

PART 3

INFORMATION FOR REGULAR AND RESERVE UNITS ON ADMINISTRATION OF NON-UK NATIONALS SERVING IN THE BRITISH ARMY AND NON-UK SPOUSES/ CIVIL PARTNERS

Introduction

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This guide contains unit advice and guidance to support non-UK nationals serving in the British Army and their entitled family members as well as non-UK entitled family members of a serving British or Irish Citizen.

The aim of Part 3 of the Guide is to assist units and the chain of command in the administration of Non-UK Service Personnel and entitled family members by providing guidance on common procedures and advice on who to contact where specific issues have not been covered. Many of the issues we see arise as a result of families coming to the UK with incorrect visas. Making sure our people understand the correct route to come to the UK is essential in ensuring we provide the welfare wrap they deserve.

This may include addressing safeguarding issues affecting a soldier's children in his/her country of origin and encouraging non-UK soldiers to save money from the start of their service for the initial travel, payment and upkeep of visas for their family, and the future substantial costs for applications to naturalise or settle on discharge.

Please promote Part 2 of this Guide (aimed at SP and families) and use the PowerPoint presentation linked in this document on an annual basis; a soldier who has no interest in family migration one year may need to understand the detail a year later. If you are unsure, then please speak the experts in HQ RC to ensure you have all the relevant up to date information you require to provide advice to your people.

Notes:

This guide does not replace MOD or tri-Service non-UK policy or instructions which are the authority for Chain of Command action. The prime source of policy direction for the Army is [Army General and Administrative Instruction \(AGAI\) Vol 2 Chap 50](#), and is referenced throughout. This guide will be subject to regular on-line updates.

Where further advice is required and a source is not identified in this document, units are to approach HQ Regional Command, who are the lead for Army non-UK casework matters. In the first instance, they should visit their SharePoint [page](#), and if further guidance is required email rc-pers-nuknsp-0mailbox@mod.gov.uk

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 email Army Pers-Pol-Conditions-SO2A. Where a reference source is included, electronic readers can access the link from the relevant paragraph.

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Section 1

Information for Regular Army Units

1.01. **Introduction.**

This section is aimed to assist Regular Units in the administration of non-UK SP and families. While SP are granted "exempt immigration control" status while serving, this ends on discharge. Families are subject to immigration control; this includes non-UK families of British and Irish personnel.

1.02. This document supports [AGAI Vol 2 Chap 50](#), which is the key guidance to the Chain of Command on immigration matters related to non-UK personnel and families, and the Personnel Administration Toolbox. The AGAI sets out the mandatory requirements on units in terms of compliance with Home Office (HO) immigration rules, in particular in informing UK Visas and Immigration (UKVI) of issues relating to SP and families. There is a dedicated Armed Forces Team (AFT) at UKVI. Units have a critical role in ensuring that personnel and families transition through and beyond service with a minimum of immigration issues, which includes ensuring that SP are aware of the costs related to visas and citizenship.

1.03. **General Advice to non-UK SP and Families.**

Part 2 of this publication is intended for use by non-UK SP and UK national SP whose families are not from the UK. Units should provide a copy to SP who might find it of use and familiarise themselves

with its contents, so they might direct SP appropriately.

1.04. **Non-UK Awareness Briefings - SP and CoC.**

Units are mandated under AGAI 50 to deliver an awareness brief to Regular non-UK SP and entitled family members, as well as a separate annual awareness briefing to the CoC. Annual briefings help to ensure that SP and families are kept informed as their circumstances change. Matters to be covered under such briefings are contained in [AGAI Vol 2 Chap 50](#) para 50.011. A Powerpoint briefing which may be used within a unit presentation is at the Pers Services SharePoint [link](#).

1.05. If a unit considers that a more detailed briefing is warranted, they should discuss the requirement with SO2 Non-UK Support at Regional Command, [RC-Pers-NUKNSp-SO2](#), and/or Area HIVE Manager North [Weatherstone, [Rebecca C2 \(RC-Pers-HIVE-AHMNorth-C2\)](#)] who are able to judge how the requirement may best be met.

1.06. **Family in Country of Origin.**

Information in this Guide related to families largely assumes that they are joining or have joined the SP. However, some SP will have family members in their home country, and welfare issues may arise that impact on the SP (for example, safeguarding concerns or civil unrest). In

addition to offering general welfare advice to the individual, you may wish to seek advice from the Non-UK Support section at Regional Command (email: RC-Pers-NUKNSp-S02) who have wide experience in dealing with practical matters related to families in their home country. See also paras 1.74 & 1.75.

1.07. *Advising SP and families.*

You will often be assisting SP who are encountering issues and who may not have English as their first language. It is important to be clear about the support that can be offered, including financially.

1.08-1.10 *Reserved.*

Immigration and Passport Issues SP

1.11. **Immigration Status SP.**

A non-UK citizen who is accepted for service in the Regular British Army is deemed to be exempt UK immigration control under Section 8(4)(a) of the Immigration Act 1971 for the duration of Regular service. Exempt status means that SP are regarded as settled in the UK for immigration purposes and require no other documentation to demonstrate a right to reside in the UK, and they are able to access some State benefits. This exemption **ceases** on discharge - see section on Transition and Discharge for required unit actions.

1.12. **Passport Endorsement SP.**

When a non-UK passport holder has been accepted into Regular service or they have their Country of Origin (CoO) passport renewed, 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 it.

1.13. Once the AFT at UKVI receive 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's passport:

Exempt 8(4) serving Regular HM Forces

1.14. **Unit Informing the Home Office.**

Administration of non-UK personnel is primarily conducted within the Unit's own activities, but the Unit is also responsible for informing UKVI of changes in circumstances, as set out in [AGAI Vol 2 Chap 50](#) para 50.038. In short, this should be around naturalisation, bereavement, estrangement or termination of service.

1.15. **British Citizenship SP (other than Nepali citizens).**

British Citizenship is not required for service reasons therefore applying for citizenship is a personal choice at personal cost. A non-UK SP can apply to become a British citizen by naturalisation providing they are eligible, on [Form AN](#). Advice on the process to be followed can be found on the AFF [website](#). Before applying for British citizenship, non-UK SP should be 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.

1.16. **British Citizenship Nepali Citizens, and Transfer from the Brigade of Gurkhas to the Regular Army.**

A Gurkha cannot be granted British citizenship while serving in the Brigade of Gurkhas, but can apply if they transfer into the wider Army. Gurkhas are eligible

to apply for settlement on discharge with four years' service (less if discharged for medical reasons) and then apply for citizenship. 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 50.023c.

1.17 Secondary employment.

Non-UK national SP are able to seek employment that is secondary to their employment in the British Army but as with all personnel they must have authorisation from their CO to do so. Units should note that SP will often look to take on additional employment in order to meet the cost of visas to bring family from country of origin to join them.

1.18. As non-UK national SP are exempt from Immigration Control by virtue of the Immigration Act 1971 section 8(4) employers should recognise the Exemption Vignettes in their passports as evidence of settlement in the UK while serving. Non-UK national SP therefore have a right to work in the UK. Official Government guidance states that an Exemption Vignette establishes a 'continuous statutory excuse' - see page 33 of the Government's Guide to Right to Work Checks.

1.19. If an employer persists in requesting evidence of Right to Work and/or requests a Biometric Residence Permit as evidence of Right to Work, SP

should direct the employer to conduct an employer check at this link <https://www.gov.uk/employee-immigration-employment-status>. The Unit may wish to complete the letter at Annex B for the SP to give to the prospective employer.

1.20. Settlement non-UK SP.

See [AGAI Vol 2 Chap 50](#) para 50.026. Non-UK SP cannot be granted settlement whilst in service, but can apply for settlement on discharge with four years' service (or less if for medical reasons "attributable to service"), see [Immigration Rules Appendix HM Armed Forces](#) and the settlement advice - para 1.94 in the discharge section here explains when this may be claimed at public expense:

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 apply on form [SET \(AF\)](#). An application can be made eighteen 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 living outside the UK following discharge. This will normally apply to those who

have chosen to return to their country of origin after Service but then decide to return to the UK within 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. 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). Granting of FLR will only be given if the applicant meets the relevant criteria.

Immigration and Passport Issues for Families

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

It is the SP's responsibility to meet visa fees and visa application costs for their entitled family members and any future application for naturalisation (citizenship) or settlement. The cost is high - as at April 2024, costs are

Visa to enter:	£1,846 pp
Indefinite leave:	£2,885 pp
Citizenship:	£1,580 per adult.

1.22. The CoC should encourage the SP to save money to meet the costs which rise most years, in April. [Joining Forces Credit Union](#), whose products are tailored for SP, is one suggested route. In cases where the SP does not have enough funds to meet the costs of visas and/or travel in an emergency, the Credit Union may be able to provide a loan.

1.23. Minimum Income Requirement (MIR).

The SP will also be required to meet the MIR to bring a spouse and/or children to the UK. As a member of UK Armed Forces this is £23,496 at April 2024 aligned with the salary threshold for Other Ranks on completion of training.¹

1.24. Family joining SP in UK from Country of Origin (CoO).

The process is described in [AGAI Vol 2 Chap 50](#) para 50.031. Spouses/

dependents should enter the UK on an Armed Forces visa. This includes EU/EEA nationals unless they have already obtained pre-settled or settled status under EU Settlement Scheme. In all cases of non-UK entitled family members the sponsor and applicant are responsible for meeting the entry and eligibility requirements in [Immigration Rules Appendix HM Armed Forces](#).

1.25. SP wishing to have their entitled family members to live with them are to notify their admin/welfare staff before making any travel arrangements. Units are to remind SP that family members are not to enter the UK on a visit visa if they intend to remain here. The SP should be referred to Part 2 of this Guide for guidance and links to sources of support.

1.26. Call Forward from CoO to an Overseas Assignment.

"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. The process is described in [AGAI Vol 2 Chap 50](#), para 50.032. The critical point is that in order to be on the Armed Forces Route to Settlement, the family must transit via the UK, using the correct visa, not a visit visa. Information on the correct visa to use is contained in Part 2 of this Guide.

1.27. SP wishing to have their entitled family members to live with them are to notify their admin/welfare staff before making any travel arrangements. Onward travel arrangements to the overseas country are made through UKSTRATCOM DefSp DSCOM Families Section under the Status Agreement of the overseas country. See [Global Removals and Family Services](#) or Tel Civil: 030 679 81013 / Mil: 9679 81013.

1.28 **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 UKSTRATCOM DefSp DSCOM Families Section to send the family member the relevant overseas temporary travel documentation and travel information. Entitled family members who do not have family or friends in the UK have the option of staying at the Services Cotswold Centre (SCC) in Corsham, Wiltshire (at the SP's 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.

1.29 **Families from Nepal Joining SP Stationed in Brunei.**

The only exception to Call Forward is Brunei. Families of members of the Brigade of Gurkhas stationed in Brunei, wishing to join them from Nepal, do not need to

travel via the UK and do not require a UK visa. However they must advise admin/welfare staff before making any travel arrangements.

1.30. There is no need for family members to apply for a UK visa until the SP is assigned back to UK, but while in Brunei the unit must make clear to the SP and family must be made aware that: this could cause difficulties if

- they are required to travel to UK in an emergency;
- they are unable to enter the UK without a valid visa; and
- the family member's route to settlement will be delayed while the SP is assigned to Brunei.

1.31. **Family Joining from Country of Origin - Unit Letter Supporting VAF (AF) Applications.**

Before applying for a UK entry visa, the unit must provide the sponsor (SP) with a letter that confirms his/her service details, see Annex C. The letter should accompany the application, but the SP should be advised that this does not give the right to a UK entry visa.

1.32. **Applications for Change of PStatCat on Marriage/Civil Partnership.**

In assessing the validity of supporting documentation, such as a marriage certificate, from overseas the Home Office are the authority, and they will assess the

documentation as part of the visa approval process. Should units have concerns they should approach RC Non-UK Support in the first instance.

1.33. Maintaining Passports and Visas.

Unit responsibilities for checking family members' passports and entry visas are set out in [AGAI Vol 2 Chap 50](#) para 50.035. While maintaining passports and visas is a personal responsibility, Unit verification (and guidance where required) can help to reduce the potential for welfare issues to arise.

1.34 Passports and Visas at Public Expense.

There are certain circumstances when the costs for the upkeep of passports and visas are met by the public purse – in broad terms when about to be posted overseas or currently serving overseas. Eligibility is contained in [JSP 752](#) Chapter 9 Section 13 and DINS; [2022DIN01-061-MOD Provision of Passports for Service Personnel, MOD Civilians and their dependants living in the UK.docx](#) ([sharepoint.com](#)) and [2022DIN01-060-Arrangements for the MOD provision of Passports for Service Personnel and their dependants serving overseas following the closure of Regional Passport Processing Centres \(RPPCs\).docx](#) ([sharepoint.com](#)).

Applications for an initial visa, for example where an SP serving overseas marries a host-nation citizen, are to be met at the individuals' expense, including any associated costs. Any queries on the application of the policy should be addressed to the Non-UK Support section at Regional Command rc-pers-nuknsp-0@mailbox@mod.gov.uk

1.35. Assigned from Overseas back to UK.

Unit HR/Welfare Staff responsibilities for checking visas of family members travelling back to the UK on assignment are set out in [AGAI Vol 2 Chap 50](#) para 50.036. Units based overseas are requested to ensure that all non-UK family members (including where the SP is a British national) do not travel to the UK on assignment unless they have the correct visa status to enter the UK. This includes those who have applied under the EU Settlement Scheme. This applies equally to anyone travelling by military air transport. Those without a visa status may be refused entry to the UK and will have to apply under Appendix HM AF from outside the UK. Families should not assume that any outstanding visa or settlement applications will be granted if they enter the UK before a decision is made.

1.36. **Assignment from Overseas to Overseas.**

Unit HR/welfare staff responsibilities related to movement of entitled family members on assignment between overseas units are set out in [AGAI Vol 2 Chap 50](#) para 50.037.

1.37. **DSCOM Families Section.**

For further details on call forward and movement, as well as direction and advice for overseas travel in general, see Families Section [Global Removal and Family Services](#) Tel Civil: 030 679 81013 / Mil: 9679 81013 or mail [UKSTRATCOM-DefSp-DSCOM-FamSec.](#)

1.38. **Family Members' Application for Indefinite Leave to Remain/Enter (ILR/E).**

This is set out in [Immigration Rules Appendix HM Armed Forces](#). After five years' limited leave family members will be entitled to apply for Indefinite Leave to Remain/Enter. The applicant must also have spent five years in the UK (or accompanying the SP on an overseas posting) on the Armed Forces rules, unless they are in the UK under a different set of rules.

1.39 As part of the process of applying for ILR/E, the SP will require proof of meeting the Minimum Income Requirement. A template letter to confirm details is at Annex D.

1.40. **Life in the UK (LITUK) Test – Overseas Assignments.**

The only overseas location able to offer the LITUK Test is Cyprus. However, families of Armed Forces personnel can take the LITUK test whilst they are in the UK prior to accompanying the SP overseas and use this for future Indefinite Leave to Enter applications. Anyone who has previously passed the LITUK Test does not need to take it again, since a Pass in the Test remains valid.

Children

1.41. Nationality of Children Born to Non-UK Parents.

The rules around nationality of children born to non-UK parents are complex.

The Home Office publish guidance - [Guide MN1](#), and the SP and family can also be directed to [guidance](#) from AFF at section 07 children.

1.42. As a rough guide, the most common scenarios in the case of non-British SP are below. Should there be an instance outside of the norm, the unit should approach RC non-UK Support for further guidance.

1.43. Children normally take on the nationality of their parents. In the case of non-British serving personnel:

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

Any child born legitimately in the UK to a parent who is serving in HM Forces is automatically a British Citizen. Pg 7 of MN1 refers. To obtain a passport the SP should make a normal passport application. The SP is advised to obtain a letter from their unit confirming their employment and date of enlistment.

b. Child born during an overseas assignment.

All children of non-UK SP born outside the UK while their parent is (or was) on assignment are eligible to apply to be

registered as British Citizens. The child will not be eligible for a British Passport until they have been registered as a British Citizen using Form MN1. The unit must provide a letter to the SP confirming that the SP was serving overseas at the time of birth, the date and place of birth of the child and the date and place of recruitment of the soldier.

1.44. Movement of Children from Overseas.

The requirements and rules for a child to enter the UK are contained in [Immigration Rules Appendix HM 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.

1.45. It is the unit's responsibility to ensure the child has correct entry clearance and documentation to enter the UK. If there is any doubt, the unit should refer the case to RC non-UK Support. The SP can seek advice from AFF.

1.46. **Children from previous relationships.**

Units should note that this is a complicated area of immigration law. Units are recommended to follow the following procedures:

- a. SP wishing to bring children over should inform CoC at the earliest opportunity;
- b. The unit should develop a package of support for SP, including discussion of childcare if a single parent, if the child is granted a visa to join the SP;
- c. The unit should encourage the SP to obtain immigration advice at the earliest opportunity. AFF immigration specialists is one option, and they have [online guidance](#) (section 07).

1.47. The unit should consider following aspects:

- a. Housing - is suitable SFA available, including location, to access a suitable support network?
- b. Childcare arrangements if the SP is a single parent.
- c. Safeguarding - is there a need to alert the safeguarding PoC to potential issues e.g. abusive relationship, neglect, lack of formal education.

1.48. A general guide to immigration rules that units need to be aware of is below:

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 evidence of sole responsibility for the child, or if there are special reasons why the child should be allowed to join the parent in the UK. The evidence bar for proving sole responsibility is high. 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.

1.49 **Adopted Children.**

The guidance regarding children from previous relationships, outlined in paras 1.46 and 1.47 also apply in cases of adoption. The following points should also be noted:

a. **Immigration Rules.**

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.

after their child(ren), even if they do not intend to pay the carer.

b. **Inter-Country Adoptions.**

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

c. **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](#).

1.50. **Single Parents.**

The requirement that applies to single UK SP to provide a care plan to inform the unit of arrangements for care for child(ren) while away also applies to non-UK SP. Under Home Office rules an individual is not allowed to bring a relative or friend to the UK from their country of origin to look

Travel and Leave

1.51. **Official Travel.**

Units are responsible for ensuring that SP and their families who are warned for official duty or assignment overseas (or are returning to the UK from an overseas duty or assignment). are in possession of valid visa and travel documents in advance of travelling; the preceding section on Immigration and Passport Issues for Families has much of the detail. In the case of assignment, SP should follow the call-forward procedure stipulated by the relevant overseas command.

1.52. **UK STRATCOM DefSp DSCOM.**

For all official and duty travel, including advice on passports and visa requirements, units are to use UK STRATCOM DefSp DSCOM. There is a specific area on their site for [visa requirements](#), and in case of difficulty units should contact them for advice. The DSCOM Families Section cannot give advice or assistance on private UK entry visas for non-UK passport holders.

1.53. **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. Units are to ensure that Non-UK SP also carry their passports as they may be required for immigration purposes when travelling under official sanction. Units/individuals may wish to contact the carrier in advance for advice and familiarise

themselves with the contact details of the British Defence Section in country in case of issues on arrival. Further information is contained in [JSP 800](#) Volume 2, Part 2 Chapter 14. NATO Travel Orders are not used for personal leave or entitled family travel purposes.

1.54. **NATO SOFA Identification Card.**

All personnel and their entitled dependents will register for SOFA Status as part of the arrivals process to the country of assignment. A letter will be produced confirming Status within the country of assignment and this will be supported by a Status of Forces Agreement Identification of Status Card.

1.55. [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 non-EU family members that are 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.

1.56. **Consular Protection Arrangements.**

The responsibilities of the Commanding Officer (CO) in respect of consulate access for a non-UK national under their command placed in custody or detained are outlined

in [AGAI Vol 2 Chap 50](#) para 50.008. Matters related to arrest overseas are outlined in para 50.009.

LEAVE

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

All SP that meet the criteria may be granted DOMCOL; units are to ensure that non-UK SP eligibility for DOMCOL and DOMCOL Substitute is registered with [RC-Pers-DOMCOL-S03](#) in accordance with [JSP 760](#) – Tri-Service Regulations for Leave and Other Types of Absences. Units should note that the previous bar on eligibility to DOMCOL those joining from 11 Jul 13 to 4 Nov 18 has been lifted.

1.58. All DOMCOL applications are to be delivered electronically to the RC-Pers-DOMCOL-0Mailbox through Unit CoC. Paper applications are no longer accepted and will be returned to Unit on receipt.

1.59. **Compassionate Leave 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. In order for this policy to be fully enacted units should ensure that visas and passports remain

in date. RC Non-UK Support are able to provide guidance if necessary. Units based overseas should note that personnel are able to travel directly to their country of origin for compassionate purposes rather than simply being allowed to travel to the UK. The rules are contained in [JSP 751](#).

1.60. **Compassionate Leave.**

JSP 760 Chapter 22 covers Compassionate Leave. Para 22.2 allows the CO to authorise up to 4 weeks' compassionate leave. Units are asked to bear this flexibility in mind in the case of non-UK SP travelling to Country of Origin in order to account for additional travelling time.

Relationship Breakdown

1.61. **Estrangement Procedures.**

In order to deal with matters around relationship breakdown and domestic abuse incidents it is important that units are aware that visas for spouses/partners and children are in date. The estrangement procedure is laid down in [AGAI Volume 3 Chapter 81](#) and is the same for all Army personnel. When dealing with estrangement units are to take note of non-UK citizens' 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 state allowances, housing and benefits.

1.62. The Limited Leave visa that the majority of non-UK spouses will have means that they have no recourse to Public Funds. [Guidance is here](#). Units can also approach [HIVE](#) for guidance on accessing benefits. There may also be safeguarding aspects for any children involved. Units will need to understand their status to ensure providing appropriate support. However, immigration aspects should not delay provision of support to spouse/children.

1.63. Units may wish to refer an estranged spouse to Part 2 of this Guide, and AFF immigration specialists are able to provide detailed guidance where required.

1.64. **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 HO using Home Office Notification Form [AFC 07037](#) of a change in circumstances. They should be prepared to support the estranged spouse, who will most likely be on the Armed Forces Route to Settlement but may not yet have qualified to settle or naturalise. The spouse should be advised that their status under the Immigration Rules Appendix Armed Forces will change and that:

- a. UKVI will be informed about changes in marital circumstances. If the non-Service spouse plans to remain in the UK under their current visa, they must ensure they seek OISC Homeoffice.gov.uk accredited legal advice from AFF before making an application for further leave to remain (FLR) on the grounds of change of marital status. They can also advise on housing options, which will be tied in with immigration status (see c below).
- 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. They will be regarded as an "overstayer", remaining in the UK illegally.

- c. During and before the 93 days' "Notice to Vacate" SFA period expires they should be contacting an appropriate Local Authority for alternative accommodation in the UK if they are not planning to leave the UK or rent privately in UK. When the Notice to Vacate period expires the family will become "Irregular Occupants" and steps may be taken to repossess the property.

Domestic Abuse

1.65. **Domestic Abuse Policy.**

Irrespective of the nationality of the victim/survivor or perpetrator, the MOD has an unwavering commitment to addressing all suspected or actual incidences of Domestic Abuse, as outlined in its Domestic Abuse Strategy, and has procedures in place to provide confidential advice and support to those subjected to it. Units should adhere to the procedures described in [JSP 913](#) and [AGAI Vol 3 Chap 81](#). Also see the Gov.UK site [Domestic abuse guidance and support for the Armed Forces community](#). The immigration status of the victim/survivor will be an important part of the support package but their interests must remain paramount.

1.66. If the unit has concerns over safeguarding they should notify their Designated Safeguarding Lead.

1.67. **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 non-UK member of HM Forces who has served for at least four years. This is explained further below, but AFF can support spouses and children with applications to remain and advise of other options if they are not eligible under the DA rules. The HO publishes up to date information regarding the rules for ILR

applications for victims of DA see [gov.uk Indefinite leave to remain \(armed forces\)](#) and [gov.uk Check if you can get indefinite leave to remain](#)

1.68. It is possible that a perpetrator will either allow a victim/survivor's immigration status to lapse or threaten that it will be revoked, as an additional form of coercive control. Units are advised to refer the victim/survivor to AFF in such cases, but such action by a perpetrator should also be noted in terms of the unit's responsibilities for reporting of DA under AGAI 81.

1.69. **Destitute Domestic Violence (DDV) Concession.**

Victims of DA 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 DA see part 6 of [Immigration Rules Appendix HM Armed Forces](#). If given the concession, they can then apply for financial help from the UK Government, see [victims of domestic violence and abuse DDV concession](#). Part 6 of [Appendix HM Armed Forces](#) also covers domestic violence.

1.70. **Reserved.**

Accommodation

1.71. **Entitlement and Application.** In order for a non-UK family to occupy SFA under [JSP 464 Tri-Service Accommodation Regulations \(TSARS\)](#) they are required to meet the visa requirements outlined in the section on Immigration and Passport Issues for Families.

1.72. **Initial Application.**

Units should note that SP can apply for SFA during or after their Phase 2 training (depending on the length of the course). When bringing the family from overseas to live in SFA for the first time, an application can be made while applying for visas. The spouse/children should have an application for a valid leave to enter visa under [Immigration Rules Appendix HM Armed Forces](#) on a five year route to settlement, and if possible, the 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, or as a visitor from a country for which a visitor visa is not required (eg St Vincent and The Grenadines), will not be entitled to accompanied status or occupancy of SFA. The process is outlined at Annex E.

1.73. On initial application, SP should not be allowed to occupy SFA until the SP can prove to the unit that the spouse/partner/children have the correct entry visa, 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 should 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. There may be circumstances where an alternative visa is acceptable, for example if the spouse was already in the UK on a work visa. In all such instances, units should email RC-Pers-FamSp-0Mailbox@mod.gov.uk for advice.

1.74. **Subsequent move of SFA.**

When applying for SFA following posting to a new location, the unit should check the immigration status of family members before agreeing to the e1132 application form. In applying for SFA, the SP is asked to confirm that their family members have the correct visa status, and this is confirmed by the "Responsible Officer" - usually from the unit staff.

1.75. **SFA Overseas - Spouses/Civil Partners who do not require visas.**

Where a spouse/civil partner requires no visa to live in SFA (typically, although not necessarily, as a citizen of the host nation), he/she should be advised to take note of the visa requirements for living in UK in order to be prepared for any future posting. The SP should be directed to JSP 752 and Part 2 of this Guide in order to be aware of MOD policy on the individual's responsibility for funding visas and associated requirements.

1.76. **Visitors in SFA - including candidates to join the UK Armed Forces.**

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](#). This applies equally where the SP is hosting a candidate aiming to join the UK Armed Forces. Breaches of the terms of the Licence to Occupy may lead to the SP being evicted from SFA

1.77-1.80. **Reserved.**

Miscellaneous Matters

1.81. **Right to Work.** The following guidance may be used in response to enquiries from SP or families seeking employment.

Secondary employment: Non-UK national SP are able to seek employment that is secondary to their employment in the British Army but they must have authorisation from their CO to do so. As non-UK national SP are exempt from Immigration Control by virtue of the Immigration Act 1971 section 8(4) employers should recognise the Exemption Vignettes in their passports as evidence of settlement in the UK whilst serving. Non-UK national SP therefore have a right to work in the UK. Official Government guidance states that an Exemption Vignette establishes a 'continuous statutory excuse' - see page 33 of [the Government's Guide to Right to Work Checks](#). If an employer persists in requesting evidence of Right to Work and/or requests a Biometric Residence Permit as evidence of Right to Work, SP should direct the employer to conduct an employer check at this [link](https://www.gov.uk/employee-immigration-employment-status). It may be easier for the unit to provide the SP with a personalised copy of the letter prepared by Regional Command at [link](#).

Partner employment: If employers should ask non-UK national spouses for their BRPs as proof of Right to Work then they need to be made aware of the following:

The right to work check process changed on 06 Apr 22. Employers must not conduct a manual right to work check using a BRP. Instead, they now have to check online. Employees need to request a 'share code' at [Prove your right to work to an employer - GOV.UK \(www.gov.uk\)](#).

If an employee has a valid immigration status but does not have a BRP then the employer will need to contact the Employer Checking Service. They will receive a Positive Verification Notice (PVN), usually within 5 working days. The Employer Checking Service is accessed at [Use the Employer Checking Service - GOV.UK \(www.gov.uk\)](#).

1.82. **Compulsory Education.**

In the UK, accompanying family members must comply with UK compulsory education laws. Where an SP or spouse/partner requires guidance, they can be directed to Part 2 of this Guide or provided with details of the Education Advisory Team (for UK) or the Overseas Education Support Team. Where a unit is liaising with the local education authority as part of a move, it may be helpful to advise how many of the overall number are not from the UK.

1.83. Where non-UK 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, or pre-settled or settled status.

1.84 *Wraparound Childcare (WAC)*

An application for WAC requires the applicant to have a Tax-Free Childcare (TFC) account. Where the non-Service spouse/partner is subject to immigration control they have no recourse to public funds. In such cases, it is the SP who has to apply for the TFC account and then apply for WAC. They will also have to meet the remainder of the WAC eligibility criteria.

1.85. *Child Maintenance Overseas.*

The CoC should advise SP 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](#). Voluntary

engagement with child maintenance before it becomes the subject of a Court Order should be encouraged.

1.86. *SP with Family in Home Country - Safety Concerns.*

SP may approach the unit for assistance in cases where their family may be in danger through natural disaster, civil unrest or other major issue. Units are advised to email rc-pers-nuknsp-0mailbox@mod.gov.uk for guidance. They are in a position to contact the relevant Defence Attaché or the Foreign and Commonwealth Development Office in order to ascertain the situation and any relief or repatriation efforts that may be in train. In general terms there is no MOD/Army capacity to bring relatives to the UK in such situations, but RC will be able to advise of any wider Governmental or NGO initiatives.

1.87. In such circumstances the SP may request leave to return to CoO. While units may be able to examine [JSP 760](#) for options, again RC should be asked to advise on any issues in-country that might render travel unsafe.

1.88. In all cases, units are reminded to consider all welfare aspects of a situation, drawing on advice from AWS as necessary rather than purely as an immigration matter.

1.89-1.90. **Reserved.**

Transition and Discharge

1.91. **Transition.**

While the need for all SP to engage with the transition process over the full period of their service life is clear, the circumstances of non-UK personnel and families mean that there are additional factors to consider. Non-UK SP should be 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, through a Service-backed credit union or elsewhere.

1.92. **Resettlement.**

The [Career Transition Partnership](#) (CTP) is the official provider of Armed Forces resettlement. Provision is based on entitlement, Non-UK 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 two 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 822](#) Part 1 Volume 9

1.93. **Discharge Process.**

At the end of the SP's service their exemption from immigration control ceases. The unit is responsible for informing the Home Office of discharge. The authority for the discharge process

is [AGAI Vol 2 Chap 50](#), para 50.025 with the process outlined at Annex F to this publication. Actions should also be compliant with [JSP 100](#), specifically Chapter 4. Not following the correct process may affect the SP's future visa immigration applications and ability to claim the fee waiver. (explained below).

1.94. Those discharging with six years' service or more, or discharging earlier for medical reasons attributable to service, are able to apply for settlement (ILR) at public expense.

1.95. Discharge normally takes place in the UK. Discharging non-UK Service Personnel from assignment outside the UK – assuming the SP does not intend to settle in the UK on discharge – is on permission from the overseas command. Non-UK veterans who return to CoO after discharge have up to two years to apply for settlement (Indefinite Leave to Enter (ILE)) in the UK. For additional discharge information, including soldiers under sentence, see Annex F

1.96. **Discharge of Individuals Serving on VEng (Short).**

Before taking the actions required to discharge a soldier serving on VEng (Short), units are required to check to ensure that the soldier has not been converted to a further full-time engagement, thus continuing to serve.

1.97. Discharge and Settlement when Serving Overseas.

Units should be aware that Indefinite Leave to Remain 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 18 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 18 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.

1.98. 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.

1.99. Reserved.

Section 2

Information for Army Reserve Units

2.01. **Introduction.**

Guidance in this part relates to non-UK nationals' service in the Army Reserve. The overarching policy 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 HM Armed Forces.

2.02. **Mobilisation.**

When a Reservist is mobilised he/she adopts the Terms and Conditions of Service that are applicable to a Regular soldier. For non-UK personnel, this also means that they are then regarded as exempt immigration control for the period of mobilisation. Unit duties when Army Reserves are mobilised are set out in [AGAI Vol 2 Chap 50](#) para 50.044.

2.03. **Exempt Immigration Control.**

Army Reserves are not given the same immigration control as a Regular unless they are mobilised, 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.

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 27 or in permanent service because of being 'called out' under the provisions of the Reserve Forces Acts 1980 and 1996.

2.04. **Reserve Forces Home Office Guidance.**

The [Reserve Forces Home Office Guidance](#) advises 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.

2.05. **Immigration Status.**

Since 11 Jul 13 Commonwealth applicants to join the Army Reserve must have Indefinite Leave to Remain (ILR) or Indefinite Leave to Enter (ILE), bringing them in line with the provisions applicable to ex-Gurkhas serving in the Reserve Forces. Army Reserves who enlisted before 11 Jul 13 and do not have ILR/E or UK citizenship must have a valid UK visa that permits a right to work before they can undertake Army Reserve training.

2.06. **Unit Responsibility - Reserves Annual Right to Work Checks.**

See [AGAI Vol 2 Chap 50](#) para 50.046. Units have a statutory responsibility to conduct and record annual right to work document checks of their Reserve SP who are 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.

2.07. 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 <https://www.gov.uk/check-job-applicant-right-to-work> 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 HO 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.

2.08. **FTRS.**

Immigration matters and unit duties in respect of FTRS personnel are set out in [AGAI Vol 2 Chap 50](#) para 50.043.

2.09. **Demobilised Reserve.**

Unit/MTMCI duties when Army Reserves are demobilised are set out in [AGAI Vol 2 Chap 50](#) para 50.045.

2.10 **Awareness Briefing for Non-UK SP and CoC.**

Unit responsibilities are set out in [AGAI Vol 2 Chap 50](#) para 50.011.

2.11. **Reserve Training Overseas.**

Unit duties are set out in [AGAI Vol 2 Chap 50](#) para 50.048.

2.12. **Individual Responsibility.**

Unit actions related to the Reservist's duties on change of immigration status are set out in [AGAI Vol 2 Chap 50](#) para 50.049.

2.13. **Reserve Family Entitlement.**

The immigration status of the family of a Reservist is outlined in [AGAI Vol 2 Chap 50](#) para 50.050.

2.14. 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.

2.15. Supporting Letters - Army

Reserve.

Limitations on support to a Reservist's application to change their immigration status are explained in [AGAI Vol 2 Chap 50](#) para 50.052.

2.16. Informing the Home Office.

Instructions on when the unit are to inform UKVI of a change in Reserve SP personal circumstances are given in [AGAI Vol 2 Chap 50](#) para 50.053.

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 Right to Work in the UK

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

D. British Army Letter of Confirmation of a Soldier’s Details for Family Application for Indefinite Leave to Remain/Enter. *

E. Process for Applying for Service Family Accommodation.

F. Non-British Soldiers Additional Discharge Procedures.

G. Government Links and Modernised Guidance.

H. Useful Sources of Advice.

* word versions of the letters at Annexes A to C may be found at:

<https://modgovuk.sharepoint.com/teams/15770/SupSerPer/NonUKNat/Forms/Grouped.aspx>

Annex A to
 Guide for Non-UK SP Part 3
 Dated August 24

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 must carry out the following actions:
 - a. Send by registered mail the passport with a covering letter using the template below and enclose 2 x passport style photographs no more 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. They must issue the SP with a copy of Appendix 1 to this Annex, Immigration Conditions During Regular Service and Termination of Service, and explain its contents.
 - c. The Armed Forces Team (AFT) at UKVI will insert the "exempt" immigration endorsement into the passport and return it to the Unit.

Armed Forces/ FCO team Visa & Citizenship UK Visas and Immigration 7th Floor Apollo House 36 Wellesley Road Croydon, CR9 3RR	Reference: UNIT HEADED LETTER
	Date:

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 on (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 Termination of Service.

IMMIGRATION CONDITIONS DURING REGULAR SERVICE AND TERMINATION OF SERVICE

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. As a non-UK citizen serving in HM Forces you will be exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 until either your service is terminated or you naturalise as a British citizen.

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 UK STRATCOM, DSCOM 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 for your spouse / legal partner and children to join you and they are subject to immigration control, then they must apply for an Armed Forces visa. Guidance on the application process is available through [Regional Command](#).

Further guidance is also available on 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 £1800 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.

Part 12 of Immigration Rules Appendix HM Armed Forces sets out the Minimum Income Requirement that you must meet for spouses/partners and children to legally enter and settle in the UK. The applicant to join you must 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. Further information on how to meet the requirement may be found on the AFF [website](#).

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

Termination of Service

Your exemption from immigration control will cease on termination of service.

It is your responsibility to regularise your own immigration status if you wish to remain in the UK after your service has ended.

You must also ensure that your family has the correct immigration status to remain in the UK.

Your unit will inform UKVI of your impending termination of service date. You will be issued a letter by UKVI granting you 28 days from your date of discharge to regularise your immigration status, if you have not already done so, or to leave the country.

If you choose to remain in the UK after termination of service 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 RIGHT TO WORK IN THE UK

Reference:

UNIT HEADED LETTER

Date:

References:

Sponsoring Service Person:

Surname	Forenames	Service Number	Nationality
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To Whom it May Concern,

I am the Regimental Admin Officer* of [Unit Name].

[Name] is employed as a soldier in the British Army. He/She has been granted permission by their Commanding Officer to seek secondary employment.

This letter confirms [name]'s right to work in the UK.

[Name] is exempt from UK immigration control by virtue of the Immigration Act 1971 section 8(4). The Exemption Vignette inserted into their passport is evidence of settlement in the UK whilst serving in HM Forces.

With regards to employers' Right to Work checks, [name] is not required to provide a share code. Official Government guidance states that an Exemption Vignette establishes a 'continuous statutory excuse' - please see page 43 of the Government's Guide to Right to Work Checks available on Gov.uk.

In accordance with the Government guidance, [name]'s passport and Exemption Vignette can therefore be used by employers to verify their Right to Work; retaining copies for the duration of employment and two years afterwards.

Employers can also use the Employer Checking Service to check an individual's immigration status.

Yours faithfully,

* In the absence of the RAO, this letter can be issued by Unit Welfare Officer

Annex C to
Guide for Non-UK SP Part 3
Dated August 24

BRITISH ARMY LETTER OF CONFIRMATION OF A SPONSORING SOLDIER'S DETAILS FOR HM FORCES VAF AF APPLICATION

(Letter of confirmation of sponsor's details to be submitted with spouse / partner application for an entry visa to the UK - NOT TO BE USED TO SPONSOR A VISITOR VISA)

Reference:

UNIT HEADED LETTER

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 Officer¹ of *(Insert Unit Name)*.

Under Appendix Armed Forces, the sponsoring Service Person listed above, has requested a British Army letter to confirm his/her service details in respect of his/her sponsorship of a UK Leave to Enter Visa application² for those entitled family members listed in the application.

(full name) is currently serving in the United Kingdom³ and I can confirm the following details related to his/her service⁴:

- (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/her 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

¹ Or other unit staff member where appropriate.

² This letter is not to be used to sponsor a visitor visa.

³ Overseas Comd HQs will have a relevant amended letter template which overseas units are to use.

⁴ Unit to complete details as required.

**BRITISH ARMY LETTER OF CONFIRMATION OF A SOLDIER'S DETAILS FOR FAMILY
MEMBERS' APPLICATION FOR INDEFINITE LEAVE TO REMAIN/INDEFINITE LEAVE TO
ENTER**

Reference:

UNIT HEADED LETTER

Date:

BRITISH ARMY LETTER OF CONFIRMATION OF SOLDIER'S DETAILS

References:

Sponsoring Service Person:

Surname	Forenames	Service Number	Nationality
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I am the Unit Welfare Officer¹ of *(Insert Unit Name)*.

Under Appendix Armed Forces, the Service Person above, has requested a British Army letter to confirm his/her service details in respect of meeting the Minimum Income Requirement for his/her family member's application for Indefinite Leave to Remain/Enter, as listed in the application.

(full name) is currently serving in the United Kingdom^{*2} and I can confirm the following details related to his/her service³:

- (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.

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

(Insert Signature Block) for Commanding Officer

¹ Or other unit staff member where appropriate.

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

³ 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 Home 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 Home Services and explain the circumstances: the Move In appointment can then be rescheduled. Depending on availability of SFA to house other entitled families, Home Services 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 the RAO or UWO who can advise them. The SP can also speak to The National Service Centre, Home Services on 0800 031 8628 option 2 for advice.

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

NON-UK SOLDIERS - ADDITIONAL TERMINATION OF SERVICE PROCEDURES

1. Unit Administration

All Non-UK SP are discharged in accordance with [JSP 100](#) (with matters relating specifically to non-UK personnel in Chapter 4) and the Personnel Administration Toolbox, in particular the Terminations section including the section regarding non-UK personnel

2. 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 requirement for the transitioning non-UK SP (and entitled family members if necessary) to regularise their immigration status and refer the SP to AFF, who are qualified to advise of the detail. Those who have not regularised their immigration status should be briefed by the RCMO/UWO at least six 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 HM Armed Forces](#). The SP should be advised to contact AFF if he/she requires further information or guidance.
- b. 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.
- c. 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.
- d. 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, they will not have permission to legally work or remain in the UK as UKVI will have been informed to cancel their exempt status.
- e. 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.

- f. Where an early departure discharge (Medical, Administrative or Discipline) has been recommended, the procedure in [JSP 100](#), section 4.4 should be followed.
- g. Non-UK citizens whose service has been terminated and are settled in the UK are liable for the same Regular Reserve liability as their British counterparts.
- h. Non-UK Veterans who opt to leave the UK after discharge 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

3. Discharge after Four Years' Service

Inform SP that if they wish to regularise their immigration status, their applications should be submitted 18 weeks before their discharge date or up to six months before a redundancy discharge date. This will enable UKVI to grant settlement the day after their discharge providing they meet the Immigration Rules.

4. 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-nuknsp-0mailbox@mod.gov.uk for further advice. They are in a position to engage with the Home Office if necessary, for example where the time taken for an application for citizenship would take the SP past the discharge date.

5. Medical Discharge Less than Four Years' Service

Where a SP is medically discharged with less than four years' service UKVI will consider settlement applications where the medical discharge is due to illness or injuries attributable to service. When any other medical discharge occurs, SP may still be able to apply for settlement with less than four 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](#) can assist). Extensions to discharge dates are not given for immigration reasons.

6. 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 four years' service. Units should advise SP to seek OISC-qualified immigration advice before they submit any application to UKVI for leave to remain. On the day of discharge the unit should receive a 28-day notice letter from UKVI. Those SP who have not regularised their immigration status would be expected to leave the country on expiry of the notice period.

7. 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 ideally 7 days prior to discharge day but can be submitted up to discharge day itself, 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. The SP is to be provided with a copy of the completed form.

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 to the SP's family, who may have issues of entitlement to SFA and other welfare, financial or immigration issues. 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](#). 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.

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 [Appendix HM: caseworker guidance](#)

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 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](#)

Annex H to
Guide for Non-UK SP Part 3
Dated August 24

USEFUL SOURCES OF ADVICE

HQ Regional Command

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-nuknsp-0mailbox@mod.gov.uk

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/>. HIVE has a central inbox for Non-UK enquiries RC-Pers-HIVE-NonUKNat-0mailbox@mod.gov.uk

D Pers, Pers Pol Conditions

The D Pers, Pers Pol Conditions [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.

Links of particular relevance to SP and families are:

[Appendix HM Armed Forces](#)

[Home Office guidance for SP and family members Armed Forces visa applications](#)

[Apply for Citizenship](#)

[Home Office guidance for citizenship applications](#)

[EU National partners and dependents](#)

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 do not 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.

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/>.

Defence Transition Service

Provides additional assistance where required to those going through the resettlement process and for up to two years following discharge. Their gov.uk page can be found [here](#).

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.

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

Support in Fiji - BASO.

BASO Fiji has now closed. Other existing Service and Government agencies will continue to provide support for Visa & Immigration enquiries, Veterans' Support, and 3rd Sector Engagement, however, limited support may now exist, in-country, for these specific workstrands.

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 F.

Citizens Advice

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

GUIDE FOR NON-UK NATIONALS AND UNIT SUPPORT

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