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Home Office

# Concessions to the Immigration Rules for Syrian nationals

Version 6.0

Archived

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# About this guidance

This guidance tells you about the concessions made to the Immigration Rules for Syrian nationals. This guidance and authorisation supersedes all previous versions. These concessions are authorised under the Equality (Syria) Authorisation 2020 which came into force on 1 March 2020. As a result of it the Minister for Immigration has personally approved more favourable treatment for some Syrian nationals in the UK when they apply for leave to remain or further leave to remain.

This guidance applies to all decisions made under the concession from 1 March 2020 regardless of the date of application.

## Publication

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

- Version **6.0**
- published on **12 March 2020**

## Changes from last version of this guidance

Updated to reflect the end of the Tier 1 Entrepreneur and Tier 1 Exceptional Talent route along with the introduction of the Tier 1 Global Talent route.

### Related content

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# Exceeding maximum time in a category

This page tells an applicant about the concession allowing some Syrian nationals to remain in the UK, for a further period, under a particular category of the Immigration Rules.

The concession covers Syrian nationals who meet all of the following requirements:

- are present within the UK
- whose country of habitual residence is Syria
- who either have limited leave to enter or remain or whose leave has expired but have applied in line with the [overstayers policy](https://www.gov.uk/government/publications/applications-from-overstayers-non-family-routes).  
(<https://www.gov.uk/government/publications/applications-from-overstayers-non-family-routes>).

## Extensions that are permitted

The concession works by waiving some requirements of the Immigration Rules for extending leave (as detailed below) for those to whom the concession applies (i.e. who meet the criteria set out above). The provisions waived relate to the maximum time an applicant is allowed to stay in the UK in the following categories of the Rules:

### Tier 2 (Intra Company Transfer):

- under paragraphs 245GE(a)(iii) and 245GE(b)(ii)-(iii), the maximum 5 year and 9 year periods shall not apply - therefore an applicant can extend their total continuous leave in the Tier 2 (Intra-Company Transfer) Long Term Staff sub-category beyond 5 or 9 years

### Tier 2 (General), Tier 2 (Minister of Religion) or Tier 2 (Sportsperson):

- under paragraph 245HE(a)(iv), the maximum 6 year period shall not apply therefore an applicant can extend their total continuous leave in the relevant Tier 2 category specified beyond 6 years

### Tier 4 General (Student):

- under paragraph 245ZX (requirements for leave to remain), the 3 year time period stated in subparagraphs (f)(iii) and (f)(iv), the 2 year time period stated in

subparagraph (h) and the 5 year time period stated in subparagraph (ha) shall not apply

### Family members of relevant PBS migrants:

- under paragraph 319D(a)(ii), the 3 year time period does not apply so an applicant can be granted for longer than 3 years

### Visitors will be decided under Appendix V Immigration Rules for Visitors:

- under Part V8 (extension of stay as a visitor) paragraph V8.4 shall not apply
- under Part V8 (extension of stay as a visitor) paragraph V8.7 shall not apply to a visitor (standard), including a child, who is in the UK visiting family, friends or on holiday
- under Part V8 (extension of stay as a visitor) paragraph V8.8 shall not apply to a visitor (standard) who is in the UK for private medical treatment and is seeking an extension of stay for more than six months

### Overseas Domestic Worker:

- under paragraph 159E (extension of stay as a domestic worker in a private household), the 6 months period of stay in the UK for a domestic worker in a private household shall not apply

### Short term students:

- Syrian nationals who entered the UK under paragraphs A57A to A57H (short-term student) of the Immigration Rules on or after 24 April 2015, who apply for further leave to remain in that category must have their application considered as an application for leave outside of the Immigration Rules

#### **Related content**

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# Switching

This page tells an applicant about the concession permitting some Syrian nationals to apply for leave to remain under a different category of the Immigration Rules to that which they currently have (often called switching) when the rules do not usually permit it.

It covers Syrian nationals who meet all of the following requirements:

- are present within the UK
- whose country of habitual residence is Syria
- who either have limited leave to enter or remain or whose leave has expired but have applied within 14 days of that leave expiring

If an applicant meets the above criteria they can apply to UK Visas and Immigration to switch from one category of the Immigration Rules to another, but they must meet the rules of that other category.

The concession works by waiving some requirements of the Immigration Rules for switching (as detailed below) for those to whom the concession applies (i.e. who meet the criteria set out above). The switching provisions waived relate to the following categories of the Rules:

Applying to switch to	Waived requirement
Tier 1 (Global Talent)	the switching restriction in paragraph W7.3(a)-(c) does not apply
Tier 1 (Investor)	the switching restrictions in paragraphs 245ED(c) - (d) do not apply
Tier 2 (General)	the switching restrictions in paragraphs 245HD(b) - (e) do not apply
Tier 2 (Minister of Religion)	the switching restrictions in paragraphs 245HD(b) - (e) do not apply
Tier 2 (Sportsperson)	the switching restrictions in paragraphs 245HD(b) - (e) do not apply
Tier 4 General (Student)	the switching restrictions in paragraph 245ZX(b) and the 3 year time period stated in paragraph 245ZX(f)(iii), (f)(iv), the 2 year time period stated in subparagraph 245ZX(h) and the 5 year time period stated in paragraph 245ZX(ha) do not apply
Tier 5 Temporary Worker)	the switching restrictions in paragraphs 245ZQ(b) and 245ZQ(h) do not apply

Applying to switch to	Waived requirement
<p>Visitor are decided under Appendix V: Immigration Rules for Visitors.</p>	<p>Under Part V8 (extension of stay as a visitor) V8.4 shall not apply</p> <p>Under Part V8 (extension of stay as a visitor) paragraph V8.3 shall not apply to a visitor for permitted paid engagements. Such visitors can apply for an extension of stay as a visitor (standard) as set out in V8.7</p> <p>Under Part V8 (extension of stay as a visitor) paragraph V8.7 shall not apply to a visitor (standard), including a child and a visitor who is the UK in order to get married or to form a civil partnership where their total stay in the UK will exceed the maximum six months</p>
	<p>Under Part V8 (Extension of stay as a visitor) paragraph V8.11 shall not apply to a visitor (standard) who is the UK undertaking the Professional and Linguistic Assessment Board Test where their total stay in the UK will exceed the maximum 18 months.</p>

Syrian nationals who entered the UK under paragraphs A57A to A57H (short-term student) of the Immigration Rules, on or after 24 April 2015, who apply for further leave to remain in that category will have their application considered as an application for leave to remain outside of the Immigration Rules

Dependants are permitted to do either of the following:

- switch in line with the main applicant, with the exception of Tier 5 Youth Mobility Scheme where dependants are not permitted
- switch to become a main applicant in their own right, where they meet all the other requirements of the rules for the category in which they are applying

A person may not rely on the concession to switch into an Immigration route specified above where that route closes to new applicants during the period of the concession.

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# Document flexibility under the concession for Syrian nationals

This page tells an applicant about document flexibility under the Syria concession.

Due to the civil unrest in Syria an applicant may be unable to provide the full range of documents required under the category in which they are applying. If so, an applicant must explain why they cannot provide that particular document or documents when they make their application.

If the Home Office is satisfied that due to the civil unrest in Syria a document required by the Immigration Rules, but listed in paragraph 6 or 10 of the Equality (Syria) Authorisation 2020 cannot be obtained from Syria, the requirement to provide that document may be waived.

The decision maker does not require detailed evidence as to why a document is not available. They must merely be satisfied with the written explanation provided with the application as to why the document cannot be obtained.

A sufficient explanation may for example be that it is not possible to obtain a document from an institution as it is not functioning or is not offering its full range of services due to the civil unrest.

A sufficient explanation may for example be that the document can only be obtained in person, no one else in Syria can reasonably be expected to obtain it on their behalf and it is not reasonable to expect the applicant to travel to the location in Syria it needs to be obtained from as it may be unsafe.

Please see the Equality (Syria) Authorisation 2020 on GOV.UK for details of those relevant paragraphs.

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# Criteria for all applications made under the concession by Syrian nationals

This page tells an applicant about the criteria they must meet in order to have their application considered under the Syrian concession.

To be eligible to be considered under the concession an applicant must:

- be in the UK lawfully and have made an in time application, or apply within 14 days of the expiry of their leave, in line with the normal requirements of the rules in the category in which you are applying
- meet the requirements of the Immigration Rules for the category they are applying under, subject to the concessions contained in this guidance
- pay the correct fee for the application they are making

Applications which do not meet the above criteria, (e.g. if they do not meet the requirements of the Immigration Rules not waived by the concession) will be refused.

If an applicant meets these criteria they will be granted the length of time normally allowed under the category in which they are applying if their application is granted.

Applications made **after 31 December 2020** will not be considered under this concession.

A Syrian national with limited leave to remain outside the Immigration Rules will for the purposes of this concession fall within the scope of the concession as a person with limited leave to enter or remain provided they meet other relevant criteria required by the concession.

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