



Home Office

Afghan Locally Employed Staff – relocation schemes

Version 2.0

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About this guidance

This guidance explains the 2 schemes designed to help current and former locally employed staff (LES) in Afghanistan: the ex-gratia scheme and the Afghan relocations and assistance policy (ARAP), and the process for LES who qualify to relocate to the UK under those schemes. Eligibility for the schemes is assessed by the employing Government department and not the Home Office.

It also explains to UK Visas and Immigration (UKVI) staff how to consider applications for entry clearance and for settlement for those granted limited leave under these schemes and how to process requests for leave in line for UK born children.

This guidance does not cover asylum applications from Afghan LES. Staff dealing with asylum claims must refer to the Asylum claims by former locally engaged staff in Afghanistan guidance.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Armed Forces Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **1 April 2021**

Changes from the last version of this guidance

This is the second version of this guidance published in this format. It provides an update following the cessation of the intimidation policy and the introduction of the Afghan relocations and assistance policy.

It also contains additional information on applications for settlement that are complex or involve divorce.

There are administrative updates to bring the guidance in line with current processes.

Related content

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Introduction

Purpose of instruction

This guidance tells you about the 2 schemes designed to help current and former Afghan Locally Employed Staff (LES) who worked for Her Majesty's Government (HMG) in Afghanistan. It provides guidance on the requirements for those applying for leave to enter the UK under either the ex gratia scheme (EGS) or the Afghan relocations and assistance policy (ARAP); on considering settlement applications from those granted limited leave under the schemes; and on processing requests for leave in line for UK born children.

This guidance does not cover considering asylum claims from former local staff. Where such matters arise caseworkers must refer to Asylum claims by former LES in Afghanistan.

Background

Following the drawdown of UK military operations in Afghanistan, the Government introduced 2 schemes to support current and former LES who worked for British Forces, often in dangerous and challenging situations. This was in recognition of the commitment and bravery shown by local staff who supported UK forces in Afghanistan. These policies are designed to provide appropriate support that honours their service and properly reflects their work and the risks involved.

The ex-gratia scheme caters for those who worked directly for HMG on 1 May 2006 and had served for more than 12 months when they were made redundant or resigned. The scheme provides a range of in-country packages of assistance and, for those who meet the criteria, relocation to the UK with their immediate dependants. It will run until November 2022 at which point the ARAP will be the sole route to relocation in the UK for Afghan former LES.

The intimidation policy, introduced in 2010, ran until 31 March 2021 when it was replaced with the Afghan relocations and assistance policy. The intimidation policy was designed to support LES whose safety was threatened in Afghanistan and who were at genuine risk due to their work with the UK, and was open to all current or former staff employed directly by HMG in Afghanistan since 2001, regardless of their role, job, length of service or reason for leaving. Where there was evidence of a threat, appropriate mitigation measures were put in place ranging from security advice, financial assistance or relocation to a safer part of the country or in the most serious cases, relocation to the UK.

The Afghan relocations and assistance policy (ARAP) reflects the changing situation in Afghanistan. There are 3 channels for relocation to the UK under the ARAP. The first channel offers urgent relocation by priority to those assessed to be at risk of serious threat to life due to their work with HMG. This channel is open to all current or former staff employed directly by HMG in Afghanistan since 2001, regardless of their role, job, length of service or reason for leaving. The assessment process is

informed by regular strategic and operational intelligence reporting. The second channel offers relocation by default to a select group of directly employed current and former employees in exposed roles, such as certain embassy support staff, those in political or counter-terrorism roles, or cultural advisors and interpreters, who could face threats related to their occupation. The third channel offers relocation to a small group of special cases who worked in highly sensitive roles, by ministerial approval.

Those who either do not want to relocate or who are not eligible will be offered other support such as security advice and relocation within Afghanistan.

Those who qualify and choose to relocate to the UK with their families are not expected to return to Afghanistan. After completing five years limited leave they can apply for permanent residence in the UK, free of charge, ensuring that they can continue to build their lives and future here.

Policy intention

The policy objective in offering a range of support packages under these schemes, which includes an option to relocate to the UK for those who are eligible, is to:

- honour their service by providing generous support that properly reflects their work and the risks involved, especially for interpreters who worked alongside UK Forces in frontline roles
- ensure that those who choose to relocate to the UK can do so with their immediate families and can apply to settle here permanently so that they can build their lives and their future in the UK

Applications in respect of those with children

When applying this guidance, you must take into account the circumstances of each case and the impact on children, or those with children, in the UK. Section 55 of the Borders, Citizenship and Immigration Act 2009 places an obligation on the Secretary of State to take account of the need to safeguard and promote the welfare of children in the UK when carrying out immigration, asylum and nationality functions.

In practice, this requires you to consider the best interests of the child in decisions that have an impact on that child. This is particularly important where the decision may result in the child having to leave the UK, where there are obvious factors that adversely affect the child, or where a child or a person caring for the child ask us to take particular circumstances into account. All decisions must demonstrate that the child's best interests have been considered as a primary, but not necessarily the only, consideration. You must be vigilant that a child may be at risk of harm and be prepared to refer cases immediately to a relevant safeguarding agency where any child protection issues arise.

Afghan LES who qualify for relocation to the UK will be able to bring their immediate family members with them, including their children. They can also request limited leave in line on behalf of any children born in the UK after they have relocated, and this is free of charge. Children can also be included as dependants on settlement applications from Afghan LES following their initial period of limited leave. Settlement

applications on this route are also free of charge. Any applications involving children must be processed in a timely way.

Where there are child welfare or protection concerns that may involve safeguarding issues within the family unit the case must be referred immediately to the local safeguarding team, who will refer the case to the relevant local authority in accordance with guidance on making safeguarding referrals. In an emergency the case must be referred to the police. The Office of the Children's Champion can also offer advice on issues relating to children, including family court proceedings and complex cases.

The Home Office guidance on '[Every Child Matters – Change for Children](#)' sets out the key principles to take into account in all cases involving a child in the UK.

Related content

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Relevant legislation

This section tells you which section of the Immigration Rules relates to Afghan LES.

Immigration Rules

[Part 7 of the Immigration Rules](#) provides the legal framework for those eligible for relocation under the ex-gratia scheme or who have been assessed as being in need of relocation under the Afghan relocations and assistance policy.

Paragraphs 276BA1 to 276BS1 cover Afghan LES relocating under the schemes.

Paragraphs 276BE1 to 276BS1 define who can qualify as a partner and minor dependent child under the relocation schemes:

Paragraph 276BE1 provides that a partner or minor dependent child can be included in an application for limited leave to enter as dependants.

Paragraphs 276BK1 to 276BK2 set out the definition of a partner and 276BL1 sets out the relationship requirements of a partner.

Paragraph 276BP1 sets out the definition of a minor dependent child and 276BQ1 sets out the relationship requirements of a minor dependent child.

Paragraphs 304-309 set out the provisions relating to UK born children who are not British citizens.

Paragraphs 276BS2 to 276BS4 refer to indefinite leave to remain for relevant Afghan citizens granted limited leave to enter.

Related content

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Ex-gratia scheme

This section explains the ex-gratia scheme, which is available to Locally Employed Staff (LES) in Afghanistan. Eligibility for the scheme is assessed by the Government department responsible for employing the member of staff and not by the Home Office.

Ex-gratia scheme overview

On 4 June 2013, the Secretary of State for Defence announced the scheme to make ex-gratia offers to eligible LES who have been or would be made redundant as a direct consequence of the UK's military drawdown from Afghanistan.

In October 2020, the scheme was expanded to make ex gratia offers to eligible LES who resigned having worked for the UK Government in Afghanistan.

The scheme will close on 30 November 2022, at which point the Afghan relocations and assistance policy will be the sole route for assistance, including relocation to the UK, for Afghan LES.

The offers available under the ex gratia scheme are:

- a financial package
- a training with financial support package
- the possibility for some LES to relocate to the UK

Eligible LES can only accept one of the offers available under the scheme.

Financial offer

The eligibility criteria for the financial offer under the scheme are that the LES must have been:

- employed directly by the UK Government
- made redundant on or after 12 December 2012
- in the UK Government's employment for a minimum of 12 months

Eligible LES receive payments calculated by reference to their gross salary, excluding allowances. In the first month, eligible LES will be paid an equivalent of 3 months' salary, followed by an additional 15 monthly payments, each equivalent to their monthly salary.

Training offer

The eligibility criteria for the training offer under the scheme are that the LES must have been:

- employed directly by the UK Government

- made redundant on or after 12 December 2012
- in the UK Government's employment for a minimum of 12 months

LES receive up to 5 calendar years of training or education funded by the UK Government and a fixed regular sum equivalent to their gross monthly salary (without allowances) at the date on which the offer is made. The LES can select any technical, vocational, academic or training course of their choosing provided it is accredited. All training must be undertaken in Afghanistan. LES will also be able to gift the training offer to members of their close family.

Relocation offer

The relocation offer provides the possibility for some LES to relocate to the UK. The eligibility criteria for relocation under the scheme are that the LES must have been:

- employed directly by the UK Government at the time of their redundancy or resignation in a role which took them regularly 'outside the wire' on the frontline in Helmand
- made redundant or resigned on or after 1 May 2006
- directly employed by the UK Government on the frontline for a minimum of 12 months continuously

LES eligible for the relocation offer will have been based in Helmand where they faced regular danger from threats, including insurgent forces and improvised explosive device attacks. They fulfilled roles such as clerk, interpreter, translator or cultural advisor and equivalent LES roles in other government departments. Those who served for a minimum of 12 months in a qualifying role but who were moved for departmental or operational reasons into non-qualifying roles will be treated as eligible for the relocation offer.

Seriously injured LES will be eligible for relocation where they would have been eligible had their employment not been terminated due to injuries sustained.

LES who meet the eligibility criteria will be offered a relocation package, which provides the opportunity to apply for limited leave to enter the UK under [Part 7 of the Immigration Rules](#). Successful applicants will receive a UK visa which grants 5 years limited leave to enter the UK, and an opportunity to apply for Indefinite Leave to Remain at the end of that 5-year period.

The [Ex-Gratia Scheme guidance](#) on gov.uk provides further detail regarding the 3 offers available under the scheme and the eligibility criteria, which is assessed by the employing government department.

Related content

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Afghan relocations and assistance policy

This section tells you about the Afghan relocations and assistance policy (ARAP) and the support available to LES in Afghanistan. Eligibility under the policy is assessed by the Government department responsible for employing the member of staff and not by the Home Office.

How to make a claim under the Afghan relocations and assistance policy

The UK Government provides support to current and former locally employed staff in Afghanistan who face intimidation or threat as a direct result of their employment with the UK.

A claim can be made by any current or former local staff who has been employed directly by the UK Government in Afghanistan since 2001, from the first day of their employment, regardless of their role, job or length of service.

The relocations and assistance policy is administered by a specialist team based in Kabul – the Afghan Threat and Risk Evaluation Unit (ATREU) – which was set up to assist and support local staff who are threatened as a result of their work with the UK.

It operates under a tiered approach, with high risk local staff who face imminent threat being relocated urgently. Local staff who are in the public eye and who could be at risk as the security situation evolves are relocated to the UK on a routine basis, and those not eligible to move are offered other support such as security advice and relocation within Afghanistan.

There will continue to be other assistance available such as internal moves in country and bespoke security advice, where appropriate and accepting that not all are able or willing to relocate.

Relocations under the new scheme are 2-speed with a fast track for relocation of priority cases, and a routine track for less urgent cases. Initial assessment of exposure due to work with HMG dictates which track is most suitable in each case.

There are 4 categories of applicant:

- Category 1 High risk: imminent threat requiring urgent relocation
- Category 2 Eligible for relocation by default: routine relocation required
- Category 3 Not eligible for relocation: Other support offered
- Category 4 Special cases: Case-by-case basis

Responsibility for assessing applications rests with the department which employed the LES.

LES who are concerned for their safety in Afghanistan should contact the Afghan Threat and Risk Evaluation Unit (ATREU) in Kabul on **0093 (0)792 907 303** or at LocalStaff-Afghanistan@mod.gov.uk

Upon receipt of initial contact to the ATREU, the team will perform a triage of the case using the ARAP Triage, Assessment and Evaluation Form to establish the status of the claimant.

Following the triage, intimidation cases will be assessed using a threat matrix with a personal risk score allocated.

Full interviews with the claimant will be conducted to obtain the information required to assess the cases and provide a personal threat score. They will be interviewed by telephone. The full interview will be recorded.

At the end of the interview the LES will be provided with the security advice in English and their native language. The Assessment Officer (AO) will note that the security advice has been read to the LES.

After the full interview the AO may need to conduct further investigative actions to support information given by the LES. This may include, but is not limited to: interviews with witnesses; follow up enquiries with Afghan authorities; open source research into reported incidents; further points of clarification with the LES and follow up enquiries with NATO agencies.

LES with intimidation claims who are not eligible for relocation as default will be grouped in one of 3 levels based on their personal risk score.

LES assessed as being at high risk will be referred to a cross-Government panel within 2 weeks of the claim being submitted for a final decision to be made whether to relocate as a matter of urgency or reject. The panel will detail reasons for rejections with a new personal threat score allocated to the claimant's case.

Where the panel fails to reach consensus cases will be referred up to an ad-hoc 3 member panel of SCS1 representatives from the Foreign, Commonwealth and Development Office, the Ministry of Defence and the Home Office. Cases assessed as requiring urgent relocation will be given priority with an expected timeline of 2 weeks for the relocation process to begin.

LES assessed as being at medium risk will be informed of the outcome of their case within 4 weeks of the case being submitted. The LES will be offered an in country move to an area within Afghanistan of the claimant's choice. They will be eligible for like for like accommodation. The LES will be provided with bespoke security advice on how the claimant can best maintain the security of themselves and their family while remaining in Afghanistan.

Where a claimant has accepted the offer of assistance to move in country a payment should be calculated by the in-country team. Three months of payments are to be made when moving property comprised of moving costs and 3 months' rent.

LES assessed as being at low risk level will be informed of the outcome of their case within 4 weeks of the case being submitted. The LES will be provided with bespoke security advice on how the claimant can best maintain the security of themselves and their family while remaining in Afghanistan.

Claimants assessed as being eligible for relocation as default with no additional claim of intimidation will be either a current or former LES directly employed by HMG in exposed meaningful enabling roles for a minimum of one day. A personal threat score does not need to be allocated.

The LES will be supported in the completion of an application form by the in-theatre team which will be considered by the Home Office and assessed in accordance with paragraphs 276BA1 to 276BS1 and following of the Immigration Rules.

Claimants assessed as being eligible for relocation as default with an additional claim of intimidation will be either a current or former LES directly employed by HMG in exposed meaningful enabling roles for a minimum of one day.

The cases will then be allocated with a personal threat score as per intimidation cases.

Cases assessed as being eligible for relocation as default will not need to be referred to the cross-Government panel; the threat matrix will be used to determine their priority order for relocation.

Decision on claims under the Afghan relocations and assistance policy

Once a decision has been made about an application under the policy about the level of support that should be given, this will be conveyed to the LES by the Afghan Threat and Risk Evaluation Unit (ATREU). A record will be kept of the investigation and of the final decision.

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Entry clearance applications

This section tells you about the entry clearance process for LES in Afghanistan who are seeking to relocate to the UK under the ex-gratia scheme or Afghan relocations and assistance policy.

Relocation scheme: entry clearance process

LES who are in Afghanistan and meet the eligibility criteria for relocation will be offered a relocation package for themselves and their immediate family (one partner and children), with the opportunity to apply for limited leave to enter the UK under the [Immigration Rules](#).

The British Embassy Kabul (BEK) arrange for LES to complete a Visa Application Form (VAF) and for their biometrics to be taken. The BEK also arrange for medical screening and marriage verification if necessary.

Visa applications under the relocation schemes are exempt from fees. Applications are sent to the Home Office in Sheffield which will refer the applications to the Screening Information and Research Team (SIRT). Afghan LES, their partner and any dependants are also referred for relevant security checks. UKVI staff will then decide whether leave to enter can be granted.

Successful applicants along with dependants who are also eligible to relocate will receive a UK visa which grants 5 years leave to enter the UK, with an opportunity to apply for Indefinite Leave to Remain at the end of that 5 year period. To be able to relocate to the UK, as well as being eligible under the scheme's eligibility criteria for the relocation offer, applicants must satisfy the requirements of Paragraph 276BB1 and not fall for refusal under Paragraph 276BC1 of the [Immigration Rules](#).

LES who qualify for leave to enter under the [Immigration Rules](#) will be:

- in Afghanistan
- an Afghan citizen
- 18 years of age or older

Those relocated under the ex gratia scheme will have been employed in Afghanistan by the Ministry of Defence (MOD), the Foreign, Commonwealth and Development Office (FCDO) (or previously the Foreign and Commonwealth Office (FCO) or the Department for International Development (DFID)) and have been made redundant or resigned on or after 1 May 2006.

They must also have been deemed to qualify for the ex gratia relocation package or for relocation under the intimidation policy by the MOD, FCO or DFID.

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Relocation process

This section provides information on the process of arrival for Afghan LES.

Relocation

When the visa is granted, the Resettlement Operations team in the Home Office contact local authority providers to source suitable accommodation and agree an arrival date. The Home Office notifies the International Organization for Migration (IOM) to book flights. The British Embassy Kabul (BEK) then contacts the LES to let them know the relocation date and arrange pre-flight briefings and 'fit to travel assessments' before departure. The Home Office also notifies Border Force of all planned arrivals. The LES is usually accompanied to the UK by an IOM escort.

On arrival in the UK, information letters are issued to LES by the Home Office which detail various aspects of life in the UK. From October 2017, all arrivals have been issued with a Biometric Residence Permit (BRP) which is sent by the Home Office to the local authority for them to issue. The BRP is sent to the provider on the day of arrival in the UK and it is issued by the provider who will explain what it is as part of the integration support that they receive.

The local authority provider assumes responsibility for the LES and any dependants from the IOM at the airport and take the LES and any dependants to their accommodation.

Local authority responsibilities

The local authority is responsible for providing integration support including arrangements for obtaining school places, health services and National Insurance Numbers. The local authority provides a 4 month integration support package that includes helping arrivals to access education places for children, health services and access to mainstream benefits.

LES are not eligible for benefits until they can satisfy the Habitual Residency Test set by the Department of Work and Pensions (DWP) which can take up to 3 months, so the local authority supports those who arrive under the relocation schemes for up to 4 months. The support provided by local authorities is funded by the relevant employing department, but all requests for payments are dealt with by the Home Office. The local authority claims an initial payment on arrival and a further payment after the 4 month period has ended.

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Dependants

This section explains how to deal with dependants of Afghan LES.

Who can qualify as a dependant?

LES who qualify for relocation under the Immigration Rules may include a partner and any minor dependent children in their application for limited leave to enter the UK as their dependants.

Paragraphs 276BE1 to 276BS1 of the [Immigration Rules](#) define who can qualify as a partner and minor dependent child of a LES.

All dependants included in applications under the ex-gratia scheme or Afghan relocations and assistance policy must be in Afghanistan and be Afghan citizens when the applications are made. The application must include details of all dependants seeking relocation at the time the application is made, including any dependants who intend to relocate to the UK after the LES. Where the LES is in a polygamous marriage, they can only include one partner in their application.

It is the responsibility of the applicant and their dependants to provide sufficient evidence to demonstrate they are related as claimed. Where sufficient evidence to prove the claimed relationship has not been provided, for example, because there are concerns about any documentary evidence previously submitted, you may request further information. Such requests should be sensible and realistic, bearing in mind the situation in Afghanistan. Where documents cannot be produced or verified or where an application is based on a relationship akin to marriage you may interview the LES.

Further information should normally be provided within 4 weeks of the invitation being sent but you should exercise discretion where an applicant provides this evidence after more than 4 weeks, as there are often good reasons for delays in Afghanistan.

Pre-existing family members travelling later

The Immigration Rules enable pre-existing family members, who qualify for relocation under the schemes, to travel to the UK separately to the LES. The requirement for dependants to travel to the UK at the same time was removed through the [Statement of changes to the Immigration Rules](#) dated 7 March 2019, which came into force on 6 April 2019.

Marriage after relocation

Only those dependants who are eligible and were included on the application at the time the LES applied are eligible for relocation under the schemes. Where people choose to marry or start a relationship after relocating to the UK, their wife or partner will not be eligible to relocate to the UK under either of the relocation schemes

available to interpreters. They can instead choose to apply for a visa to come to the UK under the family migration Immigration Rules. They would need to apply for leave to enter at the nearest Visa Application Centre and meet the relevant requirements of the Rules or demonstrate exceptional circumstances to justify granting leave to enter outside the Immigration Rules.

To qualify under the family Immigration Rules, qualification criteria must be met. The criteria include having a sponsor with settled status in the UK, meeting the minimum income requirement and passing the English language test.

Applications made under this route, including any applications that are initially refused and then considered under the exceptional circumstances policy (see below), will be charged the associated fee and the Immigration Health Surcharge must also be paid. These fees are not refundable in the event of an application being refused. For further details of fees and qualification criteria, see the [Family Visa](#) page on GOV.UK and at Family Migration: Appendix FM.

Applications must also contain details of any reasons why applicants believe that their application should be considered under the [Leave outside the Rules](#) guidance.

Family members: exceptional circumstances

All applications are assessed on their individual merits and any evidence provided is carefully considered in accordance with the Family Migration: Appendix FM policy guidance. Where a dependant does not qualify under the requirements set out in Appendix FM of the Immigration Rules, you must consider whether there are exceptional circumstances or compelling compassionate reasons to justify granting leave to enter outside the Rules in accordance with the [LOTR guidance](#). An applicant must provide sufficient evidence to demonstrate that such exceptional reasons exist to warrant a grant of leave where they cannot meet the requirements of the Rules.

For those who wish to apply under the family migration rules, relevant information and links to application forms are available on the [family visa page on GOV.UK](#).

UK born children

Paragraphs 304 to 309 of the [Immigration Rules](#) set out eligibility requirements for UK born children to be granted leave in line with parents who have limited leave to enter or remain in the UK but who are not settled for the purposes of the Immigration Rules.

UK born children of Afghan LES who have relocated under the schemes can be granted limited leave in line with their parents on request. There is no fee associated with this application.

Requests for leave in line for UK born children should be sent to:

Linda Critchley
Leave in Line team

7th Floor
The Capital Building
Liverpool
L2 0QN

with the following information:

- covering letter requesting leave in line with the details of the parent that has relocated and their Home Office reference number
- original long birth certificate for the UK born child
- 2 recent passport photographs with the name of the child on the back

The original Biometric Residence Permit (BRP) for the parents is not needed.

DNA evidence

Applicants cannot be required to provide DNA evidence to support an immigration application. However, in some circumstances applicants may choose to do so as it may be the simplest and most effective means for them to prove their claimed relationship. Applicants may choose to do so proactively, or, where evidence already provided is insufficient to demonstrate the claimed relationship, you may invite them to submit further evidence, which could include DNA evidence as one of a range of options to prove the relationship. It must be entirely voluntary, and it is the applicant's choice whether to provide DNA evidence.

Any DNA evidence which is provided must be from an ISO-accredited testing laboratory, and it is strongly recommended that the applicant provide evidence that the DNA sampling process met adequate collection standards. Every person aged over 16 who has agreed to provide a DNA sample must provide evidence of their consent in writing to the DNA testing laboratory. The person who has parental responsibility for the child, must provide written consent to the testing laboratory on behalf of children who are aged under 16.

Where a decision can be made on whether the claimed biological relationship exists without further evidence, such as DNA evidence, the applicant must not be invited to volunteer further evidence. If an applicant chooses not to provide DNA evidence, no negative inferences can be drawn from this. In the absence of DNA evidence, an application must be determined by carefully considering the available evidence.

Where DNA evidence is voluntarily provided to prove paternity, it is advised that DNA samples from both parents and the child are tested, as this produces more accurate results. However, there may be circumstances where this is not always possible.

For further detailed guidance on the Home Office DNA policy, see [DNA policy guidance](#).

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Settlement applications

This section provides information on the route to settlement for Afghan LES.

Settlement route

The Immigration Rules (paragraphs 276BS2 to 276BS4) provide a specific route to settlement for relevant Afghan nationals and their immediate family members who are granted leave to enter under Immigration Rules 276BA1 to 276BS1 and any dependants granted limited leave in line.

All applications for settlement under these provisions must be made on [SET\(AFG-LES\)](#) available on the gov.uk website. Any attempt to make an application by any other way, such as by telephone or email, cannot be accepted. The address to send applications is on the [SET\(AFG-LES\)](#) form and the GOV.UK website. Applications should not normally be made more than one month before the expiry of limited leave.

Only applications from individuals in one of the following categories can be accepted:

- a person who was granted 5 years' limited leave to enter as Afghan LES under the ex-gratia scheme, intimidation or Afghan relocations and assistance policy under paragraphs 276BA1 to 276BS1 of the Immigration Rules
- a dependant granted limited leave under the ex gratia scheme, intimidation or the relocations and assistance policy in line with the main applicant under paragraphs 276BA1 to 276BS1 of the Immigration Rules, including any UK born children

Fee exemption

Afghan LES who have relocated to the UK can apply for settlement free of charge after completing 5 years' limited leave. Whilst settlement applications are normally subject to a charge there is specific provision within Immigration and Nationality Fees legislation that enables Afghan LES to apply without charge. This is in recognition of the unique contribution they made to UK forces in Afghanistan.

How to submit a settlement application

The applicant must complete the [SET\(AFG-LES\)](#) application form and send it to the following address along with any supporting documents:

SET(AFG-LES)
Department 289
UK Visas and Immigration
The Capital
New Hall Place
Liverpool
L3 9PP

Completed applications are received by Nationality Post Team and recorded as delivered. If the applicant has used a tracked mail service, they will be notified that their application has been delivered. If you receive a completed application from another area of UKVI you can accept this and should speak to a technical specialist about the application raised date.

Actions on receipt of the settlement application

The following actions must be completed:

- record the application on GCID under case type: Afghan LE Staff - ILR
- scan photographs of the main applicant and any dependants onto CID
- complete Standard CID Note for Data Entry
- mandatory security checks
- issue biometric enrolment letter to all applicants within application

Incomplete applications received

If any mandatory sections of the [SET\(AFG-LES\)](#) application form are not completed, you must write to the applicant to request the missing information and if no response is received within 14 days, the application may be rejected.

You can use discretion and accept the application as valid if a mandatory section of the form is not completed but the applicant provides the required information elsewhere in the application.

Actions if the application is rejected

If the application is to be rejected as you must:

- mark the application as 'invalid', sign and date the top of section 1
- record the reasons why the form is invalid in the case notes field of CID
- enter 'reject' into the CID outcome field

Applications made early

Applications must not normally be processed until 28 days before the applicant's limited leave expires. Any applications received more than a month, but less than 3 months, before the applicant's leave expires, should normally be held until a month before their limited leave expires and then processed. CID must be noted accordingly.

Applications received more than 3 months before leave expires should be returned to the applicant explaining that they should apply up to one month before their limited leave expires.

Applications made after leave has expired

Where an individual does not make an application for settlement before their leave expires, they become an overstayer and can no longer benefit from any conditions that accompanied their grant of leave – such as the right to work or access to mainstream benefits.

Criminality checks

If there is a positive result on criminality checks, you must contact the Armed Forces Policy team for further guidance.

Granting settlement

Where the applicant and any qualifying dependants meet the requirements of Immigration Rule 276BS2 settlement must be granted.

Everyone granted leave of 6 months or more will receive a Biometric Residence Permit (BRP) to indicate their status in the UK. If an applicant presents an Immigration Status Document (ISD) as proof of status and a grant of leave is appropriate, the updated document will be a BRP.

Where a decision is made to grant settlement:

- check the status of the main applicant and all dependants included in the application
- check photographs of the main applicant and any dependants included in the application are scanned onto CID and the 'condition code' is completed
- enter condition code 'ILR'

Refusing settlement

Settlement can only be refused on the grounds set out in paragraph 276BS4 of the [Immigration Rules](#). An applicant refused settlement may apply to have their residence permit extended in accordance with paragraphs 276BA1, 276BJ1 or 276BO1 of the Immigration Rules.

If you are considering refusing settlement you must contact the Armed Forces Policy team as soon as possible for further guidance before a decision is made.

Dependants and UK born children

Dependants granted leave under paragraph 276BJ1 or 276BO1 and children born in the UK to parents who have relocated under the ex-gratia scheme or intimidation policy can be included in settlement applications. There is no fee associated with this application.

Divorced spouses

In cases where a husband and wife have relocated to the UK, but subsequently divorced, both must apply for status at the end of their limited leave, along with any children.

Applications must be made individually, but with full details of current marital status and details of arrangements concerning children, if appropriate.

You must contact the Armed Forces Policy team before a decision is made.

Complex cases

In complex cases such as, but not limited to, those involving children, adoption, relatives who do not qualify under the rules and other cases that require exceptional consideration, reference must be made to the Armed Forces Policy team with full details as soon as possible for further guidance before a decision is made.

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