



Home Office

# Ukraine Scheme

Version 4.0

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# About this guidance

This guidance tells decision makers how to decide applications for entry clearance or permission to stay on the Ukraine Scheme.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Family policy team

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Publication

Below is information on when this version of the guidance was published:

- version **4.0**
- published for Home Office staff on **11 March 2022**

## Changes from last version of this guidance

- Changes to reflect the fact that applications to the Ukraine Scheme can now be made by those in the UK

### Related content

[Contents](#)

# Purpose

This section tells you about use of this guidance in considering a person's right to enter or stay in the UK on the basis of their relationship with British citizens, people who have settled status or people who have relevant permission to stay in the UK.

## Use of this guidance

This guidance must be used for all decisions made under the Ukraine Scheme.

## Other information about this guidance

Within this guidance there are links to the Borders & Migration Guidance platform that are shown as an 'internal link' otherwise links are to the same guidance published on GOV.UK for external access.

## Background

Following the statement made by the Home Secretary to Parliament on 1 March 2022, the Ukraine Scheme has now been introduced to allow Ukrainians (and non-Ukrainian nationals who form part of a family group which includes an immediate family member who is Ukrainian) who were resident in Ukraine before 1 January 2022 and who have family members in the UK, to apply under the scheme to come to the UK. The scheme has been designed primarily for applicants overseas, however, applicants who meet the requirements of the scheme, and who are in the UK, also qualify. This will allow Ukrainians and family members who are in the UK and who meet the criteria to regularise their status under this scheme.

The Ukraine Scheme will be included in the immigration rules under Appendix Ukraine. Until the immigration rules come into force, the scheme will run as a concession and applicants will be considered for a grant of leave outside the rules.

## Applications made under Ukraine fee waiver concession

Applications that have already been made under the Ukraine fee waiver concession from 14 February 2022 but have not yet been decided must now be considered under the new Ukraine Scheme.

## Validity requirements

There are only 3 validity requirements for all applications on the Ukraine Scheme.

## Specified application form

The immigration rules set out that an application under the Ukraine Scheme must be made on the 'Ukraine Scheme' application form.

If an applicant has applied on another form such as a family reunion form or under Appendix FM or part 8 of the immigration rules and the decision maker feels the applicant may qualify under this scheme, please write to the applicant using this template (to be added) inviting a claim on the correct form. If they do not wish to claim on another form and the decision maker feels there is sufficient information provided to make a decision, then the application can be assessed under this Scheme.

## Fees and Immigration Health Surcharge

This Scheme is free for applicants. No fee or Immigration Health Surcharge will need to be paid to make an application and so applications should not be rejected for non-payment of fee.

## Biometrics and identity

### Validity requirement - Proof of identity

In all cases, caseworkers must satisfactorily establish the applicant's identity and nationality.

### Biometrics

All applicants in-country and overseas are, in most circumstances, required to give their biometrics. For applicants aged 5 years or over, this will be a scan of their fingerprints and a facial image. Applicants who are under 5; are not required to provide their fingerprints but must still provide a facial image. Caseworkers must refer to the Operating Mandate - Biometric information: case working - for details of the checks that they are required to undertake.

### Applicant's Identity and Nationality Documentation

The best evidence of identity applicants on the Ukraine Scheme can provide is a valid passport.

In the absence of a valid passport, the applicant may provide one or more of the following:

- a recently expired passport, which has not exceeded its expiry date by more than 10 years for applicants aged over 25 and for applicants aged under 25 years by no more than 5 years
- Ukrainian National identity card
- UK issued biometric residence permit or card
- a combination of other official documents containing a facial image that would enable the applicant to establish their identity and nationality, which could include a photo driving licence and a birth certificate
- an emergency certificate issued by a Ukrainian authority since March 2022

Acceptable photographic documents are those that are recorded on a document image archive such as [Council of the European Union - PRADO](#) or [EdisonTD](#).

## No adequate documentation

Where the applicant does not have any of these documents, you should ask them to explain why and record this on the caseworking system, and to provide any other documentation that may help to evidence their identity and nationality. The onus is on the applicant and their sponsor to satisfy the caseworker the identity and nationality is as claimed. You can find guidance on the type of acceptable evidence in the [Family Reunion guidance](#).

## Sponsor's identification documentation

Sponsors must provide evidence of their identity.

- British citizen sponsors are asked to provide a copy of their biographical page of their passport, which may include a recently expired passport that has not been replaced - if this is not submitted, or a caseworker wishes to verify authenticity then, they should refer to their authorised Data Validation Application (DVA) user
- Holders of EU settled status must provide a copy of the front and back of their biometric residence card (BRC) if they hold one or the document-number they used to register their online status along with their date of birth
- Holders of other forms of immigration leave should submit a copy of both sides of their biometric residence permit
- Holders of eVisas, such as holders of EU settlement scheme leave, can submit the 'something else' purpose ShareCode, which starts with an 'S', alongside their date of birth, which can be generated using the [View and prove your immigration status](#), which remains valid for up to 90-days from when it was generated. Alternatively, they can provide a copy of their 'Written notification of leave' which was sent to them when their application was granted

## Safeguarding and vulnerable persons

Where caseworkers have concerns about the identity and relationship of the applicant and their sponsor, they should undertake background checks on the sponsor.

For example, where a child is unaccompanied this might be an indicator that the child could be at risk of exploitation. Where a child is unaccompanied the reasons for the child's status should be explored. Where possible, the child's parent(s) should be consulted regarding their wishes for the child. If the child is mature enough to express their views, those views should be sought.

Alternatively, an elderly person may be at risk of being trafficked into the UK. There may be other scenarios that are of concern to caseworkers. If in doubt, they must seek advice from a senior caseworker or their safeguarding lead.

## False documents and evidence

Applicants or sponsors who submit false documents or evidence may have their application refused. This is covered in the [grounds for refusal](#) section of this guidance.

If all of these requirements are met, then the application is valid and can be considered.

## Suitability requirements

Only the following general grounds for refusal under Part 9 of the Immigration Rules apply to the Ukraine Scheme:

- exclusion and deportation (paragraph 9.2.1))
- non conducive to the public good (paragraph 9.3.1)
- criminality grounds (sentence over 12 months, persistent offender or serious harm) (paragraph 9.4.1)
- criminality grounds (less than 12 months or non-custodial) (paragraph 9.4.3)
- exclusion from asylum or humanitarian protection grounds (paragraph 9.5.1)
- false representations (paragraph 9.7.1)
- sham marriage (paragraph 9.6.1)
- no entry clearance grounds (refusal only and not cancellation) (paragraph 9.14.1)
- medical (port refusals on medical grounds) (paragraph 9.16.1)
- failure to produce recognised passport or travel document (port refusals) (paragraph 9.15.1)
- Admissibility to the Common Travel Area (Part 9 9.10.1)
- Purpose not covered by the Immigration Rules (port refusal only) (Part 9 9.13.1)
- consent for child to travel (port refusal only) (Part 9 9.17.1)
- returning Resident (port refusal only) (Part 9 9.18.1)
- customs breaches (Part 9 9.19.1)
- change of circumstances (Part 9 9.20.1)
- ceasing to meet the requirements of the rules (Part 9 9.23.1)
- dependant grounds (Part 9 9.24.1)

Grounds that could normally lead to refusal on suitability grounds but, for the purposes of this scheme, do not apply as they relate to low level immigration breaches or unpaid debt and it would be inappropriate to refuse an application on these grounds are:

- previous breach of immigration laws (Part 9 9.8.1)
- failure to provide required information (Part 9 9.9.1)
- debt to the NHS (Part 9 9.11.1)
- unpaid litigation costs (Part 9 9.12.1)
- rough sleeping (Part 9 9.21.1)
- crew members (Part 9 9.22.1)



In respect to applications made for permission to stay where the applicant is already in the UK, periods of overstaying or immigration bail will not lead to refusal and the applicant does not need to have valid leave on the date of application.

## Eligibility requirements

Where an applicant does not seem to meet the eligibility requirements set out in the Ukraine Scheme, you must contact them to tell them what is missing or unclear and give them an opportunity to provide further evidence or explanation. See: [Evidential flexibility](#).

## Entry requirements

A person seeking to come to the UK on the Ukraine Scheme must apply for entry clearance. Those who arrive at a UK port without the correct entry clearance but who meet the family relationship requirements set out in UKR 5.1-5.4 of the Rules should be considered for leave outside the rules for 6 months. These applicants can then apply to switch onto the Ukraine Scheme from the UK and be granted permission to stay if they meet the eligibility requirements and were resident in the Ukraine on or before 1 January 2022.

## Tuberculosis (TB) Testing

It has been agreed to waive the TB requirement for the Ukraine Scheme. We have consulted UK Health Security Agency who have confirmed they are content for us to waive the TB requirement for the Ukraine Scheme in view of the low risk from Ukraine and the current conflict.

## Ordinarily resident in Ukraine

To qualify for the Ukraine Scheme a person must have been ordinarily resident in the Ukraine on or immediately before 1 January 2022 unless they are already present in the UK or they are a child born or adopted on or after that date.

The starting point for decision makers is to believe the applicant if they confirm they were resident in Ukraine on or immediately before 1 January 2022. The conflict may have significantly reduced an applicant's ability to obtain their documents and decision makers can grant an application without the usual documentary evidence.

If a decision maker believes an applicant was not resident in Ukraine on or immediately before 1 January 2022, they should contact the applicant for further evidence.

The bullet points below are a non-exhaustive list of evidence an applicant can submit if available, to confirm they were ordinarily resident in Ukraine on or immediately before 1 January 2022:

- passport

- official documents issued by the Ukrainian authorities
- utility bills
- bank statements
- medical letters
- mortgage or tenancy agreements
- employment letters
- education letters

Any applicant who was not ordinarily resident in the Ukraine immediately prior to 1 January 2022, will not normally qualify under the Ukraine Scheme.

## Relationship requirement

To be eligible under the Ukraine Scheme the applicant must be an eligible family member of a UK-based sponsor, who is resident in the UK (although the sponsor does not have to be physically present in the UK at the date of application), unless they are a British citizen. The UK-based sponsor must be one of the following:

- a British citizen
- a person who is settled in the UK (including those with settled status under the EUSS)
- a person in the UK with refugee leave or with humanitarian protection
- a person in the UK with limited leave under Appendix EU (pre-settled status under the EUSS)

Ideally applicants should provide one of the following pieces of evidence to confirm their sponsors status in the UK:

- screenshot/copy or original of a British passport or BRP
- Home Office reference number (so a check can take place on our systems)
- screenshot/copy or original Home Office documentation/electronic documentation (email on phone) to confirm settled status in the UK
- screenshot/copy or original Home office documentation/electronic documentation to confirm pre-settled status under EUSS

In circumstances where an applicant has been unable to provide evidence of their sponsor's status in the UK, decision makers should first check the Home Office system to confirm if the sponsor's status is already available on the database and if so, the case can proceed. If you are unable to locate the sponsor on any available systems, the decision maker should obtain the contact details of the sponsor from the applicant and contact the sponsor directly.

## Qualifying applicants

To be eligible under the Ukraine Scheme the applicant must be a family member in one of the following relationships:

- **Immediate family** (at least one of whom must be Ukrainian as in paragraph UKR 6.1 of the rules), this includes a:
  - partner of the UK-based sponsor
  - child aged under 18 on the date of application of the UK based sponsor or their partner
  - parent of a child aged under 18 on the date of application who is the child of the UK based sponsor
  - fiancé(e) or proposed civil partner of the UK based sponsor
  
- **Extended family**, this includes a:
  - parent of a person aged 18 or over on the date of application who is the UK-based sponsor
  - grandparent of the UK-based sponsor
  - grandchild of the UK-based sponsor or their partner
  - sibling of the UK based sponsor
  - adult child aged 18 or over on the date of application of the UK based sponsor
  - aunt or uncle of the UK based sponsor
  - cousin of the UK based sponsor
  - niece or nephew of the UK based sponsor
  - grandparent, parent or sibling of the UK based sponsor's partner
  
- **Immediate family of an extended family member**, this includes a:
  - partner of an extended family member
  - child aged under 18 on the date of application of an extended family member
  - parent of a child aged under 18 on the date of application who is an extended family member
  - fiancé(e) or proposed civil partner of an extended family member

Where applying as an immediate family member of an extended family member, the extended family member must be applying at the same time or have been granted under the scheme.

## Relationship definitions

### Partner

A partner is defined at paragraph 277 of the Immigration Rules with reference to GEN.1.2. of Appendix FM. It includes a spouse, civil partner and a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least 2 years prior to the date of application.

Partners must meet the relationship requirements set out in Appendix FM at E-ECP.2.2. - E-ECP.2.2, specifically the applicant and the sponsor must:

- be aged 18 or over at the date of application
- have met in person
- demonstrate a relationship that is genuine and subsisting
- show that any previous relationship has broken down permanently

- intend to live together permanently in the UK, and
- not be engaged in a polygamous relationship which falls within paragraph 278(i) of the Immigration Rules

A partner relationship must have existed on or before 1 January 2022.

### **Parent**

A parent is defined at paragraph 6.2 of the Immigration Rules and includes (beyond biological parents), stepfathers where the father is dead, and stepmothers where the mother is dead, father and mother of illegitimate child where the person is proved to be the father, an adopted parent where the child was legally adopted in their country where we recognise adoption orders, or where a de facto adoption otherwise meets the requirements in the rules, and, where the child was born in the UK, a person with parental responsibility on the ground that the parents are unable to care for the child. For the purposes of the Ukraine scheme a step parent can be classed as a parent even if both biological parents are still alive.

### **Grandparent**

A grandparent is defined at paragraph 6.2 of the Immigration Rules and includes grandparents by blood and adoption, as follows: Grandparent in Appendix UK Ancestry includes the applicant's blood grandparent or grandparent by reason of an adoption recognised by the laws of the UK relating to adoption.

### **Sibling**

A sibling should be taken to include biological, adopted and step siblings. Where the relationship is of sibling by marriage, the 'in-law' relationship must be to the UK-based sponsor.

### **Aunt and uncle**

An aunt or uncle should be taken to mean biological and step aunt/uncle. This is the brother or sister (or step brother/sister) of either of the UK-based sponsor's parents, and the partner of the uncle or aunt.

### **Cousin**

A cousin should be taken to mean the biological, adopted or step child of the UK-based sponsor's aunt or uncle.

### **Niece and nephew**

A niece or nephew should be taken to mean the biological or step child of the UK based sponsor's sibling, adopted sibling or step sibling.

### **Foster child**

If an application is made for a foster child, please refer to your ECM/line manager for further consideration.

### **Evidence of relationship**

Applicants should provide evidence of their claimed relationship. The best evidence will be an appropriate certificate issued by a relevant authority, for example a marriage or civil partnership certificate for a partner or a birth or adoption certificate for a parent or child. In the absence of such evidence an applicant should be asked to provide any other official and independent evidence to demonstrate the relationship, such as tenancy agreements or joint bank statements. These can include digital versions or copies.

Where an applicant is unable to provide evidence of their claimed relationship caseworkers have discretion to take into account the circumstances of the application and any reasonable explanation for a lack of evidence. The starting point should be to accept statements provided with the application unless there is good reason to suspect otherwise.

### **Relationships not covered by the scheme**

Applications received by applicants who do not meet the relationship requirements may be refused. However, caseworkers may apply discretion to accept and consider applications from other family members where they are evidenced and there are exceptional reasons to do so. Caseworkers should take a pragmatic approach and consider the applicant's circumstances as well as what meaningful connection the applicant has to their immediate family unit, their sponsor and the UK. A case may be exceptional where, for example, the decision to refuse would mean separating an individual from their long-term family unit. An applicant should provide evidence of their situation where possible, and all decisions should be made on a case-by-case basis.

### **Nationality and mixed families**

Applicants to the scheme must be Ukrainian nationals unless they are applying as part of a family group with their immediate family member who is a Ukrainian national and qualifies under this scheme.

This ensures this scheme does not cause a family to break up.

For example, a Ukrainian national resident in the UK would be able to sponsor their Indian partner with their Ukrainian child and both are ordinarily resident in Ukraine.

Where a Ukrainian national resident in the UK is the sponsor and no immediate family members are Ukrainian but are ordinarily resident in Ukraine, then refer the case to an Entry Clearance Manager or Senior Caseworker.

## Additional considerations relating to children

Where a child is applying independently to join a UK-based sponsor, decision makers will need to take account of appropriate safeguarding considerations. If you have safeguarding concerns please refer to your ECM/line manager/safeguarding lead for further consideration.

Where an applicant is under 18 and they are not travelling with a parent to the UK, or joining a parent already in the UK, written consent must be provided from both parents (unless one parent has sole responsibility) or their legal guardian. The consent must confirm the application, the living and care arrangements in the UK and, in entry clearance cases, the applicant's travel arrangements.

If the applicant cannot provide parental consent, the consent requirement should be waived if the decision maker is satisfied that it is reasonable in the circumstances to grant entry clearance or permission. For example, a child may not be able to provide consent from their father who is fighting in the conflict, or the child may have been separated from both parents.

## Period of grant

Applicants should be given permission to stay for 36 months. They should be given code 1A which denotes that the applicant will have access to public funds. Work is permitted and study is permitted subject to the Academic Technology Approval Scheme (ATAS).

Once the immigration rules come into effect caseworkers should select from the below:

- Ukraine Scheme – Partner (this would include spouse, partner, civil partner, fiancée, proposed civil partner)
- Ukraine Scheme – Child (under 18 biological child)
- Ukraine Scheme – Parent
- Ukraine Scheme – Dependent Relative (this would include the extended family members adult children, parents, grandparents, adult siblings, aunts, uncles)
- Ukraine Scheme – Other (this would include where family members do not meet the definition under the rules and have been granted on exceptional circumstances)

Until the immigration rules come into effect caseworkers should use:

Ukraine Scheme - LOTR

Overseas caseworkers should add the initial and surname of the UK based sponsor into the additional endorsement field on Proviso.

## Police registration

Applicants to the Ukraine Scheme are not required to apply for police registration.

## Refusing an application

If an applicant does not meet the requirements of the rules, including any validity requirements, and it is not appropriate to apply discretion, the application should be refused and a refusal notice should be served on the applicant and any dependants. Refusal templates:

- Overseas refusal: Ukraine Scheme Refusal\_No ROA\_No AR\_OOC Proviso
- In country: Ukraine Scheme Refusal\_No ROA\_No AR\_IC Only ATLAS

should be used.

## Appeals and Administrative Review

There will be no right of appeal or right to an administrative review

If an applicant asks to challenge a decision to refuse their application, they should be advised to apply again for free under the Ukraine Scheme. There are no restrictions to the number of times a person can apply for the scheme. A new application will ensure a further consideration of the applicant's eligibility and will allow them to submit any additional evidence which was not submitted in their previous application.

### Related content

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