



FLR Tier 1 (HSMP) Guidance Notes

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Valid From 6 April 2012

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**FLR Tier 1 (HSMP)
PAYMENT GUIDANCE NOTES
Valid From 6 April 2012**

Section 1: Introduction

- Applications on form FLR Tier 1 (HSMP) for leave to remain as a Tier 1 (General) Migrant are subject to a fee. These guidance notes provide details of the fee and aim to help you complete the payment slip. Please note that if your employer (where applicable) or representative has agreed to pay for your application, you should not fill in any part of the payment slip. In such a case you should complete the relevant sections between 1 and 11 of the application form and then give the form to your employer or representative so that they may make arrangements for the payment and submission of the application.

Section 2: The Applicable Fee

- For an application made on this form as a Tier 1 Migrant there is a fee of **£1500** for applications made by post or courier, or **£1800** for applications made in person at our Public Enquiry Offices (PEOs), unless the applicant meets the criteria given below to be considered at a reduced rate.
- The fee for the application is payable by the individual rather than their employer or representative. However, your employer (where applicable) or representative may decide to pay the fee to cover the cost of the application on your behalf.
- If one or more of your dependants (i.e. your spouse, civil partner, unmarried partner, same-sex partner or child under the age of 18) are included in this application, the fee increases by £750 (for postal applications) or £900 (PEO applications) for each dependant applying with you, as set out in the table below:

Number of Applicants	Postal	PEO
Yourself and 1 dependant	£2250	£2700
Yourself and 2 dependants	£3000	£3600
Yourself and 3 dependants	£3750	£4500
Yourself and more than 3 dependants	Add £750 or £900 to the amount above for each additional dependant	

- Children aged 18 or over may not be included on this application form. They must apply separately on form FLR(O) and pay the specified fee in each case. If they apply separately they will have to pay the fee appropriate to the application they are making.

Section 3: Reduced Fee for Main Applicants of Certain Nationalities

- Nationals of countries that have ratified the 1961 Council of Europe Social Charter pay a reduced fee of **£1350** for applications made by post or courier, or **£1620** for applications made in person at our Public Enquiry Offices. This reduction is currently applicable to main applicant nationals of Croatia, the Former Yugoslav Republic of Macedonia and Turkey only.
- If you are a national of one of these countries, and one or more of your dependants (i.e. your spouse, civil partner, unmarried partner, same-sex partner or child under the age of 18) are included in this application, the fee increases by £750 (postal) or £900 (PEO) for each dependant applying with you, as set out in the table below:

Number of Applicants	Postal	PEO
Yourself and 1 dependant	£2100	£2520
Yourself and 2 dependants	£2850	£3420
Yourself and 3 dependants	£3600	£4320
Yourself and more than 3 dependants	Add £750 or £900 to the amount above for each additional dependant	

Section 4: Consideration Procedure

- The fee charged is for the processing and consideration of the application and not for the issue of a decision, therefore the fee will not be refunded in the event that an application is withdrawn before the decision is issued. In order for the UK Border Agency to be able to consider the application, the full fee must accompany the application form.

9. We cannot begin the consideration process until the payment has cleared. Payments made by cheque will take five working days, credit/debit cards will take one working day and postal orders will clear immediately.

Section 5: How to pay

10. The correct payment must accompany the application and the payment slip must be fully and accurately completed. Payment can be made by:
- Postal Order
 - Cheque/Banker's Draft *
 - Debit Card ** - Delta or Maestro *** (including Solo)
 - Credit Card ** - Visa or MasterCard (including Electron) or American Express (Amex)

* If applying in person at a Public Enquiry Office please check the UK Border Agency website for the payment methods available at the Public Enquiry Office you are attending as these can vary.

** If you are applying in person at a Public Enquiry Office and wish to pay by credit or debit card, the cardholder must be present in order for the payment to be taken.

*** Maestro - We can only accept any Maestro card if you are applying in person at a Public Enquiry Office but only Maestro cards issued in the UK if you are applying by post.

Please note that your application is invalid if you do not pay the specified fee in full or if you pay by any method other than those specified above. You will be required to make a fresh application, and any delay in doing so may affect your appeal rights if your application is subsequently refused.

11. Please note that we cannot accept multiple payment methods, for example part credit card and part cheque.

Section 6: Completing the Payment Slip

12. Correct completion of the payment slip is very important. Any errors may prevent the payment from being processed, and may result in the application form being returned as invalid. This will delay the consideration of the application and may affect your appeal rights. It is therefore imperative to complete the payment slip in accordance with the guidance below.

Contact Details of Payer

13. Please complete all details of the person paying for the application and who can be contacted if we have a payment enquiry in the following way:
- Question 1: contact name;
 - Question 2: contact address:
 - Line 1: house number and street name;
 - Line 2: town and county.

- Question 3: postcode.

14. If you have allocated your own reference number to an application, this can be entered in question 4. However it is the Payment Reference Number (PRN) you should quote when contacting the UK Border Agency regarding your application.

Details of the Applicant(s)

15. In question 5 complete the following details:
- your surname;
 - your date of birth (day/month/year, eg 31/01/1970);
 - the number of passports provided (including dependants passports if applicable);
 - the number of Police Registration Certificates (PRC) (including dependants if applicable); and,
 - the number of dependants included in the application
16. Please note a separate payment slip should be completed for each main applicant.

Payment details

17. Please indicate the method of payment at question 6 and the amount to be paid at question 7. Also complete the relevant sections as indicated below.

Cheques and Postal Orders

18. You must make the cheque or postal order payable to 'Home Office' and cross the cheque or postal order A/C Payee only. Please write the full name and date of birth of the applicant on the back of the cheque and/or each postal order and keep the postal order receipt(s). Please make sure that the date and the amount (words and figures) are correct and that the cheque is signed correctly.
19. Attach your cheque or postal order(s) to the front of the application form.

Credit or Debit Card Payments

20. Such applications should contain the card number, the amount paid, the payer's name as it appears on the card, the valid from and expiry date, the card verification value (CVV) code, signature and date.

The Card Verification Value (CVV) is a three-digit security code. You will find this code on the back of your card on the signature strip: it consists of the last 3 digits. For Amex the security code consists of 4 digits and is found on the front of the card.



If you do not provide the CVV number, we cannot take your payment and your application will be rejected as invalid.

21. For Switch/Maestro UK card users the issue number must also be completed.

Section 8: Duplicate Applications

22. In the event that more than one application for leave to remain is submitted in respect of the same individual, only one fee will be payable, that is the higher of the two appropriate fees as at the date of each application or variation of an initial application.

Section 9: Insufficient payment

23. If the payment submitted does not cover the cost of the application it will not be possible to consider the application. Your application will be rejected and your documents returned to the address you have provided.
24. In these cases your attempted application will be invalid and will not have extended your permitted stay in the UK.
25. In order to avoid any delay, it is therefore important to ensure that the correct payment is submitted at the outset.
26. If an overpayment is made, the application can be accepted and we will refund the difference.

**FLR Tier 1 (HSMP)
GUIDANCE NOTES
Valid From 06 April 2012**

SECTION 1: Introduction

- 1) Following the High Court Judgment of 8 April 2008, migrants who obtained leave to enter or remain based on a letter of approval issued under the HSMP criteria in place **before** the programme was suspended on 7 November 2006 should be considered against the extension criteria in place when they joined the programme. Provision has now been put in place for those who fall within this category. Under these provisions qualifying applicants will be considered against the published policy document on Highly Skilled Migrants of 9 July 2008 available on the UK Border Agency website. This document allows applications which fall under the remit of the judgment to be considered under the extension criteria as it stood prior to 7 November 2006.

Who can apply on form FLR Tier 1 (HSMP)

- 2) You should only use this application form if you were granted leave to enter or remain under the Highly Skilled Migrant Programme and submitted your initial application under HSMP prior to 7 November 2006 and are seeking to extend your leave within this category for a further period.

Dependants

- 3) Form FLR Tier 1 (HSMP) can also be used to apply for an extension of stay (limited leave to remain) in the UK for the following dependants if they are applying at the same time as you: a spouse, civil partner, unmarried partner, same-sex partner, or child under the age of 18.
- 4) If your dependants apply separately to you, they will need to apply on a separate form and pay the appropriate fee, if applicable. Details of the different forms are available on the UK Border Agency website.
- 5) Dependent children aged 18 or over wishing to remain in the UK as your dependants need to make a separate application. For further information on this, please see our website: www.ukba.homeoffice.gov.uk.

Do I need to pay a fee?

- 6) Yes, you must pay the correct fee as required by law. If you fail to do so, your application cannot be considered and will be returned to you. Information on the current fees and how to pay is given in the Payment Guidance Notes (pages 2 – 4).
- 7) Section 2 of these guidance notes (below) provides further details of the supporting documentation that you will need to include with your FLR Tier 1 (HSMP) application.
- 8) Where you are including dependants on this application you will be required to pay an additional fee for each dependant. Please see paragraphs 2-4 of the payment guidance at the front of this document.

When should I apply?

- 9) It is important that you make your application for further leave to remain before your current leave expires. However you should, wherever possible, make your application no more than five weeks in advance of the expiry of your current leave. **If your HSMP leave has already expired, you should submit an application as soon as possible.**
- 10) You should only use form FLR Tier 1 (HSMP) if you are already in the UK as a participant on the HSMP and fall within the provision of the HSMP High Court Judgment of 8 April 2008 and wish to extend your leave.

Can I continue to work whilst my application is being considered?

- 11) You will be able to continue to work whilst your application is being considered, provided:
 - You have previously been granted leave to enter or remain in the UK under the Highly Skilled Migrant Programme; and
 - You submit a valid application to extend your leave to remain under the Highly Skilled Migrant Programme before your existing leave expires.

SECTION 2: Supporting Documentation

- 12) You must submit documents that demonstrate the following:
- your economic activity and your personal earnings to date if you are employed, during your stay under the Programme;
 - evidence of the business you have established, if you are self-employed, such as a business plan and evidence that you have established a business bank account;
 - if you are not economically active you will need to provide evidence to show that you have taken all reasonable steps to do so during your stay in the UK, e.g. several job applications relevant to your skills and experience.

Standard documents required

(Paragraphs 15 to 16 below relate to all applications submitted using form FLR Tier 1 (HSMP)).

- 13) You will only be considered to have submitted a 'valid' application if you have included with your completed application form all the relevant supporting documentation specifically listed in Section 9 (the '**Documentary Evidence**' section) of the FLR Tier 1 (HSMP) application form.
- 14) In addition to completing Section 9 (the '**Documentary Evidence**' section) of the FLR Tier 1 (HSMP) you should complete Section 12, the '**Documents Checklist**', which can be found on the final page of the application form. This will help us to confirm the receipt of your documents and to safeguard them whilst they are with us.
- 15) All documents included with your application must be originals. However, we will accept a certified photocopy for the purpose of validating your application if you cannot provide the original at the time of application and if you tell us when you will provide it. A certified copy of a document is one certified either by the issuing authority (such as a photocopy of a building society passbook certified by the building society) or by a notary.
- 16) We are unlikely however, to grant your application without seeing the original document. If this document is required, your application will not be processed until it is received.
- 17) Please note: If all documentation required in order to 'validate' your application is not supplied at the outset, we will contact you and provide you with a relevant correspondence address to send the additional documentation to. However, if the requested documentation is not submitted within the timescale stipulated, your application will be rejected as 'invalid' and

will be returned to you, together with your application fee.

- 18) In such circumstances, unless you are able to re-submit a complete and valid application before your existing leave expires, you will not be considered to have made an 'in-time' immigration application under Section 3C of the 1971 Immigration Act.
- The following list should assist you in providing all the documentation required to ensure that your application is considered valid:
 - Two identical photographs of yourself, with your name written on the back of each one. Please make sure that the staple or paper clip does not damage or mark the photographs. All photographs must be as specified in the photo guidance. A copy of the photograph guidance can be found at:
<http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/193059>
 - Two identical (no more than 6 months old for children under 16) photographs of each dependant applying for an extension of stay in the UK included on your application, with each dependant's name written on the back of the photograph. All photographs must be as specified in the photo guidance;
 - Your current passport, travel documents or Identity Card For Foreign Nationals (ICFN) – if you last entered the UK on a previous passport or travel document, please also provide this document if you have it;
 - Current passport(s), travel document(s) or ICFN(s) – for each dependant applying for an extension of stay in the UK with you and included on this application form – if they last entered the UK on a previous passport(s) or travel document(s), please also provide these document(s) if you have them;
 - Your police registration certificate (if you have been asked to register with the police);
 - The police registration certificate(s) of each dependant applying for an extension of stay in the UK included in your application (if they have been asked to register with the police) and included on this application form;
 - A full birth certificate (i.e. one that shows the parents' names) for each dependant child born in the UK and therefore not yet subject to leave conditions in line with your own;
 - Evidence that you have the funds to maintain and accommodate yourself and any dependants without recourse to public funds. The evidence must be formal documents such as bank statements, a building society passbook, or wage slips (but do not send us cheques,

travellers cheques or credit cards). If a relative or friend is supporting you, the evidence should be a letter from him/her confirming this, together with formal documents showing their financial situation. (The documents provided should cover at least the last three months.)

- 19) Where any of the documents provided are not in English, the original must be accompanied by a translation certified by a recognised translator.
- 20) Translated documents should have an official authenticated stamp confirming that the translator belongs to a professional body.
- 21) Only once an application has been accepted as 'valid', will we begin to consider whether the evidence supplied satisfies the requirements for a further grant of leave under Tier 1 (HSMP).

SECTION 3: Completing your FLR Tier 1(HSMP) Application

- 22) You should complete the form by typing or printing the required details in English in **BLOCK** letters and in **BLACK INK**. The notes included in this section of the guidance are designed to help you in completing your application.

Payment Slip

- 23) Applications submitted on form FLR Tier 1 (HSMP) are subject to a fee, unless the applicant is exempt.
- 24) Please ensure that you refer to the Payment Guidance Notes when completing the Payment Slip at the front of the application form.
- 25) The UK Border Agency will be unable to consider your application unless the appropriate fee is included with your application.

Personal Details of Applicant

(Completing Section 2 of the form – all applicants)

- 26) This section of the application form requires you, as the main applicant, to provide your personal details. (Personal details of any dependants being included in your application are requested under a later section of the application form).

Immigration Status

(Completing Section 3 of the form – all applicants)

- 27) You will need to complete this section of the application form, to establish your immigration status at the time you make your application.
- 28) You should only use form FLR Tier 1 (HSMP) if you are currently in the UK under HSMP seeking to extend your leave and fall into the

provision of the High Court ruling as set out in section 1 paragraph 2 of these notes.

Details of your Family

(Completing Section 4 of the form – complete only where applicable)

- 29) As outlined in Section 1 of these guidance notes, form FLR Tier 1 (HSMP) can also be used to apply for an extension of stay in the UK for your spouse, civil partner, unmarried partner or same-sex partner and/or children under the age of 18.
- 30) This section of the application form requires you to provide personal details for each of the dependants on whose behalf you are applying for an extension of stay on this application form.
- 31) You will need to include evidence to establish your relationship with each of the dependants included in this section of the form. Section 2 of the guidance notes above provides details of acceptable documentation for the purposes of establishing your relationship to each of the dependants you include on your application.

Your Home and Finances

(Completing Section 6 of the form – all applicants)

- 32) This section of the application form requires you to provide details of your living circumstances and your personal finances in the UK.
- 33) These details are required in order to:
 - Assess whether you will be able to maintain and accommodate yourself, and any dependants included in your application, in the UK without recourse to public funds;and
 - Establish that, in your preceding period of leave to enter/remain in the UK, you have not had access to Public Funds.

Public Funds

- 34) Individuals subject to immigration control who have limited leave to enter or remain are not eligible for benefits or services listed as public funds in the Immigration and Asylum Act 1999 and the Immigration Rules. They should also have the basic means to support themselves and any dependants without the need to seek assistance from the State.
- 35) The following are regarded as Public Funds under the Immigration Rules:
 - Housing and homelessness assistance;
 - Attendance allowance;
 - Severe disablement allowance;
 - Carer's allowance;

- Disability living allowance;
- Income support;
- A social fund payment;
- Council tax benefit;
- Child benefit;
- Income-based jobseeker's allowance;
- State pension credit;
- Child tax credit;
- Working tax credit;
- Housing benefit;
- Social fund payment; and
- Housing and Homelessness assistance

36) In some exceptional cases, the relevant benefits, tax credits or housing legislation allow individuals subject to immigration control to claim certain public funds in their own right. For example, reciprocal social security agreements allow nationals of some countries to claim certain funds despite being subject to immigration control. Further information can be found on the Home Office website www.ukba.homeoffice.gov.uk.

What does not count as public funds?

37) The term public funds only includes non-contributory benefits, tax credits, and housing and homelessness assistance. It does not include benefits based on National Insurance contributions, such as:

- contribution-based jobseeker's allowance;
- incapacity benefit;
- retirement pension;
- widows benefit and bereavement benefit;
- guardian's allowance; and
- statutory maternity pay.

38) Also, treatment under the National Health Service, or education funded by a Local Education Authority (LEA), does not count as recourse to public funds.

Housing and homelessness assistance

39) Housing and homelessness assistance are included in the term public funds. However, this has a precise definition in the Immigration Rules:

- An allocation of housing, or grant of a licence or tenancy, by a local housing authority, for example through the "housing waiting list"; or,
- Housing assistance under homelessness legislation; or,
- Cases where the housing is provided for either of these purposes on the local authority's behalf, for example, by an independent housing association.

40) However, there are other types of housing that individuals subject to immigration control may receive which are not included in the definition of public funds under the Rules. These include:

- Housing provided independently by housing associations.
- Housing provided by key worker housing schemes.
- Housing paid for by employers, for example where an NHS Trust pays for housing for international nurses.
- Housing being received by your partner if they are not subject to immigration control.

Personal History

(Completing Section 7 of the form – all applicants)

- 41) This section must be completed for each person (main applicant and each dependant) included on the application form.
- 42) If you need more space than is available to complete any of the questions contained in this section of the form, you should continue on a separate sheet.
- 43) You should ensure that you have read fully the guidance included within Section 6 of the application form, before you complete this section.
- 44) Information provided in your responses, may be checked with other agencies.

Documentary Evidence

(Completing Section 9 of the form – all applicants)

- 45) This section of the application form asks you to list the documents that you are including with your application.
- 46) If you are unsure what documentation you will need to include, Section 2 of these guidance notes provides details of the documents that you are likely to need to provide.
- 47) You should ensure that you tick the relevant box for each of the documents that you are including with your application. This will assist you in making sure that you include all the documents that we require to assess your application fully. It will also assist us in keeping track of your personal documentation whilst it is in our care.

Declarations

(Completing Section 10 of the form - all applicants; and completing Section 11 of the form – to be completed only where applicable).

- 48) Please sign and date the 'Applicant's Declaration' at Section 10 of the form. Where more than one applicant is included in the form, the signature must be that of the main applicant.
- 49) If you would like documents and correspondence relating to your application to be sent to your employer (where applicable) or representative, you should indicate this in the box provided at the end of the Applicant's Declaration. They will need to complete Section 9 of the application form, the "Representative's Declaration".

Checklists

(Completing Sections 12)

- 50) Section 12 of the application form, the 'Documents Checklist' and Section 11, the 'Personal Checklist for Form FLR Tier 1 (HSMP)', must be completed by all applicants. These checklists are intended to help you ensure that the application you submit is valid, complete and appropriate to your circumstances. The checklists also assist the UK Border Agency in making sure that we have received the documents you have supplied and in keeping a record of them whilst they are in our possession.

SECTION 4: How to get advice on making an application

- 51) If you want advice about completing an application form or clarification on these guidance notes please contact the UK Border Agency Customer Contact Centre:

Telephone: 0114 207 4074

Fax: 0114 207 5861

Or write to us at:

UK Border Agency, Customer Contact Centre, PO Box 3468, Sheffield, S3 8WA

What if I want to use a representative?

- 52) This form is designed to let you make your own application.
- 53) Your employer (where applicable) may help you complete the form. However, it is your responsibility to ensure that the application is sent in to us with the correct fee enclosed.
- 54) You may wish to use an immigration advisor; however you should take care when choosing

one. **The Office of the Immigration Services Commissioner (OISC)** regulates immigration advisers. If your adviser is not a solicitor, barrister or legal executive you should ask if they are OISC authorised or exempt. Anyone else could be committing a criminal offence if they act on your behalf without being OISC authorised or exempted.

- 55) Your employer, or prospective employer (where applicable), is permitted to give you immigration advice in connection with your application. If they are completing the "Representative Declarations" section of the form, then at the appropriate point they should tick the box marked "Within a category of person specified in an Order made by the Secretary of State under subsection 84(4)(d) of the Immigration and Asylum Act 1999".
- 56) If you choose to make an application through a representative, such as a solicitor or other agent, we will correspond with them directly and send our decision on the application to them provided they are permitted to give Immigration advice. **Whether you choose to use a representative will not affect how quickly we consider your application.**
- 57) The UK Border Agency reserves the right to contact the applicant directly to verify details on the application.
- 58) If a representative makes an application on your behalf, and that representative is not permitted to provide advice and immigration services (by section 84 of the Immigration and Asylum Act 1999), the Border and Immigration Agency will inform both you and the representative of the requirements of the Act, and send further correspondence to you.

Authorised immigration advisors

- 59) A list of authorised advisers is available from the OISC:

By phone: 0845 000 0046

(calls charged at local rate)

By Internet: www.oisc.gov.uk

By post: The Office of the Immigration Services Commissioner (OISC)
5th Floor
Counting House
53 Tooley Street
London
SE1 2QN

By fax: 0207 211 1553

By email: info@oisc.gov.uk

- 60) The OISC website also has links to websites for solicitors, barristers and legal executives.

SECTION 5: Submitting Your Completed Application

- 61) You can submit your application using the Royal Mail postal service or by courier.
- 62) We are unable to accept emailed or faxed applications.
- 63) Please note that the UK Border Agency is not responsible for any items whilst in transit to or from our offices.

Postal and Courier Service

- 64) In order to simplify the validation procedure, please ensure that the application is packaged in the following order:
 - i) application form with cheque or postal order (if applicable) secured to page one of the form;
 - ii) any supporting letters;
 - iii) passport(s); and
 - iv) supporting documents.

65) If you wish to send more than one application in the same envelope, please ensure that each application is clearly distinguishable from the others by packaging each one separately. For a batch of up to 10 applications submitted as a multiple application, the cheque or postal order (if applicable) should be secured to page one of the first application in the batch.

66) Completed applications should be sent to the Payment Handling address below:

UK Border Agency
Tier 1 (HSMP)
P.O. Box 496
Millburngate House
Durham
DH99 1WQ

- 67) We recommend that you use Recorded or Special Delivery, as this helps us to record the receipt of your application. Please make sure that you keep a record of the Recorded or Special Delivery number.
- 68) You may alternatively wish to submit your application(s) by courier. These applications will only be accepted between 9am-5pm, Monday to Friday (excluding public holidays).
- 69) If you wish to send your application by courier the delivery address is:

UK Border Agency
Tier 1 (HSMP)
P.O. Box 496
Millburngate House
Durham
DH97 1PA

70) Please note that the Payment Handling Service is independent from the UK Border Agency and

does not process any applications.

Furthermore, they do not have the capacity to deal with public callers.

- 71) All payments are processed by a Government approved Payment Handling Service, who will check the following:
 - i) payment is necessary;
 - ii) the payment slip is completed correctly;
 - iii) the payment method is valid; and, the validity of an application, which has been identified as falling into the exempt category.

SECTION 6: Considering Your Application

How long will it take to consider and decide my application?

72) Please see our website for details of our service standards: www.ukba.homeoffice.gov.uk

What if I want to travel before my application has been decided?

- 73) We would advise you not to make any plans for non-urgent travel outside the UK until we have returned your own and any dependants' passports or travel documents.
- 74) If you do wish to travel outside the UK whilst your application is with the UK Border Agency, then your application will need to be withdrawn. In these circumstances your documents and passport will be returned to you. You will not receive a refund. If you still wish to pursue your application a new application will have to be made at a later date, and include a new fee.

How will I be notified of the decision?

75) We will send all letters to the applicant named on the application form unless you are using a solicitor or other representative. In most cases we will send the decision and all letters to them unless they are not permitted to provide immigration advice or service under section 84 of the Immigration and Asylum Act 1999.

Please note – If your application is refused the reasons for the refusal, together with next steps available to you, including any appeal rights you may have, will be included in the letter notifying you of our decision.

Return of information

- 76) Documentation submitted with your application will normally be returned to you under the same cover as your decision letters.
- 77) Decision letters and original documentation can only be returned to your current address,

declared on the front of the application form, or to the address provided on the representative's declaration page, if one has been appointed. Decision letters and original documents will not be sent to any other address.

- 78) All documents will be despatched by Recorded Delivery. If you wish your passport and documents to be returned to you by Special Delivery, you will need to provide a prepaid Special Delivery envelope appropriate to the size and weight of the documents submitted.
- 79) If you wish to arrange for a courier to collect your documents you may do so. However, all costs for a courier will need to be borne by the applicant.
- 80) If you arrange for a courier to collect your documents, you must ensure that you notify the team considering your application
- 81) If at the end of one week your documents have not been collected we will post them out by the appropriate postal method as above.
- 82) Please note, UK Border Agency staff will be unable to sign any documentation when couriers pick up your documents. Therefore you should check with the courier company you instruct that there are no papers to be signed when they collect the parcel from our office.
- 83) Couriers should be arranged to collect documents during normal business hours only (9.00 am to 5.00 pm on weekdays excluding public holidays).

SECTION 7: Further Information

How can I contact the UK Border Agency?

- 84) Please do not contact the UK Border Agency before a decision on your application is likely to have been made (see www.ukba.homeoffice.gov.uk for service standards and latest performance information), unless you have an urgent enquiry. If you do need to contact the UK Border Agency, please use email wherever possible.
- 85) For general enquires, please contact the Customer Contact Centre, the contact details are provided in Section 4 of these guidance notes. You should also make it clear that you are applying under the HSMP High Court judgment of 8 April 2008.
- 86) When contacting the UK Border Agency by telephone please make sure you have the following information to hand, and when contacting us in writing please provide the following details in your letter or email:
 - applicant's full name, date of birth and nationality;

- the Recorded or Special Delivery number (if applicable);
- the date on which the application was posted; and,
- applicant's Home Office reference number if one has been assigned.

- 87) Please do not send any correspondence about your application to the Government approved Payment Handling Service in Section 5 of these Notes, as this address is for processing the payment only.

How do I make a complaint?

- 88) If you are unhappy with the standard of service you have received and you wish to make a complaint, please contact us at:

North East, Yorkshire and the Humber Region
CSU

PO Box 3468

Sheffield

S3 8WA

Email: NEYHCustomers@ukba.gsi.gov.uk
Phone: 0114 207 2966
Fax: 0114 207 2906
- 89) Please be aware that you will be advised to send all complaints in writing.
- 90) If your complaint is about general procedures within the UK Border Agency we will reply within 20 working days of receiving your letter.
- 91) If your complaint is about the behaviour, attitude or general conduct of a member of our staff, we will reply within 12 weeks of receipt of your complaint, to allow time for an investigation.
- 92) If it is not possible to give you a full reply within these timescales, for example because a detailed investigation is needed, we will provide you with an interim reply. This will tell you how we are dealing with your complaint and when you can expect a full reply.
- 93) The full reply will include details of who to contact next if you believe that your complaint has not been dealt with properly. This will normally be an appropriate senior official.
- 94) If you are still not satisfied, you can ask your local Member of Parliament to contact the independent Parliamentary Commissioner for Administration (the Ombudsman) to review your complaint and how it has been handled. If the Ombudsman is satisfied that your complaint has been dealt with fairly, they will close your case and we will not respond to further correspondence about the matter.

95. BIOMETRIC RESIDENCE PERMITS

Since 25 November 2008, under the provisions of The Immigration (Biometric Registration) Regulations, Residence Permits have been 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

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 biometric information, 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.

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 (that is, record) for the purposes of the identity card. 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 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 95d) 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/contactspage/post-office-biometric-enrolment>

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. The validity of your application will then be checked and we shall contact you in writing if your application is invalid.

d. Attending a biometric enrolment centre

You can book an appointment at a Home Office biometric enrolment centre either online at our following website address: <https://ukba.homeoffice.gov.uk/aboutus/contact/enrol-biometric/>.

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 95g 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 an extension of stay 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 an identity card for foreign nationals, which you will receive within the following timescales:

- Applying in person

If your application is successful, you will be sent a 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 your appointment. Residence Permits cannot 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 a 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.

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 notification 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 using the details provided on the UK Border Agency website at <http://www.ukba.homeoffice.gov.uk/aboutus/contact/BRP-enquiries/>

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.