

If you wish to apply for a transfer of conditions on form TOC, please read these guidance notes and the separate UKBA photograph guidance (version 04/2009) before making your application.

CONTACTING US

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

OUR WEBSITE

www.ukba.homeoffice.gov.uk

For information about immigration law and policy, to see and download application forms and related guidance, and to book an appointment to apply in person and/or to enrol your biometrics

IMMIGRATION ENQUIRY BUREAU (IEB)

0870 606 7766

Monday to Thursday 9.00 - 4.45
 Friday 9.00 - 4.30

For immigration information and enquiries

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. For details of the services and facilities provided by each of the PEOs, please go to our website.

BELFAST	CARDIFF	CROYDON	GLASGOW	LIVERPOOL	SHEFFIELD	SOLIHULL
Drumkeen House 1 Drumkeen Complex Upper Galwally Belfast BT8 6TB	General Buildings Ground Floor 31-33 Newport Road Cardiff CF24 0AB	Lunar House 40 Wellesley Road Croydon CR9 2BY	Festival Court 200 Brand Street Govan Glasgow G51 1DH	The Capital Building, 6 Union Street, Liverpool, L3 9AF	Vulcan House 6 Millsands Sheffield S3 8NU	Dominion Court 41 Station Road Solihull Birmingham B91 3RT
Tuesday, Thursday & Friday 9.00 – 4.00	Monday to Friday 9.00 - 4.00	Monday to Friday 8.00 - 4.00	Monday to Thursday 8.30 - 4.30 Friday 8.30 - 4.00	Monday to Friday 8.30 - 4.00	Monday to Friday 9.00 - 4.00	Monday to Friday 9.00 - 4.00

GUIDANCE NOTES

1 FOR WHICH APPLICATIONS MUST YOU USE FORM TOC?

Form TOC must be used if you already have permission to be in the UK for a limited period as confirmed by a stamp or sticker in a passport or other document issued to you, and you now want that permission confirmed in another document (usually because you have obtained a new passport). This is known as a transfer of conditions (TOC).

From 31 March 2009, anyone applying for a transfer of conditions must apply - also on form TOC - for a biometric immigration document, otherwise known as an Biometric Residence Permit. If the application is successful, your permission to be here (and that of any dependants applying with you) will be confirmed

in the Residence Permit(s) issued to you/them. For more information about this, please read Biometric Residence Permits on pages 5 and 6 of these guidance notes.

You and any dependants applying with you must be in the UK to apply.

You must not use form TOC if you wish to replace a UK Biometric Residence Permit because it has been lost, stolen or damaged, or because of any changes in your personal details. To apply for a replacement Residence Permit, you must use form BRP(RC).

To apply for an indefinite leave stamp to be fixed on another passport or document, you must use form NTL.

2 WHO MAY APPLY ON THIS FORM?

You and your partner, and/or children under 18 if they are applying as your dependants. "Partner" means a spouse, civil partner, unmarried or same-sex partner.

Children aged 18 or over may not be included; they must each apply individually and pay the specified fee, as must any children under 18 if there is some reason preventing them from applying with you.

3 THE FEE

If you do not pay the specified fee, the application will be invalid and will be returned to you.

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

Please note the following:

- Please note that when making large or multiple payments using your credit card, the anti fraud measures that banks operate sometimes stop the full payment being taken. This is because either the maximum limit on a single transaction, or the number of transactions allowed in a given period of time, has been exceeded. To prevent this you must ensure that you inform your bank of your intention to make large or multiple payments in advance so that your bank allows the full payment to be taken when you submit your application.

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.

4 WHEN TO APPLY

You and any dependants applying with you should apply early enough, as we will not be able to confirm you/their permission to be in the UK in another document issued to you (ie a Biometric Residence Permit - see part 1 of these notes) if your/their permitted stay has already run out.

To allow for any processing delays, you should apply at least 8 weeks before the end of your permitted stay in the UK.

If you apply too late and your permitted stay has run out by the time your application is processed, you will not have any permission to transfer. In that situation, please note that we will not refund the fee and you will need to apply for an extension of stay if you want to stay in the UK, for which you will have to pay the specified fee.

If you are within 8 weeks of the end of your per-

mitted stay and want to remain in the UK for a further period, you should apply in the appropriate category.

If you do not intend to extend your stay in the UK, you should carry your old passport (if you still have it) and/or any letter from the Home Office with your permission to be here as evidence of your status.

5 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 TOC
- pay the specified fee by one of the methods specified in the payment guidance
- provide photographs of yourself and any dependants who are applying with you as specified in the application form and which meet the mandatory format standards specified in the photograph guidance
- complete sections 1, 3 and 4 as required - and section 2 if any dependants are applying with you
- sign the declaration in section 7 as specified
- send the application by prepaid post to UK Border Agency 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.

6 ENSURING YOUR APPLICATION IS COMPLETE

You do this by completing every relevant section of the form as required and providing all the documents specified for your particular application, including your passport and those of any dependants applying with you. 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.

7 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 part of the name and of

the address.

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 successful.

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.

As already emphasised in part 6 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.

8 PHOTOGRAPHS

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

- Two identical passport-size photographs of yourself with your full name written on the back of each one.
- Two identical passport-size photographs of any dependants applying with you with their full name written on the back of each one.

The photographs you provide must also comply with the mandatory format requirements specified in the separate UKBA photograph guidance. The application will be invalid if they do not.

Please ensure that you place the photographs in a small sealed envelope and attach it to section 1 of the form as instructed there - and without any staples, clips, pins or anything else which could mark or damage the photographs.

The photographs will be checked against the images taken when your biometric features and those of any dependants applying are enrolled (ie recorded).

9 DOCUMENTS

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. We are unlikely 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.

10 APPLYING BY POST - THE ADDRESS

If you are applying by post, the address to which you must send an application on form TOC is:

UK Border Agency
Leave to Remain - TOC
PO Box 502
Durham
DH99 1WG

Posting it to any other address will delay it. This address is only to be used when sending your application. Please use the address given in part 13 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.

You will receive a letter of acknowledgement within a few days of your application being received unless there is a problem concerning the payment of the fee, in which case you will be contacted as soon as possible.

11 APPLYING IN PERSON

We offer a premium service to people who apply in person at our Public Enquiry Offices (PEOs). The premium rate which is available only for applications which are straightforward and do not require further enquiries.

Appointments. To apply in person, you must book an appointment in advance with one of the PEOs. You can do so online at <https://ukbabooking.homeoffice.gov.uk/>

Please note that Residence Permits will be posted to successful applicants within 7 working days of your appointment; they cannot be issued on the day itself.

The PEO addresses, opening times and web address for appointments are given on the front page of these guidance notes.

For the latest information about their opening times and services, please see our website.

12 DECISION TIMES

For the latest information on our service standards for deciding charged applications in the 2009/10 business year, please go to our website.

Applications which are not straightforward or which need further enquiries take longer to decide.

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

13 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, please use the following address (not the one to which you posted your application):

UK Border Agency
Initial Consideration Unit - TOC
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

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 to travel urgently and unexpectedly, call 0870 606 7766 and give the 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.

14 OBTAINING APPLICATION FORMS

You can obtain application forms, the accompanying guidance notes and the UKBA photograph guidance from our website at www.ukba.homeoffice.gov.uk

15 OTHER ENQUIRIES

For enquiries other than obtaining an application form, consult our website at www.ukba.homeoffice.gov.uk

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

16 CHOOSING AN IMMIGRATION ADVISER

Immigration advisers are regulated by The Office of the Immigration Services Commissioner (OISC).

Their website at www.oisc.gov.uk contains a list of authorised advisers and 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.sra.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

17 COMPLAINTS ABOUT OUR SERVICE

If you wish to make a complaint about our service, please refer to the complaints page on our website for detailed information on how to do so.

18 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.

See part 19 of these guidance notes on pages 5 and 6 for information about the requirement to apply for a Biometric Residence Permit.

19 BIOMETRIC RESIDENCE PERMITS

On 25 November 2008, under the provisions of The Immigration (Biometric Registration) Regulations, Residence Permits were introduced for certain foreign nationals applying for permission to remain in the UK. The requirement to apply for such a Residence Permit is gradually being extended across the whole range of immigration applications.

Everyone applying for a transfer of conditions on form TOC must apply for a Residence Permit.

Further information about these measures, which are based on powers contained in the UK Borders Act 2007, can be found on our website.

a. What is a Residence Permit?

The Biometric Residence Permit is a residence permit which holds your biographic details (name, date and place of birth) and biometrics (see 19b), and shows your immigration status and entitlements while you remain in the UK.

This replaces the practice of placing a UK residence permit in the passport of anyone granted permission to remain in the UK. If you are issued with a Residence Permit, you will receive a leaflet giving more information about it and explaining your obligations as a Residence Permit holder.

b. What are biometrics?

Biometrics are the unique physical characteristics that can be used to identify you, such as a facial image and fingerprints. These are the biometrics which we enrol (ie record) for the purposes of the

Residence Permit. We do so by taking a digital photograph of all applicants and the fingerprints of applicants aged 6 and over.

c. Having your biometrics enrolled

If you are required by law to apply for an identity card, you must make arrangements to have your biometrics enrolled as part of the application process.

- Applying in person (premium service applications)

If you wish to apply in person, you must book an appointment. Your biometrics and those of any dependants applying with you will be enrolled at your appointment. You can book an appointment either by calling our Immigration Enquiry Bureau on 0870 606 7766, or booking online at <https://ukbabooking.homeoffice.gov.uk/>

- Applying by post

If you apply by post, provided the specified application fee has been paid, you will be sent a notification letter telling you to arrange for your biometrics to be enrolled within 15 working days. Currently, this can be done by booking an appointment at Home Office biometric enrolment centre (see 19d), or by going to one of a small number of Post Office branches.

The option of attending a Post Office branch is currently available only to single applicants aged 16 or over who live near one of the Post Office branches providing this service. The letter will supply all relevant information for anyone using the Post Office service. There is more information about this at our following website address:

<http://www.ukba.homeoffice.gov.uk/contact/contactspage/post-office-biometric-enrolment/>

d. Attending a Home Office biometric enrolment centre

You can book an appointment at a Home Office biometric enrolment centre online at : www.ukba.homeoffice.gov.uk/book-appointment

Before booking an appointment you will have to register to use the service by creating a customer account. To do this you must have a valid email address. Once registered, you will be sent password details which then allow you to access your account and book an appointment. Please note you will need your case reference number which

will be found at the top of the notification letter we will send to you.

When the appointment has been booked, you will be given a booking reference number (BRN) which you should enter in the BRN space in the notification letter. If you have given us your e-mail address, we will confirm the appointment by e-mail (within 24 hours) but we will not send a letter confirming it.

If you have given us your mobile telephone number, we will send a text message reminder 48 hours before the date of the appointment.

In all cases when attending an appointment, you must bring your appointment notification letter with you. Please make sure that it has your booking reference number on it.

e. The enrolment procedure

The enrolment procedure is as follows. You will be asked to place your fingers, followed by your thumbs, on a glass screen for your 10 digits to be scanned. We will then take a photograph of your face.

The same process will be carried out for any dependants applying with you, except that any children under the age of 6 will only have their photograph taken.

The biometrics enrolled will then be recorded as part of your/their application(s).

Any children under the age of 16 must be accompanied by a responsible adult when their biometrics are enrolled (see Children under the age of 16 at 19g on page 6).

In some circumstances, you may be required to attend an identity interview if we require further information to establish your identity.

f. How and when will you be notified of the outcome of your application for a transfer of conditions and for a Residence Permit?

If your application is successful, you will not be issued with a residence permit in your passport. Instead, you will be issued with a residence permit in the form of a Biometric Residence Permit, which you will receive within the following timescales:

- Applying in person

If your application is successful, you will be sent an Residence Permit or Permits for yourself and any dependants applying with you by secure delivery. The Permits(s) should reach you within 7 working days of your appointment. Residence Permits can-

not be issued on the day itself.

- Applying by post

If your application is successful, your passport(s) and other documents will be returned to you with a decision letter. You will then be sent an Residence Permit or Permits for yourself and any dependants applying with you by secure delivery. The Permit(s) should reach you within 7 working days of the date of the decision letter.

If you do not receive the Biometric Residence Permit(s) within 10 working days you should e-mail BRPDelivery@homeoffice.gsi.gov.uk providing the following information:

- full name;
- date of birth;
- nationality;
- passport number;
- case reference number;
- delivery address; and
- a contact telephone number.

Alternatively, this information can be sent by post to: Freepost RRYX-GLYU-GXHZ, Returns Unit, P.O. Box 163, Bristol BS20 1AB

g. Children under the age of 16

For legal reasons, we cannot enrol the biometrics of children under the age of 16 unless they are accompanied by a responsible adult.

If any such children are applying with you as your dependants, we would expect you to be with them when their biometrics are enrolled. If not, the person accompanying them must be a responsible adult aged 18 or over who is either the child's parent or guardian, or a person who for the time being takes responsibility for the child. Any such person must be named on the application form.

Similarly, if you are a single applicant under the age of 16, you must be accompanied by your parent, guardian or other responsible adult aged 18 or over.

If the person accompanying the child(ren) under 16 is not their parent or guardian, the responsible adult named on the application form must bring with them a letter confirming that they are authorised to take responsibility for the child(ren) when they have their biometrics enrolled. They will also be asked for an acceptable form of identity, such as a passport or driving licence, which will be checked against the details given on the application form.

h. What if you fail to have your biometrics enrolled?

If you make a postal application and receive a noti-

fication letter requiring you to have your biometrics enrolled within 15 working days but fail to do so, you will be sent a warning letter. This letter will tell you what you must do to comply with the requirement to have your biometrics enrolled and what will happen to your application if you fail to do so as instructed in the letter.

i. What if you fail to attend a booked appointment?

If you fail to attend a booked appointment, you will be given another opportunity to enrol your biometrics within a limited period. A letter will be sent to you telling you what you must do to comply with the requirement to have your biometrics enrolled and what will happen to your application if you fail to do so as instructed in the letter.

j. What if you fail to comply with the enrolment process?

If you fail to co-operate fully with the enrolment process, for example by attempting to obscure your fingerprints or face, you will be warned that your refusal to comply may result in your immigration application being refused on the grounds of non-compliance with regulations made under the UK Borders Act 2007.

k. What about any medical or physical conditions that may require the UK Border Agency to provide you with special arrangements?

If you and/or any dependants applying with you have a medical or physical condition which may require special arrangements to be made in order for your biometrics to be enrolled, you must obtain a letter or other document giving the details of any such condition and enclose it with your application.

Appropriate documentary evidence would be a letter from a treating clinician, such as a practising doctor registered with the General Medical Council, giving details of the condition and/or special needs and explaining any arrangements that may be necessary.

l. Do you need to make any special preparations before your biometrics are enrolled?

There are no special preparations as such. However, if your fingers are not clean, you may have to wash them before we scan your fingerprints.

Similarly, if you have stain (such as henna), paint or similar substances on your fingers, this could prevent us from recording your fingerprints. If that were to happen, you would have to

make new arrangements and that would delay the consideration of your application.

m. What if any Residence Permit issued to me or any dependants of mine is lost or stolen?

You must report the loss or theft of your Residence Permit immediately to the UKBA BRP Management Service by emailing:

BRPLost@homeoffice.gsi.gov.uk providing the following information:

- full name;
- date of birth;
- nationality;
- passport number;
- BRP reference number;
- case reference number;
- contact details; and
- when, where and how the Biometric Residence Permit was lost or stolen.

Alternatively, this information can be sent by post to: **Freeport RRYX-GLYU-GXHZ, Returns Unit, P.O. Box 163, Bristol BS20 1AB**

You must also report the loss or theft to the police as soon as possible. You will need to provide a police reference number and, if one was issued, a police report when you apply for a replacement card on form BRP(RC).

If you fail to apply for a replacement card within 3 months of reporting its loss, theft or other reason for needing a replacement, you could be liable to a fine of up to £1,000 or curtailment of your stay in the UK.