GUIDANCE FOR FORMER GURKHA SETTLEMENT VISA APPLICATIONS

1. What is settlement?

Applying for a settlement visa means that you are intending to make the United Kingdom your permanent home. The UK will be the country in which you will spend the majority of your time, although you can leave the UK, for example, for holidays and business trips.

Applying for settlement means that, if you are successful in your application, you will be granted either an Indefinite Leave to Enter (ILE) or an Indefinite Leave to Remain (ILR) visa. These are commonly known as "settlement visas".

Being granted ILE or ILR does not enable you to have a double life in the UK and in another country, for example Nepal. Visa Officers may refuse your visa application and Immigration Officers at the airport may refuse you entry to the UK if you cannot satisfy them that the UK is your permanent place of residence.

2. Am I eligible to apply for settlement?

Before you apply for settlement it is important that you understand the grounds for eligibility.

In May 2009, special arrangements were introduced for former Gurkhas who retired from service in the Brigade of Gurkhas before 1 July 1997. This means you will normally be eligible to settle in the UK if:

(a) You have completed at least four years' service as a Gurkha with the British Army <u>or</u>
(b) You are the legal spouse of the former Gurkha applying for settlement and have been married <u>or</u>
(c) You are a dependant of the former Gurkha applying for settlement and under 18 years, with both parents present and settled in the UK or being admitted at the same time as you <u>or</u>
(d) You are the widow of a former Gurkha who was discharged before 1997 and can show that your late husband would have met the criteria to qualify for settlement.

<u>Please note the following</u>:

If you are over 18 years and applying as an "other dependent relative", discretion may be exercised <u>only in exceptional circumstances</u>.

Only one spouse of a former Gurkha is permitted to enter the UK. The former Gurkha will nominate which spouse is to accompany him in a sponsorship declaration. Where the deceased former Gurkha was married to more than one wife under Nepalese law, the UK Border Agency will only recognise one widow of a former Gurkha to be eligible to apply for settlement in the UK under this concession, and that this will be the first wife recorded on the Kindred Roll (British Army record).

To be granted ILE, a marriage must have been formed at least 2 years before the application, and the husband and wife must intend to live together permanently in the UK.

3. For how long is my settlement visa valid and when can I travel?

The settlement visa is valid for the duration of your passport. You can travel as soon as you have the visa.
If there is a significant delay between the issue of your settlement visa and your arrival in the UK, you may be questioned by an Immigration Officer. You will need to satisfy the Immigration Officer that you intend to live in the UK.

There is no deadline by when you need to apply for a settlement visa if you retired from the Brigade before 1 July 1997. If you do not wish to settle in the UK soon and instead want to visit the UK, you should apply for a visitor visa. You can stay in the UK for up to 6 months at any one time. Visitor visas can be issued for the duration of 6 months, 2, 5 and 10 years.

4. If I am a dependent, do I need to travel with main applicant?

If you hold a dependent visa you must be joining or accompanying the main applicant (the former Gurkha). You are liable to be refused entry to the UK if you are not. An Immigration Officer may make enquiries on arrival to ensure that your sponsor is present and settled in the UK if they are not travelling with you.

5. What is the Gurkha Settlement Office?

The Gurkha Settlement Office (GSO) provides assistance to former Gurkhas and dependants who are thinking about applying to settle in the UK. The GSO staff speak Nepali and English and provide important information about life in the UK, the cost of living and support arrangements that would be available once there. They also offer a fast track National Insurance Number facility, which will help you with employment or applying for benefits when you arrive in the UK.

Staff can also provide guidance on the visa application process and can help you to complete the application forms if required. You will need to take your completed visa application and your documents to the visa application centre in Kathmandu. There is no charge to use the GSO's services.

6. Where is the GSO?

The GSO is located at the British Gurkhas Nepal Camp in Man Bhawan, Jawalakhel, Lalitpur.

Please obtain a registration form and appointment for the GSO by contacting your local Area Welfare Centre or the GSO.

The GSO telephone numbers are +977 1 5533519 or +977 1 5533521, ext 327 or 329.
The fax number is +977 1 5547561
The email address is gso@bgn.com.np

From April 2010, GSO staff will be visiting the Pension Paying Offices in Pokhara and Dharan to provide information and conduct interviews. The dates and timings of these visits will be available from your local Welfare Centre.

7. Which visa application form do I need to complete?

If you are making an application as a former Gurkha for settlement in the UK, you will need to complete the visa application form called **VAF 4A**. You need to complete the form fully and in English.

Please note the following:

- Part 5 - Finances and employment - for your finances, please state if you receive an ex-Gurkha pension or any other income; for employment, please state if you are retired or self employed (farming, for example).

- Part 6 - Previous applications and travel history - it is important that you mention any previous applications, if you have been refused a visa or been charged with or convicted of a criminal offence. If you do not give this information, your application could be refused and you risk a ban on travelling to the UK for the next 10 years.

- Part 8 - Sponsors - you need to complete this if you are a spouse (and you are not applying at the same time as a former Gurkha) or another eligible dependent.

If you are applying as a dependent relative and are over 18 years (including the parent or grandparent of the main applicant) please complete the “other dependant relatives (Gurkhas) form” – appendix to VAF4A. Completion of this form is voluntary – but it will help the Visa Officer to process your application more quickly. Otherwise we may have to contact you by letter or telephone to obtain this information.

8. Where can I get the visa application form?
The visa application form for settlement, VAF 4A, and guidance are available free of charge on the following official website: www.ukvisas.gov.uk/en/howtoapply/vafs. The other dependant relatives (Gurkhas) form (appendix to VAF 4A) is available on the VFS website: www.vfs-uk-np.com. Both forms are also available at the VFS Visa Application Centre in Kathmandu (please see address in (13) below) and the GSO.

9. Do I need an agent to make a visa application for me?
No, you do not need an agent. If you think you would like additional advice, please choose an agent carefully. The agent will charge you a fee – please ensure that this is reasonable.

10. Can a relative or friend help me to complete this application form?
Yes, but you personally need to sign the visa application form and declare that the information contained in the form is correct.

11. What evidence do I need to provide with the visa application?
Documents which will help us to assess your application quickly include a Service Certificate (eg Lal or Red Book) and your Kindred Roll.

It is important that the name and date of birth in your passport are the same as those in the Service Certificate and/or the Kindred Roll. If the information is not the same, you should get an observation in your passport or a letter from the Records Office in Pokhara to explain any differences. Failure to do this will result in a delay in assessing your application, as we will need to write to you and request this be done.

If you are a dependent applying after the main applicant, please provide a copy of your sponsor's whole passport showing his travel and residence history.

Please provide marriage and divorce certificates and your birth certificate, which show proof of relationship to the main applicant.

12. How much does it cost to make this visa application?
The current settlement visa application fee is NRs 77,300. The other dependent relative visa application fee is NRs 201,600. The fees are subject to change. Please check www.vfs-uk-np.com. Please refer to payment options under question 15.

Please note that the visa fee is not refunded if the application is withdrawn or refused.

13. Where do I make my visa application?
You need to personally make your visa application at the Visa Application Centre in Kathmandu. You do not need to make an appointment and should inform the security staff when you arrive that you are making a Gurkha settlement application. You will be given priority entry.

The address of the application centre is:
UK Visa Application Centre
284, Nagpokhari Sadak
Opp East Royal Palace Gate
Near Lazimpat, Kathmandu

Telephone : +977-14412311 / +977-14428123

The application centre opening hours are:
Monday – Friday
8.00 am to 2.00 pm (application submission)
2.00 pm to 5.00 pm (passport collection)

14. What do I need to bring with me to the Visa Application Centre?
You need to bring with you:
- completed visa application form (s)
- passport
- visa fee or bankers voucher (see payment options)
- supporting documents

15. How do I pay the visa fee?
You have two options:
(i) You may pay your visa fee before you make your visa application by visiting a Standard Chartered Bank in the following cities:
- Naya Baneshwor, Kathmandu
- Lakeside, Pokhara
- Main Road, Biratnagar
- Buddah Marg, Dharan
- Siddhartha Nagar, Bhairahawa
- Bank Road, Hetauda
- Milan Chowk, Butwal
- Surket Road, Nepalgunj

Please note that the full addresses for the banks are listed on the official VFS website: www.vfs-uk-np.com. Please look at the page on visa fees.

If you choose this option, there is no service charge. You will be able to make your visa application on the next working day following payment.

(ii) Alternatively, you may pay your visa fee at the same time you make your visa application at the visa application centre. There is a Standard Chartered Bank facility in the centre. If you choose this option, there is a service charge of NRs 150 (including taxes).

16. What do I need to do when I arrive at the Visa Application Centre?
As soon as you arrive at the centre, please approach a member of staff. You will be taken inside the centre where you can make your visa application.

All UK visa applicants need to submit their biometric data (finger scans and photograph) as a routine part of the visa application process. It is a very simple and quick process whereby VFS staff will take your picture and a scan of your fingers tips. There is no charge to customers.

It should take no longer than one hour for you to make your visa application.

17. What happens after I have made my visa application?
Your visa application and supporting documents will be sent to the UK Border Agency in New Delhi for consideration by a Visa Officer. Once a decision has been made on your application, we will return all your documents to the Visa Application Centre in Kathmandu for collection.

18. Do I need to collect my documents from the Visa Application Centre after my application has been considered?
You may collect your documents yourself or you can give some one you trust permission to collect your documents for you. If someone else is collecting your documents, you need to provide that person with a letter of authority. The letter needs to say that you are giving permission to a named individual to collect your documents. You need to sign the letter and the person has to carry this letter and photo-identity with him or her.