

Indefinite Leave to Remain

Guidance for current and prospective staff



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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 five year “work route” or the 10 year “long residence” route. Therefore, guidance on these two routes only will be covered within this document.

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>

This guidance is designed to be basic guidance for straightforward cases. If, having read this guidance, you are unsure as to your eligibility for ILR through the five year or ten year route, please seek further guidance from the [Compliance Team](#).

Five year “work” route

Eligibility

Eligibility for settlement after five years requires that you have held any combination of the following types of visas continuously for a period of five years:

- Tier 1 (Entrepreneur)
- Tier 1 (Exceptional talent)
- Tier 1 (Investor)
- Tier 2 (General)

Where a Tier 2 visa has been held for five years, this can be across multiple employers, multiple jobs and multiple extensions.

(**Note:** if you currently hold a Tier 1 (Exceptional Talent) visa, and were endorsed under the ‘world leader’ category, you are eligible to apply for settlement after **three** years, not five. For further guidance on this, please see here: <https://www.hr.admin.cam.ac.uk/hr-services/immigration/working-uk/time-limited-right-work/tier-1-exceptional-talent>)

In all other cases, eligibility under the five year ILR route requires five years **continuous and lawful residence** in the UK. ‘Continuous and lawful’ is defined as follows:

- You have continuously held one, or a combination of, one of the above visas, and have not overstayed beyond the expiry date of any of these visa; and

- ‘Continuously’ means no more than 180 days absence from the UK each year. This is calculated as follows:
 - Absences from the UK which occurred **before** 11 January 2018, cannot have been for more than 180 days in a consecutive 12 month period.
 - Absences from the UK which occurred **after** 11 January 2018, cannot have been for more than 180 days outside the UK in **any 12 month rolling period**.

However, in practice it depends on when your visa(s) were issued:

For example: If your first visa was granted on **1 July 2015**, your second visa was granted on **28 July 2018**, and your ILR application date was **30 June 2020**, you would calculate the 180 days absences as follows:

- From 1 July 2015 to 28 July 2018 – any absences during this period would be considered in separate 12-month periods e.g. from 1 July 2015 to 30 June 2016, then 1 July 2016 to 30 June 2017, then 1 July 2017 to 28 July 2018 (i.e. start of most recent visa).
- From 30 June 2018 to 30 June 2020 – any absences during this period would be considered on a 12-month rolling basis

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 will **not** give any 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 within the above parameters.

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
- 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 visa holders

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

Important note: if for your previous Tier 2 visa application(s) you sat an English language test as a means of meeting English language requirements, and that test was **anything other** than an IELTS or a Trinity College London Test, then you **must** re-sit the English language test before applying for ILR, as your previous test results will no longer be valid.

OR

For Tier 1 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**
- You hold a degree of any discipline taught in English, which was issued by a University outside of the UK. In these circumstances, you **must** use the UK NARIC service to verify comparability: <https://www.naric.org.uk/visas%20and%20nationality/Default.aspx>; **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?

You must have held one of the aforementioned combination of visa types for a period of five years. 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 2015**, you could submit an application for ILR no earlier than **3 June 2020**.

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>

Indefinite Leave to Remain costs **£2,389**

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, for an additional £800. This will result 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?

For Tier 2 visa holders:

- Your current, valid passport
- Any previous passports you hold (only if applicable – if no longer held, it won't be an issue)
- Your current Biometric Residence Permit (BRP)
- Your most recent payslip at the time you make the application
- 3 months of bank statements covering the 3 months preceding the date of application
- The Life in the UK test certificate
- If applicable, for English language requirements – UK degree certificate, or overseas degree certificate and UK NARIC certificate, or English language test certificate
- Sponsor employer letter - **please contact the [Compliance Team](#) to obtain this letter**

- A list of work-related absences for period of your employment at Cambridge (please use the template found [here](#). Complete the template and return to the Compliance Team alongside your request for the sponsor letter).
- If applicable – a list of work-related absences from any previous employers who sponsored you through Tier 2 in the past five years.

For Tier 1 visa holders:

- Your current, valid passport
- Any previous passports you hold (only if applicable – if no longer held, it won't be an issue)
- Your current Biometric Residence Permit (BRP)
- Evidence of currently working at an 'exceptional talent level'. This does not need to cover the full three/five year period. We recommend the following evidence:
 - A letter from your department/institution which confirms you are currently employed, dates of employment, your job title and your salary; and
 - Your last 6 months of payslips.
- The Life in the UK test certificate
- For English language requirements – UK degree certificate, or overseas degree certificate and UK NARIC certificate, or English language test certificate

Further guidance/reading

Indefinite Leave to Remain: Calculating continuous period in UK:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/723413/Calculating-continuous-leave-v17.0-EXT.pdf (this guidance only applies to the five year ILR route)

Knowledge of Life and Language in the UK:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751976/KoLL-v21.0ext.pdf

Tier 1 policy guidance:

<https://www.gov.uk/government/publications/guidance-on-policy-for-uk-visas-under-tier-1-exceptional-talent>

Tier 2 policy guidance:

<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-2-worker>

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 at 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 the ir previous visa was still valid and re-entered on a new visa type within 6 months of departure.

However, the period from 28 April to 18 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 are *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
- 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 visa holders

If you currently hold a Tier 2 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 that test was **anything other** than an IELTS or a Trinity College London Test, then you **must** re-sit the English language test before applying for ILR, as your previous test results will no longer be valid.

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**

- You hold a degree of any discipline taught in English, which was issued by a University outside of the UK. In these circumstances, you **must** use the UK NARIC service to verify comparability: <https://www.naric.org.uk/visas%20and%20nationality/Default.aspx>; **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 2000**, you could submit an application for ILR no earlier than **3 June 2020**.

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>

Indefinite Leave to Remain costs **£2,389**

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, for an additional £800. This will result 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 NARIC certificate/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 any of the following:
 - 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.**

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>