

## **PROPOSAL TO WAIVE SETTLEMENT FEES**

As a nation we owe a huge debt of gratitude to all those who serve in our Armed Forces. Whilst specific Immigration Rules recognise the service and commitment that non-UK Service Personnel make to our nation by providing a straightforward route to settlement in the UK, the current system does place a financial liability on them.

The public consultation sought views on a policy proposal to waive settlement fees for non-UK Service Personnel who apply to remain in the UK at the end of their military service. To be eligible for the proposed fee waiver non-UK Service Personnel would have needed to have served for at least 12 years (the initial engagement period) or be discharged due to an injury or illness attributable to service irrespective of how long they had served and meet all other suitability requirements.

The consultation received significant interest, with 6,398 responses, demonstrating how important this issue is to many people. After carefully considering the range of views received, the Government has decided to implement a fee waiver for the following personnel providing they meet all other suitability requirements;

- non-UK Service Personnel who have served for at least six years at their point of discharge from service;
- non-UK Service Personnel who have been discharged due to an injury or illness attributable to service irrespective of how long they have served; and,
- non-UK veterans who are currently living in the UK and have not yet regularised their immigration status but meet either of the above criteria.

The Government believes this decision will be welcomed and will considerably help those non-UK Service Personnel who wish to remain in the UK at the end of their service, without unnecessarily compromising the Armed Forces' ability to retain their valued non-UK personnel. It will also help those veterans who have not regularised their immigration status in the UK to do so. Cross government work is taking place to introduce these changes once the necessary legislation is in place.



A handwritten signature in black ink, appearing to read 'Ben Wallace'.

The Rt Hon Ben Wallace MP  
Secretary of State for Defence



A handwritten signature in blue ink, appearing to read 'P. Patel'.

The Rt Hon Priti Patel MP  
Home Secretary

## **Executive Summary**

The Government has sought and considered the wide range of views submitted in response to the consultation. The responses received confirmed that the overall principle of the proposal to waive fees for non-UK Service Personnel (subject to the Immigration Rules) is something that should be implemented.

81.56% of respondents were supportive of introducing a fee waiver and 64.86% agreed that fees should be waived for those who had served at least 12 years at the time of their discharge, although when asked about different length of service options, there was a high level of support to reduce the eligibility time to less than 12 years. 33.42% of respondents suggested the fee waiver should apply to those who had served for at least four years at the point of discharge. It is assumed that many respondents chose this length of service as it is aligned to the minimum period of service that non-UK Service Personnel must serve before they are eligible to apply for settlement. It was clear some respondents did not understand the differences between settlement and naturalisation as a British citizen, with many respondents making no reference to Settlement but instead making comments about waiving the fee for Service Personnel to naturalise/British citizenship after a certain period of service.

73.49% of respondents agreed the fee waiver should include those non-UK Service Personnel who have been medically discharged with an injury or illness attributable to service regardless of their length of service.

A question was included on the support to veterans in this area and there was significant support expressed to extend the policy to veterans who had not regularised their immigration status.

39.57% of respondents did not believe the support provided to dependants was sufficient.

The Government acknowledges the various opinions expressed via the consultation and appreciates the depth of feeling this sensitive issue generates. We would like to thank everyone who has taken the time to participate.

## **Background to the policy proposal**

In December 2020, the Defence Secretary and the Home Secretary agreed to undertake a consultation on a policy proposal to waive the immigration fees for non-UK Service Personnel wishing to remain in the UK after their service. The consultation was launched on 26 May 2021 and closed on 7 July 2021. Views were invited from all interested individuals, and groups. Responses were welcomed via an online survey by email or by post and all responses have been considered. In addition, a virtual briefing with interested stakeholders was held on 9 June 2021 to discuss the policy proposal in more detail.

## **What we asked**

The survey sought views on the policy proposal to waive settlement fees for non-UK Service Personnel who had served for at least 12 years (the initial engagement period) or who had been medically discharged due to an illness or injury attributable

to service irrespective of how long they had served. It asked for views on agreement to the proposal, whether there should be an alternative service length to be eligible for the fee waiver, whether enough support was provided for dependants of non-UK Service Personnel and how the Government could support veterans who have not yet regularised their status to do so.

Respondents were asked for their views on six consultation questions. Further information has been provided in the analysis of responses section below.

## Number and breakdown of responses

We received 6,398 responses to the consultation from a broad range of respondents who were categorised as follows:

Respondent	Number of Responses	Percentage
Serving member of HM Armed Forces	3,723	58.19%
Veteran of HM Armed Forces	865	13.52%
Family member of someone serving in HM Armed Forces	253	3.95%
Family member of a veteran of HM Armed Forces	231	3.61%
Member of the public	884	13.82%
Prefer not to say	63	0.98%
Other	147	2.30%
No answer/not completed	232	3.63%

Of the 6,398 responses received, 5,308 were full responses and 1090 were partial responses; all have been included in the analysis. 18.4% of the responses were from females and fewer than 1% responded on behalf of an organisation.

## Analysis of responses

**Question 1: Do you agree with the principle that UKG should, in some way, seek to alleviate the financial liability on non-UK nationals who have served in the Regular Armed Forces who wish to stay in the UK following their service?**

A summary of the responses is provided below:

Answer	Number of Responses	Percentage
Yes	5,218	81.56%
No	263	4.11%
Don't know	214	3.34%
No answer/not completed	703	10.99%

## Government Response

The majority of respondents (81.56%) agreed with the principle of alleviating the financial liability on non-UK Service Personnel who wish to stay in the UK following their discharge from service.

This reinforces the Government perspective that the issue of waiving settlement fees for non-UK Service Personnel who wish to remain in the UK following their discharge from service needed to be addressed and that it was appropriate to seek views on this matter. The Government has welcomed that the majority of respondents agreed with the principle that the Government should look to further support non-UK Service Personnel in this area.

**Question 2: Do you agree that the UK Government should alleviate this liability by meeting the cost of settlement upon an individual's discharge from HM Armed Forces as long as they have served at least 12 years?**

A summary of the responses is provided below:

Answer	Number of Responses	Percentage
Yes	4,150	64.86%
No	1,151	17.99%
Don't know	296	4.63%
No answer/not completed	801	12.52%

**Government Response**

The majority of respondents (64.86%) agreed that the waiver of settlement fees should be granted for non-UK Service Personnel who are applying to settle in the UK after serving at least 12 years at their point of discharge.

However, some views provided in the comments section suggested the 12 year eligibility point for a fee waiver should be reduced and suggested a number of alternative service lengths, or that no minimum length of service should be required. This is further illustrated in the responses to question three set out below, in which various alternative lengths of service options were laid out.

Many considered that as individuals were prepared to serve in the UK Armed Forces, they should automatically be entitled to a fee waiver regardless of length of service. Other comments suggested introducing a sliding fee scale based on the number of years served or reducing the qualifying period if the Service Person had served on an operational tour.

### **Question 3: Do you agree that this policy should apply to those who have served for at least 12 years in the Regular Armed Forces?**

A summary of the responses is provided below:

<b>Answer</b>	<b>Number of Responses</b>	<b>Percentage</b>
Yes – (Service requirement of at least 12 years)	1,696	26.51%
No	127	1.98%
Don't know	157	2.45%
No answer/not completed	873	13.64%
No minimum length of service	763	11.93%
Service requirement of at least 4 years	2,138	33.42%
Service requirement of at least 10 years	496	7.75%
Service requirement of at least 15 years	60	0.94%
Service requirement of at least 20 years	88	1.38%

### **Government Response**

As outlined in the consultation document, the policy proposal to waive the settlement fee for those who have served at least 12 years as a member of the Regular Armed Forces and apply for settlement in the UK when they are discharged was based on the initial engagement period, which is the length of time a Service Person initially signs up to serve.

Responses in relation to the length of service criterion varied from no minimum requirement through to at least 20 years. A Service Person can choose to leave the Armed Forces after a minimum engagement period of four years and this is also the point at which they are entitled to apply for settlement under existing Home Office rules, although a fee is payable. 33.42% (2148 respondents) felt eligibility for the fee waiver should be set with a service requirement of at least four years which is the minimum period a person can serve. The policy proposal set 12 years as the required service period for the fee waiver and 26.51% (1696 respondents) thought this was appropriate. The majority (67.68%) of responses fell within the range four to 12 years.

Having considered all the options, the Government has decided that the length of service required to qualify for a fee waiver should be at least six years at the point of discharge. Arguments in favour of a shorter period of service have been considered but have been balanced against other factors, such as the significant investment made in training Service Personnel and the impact on Defence, retention, costs, and affordability.

Personnel who have served less than six years at their point of discharge can still apply for settlement in the UK providing they meet the Home Office suitability requirements but will not be eligible for a fee waiver. Eligible personnel can also choose to apply for British citizenship while serving, removing the need to apply for settlement on discharge.

**Question 4: Do you agree that this policy should apply to those who have received a medical discharge as a result of an illness or injury which is attributable to their service no matter how long they have served?**

A summary of the responses is provided below:

Answer	Number of Responses	Percentage
Yes	4,702	73.49%
No	398	6.22%
Don't know	287	4.49%
Disagree	99	1.55%
No answer/not completed	912	14.25%

**Government Response**

The majority of respondents (73.49%) agreed with the policy proposal that those who are medically discharged as a result of an illness or injury which is attributable to their service should have a fee waiver irrespective of how long they have served, if the individual chooses to apply to settle in the UK.

There was also the opportunity for those who disagreed with the question to state why they disagreed. Many who commented did not disagree with the policy proposal but used the box to reaffirm that the policy should be applied to those who were medically discharged for an injury or illness attributable to service. Others expressed concerns that waiving the fee on this basis should be closely monitored to avoid abuse of the system.

The Government considered the comments and has noted that some respondents had concerns about possible abuse of the system. However, the Government is confident the measures which are already in place covering the assessment of those who are being considered for a medical discharge are robust. The Government has decided the fee waiver will extend to those non-UK Service Personnel who are medically discharged with an injury or illness which is attributable to their service and choose to apply to settle in the UK. The fee waiver will apply irrespective of the length of time the Service Person has served when they are medically discharged. As long as they meet all other suitability requirements.

**Question 5: The UKG policy of non-retrospectivity means that this proposal would not apply to those who have made paid applications or had leave granted before a new policy is implemented. However, we understand that some veterans do not regularise their immigration status and we welcome your views on how we can support these veterans to do so.**

Responses for this question were captured in a free text box and 2474 (38.67%) responses were provided.

The free text box allowed a variety of viewpoints to be expressed including that veterans should be included in the policy and the number of years' service required should be the same as would apply to non-UK Service Personnel. There were also views expressed on how far back the discharge date of veterans could be to be eligible.

Some respondents felt that any veteran who had already regularised their immigration status and paid the appropriate fee should receive a refund, if they would now be eligible for the new fee waiver. Other views were that there should be an amnesty for veterans who had not regularised their immigration status, thereby allowing them to regularise their status or that they should be able to pay a reduced fee for an application to settle.

## **Government Response**

The Government has considered the responses and has decided that it is appropriate to extend the policy to include veterans (who are currently living in the UK and have not regularised their immigration status), in line with the criteria that will apply to Service Personnel.

In line with established practice the Government will not be applying this fee waiver retrospectively so those who have served for at least six years and paid for their settlement status will not be entitled to a refund. The Government reserves the right to change its future policies and it would be unusual to arrange refunds where those fees have been taken lawfully in accordance with the fees legislation in place at the time of the application.

Veterans who regularised their immigration status upon discharge have experienced the benefits of being in this country legally. These range from tangible benefits such as being able to access the National Health Service free of charge, accrue National Insurance credits, work legally or access public funds, to the intangible benefits that come from the security of having a lawful immigration status. There is further value to having complied with legal obligations and being protected from the kinds of exploitations and vulnerability to which undocumented veterans may be subject.

Many non-UK veterans will have already regularised their immigration status when they made plans to leave the Armed Forces. We are aware however that a number of veterans have not done so.

It is important for non-UK veterans who wish to remain in the UK following their discharge from the Armed Forces regularise their immigration status.

Non-UK veterans who are currently living in the UK and who have not regularised their immigration status and have not served for at least six years at the point of discharge would still need to regularise their status at their own cost. However, they are encouraged to contact the Home Office or the Office for Veterans Affairs who will be able to provide further guidance and support to facilitate regularising their immigration status where possible.

**Question 6: Do you agree that the arrangements currently in place to support the dependants of Service Personnel in this area are sufficient?**

A summary of the responses is provided below:

Answer	Number of Responses	Percentage
Yes	1,065	16.65%
No	2,532	39.57%
Don't know	1,544	24.13%
Disagree	169	2.64%
No answer/not completed	1,088	17%

There was also the opportunity for respondents to provide text on what else they thought could be done to support dependants.

## Government Response

42.21% responded no or disagreed with the statement that the current arrangements in place to support the dependants of non-UK Service Personnel were sufficient. Many respondents used the comments box to reiterate that support was not sufficient but did not provide any suggestions for improvements or alternatives. Other comments covered a range of issues such as medical, housing, education and the immigration process; issues which are outside the scope of the policy proposal but will be considered separately by the appropriate policy leads in Defence and the Home Office. 35% of respondents thought dependants should have the same rights to a fee waiver as the Service Person.

While it understands the reasons for such views the Government will not be extending this fee waiver to the dependants of members of HM Forces as the purpose of this policy is to acknowledge the service of non-UK Service Personnel. Appendix Armed Forces to the Immigration Rules came into effect in December 2013 to align the requirements for HM Forces families with the new rules that had been established for family members of British and settled persons in Appendix Family Members, including the minimum income requirement. This ensures that the Immigration Rules relating to non-UK members of our Armed Forces and their dependants are consistent with those for British citizens and settled persons who serve in our Armed Forces and who wish to sponsor family members.

The provisions for family members of Service Personnel under Appendix Armed Forces are already more generous than the provisions that apply to other people entering the UK to live, to ensure our obligations under the Armed Forces Covenant are met. Firstly, family members of Service Personnel have a standard grant of limited leave for five years, rather than 30 months, meaning they do not need to renew their visa before becoming eligible for settlement after five years' residence. This saves the cost of a second application fee which is currently £1033 and payment of the Immigration Health Surcharge (from which they are exempt). Secondly, any time spent overseas on an accompanied posting is regarded as time spent in the UK when calculating the five year residency requirement for settlement.

Other issues raised were outside the scope of the consultation such as the minimum income requirement, the cost of visas to bring families to the UK, medical, housing, education, welfare support and availability of better information.



The Government has noted the concerns raised in responses to this question and it was apparent from the responses there was a lack of understanding of how to locate the support/information which is already available. The support that dependants provide to Service Personnel is important and is not underestimated by the Ministry of Defence which works closely with many internal and external support organisations to provide welfare support.

However, there is already a lot of information provided to non-UK Service Personnel and their dependants regarding immigration matters and in relation to what wider general support is available. The Ministry of Defence and the Home Office will continue to work together to ensure that support and information is easily accessible. They have already agreed to take forward several actions to simplify and update the Appendix Armed Forces Immigration Rules and this package of changes will be introduced in due course subject to Ministerial agreement. Both the Ministry of Defence and the Home Office have also agreed to further ongoing improvement of communications to non-UK families posted overseas and guidance products for non-UK Service Personnel.

The MOD and The Home Office will also continue to promote the legislation introduced in 2015 that enables eligible non-UK citizens to choose to naturalise as British citizens while they are serving and that they can use their time both in the UK and on overseas assignments towards the five-year UK residency criteria; this is a concession not offered to any other employment group.

## **Conclusion**

Having considered the responses to the consultation the Government will implement the policy through a change in the Immigration and Nationality Fees Regulations which will be carried forward by Home Office. The policy will be:

- Apply a fee waiver for non-UK Service Personnel who have served for at least six years, who meet all other Home Office suitability requirements and who apply to settle in the UK following their discharge from service.
- Apply a fee waiver for non-UK Service Personnel who are medically discharged from Service due to an injury or illness attributable to their Service irrespective of their length of service, who meet all other Home Office suitability requirements and who apply to settle in the UK following their discharge.
- Apply a fee waiver for non-UK veterans of the Armed Forces currently living in the UK and who have served for at least six years but who have not yet regularised their immigration status, who meet all other Home Office suitability requirements and who apply to regularise their immigration status.
- Apply a fee waiver to non-UK veterans of the Armed Forces currently living in the UK who were medically discharged from Service due an injury or illness attributable to their Service irrespective of their length of service, who meet all other Home Office suitability requirements and who have not yet regularised their immigration status.

The fee waiver is dependent upon legislation and is planned to come into effect this Spring.

These policy changes acknowledge the value of the service given by our non-UK Service Personnel and veterans and will help to alleviate some of the financial burden placed on eligible non-UK Service Personnel as they transition to civilian life.

The Government would like to make it clear that non-UK Service Personnel who have served for a minimum of four years but less than six years still have the option to apply at their own cost for settlement in the UK (subject to meeting all other Home Office eligibility criteria) or to naturalise as British citizens whilst serving. The eligibility criteria for naturalisation applications, family visas or family settlement applications will not be affected by this policy and applications can be made in the normal manner.

The policy changes will be widely communicated both internally and externally to ensure that those affected by the amendments are fully informed.

## **Organisations who participated in the consultation**

In addition to members of the public, the following organisations participated in the consultation.

Armed Forces Community Advice Service

Army Families Federation  
Blesma, The Limbless Veterans  
Communities Fiji Britain  
Confederation of Service Charities (COBSEO)  
Fiji Support Network  
Forces in Mind Trust  
GBS UK Immigration  
Help for Heroes  
Knowsley Metropolitan Borough Council  
Naval Children's Charity  
NHS England and NHS Improvement  
Poppy Scotland  
RAF Families Federation  
Royal British Legion  
Royal Commonwealth Society of Wales  
Royal Naval Benevolent Trust  
Rushmoor Borough Council  
Scottish Government  
SSAFA, The Armed Forces Charity  
Telford and Wrekin Strategic Armed Forces Covenant Partnership Board  
TriPotential  
Veterans Aid  
Veterans and Families Institute, Anglia Ruskin University