

## APPLYING ON FORM BUS : GUIDANCE NOTES

*If you are planning to apply for an extension of stay or indefinite leave to remain in the United Kingdom (UK) in a category for which you must use form BUS, please read these guidance notes before making your application.*

### Our telephone services

#### IMMIGRATION ENQUIRY BUREAU

Tel: 0870 606 7766

Monday to Thursday: 9.00 - 4.45  
Friday: 9.00 - 4.30

For general information and appointments at Croydon  
Public Enquiry Office

#### APPLICATION FORMS UNIT

Tel: 0870 241 0645

Monday to Thursday: 9.00 - 4.45  
Friday: 9.00 - 4.30

For application forms only

### Our Public Enquiry Offices - for premium service applications (not available for BUS categories)

#### CROYDON

Public Enquiry Office  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

Monday to Friday:  
8.00 - 4.00

Tel: 0870 606 7766  
(appointments only)

#### BIRMINGHAM

Public Enquiry Office  
Dominion Court  
41 Station Road  
Solihull  
Birmingham  
B91 3RT

Monday to Friday:  
9.00 - 4.00

Tel: 0870 606 7766  
(appointments only)

#### GLASGOW

Public Enquiry Office  
Festival Court  
200 Brand Street  
Govan  
Glasgow G51 1DH

Monday to Thursday:  
8.30 - 4.30  
Friday: 8.30 - 4.00

Tel: 0141 555 1258  
(appointments only)

#### LIVERPOOL

Public Enquiry Office  
Reliance House  
20 Water Street  
Liverpool  
L2 8XU

Monday to Friday:  
8.30 - 4.00

Tel: 0151 237 0405  
0151 237 0473  
(appointments)

### Our website address

[www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk)

### Guidance Notes

#### 1 FOR WHICH APPLICATIONS MUST YOU USE FORM BUS?

This form must be used if you are applying for an extension of stay or indefinite leave to remain in any of the following categories:

**Business person**

**Sole representative**

**Retired person of independent means**

**Investor**

**Innovator**

You must be in the UK to apply.

#### 2 QUALIFYING FOR AN EXTENSION OF STAY OR INDEFINITE LEAVE TO REMAIN IN THESE CATEGORIES

To qualify for an extension of stay or indefinite leave to remain in these categories, you have to satisfy the requirements set out in the following parts of the Immigration Rules:

**Part 5 - sole representative**

**Part 6 - business person, investor, innovator**

**Part 7 - retired person of independent means**

You can find the current Immigration Rules on our website. You can also seek information about the relevant rules by calling **0870 606 7766**.

**Important change.** From 2 April 2007, with certain exceptions, applicants aged 18-64 must show that they have sufficient knowledge of the English language and life in the UK in order to qualify for indefinite leave to remain. See pages 5 and 6 of these guidance notes for more information about this. This requirement does not apply to people applying for an extension of stay.

### 3 WHO CAN APPLY ON THIS FORM?

You and your spouse, civil partner, unmarried or same sex partner and/or children under 18 if they are applying as your dependants. Unless otherwise stated, the word "partner" in these guidance notes means a spouse, civil partner, unmarried or same sex partner.

### 4 THE FEE

You have to pay to apply on form BUS. The specified fee for applications made by post or courier on or after 2 April 2007 is **£750** whether you are applying for an extension of stay or for indefinite leave to remain. The same-day service at our Public Enquiry Offices is not available for applications made on form BUS.

If you do not pay the specified fee, the application cannot be considered and will be returned to you. An application made on or after 21 May 2007 which is not accompanied by the specified fee will be invalid.

There is only one fee for each application form. You may include your partner and/or children under the age of 18 in your application if they are applying for an extension of stay or indefinite leave to remain as your dependants. If dependants apply separately, they must pay the specified fee.

Children aged 18 or over cannot 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 being included in your application.

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.

### 5 WHEN TO APPLY

You must apply before the end of your authorised stay in the UK.

**If you are applying for indefinite leave to remain**, there is a qualifying period of 5 years to complete in the categories on this form. **Please do not apply more than 28 days before completing the qualifying period.** If you apply earlier than that, your application may be refused. If that happens, we will not refund the fee and you will have to pay again when reapplying.

### 6 MAKING SURE YOUR APPLICATION IS VALID AND COMPLETE

We will return your application if it is invalid. This will delay your case and could result in the loss of appeal rights if your authorised stay has run out by the time you make a valid application.

For your application to be valid, you must

***make it on the current version of form BUS***

***provide all the photographs of yourself and any dependants included in the application as specified in the form***

***provide all documents specified in the form***

***complete all sections of the form as required***

***sign and date the declaration in the form.***

And as from 21 May 2007, ***the application must also be accompanied by the specified fee in order to be valid.***

### 7 COMPLETING THE FORM

Please note the following guidance and information when you complete the form.

**Use a black pen** to complete the form - and capital letters for names, addresses and similar details.

**Complete all sections** as directed in section 3, including the Personal History section.

**Payment details** Please follow the guidance provided on page 2 of the form when completing the payment details.

**Section 1** This is where you give your own details. Leave a space between each name or part of the address(es) required in this section (do the same where names and addresses are required in other sections).

**Section 1 and 2** It's essential that you provide the photographs of yourself and any dependants included in the application. If you don't, the application will be invalid. Please use one staple or one paper clip in each applicant's case to attach them to the spaces provided. Do not use glue or any other sticky adhesive. See part 8 below for more guidance on photographs.

**All sections** If you are at present unable to provide any of the information or details requested, please explain the reasons in a letter and enclose it with the application form. If you need help with any of the questions, you can seek advice by telephoning **0870 606 7766**.

**Section 8** This section lists the documents and photographs which you have to provide. If you can't provide any of the documents specified in the application form, please explain why in a letter with the form and say when you will be able to provide them. See part 9 for more guidance on documents.

**Section 9** This section contains a declaration which you must sign and date. If you don't do this, the application will be invalid.

## 8 PHOTOGRAPHS

You must provide the following photographs:

***Two identical passport-size photographs of yourself with your name written on the back of each photograph.***

***Two identical passport-size photographs of any dependants included in the application with their names written on the back of each photograph.***

The photographs should be in colour, taken recently (within the last month), and approximately 45 millimetres high and 35 millimetres wide, the size of a passport photo.

Each photograph must show the individual's full face clearly against a light background. Sunglasses are not acceptable. Nor is any head covering unless this has to be worn for religious or cultural reasons. But if the covering conceals the face, this will not be acceptable.

If the application(s) is/are successful, the photographs provided will be reproduced in the UK Residence Permit(s) in your passport and those of any dependants included in the application.

## 9 DOCUMENTS

The documents provided with the application must be originals.

Exceptionally, a certified copy may be acceptable. The copy must be 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 providing a certified copy rather than the original document must be explained in a covering letter.

Generally speaking, it is unlikely that we will be able to grant your application without seeing the original documents.

## 10 APPLYING BY POST - THE ADDRESS

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

**Border and Immigration Agency  
Leave to Remain - BUS  
PO Box 495  
Durham  
DH99 1WR**

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. Please 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 pre-paid Special Delivery envelope big enough for the documents to be returned.

## 11 SUBMITTING YOUR APPLICATION BY COURIER

Applications made on this form may be submitted by courier at the address below between 9.00 and 5.00 on Monday - Friday (excluding public holidays).

**Border and Immigration Agency  
Leave to Remain - BUS  
Millburngate House  
Durham  
DH99 1SA**

## 12 DECISION TIMES

Our current published service standards for deciding charged applications made by post or submitted by courier are:

Decide 70% within 4 weeks (20 working days) and 90% within 14 weeks (70 working days).

As we can't 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 their passport(s) or travel document(s) are returned to them.

## 13 CONTACTING US AFTER YOU HAVE APPLIED

You may need to contact us after you have applied to send us more information about your application or to tell us that you need your passport or other document urgently.

**If sending us more information about your application,** please use the following address (not the address to which you posted your application):

**Border and Immigration Agency  
Business Case Unit  
Work Permits (UK)  
PO Box 3468  
Sheffield  
S3 8WA**

Please 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 delivered by courier

the Home Office reference number, if you have one.

**If you need your passport because you have to travel urgently and unexpectedly,** please call **0870 606 7766**. When doing so, please provide the personal and other details listed above.

Your application will be treated as withdrawn if your passport is returned for travel abroad before your application can be decided.

## 14 OBTAINING ANOTHER FORM

You can obtain another form from the Application Forms Unit or by downloading it from our website - see front page for telephone number and website address.

## 15 OTHER TELEPHONE ENQUIRIES

For enquiries other than obtaining an application form or making appointments at the Liverpool and Glasgow Public Enquiry Offices, call **0870 606 7766**. We also have the following freephone textphone number: **0800 38 98 28 9**.

## 16 CHOOSING AN IMMIGRATION ADVISER

If you engage an immigration adviser, take care when choosing one. The Office of the Immigration Services Commissioner (OISC) regulates immigration advisers. The OISC website at **www.oisc.gov.uk** contains a list of authorised advisers. It also 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 Law Society, which regulates solicitors in England and Wales, can help you find a solicitor. You can contact them on **0870 606 6575** or visit their website at: **www.lawsociety.org.uk**

If you wish to complain about a solicitor you can contact the Law Society's Consumer Complaints Service helpline on **0845 608 6565** or write to them at:

**The Law Society  
Victoria Court  
8 Dormer Place  
Leamington Spa  
Warwickshire  
CV32 5AE**

## 17 COMPLAINTS ABOUT OUR SERVICE

If you need advice on how to make a complaint about our service, please telephone **0870 241 6523** or visit our website.

You may complain in writing to:

**BIA Customer Focus Team  
PO Box 1384  
Croydon  
CR9 3YJ**

Or by email to: **bia.cu@homeoffice.gsi.gov.uk**

## 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.

## *Knowledge of the English Language and Life in the UK*

From 2 April 2007, with certain exceptions, people aged 18 to 64 must show sufficient knowledge of the English language and life in the UK in order to qualify for indefinite leave to remain. This change in the Immigration Rules has been introduced to ensure that migrants wishing to settle here have an understanding of life in the UK and the skills to allow them to integrate fully.

### **What do you have to do to show that you have sufficient knowledge of English and life in the UK?**

You must either pass the test known as the **Life in the UK test** or achieve a relevant accredited qualification after attending a course using teaching materials from a document entitled "Citizenship Materials for ESOL Learners". At present the relevant accredited qualifications are:

An **ESOL "Skills for Life" qualification in speaking and listening at Entry Level** or

**Two ESOL Units at Access Level** under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.

### **Does this requirement apply to everyone?**

It does not apply to anyone under the age of 18 or aged 65 or over at the time the application is made.

Subject to satisfactory documentary evidence, such as a letter from a qualified NHS medical practitioner, the requirement may be waived if the person's physical or mental condition is such that it would be unreasonable to expect him or her to fulfil the requirement of passing the Life in the UK test or obtaining a relevant ESOL qualification.

### **What is the Life in the UK test?**

The test consists of questions based on information in the handbook ***Life in the United Kingdom: A Journey to Citizenship***. The standard of English required to pass the test is ESOL Entry 3 level or above. If you are not sure whether your English is good enough to take the test, you can work through the tutorial on the Life in the UK Test website at [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk) to help you decide.

You will need to study the relevant edition of the handbook before taking the test. For tests taken on or after 2 April 2007, the questions are based on the second edition of the handbook. It is published on behalf of the Life in the United Kingdom Advisory Group by The Stationery Office (TSO) for £9.99 and can be obtained in the following ways:

on the internet from [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop)

by telephoning **0870 243 0123** or faxing **0870 243 0129**

by emailing [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)

writing to **Marketing, TSO, Freepost ANG4748, Norwich NR3 1YX**

by textphoning **0870 240 3701**, quoting ref **CTU**

from Stationery Office shops or accredited agents (see yellow pages) and certain booksellers

The test is taken on a computer. The Life in the UK test website at [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk) has a section to help with the practical skills needed to take the test, including training in the use of a mouse and keyboard. Staff at the test centres also specialise in supporting learners new to computers.

### **What if you don't have a computer or access to the internet?**

If you live in England you can contact **UK online** on **0800 77 1234** for details of local centres providing computer and internet access. In other parts of the UK, as well as in England, you can contact your local library or Citizen's Advice Bureau for information on free or low cost access to computers and the internet.

### **Where can you take the test?**

At one of the 90 or more Life in the UK test centres around the UK. To find your nearest centre go to the [Find a test centre](#) link on the Life in the UK test website at [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk) or call their helpline on **0800 0154245**.

### **Booking the test**

To book the test, contact a test centre during opening hours by telephone or in person. If you have a disability, the test centre can provide the test in a format to meet your particular needs. Tell the centre about any such needs when you book the test - and also about any medical condition in case it affects the amount of time you need for the test.

### **Is there a charge for the test?**

Yes. The current charge, which is under review, is **£34**. It has to be paid before you take the test. The [Find a test centre](#) page mentioned above gives information on the methods of payment accepted by individual test centres.

## Taking the test

At the test centre you will be asked to confirm your identity by producing one of the following:

- your passport or a Home Office travel document
- a UK photocard driving licence (full or provisional)
- an Immigration Status Document endorsed with a UK residence permit bearing a photo of the holder.

You will also be asked for your post code, so you should take a letter or other document containing it.

## The test result

You will be told the result of the test at the test centre on the day. If you pass, you will be given a pass notification letter, which you must include with your application for indefinite leave to remain. The test result will also be sent to us.

## What if you fail the test?

If you fail the test, you can retake it any number of times. You will have to pay the current fee every time you take it. Since the questions are drawn randomly from a large number, they will be different every time you take the test.

## English for Speakers of Other Languages (ESOL) courses with citizenship material

If your English is not good enough to take the Life in the UK test, you will need to do an ESOL course with citizenship materials. Such courses are available at many further education, adult and community colleges across the UK.

## Will you have to pay for ESOL courses?

ESOL courses at publicly funded further education colleges have been free for many people but this is inconsistent with other areas of further education.

The Department for Education and Skills (DfES) is proposing to make changes in 2007/08 which will require people in employment to contribute to the cost of the course.

The college at which you are proposing to take the course will be able to give you more information.

## How long will the ESOL course take?

This may vary according to the particular college and course, as well as the ability of the individual. You should ask the college at which you are planning to take the course about this.

## What if you can't pass the Life in the UK test or gain an ESOL qualification before the end of your leave to enter or remain in the UK?

In this situation you should apply for an extension of stay on form BUS in order to give yourself time to gain the relevant qualification. You will need to include a letter explaining why you are doing so and giving an indication of when you expect to take the test or gain the ESOL qualification.

Provided you satisfy the other requirements of the immigration rules for the category in which you are applying, and you do not make any false representations or fail to disclose any material fact, you will be granted an appropriate extension of stay for the category concerned.

If you apply for indefinite leave to remain before you have been able to obtain the relevant qualification, but you satisfy all other requirements for the category in which you are applying, your application will be considered under the rules for an extension of stay.

## What about dependants?

If they are 18 - 64 and don't qualify to be exempted, anyone included in an application as a dependant must also pass the Life in the UK test or obtain a relevant ESOL with citizenship materials qualification. But they will only be granted indefinite leave to remain as your dependant if your application is granted. If your application is granted but if your partner is included in the application and has not yet been able to obtain the relevant pass or qualification, their application will be refused. If they meet all other requirements of the relevant rules, they will be granted an appropriate extension of stay to allow them time to pass the test or gain the accredited qualification.

## Where can you get more information about these requirements?

In addition to the sources already mentioned, you can find more information in the Questions and Answers pages on our website and you can call our telephone Enquiry Bureau. See the front page of these guidance notes for the website address and telephone number.