

RENEWING YOUR LIMITED LEAVE TO REMAIN

This factsheet is for people who need to extend their Limited Leave to Remain (LLTR) in the UK (eg. parent of a British child on the 10 years route, with 2.5 years limited leave - you will need to renew your limited leave 3 times before you can apply for indefinite leave to remain).

REMEMBER: It is YOUR responsibility to make sure that you extend your leave in good time. The Home Office will not remind you, your solicitor will not remind you, HMSC will not remind you!

When does your current leave expire?

- If your Biometric Residence Permit (BRP) expires *before* 31/12/2024, it corresponds to your leave expiry date.
- If your BRP expires *on* 31/12/2024, it is *not* your leave expiry date. All BRP issued recently expire on 31/12/2024 because the Home Office will have a new system after this date. You need to check your expiry date in the Home Office *decision letter* that was sent to you when you were granted leave.
- Remember, BRPs don't *grant* Limited Leave to Remain, they just *evidence* it.
- If you change your contact details (address, email, etc.), it's very important that you tell the Home Office (<https://visa-address-update.service.gov.uk/>), to keep receiving their correspondence
- **An application to renew/replace your BRP is NOT an application to extend your leave (further leave to remain). Beware of scams where you are told to apply online to replace your BRP, it is not what you need to do if your leave is about to expire.**

Who can help you make an application?

- Home Office applications are complicated, they are made online and mistakes can have serious consequences.
- You will need a qualified representative to help you make the application: a private solicitor (with a fee), a legal aid solicitor (free) or an adviser accredited with OISC in a charity/organisation.
- Unqualified people are not allowed to help you make an application. Beware of scams! Don't pay anyone unless you are certain that they are qualified and reputable.
- You are much more likely to be accepted by a firm or organisation that represented you previously. At the moment, it is very difficult to find a legal aid solicitor. You will need to be very proactive.

When to start preparing your extension application?

- You need to start thinking about extending your leave at least **4 months before it expires**. It is a complex process (see diagram below).
- The earlier you can apply is 28 days before your leave expires (if you apply earlier, it will be rejected).
- It will take time to **find a lawyer**, especially if you need a free lawyer (legal aid).
- If you have a legal aid lawyer, they will need to make an **Exceptional Case Funding (ECF)** before they can start their work. You will need to provide a lot of evidence.
- **If you apply for a fee waiver (exemption request) because you cannot afford to pay the Home Office fees**, it needs to be done *before* your current leave expires (28 days before your leave expires is the earliest that the fee waiver application can be made). Fee waiver decisions currently take up to 6 months and your leave to remain is extended while the fee waiver is being processed by the Home Office. After you receive the fee waiver (exemption from payment) decision, you have 10 working days to lodge the main application. If the fee waiver is rejected, you will need to pay the fees within that time, so within the 10 working days. If they are not paid your leave to remain will come to an end.
- **If you don't apply for a fee waiver**, the substantive (main) application needs to be submitted to the Home Office *before* your current leave expires. The earliest you can apply is 28 days prior to the expiry.



How much does it cost?

If you have a private lawyer, you will need to discuss their fees with them. If you have a legal aid lawyer, it will be free if you are eligible (after an ECF application).

You will also need to pay Home Office fees. There are two fees payable to the Home Office:

- The **Home Office application fee**. As of 01 December 2023, the Home Office application fee for a further grant of 30 months (2.5 years) is £1048 per person (same fee for adult and children). It includes the biometric enrolment fee.
- The **Immigration Health Surcharge (IHS)** which depends on how many years of leave is being applied for. From 16 January 2024, the HIS will be £2,587.50 per adult and £1,940 per child, for 30 months.

Example: If you need to renew a leave for 1 adult and 1 child in February 2024, you will pay a total of **£6,623.50** to the Home Office (£1,048 + £2,587.50 for the adult AND £1,048 + £1,940 for the child).

What to do if you cannot pay the Home Office fees? Fee waivers (fee exemptions)

In some circumstances, if you cannot pay the Home Office application fee and the IHS, your lawyer may be able to apply for a fee waiver. You will need to provide a lot of financial evidence. You will need to provide 6 months bank statements for you and all the members of your household.

Sometimes, fee waivers are refused because of issues with bank accounts. It is important to plan in advance:

- You will need to provide 6 months statements for **ALL the bank accounts for you AND all the members of your household** (eg. your partner).
- The Home Office is able to find out if you have other bank accounts. It is very important to disclose all your own, and all your partner's bank accounts, even if they are not in use.
- Make sure that you and all the members of your household have "**clean**" accounts 6 months before the fee waiver application. For instance, you should not let friends use your bank account, you should not receive big loans and you must be able to explain all the money that comes in and out of your account.

What if you need access to public funds (benefits)?

- Limited leave to remain is usually granted with No Recourse to Public Funds (NRPF, no access to benefits). If you cannot manage financially and you need access to benefits, you can request access to public funds.
- You can request access to public funds when you apply for your leave for the first time or when you apply to extend it.
- You can also request access to public funds after you receive your leave. This is called a **change of conditions application**.