

EQUALITY ACT 2010

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

Ministerial Authorisation

Equality (Syria) Authorisation 2019

01 MAR 2019

Made
Coming into Operation

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

**PART 1
GENERAL**

Citation, commencement and interpretation

1. This authorisation may be cited as the Equality (Syria) Authorisation 2019 and shall come into operation on 1 March 2019. It replaces the Equality (Syria) Authorisation 2018 which came into operation on 1 March 2018 and that authorisation is hereby revoked.
2. In this authorisation –

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

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

General

3. Applications from Syrian nationals made after 29 February 2020 must meet all the requirements of the relevant immigration rules.
4. This ministerial authorisation does not apply to those persons who have illegally entered the UK.

¹ 2010 c. 15.

² 1971 c. 77

PART 2
DISCRIMINATION ON GROUND OF NATIONALITY

Extensions of current leave

5. The Minister personally approves more favourable treatment to Syrian nationals applying for further leave in their current immigration category, in accordance with the provisions of paragraph 6 below, in considering that application.
6. Paragraph 5 only applies to those Syrian nationals applying for further leave under the following paragraphs of the immigration rules and the following cited provisions will be waived -

Tier 4 (General) Student:

- a) Under paragraph 245ZX (Requirements for leave to remain), the 3 year time period stated in subparagraphs (f)(iii) and (f)(iv), the 2 year time period stated in subparagraph (h) and the 5 year time period stated in subparagraph (ha) shall not apply;

Family members of relevant points-based system migrants

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

Visitors

- c) Under Part V8 (Extension of stay as a visitor) V8.4 shall not apply
- d) Under Part V8 (Extension of stay as a visitor) paragraph V8.7 shall not apply to a visitor (standard), including a child, who is in the UK visiting family, friends or on holiday.
- e) Under Part V8 (Extension of stay as a visitor) paragraph V8.8 shall not apply to a visitor (standard) who is in the UK for private medical treatment and is seeking an extension of stay for more than six months.

Work

- f) Under paragraph 159E (Extension of stay as a domestic worker in a private household), the maximum 6 months period of stay in the UK for a domestic worker in a private household shall not apply.
- g) Under paragraphs 245GE(a)(iii) and 245GE(b)(ii)-(iii), the maximum 5 year and 9 year periods shall not apply: (i.e. applicants may extend their total continuous leave in the Tier 2 (Intra-Company Transfer) Long Term Staff sub-category beyond 5 years or 9 years).

- h) Under paragraph 245HE(a)(iv), the maximum 6 year period shall not apply: (i.e. applicants may extend their total continuous leave in the Tier 2 (General / Minister of Religion / Sportsperson) categories beyond 6 years).

Documents

7. If the Secretary of State is satisfied that due to the civil unrest in Syria a required document under the immigration rules listed in paragraph 6 of this authorisation cannot be obtained from Syria, the requirement to provide that document may be waived.

Short-Term Students

8. From 24th April 2015, a Syrian national who has been granted leave to enter in accordance with paragraphs A57A to A57H of the Immigration Rules may apply to have their leave extended. The Secretary of State will consider their application for extension outside of the Immigration Rules.

Switching visa route

9. The Minister personally approves more favourable treatment to Syrian nationals applying for leave to remain under a different immigration category (i.e. an application to switch into a different route), in accordance with paragraph 10 below, in considering that application.
10. Paragraph 9 only applies to those Syrian nationals applying to switch routes for the purpose of obtaining further leave under the following paragraphs of the immigration rules and the following cited provisions will be waived:

Tier 4 (General) Student

- (a) Under paragraph 245ZX, the switching restriction in 245ZX(b) and the 3 year time period stated in (f)(iii), (f)(iv), and the 2 year time period stated in (h) and the 5 year time period stated in (ha) shall not apply.

Work

- (b) Under Tier 1 (Exceptional Talent) the switching restrictions in paragraph 245BD(c) shall not apply;
- (c) Under Tier 1 (Entrepreneur) the switching restrictions in paragraphs 245DD(e)-(f) shall not apply;
- (d) Under Tier 1 (Investor) the switching restrictions in paragraphs 245ED(c)-(d) shall not apply;
- (e) Under Tier 2 (General / Minister of Religion / Sportsperson) the switching restrictions in paragraphs 245HD(b)-(e) shall not apply;

- (f) Under Tier 5 (Temporary Worker) the switching restrictions in paragraphs 245ZQ(b) and 245ZQ(h) shall not apply.

Visitor

- (g) Under Part V8 (Extension of stay as a visitor) V8.4 shall not apply.
- (h) Under Part V8 (Extension of stay as a visitor) paragraph V8.3 shall not apply to a visitor for permitted paid engagements. Such visitors can apply for an extension of stay as a visitor (standard) as set out in V8.7.
- (i) Under Part V8 (Extension of stay as a visitor) paragraph V8.7 shall not apply to a visitor (standard), including a child and a visitor who is the UK in order to get married or to form a civil partnership where their total stay in the UK will exceed the maximum six months.
- (j) Under Part V8 (Extension of stay as a visitor) paragraph V8.11 shall not apply to a visitor (standard) who is the UK undertaking the Professional and Linguistic Assessment Board Test where their total stay in the UK will exceed the maximum 18 months;

A person may not rely on the concession to switch into an Immigration route specified above where that route closes to new applicants during the period of the concession.

Documents

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

Duration

12. The provisions contained in this ministerial authorisation will apply to any application made while the authorisation is in force.
13. This ministerial authorisation will remain in force until 29th February 2020 unless it is revoked before this date.



Rt Hon Caroline Nokes MP
Minister of State for Immigration
Home Office