

# Indefinite Leave to Remain

Guidance for current and prospective staff



## Contents

Overview of Indefinite Leave to Remain (ILR) .....	2
Three-year Tier 1 ET/Global Talent route .....	3
Eligibility .....	3
Life and Language requirements .....	4
When can I apply? .....	6
How do I apply? .....	6
What documents do I need? .....	6
Dependants .....	7
Further guidance/reading .....	7
Five-year route .....	8
Eligibility .....	8
Salary requirements .....	9
Life and Language requirements .....	9
When can I apply? .....	9
How do I apply? .....	10
What documents do I need? .....	10
Dependants .....	11
Further guidance/reading .....	11
Ten-year “long residence” route .....	12
Eligibility .....	12
Life and Language requirements .....	12
When can I apply? .....	14
How do I apply? .....	14
What documents do I need? .....	14
Dependants .....	15
Further guidance/reading .....	15
Appendix A – Sponsor employer letter .....	16
Appendix B – List of absences .....	17

## Overview of Indefinite Leave to Remain (ILR)

Gaining Indefinite Leave to Remain (ILR)/Settlement in the UK is possible through a variety of different routes, and how you gain it depends on the type of visas you hold/held and over what period of time.

The most common route for non-EEA University staff to gain settlement is through either:

- The three-year Tier 1/Global Talent route
- The five-year Tier 2/Skilled Worker Visa route
- The ten-year “long residence” route.

This guidance covers these routes only.

This guidance is designed to for straightforward cases. If, having read this guidance, you are unsure as to your eligibility for ILR through any of the above routes, please seek further guidance from the [Compliance Team](#).

**Note:** for EU/EEA/Swiss nationals applying for ‘settled status’, that is a different legal route, and guidance on that can be found here: <https://www.gov.uk/settled-status-eu-citizens-families>

## Three-year Tier 1 ET/Global Talent route

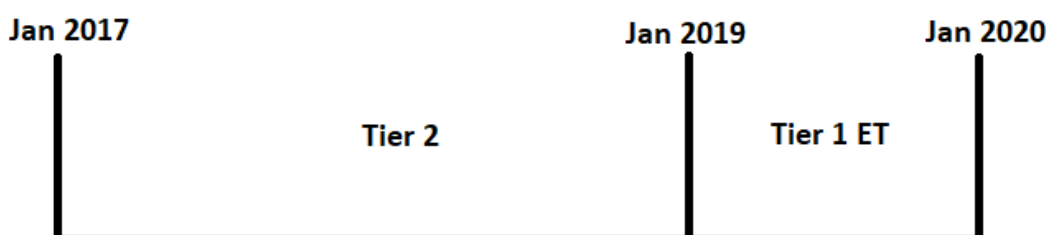
### Eligibility

By way of background, the Tier 1 (Exceptional Talent) visa was rebranded the 'Global Talent Visa' on 20<sup>th</sup> February 2020. For staff holding Tier 1 (Exceptional Talent) visas prior to this date, this rebrand had no effect on the visas terms and conditions, and no effect on the ability to gain ILR/settlement.

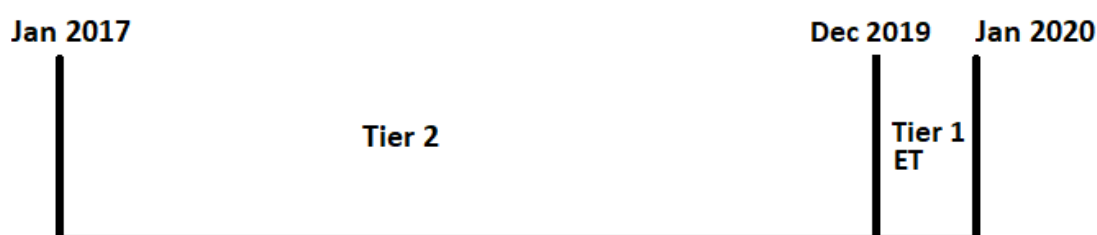
Staff members holding either a Tier 1 (Exceptional Talent) visa or a Global Talent Visa (or a combination of both) can apply for ILR/Settlement after three years holding **any** combination of the following visas types:

- Tier 1 (Exceptional Talent) Visa
- Global Talent Visa
- Tier 2 (General) Visa
- Skilled Worker Visa

For example, the staff member could hold a Tier 2 visa for two years, switch to Tier 1 (Exceptional Talent)/Global Talent visa and apply for ILR one year later:



Or, the staff member could hold a Tier 2 visa for two years 11 months, switch to Tier 1 (Exceptional Talent)/Global Talent visa and apply for ILR one month later:



**Any** combination of Tier 2 (General), Skilled Worker, Tier 1 (Exceptional Talent) or Global Talent visa is permitted in order to reach ILR/settlement after three years. **The key criteria is that at the point of ILR application the individual holds either a Tier 1 (Exceptional Talent) visa or a Global Talent Visa.**

If **before February 2020** you were endorsed as 'promise', you are now eligible to apply for ILR via the three year route. You do not have to wait five years before applying for ILR, as you were previously. This is confirmed on page 1 of the Home office 'Tier 1 Exceptional Talent' policy guidance: <https://www.gov.uk/government/publications/guidance-on-policy-for-uk-visas-under-tier-1-exceptional-talent>

In addition:

- You must pass the Life in the UK test and meet English language requirements (further guidance on this is available below).
- You must not have overstayed beyond the expiry date of any eligible visa; and
- You should not have had more than 180 day's absence from the UK each year (but see exceptions below) across the three years.

Absences from the UK during period of leave granted on or after 11 January 2018 are considered on a rolling basis. If the applicant's qualifying period includes leave granted before 11 January 2018, any absences during that leave are considered in consecutive 12-month periods ending on the date of application.

The application date is 30 June 2020. The applicant's continuous period includes the following grants of leave:

- one grant of leave from 1 July 2015 to 28 July 2018 – any absences during this grant of leave will be considered in consecutive 12-month periods, ending on 30 June each year
- one grant of leave from 29 July 2018 to 30 June 2020 – any absences during this grant of leave will be considered on a rolling basis: you must not include any absences from the previous grant of leave when you assess this

When calculating absences, this includes all personal **and** business-related travel.

However, **if you have had in excess of 180 days absence from the UK** and the excess absences were due to 'research activity' abroad, these will be waived by the Home Office. Please contact the [Compliance Team](#) if this situation applies to you, so that the evidential requirements of this can be discussed.

In addition, the Home Office will waive excess absences above 180 days where there was "travel disruption due to a pandemic".

## Life and Language requirements

Before applying for ILR, you must have passed the Life in the UK test and met English language requirements.

- The Life in the UK test has no expiry date and can be sat at any time prior to making an application for ILR. There is more information on booking the test here: <https://www.gov.uk/life-in-the-uk-test>

- English language requirements are very strict and can only be met in one of the following ways:

### **EITHER**

#### **Being a national of a majority English speaking country**

You will automatically meet the English language requirement if you are a citizen of one of the following countries:

- Antigua and Barbuda
- Australia
- The Bahamas
- Barbados
- Belize
- A British Overseas Territory (see “UK Overseas Territories: toponymic information” from [The Permanent Committee on Geographical Names](#))
- Canada
- Dominica
- Grenada
- Guyana
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- United States of America

### **OR**

You will meet English language requirements if:

- You previously held a Tier 2 or Skilled Worker Visa (in which case you are exempt);
- You hold a degree of any discipline:
  - from any UK University; or
  - taught in English, which was issued by a University outside of the UK. In these circumstances, you **must** use the UK Ecctis service to verify comparability.

To use their services, follow the link here:

<https://ecctis.com/Qualifications/VAN/Default.aspx> and select ‘Visas and Nationality (English proficiency)’

- You sit and pass an English language test (covering speaking and listening only) at minimum B1 level: <https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt>

## When can I apply?

The three-year period **starts** from the date the very first qualifying visa was issued (i.e. **not** the date you entered the UK for the first time).

You are then permitted to apply up to 28 days before you reach the three year qualifying period. For example:

- Your Tier 1 (Exceptional Talent) visa was issued on **1 July 2018**. You could submit an application for ILR no earlier than **3 June 2021**; or
- Your Tier 2 visa was issued on **1 July 2018**, and you switched to a Tier 1 (Exceptional Talent) visa/Global Talent visa at any time after this date, you are eligible to submit an application for ILR no earlier than **3 June 2021**.

**Do not** apply more than 28 days before you reach the 3 year qualifying period, or your application may be refused.

## How do I apply?

You can only apply online, using immigration form SET(O):

<https://www.gov.uk/government/publications/application-to-settle-in-the-uk-form-seto>

Please see [gov.uk](https://www.gov.uk) for the current cost of an Indefinite Leave to Remain application (“Indefinite leave to remain – main applicants and dependants” within section 9 “Other applications in the UK”).

Through the ‘standard’ application route, the application can take up to 6 months to be decided. However, in practice, it rarely takes more than 2-3 months for a decision.

There is also the option to expedite via the ‘Super Priority’ service. Both Tier 1 ET and Global Talent visa holders can access this route (see [gov.uk](https://www.gov.uk) for the current cost of the Super Priority Service (“Super Priority service” within section 5 “Optional services within the UK”). This will result in a decision within 24-48 hours, following which your new ILR Biometric Residence Permit will follow in the post within 5-10 working days.

## What documents do I need?

- Your current, valid passport
- Any previous passports you still have (only if applicable – if you no longer have them, this will not be an issue)
- Your current Biometric Residence Permit (BRP)
- For English language requirements – UK degree certificate, or overseas degree certificate and UK Ecctis certificate, or English language test certificate, as applicable.
- Evidence that you have earned money in the UK during the time you have held the Global Talent visa you currently have. **This does not need to cover the full three year period.**
  - This must be in the field in which you were endorsed.

- If you are a researcher, you may evidence this by submitting a letter from your department/institute confirming:
  - your name; and
  - the name of your department/institute; and
  - your job title; and
  - details of your salary.
- If you are not a researcher, we recommend the following evidence:
  - A letter from your department/institute which confirms you are currently employed, dates of employment, your job title and your salary; and
  - Your last 3 months of payslips.

**No other evidence of employment is required.**

## Dependants

Your dependants can apply for ILR; **however:**

- Spouses/unmarried partners/civil partners can only do so after they hold a points-based dependant visa for at least 5 years – **the ability to apply for ILR after 3 years is not presently available to them.**
- Conversely, children do not need to hold a dependant visa for a set number of years in order to qualify for ILR, however before they make an application for ILR the following must be true:
  - They hold a valid PBS dependant visa (of any length) **or** have been born in the UK; and
  - Both parents already hold ILR; or
  - Both parents are applying for ILR at the same time as the child; or
  - One parent holds ILR and the other parent is applying for ILR at the same time as the child.

Discretion is provided for parents who have sole responsibility for their child(ren).

## Further guidance/reading

**Indefinite Leave to Remain: Calculating continuous period in UK:**

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-continuous-residence>

**Knowledge of Life and Language in the UK:**

<https://www.gov.uk/government/publications/knowledge-of-life-and-language-in-the-uk>

**ILR for Tier 1 (Exceptional Talent)/Global Talent holders:**

<https://www.gov.uk/indefinite-leave-to-remain-business-investor-global-talent>



## Five-year route

### Eligibility

- Eligibility for ILR/settlement after five years usually requires that you have held a Tier 2/Skilled Worker visas for a continuous period of five years.
- You cannot combine time spent on a Tier 2 /Skilled Worker visas with time spent on dependant visas – you must either hold dependant visas for a full 5 years or Tier 2 visas/Skilled Worker visas for a full five years.
- Eligibility under the five year ILR route requires five years **continuous and lawful residence** in the UK.

**‘Continuous and lawful’ residence** is defined as follows:

- You have continuously held Tier 2/Skilled Worker visas in the UK. This can be across multiple jobs and/or employers, and across any number of Tier 2/Skilled Worker visas; and
- Gaps between employment/employers **do not** break continuity of residence; and
- You have not overstayed beyond the expiry date of any of these visa; and
- You should not have had more than 180 day’s absence from the UK each year (but see exceptions below) across the five years.

Absences from the UK during period of leave granted on or after 11 January 2018 are considered on a rolling basis. If the applicant’s qualifying period includes leave granted before 11 January 2018, any absences during that leave are considered in consecutive 12-month periods ending on the date of application.

The application date is 30 June 2020. The applicant’s continuous period includes the following grants of leave:

- one grant of leave from 1 July 2015 to 28 July 2018 – any absences during this grant of leave will be considered in consecutive 12-month periods, ending on 30 June each year
- one grant of leave from 29 July 2018 to 30 June 2020 – any absences during this grant of leave will be considered on a rolling basis: you must not include any absences from the previous grant of leave when you assess this

When calculating absences, this includes all personal **and** business-related travel.

**Exceptions:** If your absences exceed 180 days for any given year and your most recent Certificate of Sponsorship contains a PhD level SOC Code (2111, 2112, 2113, 2114, 2119, 2311), then any absences for the purpose of research activities overseas shall **not** count towards the 180 day threshold. In those circumstances, the mandatory sponsor employer letter (see Appendix A) will need to include the relevant wording (which has been highlighted in yellow in the template).

In addition, the Home Office will waive excess absences above 180 days where there was “travel disruption due to a pandemic”.

## Salary requirements

From 1 December 2020, there are minimum salary requirements which must be met by all Tier 2/Skilled Worker Visa holders in order to qualify for ILR.

For roles defined by the following PhD level SOC Codes (which cover the most common roles sponsored by the University), where defined on your latest Certificate of Sponsorship, the ILR minimum salary requirements are as follows:

SOC Code	Minimum rate
2111	£28,120
2112	£30,192
2113	£32,166
2114	£25,259
2119	£34,139
2311	£40,651

This represents the minimum salary that the individual must be receiving at the point of application **not** throughout employment.

For roles defined by **all other SOC Codes**, the applicant must be in receipt of salary of at least £26,200 or the ‘going rate’ for their role, whichever is higher. Please contact the HR Compliance Team for the minimum applicable salary rate.

## Life and Language requirements

Before applying for ILR, you must have passed the Life in the UK test.

The Life in the UK test can be sat at any time prior to making an application for ILR. There is more information on booking the test here: <https://www.gov.uk/life-in-the-uk-test>

Once passed, the test has no expiry date.

**For English language requirements**, from 1 December 2020, there is **no requirement** to prove you have met the required level of English language for ILR purposes, on account of already having met these as part of your initial Tier 2 or Skilled Worker visa application.

## When can I apply?

You must have held Tier 2/Skilled Worker visas for a continuous period of five years (as above).

The five-year period **starts** from the date the very first qualifying visa was issued (i.e. **not** the date you entered the UK for the first time).

You are then permitted to apply up to 28 days before you reach the five year qualifying period. For example, if your very first Tier 2 visa was issued on **1 July 2016**, you could submit an application for ILR no earlier than **3 June 2021**.

**Do not** apply more than 28 days before you reach the 5 year qualifying period, or your application will be automatically refused.

## How do I apply?

You can only apply online, using immigration form SET(O):

<https://www.gov.uk/government/publications/application-to-settle-in-the-uk-form-seto>

Please see [gov.uk](https://www.gov.uk) for the current cost of an Indefinite Leave to Remain application (“Indefinite leave to remain – main applicants and dependants” within section 9 “Other applications in the UK”).

Through the ‘standard’ application route, the application can take up to 6 months to be decided. However, in practice, it rarely takes more than 2-3 months for a decision.

Tier 2/Skilled Worker visa holders can access the ‘ILR Priority service’. This costs an additional £500 and will provide a decision within 5 working days, after which your new ILR Biometric Residence Permit will follow in the post within 5-10 working days.

There is also the option to expedite via the ‘Super Priority’ service. Tier 2 visa holders can access this route (see [gov.uk](https://www.gov.uk) for the current cost of the Super Priority Service (“Super Priority service” within section 5 “Optional services within the UK”). This will result in a decision within 24-48 hours, following which your new ILR Biometric Residence Permit will follow in the post within 5-10 working days.

## What documents do I need?

- Your current, valid passport.
- Any previous passports you hold (only if applicable – if no longer held, this will not be an issue).
- Your current Biometric Residence Permit (BRP).
- Your most recent payslip at the time you make the application
- Your most recent bank statement at the time you make the application (which shows the deposit of your last salary payment).
- If applicable, for English language requirements – UK degree certificate, or overseas degree certificate and UK Ecctis certificate, or English language test certificate.
- Sponsor employer letter – your department/institution normally creates this letter for you (please find a template in **Appendix A** of this guidance document). If the department/institution requires any guidance on the production of this letter, they should contact the HR Compliance team.
- A list of work-related absences for period of your employment at Cambridge, certified by your department/institution (please use the template in **Appendix B** of this guidance document).

- If applicable – a list of work-related absences from any previous employers who sponsored you through Tier 2 in the past five years.

## Dependants

Your dependants can apply for ILR **however**:

- Spouses/unmarried partners/civil partners can only do so after they hold a points-based dependant visa for at least 5 years.
- Conversely, children do not need to hold a dependant visa for a set number of years in order to qualify for ILR, however before they make an application for ILR the following must be true:
  - They hold a valid PBS dependant visa (of any length) **or** have been born in the UK; and
  - Both parents already hold ILR; or
  - Both parents are applying for ILR at the same time as the child; or
  - One parent holds ILR and the other parent is applying for ILR at the same time as the child.

Discretion is provided for parents who have sole responsibility for their child(ren).

## Further guidance/reading

**Indefinite Leave to Remain: Calculating continuous period in UK:**

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-continuous-residence>

**Knowledge of Life and Language in the UK:**

<https://www.gov.uk/government/publications/knowledge-of-life-and-language-in-the-uk>

**ILR for Tier 2 (General)/Skilled Worker visa holders:**

<https://www.gov.uk/indefinite-leave-to-remain-tier-2-t2-skilled-worker-visa>

## Ten-year “long residence” route

### Eligibility

Eligibility for settlement after ten years requires that you have held any combination of UK visas **continuously and lawfully** for a period of at least ten years.

**Continuously and lawfully** in the context of the ten year route, is defined as follows:

- Any combination of any UK visa types over a minimum ten year continuous period, preceding the date of application; and
- Absences from the UK of no more than 540 days during the full ten year period, with no more than 6 months’ absence at any one time.

**Note:** Continuous residence is not considered broken if, during the ten year period, the applicant held a valid visa when they left the UK, that visa expired whilst abroad but they re-entered the UK within 6 months of departure, on a new visa type (any visa type).

**Example:** ‘A’ held a points-based dependant visa, valid until 30 April 2015. They left the UK on 28 April 2015 and re-entered on a Tier 2 (General) visa on 18 July 2015.

Continuous residence in this case is not broken as ‘A’ left the UK whilst their previous visa was still valid and re-entered on a new visa type within 6 months of departure.

**However,** the period from 29 April to 17 July 2015 does count toward the 540 day limit on absences for the ten year period.

When calculating absences, this includes all personal **and** business-related travel, unless there are compelling compassionate reasons for travel (e.g. reasons outwith your control, such as illness of a family member).

**Important note:** The Home Office is *highly unlikely* to give discretion for absences for work or business purposes (e.g. conferences, meetings, overseas research trips etc.) where this leads to excessive absences and a breach of continuous residence. If in doubt, please contact the [Compliance Team](#) for guidance.

### Life and Language requirements

Before applying for ILR, you must have passed the Life in the UK test and met English language requirements.

- The Life in the UK test has no expiry date and can be sat at any time prior to making an application for ILR. There is more information on booking the test here: <https://www.gov.uk/life-in-the-uk-test>

- English language requirements are very strict and can only be met in one of the following ways:

### **EITHER**

#### **Being a national of an English speaking country**

You will automatically meet the English language requirement if you are a citizen of one of the following countries:

- Antigua and Barbuda
- Australia
- The Bahamas
- Barbados
- Belize
- A British Overseas Territory (see “UK Overseas Territories: toponymic information” from [The Permanent Committee on Geographical Names](#))
- Canada
- Dominica
- Grenada
- Guyana
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- United States of America

### **OR**

#### **For Tier 2/Skilled Worker visa holders**

If you currently hold a Tier 2/Skilled Worker visa, you will automatically meet the English language requirements. **However**, see the note below.

**Important note:** if for your Tier 2 visa application you sat an English language test as a means of meeting English language requirements, and please check the lists on the [Home Office webpages](#) to determine if the test is still acceptable.

### **OR**

#### **All other visa holders**

You will meet English language requirements if:

- A citizen of an English speaking country (as above); **or**
- You hold a degree of any discipline:
  - from any UK University; **or**
  - taught in English, which was issued by a University outside of the UK. In these circumstances, you **must** use the UK Ecctis service to verify comparability.

To use their services, follow the link here:

<https://ecctis.com/Qualifications/VAN/Default.aspx> and select 'Visas and Nationality (English proficiency)'; or

- You sit and pass an English language test (covering speaking and listening only) at minimum B1 level: <https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>

## When can I apply?

As stated, you must have held any combination of UK visas types for a continuous period of at least 10 years.

The ten years period **starts** from the date you first **entered** the UK.

You are then permitted to apply up to 28 days before you reach the ten year qualifying period. For example, if you entered the UK on **1 July 2001**, you could submit an application for ILR no earlier than **3 June 2021**.

**Do not** apply more than 28 days before you reach the ten year qualifying period, or your application will be automatically refused.

## How do I apply?

You can only apply online, using immigration form SET(LR): <https://visas-immigration.service.gov.uk/product/set-lr>

Please see [gov.uk](https://www.gov.uk) for the current cost of an Indefinite Leave to Remain application ("Indefinite leave to remain – main applicants and dependants" within section 9 "Other applications in the UK").

Through the 'standard' application route, the application can take up to 6 months to be decided. However, in practice, it rarely takes more than 2-3 months for a decision.

There is an option to expedite the application, through the 'Super Priority' service (see [gov.uk](https://www.gov.uk) for the current cost of the Super Priority Service ("Super Priority service" within section 5 "Optional services within the UK"). This will result in a decision within 24-48 hours, following which your new ILR Biometric Residence Permit will follow in the post within 5-10 working days.

## What documents do I need?

- Your current, valid passport
- All previous passports you hold
- Your current Biometric Residence Permit (BRP)
- The Life in the UK test certificate
- If applicable, for English language requirements – UK degree certificate or overseas degree certificate and UK Ecctis certificate, or English language test certificate

- **Note:** If you do not hold current/expired passports going back at least ten years, you will need to prove residence in the UK for the ten-year period. This can be a combination of any of the following documents:
  - Letter from employer
  - Payslips/P60/P45
  - Bank statements
  - Tenancy agreements/mortgage statements
  - Letters from an official source (local council, NHS, DWP, other government departments)
- **These are not required if you hold current and expired passports going back at least ten years.**

## Dependants

Your dependants **cannot** join your application for ILR via the ten year route. They would be required to have lived in the UK for ten years, and therefore would qualify in their own right for ILR under this route.

## Further guidance/reading

**Long Residence guidance:**

<https://www.gov.uk/government/publications/long-residence>

**Knowledge of Life and Language in the UK:**

<https://www.gov.uk/government/publications/knowledge-of-life-and-language-in-the-uk>



## Appendix A – Sponsor employer letter (5 year Tier 2/Skilled Worker route)

### Instructions:

- This letter is **not required** for the 3 year Tier 1/Global Talent route or the 10 year long residence route.
- Departments should complete the letter with the required information. **No other text within the letter must be altered or removed.**
- **For salary requirements** – see page 9 of this guidance to ensure that the individual is being paid the minimum required salary to qualify for ILR.
- The letter must be accompanied with a list of absences for the applicant (see Appendix B for a template)
- **The letter must be dated and placed on University headed paper.**
- For further guidance on using this letter, please contact the HR Compliance Team.

Dear Sir/Madam

We are writing this letter in support of **name's** application for indefinite leave to remain in the United Kingdom.

We confirm that the employee started working at the University of Cambridge on **date** at **Department** and has been employed continuously since this time. We have identified SOC 2020 Code '**Number**' as the most applicable to **name's** role. We confirm that we are their current sponsor and they are still required to work for us for the foreseeable future.

**Name's** salary is currently **£xxxx**; this is in line with the usual annual increments which are paid to all employees at this level. **Name** is contracted for **x** hours per week and we confirm that **name** is currently, and for the foreseeable future, being paid at least the salary as required in paragraph SW 24.3 of the Rules.

We further confirm that **name's** business- and non-business-related travel is set out in the attached schedule; this is in line with their annual leave and **EITHER** they have not taken any unpaid leave during their employment **OR** they have taken unpaid leave during their employment which has not exceeded the limits stated in the guidance for sponsors on workers and temporary workers. **[delete if not applicable]** Where there were absences in excess of 180 days during any given period, we confirm that these were for research and academic purposes, and therefore should be waived.

We trust that this letter is satisfactory for your purposes; however, should you have any queries in relation to the above, please do not hesitate to contact me.

Yours faithfully,

## Appendix B – List of absences (5 year Tier 2/Skilled Worker route)

### Instructions:

- This letter is **not required** for the 3 year Tier 1/Global Talent route or the 10 year long residence route.
- This letter accompanies the sponsor employer letter, as found in Appendix A, and can also be used as a standalone document for previous employment of a Tier 2/Skilled Worker holder in the University.

Dear Sir/Madam,

Please find below the list of absences that **name** has had from the United Kingdom during the period they **have been OR were** employed by us:

Date left the UK	Date returned to the UK	Reason for absence

Yours faithfully,