

APPLICATION FOR
AN EXTENSION OF STAY
OR
INDEFINITE LEAVE TO REMAIN
IN THE UK
AS A BUSINESSPERSON
UNDER THE PROVISIONS OF THE
EUROPEAN COMMUNITY ASSOCIATION
AGREEMENT (ECAA) WITH TURKEY

Before making your application, you should read the following:

- the guidance notes on pages 2-4 of this form
- the separate UKBA photograph guidance (version 04/2009)

If you do not already have the photograph guidance, you can get it from our website at www.ukba.homeoffice.gov.uk.

There is no fee for an application on this form.

Applications on this form may only be made by post.

You must send your application to the following address:

UK Border Agency
Turkish ECAA Team (ECAA 2)
PO Box 4160
Sheffield
S1 9DZ

APPLYING ON FORM ECAA 2 : GUIDANCE NOTES

1 FOR WHICH APPLICATIONS MUST YOU USE FORM ECAA2?

Form ECAA2 is to be used only to apply for an extension of stay or indefinite leave to remain in the UK as a businessperson under the standstill provisions in the European Community Association Agreement (ECAA) with Turkey.

You and any dependants applying with you must be in the UK.

2 QUALIFYING FOR AN EXTENSION OF STAY OR INDEFINITE LEAVE TO REMAIN

To qualify for an extension of stay, you must meet the requirements of the business provisions of the Immigration Rules in force in 1973. The policy instructions for applications as a businessperson under these provisions are in Chapter 6 Section 6 of the Immigration Directorate Instructions, which can be found on the 'Law and Policy' pages on our website at: www.ukba.homeoffice.gov.uk

To qualify for indefinite leave to remain, you must meet the settlement requirements set out in the annexes to Chapter 6 Section 6 of the Immigration Directorate Instructions.

3 WHO MAY APPLY ON THIS FORM?

You and your partner and/or children under 18 if they are applying as your dependants. "Partner" means a spouse, civil partner, unmarried or same- sex partner.

4 WHEN TO APPLY

You and any dependants applying with you should do so before the end of your/their permitted stay in the UK.

5 ENSURING YOUR APPLICATION IS COMPLETE

Your application could be delayed or even refused if it is incomplete. To avoid that, please ensure that you do the following:

- apply on the current version of form ECAA2
- provide photographs of yourself and any dependants applying with you in the format specified in the separate UKBA photograph guidance
- provide all relevant documents specified in the form
- complete every section of the form as required

- sign and date the declaration at section 10
- send the application by prepaid post to the UK Border Agency address given on the form.

We reserve the right to decide your application on the basis of the information and documents provided. It is important, therefore, to provide an explanation if you cannot give us all relevant information or documents when making your application.

6 COMPLETING THE FORM

Please use a black pen to complete the form, and write names, addresses and similar details in capital letters.

In the applicant's details and other sections where you give personal details and addresses, leave an empty box between each name and each part of the address.

Please note that we always use the personal details in an applicant's passport for official purposes, including any documents certifying the grant of an extension of stay or indefinite leave to remain if the application is successful.

Take care to complete all sections as required, including the Personal History section. You must enclose a letter of explanation if you are unable to complete any part of the form because you do not have the required information.

7 PHOTOGRAPHS

You must provide the following photographs:

- Two identical passport-size photographs of yourself with your full name written on the back of each one.
- Two identical passport-size photographs of any dependants applying with you with their full name written on the back of each one.

The photographs you provide must be in the format specified in the separate photograph guidance. Please ensure that you place the photographs in a small sealed envelope attached to section 1 of the form as instructed there - and without any staples, clips, pins or anything else which could mark or damage the photographs.

If your application is successful, the photographs you provide will be reproduced in the residence permit(s) issued to you and any dependant(s) applying with you.

8 DOCUMENTS

Documents provided with the application must be originals.

Copies of any kind are not acceptable unless there are valid reasons for not being able to provide the original document. In such circumstances, we may accept a copy certified by the body or authority which issued the original (for example, a copy of a savings book certified by the building society or bank), or by a notary.

The reasons for not being able to provide the original document must be explained in a covering letter. We are unlikely to be able to grant your application without the original document.

Any documents which are not in English must be accompanied by a reliable English translation. Make sure passports are signed.

9 APPLYING BY POST - THE ADDRESS

The address to which you must post an application on form ECAA2 is:

UK Border Agency
Turkish ECAA Team (ECAA 2)
PO Box 4160
Sheffield
S1 9DZ

Posting it to any other address will delay it.

Please also use this address for any other correspondence about your application.

Applications on this form must be made by post. If you use Recorded or Special Delivery, this will help us to record the receipt of your application. Please make sure that you keep the Recorded or Special Delivery number.

We will return your passport(s) and other documents by Recorded Delivery. If you would like them to be returned by Special Delivery, you must provide a pre-paid Special Delivery envelope which is large enough.

10 APPLYING IN PERSON

The premium service at our Public Enquiry Offices is not available for applications on form ECAA 2.

11 DECISION TIMES

We aim to decide applications as soon as possible. For our service standards for 2010/11, please see our website.

12 YOUR STATUS WHILE YOUR APPLICATION IS BEING CONSIDERED

If you and any dependants apply before the end of your/their permitted stay in the UK, your/their existing immigration status, including any permission to work, will continue until your/their application(s) is/are decided.

13 CONTACTING US AFTER YOU HAVE APPLIED

If you need to contact us after you have applied, please do so as follows.

To send us more information about your application, write to the address in part 9 and give the following details:

- the applicant's full name, date of birth and nationality
- any Recorded or Special Delivery number
- the date on which the application was posted
- the Home Office reference number if you have one.

If you need your passport because you have to travel urgently and unexpectedly, please call 0870 606 7766 and give the details listed immediately above.

14 OBTAINING APPLICATION FORMS

You can obtain application forms, any accompanying guidance notes and the UKBA photograph guidance from our website at www.ukba.homeoffice.gov.uk

15 OTHER ENQUIRIES

We also have the following freephone textphone number: 0800 38 98 28 9.

16 CHOOSING AN IMMIGRATION ADVISER

Immigration advisers are regulated by The Office of the Immigration Services Commissioner (OISC).

Their website at www.oisc.gov.uk contains a list of authorised advisers and has links to websites for solicitors, barristers and legal executives.

If you have a complaint about an immigration adviser or need other information, the OISC contact details are:

Office of the Immigration Services Commissioner
5th Floor,
Counting House
53 Tooley Street
London
SE1 2QN

Telephone: 0845 000 0046

Alternatively the Solicitors Regulation Authority, which regulates solicitors in England and Wales, can help you find a solicitor if you contact them on 0870 606 2555 or visit their website at www.sra.org.uk

The address and telephone number for any complaints about a solicitor are:

Legal Complaints Service
Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE

Telephone: 0845 608 6565

17 COMPLAINTS ABOUT OUR SERVICE

If you wish to make a complaint about our service, please refer to the complaints page on our website www.ukba.homeoffice.gov.uk for detailed information about how to do so.

18 DATA PROTECTION NOTICE

We will treat all information provided by you in confidence but may disclose it to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions.

We may also use the information provided by you for training purposes.

Please now complete the application form as required.

SECTION 5 - PERSONAL AND BUSINESS EXPENDITURE

5.1 Personal expenditure - for each item, please state the amount per week, month or year as appropriate.

	£ per week	£ per month	£ per year	For official use only
Rent				
Mortgage				
Council tax				
Gas				
Electricity				
Water				
Telephone				
Food				
Personal clothing				
Car purchase				
Car insurance				
MOT				
Road tax				
Petrol/diesel				
Bus/rail travel				
Money sent to family abroad				

5.2 Business expenditure - for each item, please state the amount per week, month or year as appropriate,

	£ per week	£ per month	£ per year	For official use only
Business premises rent				
Business rates				
Class 2 NI contributions				
Employer's tax & NI liability				
Employer's liability insurance				
Public liability insurance				
Corporation tax				
VAT				
Tax put aside				
Bank interest				
Payments to suppliers				
Employee(s) salaries/wages				
Your own salary/wages				
Accountant				
Payment for business plan				
Stationery				
Advertising				

SECTION 6 - PERSONAL HISTORY

If you have answered yes to question 6.2, 6.3, 6.4, 6.5, 6.6 or 6.7 on the previous page, you must give further details in the space provided below. If you need more space, continue on a separate sheet and enclose it with this form.

REHABILITATION OF OFFENDERS ACT 1974

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent' or ignored after a 'rehabilitation period'. The length of the rehabilitation period depends on the sentence given. For a custodial (prison) sentence the rehabilitation period is decided by the original sentence, not the time served. Prison sentences of more than two and a half years can never become spent and should always be disclosed. Further information on rehabilitation periods can be found at Nacro's Resettlement Plus Helpline on 020 7840 6464 or by obtaining a free copy of their leaflet on 020 7840 6427.

DEFINITIONS

For the purposes of answering questions 6.3 to 6.7, the following information provides guidance on actions which may constitute war crimes, crimes against humanity, genocide, or terrorist activities.

This guidance is not exhaustive. The full definitions of war crimes, crimes against humanity and genocide can be found in Schedule 8 of the International Criminal Court Act 2001 at www.opsi.gov.uk/acts/acts2001/ukpga_20010017_en_1 or purchased from The Stationery Office (telephone 0870 600 5522). It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately on behalf of yourself and any dependants who are applying with you.

War crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Terrorist activities

Any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purposes of advancing a political, religious or ideological cause and that involves serious violence against a person; that may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

Organisations concerned in terrorism

An organisation is concerned in terrorism if it commits or participates in acts of terrorism; prepares for terrorism; promotes or encourages terrorism (including the unlawful glorification of terrorism); or is otherwise concerned in terrorism.

SECTION 7 - PHOTOGRAPHS

You must provide the relevant photographs specified below. They must be in the format specified in the separate UKBA photograph guidance provided with this form. If they are not, they may be rejected as unacceptable and you will have to provide others which are acceptable. This will delay consideration of your application.

Tick the relevant box(es) to confirm the photographs you are providing and enclose them in a small sealed envelope attached to section 1 as instructed there.

- Two recent identical passport-size photographs of yourself with your name written on the back of each photograph. Please see the separate photograph guidance for information on what types of photograph are acceptable.
- Two recent identical passport-size photographs of each dependant included in section 2 and applying for an extension of stay in the UK with you, with their name written on the back of the photographs.

SECTION 8 - DOCUMENTS

For your application to be complete, you must provide the documents specified below which are relevant to your application. If you do not, we reserve the right to decide your application on the basis of the information and documents provided. Tick the relevant boxes to show the documents you are providing.

The documents must be originals. Any which are not in English must be accompanied by a reliable English translation.

Please note that, in some cases, we may have to ask for other documents in addition to those specified in this form.

- Your current passport. If you last entered the UK on a previous passport, please also provide this document if you have it.
- The current passport(s) of each dependant included in section 2 and applying for an extension of stay or indefinite leave to remain. If they last entered the UK on previous passport(s), please also provide these documents if you have them.
- Your police registration certificate if you have been asked to register with the police.
- The police registration certificate(s) for each dependant included in section 2 and applying for an extension of stay or indefinite leave to remain in the UK with you if they have been asked to register with the police.
- Evidence of your proposed or established functioning business, such as a business plan, partnership agreement, documents relating to your business premises, relevant insurance documents, Inland Revenue documents, including evidence of payment, and audited accounts.
- Evidence of your qualification(s) to run the business, such as relevant formal qualifications or evidence of previous relevant experience.
- Evidence of your finances and your investment in the business, such as UK or overseas bank statements, overseas money transfers, and bank loans.
- Evidence of any financial assistance from a third party (eg family member), such as bank statements or other financial documents as evidence of their finances, and a legal or other document confirming their involvement in and share of the business.
- If you are joining an existing business, evidence that there is a genuine need for your involvement, such as audited accounts of the business and a document setting out the terms of your involvement in it.
- Evidence of the personal living costs given in section 5, such as rent or mortgage agreement, utility bills, council tax statement, bank statements, and documents recording transfer of money to relatives abroad.

SECTION 8 - DOCUMENTS

If you are receiving public funds, document(s) confirming this - see Note 3.

Note 3 For immigration purposes, public funds are any of the following:

attendance allowance; carer's allowance; child benefit; child tax credit; council tax benefit; disability living allowance; housing or homelessness assistance; housing benefit; income-based jobseeker's allowance; income support; local authority accommodation; severe disablement allowance; social fund payment; state pension credit; working tax credit.

If you are applying for indefinite leave to remain, evidence that you have remained in the UK as a businessperson under the ECAA for four years, and that you are still engaged in your business.

SECTION 9 - DECLARATION

You must now read the declaration below and sign it. This must be signed by you (the applicant) and not by a representative or other person acting on your behalf.

I hereby apply for an extension of stay/indefinite leave to remain (delete as appropriate) in the UK for myself and any dependants listed in this form. The information I have given in this form is complete and is true to the best of my knowledge.

I confirm that the photographs submitted with this form are a true likeness of myself and any dependants applying with me, as named on the back of each photograph, and that I have had the opportunity to see the UK Border Agency (UKBA) photograph guidance.

I confirm that if, before this application is decided, there is a material change in my circumstances or new information relevant to this application becomes available, I will inform the UK Border Agency.

I understand that all information provided by me to the UK Border Agency will be treated in confidence; that it may be disclosed to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions; and that, if such bodies provide the Home Office with any information about me which may be relevant for immigration purposes, it may be used in reaching a decision on my application.

I understand that my details may in certain circumstances be passed to fraud prevention agencies to prevent fraud and money laundering. I also understand that such agencies may provide the Home Office with information about me. Further details explaining when information may be passed to or from fraud prevention agencies and how that information may be used can be obtained from the UKBA website.

I understand that documents provided in support of this application will be checked for authenticity; and that false documents will be retained and may result in my application being refused and in my prosecution and subsequent removal from the United Kingdom.

I understand that the UK Border Agency may also use the information provided by me for training purposes.

I am aware that it is an offence under the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999 and the Nationality, Immigration and Asylum Act 2002, to make to a person acting in execution of any of those Acts a statement or representation which I know to be false or do not believe to be true, or to obtain or to seek to obtain leave to remain in the UK by means which include deception.

Signed

Date

PHOTOGRAPHS AND DOCUMENTS CHECKLIST

Please complete this part of the form to help us check that we have received your photographs and documents. At "A", tell us how many of each of the listed items you are providing with your application. At "B", list any other documents provided by you and state how many in each case. Continue on a separate sheet if necessary and enclose it with this form. All documents must be originals.

A.	Listed items	How many?
	Photographs of yourself	
	Photographs of any dependants applying	
	Passports	
	Police registration certificates	
	Letter/documents from your employer	
	Bank statements	
	Documents about your qualifications and/or relevant experience	
	Documents as evidence of finances, investment and financial assistance	
	Documents as evidence of personal living costs	

B.	Other documents	How many?

Please note that, in some cases, we may have to ask for other documents in addition to those specified in this form.

FINAL CHECKS

To ensure that your application is complete, please make the following final checks. Tick each box that is relevant to your application.

- | | | | |
|--|--------------------------|---|--------------------------|
| Is ECAA 2 the right form for you and is it valid for use? See date and notes on front page. | <input type="checkbox"/> | Have you ticked a box in section 3 to show the basis of your application? | <input type="checkbox"/> |
| Have you completed section 7 and the rest of the form as specified? | <input type="checkbox"/> | Have you provided the photographs specified in section 8 and are they in the approved format? | <input type="checkbox"/> |
| Have you provided your current passport(s) and all other relevant documents specified in section 8 and are they originals? | <input type="checkbox"/> | If you are unable to send us any of the documents specified in section 8 which are relevant to your application, have you given an explanation and said when you will be able to send them? | <input type="checkbox"/> |
| Have you signed and dated the declaration in section 9? | <input type="checkbox"/> | | |

Finally, please make sure that the application is addressed exactly as shown below.

UK Border Agency
 Turkish ECAA Team (ECAA 2)
 PO Box 4160
 Sheffield
 S1 9DZ