

**EQUALITY ACT 2010, PARAGRAPH 17(4) OF SCHEDULE 3, PART 4**

**RACE RELATIONS (NORTHERN IRELAND) ORDER 1997, ARTICLE 20C**

**Ministerial Authorisation**

**Equality (arrangements for grants of leave to Ukrainian nationals)  
Authorisation 2022**

Made	16 May 2022
Coming into Operation	16:00 on 16 May 2022

I make the following ministerial authorisation under Schedule 3, Part 4, paragraph 17(4) of the Equality Act 2010<sup>1</sup> and under Article 20C(3)(a) of the Race Relations (Northern Ireland) Order 1997<sup>2</sup>.

**PART 1  
GENERAL**

**Citation, commencement and interpretation**

1. This authorisation may be cited as the Equality (arrangements for grants of leave to Ukrainian nationals) Authorisation 2022 and shall come into operation on 16:00, 16 May 2022<sup>3</sup>.

2. In this authorisation –

“authorised person” has the same meaning as in section 141(5) of the Immigration and Asylum Act 1999<sup>4</sup>,

“biometric immigration document” has the same meaning as in section 5(1)(a) of the UK Borders Act 2007<sup>5</sup>,

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<sup>1</sup> 2010 c. 15.

<sup>2</sup> 1997 No. 869 (N.I. 6) as amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 S.R. 2003 No. 341.

<sup>3</sup> Initial ministerial authorisation for bespoke border and leave arrangements for Ukrainian nationals was provided via correspondence on 14 March 2022 following a submission dated 10 March 2022.

<sup>4</sup> 1999 c. 33.

<sup>5</sup> 2007 c. 30.

“biometric information” has the same meaning as in section 15(1A) of the UK Borders Act 2007,

“immigration officer” means a person appointed by the Secretary of State under paragraph 1(1) of Schedule 2 to the Immigration Act 1971<sup>6</sup>,

“immigration rules” means the rules laid under section 3(2) of the Immigration Act 1971,

“juxtaposed controls” means a frontier control zone in a country other than the United Kingdom where United Kingdom immigration controls can lawfully be carried out,

“local journey” has the same meaning as in section 11(4) of the Immigration Act 1971,

“Ukraine Scheme” means the scheme set out in Appendix: Ukraine Scheme to the Immigration Rules.

“Ukrainian national” means a person who has Ukrainian nationality.

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<sup>6</sup> 1971 c. 77.

**PART 2**  
**DISCRIMINATION ON GROUND OF NATIONALITY**

**Arrangements for Ukrainian nationals at the United Kingdom border and at the juxtaposed controls**

3. (1) This paragraph applies where a Ukrainian national arrives at a port in the United Kingdom or at the juxtaposed controls and either does not have an entry clearance or permission to enter the United Kingdom or has an entry clearance which is not valid for the purpose for which entry is sought.
- (2) If the conditions in paragraph 4 are met, an immigration officer may consider whether to grant leave outside the immigration rules for a period of 6 months.
- (3) If the conditions in paragraph 4 are met, an immigration officer may defer the enrolment of biometric information from the Ukrainian national when considering whether to grant leave outside the immigration rules.

**Conditions for paragraph 3**

4. The conditions referred to in paragraph 3 are that the Ukrainian national:
- (a) does not fall for refusal under part 9 grounds for refusal within the immigration rules, other than under rule 9.14.1; and
- (b) either-
- (i) has made an application to the Ukraine Scheme and has been granted a letter by the Home Office permitting them to travel to the United Kingdom; or
  - (ii) has not made such an application, but holds a valid Ukrainian passport.

**Arrangements for Ukrainian nationals within the United Kingdom without permission to enter or stay**

5. (1) This paragraph applies where a Ukrainian national is examined by an immigration officer within the United Kingdom and does not have permission to enter or stay in the United Kingdom.
- (2) If the conditions in paragraph 6 are met, an immigration officer may consider whether to grant leave outside the immigration rules for a period of 6 months.

- (3) If the conditions in paragraph 6 are met, an immigration officer may defer the enrolment of biometric information from the Ukrainian national when considering whether to grant leave outside the immigration rules.

### **Conditions for paragraph 5**

6. The conditions referred to in paragraph 5 are that the Ukrainian national:
- (a) entered the United Kingdom on a local journey from the Republic of Ireland;
  - (b) entered the Republic of Ireland lawfully; and
  - (c) does not fall for refusal under part 9 grounds for refusal within the immigration rules, other than under rule 9.14.1.

### **Overseas entry clearance applications from Ukrainian nationals**

7. (1) Where a Ukrainian national makes an application for entry clearance and an application for a biometric immigration document outside the United Kingdom, an authorised person may, by reason of that person's nationality, as well as other factors, defer the enrolment of biometric information from that person.
- (2) Where a Ukrainian national makes an application for entry clearance and an application for a biometric immigration document outside the United Kingdom, an authorised person may, by reason of that person's nationality, as well as other factors, require biometric information in the form of a facial image only.

### **Duration**

8. This ministerial authorisation will remain in force for 1 year and will be kept under review.



Home Office  
16 May 2022

Parliamentary Under Secretary of State