

If you wish to apply for indefinite leave to remain in the United Kingdom (UK) for a purpose for which you must use form SET(O), please read these guidance notes before making your application.

CONTACTING US

Our main website address and telephone numbers for contacting us are given below.

OUR WEBSITE	IMMIGRATION ENQUIRY BUREAU	APPLICATION FORMS UNIT
www.bia.homeoffice.gov.uk	0870 606 7766	0870 241 0645
For information about immigration law and policy, the services offered by our public enquiry offices, and to see and download application forms and guidance notes	Monday to Thursday: 9.00 - 4.45 Friday: 9.00 - 4.30 For general immigration enquiries and information, and to book appointments at our public enquiry offices	Monday to Thursday: 9.00 - 4.45 Friday: 9.00 - 4.30 For application forms and guidance notes only

OUR PUBLIC ENQUIRY OFFICES

Our public enquiry offices (PEOs) are for premium service applications only. Their addresses and opening times are given below. The telephone number for appointments is given above.

CROYDON	BIRMINGHAM	GLASGOW	LIVERPOOL
Public Enquiry Office Lunar House 40 Wellesley Road Croydon CR9 2BY	Public Enquiry Office Dominion Court 41 Station Road Solihull Birmingham B91 3RT	Public Enquiry Office Festival Court 200 Brand Street Govan Glasgow G51 1DH	Public Enquiry Office Reliance House 20 Water Street Liverpool L2 8XU
Monday to Friday: 8.00 - 4.00	Monday to Friday: 9.00 - 4.00	Monday to Thursday: 8.30 - 4.30 Friday: 8.30 - 4.00	Monday to Friday 8.30 - 4.00

GUIDANCE NOTES

1 FOR WHICH APPLICATIONS MUST YOU USE FORM SET(O)?

This form must be used if you are applying for indefinite leave to remain in any of the following categories:

- work permit holder
- employment not requiring a work permit
- writer, composer or artist
- UK ancestry
- highly skilled migrant
- ex-HM Forces
- long residence in the UK
- bereaved partner

You must also use this form to apply for indefinite leave to remain for other purposes/reasons not covered by the other application forms (but not to claim asylum).

You and any dependants included in the application must be in the UK to apply.

Employment not requiring a work permit does not include employment as a sole representative. Form BUS must be used for that category.

2 QUALIFYING FOR INDEFINITE LEAVE TO REMAIN

To qualify for indefinite leave to remain in the categories of the Immigration Rules for which you must use form SET(O), you must meet the requirements set out in the following parts of the Rules:

Part 5 - work permit holder, highly skilled migrant, employment not requiring a work permit, UK ancestry

Part 6 - writer, composer or artist

Part 7 - ex-HM Forces, long residence in the UK

Part 8 - bereaved partner

The full Immigration Rules are on our website. You can also seek information about the relevant rules by calling **0870 606 7766**.

Applicants aged 18-64 must show that they have sufficient knowledge of the English language and life in the UK in order to qualify for indefinite leave to remain. Anyone applying in the ex-HM Forces category (including their spouses) or in the bereaved spouse category is not subject to this requirement. See pages 5 to 7 of these guidance notes for more information about this.

3 WHO CAN APPLY ON THIS FORM?

You and your partner, and/or children under 18 if they are applying as your dependants.

The word “partner” in these guidance notes means a spouse, civil partner, unmarried or same sex partner.

Long residence in the UK. The immigration rules for this category do not allow dependants. If you include any dependants in your application, their applications will be refused. Because of this, they should apply separately in their own right.

Dependants may apply in the long residence category if they have completed the qualifying period of 10 or 14 years. If you have a partner who does not qualify, they may apply for limited leave to remain as the partner of a person present and settled in the UK on form FLR(M). If they do that, they may include any children under 18 as their dependants.

Partners may also choose to apply on form FLR(M) even if they do not qualify in the long residence category, as this option allows children under 18 to be included in their application and the overall cost in terms of fees may be less.

If your only dependants are children under 18 and they do not qualify under the long residence rules, they may apply for indefinite leave to remain as a child of a per-

son present and settled in the UK on form SET(F). Each child would have to apply and pay separately. Any child over 18 wanting to apply as your dependant would also have to apply and pay separately on SET(F).

4 THE FEE

With the exception of the exemptions specified at the end of this part of the guidance notes, you have to pay to apply on form SET(O). The current fees are **£750** for postal applications or **£950** for the premium service at one of our public enquiry offices. If you do not pay the specified fee, the application will be invalid and will be returned to you.

There is only one fee for each application form. You may include your partner and/or children under the age of 18 in your application if they are applying for indefinite leave to remain as your dependants - **but see part 3 about the long residence category**. If dependants apply separately, they must pay the specified fee.

Children aged 18 or over cannot be included; they must each apply individually and pay the specified fee, as must any children under 18 if they have to apply later because there is some reason preventing them from being included now in your application.

We will not refund the fee if we refuse the application or if you withdraw it.

For information about methods of payment, please see the payment details guidance on page 2 of the form.

For more information about the current fees, please go to our website.

Fee exemptions. The nationals of states which have ratified the Council of Europe Social Charter (1961) or the Revised Social Charter (1996) are exempt from the requirement to pay the specified fee in the **work permit holder** and **highly skilled migrant** categories. The countries concerned are **Albania, Andorra, Armenia, Azerbaijan, Croatia, Georgia, Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine**. Nationals of these states must pay the specified fee if applying in other categories.

5 WHEN TO APPLY

You and any dependants included in your application must apply before the end of your/their permitted stay in the UK. There is a qualifying period to complete in most of the categories on this form. That period runs from the date on which you were granted leave to enter or remain in this capacity. **Please do not apply more than 28 days before completing that qualifying period.** If you apply earlier than that, your application may be refused. If that happens, we will not refund the fee and you will have to pay again when reapplying.

The qualifying periods are as follows:

5 years In the work permit holder, employment not requiring a work permit, writer, composer or artist, UK ancestry, and highly skilled migrant categories.

4 years in the ex-HM Forces category.

10 or 14 years In the long residence category.

No qualifying period in the bereaved partner category.

6 MAKING SURE YOUR APPLICATION IS VALID

Paragraphs 34-34I of the Immigration Rules specify certain requirements with which an application on a form specified for the purpose of the Rules must comply. To make a valid application, you must:

apply on the current version of form SET(O)

pay the fee in full by one of the methods specified in the payment guidance.

provide photographs of yourself and any dependants included in the application as specified

complete section 7 (Personal History) as required

sign the declaration in section 10

send the application by prepaid post to the Border and Immigration Agency address given on the form or make it in person at a public enquiry office.

If you fail to do any of these things, your application will be invalid and we will return it to you. This could result in the loss of appeal rights if your permitted stay has run out by the time you make a valid application.

7 MAKING SURE YOUR APPLICATION IS COMPLETE

You do this by completing every section of the form as required and providing all the relevant specified documents, including your passport and those of any dependants included in the application. **If you do not do this, we reserve the right to decide your application on the basis of the information and documents provided.** It is important, therefore, to provide an explanation if you cannot give us all relevant information or documents when making your application.

8 COMPLETING THE FORM

Please use a black pen to complete the form; write names, addresses and similar details in capital letters.

In the payment details and other sections where you give personal details and addresses, leave an empty box between each name or part of the address(es)

required in this section. Please note that we always use the personal details in an applicant's passport or travel document for official purposes, including any residence permit if the application is granted.

Take care to complete all sections as required, including the Personal History section. Follow the guidance on page 2 of the form when completing the payment details. Read the notes in various sections of the form.

If you need help with any of the questions, you can seek advice by telephoning **0870 606 7766**.

As already emphasised in part 7 of these notes, you must enclose a letter of explanation if you are unable to provide all the required information or any relevant specified documents.

9 PHOTOGRAPHS

For your application to be valid, it is mandatory to provide the following photographs:

Two identical passport-size photographs of yourself with your name written on the back of each one.

Two identical passport-size photographs of any dependants included in the application with their name written on the back of each one.

The photographs should be in colour, recent (within the last month), and approximately 45 millimetres high and 35 millimetres wide, the size of a passport photo.

Each photograph must show the individual's full face clearly against a light background. Sunglasses are not acceptable. Nor is any head covering unless this has to be worn for religious or cultural reasons. But if such a covering conceals the face, this will not be acceptable.

Use one staple or paper clip in each person's case to attach the photographs to the spaces provided. When stapling, do so at the edge of the photograph so as not to damage the image of the face. **Do not use glue or any other sticky adhesive.**

If the application(s) is/are successful, the photographs which you provide will be reproduced in the residence permit(s) in your passport or travel document and those of any dependants included in the application.

10 DOCUMENTS

The documents provided with the application must be originals.

Copies of any kind are not acceptable unless there are valid reasons for not being able to provide the original document. In such circumstances, we may accept a copy certified by the body or authority which issued the

original (for example, a copy of a savings book certified by the building society or bank), or by a notary.

The reasons for not being able to provide the original document must be explained in a covering letter. As a rule, we are unlikely to be able to grant your application without the original document.

Any documents which are not in English must be accompanied by a reliable English translation.

Make sure passports or travel documents are signed.

11 APPLYING BY POST - THE ADDRESS

If you are applying by post, the address to which you must send an application on form SET(O) is:

**Border and Immigration Agency
Leave to Remain - SET(O)
PO Box 495
Durham
DH99 1WR**

Posting it to any other address will not only delay your application but could make it invalid. This address is only to be used when sending your application. Please use the address given in part 14 for any other correspondence about your application,

If you use Recorded or Special Delivery, this will help us to record the receipt of your application. Make sure that you keep the Recorded or Special Delivery number.

We will return your passport(s) and other documents by Recorded Delivery. If you would like them to be returned by Special Delivery, you must provide a prepaid Special Delivery envelope which is large enough.

12 APPLYING IN PERSON

We offer a same day service to people who apply in person at our public enquiry offices (PEOs). The premium rate of **£950** has to be paid for this service, which is available only for applications which are straightforward and do not require further enquiries.

Appointments. To apply in person, you must make an appointment in advance with one of the PEOs. If you make one for some time ahead, please check that the application form you use is still valid on the day of your appointment.

If you are taking or have taken the Life in the UK test, allow at least 2 weeks between passing the test and the date of your PEO appointment.

The addresses, appointments telephone number and opening times of the PEOs are given on the front page of these guidance notes. For the latest information

about their opening times and services, please see our website or phontheir number.

13 DECISION TIMES

Our current published service standards for deciding charged applications are:

Applications made by post: we aim to decide 70% of applications within 4 weeks (20 working days) and 90% within 14 weeks (70 working days).

Applications made in person: we aim to decide 98% within 24 hours.

Applications which are not straightforward and/or which require further enquiries take longer to decide. These include applications by people who have remained here unlawfully after the expiry of their permitted stay.

As we cannot tell in advance how long it will take to decide particular cases, our general advice is not to make any non-urgent travel arrangements until your passport(s) or travel document(s) are returned.

14 CONTACTING US AFTER YOU HAVE APPLIED

If you need to contact us after you have applied, please do so as follows.

To send us more information about your application, write to the following address (not the one to which you posted your application):

**Border and Immigration Agency
Initial Consideration Unit - SET(O)
Lunar House
40 Wellesley Road
Croydon
CR9 2BY**

and give the following details in your letter:

- the applicant's full name, date of birth and nationality.
- any Recorded or Special Delivery number.
- the date on which the application was posted or made in person
- the Home Office reference number if you have one.

If you need your passport because you have to travel urgently and unexpectedly, call **0870 606 7766** and provide the personal and other details listed immediately above.

Your application will be treated as withdrawn if your passport is returned for travel abroad before we are able to decide the application.

15 OBTAINING APPLICATION FORMS

You can obtain application forms from our Application Forms Unit on **0870 241 0645** or by downloading them from our website.

16 OTHER TELEPHONE ENQUIRIES

For enquiries other than obtaining an application form, call **0870 606 7766**.

We also have the following freephone textphone number: **0800 38 98 28 9**.

17 CHOOSING AN IMMIGRATION ADVISER

If you engage an immigration adviser one, take care in choosing one. The Office of the Immigration Services Commissioner (OISC) regulates immigration advisers.

The OISC website at **www.oisc.gov.uk** contains a list of authorised advisers. It also has links to websites for solicitors, barristers and legal executives. If you have a complaint about an immigration adviser or need other information, the OISC contact details are:

Office of the Immigration Services Commissioner
5th Floor,
Counting House
53 Tooley Street
London
SE1 2QN

Telephone: **0845 000 0046**

Alternatively the Solicitors Regulation Authority, which regulates solicitors in England and Wales, can help you find a solicitor if you contact them on **0870 606 2555** or visit their website at **www.legalcomplaints.org.uk**

The address and telephone number for any complaints about a solicitor are:

Legal Complaints Service
Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE

Telephone: **0845 608 6565**

18 COMPLAINTS ABOUT OUR SERVICE

If you wish to make a complaint about our service, you can do so in writing to the address below or by email to **bia.cu@homeoffice.gsi.gov.uk**

BIA Customer Focus Team
PO Box 1384
Croydon
CR9 3YJ

You may also call **0870 241 6523** or visit our website.

19 DATA PROTECTION NOTICE

We will treat all information provided by you in confidence but may disclose it to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions.

We may also use the information provided by you for training purposes.

The information in the payment details page will be known to the private contractor engaged by the Home Office to process application payments.

KNOWLEDGE OF THE ENGLISH LANGUAGE AND LIFE IN THE UK

Background

Following changes introduced in April 2007, people aged 18 to 64 must have sufficient knowledge of the English language and life in the UK in order to qualify for indefinite leave to remain. This change in the Immigration Rules was introduced to ensure that migrants wishing to settle here have an understanding of life in the UK and the skills to allow them to integrate fully.

What do you have to do to show that you have sufficient knowledge of English and life in the UK?

If your English is already at or above ESOL (English for

speakers of other languages) Entry Level 3, you can take the test known as the **Life in the UK test**.

If your English is below ESOL Entry Level 3, you will need one of the following accredited qualifications:

an **approved ESOL qualification** through taking a course which includes citizenship materials; or

two ESOL Units at Access Level under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.

If you do an ESOL course, you will need to show that you have progressed by at least one level from the level at which you started.

Does this requirement apply to everyone?

It does not apply to anyone under the age of 18 or aged 65 or over at the time the application is made.

Anyone with a significant physical and/or mental health condition(s) or incapacity may be exempt if it prevents them from studying for and taking the Life in the UK test or from studying for an ESOL qualification. Exemption on these grounds will only be given in exceptional cases.

What is the Life in the UK test?

The test consists of questions based on information in the handbook *Life in the United Kingdom: A Journey to Citizenship*. The standard of English required to pass the test is ESOL Entry 3 level or above. If you are not sure whether your English is good enough to take the test, you can work through the tutorial on the Life in the UK Test website at www.lifeintheuktest.gov.uk to help you decide.

You will need to study the relevant edition of the handbook before taking the test. It is published on behalf of the Life in the United Kingdom Advisory Group by The Stationery Office (TSO) for £9.99. You can order it from www.tso.co.uk/bookshop or by telephoning **0870 243 0123** or faxing **0870 600 5533**.

It is also available from Waterstone's, W H Smith and other large booksellers.

The test is taken on a computer. The Life in the UK test website at www.lifeintheuktest.gov.uk has a section to help with the practical skills needed to take the test, including training in the use of a mouse and keyboard.

Staff at the test centres also specialise in supporting learners new to computers.

What if you don't have a computer or access to the internet?

If you live in England you can contact **UK online** on **0800 77 1234** for details of local centres providing computer and internet access. In other parts of the UK, as well as in England, you can contact your local library or Citizen's Advice Bureau for information on free or low cost access to computers and the internet.

Where can you take the test?

At one of over 100 Life in the UK test centres around the UK. You can find your nearest centre via the [Find a test centre](#) link on the Life in the UK test website at

www.lifeintheuktest.gov.uk or by calling their helpline on **0800 0154245**.

Booking the test

To book the test, contact the test centre by telephone or in person. If you have a disability, the test centre can provide the test in a format to meet your particular needs. Tell the centre about any such needs when you book the test - and also about any medical condition in case it affects the amount of time you need for the test.

Is there a charge for the test?

Yes. The current charge, which is under review, is **£34**. It has to be paid before you take the test.

The [Find a test centre](#) page mentioned above gives information on the methods of payment accepted by individual test centres.

Taking the test

At the test centre you will be asked to confirm your identity by producing one of the following:

your passport or a Home Office travel document

a UK photocard driving licence (full or provisional)

an Immigration Status Document endorsed with a UK residence permit bearing a photo of the holder.

You will also be asked for your postcode, so you should take a letter or other document containing it.

The test result

You will be told the result of the test at the test centre on the day. If you pass, you will be given a pass notification letter, which you must include with your application for indefinite leave to remain. The test result will also be sent to us.

If you wish to make your application for indefinite leave to remain in the UK in person at a public enquiry office, please allow at least 2 weeks between passing the test and the date of your appointment.

What if you fail the test?

If you fail the test, you can retake it any number of times. You will have to pay the current fee every time you take it. Since the questions are drawn randomly from a large number, they will be different every time you take the test.

English for Speakers of Other Languages (ESOL) courses with citizenship material

If your English is not good enough to take the Life in the UK test, you will need to show that you have successfully progressed from one ESOL level to the next on an ESOL course with citizenship materials. Such courses are available at many further education, adult and community colleges across the UK.

Will you have to pay for ESOL courses?

The Department for Innovation, Universities and Skills (DIUS) has decided that people doing an ESOL course should make a contribution to the cost of the course in accordance with their ability to pay.

You should contact your local college to find out about the fee and whether you will be required to pay. You can also get more information about this in the Learning and Skills Council's funding guidance for 2007/08 on their website at www.lsc.gov.uk

How long will the ESOL course take?

This may vary according to the particular college and course, as well as the ability of the individual. You should ask the college at which you are planning to take the course about this.

What if you can't pass the Life in the UK test or gain an ESOL qualification before the end of your permission to stay in the UK?

In this situation you should apply for an extension of stay in order to give yourself time to gain the relevant qualification. You should do this

- on form **FLR(O)** for most categories on this form
- on form **FLR(IED)** in the work permit holder category (your employer may also need to apply for your work permit to be extended)
- on form **Tier 1 (General)** in the highly skilled migrant category.

You will need to include a letter explaining why you are doing so and giving an indication of when you expect to take the test or gain the ESOL qualification.

Provided you satisfy the requirements of the immigration rules for the category in which you are applying, and you do not make any false representations or fail to disclose any material fact, you will be granted an appropriate extension of stay for the category concerned.

Transitional arrangement

If you apply for indefinite leave to remain before you have been able to obtain the relevant qualification, but you satisfy all other requirements for the category in which you are applying, under a transitional arrangement in the immigration rules, your application will be considered under the rules for an extension of stay. This arrangement, which was previously advertised as ending on 31 January 2008, continues but is expected to end in the near future.

An announcement will appear on our website when an end date for the transitional arrangement is decided.

Once the arrangement has ended, an application for indefinite leave to remain without the relevant qualification will be refused. The fee is not refunded when an application is refused.

What about dependants?

If they are 18 - 64 and do not qualify to be exempted, anyone included in an application as your dependant must also pass the Life in the UK test or obtain a relevant ESOL with citizenship materials qualification. But they will only be granted indefinite leave to remain if your application is granted.

If your partner is included in your application and your application is granted but your partner has not yet been able to obtain the relevant pass or qualification, their application will be refused. Under a transitional arrangement, if they meet all other requirements of the relevant rules, they will be granted an appropriate extension of stay to allow them time to gain the relevant qualification. But this will only happen while the transitional arrangement is in place.

Once the transitional arrangement comes to an end, in the case of the main applicant being granted indefinite leave to remain and the partner not having the relevant pass or qualification, the partner's application will be refused. He or she will then have to apply separately (and pay the specified fee) for an extension of stay as the partner of a person who is present and settled in the UK. The specified form for such an application is form FLR(M).

Where can you get more information about these requirements?

In addition to the sources already mentioned, you can find more information in the Questions and Answers pages on our website and you can call our telephone Enquiry Bureau.

See the front page of these guidance notes for the website address and telephone number.