

# ILR Application on BNO visa route Drop-in-session

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Date: 20 March 2025

# What is Indefinite Leave to Remain (ILR)?

- ▶ Allows individuals to live and work in the UK indefinitely
- ▶ Access to public funds and benefits (if eligible)
- ▶ Pathway to British citizenship

# Validity Requirement

- ▶ Must apply online - Set (O) form
- ▶ <https://visas-immigration.service.gov.uk/product/set-o>
- ▶ *screenshot*



## **Apply to settle in the UK - certain categories only**

Use this form to apply to settle in the UK under certain categories only.

You can no longer apply for indefinite leave to remain under Tier 1 (General) or Highly Skilled Migrants Programme categories.

You will be able to add your partner and/or any children if they are applying as your dependants.

If you are the spouse or partner of someone who is settled and currently living in the UK and you have completed the relevant period of continuous leave in the UK using the 'Family Route', you cannot use this form. You must instead apply using the form [Apply to settle in the UK - Partner of a person or parent of a child already settled in the UK](#).

# Validity Requirement

1. Any fee must have been paid
2. Must have provided biometrics
3. Must have provided a passport or other travel document to establish identity and nationality
4. Must have permission on the Hong Kong BN(O) route
5. Must be in the UK

# Suitability Requirement

Applicant must not:

1. Fall for refusal e.g. criminal in the UK
2. In breach of immigration laws e.g. overstayer
3. On immigration bail (except making an asylum claim)

# Eligibility Criteria

## 1. Residency Requirement:

- ▶ Continuous residence for at least 5 years
- ▶ Absence Limits: No more than 180 days outside the UK in any 12 months

## 2. English Language Requirement (Age 18-64):

- ▶ Must show English language ability in speaking and listening to at least level B1

## 3. Knowledge of Life in the UK (Age 18-64):

- ▶ Must pass the knowledge test - 18 out of 24 Qs are correct (45 mins)

## 4. Must prove the relationship and care requirement, If you are:

- Dependent child (under 18)
- Adult dependent (parent, grandparent, brother, sister, son or daughter of the main applicant who is a BNO visa holder or a partner of a BNO visa holder)

## 5. Good Character

## Application Fee (as on 20/03/2025)

- ▶ **£2885** - main applicants and dependants
- ▶ Priority service – £500 (Decision - 5 working days)
- ▶ Super Priority service - £1000 (Decision – by the end of the next working day)
- ▶ **No IHS fee**

# How to calculate residency period?

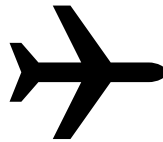
- ▶ 5 years counting from the date of the following (whichever is most beneficial to the applicant):
  - 1) the date of application
  - 2) the date of decision
  - 3) any date up to 28 days after the date of application
  
- ▶ No more than 180 days outside the UK in any 12 months
- ▶ Count whole days - 12:00 midday to 12:00 midnight
- ▶ Part day absences - less than 24 hours are not counted



## Example:

- ▶ Mr. A was outside the UK for 180 days during the 12-month period, started their journey back to the UK on day 180 but arrived on day 181, the period would not exceed 180 days.

Take the flight  
on day 180



Arrived the UK  
on day 181

# English Language Requirement

- ▶ Recognised English test qualification at least B1 level from an approved test centre – *Pearson, Trinity College London, IELTS SELT Consortium, LANGUAGECERT (valid for 2 years);* or
- ▶ A degree taught or researched in English (must be academic)

## Documents to provide:

- ▶ Approved test result from an approved test centre; or
- ▶ A degree certificate proof (If a UK university degree); or
- ▶ A degree certificate of an Academic Qualification Statement from Ecctis (If from a non-UK university degree)
- ▶ **And**, an English Language Proficiency Statement from Ecctis confirming the degree was taught in English (If non-majority English-speaking country university degree)

# Life in UK Test

- ▶ Must book it online at least 3 days in advance
- ▶ Costs: £50 (as on 20/03/2025)
- ▶ The name you give on your test booking must be an exact match with the name on the ID you use to book the test
- ▶ [Book the test https://www.gov.uk/life-in-the-uk-test](https://www.gov.uk/life-in-the-uk-test) (official website)

## Book the test

You need all of the following to book a test:

- email address
- debit or credit card
- an accepted form of ID

[Start now >](#)

- ▶ Age 18-64 (the date you submitted the application) must take the test
- ▶ Exemptions: long-term physical or mental condition - **MUST** provide either an exemption form or a letter from a doctor confirming your physical or mental condition

# Good Character

- ▶ A criminal conviction?
- ▶ A penalty for a driving offence, e.g. disqualification for speeding or no motor insurance?
- ▶ An arrest or charge for which you are currently on, or awaiting trial?
- ▶ A caution, warning, reprimand or other out-of-court penalty?
- ▶ A civil court judgment against you, e.g. for non-payment of NHS debt, bankruptcy proceedings or anti-social behaviour?
- ▶ A civil penalty issued under UK immigration law?

# Documents Checklist

- ▶ 1. Identity proof: Passport, BRP (if necessary)
- ▶ 2. Travel history proof: all previous passports (copies of every page), travel documents or national identity cards you have used to travel to or remain in the UK, Home Office records
- ▶ 3. Residency proof: National Insurance letter, Employer's letters - P45/P60, pay slips, utility bills, council tax bill, tenancy agreements, school letters or Education Institutes letters (if necessary), etc
- ▶ 4. Immigration status proof: eVISA
- ▶ 5. Relationship proof (if necessary): birth certificate, marriage certificate
- ▶ 6. English Language proof: approved test result or degree certificate
- ▶ 7. Knowledge of UK proof: Unique Reference Number of the pass result (Life in the UK Test Pass Certificate)
- ▶ 8. Declaration signed by the applicant to confirm consent for the Home Office to request verification checks

# Application Process

- ▶ 1. Existing visa must be valid (the earliest day to apply - 28 days before you are eligible or before your visa expired)
- ▶ 2. Check eligibility criteria
- ▶ 3. Prepare necessary documents and evidence
- ▶ 4. Submit the online application
- ▶ 5. Book and attend a biometric appointment
- ▶ 6. Wait for a decision (Standard: 6 months, Priority: 5 working days)

# Decision

## 3 outcomes:

### 1. All requirements are met

- ▶ Settlement granted

### 2. Likely to meet all requirements

- ▶ Permission to stay granted (30 months - no access to public funds)
- ▶ No further application fee (ILR application fee not refunded)
- ▶ Must pay IHS fee

### 3. Requirements not met

- ▶ Settlement refused
- ▶ Administrative Review within 14 days
- ▶ No Appeal

# Common Mistakes to Avoid

- ▶ Visa expired
- ▶ Missing or incomplete documents
- ▶ Exceeding the absence limits
- ▶ Failing to pay the application fee
- ▶ Failing to book the biometric appointment on time
- ▶ Providing incorrect or outdated information
- ▶ Not meeting specific requirements for your visa route -  
BNO visa route - SET (O) form



# Need assistance/advice

*KCALC Cantonese hotline (It's free!):*

 *07946 100 446 (Tue and Thurs 09:30-16:00)*

 *HKSS@kcalc.org.uk*

# Frequently Asked Questions



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Q1: Can I apply for ILR without a valid passport if I am not willing to travel back to Hong Kong for the HK passport renewal or unable to go to the Chinese Embassy due to fear of potential repercussions?



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Q2: If the main applicant passed away during the 5+1 period, can the partner and/or dependent child apply ILR individually?

Q3: If the child's parents each applied for and already have a BN(O) Visa, and that the child applies for a BN(O) dependent Visa under the mother's name, but the father has not lived in the UK for five years. In this case, can a child under 18 apply for ILR with his mother only? If the child cannot apply ILR with his mother, what are the possible solutions? Does the mother and the father need to renew the BN(O) visa together with the child? Can the mother apply for ILR first?

Q4: Do the UK born children need to apply for ILR together with their parents?

Q5: What are the implications on settlement for people applying to have their NRPF condition removed?

Q6: Can I apply for fee waiver if I am not able to afford for ILR/citizenship application fee due to destitution?



Q7: Can DV survivor children / children from family undertaking divorce apply for ILR with only one parent?



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Q8: What are those exemptions for exceptional circumstances? What constitutes compelling reasons for maintaining continuous residence needed for IRL? Could this be aligned with the rules for EU nationals and eligibility for settled status?



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Q9: I haven't actively filed a tax return in the past 5 years because I did an online self-assessment and it said I don't need to file a tax return. Will this affect my application for ILR and Citizenship?

Q10: Is the calculation of  
Citizenship residency period  
same as ILR?

Q11: How to prove the date of entry to the UK for citizenship applications if no stamp on the passport?

# Q12: What are the criteria to be a referee for identity check?

Referee (must be 18 or above) for identity check only applies to Citizenship application

## First referee:

### **Child**

- Must be a recognised professional who engaged with the child, e.g. teacher, social worker

### **Adult**

- Must be a recognised professional (any nationality), e.g. accountant, solicitor (who is not representing you with the application), nurse, doctor, civil servants, etc

## Second referee:

### **For both adult and child**

- Must be a British passport holder + a recognised professional or age 25 or above

Details of recognised professional: <https://www.gov.uk/government/publications/confirming-identity-countersignatory-and-digital-referees/confirming-id-referees>

# Referee and Identity Form to be submitted for Citizenship application



## Referees and Identity

### Passport photo

On the back of the applicant's photograph, please write their full name and date of birth. The photograph should then be glued into the space aside.

There are rules about what your photograph should look like. To find out more about these rules, go to

<https://www.gov.uk/photos-for-passports>



This part of the form is to be filled in by the applicant's referees once their photograph has been attached, as explained above.

Referees should read the applicable Guide to confirm that they are eligible.

Checks will be carried out to ensure that referees meet the requirements below and their signatures are genuine, and we may contact them as part of our enquiries.

**Name of applicant:**

### Requirements of a referee

Each referee should know the applicant personally.

Where the applicant is a child applying, one referee should be a professional who has engaged with the child in a professional capacity, such as a teacher, health visitor, social worker or minister of religion.

For an adult application, one referee should be a person of any nationality who has professional standing, eg minister of religion, civil servant, or a member of a professional body e.g. accountant or solicitor (who is not representing you with this application).

For all applications, the second referee must normally be the holder of a British citizen passport and either a professional person or over the age of 25.

Referees must:

- not be a relative
- not be a solicitor or agent representing you on this application
- not be related to the other referee;
- not be employed by the Home Office;
- not have been convicted of an imprisonable offence during the last 10 years (unless that conviction can be disregarded in line with the table shown in the Guide);
- have known the applicant personally;
- be willing to give full details of their knowledge of the applicant;
- advise the Home Office of any reason why the applicant should not be registered.

### Referee declaration

I declare and confirm:

- That I am qualified to act as a referee.
- That the photograph above is a true likeness of the applicant.
- That I understand each of the points in the "Requirements of a referee" section.
- That, to the best of my knowledge, the details of the applicant given in this application are correct.
- That my details as a referee given in this application are correct.
- That I understand that I could be fined up to £5,000, or go to prison for up to 3 months, if I knowingly give false information.

**Full Name:**

**Signature:**

**Date:**

Any more questions?