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See Distribution

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INTERNAL COMMUNICATION (IC): HOME OFFICE FAMILY MIGRATION CHANGES

Issue

1. To inform BG serving personnel and retired Gurkha communities on the Home Office Family Migration Changes affecting UK Armed Forces family members who are Non-European Economic Area Nationals.

Timing

2. Routine.

Recommendations

3. That all BG COs/OCs:
- a. Brief their units/coys on the Home Office Family Migration Changes which came into force on 9 Jul 12 **but** will only be applicable to the UK Armed Forces from 1 Dec 13, noting in particular the special transitional measures in place between now and 30 Nov 13 [para 5].
 - b. Note the guidance at Annex A for the benefit of our serving personnel and their families as well as the retired Gurkha communities.

Detailed information and Q&A can be found in the Army Briefing Note [ABN 60/13](#) dated 4 Jul 13 and Defence Instructions and Notices [DIN 01 - 142](#) dated 4 Jul 13.

Background

4. The Home Office announced changes to rules governing family migration that came into force on 9 Jul 12. These changes will affect anyone (British citizens, F&C and Gurkhas included) wishing to bring family members from a Non-European Economic Area (Non-EEC) country to the UK. However, transitional arrangements have been put in place by the Home Office between now and 30 Nov 13 to ensure serving members of the UK Armed Forces and their families are not immediately affected by these changes.

Transitional Arrangements

5. The MOD and the Home Office have agreed to the following transitional measures which will be in place until 30 Nov 13:
- a. Non-EEA dependants of serving personnel (including Gurkhas) may continue to apply for UK visas under the old immigration rules in force on 8 Jul 12 and are

encouraged to do so as soon as possible. Those who apply before 1 Dec 13 and are successful will be exempt from the minimum income threshold requirement when they apply for settlement after 1 Dec 13 provided they have no subsequent break in their Home Office leave to be in the UK. This includes family members who travel to the UK from Brunei/Nepal on an appropriate UK visa prior to 1 Dec 13.

b. Serving personnel being discharged (or made redundant) on or after 9 Jul 12 and before 1 Dec 13 should ensure that any Non-EEA dependants overseas apply to come to the UK whilst they are still serving in order to benefit from the special measures. Non-EEA family members applying to come to the UK after their serviceperson's discharge will not be able to benefit from the special measures and instead will be dealt with under the new family migration rules.

c. Rules for Tri-Service allowances have been amended for those on accompanied overseas assignments in order that UK visa fees can be publicly funded and maintained prior to official travel. This measure is designed to encourage eligible Service families on accompanied overseas assignments to apply for UK Visas prior to the new immigration rules coming into force on 1 Dec 13.

Key Message

6. It is envisaged that the family migration changes and the resultant impact on the BG after 1 Dec 13 will be minimum as majority of Gurkhas will have exceeded the minimum income threshold at the point they qualify for Gurkha Married Accompanied Service (GMAS) at the 3 years point as illustrated at Annex B – comparison of OR2 (Rfn/Pte) Pay against the Minimum Income Threshold. Where requirements are not met consideration will be given by the Home Office as to whether exceptional circumstances apply. The Chain of Command is to refer these cases to HQBG who will initiate a casework for DPS(A) consideration.

Summary

7. The Home Office changes to rules governing family migration came into force on 9 Jul 12. These changes seek to align immigration rules for Armed Forces families with the wider family migration policy, ensuring that family members are able to integrate into British society and are supported by their spouse. The result is a single set of rules for the families of members of HM Forces which removes unjustifiable differences in treatment based on immigrations status of the sponsor.

8. Special measures have been put in place by the Home Office between now and 30 Nov 13 to enable eligible members of the Service community to continue to put in applications under the old immigration rules. Furthermore, UK Armed Forces family members already on a route to settlement or already settled before 1 Dec 13 will continue to be exempt from the minimum income threshold requirement providing they maintain current UK visas without a break

[Original Signed]

BIJAYANT SHERCHAN
Major
For Colonel Brigade of Gurkhas

Annexes:

- A. Guidance for the BG on Home Office Family Migration Changes.
- B. Comparison of OR2 Pay with Minimum Income Threshold.

Distribution:

List B

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Council of Gurkha Colonels

Director GWT

Bde Sec – for GBA and all Regtl Associations

Gurkha Museum – for Curator