When Can a Migrant Apply for Indefinite Leave to Remain?

Understanding the eligibility timeline for indefinite leave to remain

Indefinite leave to remain (ILR) is a significant milestone for many migrants in the UK. It grants permission to stay in the country without time restrictions, and opens the door to benefits such as access to public funds and the eventual possibility of British citizenship. But the timing of an application depends on the specific immigration route a person holds. The rules differ by visa category, and getting the date wrong can mean a refused application or even a break in continuous residence.

For most work and family visa holders, the qualifying period is usually five years of continuous residence in the UK. That means the earliest point to apply is just before the five-year anniversary of the date the visa was granted, or the date the applicant first entered the UK under that visa. Some categories, such as Tier 1 Investor or Innovator visas, may qualify after three years. Others, like the Global Talent visa, also offer a three-year route in certain circumstances. It is essential to check the specific conditions tied to the visa, because a claim made too early will not meet the residence requirement.

Continuous residence and permitted absences

The Home Office looks closely at the pattern of time spent in the UK during the qualifying period. Continuous residence means the applicant must not have been absent from the UK for too long, or too often. For most ILR applications, the rules allow a maximum of 180 days of absence in any 12-month period during the qualifying period. Absences over that limit can break continuity and reset the clock, unless they fall under an exemption such as a pandemic, a serious medical reason, or a work posting required by an employer. Applicants should keep records of all travel, including dates and reasons, because the Home Office may request evidence.

There are also specific limits on total absences across the entire qualifying period. For example, some categories cap total days outside the UK at 540 days over the five years. Anyone who has spent time outside the UK for study, family visits, or holidays should count the days carefully. A rule of thumb is that absences of more than six months in a single trip will usually break continuity, unless exceptional circumstances apply.

View the location on Google Maps

The knowledge requirements for ILR

Before applying for indefinite leave to remain, most applicants must pass two tests: the Life in the UK test and an English language requirement. The Life in the UK test is a computer-based exam covering British history, culture, and government. It costs £50 and must be booked through an approved test centre. The test is available in English, and some applicants may be exempt due to age or a long-term physical or mental condition. The English language requirement can be met by holding a degree taught in English, passing an approved Secure English Language Test (SELT), or being from a majority English-speaking country. Both requirements must be satisfied before the ILR application is submitted, because the form asks for the reference numbers.

Good character and other checks

The Home Office also assesses whether the applicant is of good character. This is not a formal test but a review of criminal history, immigration compliance, and any deception in previous applications. A criminal conviction, particularly one resulting in a prison sentence of 12 months or more, will normally lead to refusal. Even minor offences or unpaid fines can affect the outcome. Anyone with a criminal record should seek advice before applying, as the rules are strict and the consequences of a refusal can be serious.



Another factor is the applicant's compliance with the conditions of their current visa. Overstaying, working without permission, or breaching a no-public-funds condition can all count against an application. The Home Office expects applicants to have abided by the law during their entire stay in the UK.

Applying from within the UK

Indefinite leave to remain applications are made from inside the UK. The applicant must be physically present in the country on the date the application is submitted. The standard fee is currently £2,885, though this can change. The processing time varies, but most decisions are made within six months. There is also a priority service for an additional fee, which can reduce the waiting time to a few weeks. The application is made online, and the applicant must attend a biometric appointment to provide fingerprints and a photograph.

For those who have held settled status under the EU Settlement Scheme, the route to ILR is different. EU, EEA, and Swiss citizens who have pre-settled status can apply for settled status after five years of continuous residence. That is a separate process from the standard ILR application, but the outcome is similar: permission to stay indefinitely.

What happens after ILR is granted

Once indefinite leave to remain is approved, the holder no longer has time restrictions on their stay. They can work, study, and live in the UK without needing to extend a visa. They may also apply for public funds, such as benefits, if they meet the eligibility criteria. After holding ILR for 12 months, the person may be eligible to apply for British citizenship through naturalisation. That process has its own requirements, including the Life in the UK test and English language evidence, as well as a good character assessment.

It is important to note that ILR can be lost if the holder leaves the UK for more than two consecutive years. After that period, the ILR automatically lapses, and the person would need to apply for a returning resident visa to regain entry. Anyone planning a long absence should consider whether they need to apply for a certificate of entitlement or take other steps to protect their status.

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For many migrants, the path to ILR is straightforward if they follow the rules on residence, absences, and knowledge requirements. But the process can become complicated when there are gaps in documentation, unexpected absences, or changes in personal circumstances. In such cases, professional guidance can make a difference. Law firms that offer support with settlement applications help applicants prepare their evidence, check their eligibility, and

submit a complete application to the Home Office. That kind of help can reduce the risk of refusal and the delays that come with it.

Another area where expert advice is valuable is in preparing for the Life in the UK test or proving the English language requirement. Some applicants may struggle to find an approved test centre or to understand which qualifications are accepted. A solicitor can clarify the options and ensure the applicant meets both conditions before the application is submitted.



For those who have been refused ILR, there may be options to appeal or to reapply after addressing the reasons for refusal. The refusal letter will state the grounds, and a legal professional can advise on the best next steps. In some cases, it may be possible to apply for a different visa or to seek a discretionary grant of leave outside the rules.

The timing of an ILR application is critical, but so is the quality of the application itself. Missing a document, miscalculating an absence, or failing to meet the knowledge requirements can all lead to refusal. Taking the time to prepare properly, with or without professional help, is the best way to avoid delays and additional costs.

For individuals and families living in London, a local immigration solicitor can provide tailored advice. Adamir Immigration Solicitors London, located at Unit-1, 5 Norman Rd, London N15 4ND, UK, can be reached at +44 20 3302 0074 for guidance on any UK immigration matter.