

# Homes for Ukraine Sponsorship Scheme

Version 7.0

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# About this guidance

This guidance tells decision makers how to decide applications under the Homes for Ukraine Sponsorship Scheme.

#### Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help or you think that the guidance has factual errors, please email the Resettlement policy 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.

If you notice any issues in the application of this guidance, please escalate these to your line manager or senior caseworker who can email the Resettlement policy team as needed.

#### **Publication**

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

- version 7.0
- provided to Home Office staff on 19 February 2024

# Changes from last version of this guidance

This guidance has been updated to reflect the:

- changes to sponsor eligibility
- changes to the period of permission granted under the Homes for Ukraine (HFU) Sponsorship Scheme
- closure of the Ukraine Family Scheme (UFS) to new applications on 19 February 2024
- changes to general grounds for refusal
- changes to processing applications from eligible minors made under the main HFU scheme
- transitional arrangements for applications 'to <u>provide a safe home for a child</u> <u>from Ukraine</u>' submitted by the sponsors of the eligible minors prior to 3pm on 19 February 2024
- changes to the Crown Dependencies section

#### **Related content**

Contents

# **Purpose**

This section tells you about use of this guidance in considering a person's right to enter or stay in the UK on the basis of their application under the Homes for Ukraine Sponsorship Scheme.

#### Use of this guidance

This guidance must be used for all decisions made under the Homes for Ukraine Sponsorship Scheme.

## Other information about this guidance

Within this guidance there are links to the Migration and Borders Guidance platform that are shown as an 'internal link', otherwise links are to the same guidance published on GOV.UK for external access.

#### **Background**

Following the statement made by the Home Secretary to Parliament on 1 March 2022, the Homes for Ukraine Sponsorship Scheme was launched on 14 March 2022 by the Secretary of State for Levelling Up, Housing and Communities to allow Ukrainian nationals and their family members to come to the UK if they have an approved sponsor under the Homes for Ukraine Sponsorship Scheme.

This bespoke scheme provides a route to those who want to come to the UK who have someone here willing to provide them with a home. It enables individuals to volunteer accommodation and provide a route to temporary sanctuary for Ukrainians and members of their immediate family group.

Sponsors can live anywhere in the UK (England, Scotland, Wales and Northern Ireland) and must be British or Irish Citizens or be 'settled in the UK' (which means having the right to live in the UK permanently) on the date of the guest's visa application if that application is submitted after 3pm on 19 February 2024.

Businesses and other private organisations are not currently eligible to sponsor people coming to the UK from Ukraine under the Homes for Ukraine Sponsorship Scheme.

Sponsors should provide accommodation for as long as they are able to, but there is a minimum expectation of 6 months. Further information regarding sponsors can be found in the following guidance: <a href="Becoming a sponsor: Homes for Ukraine - GOV.UK">Becoming a sponsor: Homes for Ukraine - GOV.UK</a> (www.gov.uk) and <a href="Eligibility">Eligibility</a>, safeguarding, DBS and accommodation checks: Homes for Ukraine - GOV.UK (www.gov.uk)

People arriving under this scheme will be able to:

- live and work in the UK for up to 3 years or 18 months for applications submitted after 3pm on the 19 February 2024
- access healthcare, benefits, employment support, education, and English language tuition

The Homes for Ukraine Sponsorship Scheme is included in the Immigration Rules under <u>Appendix Ukraine Scheme</u>. The Immigration Rules first came into force on 30 March 2022, before that date the scheme operated outside of the Immigration Rules.

On 15 July 2022 a <u>child concession</u> was introduced for children aged under 18 who had already applied under the Homes for Ukraine Sponsorship Scheme and who had not travelled with or intended to join their parent or legal guardian in the UK.

Changes to the Immigration Rules came into effect on 10 August 2022 to enable new applications to be made by eligible minors (such as children who are not travelling with or joining a parent or legal guardian in the UK), superseding the child concession. The process for new applications is different under the Immigration Rules as compared to the concession and requires the planned sponsor to undergo safeguarding checks before the visa application is made. For more information, refer to the section 'Children who apply after 10 August 2022' of this guidance.

The Ukraine Family Scheme (UFS) was introduced to allow Ukrainians and non-Ukrainian nationals who form part of a family group, which includes an immediate family member of the UK-based sponsor who were ordinarily resident in Ukraine immediately before 1 January 2022 and who have family members in the UK to apply under the scheme to come to the UK.

The Ukraine Family Scheme closed on 19 February 2024. The decision to close the route was taken in order to simplify the offer for Ukrainians coming to the UK. Those eligible to apply under UFS will generally be able to make applications under the HFU scheme when they find an approved sponsor and provided they meet the requirements under the rules, they can obtain an HFU visa.

Applications submitted to UFS after 3pm on 19 February 2024 will not be valid and will not be considered. Applications submitted before 3pm on 19 February 2024 will continue to be considered in accordance with the Immigration Rules which were in place before the UFS closed.

# **Burden and standard of proof**

The onus lies on the applicant to satisfy the decision maker they meet all the requirements. You must take into account the current situation in Ukraine and the difficulty in obtaining documentary evidence when making your decision.

You must have regard to all the relevant information, and you must request more information, or clarification, if this may make a material difference to your decision on the application.

If you notice that there is insufficient information available to make a decision, you can request further information. The guidance on Evidential flexibility applies here, and sets out the methods of contact, and period of time to be afforded to applicants. See: Evidential flexibility (internal link).

## **Applications on multiple systems**

When considering an application, you must check all available systems for previous applications and ensure that applications made as part of a group are decided at the same time for consistency. If working on an application made on AUK1 (Proviso system), you must check Atlas and ensure that CRS checks have been completed. If working on an application made on AUK2 (Atlas system), you must check that CRS checks have been completed.

## **Duplicate/multiple applications**

Where a customer has applied for both the Ukraine Family Scheme (UFS) (before its closure at 3pm on 19 February 2024) and the Homes for Ukraine (HFU) Sponsorship Scheme or they submit duplicate applications under the same scheme, you should only consider the most recent application unless there is any evidence to indicate this is not the applicant's preference.

Any older applications must be voided and the customer notified using the relevant void letter.

When assessing an application under the Ukraine Family Scheme, you must refer to the Ukraine Family Scheme caseworker guidance (internal link). Only applications submitted before 3pm on 19 February 2024 can be considered.

Where the most recent application does not meet the requirements of the rules, you must refuse the application in line with the relevant rules for the scheme that they have applied for in their most recent application. You should not consider an application under both schemes.

## Validity requirements

When assessing validity, you must be prepared to exercise evidential flexibility where possible. See the section on <u>Supporting evidence</u> for more guidance.

The validity requirements for all applications on the Homes for Ukraine Sponsorship Scheme are that the applicant must:

- have completed the specified application form online
- have provided any required biometrics (for applications submitted prior to 7
  December 2023: biometrics are not required before the entry clearance
  application can be considered where the person has applied using the
  deferred biometrics process)
- have provided a passport or other document satisfactorily establishing their identity and nationality

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- be outside the UK on the date of application
- have provided the name of a UK based sponsor who has offered them accommodation in the UK
- be aged 18 years or over on the date of application, except where a child (under 18) is applying with, or to join in the UK, a parent or legal guardian, or where the child concession and rules changes apply

You must consider all applications that meet the validity requirements. If you are assessing an application from a child who is not travelling with or joining their parent or legal guardian in the UK, you must refer it to the Ukraine Risk Team.

Applications that are processed on Atlas which are invalid must be withdrawn. Case notes should identify the reason or reasons why the application is invalid. Caseworkers must attach the withdrawal letter to the case record. Where an application is assessed on Proviso, instead of a validity/rejection function, use 'Withdrawn.'

## Specified application form

An application must be made online using the 'Ukraine Sponsorship Scheme' application form.

## Fees and Immigration Health Surcharge

This scheme is free for applicants. They are not required to pay an application fee or the Immigration Health Surcharge (IHS). You must not reject an application for nonpayment of a fee or IHS.

# Biometrics and proof of identity

In all cases, you must satisfactorily establish the applicant's identity and nationality.

#### **Biometrics**

In most circumstances, applicants in-country and overseas are required to give their biometrics when they make an immigration application. There are limited exceptions from the requirement to enrol biometrics which are set out in the published policy: Biometric information - enrolment (internal link).

Prior to 7 December 2023, there were 3 application pathways for the Ukraine schemes, each of which with different biometric requirements: 'UK Immigration: ID check' app, Biometric Deferral and visa application centre (VAC). From 7 December 2023, new applicants to the schemes will no longer be able to apply using the 'UK Immigration: ID check' app or defer their biometrics before traveling to the UK. Therefore, all new applicants will be required to attend a VAC to give their biometrics prior to the consideration of their application. Applications submitted before 7 December 2023 will be processed on the pathway used to apply.

'UK Immigration: ID check' app

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Applicants applying using the UK Government: ID Check app were required to provide facial biometrics using the app. There was no requirement for applicants to provide fingerprint biometrics as part of this process. Only Ukrainian nationals with valid international passports could use the app to apply to the Ukraine schemes.

#### Biometric deferral

Between 15 March 2022 and 7 December 2023, a Ukrainian national with a valid international passport was able to apply online for a Ukraine scheme visa without the need to enrol their biometrics until after their arrival in the UK. As part of the application process, they were required to upload a scanned copy of the photograph page of their valid Ukrainian international passport. If they were applying with a Ukrainian international passport which had the validity formally extended with a stamp from the Ukrainian government, they were required to also upload a copy of the page containing the stamp.

These individuals, if they met the validity, eligibility and suitability requirements for the scheme, were provided with a letter confirming they could travel to the UK before giving biometrics. This 'permission to travel' letter issued by the Home Office had to be presented to a Border Force officer on arrival to the UK and, in most cases, Border Force would then grant the person leave outside the rules (LOTR) for 6 months on Code 1A (permission to work, study and access public funds). To complete their visa application (which would be varied to an application for permission to stay), they had to enrol their biometrics. See

#### **Visa Application Centre**

From 7 December 2023, all new entry clearance applicants are required to attend a visa application centre (VAC) overseas to give their biometrics. For applicants aged 5 years or over, this will be their fingerprints and a facial image. Applicants who are under 5 are not required to provide their fingerprints but must still provide a live scan facial image as a biometric.

Children with details endorsed on a parent's passport, or those without a valid Ukrainian passport, must make a separate application and attend a VAC to submit their biometrics before you consider their application.

#### Applicant's identity and nationality documentation

The best evidence of identity and nationality that applicants on the Homes for Ukraine Sponsorship Scheme can provide is a valid international passport.

There must be an application and an individual travel document, or satisfactory evidence of identity and nationality, for each visa applicant, including children.

In the absence of a valid passport, a Ukrainian applicant may provide one or more of the following:

- a recently expired passport, so long as the photograph clearly resembles the holder
- a valid or recently expired Ukrainian national identity card (Passport card) that contains a facial image that clearly resembles the holder
- a combination of other official documents, at least one of which has a recent facial image, that clearly resembles the holder, which you are satisfied establishes their identity and nationality, for example a photo driving licence and a birth certificate
- an emergency certificate issued by a Ukrainian authority since March 2022

Acceptable photographic documents are those that are recorded on a document image archive such as <u>Council of the European Union – PRADO</u> or <u>EdisonTD</u>.

#### No adequate documentation

The applicant must satisfy you that their identity and nationality is as stated on their application. Where the applicant does not have any documents which satisfactorily establish their identity and nationality, and they have not already done so, you must ask them to provide a reasonable alternative or an explanation why they are not able to provide any documents. If you are satisfied with the reasons given, record this on the caseworking system.

If the validity requirements are not met, you must refer the case to an entry clearance manager (ECM) or senior caseworker (SCW).

Where a customer, prior to 7 December 2023, submitted an application under the biometric deferral process and has not submitted a scan of a Ukrainian passport valid for international travel, you must write out to give them 14 calendar days either to upload a scan of their passport, or to book a VAC appointment.

If they do not do this within 14 days, you must send a reminder giving them another 14 days to comply.

If, after two 14-day periods, the customer has not done as requested, or contacted you to explain why they cannot provide a passport scan or go to a VAC, you must reject the application as invalid.

#### Official – sensitive: start of section

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#### Official – sensitive: end of section

The sponsor must also provide evidence of identity and nationality but this is not a validity requirement: see <a href="mailto:sponsoridentification">sponsoridentification evidence</a>.

#### Third country nationals

Third country nationals (non-Ukrainian passport holders who are eligible to apply because they are an immediate family member of a Ukrainian national who has been granted under or is applying for and qualifies under the Homes for Ukraine Sponsorship Scheme, of which further requirements are set out at UKR 18.1-18.3) must provide their biometrics before they travel to the UK and must apply, book a VAC appointment and give biometrics in the usual way.

## Applications made from within the UK

Applicants must be outside the UK on the date of the application for entry clearance. If you identify that an application for entry clearance under the Homes for Ukraine Sponsorship Scheme was made from within the UK you must refer the application to an ECM/SCW.

Applications where the applicant has entered the UK prior to a decision on their entry clearance application

It is not possible to issue entry clearance to a person who is in the UK. If you identify that an application under the Homes for Ukraine Sponsorship Scheme was submitted while the applicant was overseas and they have subsequently travelled to the UK before their visa was issued, you must refer the application to an ECM/SCW.

# **Suitability requirements**

You must consider only the following grounds for refusal under <u>Part 9 of the Immigration Rules</u> when assessing applications under the Homes for Ukraine Sponsorship Scheme:

- exclusion and deportation order (paragraph 9.2.1 9.2.2)
- non conducive grounds (paragraph 9.3.1 9.3.2)
- criminality grounds (custodial sentence over 12 months, persistent offender or serious harm) (paragraph 9.4.1 9.4.2)
- criminality grounds (custodial sentence of less than 12 months or non-custodial sentence) (paragraph 9.4.3 9.4.5)
- exclusion from asylum or humanitarian protection grounds (paragraph 9.5.1 9.5.2)
- involvement in a sham marriage or sham civil partnership (paragraph 9.6.1 9.6.2)
- false representations and deception (paragraph 9.7.1 9.7.3)
- admissibility to the Common Travel Area or other countries (paragraph 9.10.1 9.10.2)
- no entry clearance (port refusal) (paragraph 9.14.1)

- failure to produce recognised passport or travel document (port refusal) (paragraph 9.15.1 9.15.3)
- medical (port refusal) (paragraph 9.16.1 9.16.2)
- consent for a child to travel (port refusal) (paragraph 9.17.1)
- returning resident (port refusal) (paragraph 9.18.1)
- customs breaches (paragraph 9.19.1 9.19.2)
- change of circumstances or purpose (paragraph 9.20.1 9.20.2)
- ceasing to meet the requirements of the rules (paragraph 9.23.1)
- dependent (paragraph 9.24.1)

For the HFU applications submitted after 3pm on 19 February 2024, you must also consider the following grounds for refusal under Part 9 of the Immigration Rules when assessing applications under the Homes for Ukraine Sponsorship Scheme:

- previous breach of immigration laws (paragraph 9.8.1-9.8.8)
- failure to provide required information (paragraph 9.9.1-9.9.2)

Grounds that should normally lead to refusal on suitability grounds but are not included for the purposes of this scheme:

- debt to the NHS (paragraph 9.11.1)
- unpaid litigation costs (paragraph 9.12.1)
- purpose not covered by the Immigration Rules (paragraph 9.13.1)
- rough sleeping (paragraph 9.21.1)
- crew members (paragraph 9.22.1)

Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

Official - sensitive: end of section

## **Eligibility requirements**

To qualify for the Homes for Ukraine Sponsorship Scheme an applicant must:

- be Ukrainian or part of an immediate family group (meaning the group set out in UKR 18.1.) which includes an immediate family member who is a Ukrainian national who has been granted under or is applying for and qualifies under the Homes for Ukraine Sponsorship Scheme
- have been residing in Ukraine immediately before 1 January 2022 (including those who have now left Ukraine) unless they are a child born on or after that date
- meet the suitability requirements
- have an Approved sponsor under the Homes for Ukraine Sponsorship Scheme

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A family group applying together must have the same Approved sponsor under the Homes for Ukraine Sponsorship Scheme.

For eligibility for children who are not travelling with or joining their parent or legal guardian in the UK see guidance on the <a href="Child Concession and rules changes">Child Concession and rules changes</a>.

#### **Tuberculosis (TB) Testing**

It has been agreed to waive the TB requirement for applicants to the Homes for Ukraine Sponsorship Scheme. The UK Health Security Agency has confirmed it is content for us to waive the TB requirement for Ukrainians in view of the low risk from Ukraine and the current conflict.

## Supporting evidence

There are documentary requirements for both sponsors and applicants. It is the responsibility of the applicant and their sponsor to provide sufficient evidence to prove their identity and nationality, and that they meet the requirements of the scheme.

You must be mindful of the difficulties that people may face in providing documentary evidence of their identity and relationship or that it is subsisting. Those fleeing conflict zones or dangerous situations may not have time to collect supporting documents and may not realise they would be required, and it would not be reasonable to expect this. You can find additional guidance on this in the Family Reunion guidance (internal link).

#### False documents and evidence

You must consider suitability if you are satisfied false documents or evidence were submitted. This is covered in the <u>grounds for refusal</u> section of this guidance.

# **Approved sponsor requirement**

To be eligible under the Homes for Ukraine Sponsorship Scheme the applicant must have an approved sponsor in the UK.

Eligibility and suitability requirements to be approved as a sponsor are published by the Department for Levelling Up, Housing and Communities for the Homes for Ukraine Sponsorship Scheme (Eligibility, safeguarding, DBS and accommodation checks: Homes for Ukraine - GOV.UK (www.gov.uk).

# Sponsor immigration status requirement

Sponsors can live anywhere in the UK (England, Scotland, Wales and Northern Ireland) and must be British or Irish Citizens or be 'settled in the UK' (which means having the right to live in the UK permanently) on the date of the guest's visa application.

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You must confirm the sponsor's immigration status by checking the identity document they have provided and making systems checks where appropriate to confirm their immigration status. They will have confirmed on the application form that they are a British or Irish citizen or have settled status in the UK. If the sponsor does not have the required immigration status, you must refuse the application.

#### Approved sponsor must be living in the UK

Caseworkers must confirm that the approved sponsor's address and the address of the proposed accommodation is in the UK.

## Ordinarily resident in Ukraine

To qualify for the scheme a person must have been ordinarily resident in Ukraine immediately before 1 January 2022 unless they are a child born on or after that date.

The conflict may have significantly reduced an applicant's ability to obtain documents proving residence. If you are not satisfied that an applicant was resident in Ukraine immediately before 1 January 2022, you must refer to an ECM/SCW to consider whether to request further information.

Applicants who were resident in Crimea must be treated as meeting the residence requirements under the scheme.

This is a non-exhaustive list of evidence an applicant can submit to confirm they were ordinarily resident in Ukraine immediately before 1 January 2022:

- passport
- official documents issued by the Ukrainian authorities
- utility bills
- bank statements
- medical letters
- mortgage or tenancy agreements
- employment letters
- education letters

Any applicant who was not ordinarily resident in Ukraine immediately before 1 January 2022, will not qualify under the Homes for Ukraine Sponsorship Scheme.

## **Nationality requirements**

Applicants to the scheme must be Ukrainian nationals and Third Country Nationals (TCN) applying as part of a family group which includes an immediate family member who is a Ukrainian national who is also applying and qualifies under this scheme or has been granted a visa under this scheme. For example, a Nigerian national who was studying in Ukraine would not qualify unless they have an immediate family member who is a Ukrainian national who qualifies and is applying

under or has been granted a visa under the Homes for Ukraine Sponsorship Scheme.

## Relationship requirement

Immediate family member means:

- partner of the Ukrainian national
- child aged under 18 on the date of application of the Ukrainian national or of their partner
- parent of a Ukrainian national child aged under 18 (where the child is applying under the Homes for Ukraine Sponsorship Scheme)
- fiancé or fiancée or proposed civil partner of the Ukrainian national

Where a non-Ukrainian is applying as a partner, fiancé, fiancée or proposed civil partner, the relationship must be genuine and subsisting and must have commenced before 1 January 2022. An applicant who is applying as a partner must meet the requirements in Appendix Relationship with Partner. See: Relationship with a partner: caseworker guidance - GOV.UK (www.gov.uk)

You should refer to the section on Evidence in the Family reunion guidance (Family reunion: caseworker guidance - internal link) for guidance on assessing an application where documents are missing.

A parent may be able to provide a full birth certificate to indicate relationship with a child.

#### Children

It is the responsibility of the applicant to provide sufficient evidence to satisfy you they are related as claimed. You must consider whether, on the 'balance of probabilities', there is sufficient information to accept that applicants are related as claimed. You must be mindful of the difficulties that people may face in providing documentary evidence of their relationship or that it is subsisting. Those fleeing conflict zones or dangerous situations may not have time to collect supporting documents and may not realise they would be required.

# Applications from children under the age of 18 on the date of application

If the applicant is aged under 18 on the date of application, they must either:

- be applying with, or to join in the UK, their parent or legal guardian
- have a sponsor who has been approved as a sponsor for that applicant under the Homes for Ukraine Sponsorship Scheme under the guidance: "Homes for Ukraine - Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils" before

the date of application and the applicant must provide evidence of that approval in the form of a reference number

All applications where a child is not travelling with or joining a parent, or where a child is traveling with or joining a legal guardian in the UK, must be referred to the Ukraine Risk Team.

# Children travelling with or joining a parent or legal guardian in the UK

Where an applicant is aged under 18 and they are travelling with a parent or legal guardian to the UK, they do not have to provide evidence of parental or legal guardian consent. If they are joining (and not accompanying) a parent or legal guardian already in the UK, they must provide written consent from the parent or legal guardian in the UK who they are joining.

The written consent must confirm support for all of the following:

- the application
- that the applicant will live with the parent in the UK
- the applicant's travel to, and reception arrangements in, the UK

The consent requirement can be waived if you are satisfied that it is reasonable in the circumstances to issue entry clearance without it. Where you have reasons to believe there may be an issue with consent of one parent, the advice from the Ukrainian government is that the consent of the other parent is not required due to the introduction of martial law.

# Legal guardian

The term 'legal guardian' refers to a guardian appointed according to local laws to take care of a child. 'Local law' here means the law applicable in the country where the legal guardian was appointed rather than the law of the country the applicant is travelling to.

Any documents conferring legal guardianship must have been issued by the relevant Ukrainian authority/body, or relevant authority/body of another country.

The Ukrainian Embassy confirmed that in Ukraine specifically, the guardianship authorities are:

- state administrations of districts
- state (military) administration in Kyiv district
- executive body of the city, village or town council

## Parents and legal guardians appointed under the Ukrainian law

Under Ukrainian legislation, the following people are considered to be the legal representatives of children:

- parents (including adopters on the basis of the court order)
- guardians
- parents represent their children aged under 18
- guardians legally represent minors under 14 and incapacitated persons; and minors aged 14 to 18 who are orphans or deprived of parental care and persons whose civil capacity is limited'
- other legal guardians (such as an individual acting under a power of attorney)
- adoptive parents (acting on the basis of the guardianship order)
- parents-educators of a family-type children's home (acting on the basis of the guardianship order)
- foster educators
- heads of the relevant institutions, authorized employees or other persons appointed by the guardianship authority or military administration/militarycivilian administration at the location of the facility

Applications will meet the requirements of the Homes for Ukraine Sponsorship Scheme if the Ukraine Risk Team is satisfied that the documents establish that the applicant is travelling with or joining their parent or legal guardian in the UK and all other requirements of the Homes for Ukraine Sponsorship Scheme are met.

## Temporary guardianship court orders issued in Poland

This section only applies to temporary court orders issued by the Polish authorities.

Some applicants who are under 18 may present court orders issued by Polish Courts confirming that a temporary legal guardian or custodian was appointed over a minor citizen of Ukraine. Those court orders are valid only within the territory of Poland.

If a minor who is accompanied by a temporary legal guardian makes an application under the Homes for Ukraine Sponsorship Scheme and presents such a court order:

In the first instance, the temporary guardian should provide the permission of the Polish guardianship court to travel with the child to the UK. If permission has been granted and documentation provided, the requirements of the Homes for Ukraine Sponsorship Scheme will be met as the applicant will be travelling with their legal guardian. All other requirements of the Appendix Ukraine Immigration Rules must be met for the visa to be issued.

Alternatively, the applicant can choose to apply under the Eligible Minors route, provided that they meet all the necessary requirements under the Rules.

If no evidence is provided to demonstrate the Polish guardianship court has given permission for the child and their temporary guardian to travel outside of Polish territory, you should contact the applicant and ask for it to be provided. If it is not

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provided within 10 working days (plus an additional 5 working days if there is no communication received) or no response is received, the application should be withdrawn.

# Child Concession and rules changes (applications from children who are not travelling with or joining their parent or legal guardian in the UK)

Initially there were no provisions in the Immigration Rules Appendix Ukraine Scheme for unaccompanied minors applying for a visa under the Homes for Ukraine Sponsorship Scheme.

On 15 July 2022 a <u>child concession</u> was introduced for unaccompanied children aged under 18 who had already made such applications so they could be processed. Changes to the Immigration Rules came into effect on 10 August 2022 to enable new applications being made by eligible minors.

The requirements for approval as an 'eligible minor' are:

- the applicant must be a child aged under 18
- the applicant must be a Ukrainian national or have an immediate family member who is a Ukrainian national who has been granted permission under, or is applying to and qualifies for, the Homes for Ukraine Sponsorship Scheme
   for a definition of immediate family member see the section of this guidance on 'Relationship requirement'
- the applicant must have been a resident in Ukraine before 1 January 2022 or have been born after that date
- the applicant must not be in the UK on the date of application
- the applicant must not be applying to come to the UK with or to join their parent or legal guardian
- the applicant must have written parental or legal guardian consent for the child to leave Ukraine - if in Ukraine, then this must be certified by either the notary authorities or the Guardianship Service of the city or regional council in Ukraine - if in another country, then this must be certified by the notary authorities in that country or by the Ukrainian Embassy or Consulate
- the applicant must provide a completed UK <u>sponsorship arrangement consent form</u> from the parent or legal guardian with detailed information about sponsor, child and any accompanying adult relative further information regarding parental or legal guardian consent forms can be found in the <u>Homes for Ukraine</u>: <u>Guidance for parents or legal guardians (children and minors applying without parents)</u>
- the applicant must have an approved sponsor who has met the eligibility requirements and passed the necessary safeguarding checks - these are explained in the 'Sponsor application and approval process' section in the "Homes for Ukraine - Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils"
- the applicant must have local authority approval for their sponsor

Eligible applicants may include those who:

- intend to be sponsored and hosted by an adult relative, other than a parent or legal guardian, who may or may not also travel with them
- intend to be accompanied by an adult relative and will both be living with a sponsor or in self-contained accommodation provided by a sponsor who is not related to them - the adult relative may or may not also travel with the child
- will not be accompanied by an adult relative and intend to be sponsored and hosted by an approved sponsor who is not related to them

## Children who made an application before 10 August 2022

Where a child who was not travelling with or joining their parent or legal guardian in the UK made an application under the Homes for Ukraine Sponsorship Scheme before 10 August 2022, the Home Office contacted the applicant or their proposed sponsor using the contact details on the application form to confirm they wanted to continue with the application under the new scheme, given the additional responsibilities the sponsor must commit to.

#### Parental or legal guardian consent

When the applicant was contacted, they were asked to provide written parental or legal guardian consent to the child coming to live in the UK with the named sponsor and any adult relative who is applying with the child.

This parental or legal guardian consent must be notarised by notary authorities or the Guardianship Service of the city or regional council in Ukraine, or, where the applicant is in another country, notary authorities in that country or by the Ukrainian Embassy or Consulate. This parental or legal guardian consent must also be signed by at least one parent or the child's legal guardian, it must be notarised and must name the sponsor, and any relative who will be accompanying the child. This must have been provided for the local authority assessment. Where this has not been provided (after the applicant was contacted and confirmed they wanted to be considered under the new scheme) the application cannot proceed. If the child has an individual sponsor, you must contact the applicant or sponsor (using the contact details provided as part of the application) to ask for this. If it is still not provided, you must withdraw the application.

# Local authority approval

When the Home Office contacted the applicant, they were asked to provide to UKVI with a completed UK sponsorship arrangement consent form with detailed information about the sponsor, child, and any accompanying adult relative coming to live in the UK under the Homes for Ukraine Sponsorship Scheme. This asks the parent or legal guardian to confirm that they believe it is in their child's best interest to come to the UK. This must have been provided for the local authority assessment. Where it has not been provided the application cannot proceed. If the child has an individual sponsor, you must contact the applicant or sponsor (depending on the

contact details provided as part of the application) to ask for this. If it is still not provided, you must withdraw the application.

The sponsor must have been approved by the local authority to sponsor the child under the guidance 'Homes for Ukraine - Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils' before the visa application can be issued: Homes for Ukraine: Guidance for councils (children and minors applying without parents or legal guardians) - GOV.UK (www.gov.uk). The local authority will notify the sponsor of their decision in relation to the sponsor's suitability. You must check on Foundry for the local authority's decision. If the local authority says they do not approve the sponsor for the child, you must withdraw the application.

## Where a child is applying with an adult relative

Where a child is applying without their parent / legal guardian but is applying with another adult relative (meaning a grandparent, uncle, aunt or sibling aged 18 or over), they must apply under the eligible minor route.

Where the adult relative is not the child's sponsor, the adult relative must have the same sponsor as the child and must qualify under the Homes for Ukraine Sponsorship Scheme in their own right.

# Children who apply after 10 August 2022 - Immigration Rules Appendix Ukraine Scheme requirements

The process for applications made after 10 August 2022 requires the sponsor to make an online application to the local authority and undergo safeguarding checks. The safeguarding checks on a sponsor must be completed and the sponsor must have approval from the local authority before a child can make their visa application.

The sponsor must have been approved by the local authority to sponsor the child under the guidance Homes for Ukraine: Guidance for councils (children and minors applying without parents or legal guardians) - GOV.UK (www.gov.uk) before the visa application is submitted. The local authority will issue the sponsor with a sponsorship certification code which must be included on the visa application form. Parental or legal guardian consent must be provided in writing before the visa application has been submitted and must meet the requirements stated above. This notarised consent must be reviewed to ensure it contains the required information prior to the visa application being issued.

If the applicant does not provide a Sponsor Certification code, as defined in Homes for Ukraine: Guidance for councils (children and minors applying without parents or legal guardians) - GOV.UK (www.gov.uk), confirming that they have an approved sponsor, their HFU application should be refused as the applicant is not applying with or joining a parent or legal guardian and the requirements for approval as an eligible minor have not been met. You should direct applicants to the above guidance for further information regarding the application process for eligible minors.

## Sponsor immigration status requirement to host a child

For applications made prior to 3pm on 19 February 2024, the sponsor must have agreed to host the child for the full 3 years of their permission to stay in the UK, or until they turned 18 and were hosted for at least 6 months, whichever was sooner.

For applications submitted after 3pm on 19 February 2024, the sponsor must agree to host the child for the full 18 months of their permission to stay in the UK, or until they turn 18 and have been hosted for at least 6 months, whichever is sooner.

You must confirm the sponsor's immigration status by checking the identity document they have provided and making systems checks where appropriate to confirm their immigration status. They will have confirmed on the application form that they are a British or Irish citizen or have settled status in the UK. If the sponsor does not have the required immigration status you must refuse the application.

Once a visa application is received, it will be assessed by the Ukraine Risk Team.

The Ukraine Risk Team must ensure the sponsor meets the immigration status requirements to host a child. Until 3pm on 19 February 2024, the sponsor immigration status requirements to host a child were the same as the requirements for applications received under the concession, which was in place prior to 10 August 2022. The sponsorship certification code must also be checked to confirm it relates to the correct applicant and sponsor. This can be done by undertaking checks on DLUHC databases.

# Transitional arrangements for an application 'to provide a safe home for a child from Ukraine' submitted by the sponsors of the eligible minors prior to 3pm on 19 February 2024

The process for new HFU applications from eligible minors requires the planned sponsor to first undergo safeguarding checks before an eligible child can begin their visa application.

Where the applicant submits a Homes for Ukraine Sponsorship Scheme application under UKR 19.B.1, if the sponsor started the process by completing and submitting the application form 'Apply to provide a safe home for a child from Ukraine 'requesting permission from the local authority to host the child prior to 3pm on 19 February 2024, and the sponsor is approved under UKR 11.3(b), either before or after 3pm on 19 February 2024, the rules in force on 18 February 2024 will apply.

If an adult relative named in Section 6 of the <u>Homes for Ukraine: UK sponsorship arrangement consent form - GOV.UK (www.gov.uk)</u> applies for an HFU visa with the eligible minor to whom the preceding paragraph refers after 3pm on 19 February 2024, their visa application will be considered under the Immigration Rules which were in place on 18 February 2024.

To confirm when the application to provide a safe home for a child from Ukraine was submitted by the sponsor, speak to your SCW/ECM.

#### Approved sponsor identification documentation

After 3pm on 19 February 2024, sponsors of new applicants under the HFU scheme, including eligible minors, must be British or Irish Citizens or be 'settled in the UK' (which means having the right to live in the UK permanently). To meet the requirement of approved sponsors, they must provide evidence of their identity. This can be one of the following:

- UK or Irish passport or Irish passport card
- valid Biometric Residence Permit or Biometric Residence Card
- a photo driving licence issued by the UK, Ireland, or the Crown Dependencies along with a UK, Crown Dependency or Irish birth or adoption certificate with matching biographical details

Alternatively, if the sponsor or the adults the applicant will be living with have an eVisa, you can enter their 'share codes' in the box on this page to check their identities (View and prove your immigration status: get a share code - GOV.UK (www.gov.uk). British or Irish citizen sponsors are asked to provide a copy of the biodata page of their passport, which may include a recently expired passport that has not been replaced. British or Irish citizens who do not hold a valid UK or Irish passport can produce UK or Irish birth certificate (if born before 1 January 1983) or a registration or naturalisation certificate alongside a photo document, such as:

- Proof of Age Standards Scheme (PASS) card
- National Entitlement Card (NEC)
- UK or Irish photo driving licence
- Irish passport card and/ or Non-UK or Irish passport

If this is not submitted, or you wish to verify authenticity of the document, refer to an ECM/SCW.

Holders of EU settled status must provide a copy of the front and back of their biometric residence card (BRC) if they hold one, or the identity document they used to register their online status, along with their date of birth.

Holders of other forms of immigration permission must submit a copy of both sides of their biometric residence permit, or other evidence if their permission was granted before biometric residence permits (BRPs) were issued, such as a wet stamp or vignette.

Holders of eVisas, such as holders of EU Settlement Scheme leave, can submit the 'something else' purpose ShareCode, which starts with an 'S', alongside their date of birth, which can be generated using the <u>View and prove your immigration status</u>, which remains valid for up to 90-days from when it was generated. Alternatively, they

can provide a copy of their 'Written notification of leave' which was sent to them when their application was granted.

Where you cannot verify the sponsor's immigration status in the UK from their supporting or identity documents, you must check Home Office systems to confirm their immigration status. If you are unable to locate the sponsor on any systems, you must refer the application to an entry clearance manager (ECM) or senior caseworker (SCW) before using the contact details provided to contact them directly.

## Sponsor must provide accommodation for at least 6 months

A sponsor must offer accommodation for a period of at least 6 months under the scheme at the UK address provided in the application form.

scheme at the UK address provided in the application form.
A different requirement applies to sponsors for children who are not applying with or joining their parent or legal guardian.
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## Safeguarding and vulnerable persons

Sponsors and all adults who will live in the same accommodation as the applicant will be subject to background security and criminal checks by the Home Office (HO) and local authorities. This includes checks on government databases and other third parties such as the Police National Computer, or its equivalent in Northern Ireland.

Where applicants are applying under the main Homes for Ukraine Sponsorship Scheme, Home Office checks are conducted as part of the visa application process. The relevant local authority will also complete checks on the accommodation and living arrangements after the applicant arrives in the UK. The local authority will also decide which type of Disclosure and Barring Service (DBS) checks are required in line with government guidance.

A different requirement applies to sponsors for children who are not travelling with or joining their parent or legal guardian in the UK.

A person of any age or circumstances may be at risk of trafficking into the UK. There may be other scenarios that are of concern to caseworkers. You must seek advice from an ECM/SCW or the Ukraine Risk Team.

## **Granting entry clearance**

You must grant the same endorsement, conditions, and duration both for applicants who used the deferred biometrics process, and those who gave biometrics at a visa application centre (VAC).

The endorsement you must use is:

- main endorsement: HOMES FOR UKRAINE SPONSORSHIP SCHEME –
- Cat D endorsement: Code 1A Work permitted, study permitted subject to the Academic Technology Approval Scheme (ATAS)
- for child applications add endorsement initial of parent and family name
- the BRP box must be checked/unchecked depending on whether the grant is a PTT or an EC/BRP duration: 3 years (36 months) (for applications submitted before 3pm on 19 February 2024)
- 18 months (for applications submitted after 3pm on 19 February 2024)

For **eligible minors** you must use the following endorsement:

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# UKRAINE SCHEME - UAM HUMANITARIAN SPONSORSHIP Cat D endorsement, Code 1A

- duration: 3 years (36 months) (for applications submitted before 3pm on 19 February 2024)
- 18 months (for applications submitted after 3pm on 19 February 2024)

## Applicants using the deferred biometrics process

If the application under the HFU scheme was made prior to 7 December 2023, issue a permission to travel letter which the applicant will present to a carrier to enable them to board transport to the UK. They will also present it at the UK primary arrivals control to a Border Force officer. If satisfied to grant permission to enter, the Border Force officer will grant 6 months permission to enter outside the rules. The permission to travel letter will advise the applicant how to give biometrics and apply to regularise their stay once in the UK.

#### Issuing a deferred biometrics application on Proviso

If you are issuing a permission to travel letter you must ensure that the BRP box is unchecked, to avoid creating a system error. You must exit the case and then reenter to save the change.

## Refusing an application

If an applicant does not meet the requirements of the rules, you must refuse the application only with agreement of an ECM/SCW.

 Overseas refusal: Ukraine Scheme Refusal\_No ROA\_No AR\_OOC Proviformso

See <u>The refusal notice template</u> which must be used for all Ukraine Family Scheme (UFS) and Homes for Ukraine Sponsorship Scheme refusals.

When the only reason an application is refused is because the sponsor has been deemed an unsuitable sponsor (UKR 15.1.), the applicant will be eligible for support from Ukrainian Sponsorship Pathway UK (USPUK) to find a new sponsor. In these circumstances the refusal notice must include a paragraph signposting the applicant to the offer of support.

# Appeals and administrative review

There is no right of appeal or administrative review.

If an applicant challenges a decision to refuse their application, advise them to apply again, fee free under the Homes for Ukraine Sponsorship Scheme if they believe they are eligible. There are no restrictions to the number of times a person can apply for the scheme. A new application will ensure a further consideration of the

applicant's eligibility and will allow them to submit any additional evidence which was not submitted in their previous application.

If an applicant applies again, you must consider the application afresh, noting any changes to the original or previous applications. If nothing has changed, you must draft a full notice of refusal and you must not simply refuse on the grounds that there has been no change in the applicant's circumstances.

If an applicant for entry clearance or permission to stay raises a request for LOTR within their application and they do not meet the requirements for the Ukraine schemes, you should consider if there are any compelling and compassionate circumstances which would warrant a grant of leave outside the rules (LOTR).

#### Related content

Contents

# The Crown Dependencies

Jersey, Guernsey and The Isle of Man make up the Crown Dependencies (CDs). They are not part of the UK but are self-governing dependencies of the Crown.

The Isle of Man and Guernsey are the 2 Crown Dependencies operating a comparable scheme which mirrors the UK's Homes for Ukraine Sponsorship Scheme. Jersey offers a Ukraine Family Scheme only.

Individuals will apply for the Isle of Man's or Guernsey's route using the same application form as those applying under the UK's scheme and if granted, they will be issued with the same duration and conditions of stay. Following the closure of the UK's Ukraine Family Scheme on 19 February 2024, individuals who wish to apply under Jersey's Ukraine Family Scheme must also apply using the 'Ukraine Sponsorship Scheme' application form.

You must not make a decision on an application to the Crown Dependencies. These must be referred to the relevant CD for a decision. Jersey does not offer the Homes for Ukraine Sponsorship Scheme, therefore no one should be granted leave in this category.

You do not need to carry out any other enrichment activities or assess the applications; this will be done by the authorities in the CDs. However, they must be alert to any potential safeguarding concerns and include these in their referral.

## **Identifying Crown Dependency applications**

Caseworkers can identify a Crown Dependency application by checking the 'Ukraine Scheme' application form for the sponsor's address. Postcodes in the CDs are in the same format as for the UK:

- Isle of Man postcodes begin with 'IM'
- Guernsey postcodes begin with 'GY'
- Jersey postcodes begin with 'JE'

#### Referral

Caseworkers must refer all applications to the CDs using the standard referral form.

The Common Travel Area (CTA) guidance (internal link) contains contact details for the CDs.

Applications where a sponsor's address is not in the UK or Crown Dependencies as described above must be refused.

## Granting entry clearance

The CD's immigration department will make a decision on the application. If they authorise you to issue a visa, do so as follows:

#### Deferred biometrics applications (submitted prior to 7 December 2023):

- main endorsement: Ukraine Scheme LOTR
- Cat D endorsement: Code 1A (Work permitted)
- duration: 6 months
- biometric residence permit (BRP) visa: No
- destination: UNITED KINGDOM
- Permission to Travel (PTT) letter: Yes (you must issue the standard PTT letter and the CD will advise applicants separately on processes to follow once in their jurisdiction)

#### Biometrics enrolled applications:

- main endorsement: Ukraine Scheme LOTR
- Cat D endorsement: Code 1A (Work permitted)
- duration: 3 years (36 months) (for applications made before 3pm on 19 February 2024) or
- 18 months (for applications made after 3pm on 19 February 2024)
- BRP visa: No
- destination: UNITED KINGDOM
- Permission to Travel (PTT) letter: No

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