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BRITISH ARMY CHAIN OF COMMAND GUIDE
SUPPORTING FOREIGN AND COMMONWEALTH CITIZENS AND THEIR FAMILIES –
EDITION 5

References:

- A. DPS(A)/28/9/ dated 29 Feb 08 (Edition 4).
- B. British Nationality Act 1981.
- C. Act of Settlement 1700¹ & Army Act 1955.
- D. Tripartite Agreement UK/India/Nepal 1947.
- E. DIN 08-006 issued Mar 07.
- F. JSP 440 (Defence Manual of Security).
- G. Life in the United Kingdom: A Journey to Citizenship - 2nd Edition (2007) ISBN 0113413130.
- H. Tri-Service Guide on Religion and Faith 2005.
- I. JSP 534 (Tri-Service Resettlement Manual).
- J. TA Regulations.
- K. JSP 752 (Tri-Service Regulations for Allowances).
- L. JSP 754 (Tri-Service Regulations for Pay and Charges).
- M. JSP 765 (Armed Forces Compensation Scheme).
- N. JSP 464 (Tri-Service Accommodation Regulations).
- O. JSP 751 (Casualty and Compassionate Procedures)
- P. JSP 760 (Leave and other forms of Absence).
- Q. AGAI Vol 3 Chap 81 (Welfare in the Army).
- R. JSP 770 (Tri-Service Operational and Non-operational Welfare Support).
- S. D/DPS(A)/33PS4(A) dated 2 Apr 07.
- T. D/DPS(A)/33PS4(A) dated 21 Jan 08.
- U. D/DPS(A)28/9 dated 8 Feb 08.
- V. DIUS email dated 5 Dec 07.
- W. U-UK 1/08/10 dated 18 Feb 08.
- X. Immigration Directorate Instructions Chapter 15 dated Mar 08.**

¹ The Act of Settlement is often quoted as an Act of 1701 however, convention is to quote the date on the face of the Bill passed by Parliament rather than the date of implementation, therefore the Act is quoted as originating from "1700".

INTRODUCTION

1. **Introduction.** This guide is to be used by Commands, formation G1/J1 staffs, Commanding Officers and unit personnel support staff to provide better support to the Army's Foreign and Commonwealth citizens² and their families. It does not replace policy or instructions covered in existing tri-Service or Army publications, which already apply to all Service personnel and their families³ regardless of their nationality. Overseas Commands are to produce their own guides to reflect any local overseas differences. This document is a guide only; Joint Service Publications (JSPs) and Army Regulations are the authority for unit action and should always be consulted in the first instance. Home Office Immigration and Nationality Instructions are subject to frequent change (including fees, application forms and instructions) and their websites or helplines should be consulted for up to date advice. A list of useful sources of information and support is at Annex A. **Since the last edition, the Borders and Immigration Agency have promulgated new arrangements enabling those seeking settlement on discharge to submit their applications up to 10 weeks prior to their actual discharge date in order to ease transition to civilian life. Additional detail is included at Para 9 and in Annex D. In addition further guidance on UK entry requirements for overseas spouses or civil partners married or in a civil partnership to British citizens has been included in the families' section at Para 56.** This version of the guide replaces Reference A; which should be destroyed⁴. Significant changes to Reference A have been made in **bold**. The guide is copied to the RN and RAF who may also find it useful background though they will wish to consider consulting their own single Service POCs to establish the circumstances applying in their own Service.

BACKGROUND TO RECRUITMENT FROM THE COMMONWEALTH AND NEPAL⁵

2. **The Commonwealth.** The Commonwealth is an association of 53 countries. It has 1.8 billion citizens, about 30 per cent of the world's population, drawn from the broadest range of faiths, races, cultures and traditions. Countries of the Commonwealth are listed in Reference B; which defines a Commonwealth citizen for all purposes in UK law as citizens of Commonwealth countries and includes British citizens, British Dependant territories citizens, British Overseas citizens, British subjects and British Nationals (Overseas).

3. **Historical Recruitment of Commonwealth Citizens.** Citizens of the UK and the Commonwealth have a long and distinguished history of serving together on operations throughout the world. Prior to 1914, recruitment of local troops overseas provided necessary additional support for British Forces and the largest locally recruited force was the Indian Army. In Africa, local forces maintained internal security and were a counter to any threat of expansion from other European Powers. The West India Regiment served both in the West Indies and in Africa. Sergeant William Gordon was born in Jamaica and enlisted in the West India Regiment in 1885. In 1892 he won the Victoria Cross in Sierra Leone after throwing himself into the line of fire to save his Commanding Officer. In the Great War, Britain was able to draw upon considerable military manpower from overseas and over one million men from Commonwealth countries served. African troops also

² Whilst Foreign and Commonwealth includes citizens of the Republic of Ireland, these as EU citizens are not subject to the UK immigration controls in the same way as non-EU citizens at whom this guide is aimed.

³ This guide can also be used to support the non-British spouses of British citizens where these are subject to UK Immigration controls ie: Ukrainian spouses.

⁴ Websites should also be updated.

⁵ Where there are differences between Commonwealth citizens and Nepalese citizens serving in the Brigade of Gurkhas these are highlighted in the guide.

played an important part in the defeat of German forces in East and West Africa. The British West Indies Regiment saw active service in France, Italy and the Middle East. In addition, units from Mauritius, Fiji and South Africa provided logistical support for front line troops.

4. In the 2nd World War, men and women from many Commonwealth countries played a significant role in helping to defeat the Axis powers. Some 372,500 African troops fought in East Africa and Burma. The Indian Army (including modern day Pakistan and Bangladesh) provided the world's largest volunteer army with 2.5 million serving personnel. Commonwealth Navies provided essential operational support worldwide, as did 5,800 West Indians who served in the RAF. Today, Commonwealth citizens may join the British Army in accordance with Reference C.

5. **Historical Recruitment of Gurkhas.** Gurkhas were first permitted to volunteer for British military service in the 1815 peace treaty that ended the Anglo-Nepalese war of 1814/15. Gurkha soldiers quickly established a reputation as loyal and formidable soldiers and the numbers recruited into British Forces in India grew throughout the 19th Century. Large numbers of Gurkhas fought in the (British) Indian Army in both World Wars. On Indian Independence six regiments of the Gurkha Rifles continued to serve in the Indian Army and four regiments transferred into the British Army. This arrangement was governed by a series of memoranda between the Governments of UK, India and Nepal and known collectively as the Tripartite Agreement (TPA) of 1947, details of which were announced in the House of Commons on 1 Dec 47 at Reference D.

6. Gurkhas are recruited in Nepal and remain Nepalese citizens throughout their service in the Brigade of Gurkhas. Until 2007 Gurkhas served under different terms and conditions of service from the rest of the British Army, originally based on Indian Army terms and conditions of service. Unlike their Commonwealth counterparts, Gurkhas normally serve in formed Gurkha units and with effect from Apr 07, those with 5 years service in the Gurkhas are able to apply to transfer to the Regular Army.

IMMIGRATION MATTERS

7. **UK Visa, Borders and Immigration Responsibilities.** Nationals from countries outside the European Economic Area (EEA) are normally subject to UK immigration controls. The Home Office (HO) is the UK Government Ministry with overall responsibility for Immigration and Nationality matters. The HO in conjunction with the Foreign and Commonwealth Office (FCO) runs UKvisas. UKvisas staff work in British Diplomatic Posts overseas and process applications from people who need to get permission to enter the UK before they travel (for instance people who want to come to the UK to work, do business, visit relatives, take a holiday or settle permanently). The newly formed Borders and Immigration Agency (BIA), part of the HO, considers applications from people already in the UK who apply for further leave to remain, or settle permanently in the UK. In 2006/7, UK immigration officers facilitated the arrival of nearly 90 million passengers in the UK, more than 12 million of which were subject to immigration control. The BIA also decides on applications from people who want to become British citizens. Both UKvisas and the BIA provide extensive information, guides, application forms and telephone help lines. Details of which units can access or signpost soldiers and or their families to using the detail provided at Annex A.

8. **Non-British Soldiers UK Immigration Status.** At the point that a non-British citizen enlists into the British Army he or she automatically becomes exempt from UK

immigration control under Section 8(4)(a) of the Immigration Act 1971. Whilst serving as non-British citizens, the BIA provides them with a free 'Exempt UK Immigration Control' passport endorsement normally inserted into the individual's passport. This exemption suspends any existing UK visa restrictions, whilst the individual is serving in the Army. The unique nature of Armed Forces service is recognised by the HO in a number of ways. For example, Exempt Immigration Control visas are issued at no cost to serving soldiers. Unlike civilians subject to visa controls, time spent outside the UK by serving soldiers on operations and assignments overseas counts towards the residency criteria if an application for Indefinite Leave to Remain (ILR) or Indefinite Leave to Enter (ILE) is made after discharge from the Army and UK Nationality applications. In addition, both soldiers and their dependants eligible for and seeking ILR in the UK do not have to take the 'Life in the UK Test' unlike their civilian counterparts.

9. **Unit Support to UK Immigration and Nationality Matters.** Significant UK immigration and nationality events for recruits and trained soldiers and their dependants are to be supported⁶ by units as follows:

- a. **Post-enlistment Service personnel requiring an 'Exempt' endorsement.** Post-enlistment into the regular Army, under HQ ARTD arrangements, non-British passports are to be sent with a covering letter from the ATR/Service unit, (no application form or fee is required) to the BIA section which deals with the endorsement of passports for Exempt Armed Forces Personnel at the following address: Armed Forces Team, ICC2, Borders and Immigration Agency, Lunar House, 40, Wellesley Rd, Croydon, CR9 2BY Tel: 0845 4105996, Fax: 02081964089.
- b. **Trained Service personnel requiring an 'Exempt' endorsement or requiring renewal of their 'Exempt' endorsement.** In the event of a soldier arriving in a unit after training with no 'Exempt' endorsement or requiring to replace an 'Exempt' endorsement having renewed their non-British passport, the new passport is to be sent, under unit arrangements with a covering unit letter, (no application form or fee is required), to the BIA section which deals with the endorsement of passports for Exempt Armed Forces Personnel. The address is at Para 9a above. An example draft letter is at Annex B. Units are advised to send passports by registered mail, with soldiers keeping a photocopy of their passport should the need arise.
- c. **Support to soldiers sponsoring dependants applying to enter or remain in the UK.** Soldiers may choose to sponsor applications from their dependants or visitors from overseas. In the case of those applying for 'Exempt Armed Forces Dependants Visas', applicants must show UKvisas or the BIA that they are the spouse, civil partner, or dependant child of a member of the UK Armed Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971. In the case of dependants' applications, units should provide soldiers with a routine letter on unit headed paper confirming the date of the sponsor's enlistment and their expected final date of service with HM Forces. In the case of dependants' eligible to occupy Service Families Accommodation (SFA), the

⁶ Support could include the provision of a unit letter confirming the facts surrounding a person's exact period of Service, date of enlistment/scheduled discharge etc and or assistance in explaining forms. Units should note that immigration advice is regulated by the Office of the Immigration Services Commissioner (OISC) and support in this area should be confined to signposting the individual to either the UK Home Office UKvisas or BIA help lines or qualified Immigration advisors.

letter may also confirm that the soldier is entitled to SFA as a condition of service. An example draft letter is at Annex C. The original of the letter should be passed to the soldier. It is the sponsor's (the soldier) responsibility to ensure the letter accompanies their dependant's application. Units should keep copies of all letters provided which may be requested by UKvisas or BIA staff to mitigate incidents of fraud. Units should note that Gurkha personnel with an entitlement to occupy SFA on 31 Mar 07 but for whom there is currently no available accommodation have a reserved right for their dependants to travel to their duty station at public expense, including the provision of passports and visas, based on the previous Gurkha TACOS.

d. **Consular Protection.** Under the Vienna Convention on Consular Relations 1963 (VCCR 1963), foreign nationals⁷ subject to the Service Discipline Acts (SDAs), including civilians, arrested and detained in Service custody should be notified of their right for their Consul⁸, Embassy or High Commission to be informed of their detention, with a view to consular officers being provided the opportunity to visit, communicate with, and safeguard the rights of that individual. The detained individual may or may not choose to invoke this right – there is no obligation for the consulate of the individual to be notified as a matter of course.

e. It is the responsibility of the Commanding Officer of the foreign national concerned to ensure that any foreign national under his command arrested or detained without Service Police involvement is made aware of their right to consular access. This includes civilian foreign nationals who are subject to the SDAs when residing in overseas Commands and are detained without the involvement of the Service Police. In cases where the Service Police have been involved, it will be for them to ensure that the individual is aware of his or her rights in accordance with the single Service Police policies and the Service Police Codes of Practice 2006.

f. **UK Nationality Applications.** Since 22 Nov 06 eligible Commonwealth citizens serving in the Regular element of the UK Armed Forces have been able to count their service, at home and overseas, towards the 5 year residency criteria for applications for British citizenship whilst still serving, providing they meet the other Home Office criteria, which include actually being in the UK on the date five years prior to the application being submitted. Applications including passing the 'Life in the UK Test' and the payment of the fee are a personal matter between the individual and the Home Office. Units upon request are to explain the outline of this policy, signpost individuals to the Home Office website and be prepared to provide the individual with a letter to support his or her application confirming, length of service and where applicable that any time spent out of the UK, is or was attributable to Armed Forces employment. In some cases unit staff may be asked by the individual to act as referees. **Individuals should also be advised, where appropriate, to consider the impact of UK Nationality applications on their accompanying dependants current UK visa status. In some cases whilst visas remain valid, a change of Serving soldier's nationality may give family members an incorrect status. Family members seeking clarification should be advised to seek advice from the Immigration Enquiry Bureau on 0870 606 7766 where required.** In addition, once the serving soldier has successfully gained

⁷ Any person who is subject to Service Disciplinary Acts who is a national of a foreign country and who is not a British Citizen.

⁸ The official representative of a foreign country who is charged with consular matters for the locale in which a circumstance requiring notification occurs.

citizenship, dependants will generally be able to obtain ILR in the UK 2 years after their serving spouse or civil partner has been naturalised as a British citizen. Once dependants have obtained ILR, they too may apply for naturalisation providing they have by that stage been resident in the UK for at least 3 years. Time spent accompanying their spouse on service overseas may also count towards the three-year UK residency requirement. Additional detail is available on the Army's Commonwealth citizens and their families and BIA websites, details of which are at Annex A. Gurkha personnel are not included in this policy change as they remain Nepalese citizens whilst serving with the Brigade. Gurkhas seeking British citizenship may do so either by transferring to the wider Army after 5 years service (when they can take advantage of the UK naturalisation policy), or after discharge, by initially applying for settlement and then naturalisation as a British Citizen again with their service period counting towards the relevant residency requirement.

g. **Discharge.** Normal Army discharge procedures are followed in all cases. In addition under Commanding Officers (CO) arrangements, units notify the Armed Forces Team of the BIA of the date of discharge and endorse passports with a 'cessation of exemption' stamp. Detailed guidance on discharge is at Annex D. COs are to ensure non-British soldiers are briefed on the changes to their immigration status during resettlement interviews and at least 3 months prior to discharge wherever possible as follows:

(1) A non-British citizen, who has not been granted UK nationality, will have their 'Exempt Immigration Control' status automatically cancelled by the Home Office on the day they are discharged from the Army and will again be subject to immigration control. Upon discharge an individual will normally be granted 28 days to allow time for an application for further leave to remain to be lodged, or depart from the UK. Once an application is lodged they are able to remain in the UK legally whilst the application is processed.

(2) Individuals who have not already sought UK Citizenship and who have completed 4 years' service with HM Forces may apply for settlement (also known as ILR) **up to 10 weeks** days prior to discharge. If they apply at this point their transition to civilian life will be eased as BIA will **provide them with an 'indicative' letter to assist them in making appropriate arrangements for employment after discharge and for liaising with the relevant authorities for housing, healthcare and benefits during transition to civilian life** and be able to grant them ILR the day after their discharge providing they meet the requirements of the Immigration Rules (immigration law does not permit soldiers to be granted ILR whilst still serving and exempt from control). If ILR is granted individuals and their families will normally have recourse to public funds and veterans will be able to legally seek employment. Those who have less than 4 years' service are not normally eligible to apply for ILR but may apply to the Home Office for Leave to Remain citing any special circumstances. Each case is considered by the Home Office on its' merits. There are special arrangements for the consideration of ILR applications where an individual with less than 4 years Army service is being medically discharged directly due to injuries sustained on operations. More detail is at Annex D.

h. Gurkha personnel who opt to be returned to Nepal after discharge would follow the ILE rules for settlement and would need to apply for entry clearance at a British Diplomatic post overseas if they wish to subsequently return to the UK.

i. Units should also ensure that they comply with References S and T which provide guidance for the support (including for instance Commonwealth citizens) to vulnerable early service leavers and those being discharged with severe physical or mental disabilities.

BRITISH ARMY TERMS AND CONDITIONS OF SERVICE (TACOS)

10. **General.** Non-British citizens enlisting into the British Army do so under the same Terms of Service as their British counterparts. Commonwealth citizens are enlisted in the UK and have the same employment and career opportunities⁹ as their British counterparts. In addition, Armed Forces pay, allowances, pensions, compensation arrangements, disciplinary procedures, honours, awards and Army welfare support are provided in the same way as for British soldiers. Nepalese citizens serving in the Brigade of Gurkhas enlist in Nepal and since 1 Apr 07 serve under the same TACOS as the wider Army with the exception of a small number of key differences to cater for their unique position. There are some transitional elements of their old TACOS which are still applied but for those that decide to move to the Armed Forces Pension Scheme from 1 Oct 07, and consequently the Open Engagement, the majority of differences will disappear. Those that choose to stay on the Gurkha Pension Scheme will also stay on the Gurkha Engagement for the rest of their service.

RECRUITMENT

11. **Recruitment into the Regular Army.** Generally Commonwealth citizens living outside the UK make a request to Recruiting Group (RG) to join the British Army by fax, letter, telephone call or e-mail. Subsequently they are sent an application pack. Once returned, RG Overseas Cell staff assesses and screen it. Successful applicants are sent a call forward letter to the UK (copied to the appropriate British High Commission Visa Section). Applicants then have 4 months to travel to the UK at their own expense, which includes both travel and accommodation in the UK and any visas costs. RG is to make this clear to applicants in their recruiting material along with the fact that should individuals fail the recruitment process they need to comply with the terms of their visas. Similarly should they fail initial training and be discharged from the Army, immigration controls are re-imposed by the BIA and it is an individuals own personal responsibility to fund and seek either submit an application for further leave to remain in the UK (including the appropriate application fee), or leave the UK (at their own expense). Gurkhas are recruited through specific arrangements and are selected and enlisted in Nepal. If they fail to pass initial training and are discharged from the Army they will be returned to Nepal at public expense.

12. Commonwealth applicants from overseas may require a sponsor in the UK in order to apply for a UK visitor's visa (normally valid for 6 months). This is a Home Office requirement and RG checks with sponsors to ensure that they understand their responsibilities, which may include providing, support and accommodation during the selection process in the UK, which can take from 6 to 12 weeks. Where the sponsor (sponsor guidance is available from the UKvisas website) is a serving soldier living in SFA, in accordance with the terms of their licence to occupy, the soldier should seek prior permission from Defence Estates - Operations (Housing) (DE-Ops (Housing)). The

⁹ Subject to any additional security or vetting requirements.

sponsor sends the (DE-Ops (Housing)) authorisation letter along with any other sponsor evidence (personal letter from soldier agreeing to be the sponsor, letter from unit confirming soldier is in the British Army and occupying SFA etc) direct to the applicant in their country of origin. The applicant submits these letters along with their fee and UK visa application to the British Embassy or Consulate or UKvisas partner in their country of origin. RG Overseas Cell may request sponsors provide copies of DE- Ops (Housing) permission letters in order to process RG applicants' call forward letters which are also copied to the British Embassy or Consulate concerned.

13. Applicants on arrival in the UK are required to report to a nominated AFCO/ACIO within 3 days of arrival in the UK. They are then processed in the same way as British applicants taking: BARB, literacy and numeracy, medical and selection tests at Army Development and Selection Centres (ADSC).

14. Applicants who have been pre-selected by an Overseas Pre-Selection Team (OPT) in their country of origin (for instance Fiji) are called forward to the UK at their own expense in groups directly to ADSC Pirbright. If successful they will be attested immediately and sent to start their Phase 1 training. Soldiers are paid from the date they enlist at a Phase 1 training establishment.

15. The Army has a memorandum of understanding with the Department of Work and Pensions for the issue of United Kingdom National Insurance Numbers (UKNINO) during the recruitment process. Under RG arrangements, after an applicant passes selection at an Army Development Selection Centre (ADSC) and has been offered employment, an application will be made by an AFCO/ACIO for a UKNINO, which will normally be issued before a recruit reports to an Army Training Regiment (ATR) to begin training (usually within 3-4 weeks of the initial request. Exceptionally, a recruit may report with confirmation of the UKNINO to follow. Casework should be addresses through the FASTPATH Admin Team, Glasgow CCU, Portcullis House, 21 India Street, Glasgow, G2 4PH (Tel 0845 641 5048).

TERMS OF SERVICE

16. **Regular Army Employment Opportunities and Security Matters.** Non-British soldiers are employed on the same terms of service as their British counterparts. In addition Reference E lists the Closed Units, Partially Closed Units, Trades, Career Employment Groups (CEGs), Courses and Employment which require security clearances together with the required levels of vetting clearance within the Army. Reference F provides the policy on security clearances including access to restricted material and equipments which units should consult in the first instance, seeking guidance from the chain of command where appropriate.

17. **Equality and Diversity.** The Army's approach to Equality and Diversity is endorsed by CGS and contributes to the generation of properly trained and motivated forces. The Army faces increasingly complex challenges worldwide, particularly in operations other than war. The ability to draw on the broadest range of skills and experience assists in meeting the challenge of dealing with people of different cultures, traditions and language. The United Kingdom, Commonwealth countries and the Overseas Territories from which we recruit, are diverse and culturally rich societies. To continue to enjoy their support, the Army must be able to demonstrate that everyone joining, or already serving in the Army, will be treated fairly and given the opportunity to make the most of the talents that they possess.

18. An example of the high quality of individual that the Army attracts from the Commonwealth is LCpl Beharry VC. He was born in Grenada and came to the UK and enlisted in the Princess of Wales's Royal Regiment. He was awarded the Victoria Cross, Britain's highest award for bravery, during operations in Al Amarah, Maysan Province, Iraq, in 2004. He performed two individual acts of heroism during which he sustained very serious injuries in the face of intense enemy fire and at great risk to his personal safety saved the lives of many comrades.

19. Units are to ensure that unit level Equality and Diversity training is applied equally to non-British soldiers and that their complaints are handled in accordance with current instructions.

20. **Unit Induction Packages, UK Orientation, Mentoring, Peer Support and Cultural Awareness.** Leaving one's country of origin and travelling to a new country to take up work in an unfamiliar environment - particularly one as challenging as the Army - requires additional support during the settling in process. Units are to ensure that unit induction briefings¹⁰ take account of this additional dimension including providing unit, local and UK (or in the case of the Overseas Commands) in-country orientation. Reference G; the HMSO publication 'Life in the UK', available through Army Libraries, provides useful background material. UK orientation topics¹¹ are covered in more detail within the Families section of this guide. Overseas Commands are to ensure that specific non-British information such as additional travel and visa requirements or spouse employment opportunities are included in Command instructions and locally produced family guides and publications. In addition, units may wish to consider mentoring or peer support groups involving more experienced non-British soldiers to support the newly joined.

21. The Chain of Command and units are also to ensure that British soldiers are provided with Commonwealth cultural awareness in order to promote mutual understanding and team cohesion. Cultural guides are available for the top 5 contributing Commonwealth countries (Fiji, South Africa, Jamaica, Ghana and Zimbabwe on the DM (A) website, which comprise some 80% of the serving Commonwealth cohort. In addition, the MoD also produces a tri-Service guide on different faiths at Reference H. Units may also wish to consider using Commonwealth Day (which is celebrated on the second Monday in March every year) as a cultural awareness focal point during the year. The aim of commemorating Commonwealth Day is to promote understanding of global issues, international co-operation and the work of the Commonwealth to improve the lives of its citizens. Additional guidance on the other Commonwealth countries is available from the Commonwealth Secretariat website, details of which are at Annex A.

22. **Resettlement.** Non-British soldiers are entitled to resettlement provision in accordance with Reference I. Advice and support can include information on housing (from the Joint Services Housing Advice Office), or for those meeting the criteria, support from the career transition partnership. The gaining of in-Service education and civilian accreditation qualifications play an important role in preparing for future civilian careers. Reference I allows in certain circumstances, for entitled personnel to take Overseas Resettlement Training, Overseas Civilian Work Attachments and Graduated Resettlement Time overseas.

¹⁰ Required in accordance with Welfare in the Army Policy promulgated at Reference Q.

¹¹ Units may wish to extract from Reference G and cover, Equal Opportunities, Domestic Violence and Parental Responsibilities for Children.

23. **Discharge.** British Army discharge procedures are followed in all cases and discharge normally takes place in the UK. In addition, for a non-British member of the Armed Forces who has not been granted UK nationality, the 'Exempt from Immigration Control' status ceases on the day they are discharged from the Army and they again become subject to immigration control. Individuals who have completed 4 years' service with HM Forces may apply for settlement (also known as ILR) up to **10 weeks** prior to discharge if they have not already sought UK Citizenship. The discharge process is covered in more detail at Annex D. Since they were enlisted in Nepal Gurkha personnel have the option of being discharged in the UK or Nepal. In the case of the Nepal with travel and personal effects at public expense. Following discharge in Nepal they have 2 years in which to apply for Indefinite Leave to Enter (ILE) (or settlement) the UK at the nearest UKvisas office (British Embassy Kathmandu).

24. **Reserve Liability and Territorial Army Service.** Commonwealth citizens are governed by the same reserve liability terms of service as their British counterparts. Eligibility for entry into the Territorial Army (TA) is governed by the instructions promulgated in Reference J. Gurkha personnel are excluded on nationality grounds as they are Nepalese citizens unless during their Service time they transferred into the wider Army and gained British Nationality status, in which case they too would be eligible for reserve liability and could also join the Territorial Army.

CONDITIONS OF SERVICE

25. **Pay, Allowances, Pensions and Compensation.** Non-British citizens receive the same pay, UK-centric allowances, pension and compensation as their UK counterparts in accordance with References K, L and M. Facilities exist for 'Split of Main Pay' to countries other than the one in which individuals are serving in accordance with JSP 754 Chap 2, normally for welfare purposes to dependants. Individuals should be advised to seek advice from their HR Administrative staff who may need to make manual entries if the country is not listed on the drop down list in JPA.

26. **Accommodation.** Non-British soldiers are eligible for Single Living Accommodation or Service Families Accommodation in accordance with Reference N. Normally soldiers in PStatCat 1 or 2 are only entitled to Service Families Accommodation (SFA) when they have completed initial training, and have at least 6 months to serve at their duty station. Units should remind all Service personnel, including both British and non-British Service personnel, that they must comply with DE Operations Housing License regulations; specifically that the licensee agrees to occupy the property only or with their spouse/civil partner and/or immediate dependant children (as defined in current Service regulations), and should obtain prior written consent of Defence Estates Operations Housing before allowing any other occupants, such as non-dependant adults, children, parents, relations or friends, to occupy the Service property.

27. **Leave and Domiciled Collective Leave (DOMCOL).** Non-British soldiers including Gurkhas have the same annual leave entitlement as British citizen soldiers. In addition, those that meet the criteria may be granted DOMCOL, which provides eligible soldiers leave of 45 working days for each 5-year period of service in the regular Army to visit their Emergency Contact in their country of origin. Units are to review non-British

soldiers' eligibility to ensure DOMCOL and DOMCOL Substitute¹² is registered in accordance with Reference P.

28. **Compassionate Leave and Travel at Public Expense.** Non-British soldiers are eligible for the same Compassionate leave and travel at public expense as their British counterparts. Where travel at public expense is authorised by Joint Casualty and Compassionate Centre (JCCC) it normally involves recovery from overseas to the UK home base or to an accompanied duty station overseas only, in accordance with Reference O. Non-British soldiers who are single, married or in a civil partnership and unaccompanied, and eligible for Domiciled Collective Leave (DOMCOL) may in accordance with Reference P be granted anticipated DOMCOL for leave and travel at public expense to visit in-scope relatives overseas in compassionate circumstances. PS4 (A) has staffed a case for the extension of the current compassionate travel regulations. Pending any change units may submit a request for exceptional circumstances to the JCCC or approach Regimental/Corps or Service charities for financial assistance. The JCCC should always be consulted in the first instance regarding compassionate travel matters.

29. **Travel – First and Last Moves To and From Overseas.** Commonwealth citizens attested overseas are eligible for travel allowances in accordance with Reference K. Gurkhas as personnel engaged overseas are entitled to travel at public expense to and from the UK and Nepal on their first and last move. Commonwealth citizens attested in the UK are normally responsible for paying for the cost of travel including for their dependants and any household effects, to and from the UK from overseas, both prior to enlistment and subsequently on discharge if they return to their country of origin. Units should note that individuals may be eligible for a contribution towards these costs in accordance with Reference K. Additionally publicly funded support is available to bereaved families returning to country of origin in accordance with Reference K.

30. **Official Travel.** Soldiers travelling on duty to NATO countries are governed by the NATO Status of Forces Agreement and units should ensure individuals have the appropriate NATO travel order and a valid Service ID card. Special conditions apply for travel within France. Advice should be sought from Service Transport and Movement staff. Units are advised to pre-check all potential visa requirements for soldiers and their families travelling on non-British passports outside the UK including soldiers attending adventurous training and sporting activities. Visa requirements are subject to frequent change and should be confirmed by units with Service Transport and Movement staff or the Embassy, Consulate or High Commission of the country concerned. The Defence Passenger Reservation Centre, Tel: 96305 4841 can assist with general enquiries for duty travel. Visas required for official travel outside the UK may be provided from public funds in accordance with Reference K. PJHQ and HQ BF Gibraltar have confirmed that given the current relationship between Spain and Gibraltar, NATO travel order/ID cards will not enable individuals travelling from Gibraltar to Spain, for duty journeys. Non-British Service personnel and their families assigned to Gibraltar therefore require Schengen Visas. Non-British personnel deploying to Gibraltar on exercise or for short periods should check the requirement for a Schengen Visa by contacting SO2 J1 HQBF Gibraltar on 9231 98531 5725 who should be consulted in the first instance. Personnel with 2 years or greater UK residency, and 4 months or over remaining on their UK Residency Visa may apply for a

¹² Alternatively, those soldiers in PStatCat 1 and accompanied may apply for DOMCOL Substitute. This enables them to accumulate up to 25% of their annual leave for the purpose of taking 45 working days' leave to their domiciled country after 5 years. In this instance, travel at public expense *is not* permissible.

Schengen Visa through the Spanish Embassy Consulate Section in UK, details at Annex A. If this minimum residency is not met the Schengen Visa, if required, must be applied for in person through the individual's country of residence.

31. Service Charter Flights and Private Travel to and from Germany/Cyprus.

Official travel will normally be organised under unit arrangements through the Defence Passenger Reservations Centre and may include air travel on a specially chartered civilian flight. The following DPRC guidelines apply to passport holders who are not EU citizens travelling by the MOD part-charter flight from UK to Germany or Cyprus: Units are to ensure that serving non-EU nationals are in possession of Service ID cards supported by a valid NATO Travel Order. Accompanying dependants will require Status of Forces Agreement stamps (Germany) or Treaty of Establishment stamps (Cyprus) available from DPRC. On assignment back to the UK units must also ensure non-UK passport holders are in possession of the correct travel documentation for their return to UK. For those non-British families travelling on assignment to the UK at the end of an overseas assignment, units are to arrange UK entry visas, funding for which is available in accordance with Reference K. Additional advice can be sought from the Families Section of the Defence Passenger Reservations Centre in London Civ Tel: 0207 3054800, Mil Tel 96305 Ext 4800 selecting Option 4. Units should advise all those travelling under private travel arrangements to and from UK, Germany or Cyprus to ensure they have pre-checked and secured the appropriate entry clearance visas if they are required.

32. Travel To/From the USA. Service personnel travelling on duty should be in possession of a valid NATO Travel Order and Service ID card. Non-British soldiers and dependants travelling privately via the US, for instance to or from Fiji, should be advised by units to check USA travel visas requirements with their travel agent or US Embassy travel advice before travelling via the USA.

33. Mainland Europe Travel. Unlike their European counterparts, non-British citizens¹³ travelling through countries on the European mainland, may be subject to additional visa requirements. Within certain countries (known as the Schengen Zone) travel for non-European nationals can be achieved by a single visa known as a Schengen visa. A Schengen visa allows its holder to move freely in all the member states of the European Union who signed the Schengen agreement within the validity of the visa. At the moment this includes: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and more recently Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. The UK is not a Schengen visa signatory and is unable to issue Schengen visas. Even if individuals hold a permanent or temporary residency permit to reside in the UK, they may still need a visa in order to enter the Schengen zone. For those F&C personnel and dependants already resident in Germany HQ UKSC(G) have an agreement with the Bezirksregierungen (District Government) in Lower Saxony, through the British Forces Liaison office, (this covers the 7 Armd Bde area; Bergen-Hohne, Celle, Fallingbommel, Hameln & Hannover) to issue 'time-limited' residence permits (Aufenthaltsbewilligungen) to non-EU dependants of members of the British Forces in Germany. SOFA Status Certificate entitles them to reside in Germany a resident permit allow them 'free' movement to, and through other Schengen countries - thereby negating requirement for a Schengen visa. Work is in hand to extend this to other parts of Germany.

¹³ The requirements for Schengen visas vary according to Citizenship and so should be checked on an individual basis with the Embassy of the country through which the individual will be travelling.

34. Units should advise those planning on travelling privately on the European mainland to check their visa requirements with the appropriate countries' Embassy or Consulate and if necessary acquire a Schengen visa prior to travel as it may not be possible to get a Schengen visa once one is already in a Schengen country¹⁴. Where non-EU families intend to travel to and from Germany privately via channel ports, units should advise individuals to check the requirements for Schengen visas which may permit entry, into all Schengen zone member states. Guidance on obtaining Schengen visas may be obtained from either the European country embassy/consulate website that individuals are first planning on travelling to if travelling through a number of countries or from embassy/consulate of the final destination that they will be mainly staying in. Families flying direct from their home country to Germany to join their serving spouse/civil partner will need to check visa requirements before they fly from the German Embassy/Consulate in their home country. Those visiting or transiting via the UK en route to Germany may also need to apply for a UK Transit or Visitors visa. Once individuals arrive in Germany, units should arrange for their passports to be sent to G1 Comp HQ UKSC(G) for a Status of Forces Agreement stamp to be added.

35. **MoD Concessionary Air Travel Rates to Fiji.** For those wishing to travel to Fiji, Korean Air currently operate flights out of London Heathrow via South Korea to Fiji and back. Currently no visa is required for stays of up to thirty days provided individuals enter South Korea for tourist reasons and hold either a return or onward ticket. Additional information is available from www.koreanair.com. Other concessionary travel rates can be found in the Defence Discount Brochure.

36. **Travel and Security Advice.** When required, the Army will issue travel and security advice for all serving personnel (including British citizens). At the time of writing travel and security advice is provided for those considering travelling to Fiji, South Africa and Zimbabwe. Details are available from the Army websites listed at Annex A.

37. **Maintaining Valid Passports.** ARTD is to ensure that overseas recruits enlist with a passport valid for a minimum of four years. In addition ARTD should inform potential recruits during the selection process that soldiers and their accompanying family are responsible for maintaining their own valid passports and for their families valid UK visas whilst they are in the UK. Individuals are responsible for replacing passports due to expire in accordance with their own country passport renewal/replacement instructions. Details can normally be found on Embassy or consulate websites and will include requirements for reporting missing or damaged passports to the police. The cost of replacement passports normally falls to the individual, however where passports are required for official travel the cost (inclusive of any visas) may be provided from public funds in accordance with Reference K. The importance of maintaining a valid passport particularly for newborn children cannot be overstated. Formations and units are advised to publish regular reminders and carry out pre-deployment checks in order that all soldiers and their families warned for official duty/assignment overseas are in possession of a valid travel documents. Specific guidance is issued for those facing difficulties renewing Zimbabwean passports, details are available on the Commonwealth citizens web site on Agweb, details of which are at Annex A. Where non-British passports are lost or damaged and can only be replaced overseas it is normally possible for individuals to seek emergency travel documentation which enables one way travel from the UK to country of origin. Details should be sought from the Embassy or consulate concerned. The UK Borders and

¹⁴ HQ UKCS(G) are currently piloting a scheme within Germany for non-BC citizens involving the acquiring of German Resident status which facilitates EU-wide travel as an alternative to Schengen visas.

Immigration Agency also provide similar one-way travel documentation. Details can be found on their website.

38. **Aftercare.** Non-British veterans and their families are eligible to support from the Service Personnel and Veterans Agency, Regimental/Corps Benevolence and Service charities support in the same way as their British counterparts.

LIVING IN THE UNITED KINGDOM

39. **Opening UK Bank Accounts and Obtaining Credit/Loans.** UK banks are legally required to check identities before individuals can open accounts in order to prevent money laundering. Banks will have guidelines about the type of documents that may be acceptable. Unit Administrative Office staff should be prepared to provide support¹⁵ to non-British Service personnel experiencing difficulties opening bank accounts. Financial institutions generally require a financial history in the UK upon which to make lending decisions. Newly joined soldiers may therefore have difficulty in obtaining credit/loans or entering into hire purchase agreements initially. Proof of evidence of their financial status prior to arrival in the UK, eg bank statements and credit card statements may assist in this respect.

40. **Driving Licences.** There are certain conditions that affect how long a visitor or resident in Great Britain (GB) can drive, and what they can drive if they still have a driving licence issued in the country they have come from. GB has reciprocal exchange agreements with EU and EEA countries and Gibraltar and 15 designated countries. The designated countries are currently: Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Gibraltar, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe. Visitors to GB, who hold full ordinary entitlement, can drive any category of vehicle (up to 3.5 tonnes and with up to eight passenger seats) shown on their licence for up to 12 months from the date they last entered GB, whether or not they brought the vehicle into GB. If they also hold full entitlement to drive large lorries or buses they are only allowed to drive these large vehicles registered outside the GB that they have driven into the country.

41. Individuals resident in GB whose full licence remains valid, can drive small vehicles for 12 months from the time they became resident. To ensure continuous driving entitlement a GB licence must be obtained before this period elapses, by exchanging their licence for a GB one. If they do not do this they must stop driving although they can apply to exchange a licence at any time within five years of becoming resident. If they want or need to change their driving licence for a GB driving licence, they must complete the application form D1 that is available from the Driver and Vehicle Licensing Agency (DVLA) form ordering service and Post Office® branches. They will need to enclose original documentation confirming identity and a passport style colour photograph. Applications and the appropriate fee are sent to DVLA, Swansea, SA99 1BT. More detail is available at the direct.gov website at Annex A. Units should place an entry on Unit Routine Orders and an extract in Unit Standing Orders to this effect, to ensure that all Service personnel are aware of this situation and comply with UK transport regulations.

42. **Procedures at UK Customs and Immigration Control.** UK Immigration Officers (IO) administer border control, security and entry clearance at UK ports and part of their duty is to establish that all in-coming passengers are who they say they are. This is particularly important given the current emphasis on both immigration and security and the

¹⁵ Eg: a letter confirming a soldier is enlisted into the British Army.

potential for the use of either forged documentation or impersonation as a route to illegal entry to the UK. Non-British citizens serving in the Army and their families (and all those with non-EU passports) are therefore subject to checks on arrival at UK sea ports and airports. These checks may involve an element of delay, to allow an IO to confirm the facts with an Army unit duty officer, and should not be considered unreasonable.

43. Non-British citizens serving in the British Army and their families are advised to ensure they have the right travel documentation (valid passports and visas and in the case of families in Germany a Status of Forces Agreement stamp and Cyprus a Treaty of Establishment Stamp). When travelling within and through NATO countries, soldiers may also present a MoD identity card and a NATO Travel Order to assist IOs with their responsibilities. In addition, if requested to provide additional identification by UK immigration officers, individuals should be prepared to provide a unit 24-hr telephone POC (unit Guard Room or Duty Officer) to enable IOs to verify identity without undue delay.

44. In addition www.iris.gov.uk provides information about registering for an iris scan with the UK immigration authorities (this includes those Exempt from Immigration Control and accompanying dependants over 8 years with the appropriate visas). This facilitates access to the UK via Heathrow, Gatwick, Birmingham and Manchester airports through an eye scanner system without having to go through the normal passport control (as long as the scanner is working). PS4(A) has checked with department concerned and confirmed that serving soldiers and their dependants (children over 8 years old) with the appropriate visas are eligible to register. More detail is available on the IRIS website.

FAMILIES

45. **Unit Support to Soldiers Sponsoring their Accompanying Dependants from Overseas.** Soldiers may sponsor applications from their dependants or visitors from overseas. Unit support in the case of dependants should be given as described in Para 9. Sponsors will need to ensure that their dependants' application(s) is/are accompanied by sufficient supporting evidence. Advice for sponsors and applicants on the process and evidence to include with applications is contained in the UKvisas sponsors and visitors guides available from the UKvisas website details of which are at Annex A. Examples of supporting documents which sponsors and their applicants could provide are:

- a. A letter from the sponsor (the soldier) confirming his or her occupation and salary and how they will be providing support and accommodation for the applicant and any accompanying children.
- b. Evidence that the sponsor is in the UK, such as copy of the bio data page (photo) of their passport and their Exempt from Immigration Control Stamp.
- c. Sponsor's recent (for example six months worth of) pay slips and bank statements or savings books to show what financial support is available and how travel to the UK etc will be paid for.
- d. Evidence of accommodation, such as a rental agreement, and evidence that applicant's dependants can stay in this accommodation if it is rented or provided by the local authority.

- e. Evidence that sponsor and applicant are related supported by, original birth/marriage/civil partnership certificates plus emails, photographs, letters, phone bills, birthday cards, money transfer invoices if appropriate.
- f. A unit letter (A draft example is at Annex C).

46. Soldiers' dependants will need to decide what type of UK entry visa best suits their needs and successfully meet the eligibility criteria in order to be granted a visa. For those non-British dependants planning to travel to the UK as dependants of a non-British Service person they may wish to consider using UK Visas Form VAF 2 (Employment Form) Oct 07 and applying for an 'Exempt Armed Forces Dependants Visa'. This can be done at Part I of the form, 'What type of visa are you applying for' by putting a cross in the 'other (please specify)' box and writing 'Exempt Armed Forces Dependants Visa', in full, in the space provided. These UK visas currently cost £200 per person, normally paid by the sponsor or the applicant, and may be granted for up to four years depending on the length of service of the Serviceperson sponsor or the time they will be serving in the UK. Citizens of some Commonwealth countries are not required to apply for UK visas if visiting the UK for six-months or less, though they still need to demonstrate to UK Immigration Officers that they satisfy the immigration rules on arrival. Those meeting the criteria may subsequently apply for Exempt Armed Forces Dependants visas (£395) once in the UK. This route may however be more expensive than applying for an Exempt Armed Forces Dependants visa from their country of origin (£200). Both visas may be valid for up to 4 years depending on the serving soldier's length of service. Details of the UKvisas website for application forms, a list of countries requiring visas for UK visits or transiting the UK and the UKvisas helpline are listed at Annex A. Those overseas can also seek advice from the nearest British Mission.

47. **Additional Information.** In some countries currently - and in all countries by April 2008 – applicants will need to provide 'biometric' information as part of the visa application process. This biometric information consists of scans of all 10 fingers, like a digital fingerprint, and a full-face digital photograph. Applicants will have to go to the nearest visa application centre in person to provide this biometric information. In those countries where there is no visa application centre, they will need to go to the nearest British Diplomatic post. Visa applications will not be processed until applicants have provided the necessary biometric information. The finger scans are electronic so staff do not need to use any ink, liquid or chemicals. A digital photograph will be taken at the same time and the whole procedure should take no more than five minutes to complete. Applicants will need to make sure that they do not have any decoration (such as henna), or any cuts or other markings on fingertips before having finger scans. They should also be advised that any cuts and bruises on faces must have healed or disappeared before photographs are taken. Digital photographs must be of the full face and should not include a hat or any other head covering (unless worn for cultural or religious reasons).

48. **Appeals.** Should a UKvisa application be refused, the applicant will be provided with a letter of explanation, which will include details of the appeals procedure if appropriate. Units should advise sponsors of families considering appealing to consider seeking qualified legal advice, sources of which are at Annex A. In the UK a local Citizen's Advice Bureau can also provide signposting to qualified immigration advisors.

49. **Sources of Independent Immigration and Nationality Advice.** The Office of the Immigration Services Commissioner (OISC) is an independent public body set up under the Immigration and Asylum Act 1999, and is led by the Immigration Services

Commissioner. The OISC is responsible for ensuring that all immigration advisers fulfil the requirements of good practice and is committed to the elimination of unscrupulous advisers and the fair and thorough investigation of complaints. Soldiers seeking immigration advice are advised to ensure the advisor they use is qualified and regulated by OISC. OISC contact details are at Annex A.

50. **Children from Overseas.** The Home Office regulates the entry of non-British children into the UK. Instructions cover children of birth parents, adoptive parents, those travelling with an accompanying adult and normally mean that a child who has remained behind in its' country of origin may not be able cannot go to live in the UK if one parent is still living overseas. Exceptions include situations where the parent in the UK has sole responsibility for the child, or if there are special reasons why the child should be allowed to join the parent in the UK. Detailed advice and guidance is available on the UKvisas website. Soldiers serving in Germany who are considering adopting a child or extended family member from their country of origin, should seek advice from G1 Branch HQ UKSC (G) prior to commencement of the adoption application as all relevant special educational or health needs relating to the child must be passed to the G1 staff to ensure that any special needs can be met. This is to ensure that should an application be successful that the child can be supported by the command in Germany.

51. **Marriage/Civil Partnership. Units are to advise serving personnel planning on entering into a legal relationship with a non-British national subject to immigration controls that** fiancé(e)s or proposed civil partners subject to UK immigration controls must get entry clearance before they travel to the UK by applying for a UK Marriage or Civil Partnership visa and demonstrate that they:

- a. Plan to marry or register a civil partnership within a reasonable time (usually six months);
- b. Plan to live together permanently after marriage or have registered a civil partnership;
- c. Have met each other;
- d. Have somewhere for themselves and any dependants to live until married or have registered a civil partnership without help from public funds; and
- e. And any dependants can be supported without them working or having to get help from public funds.

52. Successful applicants will normally be granted a six months visa with prohibition of employment. After they have married or registered a civil partnership, they may apply to extend their stay in the UK. If BIA approves the application, they will be given permission to stay and work. If additional time is required to complete the marriage or civil partnership arrangements, individuals may apply for further leave to remain, 28 days before the end of the current visa. For individuals marrying or entering into a civil partnership with a serving British citizen, details should be checked on the UKVisas or BIA websites or telephone helplines.

53. If a soldier is planning to get married or register a civil partnership to a fiancé(e)s or proposed civil partner subject to UK immigration controls already in the UK, the other party may need to apply for a certificate of approval (COA) from the Home Office. COA details

are available from the BIA website. If approved by BIA, individuals will normally need to give notice to marry or register their civil partnership to a registrar at a designated register office. **Those planning on getting married in an Anglican church in the UK should be advised to check the requirements with the BIA and the clergy concerned.**

54. Accompanying Dependants Further Leave to Remain in the UK. Up to **10 weeks** prior to initial 'Exempt Armed Forces Dependants visas' expiring, those wishing to remain in the UK may apply for 'Further Leave to Remain' in the UK. Applications are submitted on BIA form (FLR(O)). Currently, applications cost £395, paid for by the sponsor or applicant and the spouse/civil partner and accompanying children under 18 can all apply on the same form. Applicants will need to provide evidence that their sponsor is a Service person (original passport including exempt immigration control stamp). Accompanying dependants over 18 need to apply on a separate form and pay the appropriate fee. If through operational deployment this should not be possible, units should seek advice from the Armed Forces Team at the BIA to see if a certified copy will suffice. The use of recorded delivery mail is recommended and photocopies should be kept of all documents submitted. Details of the BIA website for application forms and the BIA helpline are listed at Annex A.

55. Accompanying Dependants Routes to Settlement and UK Naturalisation. The situation has improved since the Home Office policy on serving soldiers was changed on 22 Nov 06. Once the serving spouse or civil partner has become a British citizen in service, a dependent spouse or civil partner may initially apply for 2 years' leave as the spouse/civil partner of a British citizen and then, settlement also known as ILR. This normally gives recourse to public funds and generally precludes the need to purchase further UK visas. Dependent spouses/civil partner may also apply for ILR in line with an application for settlement lodged by their discharged spouse/civil partner or in their own right if they have been continuously resident in the UK for 10 years or more. Once granted settlement and provided they meet the criteria for UK naturalisation, spouses/civil partner may then apply for UK Naturalisation. The Army has again raised the subject of simultaneous applications where one of the applicants is a serving soldier. The Home Office response has reconfirmed the current situation explaining that because soldiers and their accompanying dependants are treated under different provisions within UK immigration legislation, simultaneous applications for UK naturalisation are not possible. So the situation is better than it was but is unlikely to change in the immediate future. Application forms, fees and guides may be obtained from the Home Office website at Annex A.

56. Entry into the UK as the Foreign or Commonwealth Spouse or Civil Partner of a UK Citizen serving in the UK Armed Forces. Arrangements for Overseas citizens subject to immigration control who wish to enter and remain in the UK with a view to settlement as the spouse of a British Citizen serving in the Armed Forces differ from those that apply where both parties are Commonwealth citizens.

a. Units are to ensure that where appropriate individuals are made aware that it is not normally possible for a Foreign or Commonwealth Spouse or Civil Partner of a UK Citizen to arrive in the UK on a visitors visa and then 'switch' to a marriage/civil partnership visa. Failure to follow these instructions, and not having the appropriate UK visa, prior to entry into the UK may mean that the spouse or civil partner is required to leave the UK in order to re-enter the country legally. This is especially important for those individuals who have joined their serving soldier at an accompanied posting

overseas directly from their country of origin and are planning on entering the UK permanently for the first time rather than as a visitor.

b. Upon application payment of the fee and upon meeting the eligibility criteria, a Foreign or Commonwealth Spouse or Civil Partner of a UK Citizen meeting the criteria will normally be granted leave to enter for 2 years and are advised by the BIA that, provided the marriage/civil partnership is still subsisting, they should apply for Indefinite Leave to Remain (ILR) *not earlier than 28 days* before this 2 year probationary visa expires. Successful applicants meeting the criteria will normally be granted ILR and may subsequently apply for UK Naturalization once they meet the UK Nationality criteria.

c. In recognition of the nature of UK Armed Forces accompanied service overseas, Home Office instructions take account of a member of the UK Armed Forces, who is a British citizen who marries or enters into a civil partnership with a foreign national whilst on a tour of duty abroad. Individuals who are overseas are advised to seek information and advice from the consular service of the nearest British Embassy or Consulate prior to making a UK visa application. Contact details can be found on the UKvisas website, details of which can be found at Annex A.

57. Visitors. If soldiers decide to sponsor visitors from overseas this is their own personal responsibility in accordance with UK Home Office immigration instructions. The Army normally takes no responsibility for supporting the UK visa process for relatives or friends who visit non-British soldiers and their families from overseas. Units should direct soldiers to the UKvisas visitors information website. In addition they should remind soldiers to inform their visitors that they are advised to obtain adequate medical and travel insurance whilst they are visiting the UK or Germany/Cyprus. In particular visitors may be charged for any medical treatment received from the National Health Service (NHS). More information is available from the Department of Health website, or by telephoning 44(0)20 7210 4850. In addition it is normally a condition of a visitor's visa that they do not carry out paid or unpaid work. Applicants and their sponsors should be advised by units to check such matters (for instance in respect of individuals carrying out childcare) during the UK visa application process in order to ensure that if they wish to work that they apply for and are granted the appropriate visa. Individuals risk either fines or imprisonment if found guilty of employing an illegal worker. Where the visitor's sponsor is a serving soldier and living in SFA, the soldier should seek prior permission from DE - Ops (Housing) in the UK in accordance with the terms of their licence to occupy. In Germany soldiers should apply to Housing and Community Support Offices (HCSO). Guidance has been agreed by the MoD Living Accommodation Working Group that permission should be sought for stays of longer than 28 days. Details will be promulgated in JSP 464, the occupant's handbook and the licence to occupy and will apply to all licence holders' regardless of nationality.

58. Unit Family Induction, UK Orientation, Mentoring. Unit family induction briefings are key to the successful integration of non-British families into the wider Army and UK civilian community. In addition units may wish to consider mentoring or peer support groups from more experienced non-British families to support the newly joined. Units are to ensure that their non-British families are offered family induction briefings drawing on material from Reference G and the Families Handbook and UK Orientation PowerPoint presentation promulgated at Reference U, covering as a minimum:

- a. Service housing matters including how to request repairs, the occupant's handbook and key points from the licence to occupy.
- b. Local UK/Overseas Command orientation including shopping, healthcare including the need to register with a local GP, schooling, dealing with local currency and banking facilities.
- c. Advice on; not leaving children alone at home, the use of reasonable force when disciplining a child, sources of information on childcare and social services child protection responsibilities.
- d. Sources of Army and civilian welfare support, pastoral care and information such as HIVE or CAB in the UK.
- e. Key UK/Overseas customs and traditions.
- f. Equal rights and discrimination including a description of and sources of support in cases of domestic violence.
- g. Sources of legal advice and aid.
- h. Signposting to Jobcentreplus/Garrison Labour Support Units/Civil Labour and Recruitment Office for those seeking employment and or National Insurance numbers.
- i. The role of the Service and Civilian Police.
- j. Sources of learning English for Speakers of Other Languages (ESOL).
- k. Sources of UK visa and Immigration advice

59. Access to UK State Benefits and Allowances (No Recourse to Public Funds).

Where eligible and in the UK, the serving soldier's immigration status normally enables them to claim family benefits such as Child Benefit, Child Tax Credit and Working Tax Credit on behalf of their family¹⁶. For spouses in work, 'Public funds' does not include work-related benefits, which are based on National Insurance contributions such as incapacity benefit or statutory maternity pay. For other family members there may be UK Home Office constraints on accessing UK State benefits because of their immigration status. This is the same as other non-UK nationals subject to an immigration control, which includes the restriction 'No recourse to public funds'. It is normally a condition of such families' UK entry clearance that their sponsor (the serving soldier) provides this support. This does not normally prevent access to UK emergency health or education support. Those requiring clarification of their eligibility to claim a particular entitlement fund should contact the department or agency that issues it. In addition, some countries have social security agreements with the UK, which may give eligibility to certain benefits. Individuals can check their eligibility through either their local Jobcentre Plus in the UK or the Department for Work and Pensions (DWP) or Jobcentre Plus websites: www.dwp.gov.uk or www.jobcentreplus.gov.uk. Non-British citizens who are also non-EU citizens assigned

¹⁶ Those serving accompanied overseas are advised to confirm eligibility for benefits with the overseas helpline of the UK Government Department concerned, bringing any issues to the attention of the chain of command.

to Germany have no eligibility to German Kindergeld a German form of Child Benefit only paid by the German authorities to eligible EU nationals.

60. **UK State Benefits.** Units are to ensure that the following guidance is offered to non-British soldiers exempt from immigration control:

a. **Child Benefit (CB).** CB is a tax-free regular payment made to anyone bringing up a child or young person. It is not affected by income or savings so most people who bring up a child or young person can get it. Soldiers meeting the criteria may claim the allowance in accordance with the guidance on the HM Revenue & Customs website.

b. **Child Tax Credit (CTC).** CTC is a means-tested allowance for parents and carers of children or young people who are still in full-time non-advanced education or approved training. To qualify an individual does not have to be the child's parent but must be the main person responsible for them. Soldiers meeting the criteria may claim the allowance in accordance with the guidance on the HM Revenue & Customs website.

c. **Working Tax Credit (WTC).** WTC is a payment to top up the earnings of low paid working people (whether employed or self-employed), including those who do not have children. WTC helps to make work pay for low income workers. Soldiers meeting the criteria may claim the allowance in accordance with the guidance on the HM Revenue & Customs website.

d. **Sure Start Maternity Grants.** Sure Start Maternity Grants help low income families with the costs associated with a new baby. Application criteria and claim forms are available from local Jobcentre plus or the Jobcentre plus website.

61. **National Insurance (NI) Numbers.** Eligible family members in the UK can apply for a NI number by telephoning the Jobcentre Plus NI number allocation service UK helpline on 0845 600 0643. Families on accompanied service overseas should seek guidance through Garrison Labour Support Units in Germany or the Civilian Labour and Recruitment Office in Cyprus or by contacting the Department for Work and Pensions for application forms. Contact Details: DWP (Department for Work and Pensions), Glasgow Benefit Centre CCU, Floors 5&6, Portcullis House, 21 India Street, G2 4PH, Telephone Number 0044 191 225 7949, Website www.dwp.gov.uk (DII account required).

62. **Spouse Employment.** The UK immigration status normally granted to Exempt Armed Forces Dependents allows them to seek employment in the UK. If they do so, they will then be liable to pay UK Income Tax and National Insurance in the same way as British citizens. In Germany although the NATO Status of Forces Agreement limits the employment of non-UK nationals in some areas, there are approximately 200 non-British dependents employed within the British Forces community in Germany. Non-British dependents wishing to seek employment on the local German economy may have to obtain the necessary authorisation from the German authorities and advice on this and other employment matters is available from local Garrison Labour Support Units.

63. **Access to Higher Education.** Within UK higher education the Department for Innovation Universities and Skills promulgate policy and make the distinction between 'home' and 'overseas' students with 'overseas' students paying significantly higher tuition fees than 'home' students as 'home' students are subsidised by UK tax payers. Soldiers

and accompanying dependants who have limited leave to enter or remain in the UK will normally be liable to pay the 'overseas' rate of fees rather than the lower 'home' subsidised fees. Details of the qualifying criteria for 'home' fees are available on the UKCISA website details of which are at Annex A. The Army is aware of this situation and is exploring long-term options in conjunction with the DIUS and the Home Office.

However, for the academic year commencing September 2008, higher education institutions have been contacted (References V and W refer) and asked to exercise discretion and apply Home Fees to the whole of their course where Army personnel have dependants who meet the following criteria:

- This concession will relate only to students commencing their course in academic year 2008 - that is on or after 1 September 2008.
- The student must be the spouse/civil partner or dependant child of a serving member of the Brigade of Gurkhas or Nepalese or Commonwealth citizen serving in the British Army.
- The student must have lived in the UK for a minimum of 5 years preceding the first academic year of the course (that is since before 1 September 2003). However, if there are temporary absences from the UK, any period which they live outside the UK as a result of their parent, spouse or civil partner serving outside the UK as a member of the Armed Forces will count towards the 5 year residence.
- The student must be legally living in UK on the first day of the first academic year of the course (1 September 2008).

It is stressed that even if students meet the above criteria, there is no guarantee that 'home' fees will be granted as each application will be considered by the higher education institutions concerned on a case by case basis. Individuals wishing to make such cases should consult the higher education institutions they or their dependants are applying to for more information. Units are to support such applications by providing soldiers (on request) with a letter to submit as part of an individual's application and confirming the facts. A template is at Annex E. The higher education institutions may ask for other evidence where appropriate and units should consult their Chain of Command if clarification is required. Results of applications should be notified through the chain of command to PS4(A) in order to monitor the results of this initiative.

64. Medical and Dental Care. Soldiers are provided with medical and dental treatment by the MoD. In the UK their accompanying dependants with Exempt Armed Forces Dependants visas are entitled to medical and dental treatment provided by the National Health Service. Whilst accompanying their serving spouse overseas, the Army provides a service similar to the NHS, or arrangements will be made with a local private healthcare scheme. Charges for medical prescriptions and dental treatment will be made both in the UK and overseas, as per UK citizens.

65. Education of Children. The same access to schooling applies to dependants of non-British soldiers as to their British counterparts. Units that are about to conduct an Arms plot move are advised to contact the local Children Services Department Education Authority through the Regional Chain of Command in the new location and advise them of the number of non-British children who are likely to attend schools in the area, including any known special needs requirements. This will enable the Local Authority to resource teaching provision at the appropriate level and skills requirement. Additional Needs requirements particularly for those serving overseas are to be notified in accordance with

AGAI Vol 3 Chap 108. Children's Education Advisory Service (CEAS) can provide additional guidance on matters relating to the education of service children.

66. **English for Speakers of Other Languages (ESOL).** Units should advise both soldiers and their families, where appropriate, that improving their English can help them get more out of life in the UK. It will also help those who want to work, study, improve their CVs, or apply to become British citizens. Details on ESOL providers are available from the www.direct.gov.uk website, local education colleges, or for Service personnel or their families on accompanied service overseas, through Army Education Centres.

67. **Portability of Employment Qualifications from Overseas.** For those seeking information on the portability of employment qualifications from overseas the UK National Academic Recognition Information Centre provides information on checking how qualifications compare to similar British qualifications. Details are on their website at www.naric.org.uk

68. **Birth Status of Children.** Children normally take on the nationality of their parents. Where children are born outside their country of origin, the parents will need to seek advice from their nearest embassy or consulate on how to register them and apply for a passport from their country of origin. In addition, UK law enables children born in the UK to qualify for British citizenship provided one of the parents is 'settled' in the UK. Non-British citizens serving in the British Army are regarded as 'settled'. So, providing a child is born in the UK after one of the parents joined the British Army it will normally be a UK citizen. The definitions of 'parent' including information about illegitimate children, can be found on the Home Office website. In addition, a person applying for UK naturalisation may include the names and details of all his or her children (minors) who are not British citizens and whom he or she wants to have registered. (Applications for any children must be submitted on a separate form). This normally requires permission from both parents who should take account of any dual nationality implications. Applications for UK passports for eligible children are submitted to the Identity and Passport Service (IPS). Copies of application forms and guides are available from post offices or from the IPS website www.passport.gov.uk. When applying, non-British parents are advised to provide evidence that one of them is 'settled'. This could be either a letter from their unit confirming they are a serving soldier or a copy of the 'exempt immigration control' stamp from their passport.

69. The Home Office has confirmed that a child born outside the UK normally only qualifies for British Citizenship if one of the parents is already a British Citizen. Normally therefore a child born to non-British citizens in Germany would not qualify for UK citizenship. Alternative routes to UK Naturalisation include serving soldiers applying for UK naturalisation and making applications for all his or her children (minors) who are not British citizens and who he or she wants to have registered. This normally requires permission from both parents. Alternatively parents can seek UK nationality for the child after the serving person's discharge, following the granting of an application for Indefinite Leave to Remain in the UK, and once the family meets the Home Office nationality criteria, when they can also apply for UK nationality. The Home Office view on those assigned to Cyprus is that for the purposes of the British Nationality Act 1981 any children born in the Sovereign Base Areas to serving members of the British Forces Cyprus will be British overseas territories citizens at birth. Such citizens will be eligible for UK passports and consular assistance but have no automatic right of entry into the UK. Details on routes to UK citizenship plus all the accompanying forms and guides can be found on the BIA

website at: www.bia.homeoffice.gov.uk For those seeking telephone advice the Immigration and Nationality Inquiries Bureau is 0870 6067766.

70. **Support to Widows and Orphans of Deceased Soldiers.** The Army provides support to accompanying bereaved dependants in accordance with Reference O, regardless of nationality. A Visiting Officer will be appointed to address the family's concerns. Reference M enables widows to be offered an entitlement to stay in SFA for up to a period of 2 years to enable them to determine their longer term housing requirements. Retention of SFA may be extended beyond the 2 year period at the discretion of the Local Service Commander in consultation with the respective welfare, medical and educational authorities. Reference I allows for the transfer of the deceased soldier's entitlement to resettlement to a widow(er)/surviving civil partner. Those on overseas assignments or in NI are normally entitled to be relocated to the UK at public expense. In addition the Home Office have confirmed that non-British soldiers' widows will not be removed automatically to their country of origin upon the death of a serving spouse. Immigration Instructions allow widows(ers) or orphans of Gurkha and non-British soldiers to apply for settlement in the UK irrespective of whether the deceased soldier was serving or had retired from the Services. Individuals are to be advised that they will need to check and meet the Home Office eligibility criteria published on the Borders and Immigration Agency website to be successful in their application. All applications are considered individually by the Home Office, which treats each case sympathetically.

71. **Estrangement.** Estrangement procedures are laid down in AGAI Vol 3 Chapter 83 Part 5 and are the same as for UK citizens. There remains the issue of the family returning to civilian life. For non-British citizens subject to immigration control the significant difference from a UK citizen, is that 'Leave to Remain' in the UK is linked to the serving spouse's immigration status including any eligibility to allowances and benefits. When their current period of Leave to Remain expires, the estranged spouse and family may find themselves without recourse to public funds, the right to work and no legal immigration status. For cases of estrangement during an accompanied assignment overseas, units should seek overseas command headquarters guidance in the first instance.

72. Upon formal change of Personal Category Status (PStat Cat) the unit is to notify the BIA in writing of the change, using the form at Appendix 1 to Annex D (Para A1.4 suitably amended) and inform the estranged spouse:

- a. That by the end of the 93 days' Notice to Vacate period they should ensure that they have sufficient means of support and accommodation if they are not planning to leave the UK.
- b. That BIA will be informed about their change in circumstances and if they plan to remain in the UK under their current period of Leave to Remain, they must ensure that they make an application for further leave before their current leave expires or else depart from the UK.
- c. Of the contact details for the BIA, local Jobcentreplus, local-housing options along with Service and ex-Service welfare support agencies.

73. **Domestic Abuse (DA).** DA is a term use to describe a range of criminal offences and sometimes non-criminal behaviour occurring in particular circumstances. DA may involve a range of behaviours aimed at achieving control, and can include physical assault,

threats, intimidation and humiliation, sexual, emotional and financial abuse. Men, women and children suffer DA, and it occurs regardless of the victim's class, rank, religion, sexual orientation or ethnicity. DA may also include mental and/or physical abuse. Mental abuse can include depriving the victim of money for food, clothes, virtual imprisonment in the home, sleep deprivation, denigration of looks, intelligence or ability and threats of violence. All incidents of reported DA are to be investigated and handled in accordance with Army and Service policies. There are many Army and Civilian welfare support agencies that can be called upon to help with reported incidents of DA. The Army has a policy of zero tolerance of DA and has procedures in place to provide confidential advice and support to those subjected to it. These procedures are described in AGAI Vol 3 Chap 83 Pt 4 and include reporting to and investigation by Service, civil police and or the statutory civilian authorities or the British Forces Statutory Social Work Service overseas. BIA takes account of DA in applications for Leave to Remain though for those with no recourse to public funds there may be limitations on accessing UK state benefits or local authority provision. Where a victim is attempting to leave a violent relationship – one of the most dangerous times, access to local authority refuge accommodation and services may be provided. Where doubt exists, units or welfare staff should first check with the provider or local authority if in the UK, raising specific casework thorough the chain of command for resolution.

74. Safeguarding Children. Parents have a responsibility to protect their children and this includes not leaving them at risk of any significant harm. This needs to be considered especially in terms of leaving children unattended for whatever reason. If a child comes to any harm, or is perceived to be at risk of harm, while left unattended then the parent, or agreed adult carer, will face consequences and this may include prosecution. Teaching children from a young age by setting limits and explaining reasons for these limits helps to instil self-discipline. Smacking, which controls a child from the outside has no long lasting positive effect. It is more helpful and safer to notice and reward a child's positive behaviour, to encourage the behaviours wanted. In UK society parents/carers are not allowed to physically harm their children regardless of any individual cultural or religious justification. In UK law whilst reasonable force is permitted to discipline a child, if the punishment is too severe, individuals can be prosecuted for assault or the child may be taken into care. Within the Army community advice can be sought from unit welfare officers, the Army Welfare Service or the Service police. Individuals requiring any further information can phone the UK national free Child Protection Helpline - 0800 022 3222, or if a matter of immediate concern contact their local Social Work office or the civilian police. In the Overseas Commands advice can be sought or concerns reported to unit or Army welfare staff, Service police and or the British Forces Statutory Social Work Service.

75. Army Welfare Support Overseas. Welfare support to non-British Service personnel and their families is provided in accordance with References O, Q and R. Support to soldiers and families in countries or origin will be provided where practicable and manageable though it may be limited in instances where a non-British citizen has been detained by authorities in their own country where HMG has no jurisdictional authority. In most cases where support is provided it is likely to be through UK Armed Forces Defence Advisors (DA) who work within British Embassies and High Commission overseas. Units seeking assistance should contact the appropriate DA using the details provided in the Defence Diplomacy Yellow Book details of which are available at Annex A. In addition, in the absence of a DA in Fiji and given the size of the Fijian service community, the British Army maintains a British Army Support Office (BASO) within the British High Commission in Fiji.

a. **BASO Fiji.** The British Army maintains a support office based in the British High Commission (BHC) in Suva. BASO Fiji supports the work of the JCCC, handles unit welfare inquiries, supports Recruiting Group activities, Defence Diplomacy and Veterans issues. Administrative and welfare staff should deal direct with BASO Fiji for matters which do not involve casualties or compassionate leave and travel; these should be directed to the JCCC in the first instance who will contact the BASO direct in an emergency. BASO Fiji is normally unable to answer questions regarding UK visas. These should be directed to the BHC Suva visa section through the main exchange or by fax. BASO Fiji contact details are:

- (1) BASO direct line – 00679 3229110 (voice mail for silent hours).
- (2) BASO fax – 00679 3229132.
- (3) BASO email – basosuva@fco.gov.uk (IGS account required).
- (4) BHC Fiji main exchange - 00679 3229100.
- (5) BHC Fiji visa section fax – 00679 3307118.
- (6) The time difference in Fiji is 12 hours plus of GMT, units should normally only use Fax or email unless they are prepared to telephone during BASO Fiji normal working hours which are:
 - (a) Sun to Wed - 2015Z to 0500Z (lunch 0100Z to 0200Z).
 - (b) Thu – 2015Z to 0100Z.

b. **Fiji – Financial arrangements for Maintenance Payments.** Fijian citizens serving in the British Army have the ability to take policies if they so wish with Colonial Fiji Life Ltd (Colonial). Premiums will be paid into a 'NatWest escrow account' and transferred in bulk to Colonial's account in Fiji. Colonial have also offered to make transfers to soldiers' families through the same system, which will save them the transfer fees that banks, or firms like Western Union, charge. The two policies available are:

- (1) Bula Saver – a permanent savings and protection plan.
- (2) Bula Saver Plus – a 21 year special savings plan.
- (3) Units are advised that the Financial Services Authority has clearly stated that the representatives from Colonial are not permitted to offer 'any form of guidance or advice, or make arrangements for payment of premiums into UK bank accounts, or discussing in any detail specific proposals with the potential applicants...'. In essence the representatives of Colonial only have the authority to assist Fijian soldiers with the completion of their application forms and to outline the two products on offer.
- (4) If a Fijian soldier chooses to take out a policy with Colonial they may either set up a private standing order for the payment of the premiums through their own personal bank accounts or they can elect to have a non-family allotment made from their pay account to the designated NatWest

bank account based in the UK. The details of the NatWest account can be obtained from the Colonial representatives. POC in Fiji Aisake Emmanuel Tel (679) 332 3503. Units are advised that this does not constitute MOD accreditation for Colonial.

76. Reporting of those in breach of the Immigration rules or preventing illegally working. Those supporting the non-British component may become aware of individuals, perhaps related or connected to Service personnel, who have remained in the UK beyond their permitted stay and/or who are working in breach of their conditions of stay. Neither over-staying nor working in breach of their immigration controls are condoned by the Army and any such cases encountered are to be handled as follows:

a. **Preventing Illegal Working.** Written advice is available on the BIA website on the 'Preventing Illegal Working' page, in addition the BIA Employers' Helpline is 0845 010 6677 may be contacted. Written notification should be sent is:

Border and Immigration Agency
Home office
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

b. **Breaches of Immigration Rules.** Individuals considered in breach of their immigration conditions or to have over-stayed their permitted leave should normally be reported in the first instance to the Immigration Enquiries Bureau on 0870 6067766, they will transfer the caller to the appropriate department.

c. **Provision of Welfare Support to those in Breach of Immigration rules.** In the event of eligible individuals requesting Army Welfare support this should be provided in the normal way, sources are at Annex A.

COMMUNICATIONS

77. Sharing of Best Practice. Instances of best practice regarding Foreign and Commonwealth matters should be staffed through the chain of command to PS4(A) for inclusion within the next edition of this guide.

78. The Adjutant General's Foreign and Commonwealth Task Force (AG's F&C TF). The F&C TF was set up by the Adjutant General to investigate and resolve matters affecting Commonwealth citizens and their families where possible. In future it will be chaired by LF Sec (F&C), liases closely with the Home Office and membership includes MoD, RN, RAF, LAND, UKSC(G), ARTD, the Army Families Federation and other key Army staff branches. It meets quarterly. Unit and formations are to staff matters requiring resolution through their respective chain of command to the F&C TF for resolution where manageable.

79. British Army's Commonwealth Citizens and their Families Internet and Intranet Information. PS4(A) maintain internet and intranet websites with information for units and Commonwealth citizens and their families. Units should draw individuals' attention to these websites during unit induction briefings. Details are at Annex A.

80. **Casework Resolution.** In most instances individuals should be encouraged to deal directly with the UK visa issuing authorities. This will normally be either the BIA in the UK or the UKvisas Entry Clearance Officers located within British Consulate/Embassy overseas. Those seeking advice on applications to remain in the UK for family members or about the discharge process are advised to contact the Immigration Enquiries Bureau in the first instance on 0870 6067766. Individuals should also be advised to use the UKvisas or Borders and Immigration Agency appeal process or complaints process where appropriate. Further immigration advice should be sought from an accredited immigration advisor. Useful points of contact are at Annex A. Subsequently issues should be addressed at the lowest possible level of command where the chain or command/G1 staff should be able to address the issue. If the situation is more complex they may wish to seek advice staffing written casework through the chain of command for resolution where manageable.

SUMMARY

81. **Dissemination.** We can always do more to improve support to our soldiers and families. The key is to communicate useful information to those that need it. There is a wealth of it here and I would be grateful if you would ensure distribution of this guide down your respective chain of command. This guide will also be made available on the Army's Intranet and ArmyNET (through the Army Internet Welfare and Family page).

{Signed by SO2b for AD PS4(A) AOL}
K T HAUGH
Col
AD PS4(A)

Annexes:

- A. Useful Information and Points of Contact.
- B. Example – Unit Letter seeking an Exempt Immigration control Visa.
- C. Example – Unit Letter provided to a soldier sponsoring an Accompanying dependant subject to visa control.
- D. Army/BIA Soldiers Discharge Procedures.
- E. Example – Unit letter supporting a Higher Education Institute Application.

Distribution:

External:

Action:

HQ 1 (UK) Armd Div – DCOS
HQ 2 Div – DCOS
HQ 3 (UK) Div – DCOS
HQ 4 Div (for HQ BGN and HQ Brunei Garrison) – DCOS
HQ 5 Div – DCOS
HQ UKSC(G) – DCOS
HQ NI
HQ LONDIST
HQ ARTD

HQ TH Tps
HQ LWC
HQ AG - COS
APC - COS
PJHQ - ACOS J1/J4
DSF - COS
CG (for SC)
HQ RG
HQ DE&S - SO1 DE&S People Team
HQ RESG - DCOS
DSTL FHD - Military HR Manager
HQ BG (for COS)
DSPS(A) (for DSPSIs)
HQ Def Academy - SO1 J1
Col AWS
CE AFF (and Non-British Born Spouse Specialist)
Hd CEAS
Dir Hive
BIA (for Mr Peter Roberts)

Information:

MA/CGS
MA/ACGS
SPPol (for SO1 Com Sp, ADs Welfare and Allowances)
SPVA (for VPU)
FLEET (for NLM WS SO1)
HQ LAND (ACOS Pers)
AIR (for COS Pers-SO2EmpPol1)
DDefDip (for Maj Jones)
A&SDs
BASO Fiji
ABF
SSAFA-FH
RBL
BLESMA
BCExSL

Internal:

Information:

MA/CinC
MA/CFA
MA/CRF
MA/AG
MA/DAG
PM(A)
HQ LAND (for SO1 SAM)
DM(A) (for SO1 Employment, SO2 Discharges)
DETS(A) (for SO2 Resettlement)
LF Sec (G)

USEFUL INFORMATION AND POINTS OF CONTACT

Serial (a)	Organisation/Subject (b)	What it does (c)
1	<p>UKvisas</p> <p>www.ukvisas.gov.uk</p> <p>Tel: from within the UK: 0845 010 5555 09.30 - 13.30 hrs, Monday to Friday, excluding public holidays. Provides pre-recorded information a wide variety of subjects)</p> <p>Those outside the UK should seek advice from the nearest UK Mission (Embassy or Consulate)</p>	<p>Advice and application forms for visas to enter the UK. Follow the links on their website to the following frequently asked questions:</p> <p>FAQs 1 - Applying for a visa FAQs 2 - Visa and immigration problems FAQs 3 - After I get my visa FAQs 4 - The United Kingdom and Europe FAQs 5 - Terms and abbreviations</p>
2	<p>Borders and Immigration Agency</p> <p>www.ind.homeoffice.gov.uk</p> <p>Tel: the Immigration Enquiry Bureau (IEB) 0870 606 7766. Callers who are hard of hearing: Minicom 0800 389 8289.</p> <p>Opening hours are Monday-Thursday 9-4.45 and on Friday from 9-4.30. It is often easier to get through later in the day.</p>	<p>Advice and application forms to apply for leave to remain in the UK under all categories of the immigration rules including marriage civil partnership and after discharge.</p>
3	<p>Nationality Directorate</p> <p>www.ind.homeoffice.gov.uk</p> <p>Tel the Nationality Call Centre on 0845 010 5200. Opening hours are 09.00am and 9.00pm, Monday to Friday.</p> <p>Advice and application forms for those seeking UK Nationality.</p>	<p>Callers ringing this number will be able to choose between speaking to someone about the progress of their application, to enquire about general information regarding Nationality matters and Right of Abode or to request application forms.</p>
4	<p>Asylum and Immigration Tribunal</p> <p>www.ait.gov.uk</p>	<p>The Asylum and Immigration Tribunal hears and decides appeals made against the Home Office in matters of asylum, immigration and nationality.</p>
5	<p>Immigration Advisory Service</p> <p>www.iasuk.org</p>	<p>The Immigration Advisory Service is the UK's largest charity providing advice and representation in asylum, immigration and nationality law. It provides a free service to those who are eligible.</p>
6	<p>Office of the Immigration Services Commissioner (OISC)</p> <p>www.oisc.gov.uk</p>	<p>The Office of the Immigration Services Commissioner (OISC) regulates the work of immigration advisers, and makes sure that they follow the Commissioner's code of practice and rules. The OISC is also responsible for receiving and investigating complaints against immigration advisers. Individuals can carry out a post code search from this web site to find a local qualified legal advisor.</p>

Serial (a)	Organisation/Subject (b)	What it does (c)
7	<p>Armed Forces Team (AFT) , Borders and Immigration Agency</p> <p>Armed Forces Team ICC2 7th floor Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>Tel: 0845 4105996</p> <p>Fax: 0208 1964089</p>	<p>Provides 'Exempt from Immigration Control' visas stamps, processes further leave to remain visas applications for accompanying armed forces dependants already in the UK and discharge documentation for serving soldiers and their families.</p> <p>Units or individuals can approach the AFT for urgent advice only on Exempt from Immigration Control endorsements for soldiers, further leave to remain visas for families already in the UK or the discharge process for soldiers leaving the Army. Routine enquiries should be addressed to the IEB telephone number at Serial 2. AFT is unable to answer questions on UK entry visas which should be addressed to UKvisas (Serial 1) or ILR or Settlement enquiries to Immigration Enquiry Bureau (serial 2)</p>
8	<p>The Commonwealth</p> <p>www.thecommonwealth.org</p>	<p>An association of 53 independent states consulting and co-operating in the common interests of their peoples and in the promotion of international understanding and world peace.</p>
9	<p>British Army Support Officer in Fiji (BASO)</p> <p>BASO Fiji British High Commission 47 Gladstone Road PO Box 1355 Suva Fiji Islands</p> <p>Email: basosuva@fco.gov.uk (IGS account required)</p> <p>Fax: 00 679 322 9132</p>	<p>The British Army maintains a support office based in the British High Commission in Suva to support and assist the JCCC, welfare and G1 staff and the Fijian Service community in Fiji</p>
10	<p>Commanders' Commonwealth Cultural Guidance.</p> <p>http://agweb.asei.mod.uk/MANNINGA/files/Employment/2006_ARCHIVE/11/Commanders_Cultural_F_and_C_Guide.doc</p>	<p>Cultural Guidance for Fiji, South Africa, Zimbabwe, Jamaica and Ghana. These countries provide about 80% of the Commonwealth n-BC</p>
11	<p>Information about the UK Citizenship Test</p> <p>www.lifeintheuktest.gov.uk</p>	<p>Link to web page with information about 'Life in the UK test'.</p>
12	<p>UK Defence Staff overseas Defence Diplomacy 'Yellow Book' 2007</p> <p>http://defenceintranet.diiweb.r.mil.uk/nr/rdonlyres/19D90313-BB38-427D-BC97-F818E67D8E49/0/YELLOWBOOKApr07.doc</p>	<p>Contact details for units wishing to contact UK Defence Staff overseas</p>
13	<p>HM Revenue and Customs</p> <p>www.hmcr.gov.uk</p>	<p>Inland Revenue and HM Customs and Excise have joined together and become HM Revenue and Customs. They are responsible for tax, customs and excise duties, frontier protection and National Insurance.</p>
14	<p>UK Council for International Student Affairs (UKCISA)</p>	<p>UKCISA provides advice and Information to international students studying or planning to</p>

Serial	Organisation/Subject	What it does
(a)	(b)	(c)
	www.ukosa.org.uk	study in the UK, and to their family, teachers and other advisors.
15	Department for Innovation, Universities and Skills (DIUS) www.dius.gov.uk	On 28 Jun 07 the Government created the new Department for Innovation, Universities and Skills (DIUS) replacing DfES.
16	Directgov www.direct.gov.uk	Directgov provides a wide range of government information and services, and links to other helpful websites.
17	Identity & Passport Service www.passport.gov.uk	The Identity and Passport Service was established as an Executive Agency of the Home Office on 1 April 2006. The Agency builds on the strong foundations of the UK Passport Service (UKPS) to provide passport services and in the future, as part of the National Identity Scheme, ID cards for British and Irish nationals resident in the UK.
18	UK Immigration Rules www.ind.homeoffice.gov.uk	A non-visa national visiting the UK must satisfy an immigration officer at a UK port of arrival that they qualify for entry. The requirements that a visitor must meet - the Immigration Rules - can be found on the Border and Immigration Agency website
19	Voluntary Return Programmes www.iomlondon.org Tel: 0800 783 23	For certain 'vulnerable' returnees, including unaccompanied minors, victims of trafficking, and those with medical needs, Reintegration Assistance up to £1,000 in kind is available towards the cost of education, vocational training courses or small business set-up. If you are an asylum seeker or failed asylum seeker or if you have no legal basis of stay in the UK and are interested in returning voluntarily to your country of origin, there are a number of assisted voluntary return schemes available.
20	Schengen Visas. Link to German Embassy in London: www.london.diplo.de Link to French Embassy in London: www.consulfrance-londres.org/ Link to the Netherlands Embassy in London: ww.mfa.nl/lon-en/visas_mvvs Link to the Spanish Embassy in London: http://spain.embassyhomepage.com/ Links to other Embassies through internet search	A Schengen visa allows its holder to move freely in all the member states of the European Union who signed the Schengen agreement within the validity of the visa. Member countries include: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain and Sweden recently joined by Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. Foreign citizens with valid residency permits in a Schengen country may travel freely in the Schengen space for up to 3 months as long as they hold valid recognised passports and valid residency status. The UK has not signed the Schengen Agreement. Therefore, even if you hold a permanent or temporary residency permit to reside in the UK, you may still need a visa in order to enter the Schengen zone. Schengen visas are required for assignments to Gibraltar.
21	UK National Academic Recognition Information Centre www.naric.org.uk	Information on checking how your qualifications compare to similar British qualifications
22	Children's Education Advisory Service	Information on Service Children's Education including Special Educational Needs advice

Serial (a)	Organisation/Subject (b)	What it does (c)
	www.mod.uk/DefenceInternet/	
23	English for Speakers of other Languages (ESOL) www.direct.gov.uk	Advice for those wishing to study English in UK
24	British Army's Commonwealth Citizens and their Families internet website www.army.mod.uk/soldierwelfare/	Information and links for British Army's Commonwealth Citizens and their Families
25	Nationality Checking Service www.ind.homeoffice.gov.uk/applying/nationality/ncs .	This is a service available on payment to those applying for British Nationality. The Nationality Checking Service checks application documentation prior to it being dispatched to the Home Office in order to confirm that applications are correctly completed.
26	Kava-Kava – Army Interim policy available on PS2(A) AG website.	Kava-kava is a herbal ingredient derived from the plant <i>Piper methysticum</i> , which is a member of the pepper family native to many Pacific Ocean islands including Fiji. The leaves and the root of the plant are used in herbal food and medicinal products. Traditionally, the plant is chewed and then spat into a bowl, where the contents are allowed to brew. In recent years extracts have become popular in Europe in herbal remedies used to treat anxiety, tension and restlessness.
27	Army Alcohol Policy - AGAI Volume 2 Chapter 64 - AGAI 64 available on PS2(A) AG website.	AGAI Volume 2 Chapter 64 - AGAI 64 does not represent a step change to current policies, but seeks to update the Army's policy, and codify a method of dealing with those who misuse alcohol. In the main the AGAI highlights the need to for education awareness and self-discipline but if regulation is required, it links alcohol misuse with administrative action under AGAI 67. It also provides guidance on the development of unit alcohol policies and proposes that all personnel are placed on an appropriate "alcohol state" dependent on their operational status and readiness. The final section of the revised AGAI deals with immediate action required when dealing with personnel who are under the influence of alcohol both on and off duty.
28	Travel Advice Fiji and Zimbabwe http://www.army.mod.uk/soldierwelfare/ Also available on Agweb	Advice for Army personnel and their families planning on travelling to Fiji or Zimbabwe
29	'No recourse to Public Funds' www.ind.homeoffice.gov.uk	Home Office Guidance booklet on what public funds are.
30	Commonwealth citizens and their Families information page on Agweb. http://agweb.asei.mod.uk/dpsa/ps4-web/webpages/content_pages/Commonwealth.htm	Commonwealth citizens and their Families information.
31	Army Welfare Information Service Tel: 01722 436569	Confidential advice on any welfare problem from the Army's Welfare Service
32	HIVE www.hive.mod.uk	Help, information and signposting to professional support agencies.

Serial	Organisation/Subject	What it does
(a)	(b)	(c)
	Te: 01722 436498	
33	Confidential Support Line 0800 7314880 (UK) +44 (0) 1890 630854	Personal support from a confidential telephone support worker
34	The Royal British Legion www.britishlegion.org.uk Tel: 08457 725 725.	The UK's leading charity safeguarding the welfare, interests and memory of those who have served in the Armed Forces and their dependants. It provides financial, social and emotional support to millions and its benevolence spans all age groups from the oldest to the very young.
35	Royal Commonwealth Ex-Services League www.commonwealthveterans.org.uk Tel: 02079737263	A Service charity-providing support to Commonwealth veterans overseas.
36	Veterans-UK www.veterans-uk.info/ Tel: 0800 169 2277.	Support for veterans and their families and access to the Veterans Welfare Service in the UK
37	Soldiers', Sailors' and Airmen's Families Association – Forces Help (SSAFA-Forces Help) www.ssafa.org.uk Tel: 020 740 38783,	SSAFA-Forces Help is the national charity helping serving and ex-Service men, women and their families in need. It provides financial assistance and debt advice but also offers practical as well as financial support.
38	Joint Casualty and Compassionate Centre Tel: +44 (0)1452 519951	Emergency casualty and compassionate support (in the case of death, injury or illness of the soldier or their immediate family)
39	Gurkha Welfare Trust www.gwt.org.uk Tel: +44(0)207251 5234	Service charity supporting Gurkha ex-Service men and their families.
40	Booking flights for individuals unable to return from their country of origin on Repayment	From time to time units may wish to book flights on behalf of individuals who are unable to return to UK from their country of origin. Potential options could include an advance from non-public funds (ie: PRI, Service charity).

From Capt R Hislop1 RIFLES

Unit Headed Note paper

To:

Armed Forces Team
ICC2
7th floor
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

**BRITISH ARMY REQUEST FOR AN EXEMPT IMMIGRATION CONTROL
ENDORSEMENT**

I am the Adjutant/Regimental Administrative Officer of 1RIFLES.

I can confirm that Pte Johnson enlisted into the British Army 12 Sep 07 on an open engagement for 22 years with a minimum engagement of 4 years and as such can expect to serve in the British Army until his planned run out date on 12 Sep 29.

Having been enlisted into the British Army he is exempt UK Immigration Control under Section 8(4)(a) of the Immigration Act 1971.

I have enclosed his Jamaican Passport (Passport Number 4534667Q) and request that the Borders and Immigration Agency insert an Exempt from Immigration Control Endorsement.

Please do not hesitate to contact me if you require additional information.

Signed
Captain
R Hislop
Adjutant
for Commanding Officer.

Encl:

1. James Johnson Jamaican Passport (Number 4534667Q).

From Capt R Hayward 1 RIFLES

Unit Headed Note paper

To: 24433170 Rfn A Ackombi A Company 1RIFLES

BRITISH ARMY CONFIRMATION OF A SPONSORING SOLDIER'S DETAILS

Reference:

A. Exempt Armed Forces Dependents Visa Application by Mrs D Ackombi DoB 6 Mar 63 Spouse of Rfn A Ackombi.

For the Attention of: The Entry Clearance Officer, BHC Ghana.

I am the Unit Welfare Officer of 1RIFLES. Rfn D Ackombi has sought a British Army letter to confirm his circumstances in respect of his sponsorship of an Exempt Armed Forces Dependents Visa application by his spouse Mrs S Ackombi and their daughter Miss J Ackombi DoB 7 May 97.

I can confirm that Rfn Ackombi enlisted into the British Army 12 Jul 2003 on an open engagement for 22 years with a minimum engagement of 4 years and as such can expect to serve in the British Army until his planned run out date on 11 Jul 2025.

Having been enlisted into the British Army he is exempt from UK Immigration Control under Section 8(4)(a) of the Immigration Act 1971.

He is currently serving in the United Kingdom and I can confirm that as a condition of his service he has been provided with/will be provided with suitable Service Families Accommodation to accommodate his family upon their arrival in the United Kingdom [provide allocated address if available].

Brief outline of any special circumstances [ie: Rfn Ackombi is due to deploy on an operational deployment at end of this year and it would be helpful if he and his family are able to settle into the Army community prior to his deployment].

Please do not hesitate to contact me if you require additional information.

Signed

R Hayward
Captain
Unit Welfare Officer
for Commanding Officer.

NON-BRITISH SOLDIERS – ADDITIONAL DISCHARGE PROCEDURES

1. **Discharge Procedure.** Non-British soldiers who have not been granted UK Citizenship lose their ‘exempt from immigration status’ at the point when they are discharged from HM Armed Forces. In order to fulfil the MOD’s duties as a responsible employer, the BIA have asked that they be notified of non-British soldiers who are being discharged from the Army so that appropriate arrangements can be made to regularise their immigration status. Commanding Officers are to put in place procedures to ensure the following actions are carried out are to ensure non-British soldiers are briefed on the changes to their immigration status during resettlement interviews and at least 3 months prior to discharge wherever possible as follows:

a. **Informing BIA in advance of discharge.** Where the date of discharge is known in advance a completed Appendix 1 to Annex D is faxed by the unit to the BIA at the fax number on the form to enable BIA to prepare any paperwork necessary. In order to assist the soldier with a smooth transition to civilian life this should be done **10 weeks before the actual discharge date**. The names of any spouse or dependent children should be included. It is essential to include the name and address of the discharging unit and the unit’s telephone and fax numbers. An original copy is to be kept on unit files.

b. **Provide advice to non-British soldiers in advance of discharge date.** Commanding Officers are to ensure and at least 3 months prior to discharge wherever possible discharges:

(1) Are informed that if they wish to apply for settlement their applications for Indefinite Leave to Remain may be submitted on Form SET(O) to the BIA up to **10 weeks** prior to the date of discharge and sent to the address on the form. (See para 1d below). If they apply at this point their transition to civilian life will be eased as **BIA will provide them with an ‘indicative’ letter to assist them in making appropriate arrangements for employment after discharge and for liaising with the relevant authorities for housing, healthcare and benefits during transition to civilian life and be able to grant them ILR the day after their discharge providing they meet the requirements of the Immigration Rules (immigration law does not permit soldiers to be granted ILR whilst still serving and exempt from control).** Details can be found at Reference X on the BIA website.

(2) Are to be advised by the unit that it is their personal responsibility to regularise their immigration status if they wish to remain in the UK after their discharge and seek work. Units should provide them with the BIA contact details at Para 9(a) to the main instruction and Annex A to assist them to obtain the appropriate application form and any further information they require.

(3) Are informed that members of HM Forces who have served for a period of 4 years will have this time taken into account by the BIA if they

apply to the BIA along with their spouse and dependants for ILR/settlement in the UK (i.e. permission to reside and work in the UK for an indefinite period). Where an individual is being medically discharged with less than 4 years Army service directly due to injuries directly sustained on operations, special arrangements are in place for indefinite leave applications, additional detail is at Para 1i. Individuals are to be briefed that they will need to submit supporting medical evidence including a copy of their FMed 15 as part of their application to the BIA.

c. **At the time of discharge.** Commanding Officers are to ensure that:

(1) On the final day of service (or immediately if the soldier requires immediate return of his passport in the lead-up to discharge) and preferably on the same page as the “Exempt from immigration control” stamp, the dischargee’s passport should be endorsed with an “Reason for exemption from immigration control ceased on” ink stamp plus the date of discharge stamped below this. Neutral date stamps must be used: unit stamps in the passport that identify the individual as a current or former member of HM Forces must not be used and the Exempt Status Stamp must not be struck through. The format and wording of cessation stamp to be used is as follows:

Reason for exemption from immigration control ceased on [Date]
--

(2) On the day of discharge a faxed letter for the dischargee (and a separate one for any spouse/civil partner and dependants) will be sent by the BIA to the unit for the dischargee. The letter will normally grant the dischargee and any dependants 28 days ‘Leave to Remain’ in the UK. During these 28 days the spouse/civil partner or dependants may continue working but all are expected to either apply for further Leave to Remain or to leave the country before their period of leave expires. Once an application is lodged they are able to remain in the UK legally whilst the application is processed.

(3) If no fax has been received then units should contact the Armed Forces Team at the BIA to check that a letter is available. Contact details are at Para 9(a) to the main instruction. One copy of the letter(s) should be handed directly to the individual and confirmation of receipt should be shown by the signature of the dischargee and/or the discharging officer. A copy of the signed letter(s) should then be faxed back to BIA with a copy of the completed Appendix 1 to Annex D - with column B completed.

d. **Further advice to be given on discharge.** When the dischargee is in receipt of the faxed letter(s) from BIA, they should again be reminded by the unit that a person discharged from the Armed Forces with at least four years’ service may apply for settlement under the HM Forces Rule but that it is their responsibility to contact BIA and apply for further leave or to leave the country by the expiry date of the leave granted to them. Applications should be made on form SET(O) and sent, with the appropriate fee, to the address given on the form. Applicants should

make it clear on the application form that they are applying under the terms of the 'HM Forces Rule' and provide documentary evidence of time spent in the Armed Forces. Discharging units may assist by providing soldiers with a unit letter confirming the period of service in advance of the time of discharge.

e. **Cases where no advance notice to BIA is possible.** Every effort should be made to give BIA advance warning of the date of discharge from the Armed Forces, even if this is only possible on the day of discharge itself. There may be certain circumstances however where this does not prove possible. In such cases, efforts should at least be made to endorse the individual's passport with the 'cessation' stamp and a copy of the Appendix 1 to Annex D; giving the individual's details (and those of any dependants) and post-discharge UK address should be faxed through to BIA with the relevant parts of column B completed. The dischargée should also be given the advice detailed in Para 1 a-d above and the contact details for BIA.

f. **Imprisonment leading to Discharge.** In cases where a non-British soldier has committed a criminal offence and is discharged from the Army and sent to a UK prison, the soldier's passport is to be endorsed as above and notification provided to the BIA along with details of the sentence. There is no specific authority entitling the Army to hold the passport of a non-British citizen and therefore it may be helpful, for instance at courts-martial, if the judge advocate directs that the individual surrender his/her passport for the appropriate action to be taken. The Home Office is responsible for any subsequent administrative action. Units should seek advice from the Armed Forces Team (ATF) at the BIA if required. Service support to families in such cases is provided in the same way as for British Citizens in respect of entitlement to Service Families Accommodation or Families Maintenance Grant and advice should be sought from the appropriate JSP. For non-British families of serving personnel on accompanied assignments outside the UK without UK entry visas advice should be sought from Command G/J1 staff in the first instance.

g. **Advice for Units administering Medical Dischargees with Serious Conditions.** Current Service medical discharge procedures apply (AGAI Vol 2 Chap 47 Paras 49, 121-149, 137). Individuals with serious medical conditions who have served for four years and are eligible for ILR may apply up to 3 months prior to their actual discharge date along with any immediate family (spouse and dependent children) citing any permanent need for medical care as the reason for this. Unit letters and medical evidence should support such applications. The BIA will consider such cases under the normal rules. If eligible for ILR the BIA will provide the unit with an '**indicative**' letter in advance of the discharge date confirming that ILR will be granted and that they will be eligible to apply for public funds. This will enable the unit, in conjunction with the individual concerned, to arrange either private accommodation or facilitate an application to an appropriate UK local authority (LA) for accommodation and or any specialist care. Individuals seeking support from a LA normally have to demonstrate recent residency or family ties. All medical dischargees are entitled to access the Resettlement service in accordance with Reference I irrespective of length of time served. Support and aftercare is normally provided in the UK in accordance with current Service regulations and can include assistance from: Corps/Regimental HQ; MAO(CH); AWS; JSHAO; Service Personnel & Veterans Agency, Service charities (ie: ABF and TRBL) and the individual's own disability/legal representatives in conjunction with any local

authority support. Additional sources of support are listed in the new publication 'Transition to Civilian Life'.

h. It should be noted that the current legal position is that the BIA is unable to grant settlement/ILR until the day an individual is actually discharged from the Army.

i. **Medical Discharge as a direct Result of Injuries Sustained on Operations where less than 4 years served.** Where, a non-British member of the Army is medically discharged as a direct result of injury sustained in an operational theatre, the Home Office requirement for them to have completed four years service towards a grant of Indefinite Leave to Remain (ILR) will in future, normally be waived. It means that individuals that qualify under these circumstances may now apply for ILR even if they have not completed 4 years Army Service. Where settlement is granted, the accompanying spouse and children will normally also qualify for ILR at the same time. Commanding Officers are to ensure that individuals are briefed that they will need to submit supporting medical evidence with their application. Soldiers can do this by making a written request to their medical officer for a letter outlining their circumstances, which may be accompanied by copies of F Med 133, F Med19 and or F Med 23 and should be submitted along with their application to the BIA.

j. **Home Office Re-Consideration of Cases Previously Refused.** The Home Office has also confirmed that any cases meeting the criteria at Para i. above but previously refused will, if brought to BIA's attention, be re-considered sympathetically and discretion exercised where appropriate.

k. **Other forms of Discharge with Less than Four Years Army Service.** Prior to deciding whether to submit an application for Further or Indefinite Leave to Remain Individuals are advised to consult the rules and guidance published on the BIA website in order to decide what type of application may be appropriate. All applications will be considered by BIA in accordance with the Immigration Rules and the relevant guidance. The BIA have confirmed that each case will be decided on its merits and in the light of any supporting evidence submitted by the applicant eg: concerning the source and details of any injury or medical condition. Such applications will be investigated thoroughly and considered on a case by case basis taking into account of all the factors including misconduct or criminal behavior.

l. **Vulnerable early service leavers and those medically discharged with a severe physical/mental disability.** Units should also ensure that procedures outlined in References S and T are carried out which are designed to address the needs of vulnerable early service leavers including those being discharged during recruit training and those medically discharged with a severe physical/mental disability. Specific casework, requiring resolution at an appropriate level, should be raised through the chain of command well in advance of discharge.

APPENDIX 1 TO
ANNEX D TO
DPS(A)/28/29/PS4(A)
DATED 31 MAR 08

ARMY/BIA DISCHARGE/ESTRANGEMENT PROFORMA

To: Armed Forces Team, ICC2 Tel: 08454105996, Fax: 0208 1964089 Borders and Immigration Directorate, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY

From: (Enter unit address here including contact telephone and fax numbers)

Number:	Surname: Nationality:	Forename(s):
Rank:	Date of Birth:	Passport Number:
Date of last entry into UK (most recent date of immigration officer's ink date stamp in passport):	Date of Discharge: (This is the Run out Date ie; the last day the soldiers is paid by the Army)	
Contact address after discharge provided by individual:		

Dependants' Names/SURNAME	Gender (M/F)	Date of Birth	Relation to dischargee

STATEMENT BY UNIT COMMANDING OFFICER (column A or B to be completed. Delete wording as applicable):

A1.1	The above named member of HM Armed Forces is due to be discharged with effect: (enter final date of discharge)	B1.1	The above names soldier has been discharged from HM Forces with effect: (enter date)
A1.2	Has been asked to produce their passport along with other documents at the time of their discharge: YES/NO	B1.2	The individual has been advised that following their discharge it is their own responsibility to initiate procedures to regularise their immigration status with the BIA and that this advice applies equally to the Spouse and Dependants listed above.
A1.3	This soldier is being medically discharged Trained/Untrained ¹⁵ with less than four years Armed Forces Service directly as a result of injuries sustained: <ul style="list-style-type: none"> • On operations • On duty (non-operational) • Off duty • Don't know/other And has been informed of the need to submit a copy a letter from their RMO and or F Med 133, 19 and or 23 to BIA with any application to remain in the UK on this basis after discharge ¹⁷ . YES/NO	B1.3	The statement " Reason for exemption from immigration control ceases on (enter date) " has been stamped in the individual's passport and the date of discharge stamped in the space provided using neutral date stamp: YES/NO
A1.4	The above soldier has changed their personal status category and is estranged from their spouse ¹⁵ .	B1.4	The above named dischargee has been handed BIA correspondence faxed to this office on (enter date) . Comments:
	Name and Rank of Unit CO:		Name and Rank of Unit CO:
	Signature of Unit CO:		Signature of Unit CO:
	Date:		Date:

¹⁷ Delete phrase/bullets not applicable and support soldiers with an accompanying unit letter confirming this situation.

BRITISH ARMY CONFIRMATION OF A SOLDIER'S DEPENDANT'S DETAILS
SUPPORTING A HIGHER EDUCATION INSTITUTE APPLICATION

From: Capt R Hayward 1 RIFLES

Unit Headed Note paper

To: 24433170 Rfn A Ackombi A Company 1 RIFLES

BRITISH ARMY CONFIRMATION OF A SOLDIER'S DEPENDANT'S DETAILS

References:

- A. U-UK 1/08/10 dated 18 Feb 08.
- B. Application to be considered for 'home' fees status by Mrs D Ackombi DOB 6 Mar 63 spouse of Rfn A Ackombi.

For the Attention of: [insert name of person and Higher Education Institution]

Rfn A Ackombi has sought a British Army letter to confirm his circumstances in respect of a higher education course application by his spouse Mrs D Ackombi and for her to be considered for 'home' fee status.

I can confirm that Rfn Ackombi is a Commonwealth/Nepalese* citizen serving in the British Army/Brigade of Gurkhas*, who enlisted into the British Army/Brigade of Gurkhas* on [insert date]. He is currently serving in the United Kingdom. I can confirm that Mrs Ackombi is currently living in the UK and she has informed me that she will still be in the UK on 1 September 2008.

I can confirm from Mrs Ackombi's passport that she was given an Exempt Armed Forces Dependents Visa on [insert date] and entered the UK on [insert date]. She has advised me that she has lived in the UK since that date, with the exception of a period in [insert country] between [insert dates] when her serving spouses records show that he served on an accompanied assignment to Fallingbommel, Germany.

Please do not hesitate to contact me if you require additional information.

Signed

R Hayward
Captain
for Commanding Officer.