

EQUALITY ACT 2010

PARAGRAPH 17(4) OF SCHEDULE 3 TO THE EQUALITY ACT 2010

Ministerial Authorisation

Equality (Syria) Authorisation 2013

I approve the following ministerial authorisation under Schedule 3, paragraph 17(4) of the Equality Act 2010¹.

PART 1 GENERAL

Citation, commencement and interpretation

1. This authorisation may be cited as the Equality (Syria) Authorisation 2013 and shall come into operation on 28th February 2014. It replaces the Equality (Syria) Authorisation 2012 which came into operation on 15 October 2012 and that authorisation is hereby revoked.

2. In this authorisation:

“immigration rules” means the rules laid under section 3(2) of the Immigration Act 1971²;

“Syrian national” means a person of Syrian nationality, present within the UK, and whose country of habitual residence is Syria, who has limited leave to enter or remain.

General

3. Applications from Syrian nationals made after 28th February 2014 must meet all the requirements of the relevant immigration rules.

This ministerial authorisation does not apply to those persons who have lawfully entered the UK.

¹ 2010 c. 15.

² 1971 c. 77

PART 2
DISCRIMINATION ON GROUND OF NATIONALITY

Extensions of current leave

5. The Minister personally approves more favourable treatment to Syrian nationals, applying for further leave to remain in their current immigration category during their current leave or within 28 days of the expiration of that leave, subject to the provisions of paragraph 6 below, in considering that application.
6. Paragraph 5 only applies to those Syrian nationals applying for further leave under the following paragraphs of the immigration rules and the following cited provisions will be waived:

Tier 4 (General) Student:

- a) Under paragraph 245ZX (Requirements for leave to remain), the 3 year time period stated in subparagraph (f)(iii), (f)(iv), and (h) and the 5 year time period stated in subparagraph (ha) shall not apply;

Family members of relevant points-based system migrants

- b) Under paragraph 319D(a)(ii), the maximum 3 year period shall not apply (i.e. more than 3 years may be granted).

Visitors

- c) Under paragraph 44 (Requirements for an extension of stay as a general visitor), subparagraph (ii) shall not apply;
- d) Under paragraph 46D (Requirements for an extension of stay as a child visitor), subparagraph (v) shall not apply;
- e) A Syrian national who entered the UK under paragraph 51 (Visitors seeking to enter or remain for private medical treatment) may extend their current leave under paragraph 44, where subparagraph 44(ii)-(ii) and subparagraph 41(xi) shall not apply;

Workers

- f) Under paragraph 245CB (Period and conditions of grant), the time limits in subparagraphs (a) and (b) shall not apply;
- g) Under paragraph 159E (Extension of stay as a domestic worker in a private household), the maximum 6 months period of stay in the UK for a domestic worker in a private household shall not apply.
7. If the Secretary of State is satisfied that due to the civil unrest in Syria a required document under the immigration rules listed in paragraph 6

cannot be obtained from Syria, the requirement to provide that document may be waived.

Switching visa route

8. The Minister personally approves more favourable treatment to Syrian nationals applying for leave to remain under a different immigration category (i.e. an application to switch into a different visa route) during their current leave or within 28 days of the expiration of their current leave, subject to the provisions of paragraph 9 below, in considering that application.
9. Paragraph 8 only applies to those Syrian nationals applying to switch visa routes for the purpose of obtaining further leave under the following paragraphs of the immigration rules and the following conditions and provisions will be waived:

Tier 4 (General) Student

- a) Under paragraph 245ZX, the switching restriction in 245ZX(b) and the 3 year time period stated in (f)(iii), (iv), and (v), and the 5 year time period stated in (ha) shall not apply.

Work

- b) Under Tier 1 (Exceptional Talent) the switching restrictions in paragraph 245BD(d) shall not apply;
- c) Under Tier 1 (Entrepreneur) the switching restrictions in paragraphs 245DD(c)-(f) shall not apply;
- d) Under Tier 1 (Investor) the switching restrictions in paragraphs 245ED(c) and (d) shall not apply;
- e) Under Tier 2 (General / Minister of Religion / Sports person) the switching restrictions in paragraphs 245HD(b)-(e) shall not apply;
- f) Under Tier 5 (Temporary Worker) the switching restrictions in paragraphs 245ZQ(b) and 245ZQ(h) shall not apply.

Visitors

- g) Syrian nationals who entered the UK under the following paragraphs:
 - i. 46H (Business Visitor);
 - ii. 46N (Sports Visitor);
 - iii. 46T (Entertainer Visitor);
 - iv. 56B (Parent of child at school);
 - v. 56E (Visitor seeking entry for marriage or civil partnership);
 - vi. 56L (Student Visitor);

- vii. 56P (Prospective Entrepreneur);
- viii. 56Y (Visitor undertaking Permitted Paid Engagements);
- ix. 75B (individuals undertaking the PLAB test);
- x. 75H (individuals undertaking a dental or clinical attachment)

may apply for further leave to remain as a General Visitor (paragraph 44); the time restriction in paragraph 44(ii) and the switching restrictions in paragraph 44(iii) shall not apply.

10. If the Secretary of State is satisfied that due to the civil unrest in Syria a required document under the immigration rules listed in paragraph 9 cannot be obtained from Syria, the requirement to provide that document may be waived.

Duration

11. The provisions contained in this ministerial authorisation will apply to any application made while the authorisation is in force.
12. This ministerial authorisation will remain in force until 23rd February 2014 or unless it is revoked before this date.

Home Office

Mark Harper
Minister of State