

*If you wish to apply for indefinite leave to remain in the UK on form SET(BUS), please read these guidance notes and the separate UKBA photograph guidance (version 04/2009) before making your application.*

## CONTACTING US

*Our main website address and telephone numbers for contacting us are given below.*

OUR WEBSITE	IMMIGRATION ENQUIRY BUREAU	APPLICATION FORMS UNIT
www.ukba.homeoffice.gov.uk	0870 606 7766	0870 241 0645
For information about immigration law and policy, and to see and download application forms and related guidance	Monday to Thursday 9.00 - 4.45 Friday 9.00 - 4.30	Monday to Thursday 9.00 - 4.45 Friday 9.00 - 4.30
	For immigration enquiries and information	For application forms, guidance notes and photograph guidance

*The premium service at our Public Enquiry Offices is not available for SET(BUS) applications.*

## GUIDANCE NOTES

### 1 FOR WHICH APPLICATIONS MUST YOU USE FORM SET(BUS)?

Form SET(BUS) must be used if you are applying for indefinite leave to remain in either of the following categories:

- **retired person of independent means**
- **representative of an overseas business**

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

If you wish to apply for an extension of stay in either of these categories, you must do so on form FLR(BUS).

### 2 QUALIFYING FOR INDEFINITE LEAVE TO REMAIN

To qualify for indefinite leave to remain in the categories for which you must use form SET(BUS), you must meet the requirements set out in the following parts of the Immigration Rules:

*Part 5 - representative of an overseas business*

*Part 7 - retired person of independent means*

With certain exceptions, **applicants aged 18-64 must show that they have sufficient knowledge of the English language and life in the UK** in order to qualify for indefinite leave to remain. See pages 5 and 6 of these notes for more information about this.

The full Immigration Rules are on our website.

### 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.

Children aged 18 or over may not be included; they must each apply individually and pay the specified fee, as must any children under 18 if there is some reason preventing them from applying with you.

### 4 THE FEE

If you are a single applicant, the current specified fee for an application by post or courier on form SET(BUS) is **£820**.

If any dependants as defined in part 3 above are applying with you, there is an additional fee of **£50** for each dependant.

The premium service at our Public Enquiry Offices is not available for applications on form SET(BUS).

**Please note the following:**

- **If you do not pay the specified fee, the application will be invalid and will be returned to you.**

- **We will not refund the fee if we refuse the application or if you withdraw it.**

For information about methods of payment, please see the payment details guidance on page 2 of the form.

For more information about the current fees, please go to our website.

## 5 WHEN TO APPLY

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

To qualify for indefinite leave to remain, you must complete 5 years' stay in the UK from the date on which you were granted limited leave to enter or remain in the category under which you are applying. In the representative of an overseas business category, permitted stay as a **sole representative** or as the **representative of an overseas newspaper, news agency or broadcasting organisation** counts towards the qualifying period.

**Please do not apply more than 28 days before completing that period.** If you apply earlier than that, your application may be refused. If that happens, we will not refund the fee and you will have to pay again when reapplying.

## 6 MAKING SURE YOUR APPLICATION IS VALID

Paragraphs 34-34I of the Immigration Rules specify certain requirements with which an application on a form specified for the purpose of the Rules must comply. To make a valid application, you must:

- *apply on the current version of form SET(BUS)*
- *pay the specified fee by one of the methods specified in the payment guidance*
- *provide photographs of yourself and any dependants who are applying with you as specified in the application form*
- *complete section 7 (Personal History) as required*
- *sign the declaration in section 10*
- *send the application by prepaid post or courier to UK Border Agency.*

If you fail to do any of these things, your application will be invalid and we will return it to you. This could result in the loss of appeal rights if your permitted stay has run out by the time you make a valid application.

## 7 ENSURING YOUR APPLICATION IS COMPLETE

You do this by completing every relevant section of the form as required and providing all the documents specified for your particular application, including your passport and those of any dependants applying with you.

**If you do not do this, 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.

## 8 COMPLETING THE FORM

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

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

Please note that we always use the personal details in an applicant's passport or travel document for official purposes, including any residence permit if the application is granted.

Take care to complete all sections as required, including the Personal History section. Follow the guidance on page 2 of the form when completing the payment details. Read the notes in various sections of the form.

As already emphasised in part 7 of these notes, you must enclose a letter of explanation if you are unable to provide all the required information or any relevant specified documents.

## 9 PHOTOGRAPHS

For your application to be valid, it is mandatory to 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 who are applying with you with their full name written on the back of each one.*

The photographs you provide must also comply with **the format requirements specified in the separate UKBA photograph guidance.**

Please ensure that you place the photographs in a small sealed envelope and attach it 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 the application(s) is/are successful, the photographs which you provide will be reproduced in the residence permit(s) in your passport or travel document and those of any dependants applying with you.

## 10 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 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 or travel documents are signed.

## 11 APPLYING BY POST - THE ADDRESS

If you are applying by post, the address to which you must send an application on form SET(BUS) is:

**UK Border Agency  
Leave to Remain - SET(BUS)  
PO Box 495  
Durham  
DH99 1WR**

Posting it to any other address will not only delay your application but could make it invalid. This address is only to be used when sending your application. Please use the address given in part 15 for any other correspondence about your application.

If you use Recorded or Special Delivery, this will help us to record the receipt of your application. 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.

You will receive a letter of acknowledgement within a

few days of your application being received unless there is a problem concerning the payment of the fee, in which case we will contact you as soon as possible.

## 12 SENDING YOUR APPLICATION BY COURIER

Applications made on this form may be delivered by courier at the following address between 9.00 and 5.00 on Monday - Friday (excluding public holidays).

**UK Border Agency  
Leave to Remain - SET(BUS)  
Millburngate House  
Durham  
DH97 1PA**

## 13 DECISION TIMES

For the latest information on our service standards for deciding charged applications in the 2009/10 business year, please go to our website.

Applications which are not straightforward and/or which require further enquiries take longer to decide. These include applications by people who have remained here unlawfully after the expiry of their permitted stay.

As we cannot tell in advance how long it will take to decide particular cases, our general advice is not to make any non-urgent travel arrangements until your passport(s) or travel document(s) are returned.

## 14 YOUR STATUS WHILE YOUR APPLICATION IS BEING CONSIDERED

If you and any dependants apply before the end of your 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.

## 15 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 following address (not the one to which you posted your application):

**UK Border Agency  
Business Case Unit  
PO Box 3468  
Sheffield  
S3 8WA**

Give the following details in your letter:

- *the applicant's full name, date of birth and nationality*

- any Recorded or Special Delivery number
- the date on which the application was posted or delivered by courier
- the Home Office reference number if you have one.

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

Your application will be treated as withdrawn if your passport is returned for travel abroad before we are able to decide the application.

## 16 OBTAINING APPLICATION FORMS

You can obtain application forms, the accompanying guidance notes and the UKBA photograph guidance from our website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

If you are unable to obtain the form and accompanying guidance from our website, our Application Forms Unit on **0870 241 0645** will be able to help but it will take longer.

## 17 OTHER ENQUIRIES

For enquiries other than obtaining an application form, consult our website or call **0870 606 7766**.

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

## 18 CHOOSING AN IMMIGRATION ADVISER

Immigration advisers are regulated by the Office of the Immigration Services Commissioner (OISC). Their website at [www.oisc.gov.uk](http://www.oisc.gov.uk) contains a list of authorised advisers. It also 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](http://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**

## 19 COMPLAINTS ABOUT OUR SERVICE

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

## 20 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.

The information in the Payment Details page will be known to the private contractor engaged by the Home Office to process application payments.

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**See part 21 of these guidance notes on pages 5 and 6 for information about the requirement to have knowledge of the English language and life in the UK in order to qualify for indefinite leave to remain.**

## 21 KNOWLEDGE OF THE ENGLISH LANGUAGE AND LIFE IN THE UK

### a. Background

Following changes introduced in April 2007, people aged 18 to 64 must have sufficient knowledge of the English language and life in the UK in order to qualify for indefinite leave to remain.

This change in the Immigration Rules was introduced to ensure that migrants wishing to settle here have an understanding of life in the UK and the skills to allow them to integrate fully.

### b. What must you do to show that you have sufficient knowledge of English and life in the UK?

If your English is already at or above ESOL (English for speakers of other languages) Entry Level 3, you can take the test known as the **Life in the UK test**.

If your English is below ESOL Entry Level 3, you will need one of the following accredited qualifications:

- an **ESOL "Skills for Life" qualification in speaking and listening at Entry 1, Entry 2 or Entry 3 level** approved by the Qualifications and Curriculum Authority and taught with **citizenship materials**; or

- one **ESOL unit at Access 2, Access 3 or Intermediate 1 level** approved by the Scottish Qualifications Authority and which contains **citizenship materials**.

### c. Does this requirement apply to everyone?

It does not apply to anyone under the age of 18 or aged 65 or over at the time the application is made.

Anyone with a significant physical and/or mental health condition(s) or incapacity may be exempt if it prevents them from studying for and taking the Life in the UK test or from studying for an ESOL qualification. Exemption on these grounds will only be given in exceptional cases.

### d. What is the Life in the UK test?

The test consists of questions based on information in the handbook **Life in the United Kingdom: A Journey to Citizenship**. The standard of English required to pass the test is ESOL Entry 3 level or above. If you are not sure whether your English is good enough to take the test, you can work through the tutorial on the Life in the UK Test website at [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk) to help you decide.

You will need to study the relevant edition of the handbook before taking the test. It is published on behalf of the Life in the United Kingdom Advisory Group by The Stationery Office (TSO) for **£9.99**.

You can order it from [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop) or by telephoning **0870 243 0123** or faxing **0870 600 5533**.

It is also available from Waterstone's, W H Smith and other large booksellers.

The test is taken on a computer. The Life in the UK test website at [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk) has a section to help with the practical skills needed to take the test, including training in the use of a mouse and keyboard.

Staff at the test centres also specialise in supporting learners new to computers.

### e. What if you don't have a computer or access to the internet?

If you live in England you can contact **UK online** on **0800 77 1234** for details of local centres providing computer and internet access.

In other parts of the UK, as well as in England, you can contact your local library or Citizen's Advice Bureau for information on free or low cost access to computers and the internet.

### f. Where can you take the test?

At one of around 75 Life in the UK test centres throughout the UK.

You can find your nearest test centre

- via the [Find a test centre](#) link on the Life in the UK test website at [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk)

- or by calling their helpline on **0800 0154245**.

### g. Booking the test

To book the test, contact the test centre by telephone or in person.

If you have a disability, the test centre can provide the test in a format to meet your particular needs.

Tell the centre about any such needs when you book the test - and also about any medical condition in case it affects the amount of time you need for the test.

### h. Is there a charge for the test?

Yes. The current charge is **£33.28**. It has to be paid before you take the test.

The [Find a test centre](#) page mentioned above gives information on the methods of payment accepted by individual test centres.

### **i. Taking the test**

At the test centre you will be asked to confirm your identity by producing one of the following:

- *your passport or Home Office travel document*
- *your identity card for foreign nationals if you have been issued with one*
- *a UK photocard driving licence (full or provisional) if you have one*
- *an Immigration Status Document endorsed with a UK residence permit bearing your photograph.*

You will also be asked for your postcode, so you should take a letter or other document containing it.

### **j. The test result**

You will be told the result of the test at the test centre on the day. If you pass, you will be given a pass notification letter, which you must include with your application for indefinite leave to remain. The test result will also be sent to us.

### **k. What if you fail the test?**

If you fail the test, you can retake it any number of times. You will have to pay the current fee every time you take it.

Since the questions are drawn randomly from a large number, they will be different every time you take the test.

### **l. English for Speakers of Other Languages (ESOL) courses with citizenship material**

If your English is not good enough to take the Life in the UK test, you will need to obtain a recognised ESOL qualification of the kind described in paragraph **21b** above.

ESOL courses are available at many further education, adult and community colleges across the UK.

The course must be one approved by a recognised awarding body - the Scottish Qualifications Authority for courses in Scotland, and the bodies listed in Note 1 in section 4 of the SET(BUS) application form for courses in England, Wales and Northern Ireland.

### **m. Will you have to pay for ESOL courses?**

The Department for Business Innovation and Skills (BIS) has decided that people doing an ESOL course should make a contribution to the cost of the course in accordance with their ability to pay.

You should contact your local college to find out about the fee and whether you will be required to pay.

You can also get more information about this in the Learning and Skills Council's funding guidance on their website at [www.lsc.gov.uk](http://www.lsc.gov.uk)

### **n. How long will the ESOL course take?**

This may vary according to the particular college and course, as well as the ability of the individual. You should ask the college at which you are planning to take the course about this.

### **o. What if you can't pass the Life in the UK test or gain an ESOL qualification before the end of your permission to stay in the UK?**

If you cannot obtain the relevant qualification before the end of your permitted stay, you should apply on form FLR(BUS) for an extension of stay in the category to give you time to obtain the necessary qualification.

If you apply for indefinite leave to remain but do not have the relevant qualification demonstrating your knowledge of language and life in the UK, **your application will be refused without any refund of the application fee.**

### **p. What about dependants?**

Any dependants applying with you who are under the age of 18, or aged 65 or over, are not required to show that they have sufficient knowledge of the English language and life in the UK.

Unless they qualify for exemption from the requirement, anyone aged 18-64 who is applying as your partner must also pass the Life in the UK test or obtain a relevant ESOL with citizenship materials qualification. But they will only be granted indefinite leave to remain if your application is granted.

If you have a partner aged 18-64 who is applying with you on form SET(BUS) and your application is granted but your partner has not yet been able to obtain the relevant pass or qualification, their application will be refused. In this situation, they will need to apply separately for an extension of stay as your dependant to give them time to obtain the necessary qualification. Such an application must be made on form FLR(O).

### **q. Where can you get more information about these requirements?**

In addition to the sources already mentioned, you can find more information in the Questions and Answers pages on our website.