



Ukraine: Statement of Changes

30 March 2022

The Home Office released a Statement of Changes to the Immigration Rules (the "Rules") on 29 March 2022. The new changes include the introduction of a new Appendix Ukraine Scheme codifying two existing routes and introducing a new one:

1. the Ukraine Family Scheme;
2. the Homes for Ukraine Sponsorship Scheme; and
3. the Ukraine Extension Scheme.

It is worth noting that all three schemes are subject to the general grounds for refusal, which allow for an application to be refused if an applicant has a criminal record and on grounds of previous immigration rule breaches.

Ukraine Family Scheme

We have provided information on this scheme previously.

This is a free route for any person who is a British citizen, is settled in the UK, has limited leave as a refugee or has been granted humanitarian protection to sponsor family members from Ukraine to come to, or stay in, the UK.

An applicant for entry clearance must have been resident in Ukraine immediately before 1 January 2022. This route grants an initial 6 months' leave to enter the UK. Once they enter the UK, they can complete the application by providing biometrics for a grant of 36 months leave to remain in the UK.

It is possible to apply for this scheme from within the UK, paragraph UKR 5.2, but only if the applicant is here with immigration permission.

This scheme has already granted 22,800 visas from 31,200 applications, as of 29 March 2022.[1]

Homes for Ukraine Sponsorship Scheme

Similarly, we have addressed the Sponsorship scheme in our previous article.

This is another free route for those Ukrainian nationals who do not have family in the UK. It allows a Ukrainian national and their immediate family to come to the UK where they have an approved UK sponsor. This scheme is found at paragraphs UKR 11.1 to 20.2 of the Rules.

The sponsor must be a person or organisation based in the UK. The sponsor must provide accommodation for the Ukrainian national and (where relevant) their immediate family. The sponsor must now be eligible under the guidance published by the Department for Levelling Up, Housing and Communities.[2] It is worth noting that this sponsor guidance was only published on 25 March 2022.

As with the Family Scheme, the applicant must have been resident in Ukraine immediately before 1 January 2022. As with the family scheme, this route grants an initial 6 months' leave to enter the UK. Once they enter the UK, they can complete the application by providing biometrics for a grant of 36 months leave to remain in the UK.

This scheme has worryingly only resulted in the granting of 2,700 visas from 28,300 applications made to date.

Ukraine Extension Scheme

This route caters to Ukrainian citizens who were in the UK before the war began. This scheme does not open until 3 May 2022.

The Ukraine Extension Scheme, as set out in paragraphs UKR 21.1 to 28.2, is a new fee-free route that allows a Ukrainian national who is in the UK and had permission in the UK on 18 March (including those who have overstayed by a short period) to stay in the UK.

Therefore, this is not applicable if you were an overstayer before 1 January 2022. People in this position are unlikely to be sent back to Ukraine, but will probably need to claim asylum or make a form of human rights claim to have any kind of legal status in the UK.

Conclusion

Overall, these are welcome changes but the administrative delays are a cause for concern.

In the longer term, these rules do leave Ukrainians in a precarious position though. There is nothing codified in the Rules about what happens at the end of the grant of the 36 months on any scheme. This means that it is worth exploring switching into one of the more permanent visa routes in the UK for those that are able to do so.

If you have any questions regarding the new schemes, please get in contact with our Citizenship and Immigration Team.

[1] <https://www.gov.uk/government/publications/ukraine-family-scheme-application-data/ukraine-family-scheme-and-ukraine-sponsorship-scheme-application-data-29-march-2022>

[2] <https://www.gov.uk/guidance/homes-for-ukraine-sponsor-guidance>