



Family life as a parent of a child in the UK

This guidance is based on the Immigration Rules

Family life as a parent of a child in the UK

About this guidance

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	Immigration Rules, Appendix FM, paragraphs ECPT, LTRPT and ILRPT <p>This guidance tells you how to consider applications from a parent of a British citizen child or settled child who is living in the UK under Appendix FM of the Immigration Rules, who has</p> <ul style="list-style-type: none">• sole parental responsibility for, or• access rights to that child. Dependants <p>A child of a parent who is applying for entry clearance or leave, or who has limited leave as a parent can apply under Appendix FM of the Immigration Rules.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.</p>	In this section Changes to this guidance Contact Information owner Links to staff intranet removed External links Immigration Rules – Appendix FM Immigration Rules – Appendix FM-SE
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Changes to this guidance

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This page lists the changes to the family life as a parent of a child in the UK guidance, with the most recent at the top.

Date of change	Details of change
28 August 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none">• Exceptional circumstances:<ul style="list-style-type: none">○ new page• Minor housekeeping changes.
5 March 2013	Change request: <ul style="list-style-type: none">• Recourse to public funds:<ul style="list-style-type: none">○ fourth paragraph, second sentence has been revised.
	For previous changes to this guidance you will find all earlier versions in the archive. See related link: Rights of access to a child in the UK – Archive.

See also

[Contact](#)

[Information owner](#)

Links to staff intranet removed

Family life as a parent of a child in the UK

This page shows you the key facts for the family life as a parent of a child in the UK category.

Key facts

Category: Family life as a parent of a child in the UK	
Eligibility requirements	<p>The applicant must:</p> <ul style="list-style-type: none">• have a child under the age of 18 who is living in the UK and<ul style="list-style-type: none">○ is a British citizen, or○ settled in the UK• have sole responsibility for the child• have access rights to the child• be applying as the parent who the child normally lives with for applications made in the UK (where the applicant has joint responsibility for the child), and<ul style="list-style-type: none">○ show they are, and intend to continue, taking an active role in the child's upbringing, and○ are not in the UK as a visitor or with valid leave granted for six months or less, unless that leave was granted pending the outcome of family court or divorce proceedings or on temporary admission or temporary release (unless EX applies).• show they can adequately maintain and accommodate themselves and any dependants without recourse to public funds• show they have adequate accommodation in the UK• meet the English language requirement• meet the suitability requirement.
Application forms	Applications made outside the UK – VAF4A and Appendix 5 Extension (within UK) – FLR(O) Indefinite leave to remain – SET(O)
Cost of application:	See relevant category on Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required for applications made in the UK?	Biometrics are required for applications submitted on or after 29 February 2012. For more information see: Biometric information .
Code of leave to remain granted	Code 1 or code 1A
Entry clearance endorsements	D: RIGHT OF ACCESS TO A CHILD LTE 33 MONTHS CODE 1
Conditions of leave to remain	No recourse to public funds unless evidence of destitution is provided
How long is leave to remain normally granted for?	<ul style="list-style-type: none">• Entry clearance for up to 33 months• Limited leave for 30 months.
What are the requirements for settlement?	An applicant can demonstrate they meet the requirements for indefinite leave to remain as a parent at R-ILRPT, and:

	<ul style="list-style-type: none"> • have completed a continuous period of at least 60 months: <ul style="list-style-type: none"> ○ with limited leave as a parent under paragraph R-LTRPT 1.1 (a) to (c) or in the UK with entry clearance as a parent under paragraph D-ECPT 1.1, or • have completed a continuous period of at least 120 months: <ul style="list-style-type: none"> ○ with limited leave as a parent under paragraphs R-LTRPT 1.1 (a) (b) and (d) • be in the UK with entry clearance as a parent under paragraph D-ECPT 1.1, or • a continuous period of at least 120 months with limited leave as a parent under a combination of these paragraphs.
Are dependants allowed?	Yes
Work and study allowed?	Yes
Is switching into this category allowed?	<p>Into the five year route, unless the applicant is in the UK:</p> <ul style="list-style-type: none"> • as a visitor: <ul style="list-style-type: none"> ○ with valid leave granted for less than six months, unless that leave was granted pending the outcome of family court or divorce proceedings ○ on temporary admission or temporary release • in breach of immigration laws (unless the period of overstaying is less than 28 days). <p>Into the 10 year route, unless the applicant is in the UK:</p> <ul style="list-style-type: none"> • as a visitor with valid leave granted for less than six months, unless that leave was granted pending the outcome of family or divorce proceedings.
Does this category lead to settlement (indefinite leave to remain)?	Yes
Is knowledge of language and life required?	Yes
Immigration Rules paragraphs	Appendix FM – paragraphs ECPT, LTRPT, ILRPT and Appendix FM-SE
CID case type	Exer. Access rights to child res in UK.

Family life as a parent of a child in the UK

Entry and leave to remain requirements

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about the requirements an applicant must meet to be granted entry clearance or leave to remain in the UK on the basis of their family life as a parent of a child in the UK.</p> <p>Before considering an application you must check the:</p> <ul style="list-style-type: none">• application is valid• applicant's passport or travel document is genuine, and• applicant has submitted their biometric information. <p>For more information, see related links:</p> <ul style="list-style-type: none">• Specified application forms and procedures• IDI - passports & travel documents• Biometric information. <p>Entry requirements – paragraph EC-PT of the Immigration Rules</p> <p>Entry clearance is mandatory in this category for both visa nationals and non-visa nationals.</p> <p>An applicant seeking entry must:</p> <ul style="list-style-type: none">• be outside the UK• have made a valid application for entry clearance as a parent• be over the age of 18• meet the relationship requirement• meet the suitability requirement• be able to maintain and accommodate themselves without recourse to public funds, and• meet the English language requirement. <p>For more information on checking entry requirements, see related links.</p>	<p>In this section</p> <p>Checking entry requirements</p> <p>Checking leave to remain requirements</p> <p>Relationship requirement</p> <p>Suitability requirement</p> <p>Related links</p> <p>Recourse to public funds</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules – Appendix FM</p> <p>Exception consideration (EX)</p>
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Leave to remain requirements

Appendix FM section R-LTRPT 1.1 (a) (b) and (c) of the Immigration Rules allows for:

- You to grant an extension of stay as a parent of a child in the UK.
- Someone who entered the UK as the spouse or partner of a British citizen or settled person to switch into this category, if they no longer meet the requirements of the category in which they entered.
 - For example, if their marriage or partnership has broken down.

An applicant seeking leave to remain must:

- be in the UK
- have made a valid application for leave to remain as a partner
- meet the suitability requirement
- meet the relationship requirement
- meet the immigration status requirement
- provide specified evidence to show they can maintain and accommodate themselves and any dependants without recourse to public funds, and
- meet the English language requirement.

If the applicant only meets the suitability requirement you must consider whether the applicant qualifies for leave on the 10 year parent route and meets the requirements of section R-LTPT 1.1 (a) (b) and (d).

For more information, see related link: '10 year route' guidance

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Suitability requirement - entry clearance and leave to remain

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page sets out the suitability requirements for applications for entry and leave to remain in the UK on the basis of family life as a parent of a child in the UK.</p> <p>Entry to the UK</p> <p>You must refuse the application if the:</p> <ul style="list-style-type: none">• Secretary of State has personally directed the exclusion of the applicant from the UK is conducive to the public good• presence of the applicant is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for at least four years• applicant is subject to a deportation order• applicant’s exclusion is conducive to the public good, because they have been convicted of an offence for which they have been:<ul style="list-style-type: none">○ sentenced to a period of imprisonment of at least four years○ sentenced to a period of imprisonment of at least 12 months but less than four years, unless a period of 10 years has passed since the end of that sentence○ convicted of an offence for which they have been sentenced to a period of imprisonment of less than 12 months, unless a period of five years has passed since the end of the sentence. <p>Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling circumstances. Examples include when:</p> <ul style="list-style-type: none">• their exclusion from the UK is conducive to the public good because the applicant’s conduct, character, associations or other reasons make it undesirable to grant entry clearance, or• they have failed, when asked, and without reasonable excuse to:	<p>In this section</p> <p>Relationship requirement</p> <p>Maintenance and accommodation requirement</p> <p>Exceptional Circumstances</p> <p>Recourse to public funds</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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- attend an interview
- provide requested information
- undergo a medical examination, or provide a report
- it is undesirable to grant entry clearance for medical reasons.

Entry to the UK – suitability requirements

An applicant will normally be refused on grounds of suitability if they have:

- knowingly or unknowingly:
 - given false information, representations or documents in support of the application, or
 - failed to disclose material facts
- failed to pay National Health Service (NHS) charges of over £1000
- failed to provide a maintenance and accommodation undertaking when requested
- been convicted of, or admitted, an offence within the last 12 months before the date of application for which they received a non-custodial sentence, or other out of court disposal, that is recorded on their criminal record, or
- in the view of the Secretary of State the:
 - person's offending has caused serious harm, or
 - person is a persistent offender who shows a particular disregard for the law.

Leave to remain (including indefinite leave to remain)

You must refuse the application if the applicant:

- is subject to a deportation order
- being present in the UK is not conducive to the public good because:
 - they were sentenced to more than four years in prison
 - they were sentenced to more than 12 months but less than four years in prison
 - their offending has caused serious harm or they are a persistent offender who has shown disregard for the law
 - their conduct, character, associations or other reasons make it undesirable to allow them to remain in the UK
- has failed when asked and without reasonable excuse to:
 - attend an interview
 - provide requested information

- provide requested physical data
- undergo a medical examination, or provide a medical report.

Leave to remain (including indefinite leave to remain) – suitability requirements

An applicant will normally be refused on grounds of suitability if they have:

- knowingly or unknowingly given:
 - false information, representations or documents in support of the application, or
 - failed to disclose material facts
- failed to pay NHS charges of over £1000
- failed to provide a maintenance and accommodation undertaking when requested.

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Relationship requirements

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about the relationship requirements for a person applying for entry clearance or leave to remain on the basis of family life as a parent of a child in the UK.</p> <p>Purpose of the route</p> <p>The purpose of the route is to allow a parent:</p> <ul style="list-style-type: none">• with access rights or sole responsibility of a child in the UK to enter the UK, or• to continue to live in the UK on the basis that they:<ul style="list-style-type: none">○ have sole responsibility for the child○ have access rights to the child, or○ are the parent with whom the child normally lives. <p>The parent route is not intended to be relied on by a person who remains in a genuine and subsisting relationship with the other parent of their child. The parent route is to help parental access to children when the parental relationship has broken down.</p> <p>It is aimed at single parents who have:</p> <ul style="list-style-type: none">• sole parental responsibility for their child, or• who do not live with the child but they have access rights to that child. <p>In leave to remain applications, a migrant parent with whom the child normally lives, rather than their British or settled parent, can also benefit under the rules.</p> <p>See related links for more information on the relationship requirements of:</p> <ul style="list-style-type: none">• child in the UK, and• parental requirements	<p>In this section</p> <p>Relationship requirements – child in the UK</p> <p>Relationship requirements – parental requirements</p> <p>Related links</p> <p>Exceptional circumstances</p> <p>Entry and leave to remain requirements</p> <p>Checking entry requirements</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules – Appendix FM</p>
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Relationship requirements - child in the UK

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you about the ‘child in the UK’ requirements for a person applying for entry clearance or leave to remain on the basis of family life as a parent of a child in the UK.</p> <p>Under sections E-ECPT 2.1-2.2 and section E-LTRPT 2.2 of the Immigration Rules, for an applicant to qualify for leave on the five year parent route, the child of the applicant must be:</p> <ul style="list-style-type: none">• under the age of 18 at the date of application• living in the UK, and• a British citizen or settled in the UK. <p>A parent cannot rely on their relationship with a child who is overseas to obtain leave in this route.</p> <p>Leave to remain – 10 year parent route For leave to remain purposes only, an applicant who:</p> <ul style="list-style-type: none">• has a child under the age of 18,• living in the UK, and• has lived in the UK continuously for at least seven years before the date of application <p>is eligible to qualify for leave on the 10 year parent route where paragraph EX 1 of the Immigration Rules applies. For more information see related link.</p> <p>Subsequent applications where the child is now over 18 Where the child has turned 18 years of age since the parent was first granted entry clearance in this category or leave to remain as a parent under Appendix FM, the parent is eligible to continue to qualify for leave to remain or indefinite leave to remain in this category provided:</p> <ul style="list-style-type: none">• the child has not formed an independent family unit, or• is not leading an independent life.	<p>Related links</p> <p>Exceptional circumstances</p> <p>Entry and leave to remain requirements</p> <p>Checking entry requirements</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules – Appendix FM</p>
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	<p>Children who become 18 before an application is decided</p> <p>Under paragraph 27 of the Immigration Rules, you must make a decision on any application for entry clearance in the light of the circumstances existing at the time of decision.</p> <p>The exception to this is where a child reaches the age of 18 after such an application has been lodged, but before it has been decided. In such situations, you must consider the application in the same way as if the child was still under 18.</p>	
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Relationship requirements - parental requirements

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about the parental relationship requirements for a person applying for entry clearance, or leave to remain on the basis of family life as a parent of a child in the UK.</p> <p>Entry clearance</p> <p>The applicant in an entry clearance case must have:</p> <ul style="list-style-type: none">• sole parental responsibility for the child, or• access rights to the child. <p>The parent or carer the child normally lives with in the UK must be:</p> <ul style="list-style-type: none">• a British citizen, or• settled in the UK. <p>This parent or carer must not be the partner of the applicant, that is, the applicant must not be eligible to apply for entry clearance on the basis of this relationship under appendix FM of the Immigration Rules.</p> <p>Leave to remain</p> <p>A person applying for leave to remain in the UK may qualify if the child normally lives with the applicant and not their other (British citizen or settled) parent.</p> <p>The applicant will not qualify for leave under the ‘normally lives with’ requirement if the:</p> <ul style="list-style-type: none">• child lives with their other parent (who is a British citizen or settled in the UK), or• applicant has sole parental responsibility or access rights but does not normally live with the child. <p>Applicants who remain in a relationship with the other parent of the child</p> <p>A parent who remains in a relationship with the other parent of their child is not eligible to</p>	<p>In this section</p> <p>Relationship requirements – sole responsibility</p> <p>Relationship requirements – who the child normally lives with</p> <p>Relationship requirements – access rights</p> <p>Related links</p> <p>See also</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p> <p>ECO guidance on maintenance and accommodation</p> <p>Immigration Rules – definition of parent</p>
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	<p>benefit as a parent.</p> <p>Applicants who are eligible to benefit under Appendix FM as a partner must not attempt to bypass the financial requirement of that category by applying as a parent. You must refuse any applicant you find to be doing so.</p> <p>Any behaviour employed to deceive an immigration officer or the Secretary of State could result in the applicant's future applications being refused.</p> <p>The applicant must provide evidence they meet the parental relationship requirement.</p> <p>Definition of parent</p> <p>As well as including a natural parent, the definition of a parent also includes:</p> <ul style="list-style-type: none"> • the stepfather of a child whose father is dead and the reference to stepfather includes a relationship arising through civil partnership • the stepmother of a child whose mother is dead and the reference to stepmother includes a relationship arising through civil partnership • the father as well as the mother of an illegitimate child where he is proved to be the father • an adoptive parent where a child: <ul style="list-style-type: none"> ○ was adopted in line with a decision taken by the competent administrative authority or court in a country whose adoption orders are recognised by the UK, or ○ is the subject of a de facto adoption in line with the requirements of paragraph 309A of the Immigration Rules (except that an adopted child or a child who is the subject of a de facto adoption may not make an application for leave to enter or remain in order to accompany, join or remain with an adoptive parent under paragraphs 297-303) • in the case of a child born in the UK who is not a British citizen: <ul style="list-style-type: none"> ○ a person to whom there has been a genuine transfer of parental responsibility on the ground of the original parent(s)' inability to care for the child. <p>For more information on the definition of a parent, see related link.</p>	
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Relationship requirements – sole responsibility

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you about the sole responsibility requirements for a person applying for entry clearance, or leave to remain on the basis of family life as a parent of a child in the UK.</p> <p>Sole responsibility must not be interpreted literally but in line with the definition in this guidance.</p> <p>Definition of ‘sole responsibility’ Sole responsibility means that one parent has abdicated or abandoned parental responsibility and the remaining parent is exercising sole control in setting and providing the day to day direction for the child’s welfare.</p> <p>Establishing sole responsibility You must consider the following:</p> <ul style="list-style-type: none">• Have decisions and actions in relation to the upbringing of the child been done under the direction of the applicant and not the other parent or any other person?• Is the parent responsible and answerable for the child’s welfare and what happens to them in key areas of the child’s life to the exclusion of others?• Sole responsibility is not the same as legal custody.• A person saying they have sole responsibility must provide evidence of meeting all elements of the definition:<ul style="list-style-type: none">○ evidence of significant or even exclusive financial provision for a child by their parent does not in itself demonstrate ‘sole responsibility’.• Who asserts continual control in regards to the child’s upbringing including, but not limited to:<ul style="list-style-type: none">○ decisions regarding the child’s education○ decisions regarding the child’s health○ consenting to medical treatment for a child○ decisions regarding the child’s religion○ decisions regarding the child’s residence○ maintaining personal relations and direct contact with the child	<p>In this section</p> <p>Relationship requirements – who the child normally lives with</p> <p>Relationship requirements – access rights</p> <p>Related links Exceptional circumstances</p> <p>Entry and leave to remain requirements</p> <p>Checking entry requirements</p> <p>Links to staff intranet removed</p> <p>External links Immigration Rules – Appendix FM</p>
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	<ul style="list-style-type: none"> ○ providing the child with appropriate direction and guidance ○ protecting the child ○ responsibility for the child's property ○ acting as the child's legal representative ○ decisions regarding how a child spends their holidays or recreational time. ● Where both parents are involved in the child's upbringing it will be rare for a person to establish sole responsibility. ● Sole responsibility can be recent or long standing. Any recent change of arrangements should be scrutinised to make sure this is genuine rather than seeking to get around immigration control. <p>Day-to-day responsibility Some day-to-day responsibility (or decision-making) for the child's welfare may be shared with others, for example, relatives or friends for practical reasons.</p> <p>As long as the applicant is ultimately responsible and answerable for the welfare of the child this does not prevent the applicant from being a parent with sole responsibility within the meaning of the Immigration Rules.</p> <p>The Immigration Rules concern not whether anyone else has day-to-day responsibility, but whether the parent has continuing sole control and direction of the child's upbringing including making all the important decisions in the child's life. If not, then they do not have sole responsibility for the child.</p> <p>Denying contact The Home Office must not make a decision that would have the effect of denying a parent who has not abdicated or abandoned parental responsibility contact with that child. You must carefully consider each application and on a case by case basis.</p> <p>Evidence A parent claiming to have sole responsibility must provide evidence they have exercised this role since the other parent abdicated or abandoned their parental role. This may be over a period of several years or may be several months before an application.</p>	
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	<p>The burden of proof is on the applicant to provide satisfactory evidence to a Home Office officer or to the Secretary of State that they meet the rules. In some instances it may be appropriate to interview an applicant to establish whether they have sole responsibility for their child or contact the other parent to confirm they have no parental responsibility.</p>	
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Family life as a parent of a child in the UK

Relationship requirements – who the child normally lives with

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you about the ‘normally lives with’ requirements for a person applying for entry clearance, or leave to remain on the basis of family life as a parent of a child in the UK.</p> <p>Definition of ‘normally lives with’</p> <p>This means both parents (one of whom is a British citizen or settled person), who are no longer in a subsisting relationship, have retained shared parental rights and responsibilities, and the child’s primary custodial residence, as demonstrated by a court order or consensual agreement, is with the migrant parent proceeding an application.</p> <p>From 13 December 2012 applicants applying for leave to remain in the UK can apply in this category where they have either:</p> <ul style="list-style-type: none">• a joint residence order,• or provide evidence of shared custody of a child or children in the UK. <p>The purpose of this rule is to allow a migrant parent whose relationship has broken down with a British citizen or settled person and who has shared or equal custody of a child to remain in the UK where it is in the child’s best interest.</p> <p>Establishing who the child normally lives with</p> <p>You must be satisfied:</p> <ul style="list-style-type: none">• The relationship between the applicant and the other parent has broken down and the relationship is no longer subsisting.• The applicant has joint or shared custody of the child or children.• Evidence of shared custody has been provided in the form of a court order or consensual agreement from the British or settled parent.• Evidence that the child normally lives with the applicant in the UK and not their British or settled parent has been provided.	<p>In this section</p> <p>Relationship requirements – sole responsibility</p> <p>Relationship requirements – access rights</p> <p>Related links</p> <p>Exceptional circumstances</p> <p>Entry and leave to remain requirements</p> <p>Checking entry requirements</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules – Appendix FM</p>
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	<p>An applicant being simply a parent of a child in the UK is not sufficient to meet the requirements of this rule.</p> <p>Primary residence</p> <p>The primary residence is the residence where the child spends most of their time. For example, parents may have joint custody of the child but the child may spend the majority of the time with only one of their parents, thereby having their primary residence with that parent.</p> <p>In legal terms, a child can only have one primary residence. However, where a child spends equal time with either parent, for example 7 days out of 14 with both throughout the year, for the purposes of this route and to not disadvantage the migrant parent, the child is considered to normally live with the migrant parent.</p> <p>The ‘normally lives with’ requirement is not intended to benefit people who:</p> <ul style="list-style-type: none"> • the child occasionally lives with, for example at the weekend, during holidays or an overnight stay once a week • can qualify as a partner under appendix FM of the Immigration Rules. <p>Evidence</p> <p>There is no specified evidence that an applicant has to provide, however, the burden of proof is on the applicant to show that a child normally lives with the migrant parent.</p> <p>Evidence to show a child normally lives with an applicant can include, but is not exclusive to correspondence from:</p> <ul style="list-style-type: none"> • court in the form of a court order showing joint or shared custody • the settled partner confirming joint or shared custody • a doctor, hospital, or dentist • school or playgroup • the Department for Work and Pensions (DWP) • HM Revenue & Customs (HMRC) • social services. 	
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Relationship requirements – access rights

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you about access rights requirements for a person applying for entry clearance, or leave to remain on the basis of family life as a parent of a child in the UK.</p> <p>An applicant can qualify for leave as a parent if they have access rights under a residence order.</p> <p>It is not sufficient for an applicant to provide evidence only that they have been granted access rights to a child. The rules require an applicant to demonstrate that they are currently taking, and intend to continue to take, an active role in the child’s upbringing.</p> <p>Where a parent is applying for entry clearance to join a child in the UK, they must provide evidence of maintaining contact with the child and evidence that they intend to maintain contact once in the UK.</p>	<p>In this section</p> <p>Relationship requirements – sole responsibility</p> <p>Relationship requirements – who the child normally lives with</p> <p>Related links</p> <p>Exceptional circumstances</p> <p>Entry and leave to remain requirements</p> <p>Checking entry requirements</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules – Appendix FM</p>
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Maintenance and accommodation requirement

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you about the maintenance and accommodation rules for leave in the family life as a parent of a child in the UK category.</p> <p>Sections E-ECPT and E-LTRPT of Appendix FM of the Immigration Rules say the applicant must provide evidence:</p> <ul style="list-style-type: none">• they can adequately maintain and accommodate themselves, and any dependants, in the UK without recourse to the public funds, and• there will be adequate accommodation in the UK, for themselves and/or family, without recourse to public funds:<ul style="list-style-type: none">○ this includes any family members not included in the application, but who live in the same household. <p>Accommodation will not be adequate if it:</p> <ul style="list-style-type: none">• is overcrowded• contravenes public health regulations. <p>For information about maintenance and accommodation see related link: ECO guidance on maintenance and accommodation.</p>	<p>In this section</p> <p>Relationship requirement</p> <p>Suitability requirements</p> <p>Exceptional circumstances</p> <p>Recourse to public funds</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p> <p>ECO guidance on maintenance and accommodation</p>
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Family life as a parent of a child in the UK

English language requirement

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you about the English language requirement rules for leave in the family life as a parent of a child in the UK category.</p> <p>Sections E-ECPT 4.1 and E-LTRPT 5.1 of appendix FM of the Immigration Rules say the applicant must provide evidence they:</p> <ul style="list-style-type: none">• are a national of a majority English speaking country listed in paragraph GEN 1.6• have an original English language test certificate in speaking and listening from an approved English language test provider and a test approved by the Secretary of States included at appendix O• have an academic qualification recognised by UK NARIC to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK, and which was taught in English, or• qualify as exempt to the English language requirement. <p>For further information see related link: IDI Appendix FM - English language requirement.</p>	<p>In this section</p> <p>Relationship requirement</p> <p>Suitability requirements</p> <p>Exceptional circumstances</p> <p>Recourse to public funds</p> <p>Related links See also Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p> <p>Immigration Rules - Appendix FM-SE</p> <p>Immigration Rules – Appendix O</p>
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Family life as a parent of a child in the UK

Checking entry requirements

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you how to check if an applicant meets the entry requirements for a parent of a British citizen child or settled child living in the UK.</p> <p>When you consider an application for entry clearance you must be satisfied the documents submitted are genuine and prove the requirements have been met.</p> <p>Proof of parentage An applicant will not always be named on a birth certificate. You must carefully consider any evidence submitted and be satisfied it proves the relationship.</p> <p>Person who the child normally lives with If the applicant does not have sole parental responsibility for the child, they must supply evidence to show the parent or carer who the child normally lives with is a British citizen or settled in the UK and that they care for the child.</p> <p>Evidence can include:</p> <ul style="list-style-type: none">• a British passport• a foreign passport endorsed with ‘indefinite leave to remain’ or ‘no time limit’• letters from the Home Office confirming that the person is settled in the UK.• evidence that the child resides with the British or settled parent (where the applicant is entering on the grounds of access rights to a child). <p>Does the applicant have access rights to the child? Under E-ECPT.2.4. of the Immigration Rules the applicant must prove they have access rights to the child by submitting a:</p> <ul style="list-style-type: none">• residence order or a contact order granted by a court in the UK, or• sworn affidavit from the UK resident parent or carer of the child, the affidavit must:<ul style="list-style-type: none">○ confirm the parent applying can have access to the child	<p>In this section</p> <p>Relationship requirement</p> <p>Entry and leave to remain requirements</p> <p>Checking leave to remain requirements</p> <p>Related links Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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- describe in detail the arrangements to allow for this (if contact is supervised, the supervisor must endorse the statement), and
- be certified by a legal officer.

Does the applicant take an active role in the child's upbringing?

You must be satisfied that contact with the child is the main reason for the applicant to seek entry to the UK and they are not trying to avoid applying under another category.

Is the child under the age of 18?

The applicant must prove the child they have sole responsibility for, or are seeking access to, is under the age of 18. The best evidence is the child's birth certificate. If the applicant submits other forms of evidence you must be satisfied they prove the child is under 18 years of age.

Can the applicant accommodate and maintain themselves and their dependant(s) independently without recourse to public funds?

There is no minimum figure for what represents sufficient maintenance. If dependants of the main applicant are going to accompany them to the UK, resources must be available for the whole family unit to be maintained.

For further information on public funds, see related links.

Family life as a parent of a child in the UK

Checking leave to remain requirements

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you how to confirm an applicant meets the leave to remain rules for family life as a parent of a child in the UK.</p> <p>When you consider an application for leave to remain, you must be satisfied the documents submitted are genuine and prove the requirements have been met.</p> <p>Does the applicant have limited leave to remain in the UK? To be eligible to switch into the five year parent category, the applicant must not be in the UK:</p> <ul style="list-style-type: none">• as a visitor• with valid leave granted for a period of six months or less:<ul style="list-style-type: none">○ unless this leave was granted pending the outcome of family court or divorce proceedings• on temporary admission or temporary release<ul style="list-style-type: none">○ unless paragraph EX.1. applies• in breach of the immigration laws (disregarding any period of overstaying of less than 28 days). <p>You must refuse a person applying as a parent if they are eligible to qualify as a partner under appendix FM (that is, they are in a subsisting relationship with a British citizen or person settled in the UK).</p> <p>Such applicants may be able to meet the immigration status requirement but will not meet the requirements at section E-LTRPT 2.3 (a) and (b) (ii) (iii) of the Immigration Rules.</p> <p>Has the applicant remained in breach of immigration laws? You must check the applicant’s immigration history carefully to be satisfied they have not overstayed.</p> <p>If the applicant had leave to remain and this expired before the application was submitted, you must refuse leave to remain, unless the period of overstaying is less than 28 days. The</p>	<p>In this section</p> <p>Relationship requirement</p> <p>Entry and leave to remain requirements</p> <p>Checking entry requirements</p> <p>Related links</p> <p>Recourse to public funds</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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	<p>applicant will need to return to their home country and apply for entry clearance.</p> <p>If all the leave to remain requirements are met, and limited leave is granted under either section D-LTRPT 1.1 or section D-LTRPT 1.2 you must grant a period of further leave for 30 months.</p> <p>For guidance on the condition code to apply to this grant of leave, see related link: Recourse to public funds.</p>	
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Family life as a parent of a child in the UK

Exceptional circumstances

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page tells you when to consider exceptional circumstances.</p> <p>This applies where the applicant does not meet the requirements of the rules and you refuse the application. You will grant leave outside the rules where exceptional circumstances apply.</p> <p>This two-stage approach has been endorsed by the High Court in the Judicial Review in Nagre. See related link: Nagre judgement.</p> <p>This judgement found that the rules together with the Secretary of State's published policy on 'exceptional circumstances...fully accommodates the requirements of Article 8 in all cases by a combination of the new rules and (so far as may be necessary) under the Secretary of State's residual discretion to grant leave to remain outside the Rules' (paragraph 35).</p> <p>You must consider exceptional circumstances in every case.</p> <p>'Exceptional' does not mean 'unusual' or 'unique'. Whilst all cases are to an extent unique, those unique factors do not generally make them exceptional.</p> <p>'Exceptional' means rare circumstances in which refusal would result in unjustifiably harsh consequences such that refusal of the application would not be proportionate.</p> <p>If you are going to grant the application because exceptional circumstances apply on a 10 year route to settlement. Then unless the grant of leave is being made on a short-term temporary basis you must grant leave outside the rules for a period of:</p> <ul style="list-style-type: none">• 30 months, or• 33 months in an entry clearance application <p>An applicant granted further leave to remain outside the rules because of exceptional circumstances may be able to qualify for indefinite leave to remain (settlement) under the 10</p>	<p>In this section</p> <p>Relationship requirement</p> <p>Suitability requirements</p> <p>Maintenance and accommodation requirement</p> <p>Recourse to public funds</p> <p>Related links Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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	<p>year long-residence rule if they meet the requirements of paragraph 276B of the rules.</p> <p>This says all periods of continuous lawful residence, whether granted under or outside the rules, must be counted.</p> <p>For guidance on how to consider exceptional circumstances, see related link: Leave outside the Rules (LOTR).</p>	
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Family life as a parent of a child in the UK

Recourse to public funds

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page explains the position on recourse to public funds when granting leave under the five or 10 year parent routes. DN Insert link</p> <p>For more information on the 10 year parent routes, see related link: Long residence and private life.</p> <p>Those seeking to establish their family life in the UK cannot expect to do so if this will increase burdens on the taxpayer. The changes to the Immigration Rules implemented on 9 July 2012 are based in part on safeguarding the economic well-being of the UK, which is a legitimate aim under article 8 of the European Convention of Human Rights (ECHR) (the right to respect for private and family life) for which rational and proportionate interference in article 8 rights can be justified.</p> <p>Under Appendix FM, limited leave:</p> <ul style="list-style-type: none">• under the five year partner or parent routes• as a bereaved partner• as a fiancé(e) or proposed civil partner <p>will be granted subject to a condition of no recourse to public funds.</p>	<p>In this section</p> <p>Relationship requirement</p> <p>Suitability requirements</p> <p>Maintenance and accommodation requirement</p> <p>Exceptional Circumstances</p> <p>Related links Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p> <p>Section 95 or section 4 of the Immigration and Asylum Act 1999</p> <p>Children Act 1989</p> <p>National Assistance Act 1948</p>
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Family life as a parent of a child in the UK

Indefinite leave requirements

[About this guidance](#)
[Key facts](#)
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[Indefinite leave requirements](#)
[Granting or refusing](#)

This page tells you what you must check to confirm an applicant meets the indefinite leave to remain requirements for a parent of a British citizen child or settled child living in the UK.

Before considering an application for indefinite leave to remain you must check the:

- application is valid
- applicant's passport or travel document is genuine.

For more information, see related links:

- Specified application forms and procedures
- IDI - passports & travel documents.

You must check that the requirements for indefinite leave to remain are met.

Indefinite leave to remain requirements

A person applying for indefinite leave to remain on the basis of family life with a child in the UK must:

- be in the UK
- have made a valid application for indefinite leave to remain as a parent
- not fail the suitability requirements
- be in the UK with valid leave to remain as a parent, although you can overlook a period of overstaying of less than 28 days
- either:
 - have completed a period of five years in this category where all the requirements were met, or
 - have completed a period of 10 years on the basis of section EX1
- meet the knowledge of English and knowledge of life in the UK requirement.

Related links

Links to staff intranet removed

[Checking entry requirements](#)

[Checking leave to remain requirements](#)

[Suitability requirement](#)

[Recourse to public funds](#)

External links

[Appendix FM of the Immigration Rules](#)

	<p>If all the indefinite leave to remain requirements are met, apart from:</p> <ul style="list-style-type: none"> • section S-ILR 1.5 • S-ILR 1.6, or • the knowledge of language and life in the UK requirement <p>you can grant a period of further leave for 30 months, provided the limited leave to remain requirements are met.</p> <p>For guidance on the condition code to apply to this grant of leave, see related link: Recourse to public funds.</p> <p>For more information on checking leave to remain requirements, see related links.</p>	
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Family life as a parent of a child in the UK

Suitability requirement - indefinite leave to remain

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page sets out the suitability requirements for applications for indefinite leave to remain in the UK on the basis of family life as a parent of a child in the UK.</p> <p>In all applications for indefinite leave to remain as a parent, you must consider whether the applicant meets the suitability requirements S-ILR .1.1.-3.1.</p> <p>The criminality requirements set out in appendix FM paragraphs S-ILR 1.2 – 1.6 must be met in all applications for indefinite leave to remain where the application was made on or after 13 December 2012.</p> <p>In addressing suitability requirements, you must refer to guidance on criminality and general grounds for refusal. For more information, see related links:</p> <ul style="list-style-type: none">• Criminality guidance for article 8 ECHR cases• General grounds for refusal. <p>In order to meet the suitability requirement for indefinite leave to remain under S-ILR.1.5 the applicant must not have been sentenced to imprisonment for less than 12 months, unless seven years have passed since the end of the sentence.</p> <p>To meet the suitability requirement for indefinite leave to remain under S-ILR.1.6 the applicant must not have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record within the 24 months before the date of application.</p> <p>If the applicant cannot demonstrate they meet the requirements of S-ILR 1.5. or 1.6, you can grant only limited leave to remain (provided they meet all other requirements, under S-ILR.1.1).</p>	<p>In this section</p> <p>Relationship requirement</p> <p>Maintenance and accommodation requirement</p> <p>Exceptional circumstances</p> <p>Related links</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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Family life as a parent of a child in the UK

Granting or refusing

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about granting or refusing an application for a parent with sole parental responsibility for, or access rights to, a British citizen child or settled child who is living in the UK.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Grant or refuse entry clearance• Grant or refuse entry at UK port• Grant or refuse leave to remain• Grant or refuse indefinite leave.	<p>In this section</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse entry at UK a port</p> <p>Grant or refuse leave to remain</p> <p>Refusal wordings leave to remainGrant or refuse indefinite leave</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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Family life as a parent of a child in the UK

Grant or refuse entry clearance

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about granting or refusing an application for entry clearance as a parent with sole parental responsibility for, or access rights to, a British citizen child or settled child who is living in the UK.</p> <p>Entry clearance is mandatory in this category for both visa-nationals and non-visa nationals.</p> <p>Grant entry clearance</p> <p>Before you grant entry clearance, you must be satisfied the applicant meets all the requirements of Appendix FM of the Immigration Rules.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Entry and leave to remain requirements• Appendix FM of the Immigration Rules. <p>Length of leave</p> <ul style="list-style-type: none">• 33 months. <p>Endorsement</p> <ul style="list-style-type: none">• D: RIGHT OF ACCESS TO A CHILD LTE 33 MONTHS CODE 1. <p>The endorsement must be valid from the date the applicant intends to travel to the UK.</p> <p>Refuse entry clearance</p> <p>You must refuse the applicant if they have not provided evidence to meet all the requirements of Appendix FM.</p> <p>For information on refusal wording, see related links: Refusal wordings – entry clearance.</p>	<p>In this section</p> <p>Refusal wordings – entry clearance</p> <p>Grant or refuse entry at UK a port</p> <p>Grant or refuse leave to remain</p> <p>Grant or refuse indefinite leave</p> <p>Related links</p> <p>Entry and leave to remain requirements</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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	Appeal rights An applicant refused entry clearance in this category has a full right of appeal.	
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Family life as a parent of a child in the UK

Refusal wordings – entry clearance

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[Key facts](#)
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[Granting or refusing](#)

This page gives examples of refusal wording to use when you refuse entry clearance for a parent with sole parental responsibility for, or access rights to, a British citizen child or settled child who is living in the UK.

‘You have asked for entry clearance to come to the UK on the basis of family life as a parent of a child in the UK...’

Reason for refusal and Immigration Rules paragraphs	Wording
Not related as claimed	‘...but (in view of....) the Secretary of State is not satisfied that you are the parent of a British citizen child or settled child who is living in the UK as you have claimed.’
Parent does not have sole responsibility	‘...you do not appear to have sole responsibility for your child, and so do not meet paragraph E-ECPT.2.4 of the Immigration Rules.’
Other parent or carer not a British citizen or settled	‘...but under the Immigration Rules the other parent of your child or the carer that the child resides with is required to be a British citizen or settled in the UK, but they are not.’
No proof of rights of access to the child	‘...but you have not produced evidence by way of a Residence Order or a Contact Order granted by a Court in the UK or a sworn statement issued from your child's other parent (or if contact is supervised, from the supervisor), that you are maintaining contact with your child.’
Applicant does not intend to take an active role in the child's upbringing	‘...but (in view of...) I am not satisfied that you currently have an active role in your child's upbringing or that in future you intend to take an active role in your child's upbringing.’

In this section

[Grant or refuse entry clearance](#)

Related links

[Suitability requirement](#)

External links

[Appendix FM of the Immigration Rules](#)

	Child not under 18	‘...but your child is not under the age of 18.’	
	Maintenance and accommodation	‘...but (in view of...) I am not satisfied that you will be able to adequately (maintain/accommodate/maintain and accommodate) yourself (and any dependants) without recourse to public funds (in accommodation which you) own or occupy exclusively.’	
	English language requirement	‘You have not provided evidence that you have achieved a qualification in English to level A1 of the Common European Framework of Reference for Languages. It is noted that none of the exceptions apply in your case. You therefore fail to English language requirement of Appendix FM of the Immigration Rules which is a requirement to be fulfilled in order to be granted entry clearance as a parent under D-ECPT.1.1.’	
	Refusing for suitability reasons For information on refusing for suitability, see related links: Suitability requirement.		

Family life as a parent of a child in the UK

Grant or refuse entry at a UK port

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about granting or refusing entry at a UK port to an applicant seeking leave to enter on the basis of family life as a parent of a child in the UK.</p> <p>Grant entry Before granting leave to enter, you must be satisfied that the applicant meets the requirements of Appendix FM of the Immigration Rules and:</p> <ul style="list-style-type: none">• they have a valid entry clearance for this purpose• all the requirements are met. <p>You must grant leave to enter for 33 months on code 1.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Entry and leave to remain requirements• Appendix FM of the Immigration Rules. <p>Refuse entry You must refuse entry if the:</p> <ul style="list-style-type: none">• applicant does not have an entry clearance, or• requirements are not met. <p>For examples of refusal wording, see related links: Refusal wordings – entry at a UK port.</p> <p>On entry refusal codes</p> <table><tr><th>Code</th><th>Reason</th></tr><tr><td>E4</td><td><ul style="list-style-type: none">• no entry clearance• entry clearance obtained by:<ul style="list-style-type: none">◦ misrepresentation</td></tr></table>	Code	Reason	E4	<ul style="list-style-type: none">• no entry clearance• entry clearance obtained by:<ul style="list-style-type: none">◦ misrepresentation	<p>In this section</p> <p>Refusal wordings – entry at a UK port</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse leave to remain</p> <p>Grant or refuse indefinite leave</p> <p>Related links</p> <p>Entry and leave to remain requirements</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
Code	Reason					
E4	<ul style="list-style-type: none">• no entry clearance• entry clearance obtained by:<ul style="list-style-type: none">◦ misrepresentation					

	<ul style="list-style-type: none">○ forgery○ failure to disclose material facts• circumstances have changed since entry clearance was issued.
Z1	All other reasons

Appeal rights

There is no right of appeal against refusal of leave to enter in this category when the applicant does not have entry clearance, (Section 60 (2) of the Immigration and Asylum Act 1999). You must use form IS 82D. For more information on appeals, see related links: Appeals.

For more information on refusing entry at a UK port, see related links: Refusal of leave to enter.

Family life as a parent of a child in the UK

Refusal wordings – entry at a UK port

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	This page gives examples of wording to use when you refuse entry at a UK port for an applicant applying on the basis of family life as a parent of a child in the UK.		In this section Grant or refuse entry at UK a port External links Appendix FM of the Immigration Rules
	‘You have asked for leave to enter the UK on the basis of family life as a parent of a child in the UK...’		
	Reason for refusal and Immigration Rules paragraphs	Wording	
	No entry clearance - non-visa national	‘...but under the Immigration Rules you are required to hold a valid UK entry clearance for this purpose and you have no such entry clearance.’	
	Visa nationals	‘...but under the Immigration Rules you are required to produce a passport or other identity document endorsed with a valid and current UK entry clearance issued for the purpose for which entry is sought, and you have no such entry clearance.’	

Family life as a parent of a child in the UK

Grant or refuse leave to remain

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about granting or refusing leave to remain on the basis of family life as a parent of a British citizen child, or settled child, who is living in the UK.</p> <p>Appendix FM of the Immigration Rules allows people in the UK to switch into this category if they are:</p> <ul style="list-style-type: none">• not here as a visitor, with leave for less than six months, unless leave was granted pending the outcome of family court or divorce proceedings• on temporary admission, or temporary release• not in breach of immigration laws (unless they have overstayed for a period of less than 28 days). <p>This helps someone who entered the UK as the spouse or partner of a British citizen or settled person to remain in the UK to maintain a parental relationship with their child where the child lives with them or where they have access rights, if they no longer meet the requirements of the category in which they entered.</p> <p>For example if their marriage or partnership has broken down.</p> <p>Grant leave to remain in the UK for a person who has switched into this category</p> <p>Before you grant leave to remain you must be satisfied the applicant meets the requirements of Appendix FM.</p> <p>You must grant leave to remain for 30 months on code 1.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Recourse to public funds• Entry and leave to remain requirements• Appendix FM of the Immigration Rules.	<p>In this section</p> <p>Refusal wordings – leave to remain</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse entry at UK a port</p> <p>Grant or refuse indefinite leave</p> <p>Related links</p> <p>Entry and leave to remain requirements</p> <p>Recourse to public funds</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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	<p>Refuse leave to remain in the UK for a person who has switched into this category</p> <p>You must refuse leave to remain if you are not satisfied all of the requirements of Appendix FM are met.</p> <p>For information on refusal wording, see related link: Refusal wordings – leave to remain.</p> <p>For information on rights of appeal, see related link: 1.0 – Rights of appeal.</p>	
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Family life as a parent of a child in the UK

Refusal wordings – leave to remain in the UK

[About this guidance](#)
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[Granting or refusing](#)

This page gives examples of wording to use when you refuse leave to remain on the basis of family life as a parent of a child in the UK.

‘You have asked for leave to remain in the UK on the basis of family life as a parent of a child in the UK.....’

Reason for refusal and Immigration Rules paragraphs	Wording
Not related as claimed	‘...but (in view of...) the Secretary of State is not satisfied that you are the parent of a child who is resident in the UK as you have claimed.’
Parent does not have sole responsibility	‘... you do not appear to have sole responsibility for your child, and so do not meet paragraph E-ELTRPT.2.3 of the Immigration Rules
Other parent or carer not resident in the UK	‘...but under the Immigration Rules the other parent of your child or the carer that your child lives with is required to be a British citizen or settled in the UK, which they are not.’
No proof of rights of access to the child	‘...but you have not produced evidence by way of a Residence Order or a Contact Order granted by a Court in the UK or a (sworn) statement issued from your child's other parent (or if contact is supervised, from the supervisor), that you are maintaining contact with your child.’
Applicant does not take, or does not intend to continue to take an active role in the child's upbringing	‘...but (in view of...) the Secretary of State is not satisfied that you take / intend to continue to take an active role in your child's upbringing.’

In this section

[Grant or refuse leave to remain](#)

Related links

Links to staff intranet removed

External links

[Immigration Rules – paragraph 7-39A](#)

[Appendix FM of the Immigration Rules](#)

	Child not under 18	'...but your child is not under the age of 18.'	
	Applicant does not meet the immigration status requirement	'...you are in the UK as a visitor/with valid leave for less than six months/ on temporary admission and so do not meet the immigration status requirement.'	
	Applicant has remained in breach of the immigration laws	'...but you have remained in the UK in breach of the immigration laws for a period of ... (insert number of days or period which should be over 28 days).'	
	Maintenance and accommodation	'...but (in view of...) the Secretary of State is not satisfied that you will be able to adequately (maintain/accommodate/maintain and accommodate) yourself without recourse to public funds (in accommodation which you) own or occupy exclusively.'	
	English language requirement	'You have not provided evidence that you have achieved a qualification in English to level A1 of the Common European Framework of Reference for Languages. It is noted that none of the exceptions apply in your case. You therefore fail to English language requirement of Appendix FM of the Immigration Rules which is a requirement to be fulfilled in order to be granted entry clearance as a parent under D-LTRPT.1.1.'	

Family life as a parent of a child in the UK

Grant or refuse indefinite leave

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This section tells you about granting or refusing indefinite leave on the basis of family life as a parent of a child in the UK.</p> <p>Grant indefinite leave Before you grant indefinite leave to remain, you must be satisfied that the applicant meets the requirements of Appendix FM, section R-ILRPT of the Immigration Rules.</p> <p>Refuse indefinite leave to remain You must refuse indefinite leave to remain if you are not satisfied all the requirements of Appendix FM Section R-ILRPT are met.</p>	<p>In this section</p> <p>Refusal wordings – indefinite leave</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse entry at UK a port</p> <p>Recourse to public funds</p> <p>Grant or refuse leave to remain</p> <p>Related links</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Appendix FM of the Immigration Rules</p>
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Family life as a parent of a child in the UK

Refusal wordings – indefinite leave

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This page gives examples of wording to use when you refuse indefinite leave to remain on the basis of family life as a parent of a child in the UK.

‘You have asked for indefinite leave to remain in the UK on the basis of family life as a parent of a child in the UK...’

Reason for refusal and Immigration Rules paragraphs	Wording
Applicant has not spent 60 months in the UK with limited leave as a parent where the requirements are met, or 120 months in accordance with section EX1	‘...but you have not completed a period of 60/120 months in the UK in this category.’
Applicant does not take, or does not intend to continue to take, an active role in the child's upbringing	‘...but (in view of...) the Secretary of State is not satisfied that you take / intend to continue to take an active role in your child's upbringing.’
Maintenance and accommodation	‘...but (in view of...) the Secretary of State is not satisfied that you will be able to adequately (maintain/accommodate/maintain and accommodate) yourself without recourse to public funds (in accommodation which you) own or occupy exclusively.’

For more reason for refusal wordings not listed above see related link: Refusal wordings – leave to remain in the UK.

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External links

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Family life as a parent of a child in the UK

Contact

About this guidance Key facts Entry and leave to remain requirements Indefinite leave requirements Granting or refusing	<p>This page explains who to contact for more help with a specific case about a person applying as a parent of a child in the UK.</p> <p>If you have read Appendix FM of the Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level you may email:</p> <ul style="list-style-type: none">• Operational policy and rules (OPRU) (family and settlement) unit (see related links) for guidance on policy.• Entry clearance officers can email ECO support.• Border force officers can email BFOAS enquiries. <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the permanent migration operational policy (settlement) team who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p>In this section</p> <p>Changes to this guidance</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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Information owner

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This page tells you about this version of the guidance for a person applying on the basis of a parent of a child in the UK guidance and who owns it.

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The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the related link: Email: Modernised guidance team.

Related links

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[Contacts](#)

Links to staff intranet removed