



Home Office

# **Covid Visa Concession Scheme (CVCS): where leave expires while the holder is overseas and unable to return to the UK due to COVID-19**

Version 2.0

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# About this guidance

This guidance tells you about the Covid Visa Concession Scheme (CVCS). This applies when considering requests from a person who is overseas and unable to return due to COVID-19 travel restrictions and who had extant leave when they left the UK which has expired or is about to expire before they can return to the UK.

This guidance is for staff working for the COVID Immigration Helpline (CIH), Visas and Citizenship Sheffield Special Handling Team, UKVI Visa Waiver Team and Border Force National Command Centre.

## 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 Central Services 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 **2.0**
- published for Home Office staff on **25 January 2021**

## Changes from last version of this guidance

Further clarification added on how to treat individuals eligible for the CVCS.

### Related content

[Contents](#)

### Related external links

[Coronavirus \(COVID-19\): advice for UK visa applicants and temporary UK residents](#)

# When this guidance applies

This guidance applies only to those who left the UK before 17 March 2020 when FCO travel guidance changed and who had, or are seeking to apply for, leave on an [eligible route](#).

As a result of COVID-19 global travel restrictions, some persons who had leave to enter or remain in the UK have been unable to return to the UK to make an application for leave to remain (LTR) or indefinite leave to remain (ILR) before their current leave expires.

If they are a visa national, as they no longer have valid leave, they may not be able to return to the UK due to the carriers' liability regime. The government's position is that those affected by COVID-19 travel restrictions should not be penalised for circumstances beyond their control.

In some circumstances, where the person's leave has expired whilst they have been abroad and unable to return to the UK, it could also mean that they have broken a continuous leave requirement and may either not be able to qualify for ILR or face a longer period before they can qualify. [Appendix Continuous Residence](#) states that absence from the UK as a result of a pandemic, such as COVID-19, will not count as a break in continuous residence.

An [existing concession](#) is in place for Family and Private life routes. These arrangements have been put in place to ensure that those affected and within scope are not disadvantaged or penalised.

This guidance applies to the migrants who left the UK before 17 March 2020 when FCO travel guidance changed. For these migrants whose leave has subsequently expired, provided the [eligibility criteria](#) set out in this guidance are met, authority for the passenger to travel without a visa will be processed by Border Force to allow travel under the concession scheme. Migrants, subsequent to the Border Force Officer being satisfied on arrival following the completion of identity and security checks, will be granted leave outside of the Immigration Rules (LOTR) on arrival for 3 months with the same conditions as their previous grant of leave. A migrant will not be able to leave the UK and return under the same concession.

## Eligible immigration routes

Those who were in the UK as Visitors are not eligible for this concession.

The other routes eligible for this concession are all those where, if the person was in the UK with their previous leave, they would be able to apply for leave to remain in the route they now want to apply for: by extending their leave, switching into a different route, applying for indefinite leave to remain. The requirements are set out in the relevant [Immigration Rules](#).

## Those who do not qualify for this concession

Anyone who does not qualify under this concession will need to apply to come to the UK in the normal way under the relevant [Immigration Rules](#).

### Related content

[Contents](#)

### Related external links

[Appendix Continuous Residence](#)

[Family and Private Life Existing Concession](#)

[Immigration Rules](#)

# Eligibility criteria

This section outlines the eligibility criteria for the Covid Visa Concession Scheme (CVCS).

To be eligible the person must be abroad and all of the following must apply:

- they left the UK before 17 March 2020
- their leave expired and they were unable to return to the UK before its expiry due to COVID-19 travel restrictions
- they intend to return to the UK once confirmation they are eligible is given by UKVI, not less than 21 calendar days' notice of their date of travel, unless either:
  - they cannot travel because travel restrictions remain in place
  - they choose not to travel due to a COVID-19 risk to themselves or their family, for example, showing symptoms, a requirement to self-isolate or being high-risk and unable to travel

## Communicating with those who contacted the Coronavirus Immigration Help Centre (CIH)

UKVI will communicate with all those who have contacted the CIH regarding their leave expiring while they were outside the UK and outline the next steps for returning to the UK to make their leave to remain application. CIH has full records (including email addresses) of all those who have previously contacted CIH whilst stranded overseas, and whose leave has expired or is about to expire.

Those who have not previously contacted CIH will be made aware of this concession through the GOV.UK website.

All those affected will be told to complete a SMART Form (on [GOV.UK](https://www.gov.uk)) to commence the process. They will not be required to attend a Visa Application Centre overseas as they are not making an application for entry clearance.

Where a person indicates they have already made an application for entry clearance solely to facilitate their return to the UK, they will be issued leave outside the rules (LOTR) for 3 months with the same conditions as their previous grant of leave. This will avoid the application having to be withdrawn and save the migrant from having to reapply into the CVCS process and prevent additional delays.

Where a person does not meet the eligibility criteria we can also consider those who left the UK after 17 March 2020 as eligible if they had good reason for leaving the UK, on a case by case basis: see section on [exceptional circumstances](#).

## If the eligibility criteria are met

If the person is eligible you should tell them that they may benefit from the Covid Visa Concession Scheme (CVCS) allowing them to travel back to the UK to make a

leave to remain (LTR) or indefinite leave to remain (ILR) application. You must explain that the CVCS is not a guarantee that any application for LTR or ILR will be successful, nor is it a guarantee that permission to enter the UK will be granted on arrival.

It will be the responsibility of the person concerned to check the exit requirements of the country they are currently in, as not all authorities will permit exit without a valid visa being issued by the destination country. In these circumstances, or if the customer requests a visa, the person can apply for entry clearance in the relevant route. Where there is no relevant overseas route, you should tell them to apply for a LOTR consideration using the following:

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**Official – sensitive: end of section**

If that application is successful a single entry 3-month entry clearance will be granted to allow travel to the UK and submission of a leave to remain application to be made.

The person should be told the expectation is that they will make plans to return to the UK once their eligibility is confirmed and they will give UKVI at least 21 calendar days' notice of the proposed date of travel.

There is a [target case-working process](#).

After return to the UK, the person must submit their application for LTR or ILR, pay any required fee and any Immigration Health Charge and follow the normal process for submitting an application before their LOTR expires.

Where a person has returned to the UK under the CVCS, and applies for permission to stay, their application must not be rejected because they have LOTR. You should look at the leave they held that expired whilst the person was overseas and, if that leave would allow them to switch to the current application, then it should be accepted as valid and considered.

**Related content**

[Contents](#)

# Exceptional circumstances

This section gives examples of exceptional circumstances that may justify consideration under the Covid Visa Concession Scheme (CVCS) even if the eligibility criteria are not met.

The person may have left the UK after FCO travel advice changed on 17 March 2020 for compelling or compassionate reasons which include, but are not limited to:

- serious illness or death of a close relative overseas
- travel for the purpose of receiving medical treatment

Where there are compelling or compassionate circumstances explicitly raised or implied in the information the person provides, you must consider whether the concession should exceptionally apply to them and that grade 7 authority is obtained.

## **Related content**

[Contents](#)



# Target case-working process

The following information provides guidance on the target case working process:

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