



Appendix FM - Partner

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FRAGOMEN

Introduction to Appendix FM

- ▶ You need a family visa to live with a family member in the UK on a permanent basis. You can apply to live with your:
 - Spouse, civil partner or durable partner (on which this presentation will focus)
 - fiancé, fiancée or proposed civil partner
 - child
 - Parent (high threshold to be met)
 - relative who'll provide long-term care for you (high threshold to be met)
- ▶ You can apply from outside the UK, or extend or switch to this visa from within the UK (more detail to follow)
- ▶ Your family member must be a British or Irish citizen or have settled in the UK. For example, if they have indefinite leave to remain
 - Appendix FM applications are for individuals who are Non-European Nationals
 - There are other circumstances in which you can apply for a family visa such as if your family member has refugee status
- ▶ If you apply outside the UK, a decision will usually be made within 24 weeks
- ▶ You cannot apply for a family visa if your family member is in the UK temporarily on a work visa or student visa

Requirements Overview

- ▶ To be eligible as a partner, certain requirements must be met:
 - You and your partner both need to be 18 or over
 - You must be able to prove one of the following:
 - you're in a civil partnership or marriage that's recognised in the UK
 - you've been living together in a relationship for at least 2 years when you apply
 - you are a fiancé, fiancée or proposed civil partner and will marry or enter into a civil partnership in the UK within 6 months of arriving
 - You may need to prove your knowledge of English language
 - You will need to prove you have a combined income of at least £18,600 a year
 - You must provide evidence to prove your relationship is 'genuine and subsisting' such as a joint bank statement or tenancy agreement
 - You must intend to live with your partner permanently in the UK
 - If you're applying as a fiancé you must prove:
 - any previous marriages or civil partnerships have ended
 - you plan to marry or become civil partners within 6 months of arriving in the UK

Relationship Requirement

- ▶ To be eligible as a partner certain requirements must be met:
 - You and your partner both need to be 18 or over
 - You must be able to prove one of the following:
 - you're in a civil partnership or marriage that's recognised in the UK. Should be evidenced by a valid marriage certificate recognised under the laws of England and Wales, Scotland or Northern Ireland.
 - you've been living together in a relationship for at least 2 years when you apply. Evidence must include at least 5/6 different types of documents addressed to yourself and your partner (e.g. bank statements, utility bills etc.) covering the whole 2 year period.
 - you are a fiancé, fiancée or proposed civil partner and will marry or enter into a civil partnership in the UK within 6 months of arriving
 - You must provide evidence to prove your relationship is 'genuine and subsisting' such as a joint bank statement or tenancy agreement
 - You must intend to live with your partner permanently in the UK
 - If you're applying as a fiancé you must prove:
 - any previous marriages or civil partnerships have ended
 - you plan to marry or become civil partners within 6 months of arriving in the UK

Accommodation Requirement

▶ Adequate Accommodation Requirement

- ▶ There must be adequate accommodation for the family, including any other family members who live in the same household without recourse to public funds. The family must own or occupy exclusively the property.
- ▶ Accommodation will not be regarded as adequate if-
 - it is, or will be, overcrowded; or
 - it contravenes public health regulations.

▶ Possible Evidence

- ▶ Land registry/mortgage documents or tenancy agreements are the most valuable evidence you can submit as they will show the size of the property and its named residents. If your partner is not currently named on the lease a letter from the agency/landlord providing their permission for your partner to join the household can be added.
- ▶ If you will be initially staying in temporary accommodation, for example living with other family members/friends, a letter from the person you are staying with stating that they are happy for you both to live there temporarily while searching for a permanent home can be submitted.

English Language Requirement

▶ English Language Requirement

- National of a majority English speaking country
- Passed an English language test issued by an approved provider in speaking and listening at a minimum of **Level A1**
- Academic qualification which is taught in English
- Exemption applies – over 65; disability

▶ An Academic Qualifications taught in English

- ▶ If you have a degree level qualification that was taught in English outside of the UK, you will need to apply for a UK ECCTIS certificate to verify that the course was taught fully in English and meets the required academic level - <https://www.ecctis.com/visasandnationality>.
- ▶ You should apply under the Visa and Nationality service in order to be issued the correct certificate for a UK visa application.
- ▶ In order for Ecctis to conduct the assessment they will normally require a copy of your degree certificate/diploma, your full academic transcript marksheets and a medium of instruction letter from your course provider confirming the full course was taught in English.

English Language Requirement cont.

▶ **English Language Test**

- ▶ If an English language test there are a number of providers that can be used to obtain an English language test certificate.
- ▶ Approved test tests and centres are as follows:
 - IELTS SELT Consortium (UK or overseas): IELTS for UKVI
 - LanguageCert (UK or overseas): LanguageCert International ESOL SELT (Listening, Reading, Writing, Speaking)
 - Pearson (UK and overseas): Pearson PTE Academic UKVI
 - PSI Services (UK) Ltd (overseas only): Skills for English UKVI (4 component)
 - Trinity College London (UK only): Integrated Skills in English (ISE)
- ▶ Test results are valid for two years following the issue of the certificate.
- ▶ <https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt>

Financial requirement

- ▶ The minimum gross annual income to be met is:
 - (i) £18,600;
 - (ii) an additional £3,800 for the first applying child; and
 - (iii) an additional £2,400 for each additional applying child;
- ▶ If the income requirement is not met, cash savings above £16,000 can also be used in combination with income. The amount above £16,000 must be **2.5 times** the amount still required to meet the income threshold.
- ▶ Cash savings **cannot** be combined with:
 - self-employment income; or
 - income from employment as a director or employee of a specified limited company in the UK; or
 - gross income received for the 12 month period where person has been employed for less than 6 months with current employer.

Sources for meeting the financial requirement

- ▶ Income can come from the following sources:
 - a) income from salaried or non-salaried employment of the **partner**;
 - b) non-employment income, for example, income from property rental or dividends from shares of the **partner and/or the applicant**;
 - c) state (UK or foreign), occupational or private pension of the **partner and/or the applicant**;
 - d) income from self-employment, and income as a director or employee of a specified limited company in the UK, of the **partner**.
 - e) cash savings of the **partner and/or the applicant**, above £16,000, held for at least 6 months and under their control

Examples

▶ Example (a)

The applicant's partner currently works in Australia but is returning with the applicant to the UK to work. The applicant's partner has been working for the same employer for the last 5 years in Australia earning a gross annual salary of £25,000. The applicant's partner has a confirmed job offer to start in the UK in 8 weeks of their return, with an annual starting salary of £30,000. Therefore the applicant's partner has both current gross annual salary and a future starting salary which meet the financial requirement under Category A.

▶ Example (b)

The applicant's partner is in the UK, has recently had a baby and returned to work from maternity leave 2 months prior to the date of application. Her contracted salary is £19,400 a year. She has been with her current employer for 2 years but, as she has not been earning the required level of income for all of the last 6 months because of her maternity leave, the period to be assessed can be the 6 months before she began her maternity leave.

Applying from within the UK: Immigration Status Requirement

- ▶ The applicant must not be in the UK:
 - a) As a visitor; or
 - b) With valid leave granted for a period of 6 months or less (unless as a fiancé(e) or proposed civil partner); or
 - c) On immigration bail; or
 - d) In breach of immigration laws

- ▶ Exceptions to the above apply where the applicant:
 - a) Has a genuine and subsisting parental relationship with a child who is under 18, inside the UK, and is either British or has lived in the UK for at least the 7 years preceding the application, and it would not be reasonable to expect the child to leave the UK
 - b) The applicant has a genuine and subsisting relationship with a partner who is in the UK and is British, settled in the UK, holds refugee leave/humanitarian protection, or holds leave under Appendix EU, and there are insurmountable obstacles to family life continuing outside the UK

- ▶ Visas granted under these exceptions will be placed on the 10-year route to settlement

Settlement Options

- ▶ In order to be eligible for settlement, the following requirements must be met:
 - The applicant must be in the UK with leave to remain as a partner
 - The applicant must have completed a period of continuous residence in the UK of at least 5 years with leave to enter or remain as a partner (excluding the 6 months spent on a fiancé(e) visa); the partner must be the same individual for the full 5-year qualifying period
 - The applicant must satisfy the English language requirement as before but at a minimum level of B1 of the CEFR
 - Applicants placed onto the 10-year route to settlement must meet all of the above, but complete a continuous qualifying period of 10 years
 - Applicants will be placed onto the 10-year route to settlement if, during their residency under the 5-year route, they no longer meet certain eligibility requirements and one of the exceptions applies
 - Applicants placed onto the 10-year route to settlement can change onto the 5-year route if they meet the relevant criteria after a previous application

Fee Waiver

- ▶ You can apply for a fee waiver if you're applying for permission to stay in the UK. This means you will not have to pay a visa application fee if you are eligible.
- ▶ You may be eligible if you cannot afford to pay the fee because you:
 - Do not have a place to live in the UK and you cannot afford one
 - Have a place to live but cannot afford essential living costs like food or heating
 - Have a very low income and paying the fee would harm your child's wellbeing
 - You can include your partner or children if they are applying to join or stay with you in the UK as your dependants
- ▶ You will need to provide information about your financial situation (e.g. bank statements, evidence of household earnings and expenses), which will be verified by the Home Office.
- ▶ You must apply for your visa within 28 days of the fee waiver being granted, otherwise you will need to make a new application.
- ▶ Applicants applying via a fee waiver will only be placed onto the 10-year route to settlement.



Thank you!

Any questions?

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