

# Immigration status and its effect on children and their education

Katherine Houlston

Foreign and Commonwealth Specialist

# Putting Army Families First

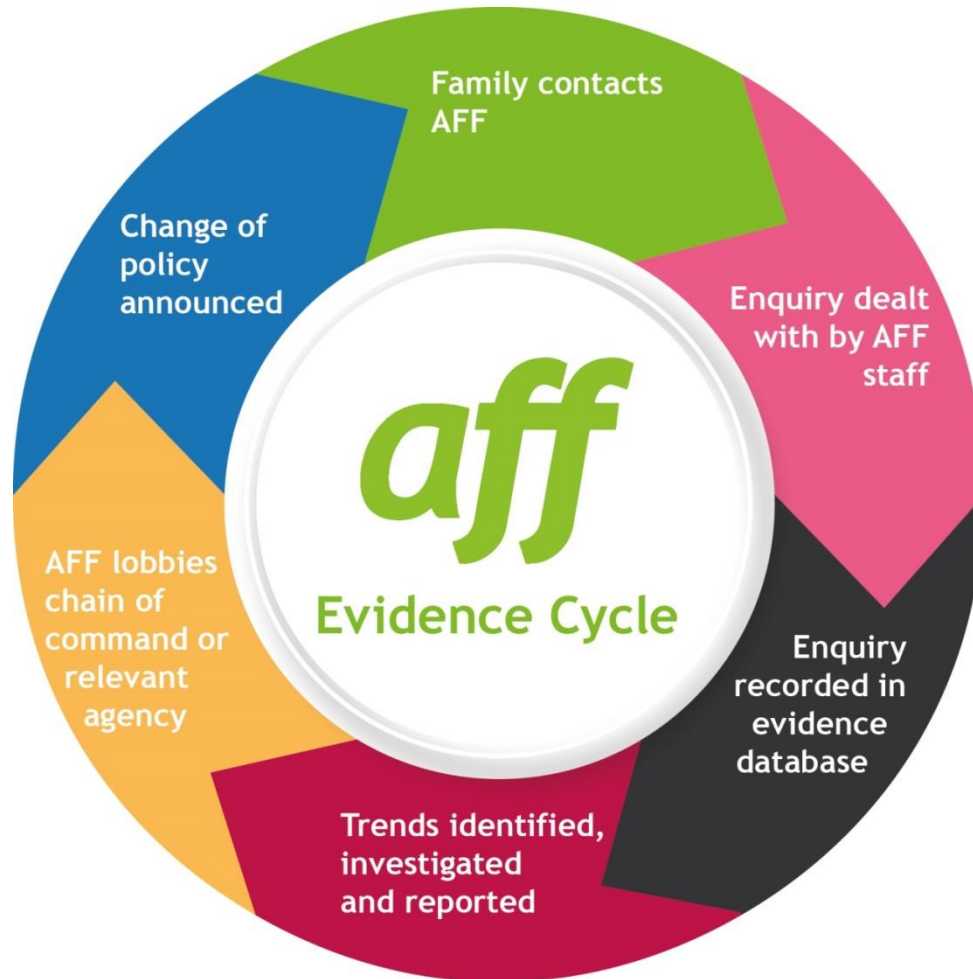


**aff**

The Army Families Federation (AFF) is the independent voice of Army families and works hard to improve their quality of life - wherever they are.

[www.aff.org.uk](http://www.aff.org.uk)

# Evidence Cycle






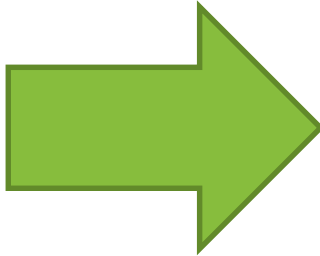
# Commonwealth Soldiers in the British Army

- 53 Commonwealth nations
- 6070 non-British nationals serving (1 Aug 14)
- Top contributing countries:

• Fiji	1580
• Ghana	740
• Nepal	590
• South Africa	575
• Rep of Ireland	380
• Jamaica	315
• Vincentian	275
- In addition, 2650 serving in the Brigade of Gurkhas

- Soldiers in UK on exempt stamp until discharge
  - Spouses and children come to UK on 5 year limited leave visas as dependents. No recourse to public funds. Cost: £1,464.
- 
- After 5 years if marriage still subsisting, spouse and children can apply for ILR (Indefinite Leave to Remain). Cost: £2,297.
  - ILR grants access to benefits and permanent right to reside

# Issues faced by F&C families

- Minimum income requirement
  - Cost of ILR
  - Debt
  - Complex AF rules
- 
- Visa expires
- Divorce and domestic violence
  - Discharge

# Children from previous relationships and 'gifted' children



army families federation

- No automatic right to bring a child to the UK
- Section 55 of the Borders, Citizenship and immigration Act 2009

‘The objective of this provision is to allow a child to join a parent or relative in this country only where that child could not be adequately cared for by his parents or relatives in his own country. It has never been the intention of the Rules that a child should be admitted here due to the wish of or for the benefit of other relatives in this country’

- Children are brought to the UK as visitors instead
- Application to remain will have to rely on ‘human rights’ provisions

# The effect of divorce and DV



army families federation

- Immigration route no longer valid - must apply for a new visa (£993 or £2,297)
- No longer able to remain in service families accommodation - 93 days
- Not able to claim benefits
- Not eligible for local authority housing assistance
- Not eligible to stay in a refuge
  
- DV route grants ILR if enough evidence



# Further and Higher Education



army families federation

- **FE (16-18)** children will qualify for home fees regardless of their immigration status if with a parent who has permission to be in UK
- **FE (19+)** children need to have 3 years residence in UK or have a parent with ILR
- **HE** ILR required plus 3 years 'ordinary' residence or if over 18 and have no ILR, you must have spent more than half your life in UK and meet 'ordinary residence' rules

# Student finance implications



army families federation

## Mr T

- child of soldier who spent some time on accompanied overseas assignment with his father
- Made application for ILR but refused due to time spent overseas (HO took 14 months to make a decision)
- AFF lobbied successfully to overturn the refusal
- Applied for student funding but as he had already started his course as an international student and as he wasn't granted his ILR prior to the start of the course he wasn't able to get funding for the whole 3 years
- Now owes £22k in tuition fees
- Has not been allowed to collect his degree certificate



## Foreign & Commonwealth

## AFF F&C service

You are here: [Home](#) > [Info](#) > Foreign & Commonwealth

### Latest News



### FAQs



### Visas



### Citizenship



### Discharge



### Divorce / Domestic Violence



### Forms & Prices



### Everything Else



### OISC



Katherine Houlston, AFF F&C Specialist

Jessica Hamman, AFF F&C Assistant

Contact the F&C team

[Sign Up for Email Updates](#)



Share this page

