

SETTLEMENT • APPLICATION GUIDE

Indefinite leave to remain and UK settlement

Qualifying periods, absences, continuous residence and the evidence the Home Office expects, updated for 2026.

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Please read first. This guide is general information about UK immigration law as at 8 August 2026. It is not legal advice, no outcome is guaranteed, and the Immigration Rules and Home Office fees change frequently. Always check the current position on GOV.UK or take advice.

How we work

- Enquiry — you contact the firm by telephone, email or the enquiry form, and we confirm whether we are able to help.
- Advice appointment — a solicitor reviews your circumstances and explains the position, the route options and the requirements that apply on those facts.
- Scope and fees agreed in writing — no application work begins before this is confirmed.
- Evidence preparation — we set out what is needed, review what you provide and identify gaps before submission.
- Submission — the application and the written submissions are checked and approved by a solicitor before they are filed.
- After submission — we deal with Home Office correspondence and keep you updated until the matter concludes.

SECTION 01

What indefinite leave to remain is

Indefinite leave to remain, also called settlement, gives you the right to live, work and study in the UK without a time limit and to apply for benefits if you are otherwise eligible. It is normally the step before an application for British citizenship.

Settlement applications are decided on residence history. The qualifying period, the pattern of absences and the continuity of lawful leave all need to be checked carefully before an application is made, because applying early is one of the most common and most avoidable problems we see.

SECTION 02

Qualifying periods by route

The qualifying period depends on the route you have been on. The table below sets out the periods that most commonly apply. Route-specific requirements sit on top of the residence requirement.

COMMON QUALIFYING PERIODS

ROUTE	USUAL QUALIFYING PERIOD
Skilled Worker and other work routes	5 years
Partner of a British or settled person (5-year route)	5 years
Partner route where leave was granted outside the Rules	10 years
Global Talent, Innovator Founder	3 years
Long residence (lawful residence)	10 years
Tier 1 (Investor) and certain legacy routes	2, 3 or 5 years depending on the category

The Government has consulted on changes to settlement, including longer standard qualifying periods and an earned settlement model. Any change would be made through the Immigration Rules. Check the current Rules, or take advice, before assuming the period that applies to you.

SECTION 03

Continuous residence and absences

Most work and settlement routes require continuous residence in the UK throughout the qualifying period. For work routes the usual test is that absences must not exceed 180 days in any rolling 12-month period during the qualifying period. Family route settlement does not apply the same 180-day test, but long or repeated absences can still put the requirement to be living together permanently in the UK in issue.

- List every absence accurately, with departure and return dates
- Check each rolling 12-month period, not each calendar year
- Keep evidence of the reason for longer absences, particularly where they were serious or compelling
- Check for any gap between one grant of leave and the next, including short overstays
- Where the route has changed during the period, confirm that the time on each route counts

Where there have been gaps in leave or a change of route, the position should be set out clearly in written submissions rather than left for a caseworker to reconstruct from the file.

SECTION 04

Knowledge of language and life

Unless exempt, applicants must meet the knowledge of language and life requirement. This has two parts: the Life in the UK Test, and English at CEFR level B1 or above in speaking and listening, evidenced by an approved test, a UK degree, or a degree taught in English confirmed by Ecctis.

- Applicants aged under 18 or aged 65 or over are exempt
- Applicants with a physical or mental condition preventing them from meeting the requirement may be exempt, with medical evidence
- A previous pass at B1 or above may be re-usable if the certificate has not been withdrawn
- The Life in the UK Test must be passed before the application is submitted

SECTION 05

Preparing the application

A working document checklist

- Current and previous passports covering the whole qualifying period, including expired documents
- Biometric residence documents or eVisa share code evidence for each grant of leave
- A schedule of absences with dates and reasons
- Life in the UK Test unique reference number and English language evidence
- Route-specific evidence: for work routes, employment and salary evidence; for family routes, relationship, accommodation and financial evidence
- Evidence for dependants applying at the same time
- Written submissions addressing residence, absences, suitability and any gap in leave

Suitability

Settlement applications are refused on suitability grounds more often than on residence grounds. Unspent convictions, cautions, non-custodial disposals, deception in an earlier application, unpaid NHS debt above the published threshold and unpaid litigation costs can all be relevant. Disclose accurately and address the position in submissions.

SECTION 06

Fees, timescales and after the decision

The Home Office publishes the current settlement application fee, the biometric enrolment position and the priority service options in its fees table. Fees change, usually at least annually, so check the published figure on GOV.UK before you apply. The immigration health surcharge is not payable on a settlement application.

- Standard processing: the Home Office publishes a service standard for settlement applications; it is a target rather than a guarantee
- Priority and super priority services may be available for an additional fee
- You will normally keep your existing conditions of leave while a valid in-time application is pending
- On a grant, settlement is evidenced digitally through your UKVI account
- Settlement can lapse if you spend more than two continuous years outside the UK

If the application is refused

A refusal letter should identify the remedy available, which may be administrative review, a right of appeal, or a fresh application. Deadlines are short. Where leave has expired, a refusal can also

affect your immigration status, so advice should be taken immediately.

WORKING WITH US

How we can help

Andrew Williams Solicitors is a regulated immigration law practice. Our solicitors advise on and prepare applications in this area, and every submission is checked and approved by a solicitor before it is filed.

- Settlement eligibility and timing reviews before an application is made
- Absence and continuous residence analysis across the qualifying period
- Document checklists and pre-submission review
- Written submissions addressing gaps in leave, absences and suitability
- Advice following an ILR refusal, including the deadlines that apply

Professional indemnity and scope of service

We use internal working methods to support our solicitors in delivering an efficient, evidence-led service. The following applies without exception:

- We are a regulated law firm providing legal services. We are not a technology or software provider.
- Any internal working methods we use support our solicitors. They are not products, and they are not supplied, licensed or made available to clients.
- Clients receive legal advice from a solicitor. Clients do not receive access to any internal system.
- No internal working method makes, replaces or influences a legal judgment. Every piece of advice and every submission is prepared and approved by a solicitor.
- We do not control Home Office decisions, processing times, eligibility or policy, and we make no representation that we do.
- Nothing in this guide is a guarantee of any outcome, timescale or eligibility.

IMPORTANT INFORMATION

Disclaimer and terms of use

- This guide is general information about UK immigration law and Home Office practice as at 8 August 2026. It is not legal advice and must not be relied on as advice about your own circumstances.
- The Immigration Rules, Home Office fees, published service standards and policy guidance change regularly and often at short notice. Figures and requirements stated here were checked against GOV.UK on the date shown and may have changed since. Always check the current position on GOV.UK, or take advice, before you make an application.
- No solicitor can guarantee the outcome of an immigration application or appeal. Every case is decided by the Home Office, or by the tribunal, on its own facts and on the evidence submitted.
- Andrew Williams Solicitors accepts no liability for any loss arising from reliance on this guide. Downloading or reading this guide does not create a solicitor and client relationship. A relationship begins only once we have issued, and you have accepted, a written engagement letter.
- We strongly recommend that you take advice from a regulated immigration solicitor before making or responding to any immigration application.

Sources checked

- GOV.UK — Check if you can get indefinite leave to remain (checked 8 August 2026)
- Immigration Rules Appendix Continuous Residence and Appendix KoLL
- Home Office guidance: Indefinite leave to remain — calculating continuous period
- Home Office immigration and nationality fees table

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ABOUT THE AUTHOR

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Andrew Nathaniel Williams is the principal solicitor and founder of Andrew Williams Solicitors, an immigration practice based in Leeds. He holds a Bachelor of Laws (LLB Hons) and a Postgraduate Diploma in Legal Practice, and began working in immigration law in 2001 as a caseworker at the Refugee Legal Centre in Leeds.

Andrew qualified as a solicitor in 2004 and established the practice that trades today as Andrew Williams Solicitors in 2007. He has held supervisory roles in immigration practices in Leeds, Hull and Manchester, and has acted in family, work, settlement, fee waiver and appeal matters at every level from initial application to the Upper Tribunal.

Andrew practises through the firm, which is authorised and regulated by the Solicitors Regulation Authority. The firm holds professional indemnity insurance as required by the SRA Indemnity Insurance Rules.

FIRM AND REGULATORY DETAILS

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To arrange an advice appointment, call 0113 244 1911, email clients@awsolicitors.co.uk, or use the enquiry form at www.awsolicitors.co.uk/contact/. We confirm the scope of work and our fees in writing before any application work begins.