

Workshop 3

Other Family Applications & Long residence ILR

In this Workshop you will be able to practice your knowledge regarding various family or private life type of visa applications and connected concepts. The categories covered will be as follows: Bereaved Partner, Victims of Domestic Abuse, Adult Dependant Relative, Parent of a Child in the UK, Child of Parents in the UK, Children of Parents in the UK, Children Born in the UK and 10-year ILR.

1. Bereaved Partner Route

The Bereaved Partner ILR route allows someone to stay in the UK permanently if their partner (a British citizen or someone settled in the UK) has died during the time they were in a relationship and living together in the UK whilst holding an eligible visa.

Bereaved Partner ILR used to be part of Appendix FM, now you can find the relevant Rules under Appendix Bereaved Partner.

Bereaved Partner Eligibility Rules

An applicant may be eligible to apply if:

- Their partner has died and was either:
 - ✓ A **British citizen**, or
 - ✓ Someone with **indefinite leave to remain (ILR)** or **settled status**, or
 - ✓ An **EEA national** who was lawfully resident in the UK before the end of the Brexit transition period.
- Their **most recent visa** was as the **partner** (spouse, civil partner, or unmarried partner) of that person.
- They were **living together in the UK as a couple** at the time of their partner's death.
- They **intend to continue living in the UK** permanently.
- Suitability Rules apply as per Part 9, General Grounds for Refusal of Immigration Rules.

Documentary evidence required

Copies of the following documents are required to be uploaded to support an application under the Bereaved Partner route:

- Applicant's passport ID
- Proof of applicant's valid immigration status in the UK, such as Biometric Residence Permit or eVisa.
- Passport ID and/or proof of immigration status for the deceased partner.
- Death certificate.
- Evidence of relationship. Such as joint tenancy agreement/mortgage statement, utility bills, account statements, photos to show that the couple have lived together in the UK prior to the death having occurred.

Key Points

The following generic points should be kept in mind prior to the submission of an application under Bereaved Partner route.

- Application should be made as soon as practicable following the partner's passing, but before the applicant's current leave to remain expires from within the UK.
- No minimum UK residence requirement applied following the death of the partner.

- Child dependents can also apply provided their last leave to enter or remain was granted as the dependent of the main applicant and they are **not leading an independent life** at the time of the submission of the application. (Further information on this can be found in the PowerPoint Presentation handout)
- The English language and Life in the UK requirements do not apply to the main applicant. Do note that they do apply to child dependent applicants if they are over the age of 18 at the time of the submission of the application.
- Successful applicants will be able to work and study in the UK.
- Application fee as per IRL applications in the UK, no Immigration Health Surcharge applies.

2. Victims of Domestic Abuse Route

This immigration route allows a person who was in the UK on a partner visa (as the spouse, civil partner, or unmarried partner of a British citizen or settled person) to apply for Indefinite Leave to Remain (ILR) if the relationship has broken down permanently due to domestic abuse. This application type also used to be under Appendix FM, however it has received its own Appendix in 2024.

The legal definition of domestic abuse in the Domestic Abuse Act 2021 is that domestic abuse involves any single incident or pattern of conduct where someone's behaviour towards another is abusive, and where the people involved are aged 16 or over and are, or have been, personally connected to each other (regardless of gender or sexuality).

The abuse can involve, but is not limited to psychological, physical, sexual, financial and/or emotional violence, and/or threatening, controlling, coercive behaviour.

Eligibility Criteria

To apply, an applicant must:

1. Have been in the UK on a visa as the partner of someone who is:
 - A British citizen, or
 - Settled in the UK (ILR or settled status), or
 - A member of HM Forces who has served for at least 4 years.
2. Show that the **relationship permanently broke down due to domestic violence or abuse**.
3. English Language and Life in the UK requirements apply to the main and any child dependent applicants over the age of 18.
4. Child dependents over the age of 18 **must not be leading an independent life**.
5. Suitability Rules apply as per Part 9, General Grounds for Refusal of Immigration Rules.

Documents to be enclosed

The Immigration Rules do not specify any mandatory evidence or documents to be submitted with an application. All information and evidence submitted must be considered in the round and a conclusion drawn as to whether, on the balance of probabilities (such as, it is more likely than not), that based on the information and evidence available, the relationship broke down because of domestic abuse.

Further to passport IDs and documents proving correct immigration status, applicants must submit evidence of the domestic abuse and relationship breakdown, such as:

- ✓ Police reports
- ✓ Court orders (e.g., non-molestation orders)
- ✓ Medical reports

- ✓ Support letters from domestic violence charities or social workers
- ✓ Photographs of injuries or property damage
- ✓ Witness statements

Key Points:

- Applications should be made **as soon as possible**, after the relationship breaks down and **not** wait for the current visa to expire.
- Application fee as per IRL applications in the UK, no Immigration Health Surcharge applies.
- For the Victim of Domestic Abuse, and a child applying on the Victim of Domestic Abuse route at the same time as their parent and who is included in their parent's application, form SET (DV).
- For a child of a Victim of Domestic Abuse who is not applying at the same time as their parent, form SET (F).
- This is a **standalone ILR route** — no need to complete a 5-year route if the relationship ends due to abuse.
- Applicants can **work, rent, and access benefits** once ILR is granted.

Furthermore, it is important to note that these types of applications fall within **Level 1 IAA Competence only where the evidence of domestic abuse is clear, straightforward, and undisputed**. In cases where the evidence is complex, contested, or insufficiently documented, the matter should be promptly referred to an adviser accredited at **Level 2 or above**, to ensure the applicant receives appropriate and legally sound support.

3. Adult Dependent Relative Route

Under very limited circumstances, this route provides an opportunity for certain adult relatives of British citizens, settled persons, individuals with refugee or humanitarian protection status, and/or those with limited leave under Appendix EU to come and live in the UK. This application type was previously included under Appendix FM but now falls under its own dedicated Appendix.

Eligibility Rules:

An applicant must:

- ✓ Be a **parent, grandparent, brother, sister, son, or daughter** of the UK-based sponsor and be aged 18 years or older.
- ✓ Must provide evidence that they can be **adequately maintained**, accommodated and cared for in the UK by the sponsor without recourse to public funds.
- ✓ **Require long-term personal care** due to age, illness, or disability (e.g., help with daily tasks like washing, dressing, or cooking).
- ✓ Be **unable to access the required care** in their home country, **either because it's unavailable or unaffordable**.
- ✓ Show a **genuine and subsisting relationship** with the UK-based sponsor.
- ✓ Not fall under the General Grounds for Refusal (Part 9 Immigration Rules).
- ✓ Apply **from outside the UK** (ADR applications cannot be made from within the UK, even as a visitor).

Documentary Evidence Required:

- Passport ID for the applicant and UK based sponsor (and immigration status documents for the sponsor if applicable).
- Medical evidence showing the need for long-term care.
- Evidence that suitable care is **not available or affordable** in the applicant's home country.
- Proof that the UK sponsor can provide **adequate accommodation, care, and financial support**.
- Evidence of the **family relationship** (e.g., birth certificates).

Key Points:

The application fee (as of 2025) is £3,250. No Immigration Health Surcharge if applying under the ADR route to join a settled family member. However, IHS may apply if joining a sponsor with limited leave (e.g., refugee or humanitarian protection).

This route has a very high refusal rate. Success requires **strong, well-documented evidence**. If the application is successful, the applicant will be granted **indefinite leave to enter (ILE)** or **limited leave**, depending on the sponsor's immigration status.

No right to switch from any temporary visa to ADR from within the UK.

4. Parent of a Child in the UK Route under the Immigration Rules

This immigration route under Appendix FM allows a parent to remain in or enter the UK in order to care for and have a genuine parental relationship with a **child who is living in the UK** and is either:

- ✓ A British citizen, or
- ✓ Settled in the UK (has ILR or settled status), or
- ✓ Has lived in the UK continuously for at least 7 years and it would be unreasonable for them to leave.

Eligibility Criteria:

The following criteria applies to applicants applying this route:

- For Entry clearance the applicant should be outside of the UK, whereas for an in-country application (switching, extending or ILR), the applicant should be in the UK.
- Suitability Rules apply as per Appendix FM.
- **Adequate maintenance** and accommodation are required. (Monthly income minus monthly housing costs should exceed the amount a British family of same size would receive in Income Support.)
- English language requirements: same as for Partner applications under Appendix FM.
- Life in the UK pass required for the ILR.
- The applicant must be at least 18 years of age.
- The applicant must have **sole parental responsibility** for the child (further information on this can be found in the PowerPoint Presentation handout) , **or**
- The parent or carer with whom the child normally lives must be:
 - a British Citizen in the UK, settled in the UK, or in the UK with limited leave under Appendix EU, and
 - not the partner of the applicant;
- The applicant must not be eligible to apply for entry clearance as a partner under this Appendix.

Documents Typically Required:

The following documents are typically required to support a successful application.

- Passport ID and proof of immigration status for the applicant.
- Birth certificate of the child.
- Proof of parental relationship (photos, communication, school letters, etc.).
- Proof of residence and immigration status of both the child and the other parent.
- Evidence of active involvement in the child's upbringing (e.g. school records, contact orders, etc.).

Key Points:

This route leads to Settlement (ILR) under the 5 years or 10 years route. Application fee (2025): **£1,048** (standard fee for FLR). **Immigration Health Surcharge:** £1,035 per year is applicable to Entry Clearance and Further Leave to Remain applications. Work and study **permitted** if leave is granted.

5. Children of Parents in the UK Route under Appendix FM

This immigration route allows a **child to join or remain with a parent** or parents who are living in the UK, provided that it is in the **child's best interests** and certain **eligibility and relationship criteria** are met. This route is part of **Appendix FM (Family Members)** and can lead to **settlement (ILR)** over time.

Eligibility Criteria:

The main application criteria are as follows:

- ✓ For Entry Clearance the applicant must be outside of the UK, for further leave the application must be submitted from within the UK.
- ✓ The applicant must not fall for refusal under Appendix FM Suitability Rules.
- ✓ The applicant must be **under the age of 18 and must not be leading an independent life** or have formed an independent family unit.
- ✓ One of the parents of the applicant must be in the UK with leave to enter or remain under the Partner or Parent categories of Appendix FM.
- ✓ The other parent of the applicant must also be a parent of the applicant, or the parent with valid leave to enter or remain under the Partner or Parent categories of Appendix FM should have **sole responsibility** for the child, or there should be serious or compelling family or other considerations which would make the child's exclusion from the UK undesirable.
- ✓ **The Financial Requirement** (as per Appendix FM Partner/Parent route) applies to these types of applications.

Documents typically required:

- Child's passport ID and birth certificate.
- Parents' passport ID and evidence of UK immigration requirement (if applicable).
- Evidence of the parent-child relationship.
- Evidence of Financial Requirement being met as per Appendix FM-SE.
- If sole responsibility applies, further documentation (see "Sole Parental Responsibility" explanation in PowerPoint Presentation).

Key Points:

Children only need to apply under this route if they are not applying at the same time as their relevant parent. Visa will be issued in-line with the length of the relevant parent's valid leave to enter or remain. Child will be eligible to apply for ILR once the relevant parent is eligible to do so.

6. Children of Settled Parents (Part 8 of IR)

This category remains under Part 8 of the Immigration Rules, paragraphs 296 to 300, and is unaffected by the new Family Life provisions under Appendix FM. It was designed for children who were born outside of the UK. **Types of grants: ILE & ILR.**

Key Eligibility Criteria:

The child must usually:

- ✓ Be under 18 years old at the date of application.
- ✓ Not be leading an independent life (i.e., not married, in a civil partnership, or live independently unless studying full time).
- ✓ Not be married or have formed an independent family unit.
- ✓ Be applying to join or stay with a parent who is:
 - Present and settled in the UK (i.e., has ILR or British citizenship), or
 - Being admitted for settlement at the same time.
- ✓ Be a biological or adopted child of the settled parent(s).
- ✓ Where only one parent is settled, the child might still qualify if:
 - The other parent has passed away; or
 - The relevant parent has **sole responsibility**; or
 - There are **serious or compelling family or other considerations** making exclusion undesirable.

Key Considerations:

- Children under this route can apply for Indefinite Leave to Enter from abroad if eligible.
- Each case will be assessed on individual merits under this route by the Home Office.
- **Best interests of the child** are a **primary consideration** under Section 55 of the Borders, Citizenship and Immigration Act 2009.
- **Documentary evidence** (parental status, relationship proof, care arrangements) is crucial.

7. Children Born in the UK (Part 8 of IR)

This section deals with the immigration status of children born in the UK to non-British parents and outlines the conditions under which they can be granted leave to remain or indefinite leave to remain (ILR) as **birth in the UK does not automatically confer British citizenship**.

The relevant Immigration Rules can be found under Paragraphs 304 – 309 of the Rules and can only be relied upon if the child applicant is unable to apply for permission as a dependent on a parent's leave.

Main Eligibility Criteria for Applicants under this route:

- ✓ They should have at least 1 parent in the UK with a valid visa, or who is a British citizen or otherwise has the right of abode, or
- ✓ Be subject to care by a local authority, and
- ✓ Must be under 18, and
- ✓ Must have been born in the UK
- ✓ Must not be married and not be leading an independent life, and
- ✓ Where an application is made for leave to enter has not been away from the United Kingdom for more than 2 years.

8. Long Residence ILR (10-year ILR)

Please refer to the corresponding PowerPoint slides separately. These will provide an in-depth overview of the Long Residence ILR applications and supporting documents to be submitted for applications under Appendix Long Residence.