

A self-help guide to applying for leave to remain on the basis that you are the carer of a child who has lived in the UK for 7 years or more.

This guide is designed to help you make an application for leave to remain for yourself, your child/ren and your partner (if you have one) without help from a lawyer. The application form can be confusing at times but many other people have done it already. By the end of the guide you should feel more confident in making the application. However, you should seek legal advice if you can.

This guide will:

- Give you checklists of what you need
- Explain the most important parts in detail
- Give you tips on filling in the form

The correct form

If you are here without leave to remain (you are an over-stayer) and you are applying for leave on the basis that you are the carer of a child who has lived in the UK for 7 years or more then you have to use **form FLR (FP)**. You can find it, and the guidance notes, here: <https://www.gov.uk/government/publications/application-to-extend-stay-in-the-uk-form-flrfp>. We do not enclose the paper form because it gets updated often and then the old one is not valid. If you let a long time pass between printing and sending the form, check online that it has not changed before sending. Always read the guidance notes first.

Paying for the application

The fee changes every year but from 18 March 2016 it is £811 per person. The current fee is provided at the start of the application form. If you are paying for the application you need to complete the fees page and provide bank card details or details of the cheque or postal order you are sending. You cannot send cash. Make sure the money is in your account because the Home Office will take the money first and reject the application if the payment bounces. That means they will send everything back and you will have to resend it. It is possible for someone else to pay for the application with their bank card or cheque. Make sure they understand how important it is that the money is available and the payment does not bounce. Please note that the application fee will not be refunded if the application is refused.

You also need to set aside some money for all applicants to have their biometrics enrolled. This means that each applicant will need to go to the Post Office to have their photograph and fingerprints taken and electronically sent to the Home Office. The Home Office will send you a special letter to take with you. It will cost a further £19.20 per applicant.

The Immigration Health Surcharge

Applicants in this category are also required to pay the immigration health surcharge. You'll then be able to use the NHS, however, you'll still need to pay for certain types of services, eg prescriptions, dental treatment and eye tests. The cost of the surcharge is £500 for each applicant. You must pay the charge online here: <https://www.gov.uk/healthcare-immigration-application/pay>. After you have made payment you will be provided with a reference number. This reference will be asked for in the application form. Therefore, you must pay the immigration health surcharge before you apply for leave to remain. The money for the surcharge will be refunded if your application is refused.

Applying for a fee Waiver

In certain circumstances the Home Office will waive the application fee, the immigration health surcharge and the biometric enrolment fee. In order to apply for a fee waiver you must apply on the following form:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/420911/Appendix_1_fee_waiver.pdf

Most people are not eligible for an exemption from the fee. You must think carefully whether you can prove one of the following before you try to apply for a fee waiver:

- You are destitute – this means that you do not have adequate accommodation or any means of obtaining it and/or you cannot meet your essential living needs
- You would become destitute if you paid the fee – this means that you have accommodation and can just about pay for your essential living needs but you would become lose those things if you paid the fee. You also need to show that you wouldn't be able to save the money over a twelve-month period or that you couldn't borrow the money from family or friends
- There are exceptional circumstances – the Home Office explains that it is very difficult to show exceptional circumstances but it may be the case that if your child has an illness or disability which requires you to spend additional money in order to look after him/her these may be considered as exceptional circumstances.

It is up to you to show that you can meet the requirements explained above. As well as filling in the fee waiver application form you should provide the following documents (just select which ones are relevant to your application):

- ✓ A letter from your local authority if your children and you are being accommodated and financially supported them (known as Section 17 support).
- ✓ Letters from any charities, religious organisations or friends who provide you with accommodation, financial support or food. The letters should contain the following information:
 - a. The name, date of birth, address and telephone number of the person writing the letter.
 - b. Your name, date of birth and address.
 - c. Confirmation of the type of support given i.e. accommodation, money or food.
 - d. Confirmation of how much money you are given and how often (if relevant)

- e. Confirmation of when support started and when it will stop.
- f. The letter must be signed and dated.

- ✓ Six month's bank statements for all bank accounts in your name. You should highlight and explain all income and outgoings on your bank statements.
- ✓ Copies of bills or receipts for your rent, gas, electricity, water, council tax and TV licence. A table of your income and outgoings. Below is an example of how you might calculate your expenditure but you can add to it or change it.

	Weekly Income		Weekly outgoings	
1.	Section 17 support	£85.00	Rent	0.00
2.	Child maintenance	£20.00	Gas	10.00
3.			Electricity	10.00
4.			Water rates	5.00
5.			Food	35.00
6.			Travel	30.00
7.			Essential toiletries	5.00
8.			Clothes/shoes/school uniform	5.00
9.			Leisure activities	5.00
	Total	105.00		105.00

Completing the application

You will need the following in order to complete the form:

- ✓ Current valid passport for each applicant (you will need to obtain these if you do not already have them or if the Home Office doesn't have them)
- ✓ Two passport sized photographs of each applicant
- ✓ Birth certificate for each dependent child
- ✓ Marriage certificate and/or divorce certificate
- ✓ Copies of any court documents relating to custody or contact with your child (for you or the other parent)
- ✓ A list of previous addresses for the past five years
- ✓ Your immigration history (dates you entered the UK and dates you applied for and were granted leave to remain)
- ✓ A letter from your child/children's school:
 - It should confirm dates of attendance and, if possible, details of your child's achievements and how the teacher thinks your child would be affected if s/he had to leave school.
- ✓ School reports and certificates
- ✓ A letter from your GP or consultant if you or your children have any medical conditions or disabilities
- ✓ Letters from any religious, community or sporting groups your child/ren are involved with. The letter should contain the following:
 - Be on letter headed paper
 - Be signed and dated
 - Confirm how the author knows your child and for how long
 - Explain your child's involvement in the group
 - The author should explain how it would affect the group and your child if s/he had to leave the country

- ✓ Letters from family or friends in the UK with whom your child/ren have an important relationship:
 - The letter should contain the author's full name, date of birth, address, telephone number and passport number or BRP reference
 - Be signed and dated
 - Confirm how the author knows your child and for how long
 - Explain your child's relationship with your child e.g. how often they see one another and what they do together
 - The author should explain how it would affect the him/her and your child if s/he had to leave the country

- ✓ If your child is able to, s/he can write a letter explaining why s/he would not like to leave the UK.

- ✓ Photographs – these should show your child's links to extended family, friends and social groups in the UK and not just photographs of you and your child/ren

- ✓ If possible try to find some reports on the internet which explain the situation for children in your home country – e.g. what the education system is like and whether you would have to pay, what the medical facilities are like and if you would have to pay, whether there is a lot of child poverty in your home country. If you are able to do this, you should try to make sure that you can explain why it is relevant to your child.

Filling in the form

Give yourself plenty of time to fill in the form. Don't rush it.

If you print off two copies of the form you can use one to practice on.

You should also note that **some parts of the form will have to be copied if you have more than one dependent child.** It will tell you at the top of the page if you need to make another copy.

Many parts of the form are mandatory. This means that they must be completed otherwise the application will either be sent back to you or simply refused.

The following is an explanation of some of the parts of the form. It does not explain every section. You must follow the form carefully and fill out each part you are asked to.

- ✓ The payment page must be completed. If you are applying for a fee waiver you have to complete your personal details and tick the relevant box.

- ✓ **Applicant's details** – the applicant will be you. If you and your partner live together with your children, and you both want to apply for leave to remain, one of you will be the main applicant and the other will be a dependent. You will also need to

complete the partner section of the form even if neither of you have leave to remain.

- ✓ **Which category?** Family life as a parent (10 year route)

- ✓ **Dependents applying with you** – this section will need to be copied if there is more than one dependent

- ✓ **Your accommodation and finances** – you must complete this section even if it means repeating information you have put in the fee waiver application.

- ✓ **Personal history** – it is important that you are completely open about any criminal convictions or civil penalties (such as county court judgements) you may have. If you are unsure of the dates or nature of your convictions or judgements you can return to the court you attended and request a copy of them. Remember that fines and cautions must be noted in this section.

- ✓ **Family life as a partner** – you must complete this section if you have a partner in the UK even if your partner does not have leave to remain and/or is applying at the same time.

- ✓ **7.20 Could you and your partner live together outside of the UK if necessary?**
These sorts of questions are your opportunity to explain your situation to the UK. If neither of you have leave to remain you will need to concentrate on why your child/ren cannot live outside of the UK. You will need to explain all of the things you do for your child/ren. You might also want to explain what practical difficulties you may have in returning to your home country e.g. lack of social ties, lack of family ties, what difficulties you would have in accommodating and supporting your family. Make sure your answers are specific to you. Don't make generalisations. Explain exactly how you and your family would be affected and why. When you answer these kinds of questions you should try and create an image in the mind of the person at the Home Office who is making a decision on your case. Try to make the understand exactly how difficult it would be for you and your children.

- ✓ **Section 8, family life as a parent** – you will need to copy this section if you have more than one dependent child

- ✓ You do not need to meet the English language requirement on this route

- ✓ **Section 9** – you will need to copy this if you have more than two dependent children.
- ✓ You must complete this section even though you will be repeating a lot of information from previous sections.
- ✓ **9.4 Provide details of the role you take in the child's upbringing** – you must complete this section with a full answer. Provide details of every single thing you do for your child even if it seems obvious e.g. cooking, washing, taking him/her to school, helping with homework, taking care of his/her emotional needs. Explain whether there is anyone else to help with these things or whether you are doing it on your own.
- ✓ **9.6 Give details of when the child's other parent last had contact with the child, and the nature of their relationship.** Again, you need to provide a full answer. If you live with the child's other parent you can give a similar answer to question 9.4. If the other parent does not live with the child explain how often the child sees the other parent, what they do together, what financial support s/he provides, what emotional support s/he provides. If the other parent doesn't have any contact with the child provide an explanation of why not and how this affects you and your child. If the other parent has a contact order you should provide evidence of that as well.
- ✓ **Section 10** – this must be copied and completed for each applicant.
- ✓ **10.11 Are there any factors which would make it difficult or impossible for you to integrate and establish a private life in that country? Please explain fully and provide evidence to support your claim** – this is probably the most important question in the whole application. If there is not enough space you can write your answer on a separate piece of paper and attach it to the application. You must give full and detailed reasons why it would be so difficult for you and your child/ren to live in your home country. You should consider the following things when you write your answer:
 - How long have your children and you lived in the UK?
 - How long have your children been going to school here and how are they getting on at school?
 - What other family do they have in the UK and how close are they to your children?
 - What friends do you and your children have in the UK and what kind of a relationship do they have?
 - How well integrated are your children in British life? What examples can you give to support what you say?

- How would your children feel about having to leave the UK? What would the impact be on them emotionally and educationally?
- Do your children have any medical conditions or disabilities? If so, would treatment be available to them in your home country?

Then consider:

- How long have your children and you lived in your home country?
 - Have your children ever been to school in your home country?
 - What other family do they have in your home country and how close are they to your children?
 - What friends do you and your children have in your home country and what kind of a relationship do they have?
 - How well integrated are your children in the culture of your home country? What examples can you give to support what you say?
 - How would your children feel about living in your home country? What would the impact be on them emotionally and educationally?
 - How would you support your children financially in your home country?
 - How would you obtain accommodation?
 - How would you find work? Have you got qualifications and work experience?
 - Have you got family to support you?
 - What was your life in your home country like before you left? Did you have enough money to support yourself, feed yourself and educate yourself? If you did, has that changed?
- ✓ **Section 11** – you may find yourself repeating some of what you have already said here but that's okay. You must make very clear what kind of impact removal would have on your child/ren, you and your family and friends in the UK. Think of the impact in terms of emotional stability for your children, health and education.
 - ✓ **Section 12, Biometric residence permit** – you must cop and complete this section for each dependent.

- ✓ A biometric residence permit looks like this:



- ✓ If you haven't had one before you still need to complete the relevant parts of this section.

- ✓ When you are asked if you have been fingerprinted before you need to think carefully if you have applied for a visa from abroad and/or made other applications from inside the UK. If you have then you will probably have been fingerprinted before.
- ✓ **Section 14, passport, travel document or identity card** – you must provide a current valid form of identity document for each applicant. For most people this will be a passport. You should complete Q14.3.1 if the Home Office has retained your passport since a previous application.
- ✓ **The checklists** – you should read carefully through the Home Office checklists and provide as much of what they ask for as possible. If a document is mandatory, that means that you must provide it.
- ✓ Sign and date all of the relevant sections otherwise your application will be sent back to you.

After you have completed the form

- ✓ Put the form away for a day or two and then read through it again. Correct any mistakes and make sure you have filled in all of the relevant parts.
- ✓ Take a copy of your application and the supporting documents. If you have a social worker, they may help you with this.
- ✓ Make sure the passport photographs are in an envelope and attached to the correct page.
- ✓ Make sure your supporting documents are tidy, in order, and clipped together.
- ✓ The address you need to send the application to is at the start of the form. Write it clearly on the envelope and **send it to the Home Office by recorded delivery**. This is important because you have proof that you sent it if it gets lost.

You should receive a letter of receipt from the Home Office after about two weeks. If you have made an application for a fee waiver it may take longer.

If the Home Office writes to you requesting further information you must respond within the timeframe they have given you. If you have a valid reason for not being able to reply in time you should write to the Home Office and explain why you need more time.

If payment is taken by the Home Office or your fee waiver application is successful then the Home Office should go on to consider your application and make a decision within about six months.

You should be aware that many of these applications are refused by the Home Office. Simply following this guide does not mean that you will be granted leave to remain. That will depend on your circumstances and the strength of your application.

If your application is successful you, and any dependents, will be granted 30 months leave to remain. Depending on your circumstances, the Home Office may prevent you from having access to benefits.

If your application is unsuccessful you should be given a right to appeal to the Tribunal (Immigration and Asylum Chamber).

Good Luck!