

**GUIDANCE FOR THE BDE OF GURKHAS ON HOME OFFICE FAMILY MIGRATION CHANGES**

Category	Applying For	Requirement		Changes
		Until 30 Nov 13	From 1 Dec 13	
Gurkha Redundees and Normal Service Leavers	Indefinite Leave to Enter (ILE)/ Indefinite Leave to Remain (ILR) in the UK	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>No change to current immigration rules/process for members of the Armed Forces applying for ILE/ILR.</li> </ul>
Gurkha Dependants (Wife and children under 18 yrs)	Enter or remain in the UK for a maximum of 5 years to join/ accompany head of family at Duty Station.	<ul style="list-style-type: none"> <li>If overseas, apply for UK visa using VAF4A form. If in UK apply using FLR(O) form.</li> <li>Dependants on accompanied overseas assignments who are eligible for and apply for UK Leave to Enter before 1 Dec 13 will be exempt from the minimum income threshold when they apply for settlement after 1 Dec 13 providing they have no subsequent break in their UK visa.</li> </ul>	<ul style="list-style-type: none"> <li>Apply for UK visa using application Forms specially designed for the Armed Forces and their families. Complete VAF (AF) form if dependants are based overseas or, FLR (AF) form in UK.</li> <li>Complete A1 English Language Test. <i>The local UK Visa Office will provide a list of approved English Language Test Centres in the country.</i></li> <li>Meet the Minimum income threshold set by the Home Office which currently are: <ul style="list-style-type: none"> <li><i>A minimum income threshold of £ 18,600 to sponsor the settlement of a spouse or a partner of non-European Economic Area (EEA) nationality.</i></li> <li><i>The income threshold is set higher to accommodate any non-EEA children under the age of 18 yrs e.g £ 22,400 for one child, £ 24,800 for two children and £ 27,200 for three children; an additional £ 2,400 for each further child.</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Sponsors ie. Gurkha soldiers have to meet a minimum income threshold prior to their family joining them from abroad.</li> <li>A more demanding 'Knowledge of English language and life in the UK test' in the UK wef Oct 13.</li> <li>UK visas can be publicly funded and maintained prior to official travel. Eligible families on overseas assignments can apply for UK visas prior to the new immigration rules coming into force on 1 Dec 13.</li> <li>From 1 Dec 13, the Home Office will issue a 5 year visa (previously 4 year visas were granted) for UK Armed Forces family members – this will remove the need to apply for a second visa (and pay a second fee) between entry and settlement.</li> </ul>
Gurkha Dependants (Wife and children under 18 yrs)	ILE/ILR	<ul style="list-style-type: none"> <li>Transitional rules apply. They may apply for ILE/ILR under the old immigration</li> </ul>	<ul style="list-style-type: none"> <li>Apply for ILE or ILR using application Forms specially designed for the Armed</li> </ul>	<ul style="list-style-type: none"> <li>Those who apply before 1 Dec 13 (including dependants on accompanied overseas</li> </ul>

		<p>rules in force on 8 Jul 12.</p> <ul style="list-style-type: none"> <li>Dependants who are eligible to apply for UK visas prior to 1 Dec 13 should do so as soon as possible.</li> </ul>	<p>Forces and their families - VAF (AF) or SET (AF) forms.</p>	<p>assignments) 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 UK visa.</p>
<p>Dependants of Gurkhas on overseas assignments discharged or made redundant on or after 9 Jul 12 and before 1 Dec 13</p>	<p>ILE/ILR</p>	<ul style="list-style-type: none"> <li>Dependants will continue to be dealt with under the Immigration Rules in force on 8 Jul 12 until the end of the special measures provided applications are made prior to soldier's discharge.</li> </ul>	<ul style="list-style-type: none"> <li>Gurkha dependants overseas (Brunei/Nepal) must apply to come to the UK whilst they husbands are still serving in order to benefit from the special measures.</li> <li>Gurkha dependants applying for ILE/ILR after their service person's discharge will not be able to benefit from the special measures and instead will be dealt with under the new family migration rules e.g: <ul style="list-style-type: none"> <li>Complete B1 Language and Life in the UK test.</li> <li>A five year (rather than 2 year) probationary period for settlement.</li> <li>Minimum income threshold applies.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Tri-Service allowances have been amended for those on accompanied overseas assignments (including Gurkhas) in order that UK visa fees can be publicly funded and maintained prior to the new immigration rules coming into force on 1 Dec 13.</li> </ul>
<p>Pre-97 Gurkhas and eligible dependants</p>	<p>ILE</p>	<ul style="list-style-type: none"> <li>No change to current immigration rules/ process for pre-97 Gurkhas and their eligible dependants applying for ILE.</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>	<ul style="list-style-type: none"> <li>Pre-97 discretions on immigration rules continue to apply to Gurkhas who retired before 1 Jul 97.</li> <li>Exempt minimum income threshold and English language tests.</li> </ul>