

Dear Sir

I am writing further to my e-mail of 31 October which sought further clarification about your request for information on Armed Forces and residence applications. Your request has been handled as a request for information under the Freedom of Information Act 2000. We are now in a position to provide a full reply to your request.

I am able to disclose the following information in response to your questions.

1. As these offences are listed as a Schedule to the Armed Forces Act 2006, they are specifically aimed at how they are dealt with within the Armed Forces. Therefore, the UK Border Agency does not use this list for any other purpose.
2. The types of military offences that will be disregarded as convictions for settlement and citizenship purposes are:
 - Convictions for non-criminal conduct (disciplinary) offences.
 - A single criminal conduct offence which has attracted the following sentences:
 - (a) Restriction of Privileges,
 - (b) Stoppage of Leave; or
 - (c) Admonition.

This may still be considered as part of the wider assessment on a person's character & conduct, but they will not be considered as a conviction and therefore will not result in a mandatory refusal.

New guidance to reflect this will be available on the UK Border Agency website shortly.

In keeping with the Freedom of Information Act, we assume that all information can be released to the public unless it is exempt. In line with normal practice we are therefore releasing the information which you requested via the Home Office website.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference **24872**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team

Home Office
Ground Floor, Seacole Building

2 Marsham Street

London SW1P 4DF

e-mail: info.access@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely