acceptance, bring forward Move In date.

If the visa application is delayed, the SP should speak to Amey OST and explain circumstance: OST can then reschedule the Move In appointment. Depending on availability of SFA to house other entitled families, the OST will decide whether to reschedule the Move In date or to offer another property once the visa has been confirmed.

### **What should SP do if they have concerns?**

The SP should be able to approach RAO or UWO who can advise them. The SP can also speak to the OST Helpdesk on 0800 707 6000 option 3 for advice.

The SP is responsible for managing their e1132 application, and need to keep OST updated with what is happening with the visa application, with evidence where available. The RAO or UWO can assist in speaking with OST.

### **Future Accommodation Model (FAM) Pilot - Aldershot**

As an alternative to SFA, SP serving in the Aldershot area are able to live in privately-rented accommodation with some degree of assistance from the Army, under the FAM Pilot. You can find out more at <https://www.gov.uk/government/publications/future-accommodation-model-what-you-need-to-know/what-you-need-to-know-about-fam> and the [FAM Cell](#).

## NON-UK SOLDIERS - ADDITIONAL TERMINATION OF SERVICE PROCEDURES

1. **Unit Administration Manual.** All Non-UK SP are discharged in accordance with [JSP 100](#) (with matters relating specifically to non-UK personnel in Chapter 4) and the [Unit Administration Manual \(UAM\)](#) Chapter 5. As soon as the SP is warned for discharge the RAO/RCMO must ascertain whether the non-UK SP and family intends to remain in UK. If so, the RAO/RCMO should be prepared to advise of the immigration status of the transitioning non-UK SP and entitled family members to determine if they can apply for settlement and calculate the costs involved if requested, or refer the SP to AFF, who are qualified to do this. 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 SP's responsibility to apply for settlement for them and their entitled family members, or to leave the country after discharge. Applications are made on Form [SET \(AF\)](#) under the [Immigration Rules](#) Appendix Armed Forces. The SP should be advised to contact [AFF](#) if he/she requires further information or guidance.
  - b. Everybody who applies for settlement, including SP must complete the Biometric Residence Permit (BRP) registration process [Gov.uk/biometric residence permits](#) before settlement can be granted.
  - c. Rules on criminality or Service discipline offences on applications for Settlement or Citizenship have been incorporated into [2017DIN01-049](#). See also [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-UK 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 days' 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, they will not have permission to legally work or remain in the UK as UKVI will have been informed to cancel their exempt status.
  - f. Discharge normally takes place in the UK. Nepali citizens (Gurkha - or those who have served in the Gurkhas but now serve in the wider Army) 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 manager in APC that the SP will be discharged overseas. Discharging units must advise Non-UK SP on housing and immigration implications and status (including for entitled family members) including any UK entry restrictions and issues if they choose to try to regularising immigration status overseas.

- g. Where an early departure discharge (Medical, Administrative or Discipline) has been recommended, the procedure in [JSP 100](#), section 4.5 should be followed.
- h. Discharged non-UK citizens who are settled in the UK are liable for the same Regular Reserve liability as their British counterparts.
- i. Non-UK 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 Four 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-UK SP who are considered for discharge 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. This will require referral to the Defence Transition Service, and 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 Four Years' Service.

Where a 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. 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 ([AFF](#) are able to do this). Extensions to discharge dates are not given for immigration reasons.

## 5. Other forms of Discharge with Less than Four Years' 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 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 UKVI of Discharge.

Units are to give UKVI warning of the date of discharge from the Armed Forces by completing Part A of the [Home Office Notification Form AFC 07037](#) and email to UKVI. Part B is completed on discharge day and again email to UKVI. Once UKVI receive Part A they will issue a notice to those SP 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 email the whole form again to UKVI.

## 7. Indicative Letter.

Once UKVI receive check and assess a settlement application, they may issue an indicative letter<sup>1</sup>. This letter is to assist the SP in planning for future employment, housing, healthcare and benefits as part of the transition to civilian life<sup>2</sup>. 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-0Mailbox \(MULTIUSER\)](#) 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 that UKVI will hold off until Part B is also received.

- a. If the SP has not applied to regularise their immigration status by their discharge date, UKVI will email the SP a 28-day notice letter to regularise their immigration or leave the country.

## 9. Custodial Sentence Family Support.

When a non-UK 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

<sup>1</sup> The Home Office can only issue an "Indicative Letter" if it receives the application in good time (10 weeks before discharge).

<sup>2</sup> The "Indicative Letter" is not a guarantee of settlement.

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to the SP family, who may have issues of entitlement to SFA and Family 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.

#### 10. **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 and the Defence Transition Service. When the SP is discharged from the Army under these conditions UKVI must be informed on [Home Office Notification Form AFC 07037](#).

## USEFUL SOURCES OF ADVICE

### D Pers, Pers Svcs.

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

### Home Office (HO)

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

### 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](#).

### The Solicitors Regulation Authority.

[The Solicitors Regulation Authority](#) maintains a list of solicitors who deal in immigration matters.

### Service Casework.

HQ Regional Command are the lead for Army non-UK casework matters. Where a unit has identified a Service need due to a complex situation they should email [RC-Pers-FamSp-0Mailbox@mod.gov.uk](mailto:RC-Pers-FamSp-0Mailbox@mod.gov.uk).

### The Army Welfare Service.

The Army Welfare Service is the Army's professional welfare provider. Personal Support staff provide accessible, independent, confidential and professional specialist welfare services to Service Personnel and their families. Community Support secures or directly provides learning and personal development opportunities for military personnel and their families wherever they are living. More detail, including contact details, is at <https://www.army.mod.uk/people/support-well/the-army-welfare-service-aws/>.

### HIVE.

HIVE is an information network for signposting from the Army, central Government and elsewhere. It serves all Service personnel, their entitled family members and civilians employed by the Services and has both offices and online provision. You can find your nearest HIVE at <https://www.army.mod.uk/people/support-well/hive/>.



**Army Families Federation (AFF).**

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

**AFF Guide to Visa Applications.**

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

**Cobseo F&C Cluster.**

AFF is the lead for this [Cluster](#), representing the Foreign and Commonwealth community.

**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 G.

**Citizens Advice.**

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

## LIST OF ABBREVIATIONS

- AFF - Army Families Federation. The body responsible to represent the views and interest of Army Families to the Chain of Command, MOD and Ministers.
- AFT - Armed Forces Team. The part of UKVI specifically responsible for immigration matters relating to Service Personnel and their dependents.
- BRP - Biometric Residence Permit.
- CoO - Country of Origin.
- FLR - Further Leave to Remain. A short-term extension granted by UKVI in exceptional cases in order that an individual might regularise their immigration status.
- HO - Home Office.
- ILE - Indefinite Leave to Enter. An application from overseas to be allowed residency in the UK.
- ILR - Indefinite Leave to Remain. An application from UK to be allowed residency in the UK.
- OISC - Office of the Immigration Services Commissioner. Sponsored by the UK Home Office, and regulates immigration advisers, ensuring they are fit and competent and act in the best interest of their clients.
- SP - Service Person(nel).
- SSAFA - Soldiers, Sailors, Airmen's and Families Association.
- UKVI - UK Visas and Immigration. Part of the UK Home Office, responsible for Visa and Immigration matters.

## 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 Transitional 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 discharge. [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](#)

# Notes

# Notes





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