

# STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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*Ordered by the House of Commons to be printed  
11 May 2022*

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*(This document is accompanied by an Explanatory Memorandum)*



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## **<sup>1</sup>STATEMENT 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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<sup>1</sup> This Statement of Changes can be viewed at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

(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) and 29 March (HC 1220).

## **Implementation**

The following paragraphs shall take effect at 1600 on 11 May 2022. In relation to those changes, if an application for entry clearance, leave to enter or leave to remain has been made before 1600 on 11 May 2022, such applications will be decided in accordance with the Immigration Rules in force on 10 May 2022.

- APP VN1 and APP VN2
- APP UKRS1 to UKRS3

The following paragraphs shall take effect at 1600 on 11 May 2022.

- 11.36
- 11.37
- 11.49
- 11.61
- 11.63
- 11.108

The following paragraphs shall take effect on 1 June 2022. In relation to those changes, if an application for entry clearance, leave to enter or leave to remain has been made before 1 June 2022, such applications will be decided in accordance with the Immigration Rules in force on 31 May 2022.

- APP VN3 and APP VN4
- APP GBM1
- APP SU1
- HC1118.1 to HC1118.5

All other changes shall take effect on 28 June 2022. In relation to those changes, if a claim for asylum or an application for entry clearance, leave to enter or leave to remain has been made before 28 June 2022, such applications will be decided in accordance with the Immigration Rules in force on 27 June 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**

INTRO1. In paragraph 6.2, for the definition of “Humanitarian protection”, substitute:

“**Humanitarian protection**” means status granted under paragraph 339C and which has not been revoked under paragraphs 339G to 339H.”.

INTRO2. In paragraph 6.2, for the definition of “Refugee”, substitute:

“**Refugee**” has the same meaning as in Article 1 of the 1951 Refugee Convention.”.

INTRO3. In paragraph 6.2, after “Refugee Convention”, insert:

“**Refugee permission to stay**” means permission to stay granted to a refugee under paragraph 339QA of these rules which has not been revoked under paragraph 339QD.”.

INTRO4. In paragraph 6.2, for the definition of “Refugee status”, substitute:

“**Refugee status**” means status granted under paragraph 334 of these rules which has not been revoked under paragraphs 339A to 339B.”.

INTRO5. In paragraph 6.2, delete the definition of “Refugee leave”.

INTRO6. In paragraph 6.2, after “Swiss citizens’ rights agreement”, insert:

“**Temporary refugee permission to stay**” means permission to stay granted to a refugee under paragraph 339QB of these rules which has not been revoked under paragraph 339QD.

“**Temporary humanitarian permission to stay**” means permission to stay granted to an individual with humanitarian protection under paragraph 339QC of these rules which has not been revoked under paragraph 339QD.”.

## **Changes to Part 8**

8.1. For paragraph 319X(vi), substitute:

“(vi)(a) the applicant can, and will, be accommodated adequately by the relative the child is seeking to join in the UK without recourse to public funds and in accommodation which the relative in the UK owns or occupies exclusively; or  
(b) there are exceptional circumstances (as defined in paragraph 319XAA);  
and”.

8.2. For paragraph 319X(vii), substitute:

“(vii) (a) the applicant can, and will, be maintained adequately by the relative in the UK without recourse to public funds; or  
(b) there are exceptional circumstances (as defined in paragraph 319XAA);



and”.

- 8.3. In paragraph 319XA, after “may be granted for”, insert “the same duration as their sponsor in the UK (“leave in line”) provided”.
- 8.4. After paragraph 319XA, insert:

**“Granting leave to enter or remain where there are exceptional circumstances**

319XAA. Where the requirements of paragraph 319X (vi)(b) or (vii)(b) apply, the decision-maker must consider, on the basis of the information provided by the applicant, whether there are exceptional circumstances which may justify a grant of leave to enter or remain, for the same duration as the sponsor (“leave in line”).

Where the applicant is a child under the age of 18 years who is seeking to join a relative with refugee status or who is a beneficiary of humanitarian protection in the UK, relevant factors when considering whether there are exceptional circumstances include:

- (a) they have no parent with them; and
- (b) they have no family other than in the UK that could reasonably be expected to support them; and
- (c) there is an existing, genuine family relationship between them and the UK based relative; and
- (d) they are dependent on the UK based relative.

In the event of a refusal of leave to enter or remain, if the decision maker is not satisfied there are exceptional circumstances, consideration will also be given to whether refusal of the application would be a breach of Article 8 ECHR.”.

**Changes to Part 11**

- 11.1. In paragraph 326A, for “the consideration of admissible applications for asylum and humanitarian protection”, substitute “protection claims”.
- 11.2. In paragraph 326B, for “a claim for asylum or”, substitute “an application for asylum and/or a claim for” .
- 11.3. In paragraph 326B, for “in line with paragraphs 276ADE(1) to 276DH (private life)”, substitute:

“, for applications made before 20 June 2022, in line with paragraphs 276ADE(1) to 276DH (private life) or, for applications made on or after 20 June 2022, Appendix Private Life”.
- 11.4. Delete paragraph 326C.

- 11.5. Delete paragraph 326D.
- 11.6. Delete paragraph 326E.
- 11.7. Delete paragraph 326F.
- 11.8. For paragraph 327, substitute:
- “Under this Part:
- i) An “application for asylum” (or an “asylum application”) is a claim by a person to be recognised as a refugee under the Refugee Convention on the basis that it would be contrary to the United Kingdom's obligations under the Refugee Convention for them to be removed from or required to leave the United Kingdom, and which is recorded as valid or a claim deemed to be an application for asylum in accordance with paragraph 327EC.
  - ii) An “asylum applicant” is someone who makes a claim under paragraph 327(i) or who is deemed to have made such a claim in accordance with paragraph 327EC.”.
- 11.9. Delete paragraph 327A.
- 11.10. After paragraph 327A, insert:
- “327AB. An application for asylum will only be recorded as valid if:
- i) it is made at a designated place as defined in section 14 of the Nationality and Borders Act 2022 unless subsequently or otherwise accepted by the Secretary of State; and
  - ii) it is made in person; and
  - iii) it is made by a person who is not a British Citizen; and
  - iv) it is particularised (if the applicant is 18 or over); and
  - v) it does not fall for consideration under paragraph 353 of the Immigration Rules, unless and until it has been accepted as a fresh claim under paragraph 353 of the Immigration Rules.
- 327AC. If a claim does not meet these requirements, it will not be recorded as a valid asylum application.”.
- 11.11. Delete paragraph 327B.
- 11.12. Delete paragraph 327C.
- 11.13. Delete paragraph 327D.
- 11.14. After paragraph 327D, insert:

### **“Definition of a claim for humanitarian protection**

327EA. Under this Part, a claim for humanitarian protection is a request by a person for international protection due to a claim that if they are removed from or required to leave the UK, they would face a real risk of suffering serious harm (as defined in paragraph 339CA) in their country of origin, and they are unable, or owing to such risk, unwilling to avail themselves of the protection of that country.

327EB. A claim for humanitarian protection must meet the requirements of paragraphs 327AB(i) to (iv) otherwise it will not be recorded as a valid claim for humanitarian protection.

327EC. If someone makes a claim for humanitarian protection, they will be deemed to be an asylum applicant and to have made an application for asylum for the purposes of these Rules. The claim will be recorded, subject to meeting the requirements of Rule 327AB(i) to (iv), as an application for asylum and will be assessed under paragraph 334 for refugee status in the first instance. If the application for refugee status is refused, then the Secretary of State will go on to consider the claim as a claim for humanitarian protection.

### **Inadmissibility of a claim for Humanitarian Protection**

327F. If an application for asylum is declared inadmissible under section 80A or 80B of the Nationality Immigration and Asylum Act 2002 then any associated claim for humanitarian protection (meaning a claim made on the same facts) will also be inadmissible. Such an outcome is not a decision to refuse the claim and, accordingly, no right of appeal under section 82(1)(a) of the Nationality, Immigration and Asylum Act 2002 (appeal against refusal of protection claim) arises.”.

- 11.15. In paragraph 328, after “Refugee Convention”, insert “and the Immigration Rules”.
- 11.16. Delete paragraph 328A.
- 11.17. For paragraph 329, substitute:

“For so long as an asylum applicant cannot be removed from or required to leave the UK because section 77 of the Nationality, Immigration and Asylum Act 2002 applies, any dependants who meet the definition under paragraph 349 must also not be removed from or required to leave the UK.”.
- 11.18. In paragraph 330, after “refugee status”, insert “or humanitarian protection”.

11.19. In paragraph 333, for “in reasonable time”, substitute “to the asylum applicant”.

11.20. In paragraph 333, for “rejected”, substitute “refused”.

11.21. For paragraph 333A, substitute:

“The Secretary of State shall ensure that a decision is taken on each application for asylum as soon as possible, without prejudice to an adequate and complete examination.

Where a decision on an application for asylum has not been taken within:

- a) six months of the date it was recorded; or
- b) within any revised timeframe notified to an applicant during or after the initial six-month period in accordance with this paragraph, and
- c) where the applicant has made a specific written request for an update, the Secretary of State shall inform the applicant of the delay and provide information on the timeframe within which the decision on their application is to be expected. The provision of such information shall not oblige the Secretary of State to take a decision within the expected timeframe.”.

11.22. In paragraph 333C, for “impliedly”, substitute “implicitly”.

11.23. In paragraph 33C, for “asylum claim”, substitute “application for asylum”.

11.24. For paragraph 334, substitute:

“An asylum applicant will be granted refugee status in the United Kingdom following a claim if the Secretary of State is satisfied that:

- (i) they are in the United Kingdom or have arrived at a port of entry in the United Kingdom; and
- (ii) they are a refugee, as defined in Article 1 of the 1951 Refugee Convention; and
- (iii) there are no reasonable grounds for regarding them as a danger to the security of the United Kingdom in accordance with Article 33(2) of the Refugee Convention; and
- (iv) having been convicted by a final judgment of a particularly serious crime, they do not constitute a danger to the community of the United Kingdom in accordance with Article 33(2) of the Refugee Convention as defined in Section 72 of the Nationality Immigration and Asylum Act 2002; and
- (v) refusing their application would result in them being required to go (whether immediately or after the time limited by any existing leave to enter or remain in the UK) in breach of the Refugee Convention, to a country in which they would be persecuted on account of their race, religion, nationality, political opinion or membership of a particular social group.”.

- 11.25. In paragraph 335, after “leave to remain.”, insert “Where a person has an existing grant of indefinite leave to remain, their leave to remain will not be varied.”.
- 11.26. For the title “Revocation or refusal to renew a grant of refugee status”, delete “or a refusal to renew a grant”.
- 11.27. For paragraph 338A, substitute: “A person’s grant of refugee status under paragraph 334 must be revoked if any of paragraphs 339A, 339AA, 339AB or 339AC apply.”.
- 11.28. For paragraph 339AA, substitute:  
  
“This paragraph applies where the Secretary of State is satisfied that the person should have been, or is, excluded from being a refugee in accordance with Article 1D and 1E of the 1951 Refugee Convention and Article 1F of the Refugee Convention, as defined in section 36 of the Nationality and Borders Act 2022.”.
- 11.29. In paragraph 339AB, after “decisive for the grant of refugee status”, insert “, and the person does not otherwise qualify for refugee status under paragraph 334”.
- 11.30. In paragraph 339AC, after “is satisfied that:”, insert “Article 33(2) of the Refugee Convention applies in that:”.
- 11.31. In paragraph 339AC(ii), after “to the community of the United Kingdom”, insert “(see section 72 of the Nationality Immigration and Asylum Act 2002)”.
- 11.32. In paragraph 339BA, in each instance it occurs, after “refugee status”, insert “or humanitarian protection”.
- 11.33. For paragraph 339BB, substitute:  
  
“The procedure in paragraph 339BA does not need to be followed where the person:  
    (i) acquires British citizenship; or  
    (ii) has unequivocally renounced their refugee status or humanitarian protection.”.
- 11.34. In paragraph 339C, for “person”, substitute “asylum applicant”.
- 11.35. For paragraph 339C(ii), substitute “they are not a refugee within the meaning of Article 1 of the 1951 Refugee Convention;”.

- 11.36. In paragraph 339C(iii) for ‘country of return’ substitute ‘country of origin’.
- 11.37. In paragraph 339CA(iii) for ‘country of return’ substitute ‘country of origin’.
- 11.38. For paragraph 339D, substitute:

“An asylum applicant is excluded from a grant of humanitarian protection for the purposes of paragraph 339C(iv) where the Secretary of State is satisfied that there are serious reasons for considering that the asylum applicant:

- (i) has committed, instigated or otherwise participated in the commission of a crime against peace, a war crime, a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or
- (ii) has committed, instigated or otherwise participated in the commission of a serious non-political crime outside the UK prior to their admission to the UK as a person granted humanitarian protection; or
- (iii) has been guilty of acts contrary to the purposes and principles of the United Nations; or
- (iv) having been convicted by a final judgement of a particularly serious crime (as defined in Section 72 of the Nationality, Immigration and Asylum Act 2002), constitutes a danger to the community of the UK; or
- (v) is a danger to the security of the UK.”.

- 11.39. After paragraph 339D, insert:

“339DA. In 339D(ii):

- (i) the reference to a serious non-political crime includes a particularly cruel action, even if it is committed with an allegedly political objective; and
- (ii) the reference to a crime being committed by a person outside the UK prior to their admission to the UK as a person granted humanitarian protection includes a crime committed by that person at any time up to and including the day on which they are issued with a relevant biometric immigration document by the Secretary of State.

339DB. For the purposes of 339DA(ii), a relevant biometric immigration document is a document that:

- (i) records biometric information (as defined in section 15(1A) of the UK Borders Act 2007); and
- (ii) is evidence of leave to remain in the United Kingdom granted to a person as a result of being granted humanitarian protection.”.

- 11.40. In paragraph 339E, after “an Immigration Officer will grant limited leave to enter”, insert “or remain”.

- 11.41. For the title “Revocation of, ending of or refusal to renew humanitarian protection”, delete “, ending of or refusal to renew”.
- 11.42. For paragraph 339G, substitute: “A person's humanitarian protection granted under paragraph 339C must be revoked if any of paragraphs 339GA, 339GB or 339GD apply.”.
- 11.43. For paragraph 339GB, substitute:  
  
“This paragraph applies where the Secretary of State is satisfied that the person granted humanitarian protection should have been or is excluded from humanitarian protection under paragraph 339D of these rules.”.
- 11.44. In paragraph 339GD, after “to the grant of humanitarian protection”, insert “and the person does not otherwise qualify for humanitarian protection under paragraph 339C”.
- 11.45. In paragraph 339H, after “revoked”, delete the words “or not renewed”.
- 11.46. For paragraph 339I, substitute:  
  
“When the Secretary of State considers an applicant’s protection claim, or human rights claim it is the duty of the person to submit to the Secretary of State as soon as possible all material factors needed to substantiate the protection claim or substantiate the human rights claim, which the Secretary of State shall assess in cooperation with the person.  
  
The material factors include:  
  - (i) the person’s statement on the reasons for making protection claim or for making a human rights claim; and
  - (ii) all documentation at the person’s disposal regarding the person’s age, background (including background details of relevant relatives), identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes; and
  - (iii) identity and travel documents.”.
- 11.47. In paragraph 339IA, after “where the Secretary of State is considering revoking a person’s refugee status”, insert “or humanitarian protection”.
- 11.48. In paragraph 339J, after “the Secretary of State of”, for “an asylum claim, eligibility for a grant of humanitarian protection”, substitute “a protection claim”.
- 11.49. In paragraph 339J(i) and 339J(iv), delete “or country of return”.

- 11.50. In paragraph 339J(iv), for “an asylum claim or establishing that they are a person eligible for humanitarian protection”, substitute “a protection claim”.
- 11.51. In paragraph 339JA, after “considering revoking a person’s refugee status”, insert “or humanitarian protection”.
- 11.52. In paragraph 339L, 339L(i) and 339L(iv), for “asylum claim or establishing that they are a person eligible for humanitarian protection”, substitute “protection claim”.
- 11.53. In paragraph 339L(iv), for “a”, substitute “an”.
- 11.54. In paragraph 339M, for “asylum claim or establishing that they are a person eligible for humanitarian protection”, substitute “protection claim”.
- 11.55. In paragraph 339M, for both instances of “reject”, substitute “refuse”.
- 11.56. In paragraph 339NA(i), after “decision”, insert “(a grant of refugee status or humanitarian protection)”.
- 11.57. In paragraph 339NA(iii), for “regulation 2 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006”, substitute:  
“Article 1 of the Refugee Convention and/or has only raised issues that are not relevant or of minimal relevance to the examination of whether they are eligible for humanitarian protection”.
- 11.58. In paragraph 339NA(iv), after “persecution”, insert “or serious harm”.
- 11.59. In paragraph 339NA(viii), for “paragraph 326F above”, substitute “section 80A(4) of the Nationality, Immigration and Asylum Act 2002”.
- 11.60. In paragraph 339NE, for “a claim for”, substitute “an application for”.
- 11.61. For paragraph 339O substitute:  
“(i) The Secretary of State will not:  
    (a) grant of refugee status if in part of the country of origin a person would not have a well-founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country;  
    or  
    (b) grant of humanitarian protection if in part of the country of origin a person would not face a real risk of suffering serious harm, and the person can reasonably be expected to stay in that part of the country.  
(ii) In examining whether a part of the country of origin meets the requirements in (i) the Secretary of State, when making a decision on whether to grant asylum or humanitarian protection, will have regard to the



general circumstances prevailing in that part of the country and to the personal circumstances of the person.

(iii) Paragraph (i) applies notwithstanding technical obstacles to return to the country of origin”.

11.62. For paragraph 339O substitute:

“(i) The Secretary of State will not:

(a) grant refugee status if section 35 of the Nationality and Borders Act 2022 applies; or

(b) grant humanitarian protection if in part of the country of origin a person would not face a real risk of serious harm, and the person can reasonably be expected to stay in that part of the country.

(ii) Any assessment under paragraph 339O(i)(b) must:

(a) have regard to the general circumstances prevailing in that part of the country, and

(b) have regard to the personal circumstances of the person; and

(c) disregard any technical obstacles relating to travel to that part of that country.”.

11.63. In paragraph 339P, in every instance where the words “country of origin or country of return” appear, substitute “country of origin”.

11.64. Delete the heading, “Residence permits”.

11.65. Delete paragraph 339Q.

11.66. After paragraph 339Q, insert:

**“Permission to stay on a protection route**

339QA. Where the Secretary of State has granted an asylum applicant refugee status under paragraph 334, the asylum applicant may be granted permission to stay on a protection route at the same time as or as soon as possible after the grant of refugee status. Group 1 refugees and Group 2 refugees, as defined in section 12 of the Nationality and Borders Act 2022, may be granted different periods of permission to stay and subject to different conditions:

(i) where the asylum applicant is a Group 1 refugee, they will be granted refugee permission to stay for a minimum period of 5 years; and

(ii) where the asylum applicant is a Group 2 refugee, they will be granted temporary refugee permission to stay for a minimum period of 30 months, unless exceptional circumstances apply.

Permission to stay will be renewable upon application where the person still has and remains eligible for refugee status. Applications for further permission to stay under this Part should be made within the last 28 days of the applicant’s permission to stay.

339QB. Where the Secretary of State has granted an asylum applicant humanitarian protection under paragraph 339C, the asylum applicant will be granted temporary humanitarian permission to stay at the same time as or as soon as possible after the grant of humanitarian protection. Permission to stay will be valid for a minimum period of 30 months. Permission to stay will be renewable upon application where the person still has and remains eligible for humanitarian protection. Applications for further permission to stay under this Part should be made within the last 28 days of the applicant's permission to stay.

339QC. Where the Secretary of State has granted an asylum applicant refugee status or humanitarian protection, any dependant of the asylum applicant who meets the requirements of paragraph 349 may be granted permission to stay. Permission to stay will not be granted to dependants where they would, if they were an asylum applicant, be excluded under Article 1(F) of the 1951 Refugee Convention (as defined in Section 36 of the Nationality and Borders Act 2022), be refused refugee status under paragraph 334(iii) or paragraph 334(iv), or be excluded from humanitarian protection under paragraph 339D. Permission to stay will be granted with the same expiry date and with the same conditions as that which is granted to the asylum applicant. Permission to stay will be renewable upon application where the dependant still meets the requirements of the Rules under which they were granted, and the asylum applicant who was granted refugee status or humanitarian protection is being granted further permission to stay at the same time or already has further permission to stay. An adult who was last granted permission to stay as a dependent child of a parent who has or had at the time that permission to stay as a dependant was granted, permission to stay on a protection route, may still qualify for further permission to stay as a dependant where they meet the other requirements of the Rules under which they were granted permission to stay. Applications for further permission to stay should be made at the same time as the asylum applicant's application and within the last 28 days of the applicant's permission to stay.

339QD. The Secretary of State may curtail, revoke or refuse to grant further permission to stay under paragraphs 339QA or 339QB where a person's refugee status or humanitarian protection is revoked.

339QE. The Secretary of State may curtail, revoke or refuse to grant further permission to stay to a dependant granted permission to stay under paragraph 339QC where the refugee status or humanitarian protection of the applicant on whom they are a dependant is revoked, or where they no longer meet the requirements of the Rules under which they were granted.”.

11.67. For paragraph 344A(i), substitute:

“After having received a complete application for a travel document, the Secretary of State will issue to a person in the United Kingdom who meets the definition of a refugee in Article 1 of the Refugee Convention and their dependants travel documents, in the form set out in the Schedule to the Refugee Convention, for the purpose of travel outside the United Kingdom, unless compelling reasons of national security or public order otherwise require.”.

- 11.68. In paragraph 344A(ii), for “family members”, substitute “dependants”.
- 11.69. In paragraph 344A(iv), for “a ‘family member’”, substitute “a “dependant””.
- 11.70. Delete paragraph 345A.
- 11.71. Delete paragraph 345B.
- 11.72. Delete paragraph 345C.
- 11.73. For the heading “Exceptions for admission of inadmissible claims to UK asylum process”, substitute:
- “Exceptions for admission of inadmissible claims to UK asylum process made under section 80B(7)(b) of the Nationality, Immigration Act 2002 (as amended)”.
- 11.74. For paragraph 345D, substitute:
- “When an application has been treated as inadmissible and the Secretary of State believes removal to a safe third country within a reasonable period of time is unlikely, the applicant will be admitted for consideration of the claim in the UK”.
- 11.75. In paragraph 349, after “they make a”, insert “protection”.
- 11.76. In paragraph 349, after “in question has a”, insert “protection”.
- 11.77. In paragraph 350, for “apply for asylum”, substitute “make a protection claim”.
- 11.78. In paragraph 351, after “in assessing the”, insert “protection”.
- 11.79. In paragraph 352, after “the substance of their”, insert “protection”.
- 11.80. In paragraph 352, after “unable to be interviewed”, insert “, or one of the exceptions in paragraph 339NA applies”.
- 11.81. In paragraph 352ZB, for “asylum claims”, substitute “protection claims”.

- 11.82. In paragraph 352ZC(d), for “Regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006”, substitute:
- “Article 1D and 1E of the 1951 Refugee Convention and Article 1F of the Refugee Convention, as defined in section 36 of the Nationality and Borders Act 2022”.
- 11.83. In paragraph 352ZC(f), for “has not been”, substitute “does not constitute a danger to the community in the United Kingdom as a result of having been”.
- 11.84. In paragraph 352ZC(f), for “, and the applicant does not constitute a danger to the community of the United Kingdom”, substitute:
- “(as defined in section 72 of the Nationality, Immigration and Asylum Act 2002)”.
- 11.85. In paragraph 352ZH(i), for “regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006”, substitute:
- “Article 1D and 1E of the 1951 Refugee Convention and Article 1F of the Refugee Convention, as defined in section 36 of the Nationality and Borders Act 2022”.
- 11.86. For paragraph 352ZH(iv), substitute:
- “the applicant does not constitute a danger to the community in the United Kingdom as a result of having been convicted by a final judgment of a particularly serious crime (as defined in section 72 of the Nationality, Immigration and Asylum Act 2002); and”.
- 11.87. In paragraph 352ZM(ii), for “or 339Q”, substitute “, 339QA or 339QB”.
- 11.88. In paragraph 352A, for the first instance of “refugee status”, substitute “refugee permission to stay”.
- 11.89. In paragraph 352A(iv), after “Article 1F of the 1951 Refugee Convention”, insert “(as defined in Section 36 of the Nationality and Borders Act 2022)”.
- 11.90. After paragraph 352AA, insert:
- “352AB. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the partner of a person granted refugee status and temporary refugee permission are that paragraph 352A (i) to (vii) has been met and there are insurmountable obstacles to the couple living together anywhere other than in the UK, and a refusal of their application would breach the UK’s obligations under Article 8 of the ECHR.”.

- 11.91. In paragraph 352B, after “(vi)”, insert “or 352AB”.
- 11.92. In paragraph 352BA, after “(vii)”, insert “or 352AB”.
- 11.93. In paragraph 352C, after “(vi)”, insert “or 352AB”.
- 11.94. In paragraph 352D, after each instance of “refugee status”, insert “and refugee permission”.
- 11.95. For paragraph 352D(ii), substitute:  
“(ii)(a) is under the age of 18; or  
(b) is over 18 and there are exceptional circumstances (within the meaning of paragraph 352DB);”.
- 11.96. In paragraph 352D(v), after “Article 1F of the Refugee Convention”, insert “(as defined in section 36 of the Nationality and Borders Act 2022)”.
- 11.97. After paragraph 352D, insert:  
“352DA. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom in order to join or remain with a parent who currently has refugee status and temporary refugee permission are that paragraph 352D(i) to (vi) has been met and:  
a) there are insurmountable obstacles to the child and parent living together anywhere other than in the UK; and  
b) a refusal of the application would breach the UK’s obligations under Article 8 of the ECHR.

### **Granting leave to enter or remain under exceptional circumstances**

352DB. Where the requirements of paragraph 352D(ii)(b) apply, the decision-maker must consider, on the basis of the information provided by the applicant, whether there are exceptional circumstances which may justify a grant of leave to enter or remain, for the same duration as the sponsor (“leave in line”).

In the case of an adult child seeking to join a parent with refugee status and refugee permission or temporary refugee permission, or is a beneficiary of humanitarian protection in the UK, criteria which may amount to exceptional circumstances include:

- (i) they are dependent on the financial and emotional support of one or both of their parents in the country of origin or in the UK; and
- (ii) the parent or parents they depend on is either in the UK, or qualifies for family reunion or resettlement and intends to travel to the UK, or has already travelled to the UK; and

- (iii) (a) the applicant is not leading an independent life; and
- (b) they have no other relatives to provide means of support; and
- (c) they could not access support or employment in the country in which they are living and would therefore likely become destitute if left on their own.

In the event of a refusal of leave to enter or remain on the basis the decision maker is not satisfied there are exceptional circumstances, consideration will also be given to whether refusal of the application would be a breach of Article 8 ECHR.”.

11.98. In paragraph 352E, after “(v)”, insert “or 352DA”.

11.99. In paragraph 352F, after “(v)”, insert “or 352DA”.

11.100. In paragraph 352FA, after “capacity”, insert

“; and

(xii) there are insurmountable obstacles to the couple living anywhere other than the UK and a refusal of leave would breach the UK’s obligations under Article 8 ECHR.”.

11.101. In paragraph 352FB, for “(vi)”, substitute “(viii)”.

11.102. In paragraph 352FC, for “(vi)”, substitute “(viii)”.

11.103. For paragraph 352FG (ii), substitute:

“(ii)(a) is under the age of 18; or

(b) is over 18 and there are exceptional circumstances (within the meaning of paragraph 352FGA);”.

11.104. In paragraph 352FG(vi), for “.”, insert:

“; and

(vii) there are insurmountable obstacles to family life continuing elsewhere; and

(viii) the Secretary of State is satisfied that family reunion in the UK is in the child’s best interests”.

11.105. After paragraph 352FG, insert:

**“Granting leave to enter or remain under exceptional circumstances**

352FGA. Where the requirements of paragraph 352FG(ii)(b) apply, the decision-maker must consider, on the basis of the information provided by the applicant, whether there are exceptional circumstances which may justify

a grant of leave to enter or remain, for the same duration as the sponsor (“leave in line”).

In the case of an adult child seeking to join a parent with humanitarian protection and who was granted that status on or after 30 August 2005, relevant factors include:

- (i) they are dependent on the financial and emotional support of one or both of their parents in the country of origin or in the UK; and
- (ii) the parent or parents they depend on is either in the UK, or qualifies for family reunion or resettlement and intend to travel to the UK, or have already travelled to the UK; and
- (iii)(a) the applicant is not leading an independent life; and  
(b) they have no other relatives to provide means of support; and  
(c) they could not access support or employment in the country in which they are living and would therefore likely become destitute if left on their own.

In the event of a refusal of leave to enter or remain on the basis the decision maker is not satisfied there are exceptional circumstances, consideration will also be given to whether refusal of the application would be a breach of Article 8 ECHR.”.

11.106. In paragraph 352FH, for “(v)”, substitute “(viii)”.

11.107. In paragraph 352FI, for “(v)”, substitute “(viii)”.

11.108. Delete paragraph 352G(b).

11.109. In paragraph 352G(c), before “former”, insert “the country of”.

11.110. Delete paragraph 352G(e).

11.111. After paragraph 352G(e), insert:

“f) “Refugee permission to stay” means permission to stay granted to refugees under paragraph 339QA of these rules which has not been revoked under paragraph 339QD;

g) “Temporary refugee permission to stay” means permission to stay granted to refugees under paragraph 339QB of these rules which has not been revoked under paragraph 339QD;

h) “Temporary humanitarian permission to stay” means permission to stay granted to individuals with humanitarian protection under paragraph 339QC of these rules which has not been revoked under paragraph 339QD.”.

11.112. In paragraph 352J(i), for “regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006”, substitute:

“Article 1F of the 1951 Refugee Convention (as defined in section 36 of the Nationality and Borders Act 2022)”.

11.113. For paragraph 352J(iv), substitute:

“the applicant does not constitute a danger to the community in the United Kingdom as a result of having been convicted by a final judgment of a particularly serious crime (as defined in section 72 of the Nationality, Immigration and Asylum Act 2002); and”.

11.114. In paragraph 352R, for “339Q(i)-(iii):”, substitute “339QA or 339QB”.

### **Changes to Appendix Settlement Protection**

APP STP1. In the introduction, delete:

“This route applies to a person who is already on a protection route – which means they have been granted refugee status or humanitarian protection in the UK.”.

APP STP2. In the introduction, after “settlement on this route.”, insert:

“Only those granted refugee status or humanitarian protection as a result of asylum applications made before 28 June 2022 or granted refugee status and refugee permission to stay on asylum applications made on or after 28 June 2022, are eligible to apply on the settlement protection route.

Individuals who were granted refugee status and temporary refugee permission to stay or humanitarian protection and temporary humanitarian permission to stay following asylum applications made on or after 28 June 2022 are ineligible to apply on the settlement protection route”.

APP STP3. In the introduction, for “Partners and children of a person with refugee status or humanitarian protection can also apply on this route if they have been granted permission as the dependant of such a person.”, substitute:

“Partners and children of a person with refugee status or humanitarian protection who is eligible to apply on the settlement protection route may also apply on this route if they have been granted permission to stay as the dependant partner or child of such a person.”.

APP STP4. For STP 1.3, substitute:

“The applicant must have, or have last been granted:



- (a) permission to stay as a refugee or as a person granted humanitarian protection following an asylum application made before 28 June 2022; or
- (b) refugee permission to stay following an asylum application made on or after 28 June 2022.”.

APP STP5. For STP 6.3, substitute:

“(a) Unless the applicant is a child born in the UK while their parent had refugee status or humanitarian protection, the applicant must have, or have last been granted permission as the child of a person granted refugee status or humanitarian protection following an asylum application made before 28 June 2022.

(b) Unless the applicant is a child born in the UK while their parent had refugee permission to stay, the applicant must have, or have last been granted permission to stay under paragraph 339QC, 352B-BA, 352E, 352FB or 352FH of these rules.”.

### **Changes to Appendix Visitor: Visa national list**

APP VN1. In paragraph VN 1.1(a), after “Egypt”, insert “El Salvador\*”.

APP VN2. In paragraph VN 2.2 (m), for “.”, substitute:

“; or

(n) nationals or citizens of El Salvador who hold confirmed bookings to the UK made before 1600 BST on 11 May 2022 where arrival in the UK is no later than 8 June 2022.”.

APP VN3. In the heading prior to VN 3.1, for “(Kuwait, Oman, Qatar and United Arab Emirates nationals or citizens only)”, substitute:

“(Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates nationals or citizens only)”.

APP VN4. For VN 4.1, substitute:

“Only passport holders who are nationals or citizens of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia or the United Arab Emirates can obtain and use an EVW document.”.

### **Changes to Appendix Global Business Mobility – Service Supplier**

APP GBM1. In “Appendix Global Business Mobility Routes, Appendix Global Business Mobility – Service Supplier”, under “Period and conditions of grant for a partner or child of a Service Supplier”, renumber paragraphs as “SSU 23.1, SSU 23.2 and SSU 23.3”.

## **Changes to Appendix Start-up**

APP SU1. For SU 13.2, substitute:

“SU 13.2. An application for entry clearance or permission to stay as a partner or child of a person on the Start-up route must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and  
(b) the applicant must have provided any required biometrics; and  
(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be applying as partner or child of a person (P) who:

- (i) has made a valid application for entry clearance or permission to stay on the Start-up not been decided; or
- (ii) has entry clearance or permission to stay on the Start-up route; or
- (iii) is settled or has become a British citizen, providing that P had permission on the Start-up route when they settled and the applicant either had permission as their partner or child at that time, or the applicant is applying as a child of P and the applicant was born in the UK before P settled.”.

## **Changes to Appendix Ukraine Scheme**

APP UKRS1. In Appendix Ukraine, after paragraph UKR 11.3 insert:

“UKR 11.3A Where an application under the Homes for Ukraine Sponsorship Scheme is varied to permission to stay under paragraph UKR 14.1, they must meet all the following requirements:

- (a) the applicant must have provided any required biometrics; and
- (b) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality; and
- (c) the applicant must be in the UK.”.

APP UKRS2. After “Relationship requirement for a family member under the Homes for Ukraine Sponsorship Scheme” insert:

### **“Parental consent requirement for a child applying to join a parent or legal guardian in the UK under the Homes for Ukraine Sponsorship Scheme**

UKR 19A.1. If the applicant is aged under 18 on the date of application and they are joining (and not accompanying) a parent or

legal guardian in the UK, they must have written consent from the parent or legal guardian in the UK who they are joining, unless the decision-maker is satisfied it is reasonable in the circumstances to grant the child entry clearance without that consent.

UKR 19A.2 The written consent must confirm support for all of the following:

- (a) the application; and
- (b) that applicant will live with the parent in the UK; and
- (c) the applicant's travel to, and reception arrangements in, the UK.”.

APP UKRS3. In Appendix Ukraine, replace paragraph UKR 21.3 with:

“UKR 21.3. The applicant must have had permission to enter or stay in the UK on 18 March 2022, unless:

- (a) they had permission to enter or stay in the UK immediately before 1 January, but that permission has since expired; or
- (b) they are a child born in the UK to a parent who qualifies under this paragraph.”.

### **Changes to the Statement of Changes in Immigration Rules (HC 1118)**

HC1118.1. In the changes section of the Statement of Changes in Immigration Rules (HC 1118), in Insertion of new Appendix Private Life, in APP PL1, for paragraph PL 16.1, substitute:

“Unless an exemption applies (for example where the applicant is aged under 18), the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.”.

HC1118.2. In the changes section of the Statement of Changes in Immigration Rules (HC 1118), in Insertion of new Appendix Private Life, in APP PL1, for paragraph PL 17.1, substitute:

“Unless an exemption applies (for example where the applicant is aged under 18), the applicant must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.”.

HC1118.3. In the changes section of the Statement of Changes in Immigration Rules (HC 1118), in Insertion of new Appendix Private Life, in APP PL1, for paragraph PL 26.2(d)(ii), substitute:

“is settled or has become a British Citizen, providing P had permission on the Private Life route when they settled, and the applicant was born

before P settled; and”.

HC1118.4. In the changes section of the Statement of Changes in Immigration Rules (HC 1118), in Insertion of new Appendix Private Life, in APP PL1, for paragraph PL 31.1, substitute:

“Unless an exemption applies (for example where the applicant is aged under 18), the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening of at least level B1.”.

HC1118.5. In the changes section of the Statement of Changes in Immigration Rules (HC 1118), in Insertion of new Appendix Private Life, in APP PL1, for paragraph PL 32.1, substitute:

“Unless an exemption applies (for example where the applicant is aged under 18), they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.”.







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