

If you wish to apply for a transfer of conditions on form TOC, please read these guidance notes and the separate UKBA photograph guidance (version 04/2009) before making your application.

CONTACTING US

Our main website address and telephone numbers for contacting us are given below.

OUR WEBSITE

www.ukba.homeoffice.gov.uk

For information about immigration law and policy, the services offered by our Public Enquiry Offices, and to see and download application forms and related guidance

IMMIGRATION ENQUIRY BUREAU

0870 606 7766

Monday to Thursday 9.00 - 4.45
Friday 9.00 - 4.30

For immigration information and enquiries, and to book appointments at our Public Enquiry Offices

APPLICATION FORMS UNIT

0870 241 0645

Monday to Thursday 9.00 - 4.45
Friday 9.00 - 4.30

For application forms, guidance notes and photograph guidance only

OUR PUBLIC ENQUIRY OFFICES

Our Public Enquiry Offices (PEOs) are for premium service applications only. Their addresses and opening times are given below - with the exception of Belfast PEO, as it currently offers a more limited service. The telephone number for appointments is given above. For details of the services and facilities provided by each of the PEOs, please go to our website.

CARDIFF	CROYDON	GLASGOW	LIVERPOOL	SHEFFIELD	SOLIHULL
General Buildings Ground Floor 31-33 Newport Road Cardiff CF24 0AB	Lunar House 40 Wellesley Road Croydon CR9 2BY	Festival Court 200 Brand Street Govan Glasgow G51 1DH	Reliance House 20 Water Street Liverpool L2 8XU	Vulcan House 6 Millsands Sheffield S3 8NU	Dominion Court 41 Station Road Solihull Birmingham B91 3RT
Monday to Friday 9.00 - 4.00	Monday to Friday 8.00 - 4.00	Monday to Thursday 8.30 - 4.30 Friday 8.30 - 4.00	Monday to Friday 8.30 - 4.00	Monday to Friday 9.00 - 4.00	Monday to Friday 9.00 - 4.00

GUIDANCE NOTES

1 FOR WHICH APPLICATIONS MUST YOU USE FORM TOC?

Form TOC must be used if you already have permission to be in the UK for a limited period as confirmed by a stamp or sticker in a passport or other document issued to you, and you now want that permission confirmed in another document (usually because you have obtained a new passport). This is known as a transfer of conditions (TOC).

From 31 March 2009, anyone applying for a transfer of conditions must apply - also on form TOC - for a **biometric immigration document**, otherwise known as an identity card for foreign nationals. If the application is successful, your permission to be here (and that of any dependants applying with you) will be confirmed in the identity card(s)

issued to you/them. For more information about this, please read **Identity Cards for Foreign Nationals** on pages 5 and 6 of these guidance notes.

You and any dependants applying with you must be in the UK to apply.

You must not use form TOC if you wish to replace a UK identity card for foreign nationals because it has been lost, stolen or damaged, or because of any changes in your personal details. To apply for a replacement identity card, you must use form ICFN(RC).

To apply for an indefinite leave stamp to be fixed on another passport or document, you must use form NTL.

2 WHO MAY APPLY ON THIS FORM?

You and your partner, and/or children under 18 if they are applying as your dependants. "Partner" means a spouse, civil partner, unmarried or same-sex partner.

Children aged 18 or over may not be included; they must each apply individually and pay the specified fee, as must any children under 18 if there is some reason preventing them from applying with you.

3 THE FEE

The current specified fees for applications on form TOC are **£165** for postal applications or **£515** for the premium service at one of our Public Enquiry Offices.

Please note the following:

- **If you do not pay the specified fee, the application will be invalid and will be returned to you.**
- **We will not refund the fee if we refuse the application or if you withdraw it.**

For information about methods of payment, please see the payment details guidance on page 2 of the form.

For more information about the current fees, please go to our website.

4 WHEN TO APPLY

You and any dependants applying with you should apply early enough, as we will not be able to confirm you/their permission to be in the UK in another document issued to you (ie an identity card for foreign nationals - see part 1 of these notes) if your/their permitted stay has already run out.

To allow for any processing delays, **you should apply at least 8 weeks before the end of your permitted stay in the UK.**

If you apply too late and your permitted stay has run out by the time your application is processed, you will not have any permission to transfer. In that situation, **please note that we will not refund the fee** and you will need to apply for an extension of stay if you want to stay in the UK, for which you will have to pay the specified fee.

If you are within 8 weeks of the end of your permitted stay and want to remain in the UK for a further period, you should apply in the appropriate category.

If you do not intend to extend your stay in the UK, you should carry your old passport (if you still have it) and/or any letter from the Home Office with your permission to be here as evidence of your status.

5 MAKING SURE YOUR APPLICATION IS VALID

Paragraphs 34-34I of the Immigration Rules specify certain

requirements with which an application on a form specified for the purpose of the Rules must comply. To make a valid application, you must:

- *apply on the current version of form TOC*
- *pay the specified fee by one of the methods specified in the payment guidance*
- *provide photographs of yourself and any dependants who are applying with you as specified in the application form and which meet the mandatory format standards specified in the photograph guidance*
- *complete sections 1, 3 and 4 as required - and section 2 if any dependants are applying with you*
- *sign the declaration in section 7 as specified*
- *send the application by prepaid post to UK Border Agency or make it in person at a Public Enquiry Office.*

If you fail to do any of these things, your application will be invalid and we will return it to you.

6 ENSURING YOUR APPLICATION IS COMPLETE

You do this by completing every relevant section of the form as required and providing all the documents specified for your particular application, including your passport and those of any dependants applying with you. **If you do not do this, we reserve the right to decide your application on the basis of the information and documents provided.**

It is important, therefore, to provide an explanation if you cannot give us all relevant information or documents when making your application.

7 COMPLETING THE FORM

Please use a black pen to complete the form; write names, addresses and similar details in capital letters.

In the payment details and other sections where you give personal details and addresses, leave an empty box between each part of the name and of the address.

Please note that we always use the personal details in an applicant's passport or travel document for official purposes, including any identity card issued if the application is successful.

Take care to complete all sections as required, including the Personal History section. Follow the guidance on page 2 of the form when completing the payment details. Read the notes in various sections of the form.

As already emphasised in part 6 of these notes, you must enclose a letter of explanation if you are unable to provide all the required information or any relevant specified documents.

8 PHOTOGRAPHS

For your application to be valid, it is mandatory to provide the following photographs:

- *Two identical passport-size photographs of yourself with your full name written on the back of each one.*
- *Two identical passport-size photographs of any dependants applying with you with their full name written on the back of each one.*

The photographs you provide must also comply with **the mandatory format requirements specified in the separate UKBA photograph guidance**. The application will be invalid if they do not.

Please ensure that you place the photographs in a small sealed envelope and attach it to section 1 of the form as instructed there - and without any staples, clips, pins or anything else which could mark or damage the photographs.

The photographs will be checked against the images taken when your biometric features and those of any dependants applying are enrolled (ie recorded).

9 DOCUMENTS

Documents provided with the application **must be originals**.

Copies of any kind are not acceptable unless there are valid reasons for not being able to provide the original document. In such circumstances, we may accept a copy certified by the body or authority which issued the original (for example, a copy of a savings book certified by the building society or bank), or by a notary.

The reasons for not being able to provide the original document must be explained in a covering letter. We are unlikely to grant your application without the original document.

Any documents which are not in English must be accompanied by a reliable English translation.

Make sure passports or travel documents are signed.

10 APPLYING BY POST - THE ADDRESS

If you are applying by post, the address to which you must send an application on form TOC is:

**UK Border Agency
Leave to Remain - TOC
PO Box 502
Durham
DH99 1WG**

Posting it to any other address will delay it. This address is only to be used when sending your application. Please use the address given in part 13 for any other correspondence about your application.

If you use Recorded or Special Delivery, this will help us to record the receipt of your application. Make sure that you keep the Recorded or Special Delivery number.

We will return your passport(s) and other documents by Recorded Delivery. If you would like them to be returned by Special Delivery, you must provide a prepaid Special Delivery envelope which is large enough.

You will receive a letter of acknowledgement within a few days of your application being received unless there is a problem concerning the payment of the fee, in which case you will be contacted as soon as possible.

11 APPLYING IN PERSON

We offer a premium service to people who apply in person at our Public Enquiry Offices (PEOs). The premium rate of **£515** has to be paid for this service, which is available only for applications which are straightforward and do not require further enquiries.

Appointments. To apply in person, you must make an appointment in advance with one of the PEOs. If you make one for some time ahead, please check that the application form you use is still valid on the day of your appointment.

Please note that identity cards will be posted to successful applicants within 7 working days of your appointment; **they cannot be issued on the day itself**.

The PEO addresses, opening times and telephone number for appointments are given on the front page of these guidance notes.

For the latest information about their opening times and services, please see our website.

12 DECISION TIMES

For the latest information on our service standards for deciding charged applications in the 2009/10 business year, please go to our website.

Applications which are not straightforward or which need further enquiries take longer to decide.

As we cannot tell in advance how long it will take to decide particular cases, our general advice to applicants is not to make any non-urgent travel arrangements until your passport(s) or travel document(s) are returned, followed by your identity card(s) if your application is successful.

13 CONTACTING US AFTER YOU HAVE APPLIED

If you need to contact us after you have applied, please do so as follows.

To send us more information about your application, please use the following address (not the one to which you posted your application):

**UK Border Agency
Initial Consideration Unit - TOC
Lunar House
40 Wellesley Road
Croydon
CR9 2BY**

Give the following details in your letter:

- *the applicant's full name, date of birth and nationality*
- *any Recorded or Special Delivery number*
- *the date on which the application was posted or made in person*
- *the Home Office reference number if you have one.*

If you need your passport to travel urgently and unexpectedly, call **0870 606 7766** and give the personal and other details listed above.

Your application will be treated as withdrawn if your passport is returned for travel abroad before we are able to decide the application.

14 OBTAINING APPLICATION FORMS

You can obtain application forms, the accompanying guidance notes and the UKBA photograph guidance from our website at **www.ukba.homeoffice.gov.uk**

If you are unable to obtain the form and accompanying guidance from our website, our Application Forms Unit on **0870 241 0645** will be able to help but it will take longer.

15 OTHER ENQUIRIES

For enquiries other than obtaining an application form, consult our website or call **0870 606 7766**.

We also have the following freephone textphone number: **0800 38 98 28 9**.

16 CHOOSING AN IMMIGRATION ADVISER

Immigration advisers are regulated by The Office of the Immigration Services Commissioner (OISC).

Their website at **www.oisc.gov.uk** contains a list of authorised advisers and has links to websites for solicitors, barristers and legal executives.

If you have a complaint about an immigration adviser or need other information, the OISC contact details are:

Office of the Immigration Services Commissioner
5th Floor,
Counting House
53 Tooley Street
London
SE1 2QN

Telephone: **0845 000 0046**

Alternatively the Solicitors Regulation Authority, which regulates solicitors in England and Wales, can help you find a solicitor if you contact them on **0870 606 2555** or visit their website at **www.sra.org.uk**

The address and telephone number for any complaints about a solicitor are:

Legal Complaints Service
Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE

Telephone: **0845 608 6565**

17 COMPLAINTS ABOUT OUR SERVICE

If you wish to make a complaint about our service, please refer to the complaints page on our website for detailed information on how to do so.

18 DATA PROTECTION NOTICE

We will treat all information provided by you in confidence but may disclose it to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions.

We may also use the information provided by you for training purposes.

The information in the payment details page will be known to the private contractor engaged by the Home Office to process application payments.

See part 19 of these guidance notes on pages 5 and 6 for information about the requirement to apply for an identity card for foreign nationals.

19 IDENTITY CARDS FOR FOREIGN NATIONALS

On 25 November 2008, under the provisions of The Immigration (Biometric Registration) Regulations, identity cards were introduced for certain foreign nationals applying for permission to remain in the UK. The requirement to apply for such an identity card is gradually being extended across the whole range of immigration applications.

Since 31 March 2009, everyone applying for a transfer of conditions on form TOC must apply for an identity card.

Further information about these measures, which are based on powers contained in the UK Borders Act 2007, can be found on our website.

a. What is an identity card?

The identity card for foreign nationals is a residence permit which holds your biographic details (name, date and place of birth) and biometric information, and shows your immigration status and entitlements while you remain in the UK.

This replaces the practice of placing a UK residence permit in the passport of anyone granted permission to remain in the UK. If you are issued with an identity card, you will receive a leaflet giving more information about it and explaining your obligations as an ID cardholder.

b. What are biometric features?

Biometric features are unique physical characteristics that can be used to identify you. In this case, they will be your facial image and ten fingerprints.

c. Having your biometric features enrolled?

Applicants who are required by law to apply for an identity card must make arrangements to have their biometric features enrolled (ie recorded) as part of the application process.

Those wishing to apply in person (premium service applications) must book an appointment to attend a Public Enquiry Office.

Provided the specified application fee has been paid, those making postal applications will be sent a notification letter giving details of the available options for having their biometric features enrolled.

d. The procedure (premium service applications)

If you apply in person at one of our Public Enquiry Offices, you and any dependants applying with you will be required to have your biometric features recorded after signing an acknowledgement to confirm that you understand what you are required to do.

You will then be asked to place your fingers, followed by

your thumbs, on a fingerprint scanner. If your hands are not clean, we will ask you to wash them. Once your fingerprints have been recorded, we will then take a photograph of your face.

The same process will be carried out for any dependants who are applying with you, except that any children under the age of 6 will not be required to provide fingerprints, although we will take their photograph.

The biometric features taken will then be recorded as part of your application and those of any dependants who are applying with you.

If any children under the age of 16 are applying with you, or as single applicants, they must be accompanied by a responsible adult (see **Children under the age of 16 at 19g** on page 6).

In some circumstances, you may be required to attend an identity interview if we require further information to establish your identity.

e. The procedure (postal applications)

If you apply by post, you will be sent a notification letter informing you of the need to make arrangements for yourself and any dependants applying with you to have your biometric features recorded. The letter will set out the options available to you for making these arrangements.

If you call to book an appointment to attend a UK Border Agency biometric enrolment centre, you will be given a **booking reference number (BRN)** which you should enter in the BRN space in the notification letter. If you have given us your e-mail address, we will confirm the appointment by e-mail (within 24 hours). If you have given us your mobile telephone number, we will send a text message reminder 48 hours before the date of the appointment. But we will not send a letter confirming the appointment.

In all cases when attending to enrol your biometric features, **you must bring your appointment notification letter with you**. Please make sure that it has your booking reference number on it.

The procedure at your appointment will be the same as that described above for someone making an application in person. Any children under 16 must be accompanied by a responsible adult - see **19g** on page 6.

f. How and when will you be notified of the outcome of your application for a transfer of conditions and for an identity card?

If your application is successful, you will not be issued with a residence permit in your passport. Instead, you will be issued with an identity card for foreign nationals, which you will receive within the following timescales:

- *Applying in person*

If you are applying in person and your application is successful, you will be sent an identity card or cards for yourself and any dependants applying with you by secure delivery to reach you within 7 working days of your appointment. **Identity cards cannot be issued on the day itself.**

- *Applying by post*

If you are applying by post and your application is successful, your passport(s) and other documents will be returned to you. You will then be sent an identity card or cards for yourself and any dependants applying with you by secure delivery to reach you within 7 working days of your application(s) being decided.

g. Children under the age of 16

We cannot record the biometric features of children under the age of 16 unless they are accompanied by a responsible adult.

If any such children are applying with you as your dependants, we would expect you to be with them when their biometric features are enrolled. If not, the person accompanying them must be a responsible adult aged 18 or over who is either the child's parent or guardian, or a person who for the time being takes responsibility for the child. Any such person must be named on the application form.

Similarly, if you are a single applicant under the age of 16, you must be accompanied by your parent, guardian or other responsible adult aged 18 or over.

That person must bring with them a letter confirming that they are authorised to take responsibility for the child for the purpose of the biometric features appointment.

At the appointment, the responsible adult will also be asked to provide an acceptable form of identity, such as a passport or driving licence, which will be checked against the details given on the application form.

h. What if you fail to book an appointment?

If you are notified that you must book an appointment to enrol your biometric features but fail to do so within 15 days of the date of the notification letter, you will be sent a warning letter requiring you to book an appointment within a specified time limit. If you then fail to book an appointment by the date specified in the warning letter, your application for an extension of stay will be rejected as invalid. If that happens, you will have to resubmit your application for it to be considered.

i. What if you fail to attend to enrol your biometric features?

If you fail to attend to enrol your biometric features, you

will be given another opportunity to do so within a limited period. If you fail to attend within that period or cancel an appointment without giving us a reasonable explanation, your application for an extension of stay is likely to be refused on the grounds of non-compliance with regulations made under the UK Borders Act 2007.

j. What if you fail to comply with the enrolment process at the appointment?

If, at the appointment, you fail to co-operate fully with the biometric enrolment process, for example by attempting to obscure your fingerprints or other biometric features, you will be warned that your refusal to comply may result in your immigration application being refused on the grounds of non-compliance with regulations made under the UK Borders Act 2007.

k. What about any medical or physical conditions that may require the UK Border Agency to provide you with special arrangements?

If you and/or any dependants applying with you have a medical or physical condition which may require special arrangements to be made in order for your biometric features to be recorded, you must obtain a letter or other document giving the details of any such condition and enclose it with your application.

Appropriate documentary evidence would be a letter from a treating clinician, such as a practising doctor registered with the General Medical Council, giving details of the condition and/or special needs and explaining any arrangements that may be necessary.

l. Do you need to make any special preparations before your biometric features are enrolled?

When you attend to enrol your biometric features, please make sure that your hands are clean. If they are not, you may have to wash them before we scan your fingerprints.

Please do not have stain (such as henna) or other substances on your hands, as this could prevent us from recording your fingerprints. If that were to happen, you would have to make a new appointment and that would delay the consideration of your application.

m. What if any identity card issued to me or any dependants of mine is lost or stolen?

You must report the loss or theft of your identity card immediately to the UKBA Card Management Service on **0300 123 2412** - and also to the police as soon as possible. You will need to provide a police reference number and, if one was issued, a police report when you apply for a replacement card on form ICFN(RC).

If you fail to apply for a replacement card within 3 months of its loss, theft or other reason for needing a replacement, you could be liable to a fine of up to £1,000 or curtailment of your stay in the UK.