



Home Office

Windrush scheme casework guidance

Version 2.0

Guidance for decision makers considering cases under the Windrush Scheme.

Contents

Contents.....	2
About this guidance.....	5
Contacts	5
Publication	6
Changes from last version of this guidance	6
Intention	7
Background.....	8
Meaning of “Commonwealth” * for the purposes of who is eligible for consideration under the Windrush Scheme	8
Operation of the Windrush Scheme	11
Consideration of evidence	11
Deciding Windrush Scheme applications	13
Biometric enrolment.....	13
Where a person does not meet the requirements for a document under the Windrush Scheme	13
Refusals.....	14
Reviews of the decision to refuse	14
Appeal rights	14
How a review can be requested.....	14
Second applications and reviews	15
When reviews can be made.....	15
Considering the review.....	15
What the reviewer can do	16
Deportation.....	17
Windrush Scheme groups	18
Group 1: Commonwealth citizens* who were either settled in the UK before 1 January 1973 or who have the right of abode.....	18
Those who are automatically British.....	19
Those in the UK who wish to apply for British citizenship	19
Those in the UK who are not automatically British, but who have right of abode	20
Those in the UK who wish to prove their settled status.....	20
Those in the UK who wish to be considered for ILR.....	21
Those who wish to return to the UK from overseas.....	21

Group 2: people of any other nationality who arrived in the UK and had indefinite leave before 1 January 1973	22
Those who wish to prove their settled status	22
Group 3: people of any nationality, who arrived in the UK between 1 January 1973 and 31 December 1988 and who have settled status	23
Those who are automatically British.....	23
Those in the UK who are not automatically British, but who have right of abode	24
Group 4: a child of a Commonwealth citizen* parent and the parent was settled in the UK before 1 January 1973 or had a Right of Abode (or met these criteria but is now a British citizen)	25
Those who are automatically British.....	26
Those who qualify to register as a British citizen.....	26
Those in the UK who wish to apply for British citizenship	27
Those who are not automatically British, but who have right of abode in the UK	28
Those in the UK who wish to prove their settled status	28
Those who wish to apply for ILR	28
Returning resident guidance	30
Lapse of indefinite leave	30
Factors for consideration	30
Strength of ties to the UK	31
Family ties	31
Property and business ties	31
Length of original residence	31
Length of time outside the UK.....	32
Evidence.....	32
General grounds for refusal	32
Strong ties	33
Table of Windrush Scheme groups	34
Those who are covered by the Windrush Scheme guidance	34
Tables for Group 1: Commonwealth citizens* who were either settled in the UK before 1 January 1973 or who have the right of abode	34
Table for Group 2: people of any other nationality who arrived in the UK and had indefinite leave before 1 January 1973	41
Table for Group 3: people of any nationality, who arrived in the UK between 1 January 1973 and 31 December 1988 and who have settled status.....	41
Tables for Group 4: Windrush children – child of a Commonwealth citizen* parent settled in the UK on 1 January 1973 or has the right of abode	42

Those not covered by the Windrush Scheme guidance.....	46
Those that do not benefit under group 1: Commonwealth citizens* who were either settled in the UK before 1 January 1973 or who have the right of abode	46
Those that do not benefit under group 1 or 2: people of any nationality who arrived in the UK and who were settled before 1 January 1973.....	47
Those that do not benefit under group 3: people of any nationality who arrived in the UK before 1 January 1973 with limited leave	48
Those who do not benefit under group 4: Windrush children – child of a Commonwealth citizen* parent settled in the UK on 1 January 1973 or who has the right of abode	49

About this guidance

This document tells those in the Taskforce how to consider cases under the Windrush Scheme from those covered by the Windrush Scheme policy.

Those who wish to be considered under the Windrush Scheme, should refer to the information about the [Windrush Scheme on GOV.UK](#).

The Windrush Scheme applies to Commonwealth citizens as defined within this document who:

- were settled in the UK before 1 January 1973 and have lived continuously in the UK since their arrival
- were settled in the UK before 1 January 1973 whose settled status has lapsed
- have right of abode (ROA) in the UK, and were ordinarily resident on 1 January 1973

The Windrush Scheme also applies to:

- a child of a [Commonwealth citizen](#)* (including one who has a right of abode) who was settled in the UK before 1 January 1973, where the child was born in the UK or arrived in the UK before the age of 18, and has lived continuously in the UK since their arrival
- a person of any nationality, who arrived in the UK before 31 December 1988 and who has indefinite leave to remain

The guidance tells you:

- how to decide what immigration or nationality document an applicant is entitled to under the Windrush Scheme
- what status document to issue

This policy does not provide for:

- consideration of any application not made on the Windrush Scheme (UK) or Windrush Scheme (Overseas) application form
- consideration of another application made on that form but which is not made by a person who falls within the Windrush Scheme

However, the Taskforce may direct a person to the guidance on how to make other applications for leave to enter or remain under the existing Immigration Rules on the [visas and immigration pages of GOV.UK](#).

Contacts

If you have any questions about the guidance and your line manager or senior decision-maker cannot help you or you think that the guidance has factual errors, then email the Nationality Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **22 August 2018**

Changes from last version of this guidance

To reflect clarifications to the Windrush Scheme, which more clearly set out who the policy applies to and on what basis, addition of details of the internal review process and other minor clarificatory changes.

Related content

[Contents](#)

Intention

On 16 April 2018, the Home Office set up a Taskforce to support the Windrush generation and launched the Windrush Scheme shortly after. The Windrush Scheme formalises and extends the assistance provided by the Taskforce, to help the Windrush generation to prove their settled status (or right of abode), or to apply for British citizenship. The Scheme allows those who are in the UK to remain and those who are overseas, to return.

The Windrush Scheme has been introduced to enable people who originally came to and settled in the UK prior to 1 January 1973 from [Commonwealth countries](#)* as part of the 'Windrush generation' and their children, to obtain evidence of their immigration or settled status, or apply for British citizenship free of charge. These are people who are, or have in the past been, continuously resident in the UK, but because of the law applying at the time of their arrival, did not need a formal grant of leave and may not have, since then, obtained evidence of their status.

The Windrush Scheme also allows for certain people who are nationals of countries other than the Commonwealth, who arrived in the UK before 31 December 1988, who are not British citizens and are settled but no longer hold documentary evidence of their lawful status, to make an application free of charge for a document that confirms it.

The Scheme will allow [Commonwealth citizens](#)*, settled in the UK prior to 1 January 1973, but who have subsequently moved overseas, to apply for the necessary document, free of charge, which will enable them to return to the UK either permanently, or to visit.

Tightening controls intended to create a compliant environment in the UK, have meant that people who do not hold documentation confirming their status have encountered difficulties in proving their right to work, to rent property or to receive healthcare.

Many people in the Windrush generation considered themselves to be British citizens, which is a point that has been recognised in Parliament by the Prime Minister and other ministers. These are people who have lived for many years in the UK, having come to this country from countries with close ties to the UK and institutions that were in many cases modelled on those in the UK.

The government has apologised to those who are entitled to be here, but who are unsure or unclear about their status, and has made a clear commitment to help people to prove their right to be here.

Related content

[Contents](#)

Background

People from the Commonwealth, who arrived in the UK during the post-war period up to 1 January 1973, are commonly described as the 'Windrush generation'.

The term 'Windrush' is a reference to the ship MV Empire Windrush, which arrived at Tilbury Docks, Essex, in June 1948, bringing citizens of Jamaica, Trinidad and Tobago and other islands, as a response to post-war labour shortages in the UK.

The Windrush generation who were settled in the UK on 1 January 1973, were granted indefinite leave to remain (ILR) by virtue of the Immigration Act 1971. This meant that they were lawfully entitled to live in the UK, but were not given a document confirming their right to enter or remain.

Under the Immigration Act 1971, some of the Windrush generation have [right of abode](#) in the UK (ROA), or are British citizens.

ROA means a person is free from any immigration restrictions, with no limit on the length of time they can spend in the UK. All British citizens automatically have ROA. Some Commonwealth citizens may also have ROA.

Some of the Windrush generation will never subsequently have applied for a document to prove their right to be in the UK. Some may have left the UK. The Windrush Scheme applies to all Windrush generation cases.

The Windrush Scheme is not however, limited to the Windrush generation. It also makes some provision for the documentation free of charge of some children of the Windrush generation and of all overseas nationals who arrived in the UK before 31 December 1988 and have settled status.

Meaning of “Commonwealth” * for the purposes of who is eligible for consideration under the Windrush Scheme

*Commonwealth citizens means citizens of the following:

Anguilla
Antigua and Barbuda
Australia
Bangladesh
Barbados
Belize
Bermuda
Botswana
British Antarctic Territory
British Indian Ocean Territory
Brunei
Canada

Cayman Islands
Cyprus (excluding the Sovereign base areas)
Dominica
Falkland Islands
Fiji
Ghana
Gibraltar
Grenada
Guyana
Hong Kong
India
Jamaica
Kenya
Kiribati
Lesotho
Malawi
Malaysia
Maldives
Malta
Mauritius
Montserrat
Namibia
Nauru
New Zealand
Nigeria
Pakistan
Papua New Guinea
Pitcairn, Henderson, Ducie and Oeno Islands
Saint Helena, Ascension and Tristan da Cunha
Saint Lucia
Samoa
Seychelles
Sierra Leone
Singapore
Solomon Islands
South Africa
South Georgia and the South Sandwich Islands
Sri Lanka
St Kitts and Nevis
St Vincent and The Grenadines
Swaziland
Tanzania
The Bahamas
The Gambia
Tonga
Trinidad and Tobago
Turks and Caicos Islands
Tuvalu
Uganda
Vanuatu

Virgin Islands
Zambia
Zimbabwe

In addition, the following people are included:

- citizens of the UK and colonies by virtue of a connection to a country or territory on the above list
- British subjects without citizenship under the law on 1 January 1973

The Commonwealth countries of Rwanda, Cameroon and Mozambique are not included. This is because those who are a citizen of a former British colony, may have had reason to consider themselves to have a close relationship with Britain, commensurate with citizenship. Rwanda, Cameroon and Mozambique joined the Commonwealth at a much later date.

Related content

[Contents](#)

Operation of the Windrush Scheme

This section provides you with guidance on the Scheme process.

People who identify as falling into a Windrush group can contact the dedicated Taskforce team on Freephone: 0800 678 1925, Monday to Saturday between 9am and 5pm, or on Sunday between 10am and 4pm, or by email: [Commonwealth Taskforce](mailto:commonwealthtaskforce@homeoffice.gsi.gov.uk) (commonwealthtaskforce@homeoffice.gsi.gov.uk).

You should consider people's individual circumstances, to understand whether, on the balance of probabilities, they are provided for by the Windrush Scheme and advise them how to go about making an application.

The applicant may also complete a Windrush Scheme application without going through the Taskforce. Those who wish to be considered under the Windrush Scheme, should refer to the information about the [Windrush Scheme on GOV.UK](#).

No information provided to the Taskforce will be passed on to Immigration Enforcement.

Consideration of evidence

Those making an application through one of the online forms, or who are contacting the Taskforce to seek assistance to clarify their status under the Windrush Scheme, will in some cases be able to provide evidence of their arrival and time spent in the UK but will not always have much evidence.

Where people are unsure as to their status under the Windrush Scheme, or where there are gaps in the person's evidence of life in the UK, the Taskforce team will assist individuals to get relevant information.

You should recognise that people may not have documents that are over 30 years old and help people to build a picture of their life in the UK, using documentation and evidence provided, or that you can access through systems available to you, including through use of cross-departmental data sharing. You must consider all evidence provided of the person's date of arrival or birth in the UK and time spent in the UK. Documents that may assist could include for example:

- passports
- travel documents, flight manifest or passenger listing
- birth certificates
- school and study records
- employment history
- family history
- evidence of addresses, property ownership or rental agreements
- National Insurance number
- marriage or civil partnership certificate
- factual records including court proceedings

- medical or dental records
- bills and letters

Related content

[Contents](#)

Deciding Windrush Scheme applications

You must consider every application under the Windrush Scheme under existing law and policy, but if this document differs from existing policy, you should consider the application in line with this document.

There is no charge for an application under the Windrush Scheme.

Applicants under the Windrush Scheme are required to provide their biometrics (photograph of face and fingerprints) unless they are exempt from that requirement.

You must consider all evidence provided or available to you, and refer to relevant guidance to make your decision. Relevant guidance is either contained within this document, or in separate published guidance, in which case links are provided.

Where evidence is provided that prove matters of fact, such as nationality, dates of entry to the UK, or circumstances of birth, you should determine the person's status based on those facts.

Where you decide that a person is British by automatic entitlement, has right of abode (ROA), holds settled status or qualifies for British nationality, you should issue them with the relevant documentation available to them as outlined in this guidance under the [Windrush Scheme groups](#).

You must take a rounded view where evidence is not provided that proves matters of fact and decide the case on balance of probability, taking into account the picture of life in the UK, evidence in the round and criminality. However, no information provided in relation to an application under the Windrush Scheme will be passed on to Immigration Enforcement.

Biometric enrolment

People coming forward to regularise their stay or receive a document that confirms their status, are required to enrol their biometrics.

Where a person does not meet the requirements for a document under the Windrush Scheme

Where a person is considered under the Windrush Scheme in accordance with this guidance, but does not meet the requirements to be issued with a document, you must always contact an applicant, in order to give them the opportunity to provide more information. This can be by telephone, email or in writing. You must keep a record of your request for information and the response. Where the applicant does not provide information straight away, you should allow 7 calendar days for a response. You will refer the case to a senior decision-maker before you advise the person of the reasons for this.

The exception to this is where the applicant clearly does not meet the eligibility criteria for the Scheme. If this is the case, and following agreement from a senior decision-maker, there is no need to contact the applicant prior to refusing the application.

You can sign-post relevant application routes for those who are not provided for under this scheme.

Refusals

Where an applicant does not come within one of the [Windrush Scheme groups](#) you must issue them with an eligibility refusal letter which explains the reasons for this. When refusing on eligibility grounds in the UK you must always consider all the potential Windrush categories that could be relevant to an individual's circumstances. For example, a [Commonwealth national](#)* who arrived in the UK in 1975 must also be checked to confirm they are not eligible as the child of a Commonwealth national* or a person who arrived in the UK before 31 December 1988 who is lawfully settled.

Where an applicant is eligible under the Scheme and is being refused either all or part of what they applied for you must explain the reasons in the appropriate letter. A partial refusal is when the applicant is being given something but not the most beneficial product they applied for, for example where we refuse citizenship but confirm they have settled status, or note that they don't have a right of abode, but grant a returning resident visa. However, you need not consider products less beneficial than what they are being granted. For example, if they are not a British Citizen but have the right of abode you need not consider whether to grant indefinite leave to remain (ILR).

Reviews of the decision to refuse

Appeal rights

Where a person is refused under the Windrush Scheme, the decision will not attract a right of appeal.

How a review can be requested

Applicants who come under the Windrush Scheme can request a review of the decision to refuse all or part of their application. This includes applicants who were refused because they were not eligible under the Scheme.

Applicants must write or email the address provided on their refusal letter to ask for a review. This is not an administrative review or a nationality citizenship refusal review so the applicant does not need to complete either the admin review application or form NR.

If an applicant contacts the Taskforce by telephone to request a review they should be asked to confirm this by sending a letter or email to the relevant address and setting out their reasons along with any new information they want us to consider.

There is no fee for a review under the Windrush Scheme.

Second applications and reviews

An applicant might choose to make a second application instead of requesting a review. If the applicant completes one of the Windrush application forms and they are applying for something different (for example because they initially applied overseas but they are now in the UK), or if they provide new information on the application form and fresh evidence then this should automatically be treated as a fresh application.

If it is not clear whether they are making a fresh application, for example if they provide all the same information and evidence as their first application, then the Taskforce can contact them to confirm whether they want a review instead.

When reviews can be made

There is no time limit on when an applicant can ask for a review under Windrush, but if we do not receive a review request within 90 days we should treat the case as concluded unless the applicant later goes on to request a review.

We will not provide a review of the review decision.

Considering the review

The review must be done by an independent case worker, such as one who is not part of the Taskforce.

The case worker must apply the Windrush Scheme and follow this guidance when considering the review.

The case worker should look at all the immigration and citizenship products that were refused under the Scheme. For example, for a refusal in-country of a person who applied as a [Commonwealth citizen](#)* who was settled in the UK before 1973 and has been continuously resident, the review will cover citizenship, right of abode and settled status.

The case worker must review whether the decision is correct, which can include looking at whether:

- the law, policy and guidance were applied correctly
- all the relevant immigration and citizenship products under the Scheme were considered
- there was a mistake of fact

- the initial decision maker made the right judgement on the balance of probabilities (where relevant)
- all the available evidence was considered

The review is not limited to information that was before the original decision maker. If the applicant provides new information or it is provided by a third party it must be considered as part of the review.

What the reviewer can do

The reviewer can:

- decide the decision is incorrect and refer the case back to the initial decision-making team to grant any of the products available under the Scheme so long as it is in line with the Scheme and this guidance;
- uphold all or part of the original decision;
- refuse to consider a review where the request does not fall within the scope of this guidance, for example if the applicant is requesting a different immigration product.

The reviewer must issue a letter to notify the applicant of the result of their review and the reasons for the decision.

Related content

[Contents](#)

Deportation

Serious criminality will be considered in accordance with existing good character and criminality guidance.

[Section 7 of the Immigration Act 1971](#) provides an [exemption from deportation](#) for those Commonwealth citizens who were [ordinarily resident](#) in the UK when the act came into force, provided they were also ordinarily resident in the UK for at least 5 years, before the decision to make a deportation order is made. Those who can establish that they meet this exemption will not be liable to deportation and so will not be deported. As set out in section 3(8) of the Immigration Act 1971, the onus is on the applicant to assert that they are entitled to rely on the exemption in section 7 and to prove that to be the case. Anyone with a right of abode is not liable to deportation.

In such cases, they will normally not succeed in obtaining citizenship, because of the [good character requirement](#).

Where a person is the subject of a deportation order made on criminal or non-conducive grounds, they should be advised to apply to Criminal Casework in Immigration Enforcement for their deportation order to be revoked. Applicants should be directed to apply to Criminal Casework at the following email address: [CCD Intake team \(CCDIntakeTeam@homeoffice.gsi.gov.uk\)](mailto:CCDIntakeTeam@homeoffice.gsi.gov.uk).

Commitments have been made to Parliament that no information brought forward by an applicant to the Taskforce should be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if an applicant has serious criminality.

Related content

[Windrush Scheme groups](#)

[Contents](#)

Windrush Scheme groups

The decision you make and the document you issue, will depend on what group the applicant comes under within the Windrush Scheme, and their status. Each Windrush group is defined by people's date of arrival in the UK, their nationality, their age and place of birth.

This section defines each Windrush group, shows you the range of statuses they may have and what documents to issue.

Group 1: Commonwealth citizens* who were either settled in the UK before 1 January 1973 or who have the right of abode

Commonwealth citizens* who arrived in the UK and who had indefinite leave to enter (ILE) or indefinite leave to remain (ILR) before 1 January 1973 who have been continuously resident in the UK (except for absences of less than 2 years, in respect of Commonwealth citizens such absences only count from 1 August 1988) can apply for British citizenship for free. However, they may have right of abode (ROA) or prefer not to become British. In some limited circumstances related to good character, individuals may not be eligible to apply for British citizenship.

Those Commonwealth citizens* with ROA can also apply for British citizenship for free. To do so they must have been ordinarily resident on 1 January 1973. In some limited circumstances related to good character, individuals may not be eligible for British citizenship.

Knowledge of Language and Life (KOLL) in the UK is a requirement for an application for British citizenship. The test for deciding whether the KOLL requirement is met for a person with a ROA is set out below. In respect of a Commonwealth citizen* who was settled in the UK before 1 January 1973 and has been continuously resident since their arrival, when deciding a citizenship application for this group, you will accept that this requirement is met because of the close historical links and the shared institutions which means that those in this group have a sufficient knowledge of language and life in the UK to meet the relevant statutory requirements for British nationality.

In respect of Commonwealth citizens* with a ROA, the KOLL requirement will be deemed met when the person has strong ties to the UK. It may be clear from the length of residency in the UK that there are strong ties but where there is doubt you must contact the applicant for further information and discuss the application with a senior case worker.

Nationals of Antigua and Barbuda, Australia, The Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, are already exempt from proving knowledge of English, whilst all people over the age of 65 are exempt from both English language and the knowledge of life test.

It is normally a requirement that an adult seeking to naturalise or register as a British citizen should attend a citizenship ceremony and make the required oath and pledge. However, attendance at a citizenship ceremony or making the oath and pledge are not required where a person is applying for citizenship under the Windrush Scheme.

Where a person under this group indicates that they wish to attend a citizenship ceremony, it will be free.

Those who are automatically British

Some of this group may be automatically British and can [apply for a British passport](#) and the Taskforce team can advise on how to do that. They will need to pay the appropriate fee when applying for a British passport.

Where a person under this group does not wish to apply for a British passport, they can instead [apply for a certificate of entitlement to a right of abode](#) for free, which is a vignette placed in a foreign-national passport or travel document.

Where you are deciding a case on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

Where the person in the UK does not hold a valid foreign-national passport, you can issue them with a nationality status document. However, you should ensure that the person is aware the status document will not be accepted to prove a person's right to work, rent or access services and benefits in a compliant environment, but can be used at a later date as part of a UK passport application, which would be at their own cost.

Those in the UK who wish to apply for British citizenship

Those in this group will have either arrived in the UK before 1 January 1973 with ROA, or arrived in the UK and had ILE or ILR before 1 January 1973. Those with ILE or ILR must have been continuously resident. They can apply for British citizenship for free in the UK.

When deciding an application on this basis, you should refer to the following [Nationality guidance](#) which sets out who can [naturalise as a British citizen](#) as well as the [requirements that are common to all types of British Nationality applications](#):

- <https://www.gov.uk/government/publications/naturalisation-as-a-british-citizen-by-discretion-nationality-policy-guidance>
- <https://www.gov.uk/government/collections/requirements-and-considerations-common-to-all-types-of-british-nationality-nationality-guidance>

If you believe, on the balance of probabilities, that the person has ROA or held ILE or ILR before 1 January 1973, and met the above conditions as well as the criteria for a citizenship application – for example, has been resident in the UK for the past 5 years (3 years for a spouse of a British citizen) and passes the [good character test](#), you will confer a person's British citizenship by way of a certificate of citizenship.

When considering good character, you should consult the Nationality [good character guidance](#):

- <https://www.gov.uk/government/publications/good-character-nationality-policy-guidance>

Where a person is not being granted British citizenship because of criminality, you should refer to the section of this guidance on [those who wish to prove their settled status](#).

Those in the UK who are not automatically British, but who have right of abode

Those in this group who have right of abode in the UK who do not wish to apply, or do not qualify, for British citizenship, can [apply for a certificate of entitlement to a right of abode](#), which is a vignette placed in a foreign-national passport. They can apply for a certificate of entitlement to ROA for free.

Where you are deciding an application on this basis, you should refer to the following Nationality guidance which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

If you believe, on the balance of probabilities, that the person has right of abode, you will confirm a person's entitlement to right of abode by way of a certificate of entitlement to right of abode which is a vignette placed in their foreign-national passport. If the applicant does not hold a foreign-national passport then you will issue them with a letter which confirms their right of abode.

Those in the UK who wish to prove their settled status

There may be some individuals in this group who had ILE or ILR before 1 January 1973, who have continuous residence in the UK since their arrival and who do not want to apply, or are precluded from applying, for British citizenship, but nonetheless would like documentation to prove their settled status. They can be provided with confirmation of their settled status for free.

Where you are deciding an application on this basis, you should refer to the following guidance which sets out the policy on [no time limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>

If you believe, on the balance of probabilities, that the person had ILE or ILR before 1 January 1973, you will confirm a person's settled status by way of a "No Time Limit" (NTL) biometric residence permit (BRP).

Those in the UK who wish to be considered for ILR

A number of people in this group had ILE or ILR before 1 January 1973, but left and remained outside of the UK for more than two years resulting in the lapsing of their ILE or ILR. If they have returned and have some form of limited leave, with strong ties to the UK they can be considered for ILR for free.

Where you are considering a case on this basis, you should be satisfied that, on the balance of probabilities, the person has [strong ties to the UK](#) and is not liable to deportation on grounds of criminality or other non-conducive behaviour. Where this is the case, and you believe that the person previously had ILE or ILR, you will grant ILR leave outside the rules, conferred by way of an ILR BRP.

Those who wish to return to the UK from overseas

A number of people in this group had ILE or ILR before 1 January 1973, but will have left and remained outside of the UK for more than 2 years resulting in the lapsing of their ILE or ILR. They will have ties to the UK and now wish to return to the UK. They can apply to live permanently in the UK, or to visit, for free. In order to benefit from a free application under the Windrush Scheme, all nationals (including a non-visa national) under this group must apply to return to the UK using the Windrush application form before travel.

You should refer to the [returning resident](#) section of this guidance and [guidance on general grounds for refusal](#):

- <https://www.gov.uk/government/collections/general-grounds-for-refusal-modernised-guidance>

Where a person is subject to a deportation order, or whose exclusion is conducive to the public good, you must refuse their application. Where a refusal would be triggered under the general grounds for refusal you should consider whether any potential ground for refusal can be attributed to a failure to confirm a person's legitimate status (for example NHS debt). If so, the ground for refusal may be waived. Such cases should be referred to a senior caseworker.

Where you believe, on the balance of probabilities, that a person who wishes to return to the UK permanently meets the requirements for admission as a returning resident as in the [returning resident section of this guidance](#), and that the person had ILE or ILR, you must issue a visa confirming ILE. This will be valid for 6 months during which time the applicant will be expected to travel to the UK.

Where the person states on their application that they want only to visit the UK and they meet the [returning resident criteria as set out in this guidance](#), you must believe, on the balance of probabilities that they meet the same requirements as all other

visitors according to the Immigration Rules for Visitors ([Appendix V of the Immigration Rules](#)).

Where you are considering an application on this basis, you should refer to the following guidance which sets out the policy on [visit visas](#):

- <https://www.gov.uk/government/publications/visit-guidance>

Where you believe, on the balance of probabilities, that the person had ILE or ILR before 1 January 1973, you will confer a person's entry clearance as a visitor by way of a 10-year multi-entry visit visa, valid for 10 years from date of issue.

This 10-year multi-entry visit visa allows entry to the UK for a maximum of 6 months at any one time. Should a person enter and remain in the UK for longer than the permitted 6 months, they will have overstayed their leave to enter, unless they have made a further application for leave.

If there are applicants from overseas who have right of abode they can have this [confirmed through a certificate of entitlement](#), which is a vignette placed in a foreign-national passport. They can have their certificate of entitlement to ROA confirmed for free.

Where you are deciding an case on this basis, you should refer to the following [Nationality guidance](#) which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>
- <https://www.gov.uk/government/publications/right-of-abode-roa/right-of-abode-roa#roa6-confirmation-or-right-of-abode-document>

Group 2: people of any other nationality who arrived in the UK and had indefinite leave before 1 January 1973

Those in this group include people of any nationality other than those defined in this guidance as [Commonwealth citizens](#)^{*}, who arrived in the UK and had ILE or ILR before 1 January 1973.

Those who wish to prove their settled status

Where you are deciding an application from a person in this group in the UK, who had ILE or ILR before 1 January 1973 who has the continuous residence, you should refer to the following guidance which sets out the policy on no time limit applications:

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>.

Where you believe, on the balance of probabilities, that the person had ILE or ILR before 1 January 1973, you will confirm a person's settled status by way of an NTL BRP.

People in this group who have serious criminality which would otherwise result in deportation must be referred to a senior decision-maker before a decision is made to confirm settled status. When deciding whether to refer to a senior decision-maker, you should refer to the following guidance:

- <https://www.gov.uk/government/publications/deporting-non-eea-foreign-nationals>
- <https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy>
- <https://horizon.fcgs.gsi.gov.uk/policy/when-refer-case-criminal-casework-cc>

Commitments have been made to Parliament that no information provided directly by an applicant to the Taskforce will be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if the person has serious criminality.

Group 3: people of any nationality, who arrived in the UK between 1 January 1973 and 31 December 1988 and who have settled status

Those in this group are people of any nationality in the UK (including those defined in this guidance as [Commonwealth citizens](#)*) who entered the UK lawfully between 1 January 1973 and 31 December 1988, who have ILE or ILR.

Those who are automatically British

Some of this group may be automatically British and can [apply for a British passport](#) and the Taskforce team can advise on how to do that. They will need to pay the appropriate fee when applying for a British passport.

Where a person under this group does not wish to apply for a British passport, they can instead [apply for a certificate of entitlement to a right of abode](#) for free, which is a vignette placed in a foreign-national passport or travel document.

Where you are deciding a case on this basis, you should refer to the following Nationality guidance which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

Where the person in the UK does not hold a valid foreign-national passport, you can issue them with a nationality status document. However, you should ensure that the person is aware the status document will not be accepted to prove a person's right to work, rent or access services and benefits in a compliant environment, but can be used at a later date as part of a UK passport application, which would be at their own cost.

Those in the UK who are not automatically British, but who have right of abode

Those in this group who have right of abode in the UK can [apply for a certificate of entitlement to a right of abode](#), which is a vignette placed in a foreign-national passport, for free.

Where you are deciding an application on this basis, you should refer to the following Nationality guidance which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

If you believe, on the balance of probabilities, that the person has ROA, you will confirm a person's entitlement to ROA by way of a certificate of entitlement to ROA which is a vignette placed in their foreign-national passport.

Those in the UK who wish to prove their settled status

People in this group who would like documentation to prove they have ILE or ILR, can have their settled status confirmed for free.

When deciding an application on this basis, you should refer to the following guidance which sets out the policy on [no time limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>

Where you believe, on the balance of probabilities, that the person has ILE or ILR, you will confirm a person's settled status by way of an NTL BRP.

People in this group who have serious criminality which would result in deportation must be referred to a senior decision-maker before a decision is made to confirm settled status. When deciding whether to refer to a senior decision-maker, you should refer to the following guidance:

- <https://www.gov.uk/government/publications/deporting-non-eea-foreign-nationals>
- <https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy>
- <https://horizon.fcgs.gsi.gov.uk/policy/when-refer-case-criminal-casework-cc>

Commitments have been made to Parliament that no information provided directly by an applicant to the Taskforce will be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if the person has serious criminality.

Group 4: a child of a Commonwealth citizen* parent and the parent was settled in the UK before 1 January 1973 or had a Right of Abode (or met these criteria but is now a British citizen)

Children in the UK whose parent is confirmed as being part of [group 1](#), will have their status considered in their own right, taking account of their parent's status, their date of arrival or birth in the UK, and relevant Nationality law. The parent's status may need to be resolved first under the Windrush scheme, before the child's case can be concluded.

To qualify under the scheme, the parent must be within group 1 and the child must have been continuously resident in the UK since birth or their arrival in the UK. For those not born in the UK, they must have arrived in the UK before they were 18.

Where a parent has died before 1973, it is sufficient that they were settled in the UK before they died. You should refer such cases to a senior decision-maker to be considered in a pragmatic and sensitive way.

For the purpose of the Windrush Scheme, reference to children includes an [adopted child](#), or a child born through [surrogacy](#) (where recognised in UK law).

[KOLL](#) in the UK is a requirement for an application for British citizenship. However, this group of people may have considered themselves to be British citizens. They have lived in the UK for many years, having come to this country from countries with close ties to the UK and institutions that were in many cases modelled on those in the UK.

The test for deciding whether the KOLL requirement is met for a child whose parent had a ROA is set out below. In respect of a child whose parent was a [Commonwealth citizen](#)* who was settled in the UK before 1 January 1973 and has been continuously resident since their arrival, when deciding a citizenship application for this group, you will accept that KOLL requirement is met because of the close historical links and the shared institutions which means that those in this group have a sufficient knowledge of language and life in the UK to meet the relevant statutory requirements for British nationality.

In respect of a child of a parent with a ROA, the KOLL requirement will be deemed met when the parent had strong ties to the UK. This is the same test as is set out in the [returning residents section of this guidance](#). It may be clear from the length of residency in the UK that there were strong ties but where there is doubt you must contact the applicant for further information and discuss the application with a senior case worker.

It is normally a requirement that an adult seeking to naturalise or register as a British citizen should attend a citizenship ceremony and make the required oath and pledge. However, attendance at a citizenship ceremony or making the oath and pledge are not required where a person is applying for citizenship under the Windrush Scheme.

Where a person under this group indicates that they wish to attend a citizenship ceremony, it will be free.

Those who are automatically British

Those in this group who were born in the UK before 1 January 1983 are automatically British, as are those who were born in the UK after 1983 but to a settled parent. A person who is automatically British, can [apply for a British passport](#) directly, without assistance from the Taskforce, although the Taskforce team can advise on how to do that. Any passport application requires the applicant to pay the appropriate fee.

Where a person under this group does not wish to apply for a British passport, they can instead [ask for a certificate of entitlement to right of abode](#). In order to come under the Windrush Scheme and receive the certificate for free, children must have been born to a [Commonwealth citizen](#)* parent who themselves come or would have come under the Windrush Scheme, having arrived in the UK before 1 January 1973. The certificate is a vignette placed in a foreign-national passport or travel document.

Where you are deciding an application on this basis, you should refer to the following Nationality guidance which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

Where the person in this group does not hold a valid foreign-national passport, you can issue them with a nationality status document. However, you should ensure that the person is aware the status document will not be accepted to prove their right to work, rent or access services and benefits in a compliant environment, but can be used at a later date as part of a UK passport application, which would be at their own cost.

Those who qualify to register as a British citizen

There will be some in this group who were born in the UK on or after 1 January 1983 who are not automatically British. This is because their parent was not settled when they were born in the UK. The parent may or may not have gone on to settle.

In order to come under the Windrush Scheme and ask to register as British for free, children must have been born to a parent who themselves come or would have come under [group 1](#) of the Windrush Scheme. These children can ask to register as a British citizen for free, if they spent the first 10-years of their life in the UK with continuous residence and have been continuously resident in the UK since that time. They must be of good character and must have spent no more than 90 days outside the UK during the initial 10-year period of continuous residence.

They may also be able to register if their parents became settled, or a British citizen, after their birth but while they were still under the age of 18. These children can

register if they were born in the UK and are under the age of 18 at the time of application. They must be of good character.

Where you are considering an application on this basis, you should refer to the nationality guidance on [registration as a British citizen](#) and [good character](#):

- <https://www.gov.uk/government/publications/children-nationality-policy-guidance>
- <https://www.gov.uk/government/publications/good-character-nationality-policy-guidance>

Where you believe, on the balance of probabilities, that the person is eligible to register as a British citizen, and that the individual passes the good character test, you will confer a person's citizenship by way of a certificate of registration as a British citizen.

Those in the UK who wish to apply for British citizenship

There will be some in this group who are the child of a settled parent under [group 1](#) or a parent who has a ROA, where the parent was ordinarily resident on 1 January 1973. Children who were born outside the UK and arrived after 1 January 1973 when they were under the age of 18, and have ILE or ILR who have been continuously resident in the UK, can now apply for British citizenship for free in the UK.

When deciding an application on this basis, you should refer to the following Nationality guidance which sets out who can [naturalise as a British citizen as well as the requirements that are common to all types of British Nationality applications](#):

- <https://www.gov.uk/government/publications/naturalisation-as-a-british-citizen-by-discretion-nationality-policy-guidance>
- <https://www.gov.uk/government/collections/requirements-and-considerations-common-to-all-types-of-british-nationality-nationality-guidance>

Where you believe, on the balance of probabilities that the person had ILE or ILR, meets the above conditions as well as the criteria for a citizenship application – for example, has been resident in the UK for the past 5 years (3 years for a spouse of a British Citizen) and passes the [good character test](#), you will confer a person's British citizenship by way of a certificate of citizenship. They will not need to pay a fee for their British citizenship, and the position on the need to take the KOLL test is set out above.

When considering good character, you should consult the Nationality [good character guidance](#):

- <https://www.gov.uk/government/publications/good-character-nationality-policy-guidance>

Where a person is not being granted British citizenship because of criminality, you should refer to the following section of this guidance on [those who wish to prove their ILE or ILR status](#).

Those who are not automatically British, but who have right of abode in the UK

Those in this group who have right of abode in the UK who do not wish to apply, or do not qualify, for British citizenship, can [ask for a certificate of entitlement to a right of abode for free](#), which is a vignette placed in a foreign-national passport.

Where you are deciding an application on this basis, you should refer to the following Nationality guidance which sets out how to consider [right of abode](#) cases:

- <https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance>

Where you believe, on the balance of probabilities, that the person has ROA, you will confirm a person's entitlement to ROA by way of a certificate of entitlement to ROA which is a vignette placed in their foreign-national passport. If the applicant does not hold a foreign-national passport then you will issue them with a letter which confirms their right of abode.

Those in the UK who wish to prove their settled status

There may be some individuals in this group who were the child of a settled parent, or a parent with a right of abode, under [group 1](#), who were born outside the UK, arriving here after 1 January 1973 when they were under the age of 18, who had ILE or ILR and have since been continuously resident in the UK. They do not want to apply, or are precluded from applying, for British citizenship, but nonetheless would like documentation to prove their settled status. They can ask for confirmation of their settled status for free.

Where you are considering an application on this basis, you should refer to the following guidance which sets out the policy on [no time limit applications](#):

- <https://www.gov.uk/government/publications/travel-documents-no-time-limit>

Where you believe, on the balance of probabilities, that the person had ILE or ILR, you will confirm a person's settled status by way of a NTL BRP.

Those who wish to apply for ILR

There may be some individuals in this group who were the child of a settled parent, or a parent who had a right of abode, under [group 1](#), who were born outside the UK, arriving here after 1 January 1973 when they were under the age of 18, who had limited leave and have never settled and have been continuously resident in the UK since. They can apply for ILR for free.

Where this is the case, you will grant ILR outside the rules, conferred by way of an ILR BRP.

Where a person is subject to a deportation order, or whose exclusion is conducive to the public good, you must refuse their application. Where a refusal would be triggered under the general grounds for refusal you should consider whether any potential ground for refusal can be attributed to a failure to confirm a person's legitimate status (for example NHS debt). If so, the ground for refusal may be waived. Such cases should be referred to a senior caseworker.

People in this group who have serious criminality which would result in deportation must be referred to a senior decision-maker before a decision is made to grant ILR. When deciding whether to refer to a senior decision-maker, you should refer to the following guidance:

- <https://www.gov.uk/government/publications/deporting-non-eea-foreign-nationals>
- <https://www.gov.uk/government/publications/eea-decisions-taken-on-grounds-of-public-policy>
- <https://horizon.fcgs.gsi.gov.uk/policy/when-refer-case-criminal-casework-cc>

Commitments have been made to Parliament that no information provided directly by an applicant to the Taskforce will be passed on to Immigration Enforcement. You must not refer a case to Criminal Casework if the person has serious criminality.

Related content

[Contents](#)

Returning resident guidance

This section sets out guidance on how you should consider returning resident applications specifically made under the Windrush Scheme.

Part 1 section 1(2) of the Immigration Act 1971 which came into force on 1 January 1973 states that foreign nationals who were ordinarily resident in the UK on that date are deemed to have settled status indefinite leave to enter (ILE) or indefinite leave to remain (ILR) unless they:

- were exempt from immigration control on that date, or
- had the right of abode

Where a person is the subject of a deportation order made on criminal or non-conducive grounds, they should be advised to apply to Criminal Casework in Immigration Enforcement for their deportation order to be revoked. Applicants should be directed to apply to Criminal Casework at the following email address: [CCD Intake team \(CCDIntakeTeam@homeoffice.gsi.gov.uk\)](mailto:CCDIntakeTeam@homeoffice.gsi.gov.uk).

Lapse of indefinite leave

[Article 13 of the Immigration \(Leave to Enter and Remain\) Order 2000](#) makes provision for certain types of leave to enter or remain not to lapse on leaving the common travel area, unless a person remains outside the UK for a continuous period of more than 2 years. This means that when a person with indefinite leave to enter or remain stays outside the UK for more than 2 continuous years, their leave automatically lapses as a matter of law. The exception to this was Commonwealth citizens settled in the UK when the 1971 Act came into force. Under section 1(5), they were protected from losing their indefinite leave from absences outside the UK until 1 August 1988 when section 1(5) was repealed. After this date, any ILR would be lost following an absence of 2 years or more.

Provision is contained within the Immigration Rules, however, for indefinite leave to be reinstated where a person can meet the requirements as a returning resident.

Factors for consideration

You must consider the following factors when assessing whether a person can be readmitted to the UK as a returning resident under the Windrush Scheme:

- their strength of ties to the UK including:
 - the nature of those ties
 - the extent to which those ties have been maintained during the applicant's absence
- the length of their original residence in the UK
- the length of time the applicant has been outside the UK
- the circumstances in which they left the UK and their reasons for remaining absent (for example, those within the Windrush cohort may have left the UK

under the impression they were British citizens and so believed there was no restrictions on the time they spent outside the UK)

- their reasons for now wishing to return
- whether if they were to be readmitted, they would continue to live in the UK
- any other compelling or compassionate factors

You must also consider whether the general grounds for refusal apply. A person will not qualify to be readmitted as a returning resident if the general grounds for refusal apply.

Strength of ties to the UK

A person's ties to the UK may be evident in a number of different ways. The nature of those ties, and the degree those ties have been maintained during a person's absence, will need to be considered when assessing whether a person should be readmitted as a returning resident. Such ties may include (but are not limited to):

- family ties
- property ties
- business ties

Family ties

Where a person has close family ties in the UK which have been maintained during their absence, this will likely indicate strong ties to the UK. The more immediate the family members are, for example parents, spouse, partner, children or grandchildren, the greater the strength those ties are likely to have. However, relationships with wider family members, such as cousins or nieces and nephews, may also be taken into account if those ties have been closely maintained.

The nature of any contact will also need to be considered. For example, regular visits from, or to, the applicant from family members in the UK will help demonstrate the strength of those ties. Such contact does not, however, need to have been made physically in person, and strong ties can still be demonstrated where there has been regular contact through other means.

Property and business ties

Ties may also be in the form of property or business interests. This may be, for example, where the applicant owns their own property in the UK or has a vested interest in an ongoing business venture within the UK. Ties on the basis of property or business interests alone, are unlikely to demonstrate strong ties to the UK, but can be used in conjunction with other factors to satisfy this.

Length of original residence

Generally, the longer the period of original residence, the more likely it is that the applicant will have developed strong ties to the UK and can be admitted as a returning resident. It is important to consider the length of the original residence

together with all other relevant factors. You must not refuse an application solely based on a short period of original residence if the other evidence points to the applicant having strong ties to the UK.

Length of time outside the UK

The length of time spent outside the UK will be an important factor to take into account when assessing whether a person can be readmitted as a returning resident. This must be assessed against all other factors, including the time spent in the UK before they left.

Evidence

Evidence to support an application may include, for example:

- evidence of settled status - for those within the Windrush Scheme, this is unlikely to be evidenced through a vignette, biometric residence permit (BRP) or passport- other evidence, such as Doctor's records, or school letters may be taken into account instead
- details of any family in the UK and correspondence with them (to establish strong ties to the UK)
- evidence of property in the UK and/or any business interests (to establish strong ties to the UK)
- letters of enrolment/attendance at an education establishment if they have been studying outside the UK for long periods
- letter of employment where this has been reason for their absence from the UK
- a letter from a medical professional if their reason for their absence relates to caring for another person or for their own medical reasons

This list is not exhaustive and other evidence can be taken into account.

Each case must be considered on its individual merits.

General grounds for refusal

When considering whether the general grounds for refusal apply, you should refer to the following guidance:

- <https://www.gov.uk/government/collections/general-grounds-for-refusal-modernised-guidance>

Where a person is the subject of a deportation order made on criminal or non-conductive grounds, they should be advised to apply to Criminal Casework in Immigration Enforcement for their deportation order to be revoked. Applicants should be directed to apply to Criminal Casework at the following email address: [CCD Intake team \(CCDIntakeTeam@homeoffice.gsi.gov.uk\)](mailto:CCDIntakeTeam@homeoffice.gsi.gov.uk).

Related content

[Contents](#)

Strong ties

When considering whether a person in the UK has strong ties to the UK you will want to consider similar factors to returning residence – for example strength of ties, family ties, property and business ties and length of residence. However, where the person is in the UK, you need not consider factors relating to their departure from the UK and their reason for wanting to return.

Related content

[Contents](#)

Table of Windrush Scheme groups

This section summarises the Windrush Scheme in a table showing who is covered by the policy and who is not, by Windrush group as defined in the guidance. Each of the tables which show who is included, shows why that might be and what documents they are eligible for.

The tables which show who is not included, show why not and what the Taskforce can do to advise people of that. If decision-makers come across applications that are from those who are shown not to be provided for, they must refer the case to a senior decision-maker, before deciding whether to reject or refuse the application and agree how the applicant will be advised of that.

Those who are covered by the Windrush Scheme guidance

Tables for Group 1: Commonwealth citizens* who were either settled in the UK before 1 January 1973 or who have the right of abode

Those who are automatically British

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Pre-1973 arrival Commonwealth citizens, in the UK who have been continuously resident since that time.</p> <p>This could include, but is not limited to:</p> <ul style="list-style-type: none"> • Citizens of the UK and colonies who are still British • Nationals of countries where independence came in 1981 • British citizens by virtue of the 2002 Act and who did not realise the impact of residence in the UK 	<p>People who are already British, but might not know this.</p>	<ul style="list-style-type: none"> • Taskforce assistance to confirm status. • Taskforce to signpost and advice on how to apply for a British passport. • Where a person does not wish to apply for a British passport, a Certificate of Entitlement to ROA vignette can be placed in another national passport. • Where a person does not hold a valid foreign national passport, a nationality status document can be issues (this is not accepted for

Who does this include	Criteria	What they will be eligible for if they meet the criteria
		compliant environment but may be used to enable a UK passport application at own cost).

Those in the UK who wish to apply for British citizenship

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Pre-1973 arrival Commonwealth citizens*, in the UK</p> <p>Those who were subject to immigration control, who are in the UK and want to apply for British citizenship</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973 and want citizenship, where they:</p> <ul style="list-style-type: none"> • fall within S.1(2) of the Immigration Act 1971 (which covers those who are subject to immigration control) • have been continuously resident since their arrival (where a two-year break is permitted without disrupting continuous residence and for a Commonwealth citizen, any absence prior to 1 August 1988 is also excluded) • are subject to usual good character requirement and all other naturalisation criteria. 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status. • Issue a certificate of naturalisation as a British citizen. • No requirement for a Knowledge of language and life in the UK test and KOLL requirement met. • Citizenship ceremony not required, although applicants can indicate that they wish to attend a ceremony.
<p>Pre-1973 arrival Commonwealth citizens*, in the UK</p> <p>Those with ROA who are not automatically British, who are in the UK and want to apply</p>	<p>Commonwealth citizens* who arrived in the UK before 1 January 1973 who has ROA and want citizenship, where:</p> <ul style="list-style-type: none"> • they fall within s(2)(1)(b) of the Immigration Act 1971 (which covers 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • Issue a certificate of naturalisation as a British citizen • No requirement for a Knowledge of language and life in the UK test

for British Citizenship	<p>those with Right of Abode)</p> <ul style="list-style-type: none"> • they have been resident in the UK for the required amount of time before a citizenship application • usual good character requirement applies as do all other naturalisation requirements. 	<p>and KOLL requirement met providing strong ties test met</p> <ul style="list-style-type: none"> • Citizenship ceremony not required, although applicants can indicate that they wish to attend a ceremony
---	---	--

Those who are not automatically British, but who have Right of Abode in the UK

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Pre-1973 arrival Commonwealth citizens*, in the UK</p> <p>Those with ROA who are not automatically British, and who are in the UK but do not want to apply for British Citizenship or do not meet the naturalisation requirements including good character and residency requirements.</p>	<p>Commonwealth citizens* who arrived in the UK before 1 January 1973, who has ROA and who are not automatically British, where they:</p> <p>fall within S.2(1)(b) of the Immigration Act 1971, do not want British citizenship or do not meet all the relevant requirements.</p> <p>Some Commonwealth nationals will have ROA because either:</p> <ul style="list-style-type: none"> • one of their parents was born in the UK and was a citizen of the UK and colonies when they were born or adopted • they were a Commonwealth citizen on 31 December 1982 <p>And they must either:</p> <ul style="list-style-type: none"> • have not stopped being a Commonwealth citizen (even temporarily) at any point after 31 December 1982 • if they are a female 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • Certificate of Entitlement to ROA vignette to be placed in another national passport. • Where a person does not hold a valid foreign national passport, letter can be issued confirming their right of abode (this is not accepted for compliant environment purposes).

	Commonwealth citizen and were married to someone with right of abode before 1 January 1983, they must not have stopped being a Commonwealth citizen (even temporarily) at any point after 31 December 1982	
--	--	--

Those who wish to prove their settled status

Who does this include	Criteria	What they will be eligible for if they meet the criteria
Pre-1973 arrival Commonwealth citizens* , in the UK Those who were subject to immigration control, who are in the UK and want to prove their settled status	Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who want confirmation of their settled status, where they: <ul style="list-style-type: none"> • fall within S.1(2) of the Immigration Act 1971 (which covers those who are subject to immigration control • have been continuously resident since their arrival • do not want or do not qualify for British citizenship 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • NTL BRP issued to confirm their ILR status

Those who wish to apply for ILR

Who does this include	Criteria	What they will be eligible for if they meet the criteria
Pre-1973 arrival Commonwealth citizens* , in the UK	Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who want confirmation of their settled status, where they: <ul style="list-style-type: none"> • fall within S.1(2) of the Immigration Act 1971 (which covers those who 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status. • NTL BRP issued to confirm their ILR status

	<p>are subject to immigration control</p> <ul style="list-style-type: none"> • have been continuously resident since their arrival • are unable to meet the criteria for British citizenship (e.g. good character requirement) • are protected against deportation by S.7 of the Immigration Act 1971 	
<p>Pre-1973 arrival Commonwealth citizens*, in the UK</p> <p>Those who were settled in the UK but lost that status, are in the UK with limited leave, and want to apply for ILR</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who want reinstatement of their settled status, where they:</p> <ul style="list-style-type: none"> • have left the UK after 1 January 1973 and lost that settled status by being outside the UK for more than two years (for Commonwealth citizens, absences before 1 August 1988 do not count) • have not since acquired some other settled status but currently have limited leave in the UK and • meet the strong ties criteria • not liable for deportation 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • ILR LOTR as a returning resident granted on an ILR BRP

Those who wish to return to the UK from overseas

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Pre-1973 arrival Commonwealth citizens*, outside the UK</p> <p>Those who were subject to immigration control, who are outside the UK and want to return permanently</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who are now outside the UK and want to confirm their settled status to return to the UK permanently, where they:</p> <ul style="list-style-type: none"> • left the UK within the last two years • meet the Returning Resident criteria • don't fall for refusal on general grounds 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • Visa issued to confirm their ILE status, valid for 6 months
<p>Pre-1973 arrival Commonwealth citizens*, outside the UK</p> <p>Those who were subject to immigration control, who are outside the UK and have been so for more than two years, and want to return permanently</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who are now outside the UK and want to reinstate their settled status to return to the UK permanently, where they:</p> <ul style="list-style-type: none"> • left the UK after 1 January 1973 and lost that settled status by being outside the UK for more than two years (for Commonwealth citizens, absences before 1 August 1988 do not count). • meet the Returning Resident criteria • don't fall for refusal on general grounds 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • Visa issued to reinstate their ILE status, valid for 6 months
<p>Pre-1973 arrival Commonwealth citizens*, outside the UK</p> <p>Those who were subject to immigration control, who are outside the UK and have been so for</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who are now outside the UK and want to reinstate their settled status to return as a visitor, where they:</p> <ul style="list-style-type: none"> • left the UK after 1 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • 10-year multi-entry visit visa issued, for visits of up to 6 months' duration

<p>more than two years, and want to return to visit</p>	<p>January 1973 and lost that settled status by being outside the UK for more than two years (for Commonwealth citizens, absences before 1 August 1988 do not count).</p> <ul style="list-style-type: none"> • meet the Returning Resident criteria • don't fall for refusal on general grounds as per Part V3 of Appendix V of the Immigration Rules 	
<p>Pre-1973 arrival Commonwealth citizens*, outside the UK</p> <p>Those with ROA who are not automatically British, and who are outside the UK and wish to return</p>	<p>Commonwealth citizens* who arrived in the UK with ROA before 1 January 1973, and who are not automatically British, where they:</p> <p>fall within S.2(1)(b) of the Immigration Act 1971, do not want British citizenship or do not have relevant residency.</p> <p>Some Commonwealth nationals will have ROA because either:</p> <ul style="list-style-type: none"> • one of their parents was born in the UK and was a citizen of the UK and colonies when they were born or adopted • they were a Commonwealth citizen on 31 December 1982 <p>And they must either:</p> <ul style="list-style-type: none"> • have not stopped being a Commonwealth citizen (even temporarily) at any point after 31 December 1982 • if they are a female Commonwealth citizen and were married to someone with right of abode before 1 January 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • A free Certificate of Entitlement to ROA vignette to be placed in another national passport • Where a person does not hold a valid foreign national passport, a letter can be issued confirming their right of abode (this is not accepted for compliant environment purposes).

	1983, they must not have stopped being a Commonwealth citizen (even temporarily) at any point after 31 December 1982	
--	--	--

Table for Group 2: people of any other nationality who arrived in the UK and had indefinite leave before 1 January 1973

Those who wish to prove their settled status

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Pre-1973 arrival of any other nationality, in the UK</p> <p>Those who were subject to immigration control, who are in the UK, and want to prove their settled status</p>	<p>People of any nationality other than those defined in this guidance as Commonwealth citizens*, who arrived in the UK and had ILE or ILR before 1 January 1973, who want confirmation of their settled status, where they:</p> <ul style="list-style-type: none"> • fall within S.1(2) of the Immigration Act 1971 (which covers those who are subject to immigration control) • have been continuously resident since their arrival 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • NTL BRP issued to confirm their ILR status

Table for Group 3: people of any nationality, who arrived in the UK between 1 January 1973 and 31 December 1988 and who have settled status

Those who wish to prove their settled status

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Any nationality who arrived between 1 January 1973 and 31 December 1988, who are in the UK</p>	<p>People of any nationality who:</p> <ul style="list-style-type: none"> • entered the UK lawfully after 1 January 1973 and are now settled • have been continuously 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status. • NTL BRP issued to confirm their ILR status.

Those in the UK between 1 January 1973 and 31 December 1988, are in the UK and have settled status, and want to prove their settled status	resident since then	
--	---------------------	--

Tables for Group 4: Windrush children – child of a Commonwealth citizen* parent settled in the UK on 1 January 1973 or has the right of abode

Those who are automatically British

Who does this include	Criteria	What they will be eligible for if they meet the criteria
Children of pre-1973 arrival Commonwealth citizen* parents , under Group 1. Those who are automatically British.	Child born in the UK before 1983, or born in the UK on or after 1 January 1983 to a settled parent, is automatically British.	<ul style="list-style-type: none"> • Taskforce assistance to confirm status. • Taskforce to signpost and advice on how to apply for a British passport • Where a person does not wish to apply for a British passport, Certificate of Entitlement to ROA vignette to be placed in another national passport • Where a person does not hold a valid foreign national passport, a nationality status document can be issued (this is not accepted for compliant environment but may be used to enable a UK passport application at own cost).

Those in the UK who qualify to register as a British citizenship

Who does this include	Criteria	What they will be eligible for if they meet the criteria
Children of a pre-1973 arrival Commonwealth	Child born in the UK on or after 1 January 1983, to a	<ul style="list-style-type: none"> • Taskforce assistance to confirm status

<p><u>citizen* parent who may or may not have settled in the UK.</u></p> <p><u>Those who were subject to immigration control, who are in the UK and want to register as a British citizenship</u></p>	<p><u>Commonwealth citizen*</u> parent who was not settled at the time of their birth. They are eligible to register as a British citizen in the UK, where the child:</p> <ul style="list-style-type: none"> • was born in the UK • spent the first 10-years of their life in the UK • was continuously resident for those 10-years (spending no more than 90-days outside the UK during the 10-year period) • is subject to the usual <u>good character</u> requirement 	<ul style="list-style-type: none"> • Issue a certificate of registration as a British citizen • Citizenship ceremony not required, although applicants can indicate that they wish to attend a ceremony
---	--	---

Those who wish to apply for British citizenship

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Children of pre-1973 arrival <u>Commonwealth citizens*</u> in the UK under Group 1, who are in the UK.</p> <p><u>Those who were born outside the UK, who are subject to immigration control, are in the UK and want to apply for British citizenship</u></p>	<p>Child born outside the UK to a <u>Commonwealth citizen*</u> parent who arrived pre-1973 and comes within Group 1. They are eligible for a free citizenship application, where the child:</p> <ul style="list-style-type: none"> • came to the UK after 1973, when they were under the age of 18 • had ILE or ILR and are still in the UK with ILE or ILR • has been continuously resident since their arrival (where a two-year break is permitted without disrupting continuous residence and for Commonwealth citizens any absences prior to 1 August 1988 are not counted) • is subject to the usual <u>good character</u> 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • Issue a certificate of naturalisation as a British citizen • Citizenship ceremony not required, although applicants can indicate that they wish to attend a ceremony

	requirement	
--	-------------	--

Those who are not automatically British, but who have Right of Abode

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Children of pre-1973 arrival Commonwealth citizens* falling within Group 1, in the UK</p> <p>Those with ROA who are not automatically British, and who are in the UK but do not want or are not eligible to apply for British Citizenship</p>	<p>Child born to a parent falling within Group 1. They are not automatically British but have ROA themselves, where they:</p> <ul style="list-style-type: none"> • fall within S.2(1)(b) of the Immigration Act 1971 • do not want British citizenship or do not meet all the relevant requirements 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • Certificate of Entitlement to ROA vignette to be placed in another national passport • If the applicant does not hold a passport you should issue them with a nationality status document confirming their ROA

Those who wish to prove their settled status

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Children of pre-1973 arrival Commonwealth citizens* under Group 1, who are in the UK.</p> <p>Those who were born outside the UK, who were subject to immigration control, are in the UK and want to prove their settled status</p>	<p>Child born outside the UK to a Commonwealth citizen* who is a Group 1 parent who arrived pre-1973. They want confirmation of their settled status, where the child:</p> <ul style="list-style-type: none"> • came to the UK after 1973, when they were under the age of 18 • had ILE or ILR and are still in the UK with ILE or ILR • has been continuously resident since their arrival (where a two-year break is permitted without disrupting continuous residence) • do not want UK citizenship or do not meet all the relevant requirements 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status. • NTL BRP issued to confirm their ILR status

Those who wish to apply for ILR

Who does this include	Criteria	What they will be eligible for if they meet the criteria
<p>Children of pre-1973 arrival Commonwealth citizens* under Group 1, who are in the UK.</p> <p>Those who were born outside the UK, who were subject to immigration control, are in the UK and want to apply for ILR</p>	<p>Child born outside the UK to a Commonwealth citizen* parent who arrived pre-1973 and falls within Group 1. They want a grant of ILR, where the child:</p> <ul style="list-style-type: none"> • came to the UK after 1973, when they were under the age of 18 • has been continuously resident in the UK since their arrival and currently has limited leave in the UK • don't fall for refusal on criminality or non-conducive grounds 	<ul style="list-style-type: none"> • Taskforce assistance to confirm status • ILR LOTR on an ILR BRP

Those not covered by the Windrush Scheme guidance

Those that do not benefit under group 1: Commonwealth citizens* who were either settled in the UK before 1 January 1973 or who have the right of abode

Who does this include	Criteria	What the Taskforce can do for them
<p>Pre-1973 arrival Commonwealth citizens*, in the UK</p> <p>Those who were subject to immigration control, who are in the UK and want to confirm their status</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who want confirmation of their settled status, where they:</p> <ul style="list-style-type: none"> left the UK after 1 January 1973 and lost that settled status by being outside the UK for more than 2 years (for Commonwealth citizens, absences prior to 1988 do not count). have not since acquired some other settled status, but currently have limited leave in the UK do not meet the Returning Resident criteria or they fall for refusal on criminality or non-conducive grounds 	<ul style="list-style-type: none"> Cannot benefit under the Windrush Scheme policy They will need make an appropriate application, paying the appropriate fees and charges for any application they choose to make
<p>Pre-1973 arrival Commonwealth citizens*, outside the UK</p> <p>Those who were subject to immigration control, who are outside the UK and want to return permanently</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who want to confirm their settled status to return to the UK permanently, where they:</p> <ul style="list-style-type: none"> left the UK after 1 January 1973 and have lost that settled status by being outside the UK for more than two years do not meet the Returning Resident criteria or they fall for refusal on criminality or 	<ul style="list-style-type: none"> Cannot benefit under the Windrush Scheme policy Taskforce can confirm that leave has lapsed, and signpost to the current Immigration Rules

	non-conductive grounds	
<p>Pre-1973 arrival Commonwealth citizens*, outside the UK</p> <p>Those who were subject to immigration control, who are outside the UK and want to return to visit</p>	<p>Commonwealth citizens* who arrived in the UK and had ILE or ILR before 1 January 1973, who left the UK after 1 January 1973 and remain outside the UK. They want to confirm their settled status, where they:</p> <ul style="list-style-type: none"> • have lost that settled status by being outside the UK for more than two years • do not meet the Returning Resident criteria • meet the normal visit visa requirements 	<p>Cannot benefit under the Windrush Scheme policy</p> <p>Standard 6-month visit visa can be issued at cost of £93 (No fee waiver), or 6-months LTE can be granted by a Border Force Officer at port, for non-visa nationals (no fee)</p>

Those that do not benefit under group 1 or 2: people of any nationality who arrived in the UK and who were settled before 1 January 1973

Who does this include	Criteria	What the Taskforce can do for them
<p>Pre-1973 arrival of any nationality, who is in the UK with ILE or ILR</p> <p>Those who were subject to immigration control, who are in the UK, and want to prove their settled status</p>	<p>People of any nationality who arrived in the UK and had ILE or ILR before 1 January 1973, and who want confirmation of their settled status, where they:</p> <ul style="list-style-type: none"> • left the UK after 1 January 1973 and have lost that settled status by being outside the UK for more than 2 years • are now in the UK and have acquired some other settled status in the UK 	<ul style="list-style-type: none"> • Cannot benefit under the Windrush Scheme policy • Taskforce can confirm that they currently have ILR

Those that do not benefit under group 3: people of any nationality who arrived in the UK before 1 January 1973 with limited leave

Who does this include	Criteria	What the Taskforce can do for them
<p>Pre-1973 arrival of any nationality, in the UK</p> <p>Those who were in the UK but not settled on 1 January 1973, who are in the UK and want to prove their status</p>	<p>People of any nationality who:</p> <ul style="list-style-type: none"> were in the UK but were not settled on 01/01/73 when the Immigration Act 1971 commenced, so were not granted ILE or ILR by virtue of the Act have been continuously resident since at least 31 December 1988 cannot establish they had ILE or ILR cannot establish they have any other permission from the Home Office to be here 	<ul style="list-style-type: none"> Cannot benefit under the Windrush Scheme policy Taskforce can confirm can signpost to the current Immigration Rules They will need make an appropriate application, paying the appropriate fees and charges for any application they choose to make

Who does this include	Criteria	What the Taskforce can do for them
<p>Those of any nationality who arrived in the UK between 1 January 1973 and 31 December 1988, and who are in the UK</p> <p>Those who were in the UK but not settled on 1 January 1973, who are in the UK and want to prove their status</p>	<p>People of any nationality who entered the UK lawfully after 1 January 1973, who:</p> <ul style="list-style-type: none"> have been continuously resident since at least 31 December 1988 cannot establish they had ILE or ILR cannot establish they have any other permission from the Home Office to be here 	<ul style="list-style-type: none"> Cannot benefit under the Windrush Scheme policy Taskforce can confirm can signpost to the current Immigration Rules They will need make an appropriate application, paying the appropriate fees and charges for any application they choose to make
<p>Those of any nationality who arrived in the UK between 1 January 1973 and 31 December 1988, and who are outside the UK</p>	<p>People of any nationality who entered the UK lawfully after 1 January 1973, who are now outside the UK.</p>	<ul style="list-style-type: none"> Cannot benefit under the Windrush Scheme policy Taskforce can confirm can signpost to the current Immigration Rules

		<ul style="list-style-type: none"> • They will need make an appropriate application, paying the appropriate fees and charges for any application they choose to make
--	--	---

Those who do not benefit under group 4: Windrush children – child of a Commonwealth citizen* parent settled in the UK on 1 January 1973 or who has the right of abode

Who does this include	Criteria	What the Taskforce can do for them
<p>Children of pre-1973 arrival Commonwealth citizen* parents under Group 1, who are in the UK.</p> <p>Those who were born outside the UK, who are subject to immigration control, are in the UK and want to confirm their settled status.</p>	<p>Child born outside the UK to a Commonwealth citizen* parent who arrived pre-1973. They want confirmation of their settled status, where the child:</p> <ul style="list-style-type: none"> • came to the UK after 1973 when they were under the age of 18 • had ILE or ILR but has lost that settled status by being outside the UK for more than two years • are now in the UK and have acquired some other settled status in the UK 	<ul style="list-style-type: none"> • Cannot benefit under the Windrush Scheme policy • Taskforce can confirm that they currently have ILR
<p>Children of pre-1973 arrival Commonwealth citizen* parents in the UK under Group 1, who are in the UK.</p> <p>Those who were born outside the UK, who are subject to immigration control, are in the UK and want to confirm their settled status.</p>	<p>Child born outside the UK to a settled Commonwealth citizen* parent who arrived pre-1973. They want confirmation of their settled status, where the child:</p> <ul style="list-style-type: none"> • came to the UK, after 1973 when they were under the age of 18 • had ILE or ILR but lost that settled status by being outside the UK for more than 2 years • has not since acquired some other settled status, and currently has no leave, therefore they 	<ul style="list-style-type: none"> • Cannot benefit under the Windrush Scheme policy • Taskforce can signpost to the current Immigration Rules • They will need make an appropriate application, paying the appropriate fees and charges for any application they choose to make

	require status	
<p>Children of pre-1973 parents of any nationality, who are in the UK.</p> <p>Those who were born outside the UK, who are subject to immigration control, are in the UK and want to confirm their settled status.</p>	<p>Child born outside the UK to a parent of any nationality who arrived pre-1973. They want confirmation of their status, where the child:</p> <ul style="list-style-type: none"> • came to the UK when they were over the age of 18 • may or may not have settled in the UK • is currently in the UK 	<ul style="list-style-type: none"> • Cannot benefit under the Windrush Scheme policy • Taskforce can signpost to the current Immigration Rules, where the person is not settled and does not have any current leave • Where the person does not have current leave, they will need make an appropriate application, paying the appropriate fees and charges for any application they choose to make
<p>Children of pre-1973 parents of any nationality settled in the UK under Group 1, who are outside the UK.</p> <p>Those who were born outside the UK, who are subject to immigration control, are in the UK and want to confirm their settled status</p>	<p>Child born outside the UK to a settled Commonwealth citizen* parent who arrived pre-1973. They want to confirm their settled status, where the child:</p> <ul style="list-style-type: none"> • came to the UK after 1973 when they were under the age of 18 • cannot establish they had ILE or ILR • is now outside the UK 	<ul style="list-style-type: none"> • Cannot benefit under the Windrush Scheme policy • Taskforce can signpost to the current Immigration Rules

Related content

[Contents](#)