

# Long residence

This page looks at applying to stay in the UK based on the length of time you have already spent in the UK.

There is information about the immigration rules; 20 years long residence rules; suitability criteria and exclusions; how to apply; leave to remain if successful; and what to do if your application is unsuccessful.

## The immigration rules

The immigration rules allow people to apply for leave to remain 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. For more information on this, see the Toolkit section *If You Have Children*.
- 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**. See section below.

An application under these criteria is described by the Home Office and in the immigration rules as "applying on the basis of your **private life**".

The Home Office guidance on private life applications says that "*very significant*" problems in the country you'd have to go to must go beyond the "usual obstacles" someone faces when they move country. They give examples of usual obstacles as: having to learn a new language, or needing to find a job. On the Home Office website information about these applications, the example they give of "very significant problems" is, "*you do not speak the language and could not learn it*".

## 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", and this only enables you to enter the 10-year route to settlement (if your application is successful you will be granted leave to remain for 2.5 years, and will then need to have four periods of this 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.

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).

You can find the application form and guidance notes for this application on the government website here: [gov.uk/uk-family-visa/private-life](https://www.gov.uk/uk-family-visa/private-life)

Bear in mind that it is difficult to provide evidence of 20 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.

## **Suitability criteria and exclusions**

There are "suitability" requirements to meet the criteria for these private life applications, meaning that criminal convictions, "bad character", poor immigration history or unpaid NHS debts could disqualify you.

The time periods used to calculate your length of time in the UK to meet the criteria above cannot include any periods of imprisonment in the UK.

## **Applying**

You can find the "private life" application form and guidance notes on the government website: [gov.uk/uk-family-visa/private-life](https://www.gov.uk/uk-family-visa/private-life)

The Home Office website provides a list of the basic information and documents you will need to provide with the application: <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 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: £1033 for a single person for a standard application online or by post. The fee increases by £1033 for each dependant applying with you.

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

If you are destitute and cannot afford to pay the application fee and health surcharge, you can apply for a fee waiver.

The Home Office definition of being destitute is if you and/or your dependants do not have adequate accommodation or any means of obtaining it (whether or not your other essential living needs are met); or you have adequate accommodation or the means of obtaining it, but cannot meet your other essential living needs.

See Toolkit section on *Human Rights* for more information about applying for a fee waiver.

## **Leave to remain**

If you are successful in your application, you will be granted **2.5 years' leave to remain**.

You can apply to renew your leave to remain (before it runs out). If successful, you will be granted another period of 2.5 years' leave to remain.

After ten years – that is, 4 x 2.5 years' leave to remain – you will be able to apply for Indefinite Leave to Remain.

There is generally no 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 restriction lifted. Read more here: <http://www.nrpfnetwork.org.uk/information/Pages/change-of-conditions.aspx>

## **If your application is refused**

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

Find out more in the *After a Refusal* section of the Toolkit.