



Home Office

## Transfer of conditions

## Transfer of conditions

### About this guidance

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This guidance tells you how to make decisions on transfer of conditions applications.</p> <p>People who have limited leave endorsed in a passport that is lost, stolen, damaged or due to expire can have their leave transferred to a biometric residence permit (BRP) by making a transfer of conditions application.</p> <p>A person can also apply for a transfer of conditions if their current leave is endorsed on an immigration status document (ISD).</p> <p>A person who has valid limited leave on a BRP or ISD and has changed their name, for example, following marriage or using deed poll can apply for a BRP in their new details as long as they have obtained a new national passport in their new identity.</p> <p>Recognised refugees, beneficiaries of Humanitarian Protection and stateless persons are not required to produce passports, but they must produce a Home Office travel document if they hold one in the identity they are requesting to change.</p> <p>A BRP can only be produced in the same identity as that contained in the applicants <b>current valid</b> passport.</p> <p>Where a person holds a Home Office travel document (HOTD), this should be submitted with the application and cancelled when the new BRP is authorised. It will be clear from CID if the person has been issued with a HOTD. You can ask the applicant to provide this, if following that request the HO travel document is still not provided, where one is held, the application must be refused.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p>	<p><b>In this section</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p><b>Related links</b> <b>See also</b></p> <p>Safeguard and promote child welfare</p>
---	--	--

	<p>Information owner - This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare - This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.</p>	
--	---	--

## Transfer of conditions

### Key facts

This page shows you the key facts for transfer of conditions

Eligibility requirements	<ul style="list-style-type: none"> <li>the applicant must have limited leave remaining</li> <li>applicants who were granted limited leave on a biometric residence permit (BRP) cannot make a transfer of conditions application unless it is as a result of a name change - all other applicants must apply for a replacement BRP</li> <li>applicants who were granted limited leave to remain and have then changed their biographical details, such as name on the basis of marriage or deed poll, can apply</li> <li>applicants who have indefinite leave cannot make a transfer of conditions application - they must make a no time limit application</li> <li>applicants who are also British citizens or have the right of abode cannot make a transfer of conditions application - they must apply for either a UK Passport or a Certificate of Entitlement</li> </ul>
Application forms	Application made outside UK – Not applicable Application made within UK - TOC Indefinite leave to remain – Not applicable
Cost of application:	<a href="#">Fees for Home Office services</a>
Entry clearance mandatory?	Not applicable
Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	The same as the applicant's current grant of leave
Entry clearance endorsements	Not applicable
Conditions of leave to remain	The same as the applicant's current grant of leave
How long is a transfer of conditions issued for?	A transfer of conditions must be issued to the expiry date of the existing leave.
Are dependants allowed?	Yes, if they are eligible in their own right for a transfer of conditions.
Work and study allowed?	These are permitted if they are allowed under the applicant's current grant of leave
Is switching into this category allowed?	Not applicable
Does this category lead to settlement (indefinite leave to remain)?	Not applicable
Is knowledge of language and life required?	Not applicable
CID case type	<ul style="list-style-type: none"> <li>Leave to remain - Transfer of Conditions – LTR</li> </ul>

	<ul style="list-style-type: none"> <li>• TOC – Refugee</li> <li>• TOC – Humanitarian Protection</li> <li>• Settlement - Not applicable</li> </ul>
Immigration Rules paragraphs	Not covered by the Immigration Rules

## Transfer of conditions

### Changes to this guidance

[About this guidance](#)  
[Key facts](#)  
[Requirements](#)  
[Different personal details provided with this application](#)  
[Applications from recognised refugees or beneficiaries of humanitarian protection \(HP\)](#)  
[Change of nationality](#)  
[Granting or refusing a transfer of conditions](#)  
[Status review unit \(SRU\) referrals \(official sensitive\)](#)  
[Dependants](#)

This page lists changes to the 'Transfer of conditions' guidance, with the most recent at the top.

Date of the change	Details of the change
04 June 2015	Change request  Revised by the settlement policy team.
21 February 2014	6 month review by the modernised guidance team: <ul style="list-style-type: none"><li>• Minor housekeeping and plain English changes throughout.</li></ul>
12 August 2013	6 month review by the modernised guidance team: <ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul>
	For previous changes to this guidance you will find all earlier versions in the archive. See: <a href="#">Transfer of conditions – archive</a> .

#### In this section

[Contact](#)

[Information owner](#)

#### Related links

[Transfer of conditions - archive](#)

## Transfer of conditions

### Requirements

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This section explains the requirements the applicant must meet in order to be granted a transfer of conditions.</p> <p>An applicant with leave in an expired passport must be encouraged to make a transfer of conditions application. At present they can travel on a new passport without an endorsement, if they also carry the old document which contains the endorsement, however, this can create delays at border control.</p> <p>Before you consider an application you must check the:</p> <ul style="list-style-type: none"><li>• application is valid</li><li>• applicant has given their biometrics</li><li>• applicant's passport or travel document is genuine</li></ul> <p>For more information, see:</p> <ul style="list-style-type: none"><li>• Specified application forms and procedures</li><li>• Biometric information</li></ul> <p>The applicant must:</p> <ul style="list-style-type: none"><li>• have leave remaining - leave that has expired cannot be transferred</li><li>• continue to meet the requirements and conditions of the leave they were granted - if they no longer meet these requirements or conditions, or the change of identity indicates that they may have previously gained (or attempted to gain) leave by identity deception, it may be appropriate for leave to be curtailed - this must be considered by the Manchester Curtailment team unless the applicant is a recognised refugee or beneficiary of humanitarian protection (HP) - for refugees or beneficiaries of HP a referral must be made to the status review unit (SRU) see link on left</li><li>• provide a valid passport or Home Office travel document, (If they hold one)</li></ul>	<p><b>In this section</b></p> <p><a href="#">Evidence of existing leave is not submitted</a></p> <p><a href="#">Transferring leave conferred in a passport to a BRP, including damaged passports</a></p> <p><b>Related links</b></p> <p>Curtailment of leave</p>
---	--	--

- provide their BRP (if one is held) and any previous passport or travel document containing their existing leave, or their immigration status document (ISD) which shows their current leave, if this is not fixed to their passport

If the previous passport is not supplied they must provide a:

- new valid passport (this does not apply to recognised refugees, beneficiaries of HP, or recognised stateless persons)
- letter which explains why they do not have their passport containing evidence of their leave
- police report or crime reference number if the previous passport has been lost or stolen

You must check all documents carefully to make sure they are genuine and belong to the applicant.

If you are satisfied the applicant has existing leave and continues to meet the requirements for this leave, you must grant the application.

For more information on considering transfer of conditions applications, see related links:

- Previous passport is not submitted or does not show leave
- Damaged passports

## Transfer of conditions

### Evidence of existing leave is not submitted

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This page tells you how to consider cases where the document containing the conditions of leave has not been included.</p> <p>If the applicant does not include evidence of their existing leave, you must check all available systems and files for evidence of leave. This includes CID, CRS, i-search, Home Office files and visa application forms.</p> <ul style="list-style-type: none"><li>• you must take special care if the applicant claims their previous passport was lost or stolen</li><li>• applicants must provide a crime reference number or police report if their passport, has been lost or stolen</li><li>• you must check the applicant is the same person who was previously granted leave</li><li>• you must update CID notes to say the applicant has lost their passport</li></ul> <p>If you are satisfied the applicant has existing leave, you must grant the application.</p>	<p><b>In this section</b></p> <p><a href="#">Transferring leave conferred in a passport to a BRP, including damaged passports</a></p>
---	---	---

## Transfer of conditions

### Transfer leave conferred in a passport to a BRP, including damaged passports

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This page tells you how to process transfer of conditions applications where the applicant's current leave is conferred in a passport.</p> <p>If the applicant's current leave is in a passport, you must mark the original grant as 'transferred to BRP'.</p>	<p><b>In this section</b></p> <p><a href="#">Evidence of existing leave is not submitted</a></p>
---	---	--

## Transfer of conditions

### Different personal details provided with this application

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This page tells you how to process transfer of conditions applications where the applicant provides different personal details to those given on previous applications.</p> <p>There are a number of reasons why a person may wish to change their name, including marriage, divorce or merely a wish to be known by another name. It is acceptable for applicants to change their name as long as the following conditions are met:</p> <ul style="list-style-type: none"><li>• the applicant intends to use this new name for all purposes</li><li>• the applicant has gained legal documentation to evidence this change, for example<ul style="list-style-type: none"><li>○ marriage certificate</li><li>○ a deed poll which shows a link to the previous name</li><li>○ statutory declaration which shows a link to the previous name</li></ul></li><li>• the applicant has gained a new national passport from the relevant authorities and the issuing of that passport post dates the legal documentation listed above - recognised refugees, beneficiaries of humanitarian protection and persons recognised as stateless are not required to obtain a new national passport</li><li>• the applicant has not previously concealed their true name from the Home Office and is now using this process to revert to their original name</li></ul> <p>Whilst a name can be changed as above, a date of birth <b>cannot</b>. If an application is received where the applicant wishes to change their date of birth it can only be done if the original date of birth has been recorded incorrectly. Please see below for more details.</p> <p><b>Emphasis of consideration</b></p> <p>If the applicant (or legal representative) has provided a justifiable reason why any of the following details were incorrect in their original documentation, you must approve the application if an applicant gained no material benefit from using a:</p> <ul style="list-style-type: none"><li>• different name</li><li>• date of birth</li><li>• combination of both</li></ul>	<p><b>In this section</b></p> <p><a href="#">Evidence of existing leave is not submitted</a></p> <p><b>Related links</b></p> <p><b>See also</b></p> <p>Curtailment of leave</p>
---	---	---

If the applicant previously provided false details and gained a material benefit from doing so, the application must be refused and referred to the Manchester Curtailment team unless the applicant is a recognised refugee or beneficiary of HP. For refugees or beneficiaries of HP a referral must be made to the status review unit (SRU).

Examples of material or non material deception:

**Example 1**

Mr A, date of birth (DOB) 17 May 1977 arrived in the UK in 2009 and claimed asylum. That asylum claim was never heard or outcome. Following a stay in the UK of 5 years whilst his application was waiting to be considered, his stay was regularised outside the immigration rules under legacy arrangements and he was granted 30 months leave to remain. Following his grant of leave he submitted a TOC stating that his real name was Mr B and his DOB was actually 21 September 1980. The change in personal details had no bearing on his grant of leave therefore it would be unreasonable to refuse his TOC application if the applicant can provide sufficient documentation to prove that 21 September 1980 is his real DOB.

**Example 2**

Mr C. DOB 29 April 1998 arrived in the UK in 2012 and claimed asylum. Mr C was granted 3 years discretionary leave (DL) as a minor. Following his grant of DL he submitted a TOC application in the identity Mr D, DOB 29 April 1993. The change in personal details means that the applicant would not have been a minor when gaining DL, therefore it is reasonable to argue that the grant of leave was gained by deception and that the TOC application must be refused with the case being referred to SRU.

**Example 3**

Mrs E. DOB 01 December 1980 arrived in the UK in 2011 as a student. In 2013 Mrs E applied for an extension of her leave which was granted. Following this grant she submitted a TOC application in the identity Mrs F. DOB 12 January 1980. The change in personal details had no bearing on the previous grants of leave, therefore it would be unreasonable to refuse the TOC application if the applicant can provide sufficient documentation to prove that 21 September 1980 is her real DOB.

**Example 4**

Mrs G DOB 17 September 1977 arrived in the UK in 1998 and claimed asylum. Mrs G's asylum application was refused in 2000 and she became 'appeals rights exhausted' (ARE) in April 2001. In 2003 the HO contacted Mrs G's national authorities to gain a travel document, this proved unsuccessful as the authorities did not recognise Mrs G DOB 17 September 1977 as a national of theirs. In 2007 Mrs G gained 3 years DL on the basis of her family ties with the UK. Following this grant she applied for a TOC application in the identity Mrs H DOB 16 September 1977. It can be argued that the use of a false identity was material to the grant of DL in 2007 and that TOC should be refused.

This would be on the basis that had the Home Office been aware of her true identity they would have been able to gain a travel document from the relevant authorities to enforce removal from the UK. Therefore the only reason she was able to make her application for leave in 2007 was because the Home Office had been unable to remove in 2003. Seeking to remove in 2003 is crucial in refusing this TOC application. If there is no evidence that the Home Office sought to obtain the travel document the TOC application should be granted

If the application needs further scrutiny or if you find exceptions, you must send a written referral to the senior caseworker for them to consider.

**Other action before refusing a transfer of conditions due to a difference in claimed identities**

If you are going to refuse an application for a transfer of conditions due to an issue about the applicant's claimed identity being different from that previously stated you must carry out thorough checks. This includes requesting and checking any Home Office file(s). These checks must confirm whether they notified the Home Office of their correct details before being granted leave to remain.

## Transfer of conditions

### Applications from recognised refugees or beneficiaries of HP

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This page tells you how to consider a transfer of conditions application where the applicant seeks to amend their identity and they are a recognised refugee or beneficiary of Humanitarian Protection (HP).</p> <p>If a recognised refugee or beneficiary of HP applies for a transfer of conditions to change their identity they should provide their national passport (if they have one) or their Home Office travel document (if they have one). You should be able to tell from CID whether a HOTD has previously been issued. If one has been issued but not supplied with the application you should write to the applicant requesting that they provide this and hold the application until it is received.</p> <p>You should also check the applicant's biometrics to see if they have ever been granted a visa to enter the UK. If there is a positive match you should check Home Office systems to identify the passport details. If this passport is not provided with the application it should be requested.</p> <p>When processing the application and issuing a biometric residence permit (BRP) in the new identity, the national passport and HOTD should be retained. The grant letter should clearly state that the BRP has been granted in the new identity and the passport has been retained and any HOTD in the old details cancelled. If the applicant wishes to request the return of their passport in the future, they will need to surrender the BRP which confirms their new identity. The BRP in the new name will be cancelled and the applicant will need to apply for a replacement BRP.</p> <p>The grant letter should also note that if the applicant subsequently gains British citizenship the passport will be returned to them. However, the new citizen will not be able to obtain a British passport in their new details, unless they align their other passport(s) or identity card(s) to reflect their acquired details or seek to revoke their other nationalities so that they are unable to hold documents in more than one identity.</p> <p>Following a grant of TOC, you should forward the travel document and a completed copy of</p>	<p><b>Related links</b> <b>See also</b></p> <p><a href="#">Curtailment of leave</a></p> <p><a href="#">Biometric information: introduction</a></p> <p><a href="#">Status review unit referrals</a></p> <p><b>Downloads</b> <a href="#">Pro forma for sending Home Office issued travel documents</a></p>
---	---	--

	<p>the proforma to the travel documents section , using the internal courier service to:</p> <p>Travel Document Section Support Team 15<sup>th</sup> Floor, Lunar House Croydon</p>	
--	---	--

## Transfer of conditions

### Transfer of conditions: change of nationality

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This page tells you how to consider a transfer of conditions application where the applicant seeks to amend their nationality.</p> <p>It is not uncommon for a person to change their nationality, or indeed hold dual nationality. When considering an applicant's request to amend their nationality you must be satisfied that it is a genuine change in circumstances and that the original decision to grant leave would not have been effected by this new information.</p> <p>If a refugee or beneficiary of humanitarian protection is seeking to change their nationality, you must refer the case to the status review unit (SRU) who will be able to determine whether the change affects the applicant's right to remain in the UK as a refugee or beneficiary of HP. See link on left.</p>	<p><b>Related links</b> <b>See also</b></p> <p><a href="#">Curtailment of leave</a></p> <p><a href="#">Biometric information: introduction</a></p> <p><a href="#">Status review unit referrals</a></p>
---	--	--



The information in this page has been removed as it is restricted for internal Home Office use only.

The information in this page has been removed as it is restricted for internal Home Office use only.

**Official sensitive – do not disclose – end of section**



The information in this page has been removed as it is restricted for internal Home Office use only.

The information in this page has been removed as it is restricted for internal Home Office use only.

**Official sensitive – do not disclose – end of section**

## Transfer of conditions

### Transfer of conditions: dependants

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This page tells you which dependants may be included with the main applicant in a transfer of conditions application, and the requirements they must meet.</p> <p>Applicants can include the following dependants on their application form, their:</p> <ul style="list-style-type: none"><li>• spouse</li><li>• civil partner</li><li>• unmarried partner</li><li>• same-sex partner</li><li>• children who are under the age of 18.</li></ul> <p>Children aged 18 or over cannot be included as dependants and must apply separately. You must reject the application for a child aged over 18 who is included as a dependant.</p> <p>For more information, see related links: Specified application forms and procedures.</p> <p>You must consider each dependant in the same way as the main applicant and be satisfied each person has existing leave before granting a transfer of conditions.</p>	<p><b>Related links</b> Specified application forms and procedures</p>
---	---	--

## Transfer of conditions

### Contact

<p><a href="#">About this guidance</a> <a href="#">Key facts</a> <a href="#">Requirements</a> <a href="#">Different personal details provided with this application</a> <a href="#">Applications from recognised refugees or beneficiaries of humanitarian protection (HP)</a> <a href="#">Change of nationality</a> <a href="#">Granting or refusing a transfer of conditions</a> <a href="#">Status review unit (SRU) referrals (official sensitive)</a> <a href="#">Dependants</a></p>	<p>This page explains who to contact for more help with a specific case in the transfer of conditions category.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email Settlement policy for guidance on this policy, see related link.</p> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the settlement operational policy team who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: guidance, rules and forms team.</p>	<p><b>Related links</b> <b>See also</b> <a href="#">Changes to this guidance</a></p> <p><a href="#">Information owner</a></p> <p><b>External links</b> Email: Settlement operational policy</p> <p>Email: guidance, rules and forms team</p>
---	---	--

## Transfer of conditions

### Information owners

[About this guidance](#)  
[Key facts](#)  
[Requirements](#)  
[Different personal details provided with this application](#)  
[Applications from recognised refugees or beneficiaries of humanitarian protection \(HP\)](#)  
[Change of nationality](#)  
[Granting or refusing a transfer of conditions](#)  
[Status review unit \(SRU\) referrals \(official sensitive\)](#)  
[Dependants](#)

This page tells you about this version of the 'Transfer of conditions' guidance and who owns it.

Version	11.0
Published for Home Office staff on	04 June 2015
Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	11 March 2013
This version approved for publication by	Official – sensitive: information removed
Approver's role	Official – sensitive: information removed
Approval date	27 May 2015

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the settlement operational policy team (see related link), who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: guidance, rules and forms team.

**Related links**  
[Changes to this guidance](#)

[Contacts](#)

**External links**  
Email: Settlement operational policy

Email: guidance, rules and forms team