

Draft refusal letter (Gurkhas)

I refer to your application for naturalisation as a British citizen.

The success of an application depends on a number of statutory requirements being met. One is that the applicant should have had no more than 450/270/90 days' absence from the United Kingdom during the five/three year/twelve month period preceding the date of application.

While a person is serving in the British armed forces he is exempt from immigration control. The British Nationality Act 1981 provides that any time a person spends in the UK while exempt from immigration control will *not* count as residence in the UK for naturalisation purposes. The Home Secretary may exercise discretion to count it where appropriate, and to overlook actual absences in excess of those permitted by the 1981 Act, but his current policy is not to do so if the person is currently serving in the Brigade of Gurkhas. This reflects undertakings given to the Government of Nepal that nothing will be done to jeopardize a person's Nepalese citizenship whilst he is serving in the Brigade.

As your service in the Brigade of Gurkhas is ongoing and accounts for XXXX days of the five/three year qualifying period, I am afraid that your application will have to be refused.

We shall be happy to consider a further application once you have been discharged.