

NOTE: This version was updated on 19 February 2024
There may be an updated version on the website at righttoremain.org.uk/toolkit

Illegal Migration Act 2023

A new law called *The Illegal Migration Act 2023* has recently come into force. The Act has brought about significant changes to the UK asylum and immigration system for people who arrive in the UK on or after 20 July 2023. We are in the process of updating the Toolkit to reflect these developments. For now, please be aware that some of the information in the Toolkit may be out-of-date for people who arrived in the UK after that date. To stay up to date with any changes to the Toolkit, please sign up to our newsletter.

Applying to Stay in the UK Because You've Lived Here a Long Time

This page looks at applying to stay in the UK based on the length of time you have already spent in the UK. These applications for the right to remain are known as 'long residence' applications.

On this page you will find the following information:

- The immigration rules on long residence
- 20 years' long residence rule
- Continuous residence
- How to prove long residence
- ACTION SECTION: Gathering evidence to prove long residence
- Suitability criteria and exclusions
- Making an application
- Application fee
- If your application is successful
- If your application is refused

The Immigration Rules

The immigration rules allow people to apply for leave to remain (this is permission to stay) in the UK if:

- you are **between 18 and 24 years old** and you've lived continuously in the UK for **more than half your life**
- you are under 18 and you've lived in the UK continuously for **at least seven years**, and it would be 'unreasonable' to expect you to leave the UK. See our If You Have

NOTE: This version was updated on 19 February 2024
There may be an updated version on the website at righttoremain.org.uk/toolkit

Children page for more information.

- you are 18 years old or over and you have spent less than 20 years in the UK and would face **very significant problems** living in the country you'd have to go to if not allowed to stay in the UK.
- you are 25 years old or over and you have lived in the UK **continuously for 20 years**. For more details on this route, see the section below.

These applications under the immigration rules based on the length of time in the UK are considered to be '**private life**' applications. If you do not meet these immigration rules, it may be possible to apply to stay on the basis of your human right to your private life in the UK **outside of these rules**, but it is difficult to succeed in applications outside of the rules. Read more on the Human Rights page of this guide.

20 years' long residence rule

Previously the immigration rules allowed you to apply for Indefinite Leave to Remain if you could show you had been in the UK continuously for 14 years – including if some or all of that time was without leave to remain.

The immigration rules now require 20 years' continuous residence if some or all of that residence was not 'lawful' – because you did not have leave to remain.

The requirements under the 20 year rule are as follows:

1. You must apply using the correct application form
2. You must make a valid application for leave
3. You must not be refused under the 'suitability requirements'
4. You must have lived in the UK continuously for at least 20 years

The 20 year long residence rule does **not** lead directly to settlement, but it allows you to enter the 10 year route to settlement. This means if your application is successful using the 20 year rule, you will be granted leave to remain for 2.5 years, and will then need to have four periods of this on the 10 year route before applying for Indefinite Leave to Remain.

This route is for people over the age of 25. If you are younger than 25 years old, see the rules regarding young people above, and the rules regarding leave to remain based on the rights of a child here: <https://righttoremain.org.uk/toolkit/children/>

Continuous Residence

'Continuous residence' means you have been living in the UK without significant breaks.

You may 'break' continuous residence in a number of ways, including:

- If you are away from the UK for longer than 6 months
- If you are away from the UK for a total of 550 days in the 20 years
- If you are deported during the 20 year period

NOTE: This version was updated on 19 February 2024
There may be an updated version on the website at righttoremain.org.uk/toolkit

- If you leave the UK in circumstances which mean you cannot return lawfully

Time spent in prison cannot be counted towards the 20 years spent in the UK, but does not break the period of continuous residence (you can use the time you spent in the UK before you were in prison, and add it to time spent in the UK after release from prison).

How to prove long residence

In order to apply using the 20 year long residence rule, you will need to prove your residence in the UK. In order to do this, you need to find evidence which shows you have been living in the UK **continuously** for 20 years.

Home Office guidance says that they expect to see evidence that covers every **12 month period of the 20 years**. Although this is not what the law says, if you cannot provide evidence that covers every year of the 20 years, the Home Office is likely to refuse your application. However, a judge may make a different decision if you appeal the refusal.

It can be difficult to prove evidence of 20 years' continuous residence if you have spent time without regular immigration status. You may not have had formal accommodation or income which can make it hard to provide a record.

The Home Office prefers official documentation proving your residence in the UK, but you may not always be able to get this. Think about who could provide witness statements to evidence your presence in the UK, and think about how you could prove your time spent in the UK.

ACTION SECTION: Gathering evidence to prove long residence in the UK

- **Passports:** Current and expired, including any passports, ID cards or visas you used to enter the UK.
- **Official letters:** Try to find official documents such as employment contracts, payslips, letters from HMRC, letters from landlords, bank statements which are addressed to you and have your date and address.
- **Medical records:** Do you have medical records (doctor, dentist, hospital visits, clinics)? These will have dates and evidence of your location.

NOTE: This version was updated on 19 February 2024
There may be an updated version on the website at righttoremain.org.uk/toolkit

- **School/educational records.** If you attended school or another educational institution, try to gather records of your attendance. Maybe you have a certificate for a course you attended which you could use.
- **Bills:** Even if you didn't have a bank account, you may have paid for utilities (phone, internet, gas) with cash. Any receipts or payment records with your name and address can be helpful.
- **Community involvement:** Participation in community organizations, religious institutions, or volunteering activities can be used to show your residence, such as membership rolls, attendance lists, or photos.
- **Charities:** If you attended any charities for support, you can try contacting them for proof of your attendance.
- Perhaps you had contact with **social services**, and they have proof of your contact with them.
- **Witness statements:** Statements from individuals who can independently verify your residence in the UK throughout the years, with specific details and dates. This may be from family or friends.
- **Digital footprint:** If you used any online services or social media while in the UK, timestamps and location data could be used to show your location.
- If you are having difficulty proving residence for some years, consider doing a **Subject Access Request**. This is a request to see personal information that is held by an organisation or body, for instance the Home Office. It usually takes some time until the information is returned to you, but it may bring up some additional evidence. For example, if you were reporting at the Home Office reporting centre, this would come up in a Subject Access Request.
- If you have a criminal record, maybe you can request a **police record (PNC)**. This can be used to confirm dates of your residence and is a good way to pre-empt (this means to take action to prevent) any grounds for refusal.

Suitability criteria and exclusions

There are 'suitability' requirements to meet the criteria for a private life application. This means that the Home Office might refuse your application if the following apply to you:

NOTE: This version was updated on 19 February 2024
There may be an updated version on the website at righttoremain.org.uk/toolkit

- You have a criminal conviction which led to a sentence of more than 12 months
- The Home Office has evidence relating to your 'bad character', possibly regarding other immigration applications
- You have unpaid NHS debts
- If any of the above apply to you, it is a good idea to provide additional evidence. This may help in pre-empting a refusal on suitability grounds.

It is also possible to apply 'outside of the rules' in long residence/private life applications if you cannot meet the suitability requirements, but it is harder to succeed in applications outside of the immigration rules. Read more on the Human Rights page of the Toolkit.

Making an application

You can find the online 'private life' application form and guidance notes for this application on the Home Office website here: <https://www.gov.uk/uk-family-visa/private-life>

To make an application on this route, you will need to attend a biometrics appointment.

The Home Office website provides a list of the basic information and documents you will need to provide with the application. Read it here: <https://www.gov.uk/uk-family-visa/provide-information>. You are likely to need to provide more evidence than this. For example, if you are applying on the basis of how long you have been in the UK, you will need to provide strong, independent evidence proving this.

If you are applying on the basis that you would face 'very significant obstacles' in the country you would be removed to, you will need to provide strong evidence to support this.

Application Fee

There is a fee for the application. To find out how much you will need to pay for yourself and any dependants, read the latest Home Office guidance on UK immigration and nationality fees.

You will need to pay the **immigration health surcharge** as part of this application, unless you fall into one of the exempt categories. To find out more about the immigration health surcharge, see here.

If you are destitute or if you cannot afford to pay the application fee and health surcharge, you can apply for a fee waiver. You can also apply for a partial fee waiver for some of the fees. See our blog about applying for a fee waiver here: <https://righttoremain.org.uk/applying-for-a-fee-waiver-for-an-immigration-application-in-the-uk/>

NOTE: This version was updated on 19 February 2024
There may be an updated version on the website at righttoremain.org.uk/toolkit

If your application is successful

If you are successful in your application, you will be granted 2.5 years' leave to remain. This is not settlement in the UK, but it is **permission** to stay in the UK, and a potential path to settlement.

You must apply to renew your leave to remain before it runs out. If the renewal is successful, you will be granted another period of 2.5 years' leave to remain.

After ten years – that is, 4 rounds of renewal of 2.5 years' leave to remain – you will be able to apply for Indefinite Leave to Remain (also known as 'settlement' in the UK).

In October 2021, the Home Office announced a concession through which they may reduce the period of leave to remain from ten years to five years for people with leave under the "18-24 years old, more than half of your life in UK" rule. Read more here.

Your leave will usually have a **No Recourse to Public Funds (NRPF)** condition attached to your leave to remain, which means you will not have access to public funds such as welfare benefits or homelessness support while you have these time-limited periods of leave to remain. You would need to demonstrate exceptional circumstances in order to have this 'no recourse to public funds' restriction lifted. Read more about applying to have your NRPF condition lifted here: <https://www.project17.org.uk/resources/immigration-and-change-of-conditions/>

If your application is refused

If your application is refused, you may have the right to appeal the decision.

Read more here: <https://righttoremain.org.uk/toolkit/imm-refusal/>