

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Presented to Parliament pursuant to section 3(2) of
the Immigration Act 1971*

*Ordered by the House of Commons to be printed
20 July 2022*

(This document is accompanied by an Explanatory Memorandum)

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¹STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by them as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 29 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC 523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014

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(HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), 15 March 2018 (HC 895), 15 June 2018 (HC 1154), 20 July 2018 (Cm 9675), 11 October 2018 (HC 1534), 11 December 2018 (HC 1779), 20 December 2018 (HC 1849), 7 March 2019 (HC 1919), 1 April 2019 (HC 2099), 9 September 2019 (HC 2631), 24 October 2019 (HC 170), 30 January 2020 (HC 56), 12 March 2020 (HC 120), 14 May 2020 (CP 232), 10 September 2020 (HC 707), 22 October 2020 (HC 813), 10 December 2020 (HC 1043), 31 December 2020 (CP 361), 4 March 2021 (HC 1248), 10 September 2021 (HC 617), 11 October 2021 (CP 542), 1 November 2021 (HC 803), 14 December 2021 (HC 913), 24 January 2022 (HC 1019), 17 February 2022 (CP 632), 15 March 2022 (HC 1118), 29 March 2022 (HC 1220) and 11 May 2022 (HC 17).

Implementation

The changes set out in this statement shall take effect on 10 August 2022.

Review

Before the end of each review period, the Secretary of State undertakes to review all of the relevant Immigration Rules including any Relevant Rule amended or added by these changes. The Secretary of State will set out the conclusions of the review in a report and publish the report.

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 6 April 2017; and
- (b) subject to the paragraph below, each successive period of five years.

If a report under this provision is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

“Relevant Rule” means an Immigration Rule which:

imposes requirements, restrictions or conditions, or sets standards, in relation to any activity carried on by a business or voluntary or community body; or

relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions or standards which relate to any activity carried on by a business or voluntary or community body.

Changes to the Introduction

APP INT1. In paragraph 6.2, for “**Approved sponsor under the Homes for Ukraine Sponsorship Scheme**” means a sponsor who meets eligibility and suitability requirements under the Homes for Ukraine sponsor guidance, published by the Department for Levelling Up, Housing and Communities at <https://www.gov.uk/guidance/homes-for-ukraine-sponsor-guidance>.”,

Substitute: “**Approved sponsor**” under the **Homes for Ukraine Sponsorship Scheme** means a sponsor who meets eligibility and suitability requirements under the Homes for Ukraine sponsor guidance, published by the Department for Levelling Up, Housing and Communities at <https://www.gov.uk/guidance/homes-for-ukraine-sponsor-guidance>. Or, in the case of a child who is not applying with or to join their parent or legal guardian in the UK, a sponsor who is approved as a sponsor for that applicant under the Homes for Ukraine Scheme under the guidance: “Homes for Ukraine - Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils”.”.

Changes to Appendix Ukraine Scheme

APP UKR1. In the introduction, after “*A Ukrainian national may also qualify under the Homes for Ukraine Sponsorship Scheme if they have an Approved sponsor who will provide accommodation for at least 6 months.*” insert “*A child who is not applying with, or intending to join, their parent or legal guardian in the UK must have an Approved sponsor who was approved for the child by a Local Authority before the application is made and must have agreed to accommodate the child for at least 3 years or until the child is 18 so long as they are sponsored for at least 6 months (whichever is soonest).*”.

APP UKR2. In the introduction, after “*Immediate family members of a Ukrainian who are not themselves Ukrainian nationals may also qualify under the Homes for Ukraine Sponsorship Scheme.*” insert “*Grandparents, uncles, aunts and adult siblings who are applying with a child who is not either applying with their parent or legal guardian or applying to*

join their parent or legal guardian may also qualify under the Homes for Ukraine Sponsorship Scheme.”.

APP UKR3. In the introduction, delete “*This scheme will open on 3 May 2022.*” where it occurs.

APP UKR4. After paragraph UKR 6.4. insert,

“Suitability of UK based sponsor requirement

UKR 6A.1. Where an applicant is a child, the UK-based sponsor (under UKR 6.1) must not previously have failed to meet the requirements for approval as a sponsor under the Homes for Ukraine Scheme under the guidance: “Homes for Ukraine - Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils”.”.

APP UKR5. For paragraph UKR 11.3. substitute:

“UKR 11.3. Where the applicant is aged under 18 on the date of application they must either:

(a) be applying with, or to join in the UK, their parent or legal guardian; or

(b) their sponsor must have been approved as a sponsor for that applicant under the Homes for Ukraine Scheme under the guidance: “Homes for Ukraine - Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils” before the date of application and the applicant must provide evidence of that approval in the form of a reference number.”.

APP UKR6. After paragraph UKR 15.2. insert:

“UKR 15.3. Where an applicant is a child, the Approved sponsor must not previously have failed to meet the requirements for approval as a sponsor under the Homes for Ukraine Scheme under the guidance: “Homes for Ukraine - Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils”.”.

APP UKR7. After paragraph UKR 15.3. insert:

“UKR 15.4. Where a child is not applying with or to join their parent or legal guardian, but they are applying with or to join an adult relative (meaning a grandparent, uncle, aunt or sibling aged 18 or over) who qualifies under the Homes for Ukraine Sponsorship Scheme, the child and the adult relative must have the same Approved sponsor.”.

APP UKR8. For sub-paragraph UKR 17.1(b) substitute:

“(b) part of an immediate family group (meaning the group set out in UKR 18.1.) which includes an immediate family member who is a Ukrainian national who has been granted under or is applying under and qualifies under the Homes for Ukraine Sponsorship Scheme.”.

APP UKR9. After paragraph UKR 19A.2. insert,

“Parental consent requirement for a child applying without their parent or legal guardian

UKR 19B.1. Where a child is not applying with, or to join in the UK, a parent or legal guardian the applicant must have provided written parental consent to the child coming to live in the UK with the named sponsor (who was approved under UKR 11.3(b)) and any adult relative who is applying with the child. The consent must be signed by at least one parent or the child’s legal guardian, and notarised or approved by:

- (a) the notary authorities or Guardianship service of the city/regional council in Ukraine; or
- (b) where the applicant is outside Ukraine, notary authorities or a Ukrainian consul.”.

Changes to Appendix Private Life

APP PL1. For PL 6.1 substitute:

“PL 6.1. An applicant who has made a protection or asylum claim which has been declared inadmissible under Part 11 of these rules before 28 June 2022, or under section 80B and 80C of the Nationality, Immigration and Asylum Act 2002, and which continues to be treated as inadmissible, cannot meet the requirement at PL 5.1(b).”.

APP PL2. For PL 8.1 substitute:

“PL 8.1. If the applicant does not meet the suitability requirements (subject to PL 8.2), or does not meet any of the eligibility requirements in PL 3.1., PL 4.1. or PL 5.1. the decision maker must be satisfied that refusal of permission to stay would not breach Article 8 of the Human Rights Convention on the basis of private life.”.

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