**Home Office reference: e.g D1000000**

**Case ID: e.g 012345678**

**Date: DD/MM/YYYY**

UK Border Agency

**[Home Office address – see SET (P) application form for address]**

Dear Sir/ Madam

**RE:APPLICATION FOR SETTLEMENT IN THE UK IN ACCORDANCE WITH THE HOME OFFICE POLICIES ON REFUGEE LEAVE AND HUMANITARIAN PROTECTION**

# Applicant: [Full Name]

# DOB: [DD/MM/YYYY]

# Nationality: [State nationality]

# Status: [E.g leave to remain expires on [DD/MM/YYYY]

I submit this application for indefinite leave to remain under the SET (Protection) Route in accordance with the Home office policies on refugee leave and humanitarian protection. Please find enclosed a completed and signed SET (Protection Route) application form.

**Factual Background**

Tip: provide details of your personal details and immigration history in the UK. It is important to include all periods of leave to enter/remain in the UK here with exact dates. For example:]

* I, [Your Full Name], am a [state nationality], national born in [Town], [Country] on [DD/MM/YYYY].
* I first entered the UK on the [DD/MM/YYYY]
* In [DD/MM/YYYY], I was first granted [refugee status/humanitarian protection] [state on what basis, i.e. risk of return to home country due to political unrest], valid until [DD/MM/YYYY].
* I now submit this application for settlement under the Home Office provisions on Refugee Leave and Humanitarian Protection.

**The Law**

### *Requirements for indefinite leave to remain for persons granted refugee status or humanitarian protection*

***339R. The requirements for indefinite leave to remain for a person granted refugee status or humanitarian protection, or their dependants granted refugee status or humanitarian protection in line with the main applicant or any dependant granted leave to enter or remain in accordance with the requirements of paragraphs 352A to 352FJ of these Rules (Family Reunion), are that:***

***(i) the applicant has held a residence permit issued under paragraph 339Q for a continuous period of five years in the UK; and***

***(ii) the applicant’s residence permit has not been revoked or not renewed under paragraphs 339A or 339G of the immigration rules; and***

***(iii) the applicant has not:***

***a. been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years; or***

***b. been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence; or***

***c. been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence; or***

***d. within the 24 months prior to the date on which the application has been decided, been convicted of or admitted an offence for which they have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or***

***e. in the view of the Secretary of State caused serious harm by their offending or persistently offended and shown a particular disregard for the law; or***

***f. in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.***

### *Indefinite leave to remain for a person granted refugee status or humanitarian protection*

1. ***339S. Indefinite leave to remain for a person granted refugee status or humanitarian protection will be granted where each of the requirements in paragraph 339R is met.***

[Tip: You must declare if you have been convicted if any criminal offenses sentenced to imprisonment or could be seen as a threat to national security].

It is submitted that I meet the Immigration Rules for Indefinite leave to remain as a person granted refugee or humanitarian protection. I was granted 5 year [refugee status/ humanitarian protection] in [YYYY] under paragraph 339Q of the Immigration Rules. Since my grant of leave my residence permit has not been revoked under paragraphs 339A or 339G and I have resided in the UK peacefully throughout my time here, I have fully adapted to British society and customs of living in the UK. I have not been convicted of any criminal offences, sentenced to imprisonment or could be seen as a threat to national security. It is submitted that I do not fall for refusal under paragraph 339R of the Immigrations and therefore, on balance, there are no reasons to refuse the application as it is clear that my character is good and my association do not at all pose any risk to national security.

**How I meet the general requirements for permanent residence under the Home Office Policies**

### Absences from the UK

[TIP: If you have left the UK at all during the last 5 years you should give details of when, where, the duration and purpose of your absence].

I have had continuous residence in the UK since my arrival in [YYYY]. I have never left the UK for a long period of time. My only absence from the UK was from [DD/MM/YYYY] until [DD/MM/YYYY] [state where] [state reason for visit i.e. holiday with friends]. Furthermore, I have not returned to [state home country] due to my ongoing fear of harm.

**Grant of leave is not against the public good**

[TIP: You must declare if you have been convicted of any criminal offences, sentenced to imprisonment or could be seen as a threat to national security].

As stated above I do not have any criminal convictions in the UK and as such any grant of leave cannot be deemed as against the public good.

**Personal history and character**

[Tip: You should include information regarding why you were granted refugee status/ humanitarian protection in the UK. You should also include evidence, where possible that the situation in your home country as not changed since your initial claim and that you would still be at risk of returning].

I originally came to the United Kingdom in [YYYY] on the basis that [state basis]. In [YYYY] I claimed asylum [state why]. Evidence shows that since I was granted refugee status, the situation in [State home country] has remained the same with little improvement. Please find enclosed the following articles and The Home office guidance on [state home country] as evidence to support this application;

It is submitted that I would be at risk of persecution if I was to return to [state where]. Since I arrived in the United Kingdom in [YYYY], I have made the UK my home; I have committed myself to integrating to life here. I have not only made the UK my home but I have established family and private life in the United Kingdom with [state who] and a close circle of friends.

I am a hard-working member of society who has taken advantage of what the United Kingdom has to offer. [state what you have been doing since your grant of leave i.e. In education, working, owner of a business etc.

On balance, it is submitted that there is nothing to suggest that will be anything but a desirable citizen and therefore should be granted settled status in the UK

**The following documents are in support my application:**

[Tip: you need to list all the documents you are relying on to show your residency in the UK. This can include utility bills, council tax bills, bank statements, HMRC letters, NHS letters, school/college/university documents (certificates, reports etc), employment documents (payslips, P60s, P45s, contracts, letters from employer) and so on. You should provide as much evidence as you can and list it in date order. Try get a few pieces of strong evidence at the least for each of the 5 years.]

**Identity Documents**

* UK Travel Document
* Biometrics Residence Permit

**Evidence of UK residency**

I currently [owns/rent] a property in the United Kingdom. I pay [state cost] in [rent/mortgagee repayments] per month. I have resided at the below property since -MM/YYYY].

[State current address]

Previous to this I resided at;

[State previous address]

**Employment/self-employment/student**

[TIP: Give details of your employment/self-employment in the UK and include evidence if applicable]. For example I have been [employed/self-employed] in the UK since [MM/YYYY]. I currently work as a [state role] [state which company].. Please find evidence below;

Payslips. Date [DD/MM/YYYY] to [DD/MM/YYYY]

Bank statements. Dated [DD/MM/YYYY]

P60. Dated [DD/MM/YYYY]

**Other supporting documents**

- Photographs

- Letters of support

**Article 8 ECHR:**

Representations under Article 8 ECHR:

As it has been determined that there are some exceptional circumstances in this case, Article 8 can be considered under the rules:

It is submitted that I have established both private and family life within the UK. I have settled within the UK and adapted to British society. I have formed a family unit in the UK; this family life could not be continued from [state national country].

The notion of a private life is very broad. Potentially, it encompasses all aspects of modern private life within an ‘inner circle’ in which individuals may live their personal lives as they choose without interference from the state.

1. Family life must be established:

I have lived in the UK for over [X] years. [Tip: mention what family you have in the UK, such as a partner, children, parents, grandparents, aunt, uncles and so on]. The strength and resilience of my family life has enabled me to continue living and building a positive family within the UK. The strength and duration of my engagement with community and society in the UK is a testament to the established family and private life of myself. Family life is clearly established.

2. Will the proposed removal be interference by a public authority with the exercise of the applicant’s right to respect for his private or family life?

Yes.

3. If so, will such interference have consequences of such gravity as potentially to engage the operation of Article 8?

Yes. It is submitted that the interference will give rise to serious disruption of my private and family life. During the last several years I have inevitably developed private and family life. Removal to [state national country] would have grave infringements on my human rights. It is wholly submitted that if my family and I were compelled to relocate to [state national country], it would have harmful effects upon the family relationship with each other and those in our immediate environment. I cannot exercise my right to a respect for family and private life from [state your country]. It is submitted that such interference would be so grave as to amount to a flagrant denial of that right.

4. If so, is such interference in accordance with the law?

No.

5. If so, is such interference necessary in a democratic society in the interest of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedom of others?

No. I have conducted myself peacefully within the United Kingdom and carry no threat to the state whatsoever. There is all reason to suggest that I would pursue a legitimate and peaceful life if granted indefinite leave to remain in the UK. I have spent [X] years in the UK whereby I have never been involved in any criminal activity. I obeyed the laws and respects the values of the UK. I have demonstrated exemplary interaction within the community and I am employed within the UK. It is clear that I am of good character and would be no threat to the British society if I was granted indefinite leave. Instead I would continue to have a positive impact on the society and would not be a burden on the state.

6. If so, is such interference proportionate to the legitimate public end sought to be achieved?

It is submitted that removal from the UK will constitute a disproportionate interference with my right to family and private life.

**Conclusion**

As demonstrated above, the applicant meets all the requirements for settlement in the UK and we ask that you grant leave as soon as possible.

Please do not hesitate to contact us should you require further clarification or information regarding this application.

Thank you.

Yours faithfully

## **Andrew Williams Solicitors**

**Encl: as stated above**