

Family migration

This section explains the five-year probationary period and the ten-year route to settlement in the UK for people who are not European Economic Area (EEA) nationals. At the time of writing, the process for EEA nationals wishing to settle in the UK after the UK leaves the EU is still not known.

This section also explains the private life grounds and long residence rule in the immigration rules that can lead to the right to remain.

Five-year probationary period

This route is available for spouses (husband/wife), civil partners or unmarried partners of British citizens or individuals with indefinite leave (settled) to remain in the UK.

It is also available for children of British or settled partners and the parents of British or settled children.

To apply to bring a parent of a British citizen or settled person to the UK, you now have to demonstrate that due to age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their relative here and without recourse to public funds. If you have the funds to support your parent so that they will not need public funds, the Home Office is likely to argue that you can pay for care to be provided in the country in which they live - it does not need to be *familial care*. Read more here:

www.freemovement.org.uk/out-with-the-old

The requirements for the five-year route are very difficult to meet.

There is an income or savings threshold. If you wish to sponsor a partner to come to the UK, you will need to be earning a minimum (before tax) of **£18,600 per year** (or equivalent in cash savings).

If you are applying to bring a child under the age of 18 who does not already have leave to remain in the UK or British citizenship as well as your partner, this rises to £22,400 for your partner and one child, and an additional £2,400 for each further child.

The application forms and guidance notes for these applications are here:

<https://www.gov.uk/uk-family-visa>

There is also a “suitability” requirement, meaning that criminal convictions, “bad character”, poor immigration history or unpaid NHS debts could disqualify you. The immigration rules currently state that an application may be refused if you have failed to pay charges “in

accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500."

If you are successful in applying through this route, you will be granted two periods of 30 months leave to remain in the UK before you can apply for indefinite leave.

Fees

Fees for the application from 6 April 2018:

Your situation	Apply outside the UK	Apply in the UK online or by post	Apply in the UK in person with the premium service
Joining your partner, parent or child	£1,523	£1,033	£1,643
Each dependant added to your application	£1,523 each person	£1,033 each person	£1,643 each person
Adult who needs to be looked after by a relative	£3,250	£1,033	£1,643

See the Home Office website for the latest information on this: <https://www.gov.uk/uk-family-visa>

You will need to pay the health surcharge as part of an application under this route, unless you fall into one of the exempt categories. Read more about the health surcharge at the Toolkit section *Entering the UK*.

You cannot apply for a fee waiver for the fee and health surcharge for these applications, as your application is based on you meeting an income/savings threshold, therefore you are not destitute.

10 year route

This route to settled status in the UK is for people who cannot meet the requirements of the five-year route: for example if you cannot meet the income requirements of the five-year route, or your current immigration status does not meet the requirements mentioned above.

You also need to demonstrate there are serious reasons you and your partner can't live together as a couple in another country, if you're applying based on family life with a

partner. If you're applying based on a child in the UK, the child needs to be a British citizen or have lived in the UK for 7 years and it wouldn't be in their best interests to leave the UK with you. See the Toolkit section *Rights of the Child*.

This route is also for people applying for the right to settle in the UK based on **private life in the UK**, rather than on having the family members mentioned above in the five year route.

The criteria for this are:

- you are between 18 and 24 years old and you've lived continuously in the UK for more than half your life, or
- you are 25 or over and you've been in the UK continuously for 20 years (see below), or
- you are under 18 and you've lived in the UK continuously for at least 7 years, and it would be 'unreasonable' to expect you to leave the UK. See the Toolkit section *Rights of the Child*.
- The "suitability" criteria (above) also applies to this ten year route.

For information on the application fee, see "Fees" section above.

You will need to pay the health surcharge as part of an application under this route, unless you fall into one of the exempt categories. Read more about the health surcharge at the Toolkit section *Entering the UK*.

If you are destitute and cannot afford to pay the application fee and health surcharge, you can apply for a fee waiver. Read more about this at Toolkit section *Human Rights*.

You can find the application form and guidance notes for the ten-year route application on the government website here: www.gov.uk/government/publications/application-to-extend-stay-in-the-uk-form-flrfp

If successful in applying through this route, you will be granted four periods of 30 months leave to remain before you can apply for indefinite leave. There is no access to public funds (apart from in exceptional circumstances) during the probationary (4 x 30 months) period.

Long residence rule

Previously the immigration rules allowed for applying for ILR if you could show you had been in the UK continuously for 14 years - including without any regular status. The immigration rules now require **twenty years'** continuous residence, and this only enables you to enter the ten-year route to settlement described above.

The application form and guidance notes for this applications are here:

<https://www.gov.uk/uk-family-visa>

Bear in mind it is difficult to provide evidence of twenty years' continuous residence if periods of that have been without regular immigration status. You may not have had formal accommodation or income. Think about who can provide statements to evidence your presence in the UK.