



SETTLEMENT IN THE UNITED KINGDOM: IMMIGRATION DISCRETIONS FOR FORMER BRIGADE OF GURKHA MEMBERS

WHAT IS CHANGING AND WHEN?

From 24 April 2009 new criteria will be used to consider applications to settle in the United Kingdom outside of United Kingdom Immigration Rules from former members of the Brigade of Gurkhas (the Brigade).

WHY ARE CHANGES BEING MADE?

The High Court in the United Kingdom ruled that the previous guidance was unclear and did not adequately reflect factors relating to length and quality of service in the Brigade.

WHAT ARE THE NEW DISCRETIONARY CRITERIA?

Permission to settle in the United Kingdom may be granted if you meet one of the following:

- You spent at least three years continuous lawful residence in the United Kingdom during or after service;
- You have close family settled in the United Kingdom with whom you enjoy family life within the meaning of Article 8 of the European Convention on Human Rights (ECHR);
- You received a Level 1-3 Award¹ for gallantry, leadership or bravery for service in the Brigade;
- You completed 20 or more years' service in the Brigade;
- You have a chronic/long term medical condition which is attributable to, or was aggravated by, service in the Brigade.

If you do not qualify under any of the above, permission to settle in the United Kingdom may also be granted if you meet any two of the following:

- You were previously awarded a United Kingdom Ministry of Defence disability pension, but no longer have a chronic/long term medical condition attributable to, or aggravated by, service in the Brigade;
- You received a Mention in Despatches (Level 4 Award) for service in the Brigade;

¹

Level 1: Victoria Cross

Level 2: DSO/DCM, DSO/DCM Bar, IDSM (India Distinguished Service Medal)

Level 3: Military Cross, Military Cross Bar Military Medal, Military Medal Bar, Jangi Inam

- You completed 10 years service in the Brigade or you served less than 10 years but received a campaign medal for active service in the Brigade.

WHAT ABOUT MY RELATIVES?

If your application were successful, discretion to settle in the United Kingdom would normally be extended to close family (including any wife or dependent children) with whom you enjoy family life within the meaning of Article 8 of the ECHR.

WHERE CAN I GET MORE INFORMATION INCLUDING DETAILS ABOUT HOW TO APPLY?

If you have a query about a visa application you should contact your nearest British diplomatic post. In most cases you will need to contact either:

UK Visa Application Centre
284, Nagpokhari Sadak
Opp. East Royal Palace Gate
Near Lazimpat, Kathmandu, Nepal

Telephone: 4412311/4428123

Email: info.uknp@vshelpline.com

Website: www.vsf-uk-np.com

Or

Visa Services
UK Border Agency
British High Commission
Shantipath, Chhanakyapuri
New Delhi 110 021

Telephone: 0091 11 24100020/21/22

Email: visgry.newdelhi@fco.gov.uk

If you have an enquiry about a settlement application from within the United Kingdom you should contact:

SET 1-3 (Armed Forces)
UK Border Agency
9th Floor
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
United Kingdom

Telephone: 0870 606 7766

Email: UKBApublicenquiries@ukba.gsi.gov.uk

Detailed guidance on the consideration of applications for United Kingdom settlement from former members of the Brigade can also be found under 'Section 2A' at:

www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter15/