

## Research Briefing

22 October 2024

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# Nationality and immigration requirements for the UK's armed forces

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## Summary

### Nationality requirements for the UK armed forces

The UK armed forces are responsible for the defence of the United Kingdom, its Overseas Territories and Crown Dependencies and consist of the army, the Royal Navy and the Royal Air Force.

People applying to join the UK's armed forces must be a citizen of Britain, the Commonwealth or the Republic of Ireland (either as a sole or dual national). Nepalese Gurkha soldiers serve under special and unique arrangements. They remain citizens of Nepal during their service in the Brigade of Gurkhas in the British Army.

There's no requirement for a Commonwealth citizen to be resident in the UK before applying to the UK armed forces.

### Immigration arrangements for non-UK military personnel and family members

Non-British citizens who enlist in the UK armed forces automatically become exempt from UK immigration control. This means that they don't need immigration permission or a visa to enter and remain in the UK while they are serving in the military.

Once their service has ended, veterans must either apply for permission to remain in the UK or leave the country. If veterans have at least four years' service, they may be eligible to apply to stay permanently.

Non-British family members of armed forces members are not exempt from immigration control. They may be eligible for temporary permission to stay as a family member if the sponsoring family member meets the financial (minimum) income requirement of £23,496 per year and other eligibility criteria are met.

## Long-standing issues

Between 2019 and 2021, the Home Office said it was “listening carefully” to stakeholders’ concerns that [some immigration requirements might unfairly affect military migrants and their families](#).

Examples raised by campaigners included the (in)adequacy of historical measures to ensure military migrants were aware of the need to apply for an immigration status after discharge, and remedies available to those who failed to apply. Campaigners also said they were concerned about the minimum income requirement for military migrants to sponsor partner and family visas, as well as the cost of visa application fees and the absence of specific fee waivers/concessions.

## Immigration fee waiver from 2022

In May 2021, the Ministry of Defence (MOD) launched a public consultation on a proposal for an immigration fee waiver for non-British armed forces personnel.

In February 2022, the government formally responded to the consultation and confirmed that it would waive immigration fees for those with at least six years’ service and those who are discharged because of an illness or injury attributable to their service.

The fee waiver – which came into force on 6 April 2022 – does not apply retrospectively, and the government does not offer to reimburse immigration fees service personnel have already paid.

While stakeholders broadly welcomed the fee waiver, some have expressed disappointment about the scope of the policy change. The armed forces charity Help for Heroes said the policy should have been extended to include the families of non-UK service personnel.

## Labour manifesto commitment

Labour announced in its [2024 election manifesto](#) that it would “scrap visa fees for non-UK veterans who have served for four or more years, and their dependents”. This would apply the fee waiver to more people than are currently eligible by reducing the qualifying length of service from six years to four years and extending the fee waiver to their dependents.

# 1 Nationality and residence requirements to join the UK armed forces

Applicants wanting to join the UK regular armed forces (the full-time professional armed forces) must be British, Irish or a Commonwealth citizen. They can be either a sole or dual national.

There's no requirement for a Commonwealth citizen to be resident in the UK before applying to the armed forces.

The number of foreign and Commonwealth personnel in the regular armed forces has fluctuated over the years. As of 1 April 2024, the number of regular armed forces personnel who are Irish or from Commonwealth countries is 5,740, or 4.5% of all trained personnel.<sup>1</sup>

Information on the nationality eligibility criteria for each of the service branches is available at: [Royal Navy](#), [Army](#) and [Royal Air Force](#).

## 1.1 Nationality requirements

To join the UK armed forces, an applicant must be either a British national, a British citizen as defined by the British Nationality Act 1981, a Commonwealth citizen or a citizen of the Republic of Ireland.

Some roles have stricter nationality and residency requirements than others for security reasons.

### Statutory basis

[The Armed Forces Act 2006](#) provides the statutory basis for the restriction of 'aliens' in the armed forces.<sup>2</sup> The act's explanatory notes define an alien as "a person who is neither a citizen of the UK, the Commonwealth or the Republic of Ireland nor a British protected person".<sup>3</sup> This is in line with the definition of alien provided in the [British Nationality Act 1981](#).<sup>4</sup> The act does allow the Defence Council, the governing body of the UK armed forces, to make exemptions (see below).

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<sup>1</sup> Ministry of Defence, [UK armed forces biannual diversity statistics: April 2024, table 5a](#), 11 July 2024

<sup>2</sup> [Armed Forces Act 2006](#), s340

<sup>3</sup> [Explanatory Notes to The Armed Forces Act 2006](#), para 682.

<sup>4</sup> [British Nationality Act 1981](#), s50(1)

## Irish nationals and Gurkhas

Irish and Nepalese citizens have long historical ties with the UK armed forces.

Irish nationals may join the British armed forces because of the historical ties between the UK and the Republic of Ireland, irrespective of Ireland's membership of the European Union. Although the UK Government recognises the Republic of Ireland as a sovereign and independent state, Ireland is not deemed a "foreign country" under the Ireland Act 1949 or the British Nationality Act 1981, and Irish citizens aren't considered "aliens".<sup>5</sup>

Nepalese Gurkha soldiers serve under special and unique arrangements and remain citizens of Nepal during their service in the Brigade of Gurkhas.<sup>6</sup> Gurkhas can become British citizens if they transfer to the wider armed forces.<sup>7</sup>

## Dual nationality

Holders of dual nationality are eligible to join the UK armed forces as long as one of those nationalities is British and they can prove they are not required for national service in their other country, either now or in the future.

## Residency requirements

Since November 2018, there's been no requirement for Commonwealth citizens who want to join the armed forces to have lived in the UK. Before then, qualifying residency periods had applied at different points in time.

### 1998: Five-year residency requirement suspended

To join the armed forces before 1998, both the parents of all armed forces applicants, and applicants themselves, had to be citizens of the UK, a Commonwealth country or the Republic of Ireland. Applicants also had to have been resident in the UK for a minimum of five years immediately prior to application.<sup>8</sup>

This changed in 1998. The rules on the nationality of an applicants' parents ('nationality extraction') were relaxed, in line with changes made for civil servants. The five-year UK residency rule was also relaxed to allow people who had spent less than five years in the UK to enter the armed forces. The Minister

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<sup>5</sup> [Ireland Act 1949](#), s 2; [British Nationality Act 1981](#), s 50(1)

<sup>6</sup> Library briefing paper '[Gurkhas: Terms and Conditions of Service](#)', 12 June 2009, SN04671 provides a helpful historical overview of Gurkhas and the British Army.

<sup>7</sup> [Explanatory Memorandum to The Armed Forces \(Aliens\) \(Amendment\) Regulations 2018](#), para 7.2, p2

<sup>8</sup> "[Army nationality and return of service report](#)", DASA (Army), 6 July 2010

of State for Defence Procurement at the time said the measures would help recruitment, particularly among minority ethnic groups.<sup>9</sup>

### 2013: Five-year residency requirement reintroduced

The five-year UK residency requirement for Commonwealth recruits to the armed forces was reintroduced in July 2013. The rule was reintroduced because the MOD was at that time reducing the size of the armed forces and therefore reducing the recruitment intake.<sup>10</sup>

### 2016: Five-year residency requirement waived for 200 Commonwealth citizens

In 2016, the five-year residency rule for Commonwealth citizens was waived to allow for 200 Commonwealth citizens to fill a limited number of roles which required specialist skills.<sup>11</sup>

### 2018: Five-year residency requirement removed

In November 2018, the government announced plans to remove the residency requirement. Then Minister of State for the Armed Forces, Mark Lancaster, said: “we have now decided to remove the five-year UK residency criterion for Commonwealth citizens and increase recruitment to 1,350 across the Royal Navy, British Army and Royal Air Force”.<sup>12</sup>

While the government removed the residency requirement, it said it would extend a 15% limit on the overall number of foreign and Commonwealth personnel recruited to the army. In 2009, the government had introduced a 15% foreign and Commonwealth recruitment limit for three army corps (subdivisions), and the 2018 announcement extended this to all other army corps.<sup>13</sup>

## 1.2

## Non-British recruits to the reserves

The reserves are volunteers who train as part of the armed forces in their spare time. The reserves can expect to be called up and deployed on operations alongside their regular armed forces colleagues.<sup>14</sup>

<sup>9</sup> [HL Deb 18 February 1998 c47WA](#)

<sup>10</sup> [HC Deb 11 July 2013 c32WS: “UK residency rules for Armed Forces recruits”](#), 12 July 2013

<sup>11</sup> [HCWS726](#), 12 March 2016

<sup>12</sup> [HCWS1062](#), 5 November 2018

<sup>13</sup> In 2009 the government introduced an upper limit of 15% on the number of foreign (Irish) and Commonwealth citizens serving in the Royal Logistic Corps (RLC), the Royal Army Dental Corps (RADC) and the Queen Alexandra’s Royal Army Nursing Corps (QARANC) [HC Deb 2 February 2009 c34WS](#)

<sup>14</sup> Gov.uk, [The Reserve Forces](#), 2020

To be eligible to join the reserves, you must be a British or Irish citizen. Depending on role availability, Commonwealth citizens may be invited to apply.<sup>15</sup>

In 2013, the government introduced a requirement for non-British recruits to the reserves to have indefinite leave to remain (permission to stay permanently) in the UK. The Ministry of Defence said this was to “create consistency in the recruitment practices of all three services”.<sup>16</sup> This policy was reaffirmed in 2018.<sup>17</sup>

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<sup>15</sup> Gov.uk, [Joining the Army Reserve](#), 14 February 2014

<sup>16</sup> [HC Deb 11 July 2013 c32WS](#)

<sup>17</sup> [HCWS1062](#), 5 November 2018

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## 2 Visa arrangements for non-UK serving personnel and family members

### 2.1 Immigration requirements for non-UK serving personnel

#### **While serving: Exemption from immigration control**

When a non-British citizen enlists in the UK armed forces, they automatically become exempt from UK immigration control and their passport is changed to show this.<sup>18</sup>

Exemption from immigration control means that no immigration permission (or visa) is required to enter and remain in the UK. Any existing UK visa restrictions are suspended while the person is serving in the armed forces.

#### **Naturalising as a British citizen**

Commonwealth citizens who are serving members of the UK armed forces can apply to naturalise as British citizens while serving. The naturalisation eligibility criteria include a five-year residency requirement.<sup>19</sup> Unlike other applicants, armed forces members can count time spent on overseas assignments towards the residency requirement. Gurkhas can't naturalise as British citizens while in the Brigade of Gurkhas. However, they can naturalise if they transfer to the wider armed forces.

Those who naturalise while in service don't then need to apply to remain in the UK after they are discharged.

The naturalisation application fee (currently £1,630) is lower than the fee for indefinite leave to remain (£2,885).

#### **Upon discharge: Requirement to apply for immigration permission**

Exemption from UK immigration control ceases when a person is discharged from the armed forces.

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<sup>18</sup> [Section 8\(4\)\(a\) of the Immigration Act 1971](#)

<sup>19</sup> Home Office, [Naturalisation as a British citizen by discretion](#), version 15.0, 24 July 2024

Commonwealth citizens or Gurkhas who have served in the British military may be eligible for temporary or permanent permission to stay in the UK as an armed forces service leaver, depending on their circumstances and the requirements as set out in the [Immigration Rules Appendix HM Armed Forces](#).

They can apply for temporary or permanent permission to remain in the UK as an armed forces service leaver up to 18 weeks before discharge.<sup>20</sup> They also have 28 days following their discharge to apply to remain in the UK if they have not already done so.<sup>21</sup> Service leavers who leave the UK after discharge have a two-year window in which they can apply to return to the UK.

A [service leavers' guide](#) published by the MOD emphasises that service leavers must take personal responsibility for organising their immigration status.<sup>22</sup>

The Home Office has published a [series of guidance documents](#) on how UK Visas and Immigration should deal with applications from members (or former members) of the armed forces.<sup>23</sup> Applicants may legally remain in the UK while a valid application is being processed.

If a non-British UK armed forces leaver did not apply for permission to remain in the UK, they would become an 'overstayer'. Once an overstayer, they would not have a valid immigration status and would be liable to the same restrictions as other unauthorised migrants. These restrictions include:

- liability for the cost of NHS treatment
- ineligibility for welfare benefits
- not having the right to work, rent property, open a bank account or hold a driving licence
- liability for removal from the UK

### **Eligibility for indefinite leave after four years' service**

Discharged members of the armed forces [can apply for indefinite leave to remain](#) (permission to stay in the UK permanently) if they have served for a minimum of four years. People with a shorter service history who were medically discharged can also apply for indefinite leave to remain.

The general eligibility criteria for indefinite leave to remain are set out in [Appendix HM Armed Forces of the Immigration Rules](#). Unlike most other applicants, service leavers are not required to prove their knowledge of language and life in the UK for indefinite leave to remain (although their family members are still subject to these requirements).<sup>24</sup>

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<sup>20</sup> [Immigration rules Appendix HM Armed Forces](#), paragraph AF5.3

<sup>21</sup> Gov.uk, [Long residence: caseworker guidance](#), 9 July 2024, p.10

<sup>22</sup> Gov.uk, [Service Leavers' Guide](#), 18 September 2024

<sup>23</sup> Gov.uk, [Armed forces \(immigration staff guidance\)](#), 12 April 2024

<sup>24</sup> Home Office, '[Knowledge of language and life in the UK](#)', 6 April 2021, p5; Immigration rules Appendix HM Armed Forces, paragraph AF15.1-2

Appendix to the Immigration Rules establishes that indefinite leave to remain applications can be refused on 'suitability' grounds (briefly, reasons related to a person's character, conduct, associations and criminal offending).

Some service leavers can be granted temporary leave to remain if they can't satisfy the requirements for indefinite leave (for example on suitability grounds).<sup>25</sup>

Since 6 April 2022, providing all other Home Office requirements are met, discharged personnel do not have to pay to apply for indefinite leave to remain if they have served in the armed forces for at least six years or have been discharged because of an illness or injury attributable to their service.<sup>26</sup>

### Naturalising as a British citizen

Former members of the armed forces and their families can apply for British citizenship by naturalisation once eligible.<sup>27</sup> Those who apply to naturalise as British citizens after they have been discharged from the army are subject to the usual fees and eligibility requirements. Generally, to apply for naturalisation as a British citizen, a person will need to have been free from immigration restrictions (by having either indefinite leave to remain or permanent residence) for 12 months prior to applying.<sup>28</sup>

The Home Office is unable to provide statistics for the number of applications for indefinite leave to remain or British citizenship made by former armed forces personnel.<sup>29</sup>

## Changes affecting Gurkhas

Gurkhas and their family members are subject to the same immigration rules that apply to other non-British armed forces recruits.

There have been provisions specifically affecting Gurkhas in the past. Restrictions on discharged Gurkhas' eligibility to settle in the UK were abolished in 2009.<sup>30</sup> Since then, all former Gurkhas who are citizens of Nepal and have served more than four years have been eligible to apply for indefinite leave to remain in the UK, as have their family members.<sup>31</sup>

Previous changes made in 2004 had only provided a route to settlement for former Gurkhas who had retired after 1 July 1997 (with some limited scope for

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<sup>25</sup> Immigration rules, [Appendix HM Armed Forces](#), paragraph 14; 17-18

<sup>26</sup> [Immigration and Nationality and Immigration Services Commissioner \(Fees\) \(Amendment\) Regulations 2022, SI 2022/296](#), regs 5(5)(b) and 6(40)(c)

<sup>27</sup> For more information on naturalisation see gov.uk, '[Check if you can become a British citizen](#)', undated [accessed 18 July 2019]

<sup>28</sup> Those married to British citizens need only be free from immigration control at the time of making their application for naturalisation

<sup>29</sup> [JIN 124260](#) [Immigration: Commonwealth], answered on 7 December 2020

<sup>30</sup> [HC Deb 21 May 2009 c1649-50](#)

<sup>31</sup> Immigration Rules [Appendix HM Armed Forces](#); [Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997](#)

discretion in other exceptional cases). The 2009 changes removed the July 1997 cut-off date.

## 2.2

### Immigration requirements for non-British family members of service personnel

Non-British family members of British, Irish or Commonwealth/Gurkha personnel serving in the British armed forces must have visas to live in the UK - they are not exempt from immigration control.

Serving members and veterans of the armed forces can sponsor visa applications for their partner and children (under 18).

The visa conditions for family members of armed forces personnel are generally the same as those for family members of British/settled civilian sponsors. However, there are some more favourable provisions for armed forces members' family cases, as set out in [Immigration Rules Appendix HM Armed Forces](#).

Briefly, the more favourable rules for family members of armed forces members are:

- a significantly lower minimum income requirement for family visas sponsored by members of the armed forces (£23,496) than the minimum income requirement for family visas sponsored by non-military personnel (£29,000)
- an initial grant of five years' leave to remain for some applicants (as opposed to the usual two-and-a-half year initial grant which must be renewed)
- an exemption from the minimum income requirement for those receiving certain payments related to service in the armed forces under the Armed Forces Compensation Scheme or War Pensions Scheme
- an exemption from paying the [immigration health surcharge](#) for dependents of armed forces members

The Home Office has published detailed guidance on the minimum income requirement as it applies to the armed forces.<sup>32</sup> There are some differences compared with how it is applied in civilian cases (for example, in how permissible cash savings are calculated, because armed forces families might initially be granted different lengths of visa).

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<sup>32</sup> Home Office, '[Immigration directorate instruction family migration: appendix FM section 1.7 appendix armed forces financial requirement](#)' (PDF), 16 August 2024

After five years' continuous qualifying residence in the UK, an armed forces family member may be eligible for indefinite leave to remain.<sup>33</sup> Time spent overseas on an accompanied posting is counted as time spent in the UK.

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<sup>33</sup> Immigration rules Appendix HM Armed Forces, paras AF22.1-31.5

### 3

## Long-standing issues

In 2019, the Army Families Federation (AFF) submitted [written evidence](#) (PDF) to the Defence Select Committee on the issues faced by foreign and Commonwealth personnel and their families.<sup>34</sup>

The AFF highlighted the length of time it can take foreign and Commonwealth personnel to reach the minimum income threshold required for family visas, the increased cost of applying for indefinite leave to remain and the lack of immigration information and advice provided by the Ministry of Defence (MOD).

The written evidence submitted by the AFF featured several recommendations, including:

- exempting foreign and Commonwealth soldiers from the Minimum Income Requirement
- introducing a flat fee for indefinite leave to remain for armed forces personnel
- ensuring good quality and accessible information on visas is provided to foreign and Commonwealth soldiers throughout their career<sup>35</sup>

A 2024 report by researchers at Anglia Ruskin University, [Understanding and improving non-UK service and transition in the British Armed Forces](#) considered the challenges that Commonwealth military personnel and their families experience.<sup>36</sup>

The most prevalent issues identified by research participants concerned the cost and complexity of visa and citizenship policy, issues with their immigration status and difficulties with career opportunities and progression.

The report made several recommendations for changes to immigration provisions affecting Commonwealth personnel, including:

- automatic fee-free citizenship for operational reasons
- an MOD-wide review of career progression for non-UK personnel
- access to a single point of contact for assistance with administrative immigration processes

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<sup>34</sup> Armed Forces Federation, "[Issues faced by Foreign and Commonwealth families](#)", 8 March 2019

<sup>35</sup> As above

<sup>36</sup> Forces in Mind Trust, [Understanding and improving non-UK service and transition in the British armed forces](#), 4 March 2024

- advice on career prospects, including the effect that visa requirements can have on progression. It said this should be a compulsory part of the recruitment process<sup>37</sup>

## How many people are affected?

According to recent government figures, there are currently around 6,000 non-UK personnel serving in the armed forces.<sup>38</sup> 2,080 left between 2016 and 2019 (an average of 520 a year).<sup>39</sup>

In 2021, the government said that it had no reason to believe that most discharged non-UK service personnel don't comply with the requirement to regularise their immigration status or leave the UK. However, the government added that "Anecdotally, we are aware that some individuals are unable to meet this financial liability or choose not to do so, and, so, whilst they may not leave the UK, they are then not entitled to the benefits which come through holding valid leave to be in the UK."<sup>40</sup>

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<sup>37</sup> Forces in Mind Trust, [Understanding and improving non-UK service and transition in the British armed forces](#), 4 March 2024

<sup>38</sup> Ministry of Defence, [UK armed forces biannual diversity statistics: April 2024, table 5a](#), 11 July 2024

<sup>39</sup> Ministry of Defence, [Immigration Costs for Armed Forces Personnel Consultation](#), 26 May 2021, para 1

<sup>40</sup> Ministry of Defence, [Immigration Costs for Armed Forces Personnel Consultation](#), 26 May 2021, paras 1, 5

## 3.1

## Efforts to ensure awareness of immigration rules requirements

A parliamentary question answered in January 2021 confirmed the various ways in which the MOD and armed forces now try to make Commonwealth and Gurkha recruits aware of the need to apply for an immigration status at the end of their service:

The Ministry of Defence (MOD) takes a number of steps to ensure our Commonwealth and Gurkha personnel are informed about the process for achieving indefinite leave to remain once they leave Service. It is signposted on all the Service websites for recruits to understand prior to application, so they can make an informed choice about joining the British Armed Forces. Guidance is provided to all units to help them support their Commonwealth and Gurkha personnel throughout their career in the Armed Forces, including signposting them to sources of qualified immigration advice, to ensure that they have the information and support they need to make decisions about their and their families' immigration status, including prior to discharge. This information is also included in the Service Leavers Pack, which is provided to all those coming to the end of their careers.<sup>41</sup>

The Home Office and MOD have been criticised in the past for systemic failures in following their own guidance and advising military migrants on what they needed to do to secure their immigration status when they are discharged. The Ministry of Defence's 2018 Annual Report on the Armed Forces Covenant said that it "acknowledge[d] that more needs to be done to improve awareness of non-British immigration issues amongst personnel and the Chain of Command, and this is subject to ongoing work".<sup>42</sup>

The Ministry of Defence's 2021 Annual Report on the Armed Forces Covenant confirmed that the MOD was working to "improve access to, and understanding of, information that assists non-UK national Service personnel and their families with their immigration applications."<sup>43</sup>

### Legal action launched by Commonwealth veterans

The issue was highlighted in an unsuccessful claim for judicial review brought in 2020 by eight Fijian military veterans who had been discharged from the UK armed forces between 2009 and 2013. They did not apply for immigration permission after leaving the armed forces. They alleged that:

- they thought they would be automatically granted indefinite leave to remain after four years' service
- they were not informed that the endorsement in their passports exempting them from immigration controls became invalid upon discharge

<sup>42</sup> [Armed Forces Covenant Annual Report 2018](#), p93

<sup>42</sup> [Armed Forces Covenant Annual Report 2018](#), p93

<sup>43</sup> [Armed Forces Covenant Annual Report 2021](#), p87

- they were not informed that they would need to apply to remain in the UK after leaving the army<sup>44</sup>

Members of the group had encountered several difficulties arising from their lack of immigration status (and obstacles to regularising their status) such as high application fees. One of the claimants was [told he was liable to pay NHS charges](#) of around £50,000 for treatment to remove a brain tumour because he did not have permission to remain in the UK.

The claimants argued that they should be entitled to indefinite leave to remain free of charge.<sup>45</sup>

The claimants were refused permission for judicial review following an oral renewal hearing on 1 December 2020. This was partly because their claim was out of time. The Home Secretary subsequently said that she wanted to “correct” their situation and that the Home Office was considering how to resolve the cases.<sup>46</sup>

The then Minister for Immigration confirmed in January 2022 that the eight claimants were able to remain in the UK as they had “all now regularised their immigration status”.<sup>47</sup>

The minister also said that the Home Office would adopt a sympathetic approach to armed forces veterans living in the UK without immigration status, commenting:

Unless someone has committed serious or persistent criminal offences, our focus will be on supporting them to acquire status; we will not default to enforcement action. (...) That is the approach that we will look to adopt with an armed forces veteran, unless, as I say, serious or persistent criminal offences have been committed. I am sure colleagues will appreciate why I add that caveat.

The Home Office has also confirmed that veterans living in the UK who would be eligible for indefinite leave to remain but haven't applied to regularise their immigration status also benefit from the application fee waiver (see section 3.2 below).<sup>48</sup> In 2024, researchers at Anglia Ruskin University reported that “whilst there was a consensus that information provision had improved over the years”, service personnel, veterans and their family members still felt “uninformed about visa entitlement, processes and costs”.<sup>49</sup>

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<sup>44</sup> Duncan Lewis Solicitors, News '[Commonwealth Veterans' Legal Action Launched](#)', 21 August 2020.

<sup>45</sup> Duncan Lewis Solicitors, News '[Commonwealth Veterans' Legal Action Launched](#)', 21 August 2020.

<sup>46</sup> [HC Deb 14 December 2020 c19-20](#)

<sup>47</sup> [HC Deb 5 January 2022 c77WH](#)

<sup>48</sup> Gov.uk, [Visa fees scrapped for Non-UK Service Personnel - GOV.UK \(www.gov.uk\)](#), 23 February 2022

<sup>49</sup> Forces in Mind Trust, [Understanding and improving non-UK service and transition in the British armed forces](#), 4 March 2024, p31

While the researchers found that the advice being provided was accurate and up-to-date, non-UK personnel felt that “there were gaps in the information they received from official channels”.<sup>50</sup>

## 3.2

### Calls for visa and citizenship fee exemptions.

The cost of visa fees for non-UK members of the armed forces and their families (and the absence of a universal fee waiver/flexibility policy) has been the subject of criticism in recent years.<sup>51</sup>

Between 2019 and 2021, the Home Office said that it was “listening carefully” to stakeholders’ concerns and cited ongoing discussions between the Home Office and MOD.<sup>52</sup> It had previously ruled out abolishing indefinite leave to remain application fees for non-UK recruits and their family members, saying “it would be unfair if certain applicants or routes benefited from free applications or reduced fees, at the expense of others”.<sup>53</sup>

#### April 2022: Introduction of a settlement fee exemption

Following a [public consultation](#) on a draft policy proposal to waive indefinite leave to remain fees for certain non-UK service personnel at the end of their service,<sup>54</sup> the government announced that it would implement a fee waiver for those with at least six years’ service or those who are discharged due to an illness or injury attributable to their service.

The government said that the change was in recognition of the “value of the service given by our non-UK Service Personnel and veterans and will help to alleviate some of the financial burden placed on eligible non-UK Service Personnel as they transition to civilian life.”<sup>55</sup>

The armed forces settlement fee exemption was implemented through an update to the Immigration Fees and Regulations in April 2022.<sup>56</sup>

#### Stakeholder reactions and calls to extend the waiver to family members

The Royal British Legion (RBL) had been running a longstanding ‘[Stop the service charge](#)’ campaign against fees for indefinite leave to remain for

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<sup>50</sup> As above

<sup>51</sup> See [HC Deb 8 May 2019 c323-343WH](#); The Times, Red Box, ‘Commonwealth troops deserve better than to pay for citizenship twice’, 14 January 2021

<sup>52</sup> See, for example, [UIN 260724](#), answered on 10 June 2019; [UIN 282437](#), answered on 9 September 2019; [UIN 30193](#), answered on 26 March 2020

<sup>53</sup> [UIN 247139](#) [on Visas: Commonwealth] 29 April 2019

<sup>54</sup> Ministry of Defence, [Immigration Costs for Armed Forces Personnel Consultation](#), 26 May 2021

<sup>55</sup> Gov.uk, [Government response to Immigration Fees Public Consultation](#), 23 February 2022, p9.

<sup>56</sup> [Immigration and Nationality and Immigration Services Commissioner \(Fees\) \(Amendment\) Regulations 2022, SI 2022/296](#), regs 5(5)(b) and 6(40)(c)

Commonwealth personnel. The RBL said it was “delighted” by the announcement and that it would have a “huge impact on the lives of many serving personnel who are Commonwealth citizens.”<sup>57</sup>

The announcement was welcomed by the then MP, Johnny Mercer (Con), and Dan Jarvis MP (Lab). Dan Jarvis had previously [called for immigration fee exemptions](#) for non-UK current and recent armed forces members and their family members. However, both MPs said the policy should have also included spouses and children. In a joint statement, they said:

We are pleased the government has listened to us and introduced a visa fee waiver for those who have served at least six years. But we remain concerned that families continue to be sidelined – this amounts to a 25% discount on a £19k visa fee bill for a family of four.

Men and women from The Commonwealth and Nepal have a long and proud history of leaving their homes so we can sleep safely in ours. It is deeply unjust for the government to profit from them exercising their right to remain in the country for which they risked lives.<sup>58</sup>

The armed forces charity Help for Heroes said it was “delighted that the government has listened”. However, it also expressed disappointment that the government had not addressed concerns that had been raised about “the fees and complexity faced by the families of non-UK service personnel.”<sup>59</sup>

The government maintained that the fee exemption would not be extended to family members of armed forces personnel, with the then Immigration Minister highlighting that families of armed forces personnel do not have to pay the Immigration Health Surcharge, thus “reducing the overall cost of their visa applications compared with the families of most other employment groups.”<sup>60</sup>

## June 2024: Labour manifesto commitment

Labour announced in its [2024 manifesto](#) that a Labour government would “scrap visa fees for non-UK veterans who have served for four or more years, and their dependents.”<sup>61</sup>

By abolishing visa fees for veterans after four years’ service, and extending the waiver to their dependents, this policy goes much further than the previous government’s rule change.

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<sup>57</sup> Royal British Legion, [Government agree to scrap visa fees for Commonwealth military personnel](#), 22 August 2024

<sup>58</sup> Facebook.com/JohnnyForPlymouth, [Joint statement from Johnny Mercer and Dan Jarvis](#), 23 February 2022

<sup>59</sup> Help for Heroes, [Visa fees for non-UK service personnel and veterans](#), 22 August 2024

<sup>60</sup> [JIN 63834 \[on Visa: Fees and Charges\]](#) 16 March 2023

<sup>61</sup> [Labour Party Manifesto 2024](#), p119

Senior Public Affairs and Policy Manager at Help for Heroes, Ted Arnold, said he “warmly welcomed” the manifesto commitment:

Families experience the same stresses, strains and sacrifices of service life as our soldiers, sailors and airmen and women, including accompanying them on postings and supporting them through deployments ... If you served our country, our country should not charge you or your family to remain.<sup>62</sup>

### 3.3 Minimum income requirement for family visas

Since July 2012, a ‘minimum income requirement’ has formed part of the visa eligibility criteria for non-British nationals wishing to join partners in the UK who are British citizens or have permanent permission to stay.<sup>63</sup> The Library research briefing [‘The financial \(minimum income\) requirement for partner visas’](#) considers the requirement in more detail.

Family members of armed forces personnel became subject to the minimum income requirement from 1 December 2013.<sup>64</sup> This was part of a broader package of changes to the immigration rules for armed forces personnel and their family members.<sup>65</sup> The Home Office explained that the changes removed “unnecessary differences in treatment for family members based on the sponsor’s immigration status”.<sup>66</sup>

Until March 2024, the minimum income requirement varied depending on the size of the family unit. Sponsoring a partner or spouse alone required a minimum income of £18,600 per annum. An additional £3,800 a year was required to also sponsor a child, making the minimum income threshold required to bring a non-British partner and child to the UK £22,400 a year. An extra £2,400 was needed for each subsequent additional child. A soldier’s basic pay after training was £18,600 a year at the time when the requirement was first introduced for armed forces families.

In April 2024, the standard minimum income requirement rose to £29,000. A different earnings threshold was introduced for armed forces families (£23,496). This is the same as [the 2023/24 armed forces minimum wage](#).

The additional income requirement for children has also been removed, so the minimum income requirement is now the same regardless of the number of children brought to the UK.

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<sup>62</sup> Help for Heroes, Communication with the Commons Library, 28 August 2024

<sup>63</sup> EU national family members are not due to become subject to the requirement before late March 2022; Irish nationals will remain exempt.

<sup>64</sup> See [HC 803 of 2013-14](#).

<sup>65</sup> Home Office, [‘Family members of HM Forces: statement of intent: changes to the immigration rules from December 2013’](#), July 2013, page 3 [accessed 3 July 2019]

<sup>66</sup> Home Office, [‘Family members of HM Forces: statement of intent: changes to the immigration rules from December 2013’](#), July 2013, page 4 [accessed 3 July 2019]

Maria Lyle, [RAF Families Federation Director said that she was “delighted”](#) that a lower minimum income requirement had been agreed for the armed forces. She said that this will “support serving personnel ... to bring their loved ones to the UK, allowing the family to stay together and give the recruit the support they need...”<sup>67</sup>

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<sup>67</sup> Royal Air Force Families Federation, [Lower minimum income requirement agreed for the Armed Forces](#), 19 March 2024



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