



Home Office

# Concessions to the Immigration Rules for Afghan nationals for work and study routes

Version 1.0

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# About this guidance

This guidance tells you about the concessions made to the Immigration Rules for Afghan nationals who either had entered the UK prior to 1 September 2021 or had made an entry clearance application prior to that date and subsequently arrive in the UK. These concessions also apply to their dependants.

This guidance applies to all decisions made from 14 January 2022.

## Publication

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

- version **1.0**
- published for Home Office staff on **17 January 2022**

## Related content

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# Criteria for all applications made under the concessions by Afghan nationals

This section sets out the criteria an applicant must meet in order to have their application considered under the Afghan concessions.

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

- be an Afghan national, or their dependant partner or child
- be in the UK lawfully or have been granted an exceptional assurance, or where the applicant has overstayed, paragraph 39E of the Immigration Rules must apply to them
- prior to 1 September 2021 have lawfully entered the UK, or made an entry clearance application and subsequently arrived after that date in the UK using that entry clearance, as a
  - person on a work or study route set out in Table 1 (main applicants) or Table 2 (dependants) below,
  - Visitor,
  - T5 (Temporary Worker) Seasonal Worker/Temporary Work - Seasonal Worker,
  - T5 (Temporary Worker) Youth Mobility Scheme/Youth Mobility Scheme,
  - Short-term Student,
  - Overseas Domestic Worker,
  - Domestic Worker in a Private Household, or
  - Domestic Worker who is a Victim of Modern Slavery
- be applying for permission to stay on a work or study route set out in [Table 1](#) (main applicants) or [Table 2](#) (dependants) below
- meet the requirements of the Immigration Rules for the route on which they are applying, subject to the concessions contained in this guidance

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

- be an Afghan national, or their dependant partner or child
- be in the UK lawfully or have been granted an exceptional assurance, or where the applicant has overstayed, paragraph 39E of the Immigration Rules must apply to them
- prior to 1 September 2021 have lawfully entered the UK, or made an entry clearance application and subsequently arrived after that date in the UK using that entry clearance, as a:
  - Visitor
  - T5 (Temporary Worker) Seasonal Worker/Temporary Work - Seasonal Worker
  - T5 (Temporary Worker) Creative or Sporting Worker/Temporary Work - Creative Worker
  - T5 (Temporary Worker) Religious Worker/Temporary Work - Religious Worker

- T5 (Temporary Worker) Charity Worker/Temporary Work - Charity Worker
- T5 (Temporary Worker) Government Authorised Exchange Worker/Temporary Work - Government Authorised Exchange
- T5 (Temporary Worker) International Agreement Worker/Temporary Work - International Agreement
- T5 (Temporary Worker) Youth Mobility Scheme/Youth Mobility Scheme
- Representative of an Overseas Business
- Intra-Company routes
- UK Ancestry (and if applying on this route, the Afghan national or family member must also hold Commonwealth citizenship)
- Short-term Student
- Parent of a Child Student
- Overseas Domestic Worker
- Domestic Worker in a Private Household
- Domestic Worker who is a Victim of Modern Slavery
- be applying for permission to stay on a work or study route set out in [Table 1](#) (main applicants) or [Table 2](#) (dependants) below
- meet the requirements of the Immigration Rules for the route on which they are applying, subject to the concessions contained in this guidance

Applications which do not meet all of the above criteria, (for example, if they do not meet the requirements of the Immigration Rules not waived by this concession) will not be eligible to be considered under these concessions.

Where an application meets all of the above criteria, a caseworker may proceed to consider it under these concessions. All applications will be considered on a case by case basis, taking into account all of the circumstances.

The need to extend the concessions will be reviewed on 14 January 2023.

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# Switching

This section sets out details of the concession permitting some Afghan nationals to apply for permission to stay on a different route under the Immigration Rules to that which they currently have (often called 'switching') when the rules do not usually permit it. This concession recognises that the situation in Afghanistan may mean that some Afghan nationals may be in the UK and eligible for other immigration routes, but may face challenges if they are required to return to Afghanistan in order to make an out of country application for entry clearance as would normally be required. This concession is intended to facilitate those who have come for a visit or on a temporary route but who meet the requirements of the work and study routes to continue their stay in the UK, including on routes to settlement where those requirements are met, and where UKVI are satisfied that it would not be appropriate to require them to return to Afghanistan.

It covers those who meet the [general requirements above](#) and also meet the following relevant requirements:

- the applicant has confirmed in writing that they wish to be considered under this concession and has explained their reasons for applying in-country, rather than returning to Afghanistan to make an entry clearance application: the decision maker does not require detailed evidence as to why returning to Afghanistan would be problematic - they can instead be satisfied with a reasonable written explanation provided with the application
- they have entered the UK on a temporary route and are seeking permission to switch into a route listed in the tables below

If an applicant meets the above criteria, they can apply to UK Visas and Immigration to switch from one route under the Immigration Rules to another, but they must meet the requirements of the rules of that other route. All applications will be considered on a case by case basis, taking into account all of the circumstances.

The concession works by waiving some requirements of the Immigration Rules for switching for those to whom the concession applies (meaning those who meet the criteria set out above). The switching provisions waived relate to the following routes under the rules:

**Table 1: switching for main applicants**

Applying switching to	Waived requirement (for lead applicants)
Skilled Worker (includes Health and Care Visa)	The switching restrictions in paragraph SW 1.5 do not apply.
Global Talent	The switching restrictions in paragraph GT 1.5 do not apply.
Student	The switching restrictions in paragraph ST 1.4 do not apply.

<b>Applying switching to</b>	<b>Waived requirement (for lead applicants)</b>
Child Student	The switching restrictions in paragraph CS 1.5 do not apply.
Parent of a Child Student	The switching restrictions in paragraph PC 1.4.
Intra-company Routes	The switching restrictions in paragraph IC 1.5 do not apply.
Representative of an Overseas Business	The switching restrictions in paragraph ROB 1.5 do not apply.
T2 Minister of Religion	The switching restrictions in paragraph MOR 1.5 do not apply.
International Sportsperson	The switching provisions in paragraph ISP 1.5 do not apply.
Temporary Work - Creative Worker	The switching provisions in paragraph CRV 1.3 do not apply.
Temporary Work - Charity Worker	The switching provisions in paragraph CW 1.4 do not apply.
Temporary Work - Religious Worker	The switching provisions in paragraph RW 1.4 do not apply.
Temporary Work - Government Authorised Exchange	The switching provisions in paragraph GAE 4.1 do not apply.
Temporary Work - International Agreement	The switching provisions in paragraph IA 1.4 do not apply.
UK Ancestry (if the main applicant also holds Commonwealth citizenship)	The switching restriction in UKA 1.5 doesn't apply.
Investor	The switching provisions in paragraph 245ED(C) do not apply.
Start-up	The switching provisions in paragraph SU 1.5 do not apply.
Innovator	The switching provisions in paragraph INN 1.5 do not apply.

Dependants are permitted to do either of the following under existing policy:

- switch in line with the main applicant, providing the route allows dependants
- switch to become a main applicant in their own right, where they meet all the other requirements of the rules for the route under which they are applying

The concession works by waiving some requirements of the Immigration Rules for switching for dependants. The switching provisions waived relate to the following routes under the rules:

## **Table 2: switching for dependants**

<b>Applying switching to</b>	<b>Waived requirement (for dependants)</b>
Skilled Worker (includes Health and Care Visa)	The switching restrictions in paragraph SW 26.4 do not apply.

<b>Applying switching to</b>	<b>Waived requirement (for dependants)</b>
Global Talent	The switching restrictions in paragraph GT 16.5 do not apply.
Student	The switching restrictions in paragraph ST 28.4 do not apply.
Intra-company Routes	The switching restrictions in paragraph IC 14.4 do not apply.
Representative of an Overseas Business	The switching restrictions in paragraph ROB 20.4 do not apply.
T2 Minister of Religion	The switching restrictions in paragraph MOR 19.4 do not apply.
International Sportsperson	The switching provisions in paragraph ISP 20.4 do not apply.
Temporary Work - Creative Worker	The switching provisions in paragraph CRV 10.4 do not apply.
Temporary Work - Charity Worker	The switching provisions in paragraph CW 9.4 do not apply.
Temporary Work - Religious Worker	The switching provisions in paragraph RW 9.4 do not apply.
Temporary Work - Government Authorised Exchange	The switching provisions in paragraph GAE 12.4 do not apply.
Temporary Work - International Agreement	The switching provisions in paragraph IA 22.4 do not apply.
UK Ancestry (if the main applicant also holds Commonwealth citizenship)	The switching restrictions in UKA 18.3 or UKA 28.3 do not apply.
Investor	The switching provisions in paragraph 319C(h) do not apply.
Start-up	The switching provisions in paragraph SU 13.5 do not apply.
Innovator	The switching provisions in paragraph INN 23.4 do not apply.

A person may not rely on the concession to switch into an immigration route specified above where that route has closed to new applicants.

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# Document flexibility under the concession for Afghan nationals and their dependants

This section sets out the concession on document flexibility for Afghans.

Due to the current situation in Afghanistan, an applicant may be unable to provide the full range of documents required under the route under which they are applying. If so, an applicant must explain why they cannot provide a normally required document when they make their application. They can do this by drafting a letter setting out their reasons and using the document upload function when completing their application.

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

A sufficient and reasonable 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 current circumstances.

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

If the Home Office is satisfied that due to the situation in Afghanistan a document required by the Immigration Rules cannot reasonably be obtained from Afghanistan, the requirement to provide that document may be waived. All applications will be considered on a case by case basis, taking into account all of the circumstances.

For example, if an applicant would meet the 12 month financial requirement under the relevant routes they will not need to submit evidence in any case. Otherwise, the decision maker must be satisfied that the requirement would likely be met if documents could be provided were it not for the circumstances.

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