

Your family

April 2008

If you are a European Economic Area (EEA) or Swiss national, or if you are in the UK as the family member of such a person, this Information Sheet does not apply to you. Please see instead [EEA and Swiss Students](#).

Who are your family members?

Under UK immigration law, your family members are: your husband or wife ([spouse](#)) or your [civil partner](#) and your [children](#). This applies if you are in the UK with immigration permission as a student. If you are in the UK with some other type of immigration permission, you should check which of your family members can accompany you by looking at the website of the [UK Border Agency](#) of the Home Office or contact [us](#). If you have claimed asylum in the UK, you should talk to your legal adviser about your family members. If you do not have an adviser, you can obtain advice from the [Refugee Council](#). This Information Sheet is aimed at those who are in the UK with immigration permission as a student.

Spouse

Your spouse is a person to whom you are legally married. If your marriage is recognized in your own country, then UK immigration officials will accept that you are married to your spouse. If you have more than one spouse, only one can be with you in the UK. There is no provision under the UK Immigration Rules for students for an unmarried partner to be with you in the UK as your family member.

Civil partner

Your civil partner is your same-sex partner with whom you have either registered a civil partnership in the UK, or entered into a similar form of legally recognized relationship in a different country. For details of partnerships in countries outside the UK that are regarded in the same way as civil partnerships, see the website for [UK Border Agency visa services](#). In relation to immigration, and most other matters, civil partners should be treated in the same way as spouses. For further information on UK immigration law on civil partners, see the website of the [UK Lesbian and Gay Immigration Group](#). There is no provision under the UK Immigration Rules for students for a same-sex partner who is not your civil partner to be with you in the UK as your family member.

Children

Children must be under the age of 18 when they first enter the UK as your children.

Other family members

Other family members, including unmarried partners and parents, who want to be with you in the UK are not covered by the UK Immigration Rules for students. This means that they must apply for immigration permission in some other category, for example, as a visitor or as a work permit holder, or as a student in their own right. For information about the different types of immigration permission your family member might be able to apply under, see the websites for the [UK Border Agency visa service](#) and the [UK Border Agency](#) of the Home Office. If it is very important that a family member come with you to the UK, and that person is not your [spouse](#) or [civil partner](#) or [child](#), and does not fit into any of the other immigration categories, you or your family member should seek [legal advice](#) before making an immigration application.

Immigration requirements

Spouse or civil partner

To come to the UK as the [spouse](#) or [civil partner](#) of a student, your spouse or civil partner must show the immigration authorities that s/he meets all of the following requirements:

- s/he is married to or has entered into a civil partnership with you that is recognized by the UK Government (evidence of this is your marriage certificate or proof of civil partnership)
- s/he intends to live together with you and your marriage or civil partnership is continuing
- you can adequately accommodate and maintain yourselves without recourse to public funds
- s/he does not intend to work in the UK unless permitted to do so (see [Work](#))
- s/he intends to leave the UK at the end of the permitted stay.

Children

To bring your children to the UK, you must show the immigration authorities that your children meet all of the following requirements:

- they are your children (evidence of this is a birth certificate or adoption papers)

- they are under the age of 18, or they entered the UK when they were under the age of 18 and have current immigration permission (leave to enter or leave to remain) to be in the UK as the children of a student
- they are not married or in a civil partnership and they do not lead independent family lives
- they will be adequately accommodated and maintained without recourse to public funds
- they will not stay in the UK beyond the period granted to you.

[↑ Back to top](#)

Applying for entry clearance

Most people must apply for entry clearance (a visa) before coming to the UK if they want to be in the UK for longer than six months. The only exception to this rule (apart from EEA and Swiss nationals) is British nationals without the right of abode in the UK, for example, British Nationals (Overseas). The maximum length of immigration permission that an immigration officer at the airport or port of arrival can grant anyone is six months and immigration applications made within the UK to extend that leave are expensive, so it usually makes sense to obtain entry clearance even if it is not obligatory for your family member. If your family member is a visa national, s/he must get a visa before coming to the UK, even if it is only for a short visit of less than six months.

To check whether your family member must apply for entry clearance before coming to the UK, see the website for the [UK Border Agency visa services](#).

Your family member must meet all the requirements described in [Immigration requirements](#) and on the website of [UKvisas](#). If applying for entry clearance, s/he must apply on form VAF3, which is available on the [UK Border Agency visa services](#) website or from the [visa application centre](#) or British diplomatic post to which your family member will be applying. Some posts accept online applications. The VAF3 form also has a set of Notes to accompany it, and we recommend that you and your family read these carefully before applying. On the first page of form VAF3, your family member should tick the box marked 'Dependant of a student'. Each family member pays a separate fee, in local currency (£99 each in April 2008).

If your family members are applying for entry clearance after you have already arrived in the UK, it is important that you provide them with evidence that you have permission to be in the UK and the length of that permission (for example, a copy of the pages from your passport that show your personal details and your entry clearance and/or residence permit). You also need to show that you can afford to support your family without having to work, for example, bank statements and/or a letter from your sponsor and, if you are already living in the accommodation where your family will live, details of that accommodation. A letter from your college or university confirming that you have enrolled on your course is helpful.

Your family members' permission to stay in the UK should expire at the same time as your permission.

[↑ Back to top](#)

Getting married or registering a civil partnership in the UK

Requirements you must meet

If you want to get married or register a civil partnership in the UK and you are currently in the UK with immigration permission as a student, you will probably have to apply to the Home Office for a Certificate of Approval before you can have the ceremony. This does not apply to you if you get married in an Anglican church in England or Wales. However, if you want to have any other type of religious ceremony or any civil ceremony, you have to apply for a Certificate of Approval.

To be eligible for a Certificate of Approval, you must have:

- permission to be in the UK for more than six months in total and
- at least three months of that leave left when you apply.

If you do not meet these requirements, you might still be able to apply if there are compassionate or other circumstances. For more information, see the website of the [UK Border Agency](#) of the Home Office. You apply for a Certificate of Approval on [form COA](#). You should also read the [COA Guidance](#). The application fee is £295 and the application can take 13 weeks to decide. You cannot make this application at a [Public Enquiry Office](#).

For general information about getting married and registering a civil partnership, see the website of the relevant [register office](#), which depends on where your ceremony is going to take place.

Your future spouse or civil partner is subject to immigration control

If you are marrying, or registering a civil partnership with, someone who also requires immigration permission to be in the UK (apart from someone who has indefinite leave to enter or remain in the UK), and you are not getting married in the Anglican church, that person will also have to apply and pay for a Certificate of Approval if s/he is already in the UK. If your future [spouse](#) or [civil partner](#) who is subject to immigration control is not yet in the UK, s/he should apply for entry clearance as a visitor for marriage or civil partnership, using [form VAF1](#). Your ceremony must take place within six months of your future spouse or civil partner arriving in the UK. For more information, see the website of the [UK Border Agency](#). Please note that there is currently no provision in the Immigration Rules for someone who enters the UK with entry clearance as a marriage or civil partnership visitor to apply to stay on longer in the UK. She or he must return home and apply for fresh entry clearance as a spouse or civil partner.

Your future spouse or civil partner is an EEA or Swiss national

If you marry or register a civil partnership with a non-British [EEA or Swiss national](#), your future [spouse](#) or [civil partner](#) does not need to apply for a Certificate of Approval or entry clearance, and you will usually have an automatic right to remain in the UK with that spouse or civil partner under European Community law. For more information, go to [EEA and Swiss students](#).

Your future spouse or civil partner has 'settled' status

If you marry or register a civil partnership with a person who has 'settled' status in the UK, that is a British citizen, someone who has Indefinite Leave to Enter or Remain, or someone with a Certificate of Entitlement to the Right of Abode, your future [spouse](#) or [civil partner](#) does not need to apply for a Certificate of Approval or entry clearance, and you might be able to apply to remain in the UK on the basis of your marriage or civil partnership.

If you are granted permission to stay in the UK as the [spouse](#) or [civil partner](#) of a person with 'settled' status you can, if you wish, study part-time and work full-time and, after two years, if you are still married to, or in a civil partnership with, that person and can meet some other conditions, you can apply for settlement. For more information, see the website of the [UK Border Agency](#).

If you are the unmarried partner of a 'settled' person (that is, you have lived for at least two years with a person (of the same or opposite sex) who is settled in the UK and if you meet the relevant immigration requirements, which are similar to those for a spouse or civil partner. For details of the immigration requirements you must meet and the immigration application forms, see the website of the [Border and Immigration Agency](#).

Ceremonies in embassies in the UK

If you get married or (if this is permitted) enter into a registered civil partnership in your country's embassy in the UK, you will not be able to make an immigration application on the basis of your marriage or civil partnership. This is because no embassies have applied to be registered premises for weddings or civil partnerships and the UK Government does not recognize marriages or civil partnerships that take place in premises that have not been registered. Before having a ceremony in your country's embassy, always check with the embassy or with the Home Office if the embassy has been registered, particularly if an immigration application depends on your marriage or civil partnership being recognized in the UK.

Staying as the unmarried partner of a settled person

Babies born in the UK

Children born in the UK on or after 1 January 1983 are not British citizens by birth unless one of the parents is a British citizen, or a person who has a Certificate of Entitlement to the Right of Abode or someone who has Indefinite Leave to Enter or Remain. For information about British citizenship, see the website of the [UK Border Agency](#).

If your child does not have British citizenship, s/he is in the UK legally without having to make an immigration application. However, if you want to leave and re-enter the UK with your baby, you will probably need to apply for either leave to remain for your baby before you leave the UK (see [Applying to stay in the UK as the family member of a student](#) for information about how to do this) or entry clearance for your baby before you return to the UK (you usually need to be in the country where you normally live in order to make this entry clearance application). See [Applying for entry clearance](#) for information about how to make such an application.

[↑ Back to top](#)

Applying to stay in the UK as the family member of a student

You and your family members need more time in the UK

If your [spouse](#) or [civil partner](#) and/or [children](#) need more time in the UK because they have the same length of leave as you but you need more time to complete your studies, or to go on to further studies, you can apply for you and your family all on the same [form FLR\(S\)](#). You pay only one fee (£295 if you send the form or £500 if you take it to a Public Enquiry Office for a decision on the same day).

If you have a child who came to the UK as your dependant when s/he was under 18 but who is now 18 or older, the child can still apply to stay in the UK as your child, but s/he must make a separate application on [form FLR\(O\)](#). The fee for this application is £395 (or £595 if you or your child goes to a Public Enquiry Office). You or your child should tick the 'Other' box on form FLR(O) and explain that the application is made by someone who entered the UK when s/he was under 18 and who has current immigration permission to be in the UK as the child of a student. You should make sure that you send all the applications together and explain in a covering letter that is attached to both the form FLR(S) and to your child's form FLR(O) that the applications are linked.

Only your family members need more time

You might not need more time in the UK as a student, but your family member might need to make an immigration application because, for example:

- s/he came to the UK as a visitor but now wants to stay with you for longer
- s/he was in the UK as a student, or in some other immigration category, but that immigration permission has now come to an end
- you have had a baby while you are in the UK and, although the baby does not need immigration permission if she or he stays in

the UK until you leave to go home, you want to travel out of the UK for a short time with your baby and you cannot, or do not want to, make an entry clearance application for your baby before returning to the UK.

In this type of situation, you should check that each family member meets the immigration requirements for being in the UK as your spouse, civil partner or child (see [Immigration requirements](#)). If s/he meets these immigration requirements, your spouse or civil partner has to make his or her own application, and you should apply for your children, on [Form FLR\(O\)](#). The person applying should tick the 'Other' box and explain that s/he is applying to remain in the UK as your [spouse](#) or [civil partner](#) or [child](#). If more than one family member is applying, for example if your spouse or civil partner is applying with your child or children, a separate form must be completed for each person. A separate fee must also be paid for each applicant: £395 each if applying by post or £595 each if applying in person at a Public Enquiry Office.

Immigration forms

Forms [FLR\(S\)](#) and [FLR\(O\)](#) are available on the website of the UK Border Agency of the Home Office, where you can also find information about applying by post and at a Public Enquiry Office.

Work

If you, the student, have been granted leave to be in the UK for 12 months or more, your family members should automatically be given permission to work. It is, therefore, important that any family member who is making an immigration application separately from you has evidence of how long you are allowed to be in the UK as a student, usually in the form of the relevant pages of your passport.

Before starting work in the UK, your family member should check what conditions are attached to the immigration permission on his or her entry clearance or residence permit. If s/he is allowed to work, the only condition will be [No recourse to public funds](#). This means that your family member can take up full-time or part-time employment, be self-employed or set up a business. If the words 'No work' or 'Work prohibited' appear on the entry clearance or residence permit, your family member is not allowed to undertake any work, paid or unpaid.

For information about your right to work as a student, see the UKCISA Information Sheet, [Working during your studies](#). For general information about working in the UK, see the website of the [Department for Business Enterprise and Regulatory Reform](#).

Education

Anyone in the UK as the family member of a student can study either full-time or part-time. There is no need for them to have immigration status as a student. Remember that you must study full-time if you have immigration status as a student. If you have school-age children (usually 5 to 16 years old but this varies slightly in different countries of the UK), they can attend free state schools. Contact the Education Department of your local Council for information about schools, the compulsory school age in your area, and if you have problems finding a school place.

To find out if your [spouse](#) or [civil partner](#) or [children](#) are eligible for 'home' fees or Student Support, see the appropriate [UKCISA Information Sheet](#), depending on where in the UK the study will take place. To find out if your spouse or civil partner or children are eligible for Student Support, see the appropriate [UKCISA Information Sheet](#), depending on where in the UK you normally live. The condition 'No recourse to public funds' has no relevance to 'home' fees and Student Support and it does not prevent your family member, who is otherwise eligible, from being entitled to any education funding.

See also the UKCISA Information Sheet, [Welfare benefits and international students](#).

Medical treatment

In Scotland, your family members will be eligible for free health services provided by the [National Health Service](#) (NHS). In the rest of the UK, your family members will be eligible for free health services if your course is at least six months long. They should also take out insurance to cover any additional costs. For information about medical and dental treatment in the UK, see the UKCISA Information Sheet, [Keeping healthy](#).

[↑ Back to top](#)

When your studies finish

Your family members have permission to stay in the UK only as long as you are here as a student. If you leave after your studies, they should leave with you, unless they meet the requirements of a different immigration category.

You and your family want to stay in the UK

When your studies come to an end, you and/or your family might want to stay in the UK. If you remain in a work-related immigration category, for example, as a work permit holder, or a Highly Skilled Migrant, or under the International Graduates Scheme or the Fresh Talent: Working in Scotland Scheme, the Immigration Rules state that your family members must leave the UK and obtain fresh entry clearance if they want to be in the UK as your [spouse](#) or [civil partner](#) or [child](#) (an unmarried partner can also join you in these categories). However, the UK Border Agency states on its website, www.ukba.homeoffice.gov.uk/workingintheuk, that if your family members are currently in the UK with immigration permission as the dependants of a student, they can apply to stay in the UK at the same time as you. If you want further advice about this, you should talk to your employer and/or an [immigration lawyer](#) before making an application for leave to remain. For more information about staying in the UK to work, see the UKCISA Information Sheet, [Working in the UK after your studies](#) and the [Working in the UK](#) website of the Home Office.

Only your family member wants to stay in the UK

If your **spouse** or **civil partner** or **children** want to stay in the UK after you have left, perhaps in order to study or work, they must check that they meet the requirements of the relevant immigration category. For work-related categories, they will usually have to leave the UK and apply for entry clearance in the category that applies. If they want to stay on as students, they should see the UKCISA Information Sheet, **I want more time in the UK, as a student. What do I do about immigration?**. If your children are under 16 and you want them to stay in the UK in education, they will have to meet the immigration requirements for students and this means that they must be at an independent fee-paying school.

Further information and contacts

UK Border Agency Visa Service

Website: www.ukvisas.gov.uk

Information about applying for entry clearance to come to the UK and application forms.

UK Border Agency

Website: www.ukba.homeoffice.gov.uk

Information about the immigration system of the UK.

Application forms are available at **UK Border Agency** or the Application Forms Unit on 0870 241 0645.

UK Council for International Student Affairs

Website: www.ukcisa.org.uk

Telephone advice line:

Mon-Fri 1300-1600 hours (UK time)

Tel (from within the UK): 020 7107 9922

Tel (from outside the UK): +44 20 7107 9922

We regret that we cannot advise personal callers at our office. Please call the advice line or write to us at:

UK Council for International Student Affairs

9-17 St Albans Place

London N1 0NX

UK.

Refugee Council

Website: www.refugeecouncil.org.uk

Information and advice for refugees and asylum seekers in the UK.

See the website for details of their **telephone advice lines**

The Head Office address is:

Refugee Council

240-250 Ferndale Road

London SW9 8BB

See the website for details of all **offices**.

UK Lesbian and Gay Immigration Group

Website: www.uklgig.org.uk

See the website for details of the **helpline**.

Immigration lawyers

You can find details of lawyers who specialise in immigration law from these organisations:

Immigration Advisory Service

Website: www.iasuk.org

Immigration Law Practitioners' Association

Website: www.ilpa.org.uk

Community Legal Advice

Website: www.clsdirect.org.uk

Joint Council for the Welfare of Immigrants

Website: www.jcwi.org.uk

Chambers & Partners UK Guide

Website: www.chambersandpartners.co.uk/uk.

The Law Centres Federation

Website: www.lawcentres.org.uk

Register offices in the UK

General Register Office for England and Wales

Website: www.gro.gov.uk

General Register Office for Scotland

Website: www.gro-scotland.gov.uk

General Register Office for Northern Ireland
Website: www.groni.gov.uk

Telephone numbers

If you are calling from outside the UK, do not dial the first 0 in the telephone numbers above. For example, if you want to call UKCISA from outside the UK, dial +44 20 7107 9922. If you are in the UK, do not dial +44, but do start the number with 0. For example, if you call UKCISA from within the UK, dial 020 7107 9922.

Textphone numbers are only for those who use a textphone (minicom) because of difficulties with speech or hearing.

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[↑ Back to top](#)