



If you wish to apply for indefinite leave to remain in the UK on form SET(BUS), please read these guidance notes and the separate UK Visas and Immigration photograph guidance before making your application.

CONTACTING US

OUR WEBSITE

www.gov.uk/government/organisations/uk-visas-and-immigration

For information about immigration law and policy, and to see and download application forms and related guidance.

The premium service at our Public Service Centres is not available for SET(BUS) applications.

GUIDANCE NOTES

1. For Which Applications Must You Use Form SET(BUS)?

Form SET(BUS) must be used if you are applying for indefinite leave to remain in either of the following categories:

- retired person of independent means
- representative of an overseas business

You and any dependants applying with you must be in the UK to apply.

If you wish to apply for an extension of stay in either of these categories, you must do so on form FLR(BUS).

2. Qualifying For Indefinite Leave To Remain

To qualify for indefinite leave to remain in the categories for which you must use form SET(BUS), you must meet the requirements set out in the following parts of the Immigration Rules:

Part 5 - representative of an overseas business

Part 7 - retired person of independent means

From 28 October 2013, in order to qualify for indefinite leave to remain, all applicants aged 18-64 must meet the two parts of the Knowledge of Language and Life in the UK requirement by:

- passing the Life in the UK test,

AND one of the following English language qualifications:

- having a speaking and listening qualification in English at B1 level or above of the Common European Framework of Reference for Languages (CEFR), **or**
- having a degree that was taught or researched in English, **or**

- being a national of an English-speaking country.

Guidance regarding the KOLL requirement can be found on our website at www.gov.uk/government/uploads/system/uploads/attachment_data/file/285139/KoLL_v14.0EXT.pdf

3. Who May Apply On This Form?

You and your partner and/or children under 18 if they are applying as your dependants. “Partner” means a spouse, civil partner, unmarried or same-sex partner.

Children aged 18 or over may not be included; they must each apply individually and pay the specified fee, as must any children under 18 if there is some reason preventing them from applying with you.

4. The Fee

If you do not pay the specified fee, the application will be invalid and will be returned to you. We will not refund the fee if we refuse the application or if you withdraw it.

The premium service at our Premium Service Centres is not available for applications on form SET(BUS).

- Please note that when making large or multiple payments using your credit card, the anti-fraud measures that banks operate sometimes stop the full payment being taken. This can happen for a number of reasons. To prevent this you may inform your bank of your intention to make large or multiple payments in advance so that your bank allows the full payment to be taken when you submit your application.
- Please be aware that not all banks offer this service.

For information about methods of payment, please see the payment details guidance on page 2 of the form.

For more information about the current fees, please go to our website.

Biometric Enrolment Fee

As part of your application you are required to enrol your biometric information. You will be charged an additional handling fee for this service, payable to the Post Office Ltd. You must pay the fee by cash or debit card when you attend Post Office Ltd to enrol your biometrics. Each dependant included on your application must also pay this fee when they enrol their biometric information. **Do not send the biometric enrolment fee with your application fee.**

Applicants on some immigration routes are exempt from paying an enrolment fee at the Post Office Ltd. If you are in one of these categories you will be informed of this when we send you a biometric notification letter.

Your application may be rejected as invalid if you do not enrol your biometrics when requested. For more information about enrolling biometrics and the current fee, please visit the following section of our website: www.gov.uk/biometric-residence-permits

5. When To Apply

You and any dependants who are applying with you should apply before the end of your/their permitted stay in the UK.

To qualify for indefinite leave to remain, you must complete 5 years stay in the UK from the date on which you were granted limited leave to enter or remain in the category under which you are applying. In the representative of an overseas business category, permitted stay as a sole

representative or as the representative of an overseas newspaper, news agency or broadcasting organisation counts towards the qualifying period.

Please do not apply more than 28 days before completing that period. If you apply earlier than that, your application may be refused. If that happens, we will not refund the fee and you will have to pay again when reapplying.

6. Making Sure Your Application Is Valid

Paragraph 34 of the Immigration Rules specifies certain requirements with which an application on a form specified for the purpose of the Rules must comply. To make a valid application, you must:

- apply on the current version of form SET(BUS);
- pay the specified fee by one of the methods specified in the payment guidance;
- provide photographs of yourself and any dependants who are applying with you as specified in the application form;
- provide a valid passport or a national identity card or travel document for yourself and any dependants who are applying with you as specified in the application form;
- complete section 7 (Personal History) as required;
- sign the declaration in section 12;
- send the application by prepaid post or courier to the Home Office.

If you fail to do any of these things, your application will be invalid and we will return it to you. This could result in the loss of appeal rights if your permitted stay has run out by the time you make a valid application.

7. Ensuring Your Application Is Complete

You do this by completing every relevant section of the form as required and providing all the documents specified for your particular application.

If you do not do this, we reserve the right to decide your application on the basis of the information and documents provided.

It is important, therefore, to provide an explanation if you cannot give us all relevant information or documents when making your application.

8. Completing The Form

Please use a black pen to complete the form; write names, addresses and similar details in capital letters.

In the payment details and other sections where you give personal details and addresses, leave an empty box between each part of the name and of the address.

Please note that we always use the personal details in an applicant's passport, national identity card or travel document for official purposes, including any residence permit if the application is granted.

Take care to complete all sections as required, including the Personal History section. Follow the guidance on page 2 of the form when completing the payment details. Read the notes in various sections of the form.

As already emphasised in part 7 of these notes, you must enclose a letter of explanation if you are unable

to provide all the required information or any relevant specified documents.

9. Photographs

For your application to be valid, it is mandatory to provide the following photographs:

- Two identical passport-size photographs of yourself with your full name written on the back of each one.
- Two identical passport-size photographs of any dependants who are applying with you with their full name written on the back of each one.

The photographs you provide must also comply with the format requirements specified in the separate Home Office photograph guidance.

Please ensure that you place the photographs in a small sealed envelope and attach it to section 1 of the form as instructed there - and without any staples, clips, pins or anything else which could mark or damage the photographs.

10. Documents

Documents provided with the application must be originals. All supporting evidence must be in the form of original documents. In addition you should provide photocopies of each of these documents including any pages of your passport(s) that contain personal details, visas or immigration stamps (foreign or UK). These do not have to be notarised by a solicitor or legal representative.

The reasons for not being able to provide the original document must be explained in a covering letter. We are unlikely to grant your application without the original document.

Any documents which are not in English must be accompanied by a reliable English translation.

Make sure passports or travel documents are signed.

11. Applying By Post - The Address

If you are applying by post, the address to which you must send an application on form SET(BUS) is:

The Home Office

Indefinite Leave to Remain

PO Box 591

Durham

DH1 9FS

Posting it to any other address will not only delay your application but could make it invalid. This address is only to be used when sending your application. Please use the address given in part 15 for any other correspondence about your application.

If you use Recorded or Special Delivery, this will help us to record the receipt of your application. Make sure that you keep the Recorded or Special Delivery number.

We will return your passport(s) and other documents by Recorded Delivery. If you would like them to be returned by Special Delivery, you must provide a prepaid Special Delivery envelope which is large enough.

You will receive a letter of acknowledgement within a few days of your application being received unless there is a problem concerning the payment of the fee, in which case we will contact you as soon as possible.

12. Sending Your Application By Courier

Applications made on this form may be delivered by courier at the following address between 9.00 and 5.00 on Monday - Friday (excluding public holidays).

The Home Office

Leave to Remain - SET(BUS)

Millburngate House

Durham

DH97 1PA

13. Settlement Checking Service

You may wish to use the Settlement Checking Service operated by a number of local authorities. Please see GOV.UK for details if one is operated in your area.

14. Decision Times

For the latest information on our service standards for deciding charged applications please go to our website.

Applications which are not straightforward and/or which require further enquiries take longer to decide. These include applications by people who have remained here unlawfully after the expiry of their permitted stay.

As we cannot tell in advance how long it will take to decide particular cases, our general advice is not to make any non-urgent travel arrangements until your passport(s), national identity card(s) or travel document(s) are returned.

15. Your Status While Your Application Is Being Considered

If you and any dependants apply before the end of your permitted stay in the UK, your/their existing immigration status, including any permission to work, will continue until your/their application(s) is/are decided.

16. Contacting Us After You Have Applied

If you need to contact us after you have applied, please do so as follows.

To send us more information about your application, write to the following address (not the one to which you posted your application):

The Home Office

Liverpool Settlement Casework

PO Box 306

Liverpool

L2 0QN

Give the following details in your letter:

- the applicant's full name, date of birth and nationality
- any Recorded or Special Delivery number
- the date on which the application was posted
or
- delivered by courier
- the Home Office reference number if you have one.

If you need your passport because you have to travel urgently and unexpectedly, use the return of

documents request form at www.gov.uk/visa-documents-returned Your application will be treated as withdrawn if your passport is returned for travel abroad before we are able to decide the application.

17. Obtaining Application Forms

You can obtain application forms, the accompanying guidance notes and the Home Office photograph guidance from our website at www.gov.uk/government/organisations/uk-visas-and-immigration

18. Choosing An Immigration Adviser

Immigration advisers are regulated by the Office of the Immigration Services Commissioner (OISC). Their website at www.oisc.gov.uk contains a list of authorised advisers. It also has links to websites for solicitors, barristers and legal executives.

If you have a complaint about an immigration adviser or need other information, the OISC contact details are:

Office of the Immigration Services Commissioner (OISC)

5th Floor
21 Bloomsbury Street
London
WC1B 3HF

Telephone: 0345 000 0046

Alternatively the Solicitors Regulation Authority, which regulates solicitors in England and Wales, can help you find a solicitor if you contact them on **0870 606 2555** or visit their website at www.sra.org.uk

The address and telephone number for any complaints about a solicitor are:

Legal Ombudsman
PO Box 6806,
Wolverhampton,
WV1 9WJ

Telephone: 0300 555 0333

19. Complaints About Our Service

If you wish to make a complaint about our service, please refer to the complaints page on our website for detailed information on how to do so.

20. Data Protection Notice

We will treat all information provided by you in confidence but may disclose it to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions.

We may also use the information provided by you for training purposes.

The information in the Payment Details page will be known to the private contractor engaged by the Home Office to process application payments.

21. Biometric Residence Permits

A leaflet explaining the Biometric Residence Permit including the application process is available to download at the following location:

www.gov.uk/biometric-residence-permits

You have the right to administrative review if this application is refused.