

## **Information Factsheet: Persons present and settled in the UK prior to 1 January 1973**

This fact sheet sets out the policy for foreign nationals settled in the UK prior to 1 January 1973. This factsheet is meant to be read in conjunction with our guidance (which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/286630/NTLv10.0EXT.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/286630/NTLv10.0EXT.pdf)) and seeks to clarify how such people can obtain evidence of their settled status.

### **Persons settled in the UK prior to 1973**

Part 1 section 1(2) of the Immigration Act 1971 which came into force on 1 January 1973 states that foreign nationals who were ordinarily resident in the UK on that date are deemed to have settled status (Indefinite Leave to Remain) unless they:

- were exempt from immigration control on that date, or
- had the right of abode.

People who were in the UK and who are subject to the provision are often referred to as 'freely landed' as they travelled to the UK prior to 1973 with parents and family members, often whilst on their parent's passport.

'Settled' is construed in accordance with section 33(2A) of the 1971 Immigration Act (as inserted by the British Nationality Act 1981) as being ordinarily resident in the UK without being subject under immigration laws to any restriction on the period for which (s)he may remain. Once a person is settled they must continue to reside in the UK in order to retain their settled status.

### **How to obtain evidence of settled status**

Some may not have documentation to prove their settled status. In such cases, if they wish to gain confirmation of their status, they should make a No Time Limits (NTL) application.

An NTL application is a charged application for those who already have settled status. Settled status is confirmed on a Biometric Residence Permit (BRP) which shows the person has Indefinite Leave to Remain and so proves their entitlement to reside in, and travel to and from the UK, that they can claim public funds and are eligible to work.



To apply for NTL, an applicant must complete the NTL application form, provide evidence to show that they were ordinarily resident on or before 1 January 1973 and that they have continued to reside in the UK ever since. Evidence must include official correspondence and cover the whole period. Examples of evidence include:

- Educational records
- Doctors/Dentist registration and attendance records
- Wage slips
- P60s
- Bank statements

Evidence provided should be from a variety of sources and cover the whole period.

An additional way to show continuous residence is by providing all passports held within the specified period.

### **Losing Indefinite Leave to Remain**

Even if a person has been continuously resident in the UK since 1 January 1973, it is possible that they could have lost their settled status through absence from the UK.

If they have been outside the UK for a continuous period of more than two years (730 days) since 1 January 1973, and were not 'freely landed' on return to the UK as a returning resident\*, settled status is deemed to have lapsed. If a person's Indefinite Leave to Remain has lapsed they will not be eligible to apply for NTL and should make an application to enter or remain in the UK under a relevant section of the immigration rules.

An exception to the returning residents rule is provided under section 1(5) of the Immigration Act 1971. Commonwealth citizens were protected from losing their indefinite leave status through absences from the UK until 1 August 1988 when section 1(5) was repealed. This means they could not lose their indefinite leave if they spent more than two years outside the UK between 1 January 1973 and 31 July 1988.

\*Returning residents are defined under Part 1 paragraphs 18-19 of the Immigration Rules.

### **People who have acquired British citizenship or right of abode**

A person who has acquired British citizenship or the right of abode in the UK is deemed to be free from immigration control (no longer subject to settled status) and there is no requirement to make an NTL application.

**Further Information**

Further information about the NTL application can be found on our website at:  
<https://www.gov.uk/government/publications/application-to-transfer-indefinite-leave-to-remain-in-uk-form-ntl>.

The information provided in this sheet is intended to provide you with general guidance on this matter. However, we appreciate each case will be different due to the individual circumstance of your constituent.

If the constituent is unsure of how to proceed or if the NTL application route is applicable to them it is recommended they seek advice from an Office of Immigration Services Commissioner (OISC) registered immigration advisor prior to making any applications. Their website can be found at:  
[http://oisc.homeoffice.gov.uk/about\\_oisc/](http://oisc.homeoffice.gov.uk/about_oisc/)