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OF IMMIGRANTS

Private Life:

LONG RESIDENCE



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How long do you need to have been in the UK in order to be given the right to reside?

- 10 years: Long Residence Rule
 - Indefinite leave to remain
 - Lawful residence
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- **20 years: Private Life rule**
 - **Limited leave to remain**
 - **Can be unlawful residence**
- Child: 7 years (not covered in this webinar)
- Young adult under 25: At least half their life (not covered in this webinar)
- 14 years: legacy rule
 - no longer exists – replaced by 20 year rule (above) in July 2012

What kind of status does the 20 year rule lead to?

Limited leave to remain – for 30 months (2.5 years)

How many years limited leave to remain until you can apply for indefinite leave to remain?

Indefinite leave to remain after 10 years

You will need to keep renewing your visa every 2.5 years until you reach 10 years lawful residence. Then you can make an application for Indefinite Leave to Remain.

This means you will make up to 4 visa applications using form FLR FP, before making your 'Indefinite Leave to Remain' application.

British Citizenship - Once granted Indefinite Leave to Remain you have the option to naturalise as a British Citizen after 12 months. This is optional.



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Cost of Application

Current fees for FLR FP application in 2024 is £1,258 per person, per application (new application required every 2.5 years)

The Immigration Health Surcharge (IHS) for 2024 is £1,035 per year for adults. Your visa is for 2.5 years, so you will be paying £2,587.50.

Total cost for the application is : £3,845.50

Application Process

1. Evidence gathering, obtain passport or ID document if possible.
2. Fee Waiver application.
3. Online application using form “FLR-FP” (within 10 days of fee waiver decision).
4. Download copy of application form, consent forms, evidence checklist
5. Book Biometrics appointment.
6. Draft covering letter, arrange evidence, clearly label PDF documents.
7. Upload all evidence online (you will be sent a link via email to access an online portal) ensure evidence clearly labelled.
8. Submit evidence once uploaded.
9. Attend biometrics appointment.
10. Await decision (expect to wait 6-12 months for a decision)
11. Appeal (within 14 days of decision)



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20 year rule: Appendix Private Life (PL)

1. Meets eligibility and suitability requirements
2. Has made a valid application
3. Residence requirements: Has lived continuously in the UK for at least 20 years



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Eligibility Requirements

Immigration Rule PL 5.1. Where the applicant is aged 18 or over on the date of application:

(a) the applicant must have been continuously resident in the UK for more than 20 years; or

(b) where the applicant has not been continuously resident in the UK for more than 20 years, the decision maker must be satisfied there would be very significant obstacles to the applicant's integration into the country where they would have to live if required to leave the UK.



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Suitability Requirements

PL 2.1. The application must not fall for refusal under the suitability grounds for refusal for leave to remain as set out in S-LTR.1.2. to S-LTR.2.2. and S-LTR.3.1. to S-LTR.4.5. of Appendix FM of these rules.

S-LTR.1.2 – subject to a deportation order

S-LTR.1.3 – prison sentence of more than 4 years

S-LTR.1.4 – prison sentence between 1 and 4 years (unless 10 years has passed)

S-LTR.1.5 – Criminal offences which have caused serious harm, or persistent offending.

S-LTR.1.6 – Negative character or associations or other reasons that make it undesirable for them to remain in the UK.

S-LTR.1.7- Without reasonable excuse failed to attend an interview or provide information to the Home Office

S-LTR.1.8- Exclusion under article 1F of the Refugee Convention (Terrorism or war crimes, crimes against humanity) or danger to the UK.

S-LTR.2.2 – Deception, false information, failure to disclose facts (in relation to the present application)

S-LTR.4.2/4.3 - as above, but in relation to a previous immigration application or representations made to obtain a document from the Home Office.

S-LTR.4.4 – Debt to the Home Office (Litigation debt)

S-LTR.4.5 – Debt to the NHS of more than £500 (unless repayment plan in place or Human rights argument about why should not be refused on this basis) The application must not fall for refusal under paragraph 9.6.1. (sham marriage or civil partnership) of Part 9: grounds for refusal.

General Grounds For refusal at Part 9.6.1 of the Immigration Rules – Involvement in a sham marriage or civil partnership



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Validity requirements

PL 1.1. A person applying for permission to stay on the Private Life route must apply online on the gov.uk website on the specified form: “Application to remain in the UK on the basis of family life or private life”.

- (Form “FRL-FP”) – type in to search engine ‘FLR-FP’ <https://visas-immigration.service.gov.uk/product/family-routes>

PL 1.2. An application for permission to stay on the Private Life route must meet all the following validity requirements:

- (a) any fee and Immigration Health Charge must have been paid (unless the applicant has been granted a fee waiver in whole or in part); and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a **passport or other document** which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK on the date of application.

PL 1.3. If a private life claim is made under Article 8 of the Human Rights Convention and it is made:

- (a) at the same time as a protection claim or further submission in person after a protection claim has been refused; or
- (b) when the applicant is in detention (and the claim is submitted to a prison officer, custody officer or a member of Home Office staff at the place of detention); or
- (c) during an appeal (subject to the consent of the Secretary of State where applicable), the requirements at PL 1.1. and at PL 1.2. (a) and (c) will be waived.

PL 1.4. An application which does not meet all the validity requirements for the Private Life route may be rejected as invalid and not considered.

Continuous residence



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- A period of time spent in the UK without any absences, unless...

- Person has leave to remain when they leave, and
- Absence for not longer than 6 months at one time, or total of 550 days.
- Has leave to remain when they come back

Therefore... if you are here unlawfully and you leave the UK, your continuous residence is broken and the 20 years starts again

- Time spent in prison – does not count towards 20 years, but does not break continuous residence. See PL 7.2

How would you prove continuous residence?



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Types of evidence and how to obtain it

'GOOD' EVIDENCE

- GP / medical records
- Hospital records
- Home Office records - SAR
- Bank statements
- Utility bills
- Council Tax payments
- Tenancy agreements
- Attendance records
College/training courses
- Evidence relating to
applicant's children
- Records of accessing
charity support
- Letters from medical professionals
- Sports club or gym membership
- Employment records
(payslips/P60/P45)
- HMRC records
- Police records – 'ACRO' SAR
- Any other letters from 'official'
sources
- Community Centre/ Community
group membership/ attendance
records
- Money transfer records (eg Western
Union, Remitly)
- Baptism/wedding etc records
- Volunteering records

'LESS GOOD' EVIDENCE

- Supporting statements from friends
- Support letters from community groups
- Receipts for purchases
- Social media posts

'BAD' EVIDENCE

- Photographs
- Undated letters



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How to arrange your evidence

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	
Home Office SAR page 13- showing date of entry to the UK /claimed asylum	x																						
GP records																	X	x	x	x	x	x	x
Walthamstow College attendance record														X	x	x							
Home Office application submitted																							x
Home Office SAR – showing reporting at Lunar House			x	x							x	x											
Kurdish Community centre membership records											x	x	x	X	x								
money sent abroad (Money gram)						x																	
money sent abroad (YPS Money transfer)								x															
money transfer Western Union (Your reference number is:							x																
money transfer (Western Union)									x														
witness Statement from friend										x													
Home Office SAR page 396- record of face to face interview at Consulate					x																		
P60 from work undertaken using alias name	x	x																					



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Gaps in evidence



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- Try to ensure that you have at least 1 piece of documentary evidence for each year.
- Evidence of entry to the UK is important. Gaps in the middle can be addressed more easily.
- Explain any gaps in you cover letter and witness statement.
- Provide full witness statement from yourself and any friends or family to cover missing years.
- How to approach preparing a witness statement.
- Legal threshold is 'the balance of probabilities' which means it is more likely than not that the person has been in the UK for 20 years. This is how the question would be approached at appeal. A judge can decide if they believe your explanation regarding any gaps.

Alternatives

➤ Very significant obstacles to reintegration:

PL5.1(b) where the applicant has not been continuously resident in the UK for more than 20 years, the decision maker must be satisfied there would be very significant obstacles to the applicant's integration into the country where they would have to live if required to leave the UK.

➤ Article 8 outside the immigration rules – make all arguments, seek legal advice.



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Question and Answer Session



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