

If you wish to apply for indefinite leave to remain in the UK as a victim of domestic violence, 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 number for contacting us are given below.

### OUR WEBSITE

[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

For information about immigration law and policy, and to see and download application forms and related guidance

### IMMIGRATION ENQUIRY BUREAU (IEB)

**0870 606 7766**

Monday to Thursday:  
9.00 - 4.45  
Friday: 9.00 - 4.30

For immigration enquiries and information

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

## GUIDANCE NOTES

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

Form SET(DV) must be used if you are applying for indefinite leave to remain as a victim of domestic violence after being admitted to the UK or given an extension of stay for 2 years as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the UK.

You and any children under 18 who are applying with you must be in the UK to apply.

### 2 QUALIFYING FOR INDEFINITE LEAVE TO REMAIN

To qualify for indefinite leave to remain as a victim of domestic violence you must meet the requirements set out in Part 8 of the Immigration Rules, which are on our website.

### 3 WHO MAY APPLY ON THIS FORM?

You and any children under 18 if they are applying as your dependants.

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

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

You do not need to pay the fee if you can show that you are destitute.

A person who claims to be destitute for the purpose of being exempt from the fee must provide evidence to show that, on the date of making the application, they have:

- no access to sufficient funds to pay the specified application fee; and that they are;
- totally and necessarily reliant on a third party for the provision of essential living costs, such as basic accommodation and food.

You must provide satisfactory evidence if you claim to be destitute - see next page.

Unless you provide satisfactory evidence, your claim to be destitute will not be accepted and your application will be rejected as invalid. Satisfactory evidence could, for example, be a signed letter from a local authority or agency supporting you. The letter must confirm that your circumstances have been assessed, and that you have been deemed to be destitute and are therefore unable to pay the application fee.

If you are not claiming to be destitute, you must pay the specified fee. Please note that if you do not, the application will be invalid and will be returned to you.

Please also note that if you are paying the application fee, we will not refund it 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 at [www.ukba.homeoffice.gov.uk/](http://www.ukba.homeoffice.gov.uk/).

## **5 WHEN TO APPLY**

You and any children under 18 applying with you should do so before the end of your/their permitted stay in the UK.

Your application should be made as soon as is practicably possible after your marriage or other partnership has broken down as a result of domestic violence.

You should not wait until the end of your permitted stay in the UK.

## **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(DV)
- pay the specified fee by one of the methods specified in the payment guidance (unless you are destitute)
- provide photographs of yourself and any children under 18 who are applying with you as specified in the application form
- complete section 8 (Personal History) as required
- sign the declaration in section 13
- send the application by prepaid post to UK Border Agency.

If you fail to do any of these things, the 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 children 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 each part 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 children under 18 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.

## 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 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

The address to which you must post an application on form SET(DV) is:

#### **UK Border Agency - SET(DV)**

Indefinite Leave to Remain

PO Box 492

Durham

DH99 1WU

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 14 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 prepaid 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 you will be contacted as soon as possible.

### 12 DECISION TIMES

For the latest information on our service standards for deciding charged applications, please go to our

website.

Applications which are not straightforward, or which need 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.

### 13 YOUR STATUS WHILE YOUR APPLICATION IS BEING CONSIDERED

If you and any children under 18 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.

### 14 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  
Liverpool Settlement Casework  
PO Box 306  
Liverpool  
L2 0QN

and 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
- 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 details listed immediately above.

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

### 15 OBTAINING APPLICATION FORMS

You can obtain application forms, the accompa-

nying guidance notes and the UKBA photograph guidance from our website at [www.ukba.home-office.gov.uk](http://www.ukba.home-office.gov.uk)

## **16 OTHER ENQUIRIES**

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

## **17 CHOOSING AN IMMIGRATION ADVISER**

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

## **18 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.

## **19 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.

## 20 BIOMETRIC RESIDENCE PERMITS

### What is a Biometric Residence Permit?

1. The Biometric Residence Permit is a residence permit which holds a migrant's biographic details (name, date and place of birth) and biometric features (facial image and fingerprints), and shows his/her immigration status and entitlements while he/she remains in the UK.

2. It replaces the vignette (or sticker) and ink stamps previously placed in the passports of those granted permission to remain in the UK. If a migrant is issued with a Biometric Residence Permit, he/she will receive a leaflet giving more information about it and explaining any obligations.

### What are biometric features?

3. Biometrics features are the unique physical characteristics that can be used to identify a person such as a facial image and fingerprints. We do this by taking a digital photograph of all applicants and scanning the fingerprints of applicants aged 6 or over.

### Requirement to apply for a Biometric Residence Permit

4. You must apply for a Biometric Residence Permit if you make an application:

(a) for limited leave to remain for a period which, together with any preceding period of leave to enter or remain, exceeds a cumulative total of 6 months leave in the United Kingdom;

(b) for indefinite leave to remain;

(c) to replace a stamp, sticker or other attachment in a passport or other document which indicated that he had been granted limited or indefinite leave to enter or remain in the United Kingdom;

(d) to replace a letter which indicated that he had been granted limited or indefinite leave to enter or remain in the United Kingdom;

(e) to be recognised as a refugee or a person in need of humanitarian protection;

(f) to be recognised as a stateless person in accordance with Article 1 of the Stateless Convention;

(g) for a Convention Travel Document, Stateless Person's Travel Document or a Certificate of Travel Document and does not already hold a valid Biometric Residence Permit; or

(h) as the dependant of a person who is making an application in accordance with sub-paragraph

(a), (b), (e) or (f).

5. You do not need to apply for a Biometric Residence Permit if you are applying for leave as an Olympic or Paralympic Games Family Member Visitor or an Olympic or Paralympic Games Family Member Child Visitor (paragraphs 56R and 56U of the immigration rules).

### Transitional Arrangements

6. If you were not required to apply for a Biometric Residence Permit at the time of your application and you are notified before 1st December 2012 that you will be granted limited leave to remain or indefinite leave to remain, you will receive a UK Residence Permit.

7. If you were not required to apply for a Biometric Residence Permit at the time of your application but you are notified on or after 1st December 2012 that you will be granted

(i) limited leave to remain for a period which, together with any preceding period of leave to enter or remain, exceeds a cumulative total of 6 months leave in the United Kingdom; or

(ii) indefinite leave to remain

you must apply for a Biometric Residence Permit and have your biometric features recorded.

### Applying by post

8. If you make a postal application you will be sent a letter notifying you of the need to make arrangements for you and any dependants applying with you to have your biometric features recorded.

9. You must record your biometric features within 15 working days of the date of the letter. For the majority of applicants this will be done at a Post Office.

### Post Office

10. The post office offers a walk-in service, with no need to book an appointment; however, there may be a queue for this service. The Post Office branches where the applicant can record your biometrics will be detailed on the Post Office website which will be highlighted in your Biometric Enrolment letter.

11. You must bring the back page of the letter (which includes your case reference number, full name and date of birth) when you attend the Post Office branch. If you fail to bring the back page of the letter with you the Post Office will not be able to record your biometric features.

12. You will be charged an additional handling fee payable to Post Office Ltd. Payment to Post Office Ltd can be made by cash or debit card.

### **Applying in person (premium service applications)**

13. If you make an application in person must book an appointment in advance with one of our Public Enquiry Offices (PEOs). You can do this online at <http://ukba.homeoffice.gov.uk/book-appointment> or by phoning our Immigration Enquiry Bureau on 0870 606 7766.

14. More information about this service, including the fee, is available on our website at <http://www.ukba.homeoffice.gov.uk/contact/applyinginperson/>.

### **Super premium service**

15. As part of the super premium service we will visit you to record your biometric features (fingerprints and photograph):

- at a location of your choosing; and
- at a convenient time and date for you (between 09:00 and 17:00, Monday to Friday), with a minimum of 48 hours' notice following initial contact.

16. We will make a decision on the application within 24 hours of your biometric features being recorded.

17. If you want to use this service you should phone 020 8196 3893 or 020 8196 3892.

18. More information about this service, including the fee, is available on our website at <http://www.ukba.homeoffice.gov.uk/contact/super-premium/>.

### **Why do applicants over 5 years old have to give their fingerprints?**

19. The law states that everyone over 5 years old must provide their fingerprints when applying for a Biometric Residence Permit.

### **Who should accompany children under the age of 16?**

20. We cannot record the biometric features of children under the age of 16 unless they are accompanied by a responsible adult.

21. If any such children are applying with an applicant as his/her dependants, we would expect the applicant to be with them when their biometric features are recorded. If not, the person accompanying them must be a responsible adult aged 18 or over who is either the child's parent or guardian, or a person who for the time being takes responsibility for the child. Any such person must be named on the application form.

22. If the applicant is a single person under the age of 16, he/she must be accompanied by his/her parent, guardian or other responsible adult aged 18 or over.

23. If the person accompanying the child(ren) under 16 is not their parent or guardian, that person must bring with him/her a letter confirming that he/she is authorised to take responsibility for the child(ren) when they have their biometrics recorded.

24. At the appointment the responsible adult will also be asked to provide an acceptable form of identity, such as a passport or driving licence.

### **What happens when I enrol my biometric information?**

25. Enrolling your biometric information is a quick and clean process. We take a digital photograph of your face, then you put your fingers on a glass screen to be scanned - there is no ink or mess.

26. We are aware of the need to protect the dignity, privacy and modesty of applicants, and there will be special arrangements for applicants where needed.

### **How long does it take to enrol biometrics?**

27. The UK Border Agency biometric enrolment process takes 5-10 minutes. There may then be a short wait whilst data checks are made.

### **What about any medical or physical conditions that may require the UK Border Agency to provide the applicant with special arrangements?**

28. If you and/or any dependants who are applying with you have a medical or physical condition which may require special arrangements to be made in order for your biometric features to be recorded, you must obtain a letter or other document giving the details of any such condition and enclose it with your application.

29. Appropriate documentary evidence would be a letter from a treating clinician, such as a practising doctor registered with the General Medical Council, giving details of the condition and/or special needs and explaining any arrangements that may be necessary.

### **What if the migrant has no fingers or hands?**

30. If you are physically unable to provide fingerprints we will take a photograph of the facial image and record on the database the fact that you are physically unable to provide fingerprints.

31. You will not be able to use the biometric enrolment service at a post office branch.

### **Do I need to make any special preparations before my biometric features are recorded?**

32. Before you attend your appointment, we recommend that you check that your hands and fingers are clean. If your hands are not clean, we may ask you to wash them before we scan your fingerprints.

33. We would advise you not to have any colouring or similar substances (such as henna) on your hands as this could prevent us from recording your fingerprints on the day of your appointment. You would then have to make a new appointment which would delay the consideration of the application.

### **Why do I need to give my biometrics as part of my application?**

34. Providing biometrics helps to protect the identities of genuine applicants. Biometric Residence Permits make it easier for individuals to prove their identity, immigration status and entitlements in the UK. Individuals are locked into a single identity which helps the UK Border Agency tackle immigration abuse, child trafficking, illegal working and identity fraud.

### **What if I fail to record my biometric features?**

35. If you fail to record your biometric features or book an appointment within 15 working days from the date of the notification letter you will be sent a warning letter giving you another opportunity within a limited period. The letter will also advise that failure to record your biometric features or to book an appointment within the stated period will result in your application being rejected as invalid.

### **What if I do not comply with the recording process at the appointment?**

36. If you do not co-operate fully with the biometric recording process, for example by attempting to obscure your fingerprints or face, you will be warned that your refusal to comply may result in your immigration application being refused on the grounds of non-compliance.

### **Will I be interviewed?**

37. If the fingerprint check reveals any queries around your identity, these matters may be resolved through an interview. However, this will not routinely be required.

### **Will I be issued with a Biometric Residence Permit?**

38. If the application is successful, you will not be issued with a residence permit in your passport. Instead, you will be issued with a residence permit

in the form of a Biometric Residence Permit.

39. The permit will be sent to you by secure delivery.

40. If you do not receive your permit within ten working days of the date of your decision letter you should contact us on 0300 123 2412.

41. You cannot enquire about undelivered permits in person at our offices or biometric enrolment centres. This applies to both premium and postal services.

### **When will I get my biometric residence permit?**

42. If you apply by post, we will post your permit to you by secure delivery, separately from the decision about your application and the return of your documents.

43. If you apply at a public enquiry office, we will post your permit to you by secure delivery after your appointment. Permits cannot be issued on the same day as your appointment.

44. We advise you not to book any non-urgent travel before you have received your permit.

### **What must I do when I receive my biometric residence permit?**

45. You must check your permit carefully when you receive it, to ensure that all the details on it are correct. If you find a mistake, you must phone us on 0300 123 2412 within 10 working days of receiving the permit - otherwise you may be charged for a replacement and will need to apply again.

46. We advise you to make a photocopy of the front and back of your permit, in case it is lost or stolen. If you want to make another application in the future, you will need to send your permit to the UK Border Agency, so you may want to retain a copy for your records.

### **What should I do if my biometric residence permit is not delivered?**

47. If you have not received your permit 10 working days after the date on your letter from us extending your permission to stay in the UK, you should phone us on 0300 123 2412. You cannot ask about undelivered permits in person at our public enquiry offices or biometric enrolment centres.

### **How do I use my biometric residence permit?**

48. Your biometric residence permit is evidence of your permission to stay in the UK, and shows the conditions of your stay. It enables you to con-

firm your identity and your rights to study and/or work here, and to access public services.

49. You must show the permit to your employer or approved education provider before you start to work or study.

50. You must take your permit with you if you go abroad while you have permission to stay in the UK. You may need to show the permit to an immigration officer at the border when you leave the UK. You will also need to show it as well as your valid national passport or travel document before you begin your return journey, and again when you re-enter the UK. The permit proves that you are allowed to return to the UK, but it cannot be used instead of a passport or travel document.

### **What should I do if my biometric residence permit is lost or stolen?**

51. If your biometric residence permit is lost or stolen, you must report the loss or theft to the UKBA Card Management Service as soon as possible by phoning 0300 123 2412 from the UK or (+44) 20 8527 3623 from abroad.

52. You must also report the loss or theft to the police and get a police report and crime reference number as soon as possible.

53. If your permit is lost or stolen when you are in the United Kingdom you must apply for another permit within three months of reporting the loss or theft of your original permit, using form BRP(RC).

54. If your permit is lost or stolen when you are abroad you must apply for a short-term Single Entry Visa in order to travel to and re-enter the United Kingdom. You must then apply for another permit within three months of re-entering the United Kingdom, using form BRP(RC).

55. If you do not apply for a replacement permit you could be liable to a sanction, such as a Civil Penalty Notice of up to £1,000 and/or curtailment of your leave to stay in the United Kingdom.

### **How do I change my personal details on my biometric residence permit?**

56. You must tell us as soon as you can if:

- you change your name (for example, because of marriage or by deed poll);
- you change your gender, legally or permanently;
- you change your nationality; or
- your facial appearance changes significantly.

57. If you change any personal details listed

above or any details shown on your biometric residence permit, you must apply for a new permit within three months using application form BRP(RC). If you do not do this, you may have to pay a financial penalty of up to £1,000 or we may shorten your permission to stay. You can download the application form and guidance from the right side of this page.

### **What should I do if I change my address or circumstances?**

58. If you change your address before you have received your biometric residence permit, you must tell us immediately by phoning 0870 606 7766.

59. If you change your address at any time after you have received your biometric residence permit, and you think you are likely to be at the new address for at least six months, you should tell us by sending a fax to 020 8196 5454 or by writing to:

UK Border Agency  
Change of Address Team  
11th Floor Lunar House  
Wellesley Road  
Croydon  
CR9 2BY

60. You must tell us immediately by phoning 0870 606 7766 if:

- you change your circumstances so you no longer qualify to stay under the Immigration Rules that were in place when we gave you permission to stay in the UK; or
- you are a student and you change your course and/or education provider (sponsor).

### **What should I do if the information on my biometric residence permit is incorrect, someone has been using my permit or it is damaged?**

64. You must tell us immediately by phoning 0300 123 2412 if you know or suspect that:

- the information held on your permit is untrue, misleading or incomplete;
- someone has used your permit with or without your permission; or
- your permit has been damaged or tampered with.