# Indefinite Leave to Remain (ILR) Application

**Q&A about ILR application and beyond.**

**Click here to read the FAQ on ILR prepared by the Home Office.**

## Before Applying for ILR

### Q: Are there any guidance on the requirements for settlement applications for BN(O) visa holders?

A: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-hong-kong-british-national-overseas

### Q. How do I apply for settlement on the BN(O) visa route?

A: Applications for settlement are made online at British National (Overseas) visa: Settle in the UK - GOV.UK

• You will be asked to provide personal information, details of your residence in the UK and any absences, evidence that you have passed the 'life in the UK' test and meet the English language requirement, and information about your BN(O) status holder sponsor if relevant to your application. You will be required to upload digital copies of the required documents as part of your application.

• You must pay the application fee.

• You must then verify your identity. How you do this will depend on the passport you hold.

**Q. Do I need to be in the UK when I submit my settlement application?**

A: Yes, you must not travel outside of the UK, Ireland, the Channel Islands or the Isle of Man until you get a decision. Your application will be withdrawn if you do.

**Q: When can I start filling out the ILR application form?**

A: You can start completing the form at any time. However, the official application date is defined as the date on which the payment is processed and the form is formally submitted.

**Q. When is the earliest I can apply for a BN(O) settlement visa?**

A: You can apply for settlement up to 28 days before your current visa expires. This is to make sure you have lived in the UK for 5 years continuously when you apply to settle.

**Q: If I was granted a visa in July 2022 but didn't enter the UK until January 2023, when should I submit my ILR application?**

A: Your eligibility for ILR begins 5 years from the date your initial visa was granted. Therefore, you may apply in July 2027 (up to 28 days before the 5th anniversary of your visa grant), provided you meet the continuous residence requirement of spending no more than 180 days abroad during any 12-month period.

**Q: Where can I find the application form?**

A: You can either use the SET(O) form (https://visas-immigration.service.gov.uk/product/set-o), or the online form which enables identity check via UK Immigration: ID Check app ( https://www.gov.uk/british-national-overseas-bno-visa/settle-in-the-uk)

**Q: How much does the ILR application cost?**

A: From 8 April 2026, the standard fee for an ILR application is £3,226 per applicant, and additional fees for priority services (£500), biometric enrollment (if premium), or tests may apply.

**Q: What is a priority service?**

A: Using the 'priority service' means you'll usually get a decision within 5 working days. You'll need to pay £500 in addition to the application fee. More details can be found here.

**Q. Is a fee waiver available for settlement applications?**

A: There is currently no fee waiver for applications for settlement on the BN(O) visa route. An individual can instead make a further application for permission to stay on the BN(O) visa route.

**Q: Do I need to pay the immigration health surcharge at settlement?**

A: No. You do not need to pay the immigration health surcharge when applying for settlement.

**Q. How long will it take to get a decision on my settlement application?**

A: Unless you pay for the priority service, you will usually get a decision within 6 months of submitting your application. UKVI will contact you if your application may take longer to process or if they need further information from you.

**Q. Why are some applications processed more faster than others?**

A: Applications to the BN(O) visa route are assessed in date order. You may wait longer for a decision if the Home Office needs further information from you. If additional information is required, you will be toldhow and when to provide it. Once that information has been received, your application will then be prioritised. To avoid any delays in receiving a decision, ensure that you provide all the information requested in the application form. You can contact the Home Office if you are unsure what information to provide: Contact UK Visas and Immigration for help - GOV.UK

## Completing the ILR Application Form

**Q: If an applicant changed their name as a child, do they need to disclose this by clicking "Add other name" when completing the online form?**

A: Yes, he must disclose it.

**Q. I use a Westernised or anglicised version of my name – what should I do?**

A: If you use more than one version of your name, please include all versions in the “Other names you have used” section of the application form. This helps caseworkers complete identity checks accurately and helps

prevent delays in processing your application.

**Q: Regarding the Home Office reference number, if I am a single applicant, which number should I provide? On the other hand, if I am a dependent, what number should I enter?**

A: A Home Office application number (UAN) usually starts with **3434** and follows this format: **3434-0000-0000-0000**. Each application number is unique to the individual applicant, regardless of whether they are the main applicant or a dependent.

**Q: If I can’t find my BN(O) visa approval number, is there another reference number I can provide instead?**

A: Try searching your mailbox using **'3434'** as a keyword. If you still can’t find it, you can contact UKVI at this link. You can also find your application number by logging into your UKVI account here.

**Q: How many supporting documents do I need to submit?**

A: Applicants are advised to submit 2-3 different sources of evidence per period to demonstrate continuous residence. While there is no fixed list of mandatory documents, acceptable evidence includes employment records (P60/P45/payslips), utility or Council Tax bills, medical records, and bank statements. Please note that bank statements should cover a minimum of six months within each 12-month period.

**Q: I have prepared a cover letter to explain my case. Where can I upload it?**

A: If you are using the UK Immigration: ID Check app, you can upload your cover letter directly during the application process. If you are applying via the online form and attending a service centre for biometrics enrollment, you will be able to upload all your documents to the UKVCAS system once you have booked your appointment.

**Q: Regarding document uploads, if any are missing documents, will the Home Office request the missing information rather than rejecting the application outright?**

A: If your documentation is incomplete, the Home Office caseworker will usually give you an opportunity to submit the

missing items before making a decision on your application.

## Proving Your Identity

### Q. How can I prove my identity in a BN(O) settlement application?

A: How you prove your identity when applying for settlement depends on what type of passport you have

• If you have a BN(O) or a Hong Kong Special Administrative Region you can use the ‘UK Immigration: ID Check’ app to scan your passport - you will need sign into your UK Visas and Immigration (UKVI) account to do this.

• If you hold any other type of passport you will need to attend a UK Visa and Citizenship Application Services (UKVCAS) service point to provide your biometrics in person. See guidance for informationon how to book an appointment: UK Visa and Citizenship Application Services - GOV.UK.

### Q. Can I use an expired ID to apply for settlement under the BN(O) route?

A: If you apply for settlement using the 'UK Immigration: ID check' app, you can use an BN(O) or Hong Kong Special Administrative Region passport that has expired and is within five years of its expiration date at the date of application.

If you attend a UKVCAS service point to have your biometric information taken, you can provide an expired passport or an alternative identity document such as a birth certificate which satisfactorily establishes your identity and nationality.

**Q. Is the UK Immigration: ID App compatible with all mobile phones?**

A: No. You can check if your phone is compatible, by visiting the guidance, which is available here: Using the ‘UK Immigration: ID Check’ app - GOV.UK

**Q: I applied for my BN(O) visa by using my old passport details. I applied e-VISA months ago with my new passport details. Should I upload my old passport details on the e-VISA system? If we don't update them, could this cause my delays on my ILR application?**

A: You just need to update your current passport details on your e-VISA. However, when you apply ILR, you will need to provide copies of both old and new passport details for the application.

## Continuous Residence

### Q: Any guidance on continuous residence?

A: For ILR application: https://www.gov.uk/government/publications/continuous-residence/continuous-residence-guidance-accessible-version

### Q. What are the permitted absences for those applying for settlement on the BN(O) route?

A: You must not have been outside the UK for more than 180 days in any 12-month period.

### Q: When does the date of an individual's continuous residence start?

A: For ILR application, the earliest date can be counted back from 1)the date of application; 2)the date of decision; 3)any date up to 28 days after the date of application, whichever is most beneficial to the applicant. As the time between the grant of entry clearance and the date you entered the UK counts towards the total of absence, if you entered the UK after 180 days from

the date of your application or from the date of the decision, you are advised to count from the date of the arrival.

Further information about continuous residence and permitted absences in the UK is available here: Continuous residence guidance (accessible version) - GOV.UK

**Q: Does the continuous guidance, specifically 'You must only include whole days when calculating an applicant's absences. Part day absences, less than 24 hours are not counted.' applies for HKBN(O)?**

A: It applies to BN(O) visa route. Whole days mean 12:00 midday to 12:00 midnight. Part day absences mean less than 24 hours are not counted. For example, if the applicant was absent for 180 days during the 12-month period and started their journey back to the UK on day 180 but arrived on day 181, day 181 would not be a day of absence and the period would not exceed 180 days.

**Q: The guidance says 'the time between the grant of entry clearance and the date of arrival is a period during which they had permission on that route and should be treated as a period of lawful residence. In these instances, you must establish the date the applicant entered the UK. The time between the grant of entry**

**clearance and the date they entered the UK counts towards the total of absences.' Therefore, if we take a person from a question above, who can show that their arrival to the UK was delayed due to compelling and compassionate personal circumstances, could they still qualify for ILR?**

A: The time between the grant of entry clearance and the date you entered the UK counts towards the total of absence. Applicants are not required to show the reason for delaying arrival to the UK. If applicants met the 5 continuous residency period, that is spend no more than 180 days outside the UK in any 12 months, they are still eligible for ILR application.

**Q: How can applicants prove the date of entry to the UK for settlement applications if there is no stamp on the passport?**

A: Applicants are advised to keep the record of your travelling history, e.g. boarding pass, flight tickets, etc as a proof of entrance to the UK, if there is any dispute on your continuous residency period for the application. Another option is to check with the flight provider for the travelling history. If applicants fail to keep their travelling history, they can make an online application to request copies of personal information held in the borders, immigration and citizenship system from the Home Office, known as a ‘Subject Access Request’ (SAR) or a ‘Right of Access Request’. Applicants can use this service to request

personal information held on the Home Office about your immigration history and the information of citizenship.

You can also provide bank statements which will help you to identify a pattern of payments where transactions take place to show you were in the UK.

You may provide independent evidence of activity following entry, such as a letter from an employer stating when you started your employment in the UK.

**Q: How does the Home Office identify the days of absences in the UK if applicants have two passports – HKSAR and BN(O) passports?**

A: The Home Office has a system to record your immigration history. Applicants are advised to keep the record of your travelling history, e.g. boarding pass, flight tickets, etc, as a proof of your travelling or immigration history in and out the UK if any dispute on your continuous residency period for the application arises. If applicants fail to keep their travelling history, they can make an online application to request copies of personal information held in the borders, immigration and citizenship system from the Home Office, known as a ‘Subject Access Request’ (SAR) or a ‘Right of Access Request’. Applicant can use this service to request personal information held on the Home Office about your immigration history and the information of citizenship.

**Q: Does LOTR count towards residency period?**

A: LOTR does not count towards residency period.

**Q: I once studied in Leeds in 2014. Would my study duration in 2014 be counted in the settlement 5 years now?**

A: Student leave (under T4) would not be counted even if it is continuous, as student leave does not contribute towards settlement.

**Q: Can I count time on other immigration routes towards my 5 years?**

A: Time spent on another immigration route which is a pathway to settlement counts towards the 5-year period. However, your most recent grant of permission must be on the BN(O) route.

• Short-term routes such as the Student route (previously called Tier 4) or the Youth Mobility Scheme (Tier 5) are not routes to settlement and do not count towards the 5 years.

**Q: On this page https://www.gov.uk/apply-citizenship-indefinite-leave-to-remain It states that 'you should not have spent more than 450 days outside the UK during the 5 years before your application' which is different from what was said on the guidance for HKBN(O) 'An applicant must not be absent (that is, outside the UK) for more than 180 days in any 12-month period...' people are wondering if they need to follow both rules.**

A: The amount of time the applicants are allowed to be out of the UK is different for ILR and Citizenship applications. For Citizenship application, applicants must be in the UK at the beginning of the period of 5 years ending with the date of the application to prove your residences. Applicants must not absent from the UK for more than 450 days in the 5 year period, and not absent for more than 90 days in the last year before application.

**Q: What if I am absent from the UK for over 180 days in 12-month period?**

A: Some longer absences might be allowed depending on the reasons – further information about absences and what counts as exceptional circumstances can be found in the continuous residence guidance.

All applications for settlement will be assessed on a case-by-case basis.

**Q: What constitutes compelling reasons for maintaining continuous residence needed for ILR? Could this be aligned with the rules for EU nationals and eligibility for settled status?**

A: Basic rule is that applicants are not out of the UK for more than 180 days in any 12 months, but they can apply for exemptions if they have what Home Office called exceptional circumstances. It has to be very severe, e.g. a life threatening illness for the applicants or their family members. Applicants will need to prove it by providing evidence.

**Q: Does study/placement aboard count as exceptional circumstances for the absence's exemption?**

A: Study/placment aboard are unlikely to be considered as exceptional circumstances.

## Proof of Residence

**Q: How many documents should I provide to cover the full period?**

A: At least a couple of different sources for one period. More than one sources for the period is advised.

**Q: Can I submit bank statements if my name is not on the utility bills, Council Tax bills, or HMRC letters?**

A: Yes, bank statements are acceptable evidence of residence. Please note that they should cover a minimum of six months within each 12-month period of your five-year qualifying stay.

**Q: Since our home in the UK is in my name, my mum lives with me but isn't listed on the Council Tax bill because the Council doesn't consider her a legal owner. Is it okay to use utility bills as proof to verify that she is living in the UK?**

A: Yes, your mother doesn't need to be named on the Council Tax bill. If the utility bills have her name on them, they are just as good as a Council Tax bill.

**Q: What documents should I provide if I do not have a job in the UK?**

A: There is no fixed list of documents you are required to submit. Examples are utility payment bills, bank statements, tenancy

agreement, GP record, etc

**Q: If I only have a P45 and P60, do I need to provide additional evidence for any periods of unemployment in between? (Note: I am unable to provide utility bills.)**

A: If you only have a P45 or P60 and were unemployed for a period of time, you may need to submit additional evidence of residency. Since a P60 confirms employment for a full financial year and a P45 only documents a specific period of service, you should provide further evidence of residency to cover any intervening gaps in your employment history.

## Family Members

**Q. How do I apply as a family member under the BN(O) route?**

A: Each family member needs to make their own application. How a family member applies depends on their age and if they are dependent on the BN(O) status holder. More information can be found by visiting the guidance which is available here: British National (Overseas) visa: Settle in the UK - GOV.UK

**Q. When applying for settlement on the BN(O) route, can one application that names all family members be accepted?**

A: No, each family member needs to make their own application for settlement.

If you're the first person in your family to apply, you can get a 'family linking code' to connect your applications together. Your family members can enter the same code when they apply. This code helps caseworkers to link your applications together. They can then see that you are all part of the same family when they look at each of your applications.

Further information about applying with family members is available here: British National (Overseas) visa: Your family members - GOV.UK

## Adult Dependent Relative

**Q: For Adult Dependent Relative (elderly), if they don't have UK bank accounts, NI, utility bill or tenancy agreement in their names, how can they aprove their residency period in the UK?**

A: There is no a fixed list of documents applicants are required to submit. Medical record from GP could be a source to prove Adult Dependent Relative's residency period.

**Q: Can adult dependant apply for extension alone if they are on 2.5 years visa if their sponsor is on 5 years visa?**

A: Yes for Partner, ADR and Dependent child over 18.  However, applicants applying through the BN(O) Household Member Route who are the adult child of the partner of a BN(O) status holder cannot apply to the BN(O) route independently and need to apply together with the BN(O) status holder who is the main applicant and they are granted the same length of permission they have applied.

**Q: If I received the BN(O) visa as a dependent of a BN(O) status holder, what happens to my BN(O) visa if I separate from my partner?**

A: Your visa continues to be valid until the expiry date indicated on the visa even after you stop being dependent on your BN(O) sponsor. You also do not need your sponsor, or be dependent of him/her, to apply for indefinite leave to remain in the UK after your BN(O) visa comes to an end.

## Dependent Children

### Q. Do children under 18 have to apply with both BN(O) parents for settlement?

A: Children under 18 must apply for settlement at the same time as both of their parents, unless one or both of their parents are already settled or have British citizenship.

There are exceptions where a child may apply with one parent, such as:

• that parent is the only surviving parent; or

• that parent has sole responsibility for their upbringing; or

• the decision maker is satisfied that there are serious and

compelling reasons to grant the applicant settlement.

Each child will need a separate settlement application which they can link to their parents' applications.

### Q. Are dependants who are due to turn 18 before they apply for settlement required to apply with the main applicant?

A: Individuals who are aged 18 or over when they apply for settlement can make an application in their own right without needing to apply at the same time as their parents.

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

A: Refer to Immigration Rules HK 57.4(a), dependent child can apply ILR with the surviving parent.

**Q: One parent working aboard to support the family financially which will not be eligible when the family members apply for ILR. In this case, can the under 18 children apply with only one parent? If not, does this means they need to apply for visa extension to wait for one parent to be settled first?**

A: Refer to Immigration Rules HK 57.4, Children under 18 are required to apply for settlement with both parents who are British citizen, or be settled, unless one parent is deceased; one parent has sole responsibility for the child’s upbringing, or there are serious and compelling reasons to grant the child settlement. In this situation, the parent who met the ILR requirement to apply for ILR as soon as she is eligible, the child will need to extend the visa with the other parent until they are

eligible to apply for ILR.

### Q: Can domestic abuse survivor children / children from family undertaking divorce apply for ILR with only one parent?

A: Yes, they can. Evidence or proof are required to support the application.

### Q: How can children prove their residency if they do not have a job?

A: It can be proved by providing school record, e.g. examination or assessment reports, a letter of school to confirm children are studying in the school, etc.

## Children Born in the UK

### Q. Do children born in the UK to parents with a BN(O) visa need to apply for settlement with them?

A: If a child is born in the UK to parents with a BN(O) visa, they will usually need to have an application made on their behalf for

a BN(O) visa.

However, the child does not need a visa if one or both of their parents are already settled in the UK when the child is born. Instead, the child will automatically acquire British citizenship. Further information can be

found here: Automatic acquisition (accessible) - GOV.UK

If the parents are applying for settlement and the child is not yet a British citizen, the child will need to apply for settlement once they have completed 5 years continuous residence.

**Q: In a situation that children were born in the UK after 2 years parents arrived in the UK. Parents are eligible to apply for ILR after 5 years but their visa valid dates are in line with parents' visa period and is about to expire when parents are applying for ILR. What should they do? What if parents used priority services to obtain settled status in five working days and children are still valid. Can they apply for British citizenship straight away?**

A: Applicants are required to have a valid visa for any applications. If children's visa expires before their parents obtained settled status, they will need to extend their visa and then to register for British Citizenship when their parents got their settled or British status. If parents has obtained thier settled status and children's visa is still valid, they can apply to

register for British Citizenship straight away.

## English Requirement

### Q. Am I required to meet an English language requirement to qualify for settlement?

A: Unless an exemption applies, you must show you meet the English language requirement as specified in Appendix English Language, which is available here: Prove your knowledge of English for citizenship and

settling: Overview - GOV.UK

### Q: What evidence is required to show proof the applicant meets the English Language requirement at settlement?

A: Information on what documents you need to provide in order to show you meet the English Language requirement for settlement, is available here: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-english-language

EL 5.1. An applicant will meet the English language requirement if they have an academic qualification which meets one of the

requirements at EL 5.2. and is proven by the required evidence under EL 5.3. or EL 5.4.

EL 5.2. The requirements are that the applicant has:
(a) a bachelor’s degree, master’s degree or doctorate awarded in the UK; or
(b) a degree or degree-level qualification taught in a university or college in a majority- English-speaking country listed in EL 4.1. (except Canada), or Ireland, which meets or exceeds the recognised standard of a bachelor’s degree, master’s degree or doctorate awarded in the UK; or
(c) a degree or degree level qualification which meets, or exceeds, the recognised standard of a UK bachelor’s degree; master’s degree or doctorate and was taught or researched in English.

EL 5.3. The requirement at EL 5.2. must be proven by one of:
(a) a certificate from the awarding body: or
(b) a transcript issued by the university or college that awarded the qualification; or
(c) an official letter from the university or college that awarded the qualification containing information equivalent to a degree certificate.

EL 5.4. If the qualification was awarded by a body from outside the UK, the requirement at EL 5.2. must, in addition to the requirement at EL 5.3, be proven by confirmation from Ecctis that the qualification meets the requirements at EL 5.2(b) or EL 5.2(c).

An applicant will meet the English language requirement if they have provided a valid digital reference number from an approved provider showing they have passed an approved English language test to the required level in each required component as set out in the relevant route, in the 2 years before the date of application.

The list of approved tests and providers, updated from time to time, can be found at https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt#approved-test-providers-and-approved-tests.

EL 7.1. An applicant will meet the English language requirement if they have a GCSE, an International GCSE, an A level, a Scottish National Qualification at level 4 or 5 or a Scottish Higher or Advanced Higher in English (language or literature) that was awarded:
(a) by an Ofqual (or SQA, Qualifications Wales or CCEA) regulated awarding body; and
(b) following education undertaken in a UK based school which began while they were aged under 18.

EL 7.2. The requirement at EL 7.1. must be proven by either:
(a) a certificate from the awarding body: or
(b) an official transcript issued by the awarding body

**Q: According to the appendix EL 5.4, If the qualification was awarded by a body from outside the UK, the requirement at EL 5.2. must, in addition to the**

**requirement at EL 5.3, be proven by confirmation from Ecctis that the qualification meets the requirements at EL 5.2(b) or EL 5.2(c).**

**On the frontpage of Ecctis website, there are two services available:**
**1. UK ENIC / Statement of Comparability**
**2. Visas and Nationality / Visas and Nationality Service (English Proficiency)**

**As stated in appendix EL 5.4, it only mention "confirmation from Eccits" but haven't specify for which service. It is common for HKers who have a degree or above to have applied the first service for work and study. A clarity regarding a statement of comparability is eligible to apply ILR/citzenship will be very helpful.**

A: Refer to ECCTIS website, please select VISAS and NATIONALITY SERVICE (ENLGISH PROFICIENCY). This service is for those who would like to use Bachelor, Master or PhD degree(s) to demonstrate the level of your qualification and your English proficiency for a UK visa application.

**Q. Is a GCSE or A level in English sufficient to prove the English-language requirement for settlement?**

A: Yes. You will meet the English language requirement if you have a GCSE, International GCSE, A level, Scottish National

Qualification at level 4 or 5, or Scottish Higher/Advanced Higher in English Language or

English Literature, provided it meets the requirements of Appendix English Language. GCSEs or A levels in any other subject are not acceptable, as Appendix English Language requires the qualification to be specifically in English (language or literature). Further information is available here: Immigration Rules - Immigration Rules Appendix English Language - Guidance - GOV.UK.

## Life in the UK Test

### Q. Am I required to complete a knowledge of life in the UK test to qualify for settlement?

A: If you are aged 18 or over, and under 65 on the date of application, you must meet the knowledge of life in the UK requirement.

You can book your test here: Life in the UK Test: Book the Life in the UK Test - GOV.UK

You need to pass the test before you apply for settlement.

**Q: Are individuals on the BN(O) visa route who have arrived before they were 18, and turn 18 within the 5-year qualifying period for ILR, required to take the Life in the UK test? If yes, is it possible for someone under 18 to take the Life in the UK test? This may apply to those who are about to turn 18 just before they have to apply for citizenship but may be planning to take the test 1 or 2 months before (in line with their parents) .**

A: It is based on the date of application whether you are under or above 18. Unless an exemption applies,

If you are aged 18 or over, and under 65 on the date of application, you must pass the Knowledge of Life in the UK test. Refer to the Life in UK Test official website, you must be 16 years of age or older to be able to book the test.

## Good Character

**Q: Are there any implications (“good character”) when applying for citizenship for those who entered the UK as visitors and then applied for the BN(O) visa?**

A: No implications for citizenship application. Applicants can enter the UK as visitors and then apply for BN(O) visa inside the UK if you meet the eligibility and suitability requirements.

**Q: Do we need to declare driving offences for the application?**

A: Yes. Driving offences need to be declared. You can check with DVLA for the penalties or points deducted and to make a declaration.

**Q: I have a driving conviction where I had to go to court and received a fine and penalty points. Which section do I need to disclose this in: criminal convictions or driving offences?**

A: You will need to declare this in the 'Good Character' section. Tick the box for 'A penalty for a driving offence, for example, disqualification for speeding or no motor insurance.' When prompted with the question 'What was your driving offence?', you should provide the details of your driving conviction there.

**Q: Minor car accident settled by Car Insurance company and it was not reported to police. Do I need to declare it for ILR application?**

A: Minor accident is not a criminal offence, you do not need to declare it.

**Q: If I was caught speeding but attended a Driver Awareness Course instead of receiving points, do I still need to declare it?**

A: Yes, you must declare all cautions, including those that have been resolved.

**Q: 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?**

A: Home Office would look at if your tax affairs are in order. Only to the extent that if you were in dispute with the taxation or you haven't paid something you should have paid. In this situation if no taxation was owed, it will not affect your application.

**Q: If I failed to pay any taxation but it has been repaid and sorted out, do I need to declare it?**

A: No, you don't. Unless you have had something criminal or a court judgment, e,g, they sued you for this money and got a judgment from the court, then you will need to declare it.

**Q: I failed to submit my tax assessment on time, but I have since settled the balance and paid the penalty. Do I still need to declare this?**

A: Yes, you must declare all cautions, including those that have been resolved.

**Q: Sportspersons condition - If someone unknowingly breaks that condition what are the consequences? Will it affect the ILR application?**

A: Refer to para 9.8.3 of the Immigration Rules, an application for permission to stay may be refused where a person has previously failed to comply with the conditions of their permission, unless permission has been granted in the knowledge of the previous breach. The Home Office has discretion to refuse the ILR application for any breach of conditions. If someone unknowingly breaks it, an explanation of how it was done unknowingly and any mitigating circumstances should be included in the application.

## No Recourse to Public Funds (NRPF)

**Q: What support is available to individuals who have had their NRPF condition lifted, as a result of destitution, and may not be able to afford their ILR/citizenship applications?**

A: The Home Office does not offer general fee exemptions or reductions for ILR applications on BN(O) visa route. Fee waiver application is possible for further or limited leave to remain. They must demonstrate that they are in receipt of public funds having previously successfully applied for a change of conditions (CoC), and that they cannot afford the fee and/or the IHS for the visa extension.

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

A: No implications. You are still eligible to apply for ILR/Settlement.

## 3C Leave

**Q: What is 3C Leave?**

A: The purpose of section 3C leave is to prevent a person who makes an in-time application to extend their leave from

becoming an overstayer while they are awaiting a decision on that application and while any appeal or administrative review they are entitled to is pending. Learn more here: https://www.gov.uk/government/publications/3c-and-3d-leave/3c-and-3d-leave-accessible

**Q: If an application for ILR is unilaterally varied by the Home Office into an application for further leave (rather than refused) and the individual then fails to pay the IHS that means the application is treated as an invalid application for further leave, rather than a refused application for ILR. As a consequence of this, an individual who thought they had 3C leave whilst their valid ILR application was pending will suddenly discover their application has been deemed invalid and that they never had the 3C leave they and their employer/landlord thought they had. Is it possible to confirm in line with the Supreme Court's decision in the case of Mirza & Or 2016 UKSC 63 Mirza & Ors, R (on the applications of) v Secretary of State for the Home Department [2016] UKSC 63 (14 December 2016) (bailii.org)about invalidity due to failure to enrol biometrics, that 3C leave will only end once the Home Office has served a notice of invalidity? That would seem consistent with the second paragraph on page 7 of 3C and 3D leave (publishing.service.gov.uk)**

A: You'll be contacted by UKVI either by email or letter and asked to pay the immigration health surcharge (IHS). If you failed to pay the IHS, the application is considered as invalid and the leave expired. Refer to Regulation 37 of the 2011 Regulations, if an application is not accompanied by the specified fee, it is considered as not validly made. 3C Leave does not apply to invalid application in accordance with the rules.

**Q: If someone applies for ILR but they are refused and granted permission on the BN(O) route instead, can they challenge their ILR refusal? What will their permission be from the time they apply for ILR to the refusal? Will they have 3C even if their application is refused?**

A: If an application for settlement is refused, there is no right of appeal against that decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. You must apply for administrative review within 14 days (inside the UK) and 3C leave is triggered.

**Q: If a UK-born child's BN(O) visa expires while waiting for their citizenship registration to be approved, do they need a visa extension to stay legal, or is the MN1 application protect their legal stay like Section 3C?**

A: They will need to apply for an extension of their BN(O) visa. A nationality application does not engage the 3C provision as it is not an application to extend or vary leave under the Immigration Rules.

## Administrative Review

### Q: When an application for ILR is varied to Leave to Remain (LTR), can an applicant challenge the ILR decision? What is the process?

A: If an application for settlement is refused there is no right of appeal against that decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. They have 14 days (inside the UK) to submit AR application and 3C leave is triggered.
If settlements requirements are not met, but may still meet all the suitability and eligibility requirements, it is likely to be granted permission to stay for 30 months with no access to public funds, permission to work (except for employment as a professional sportsperson, including as a sports coach), permission to study (subject to the ATAS condition in Appendix ATAS). Applicant will be contacted by UKVI either by email or letter and asked to pay the immigration health surcharge (IHS)

to complete the application. If applicant failed to pay the IHS, the application is considered as invalid and the leave expired.

**Q: If the case worker is minded to refuse the ILR application and deems there is no prospect of further leave to remain being granted, then they will go ahead with the refusal.  In these circumstances the individual can request an administrative review of that refusal and will have 3C leave whilst this is completed.  However, if the case worker is minded to refuse the ILR application and instead unilaterally amends the application to make a grant of further leave, the individual is left with the choice of either accepting the decision about their ILR application and taking the further leave instead, or refusing to pay the IHS so the application is invalid and they no longer have 3C leave.**

**On the basis administrative review can be used where an application is granted but the applicant is unhappy with the amount or conditions of leave, are you able to confirm that it is possible for an individual in these circumstances to pay the IHS so as to at least get further leave, but then still go back and use administrative review to challenge the decision not to grant ILR?**

A: If applicants believe it is a caseworking error led to a refusal, they can apply for Administrative Review. Application must be

submitted within a strict deadline  (within 14 days inside the UK). Once they submitted the application, if their visa have expired, they will not usually be removed from the UK until their review has been completed, this is called 3C Leave. Their request for an administrative review will be withdrawn (cancelled) if they make any other immigration or visa application. Also,their request will be rejected if they ask for a review of a previous decision after submitting a new application.

## Application Fee Refund

### Q: When an application for ILR is varied to Leave to Remain (LTR), will the applicant get a refund of their ILR fee?

A: Application fee for ILR will not be refunded, but applicants are not required to pay for the fee of Leave to Remain, but the IHS fee.

## Extension of BN(O) Visa

### Q: Are there any guidance on extending the BN(O) visa?

A: https://www.gov.uk/british-national-overseas-bno-visa/extend-your-visa

**Q: Can I stay in the UK permanently with a BN(O) visa?**

A: A BN(O) visa allows you to stay for either 2 years and 6 months or 5 years initially, and later you can apply to settle in the UK permanently, including applying for British citizenship, if you wish to.

There is no limit to the number of times you can extend your BN(O) visa.

**Q: What if I don't qualify for settlement after 5 years? Can I apply for an extension?**

You could apply for another BN(O) Visa. The requirements currently would be the same as for the initial application except that you must be in the UK when you apply and there would be no financial requirement. You must submit the application before your existing visa expires – submit it 28 days before.

If you apply for settlement and you do not qualify for it, your application can be varied meaning that you will be considered for an extension of your BNO for another 30 months. You'll be contacted by UKVI either by email or letter and asked to pay the immigration health surcharge (IHS).

**Q: Can a BN(O) visa holder who is applying for a BN(O) visa extension, apply jointly with their parents as their dependant if they previously applied alone?**

A: Each family member will need to make their own application. Adult dependent relative can apply to extend their visa at the same time with you or they can apply to extend their visa separately from you and do not need to prove their relationship to you.

**Q: If someone has applied for an extension but they have more than 28 days permission left, can we do anything if it has already been granted?**

A: Visa extension starts on the date it is granted. It is not likely to be changed after approval. There is no refund of application fee if there's overlapping of visa period. However, IHS fee can be refunded in six-month period if it's overlapped.

**Q: Why do applicants need to apply for extension on the BN(O) route within 28 days of their current visa expiring?**

A: It is to meet the 5 years continuous residency period of ILR without the need to extend your visa again

## Citizenship

### Q. When can I apply for British citizenship?

A: You can usually apply for British citizenship 12 months after you have obtained settlement.

For British citizenship, further information can be found at: British National (Overseas) visa: Becoming a British citizen - GOV.UK

### Q: Which route should I choose for Citizenship application? Naturalisation or Registration?

A: For BN(O) status holder (BN(O) passport holder), you can apply for citizenship by registration or naturalisation. For BN(O) visa holder (18 or above) who has HKSAR passport only, you can apply by naturalisation. For minor (under 18), you can apply by registration.

### Q: If my spouse acquires British citizenship through the BN(O) visa route and I am later granted ILR, can I apply for naturalisation immediately based on my spouse being British? Also, what is the difference between registration and naturalisation?

A: If your spouse is a British citizen, you can apply for British citizenship immediately after being granted Indefinite Leave to Remain (ILR), without waiting an additional year. This means you can apply after a total of 5 years. In contrast, the BN(O) visa route typically follows a "5+1" year rule: 5 years to qualify for ILR, followed by a one-year wait to apply for citizenship. If you hold BN(O) status (or a BN(O) passport), you may apply for citizenship via registration or naturalisation. If you do not hold BN(O) status, you can only apply via naturalisation.

## Referees

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

A: You are not required to provide referees for identity check for ILR application, but for Citizenship application. Referees must be 18 or above.

First referee:

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

For 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

## Contacting UKVI

### Q. How do I ask a question about my BN(O) settlement application?

A: You can contact UKVI from inside or outside the UK by the Visa and Immigration link under the topic ‘What you need to do’ and then ‘To manage your application’ – please choose ‘Contact UK Visas and Immigration for help on the Further Guidance Page. Further information on contacting UKVI is available here: Contact UK Visas and Immigration for help - GOV.UK

If you want to report an error on your eVisa, you can use this form: https://www.gov.uk/evisa/report-error-evisa

# Drop-in session on ILR application

ILR Application Webinar - 6 March 2026

The Hong Kong hub was joined by Kirklees Citizen's Advice and Law Centre (KCALC) again to discuss the requirements and process for applying for Indefinite Leave to Remain (ILR) with BN(O) visa. The immigration lawyer from KCALC went through the legal requirements and the practicalities of how BN(O) visa holders can make applications.

ILR Application on BN(O) Visa Route - 20 March 2025

The Hong Kong hub was joined by Kirklees Citizen's Advice and Law Centre (KCALC) to discuss the requirements and process for applying for Indefinite Leave to Remain (ILR) with BN(O) visa. The immigration lawyer from KCALC went through the legal requirements and the practicalities of how BN(O) visa holders can make applications.

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