

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 2024

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| Made | 15/04/2024 |
| Coming into Operation | 15/04/2024 |

I make the following ministerial authorisation under Schedule 3, Part 4, paragraph 17(4) of the Equality Act 2010¹ and under Article 20C(3)(a) of the Race Relations (Northern Ireland) Order 1997².

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 2024 and shall come into operation on 15/04/2024³.

2. In this authorisation –

“authorised person” has the same meaning as in section 141(5) of the Immigration and Asylum Act 1999⁴,

“biometric immigration document” has the same meaning as in section 5(1)(a) of the UK Borders Act 2007⁵,

¹ 2010 c. 15.

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

³ 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.

⁴ 1999 c. 33.

⁵ 2007 c. 30.

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

“Common Travel Area” means the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man collectively,

“immigration officer” means a person appointed by the Secretary of State under paragraph 1(1) of Schedule 2 to the Immigration Act 1971⁶,

“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,

“Permission to Travel letter” means a letter confirming the individual meets the eligibility requirements for entry clearance and can travel to the UK;

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

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

⁶ 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. (a) 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.

(b) 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.

(c) 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) 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.

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

5. (a) 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.

(b) 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.

(c) 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;
 - (c) does not fall for refusal under part 9 grounds for refusal within the immigration rules, other than under rule 9.14.1; and
 - (d) 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.

Overseas entry clearance applications from Ukrainian nationals

7. (a) 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.
- (b) 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.

Arrangements for Ukrainian nationals issued with a valid Permission to Travel letter prior to travelling to the United Kingdom via the Common Travel Area

8. (a) This paragraph applies to a Ukrainian national who:

- (i) submitted a biometric deferral entry clearance application under the Ukraine Scheme and was issued with a valid Permission to Travel letter prior to travelling to the United Kingdom;
 - (ii) subsequently travelled to the United Kingdom via the Common Travel Area; and
 - (iii) was not granted permission to enter or stay by an immigration officer on or after arrival in the United Kingdom.
- (b) If the conditions in paragraph 9 are met, the Secretary of State may consider whether to grant permission to stay in the United Kingdom under Appendix Ukraine Scheme of the immigration rules for 36 months from the date of arrival in the United Kingdom.

Conditions for paragraph 8

9. The conditions referred to in paragraph 8 are that the Ukrainian national:
- (a) meets the criteria in paragraph 8(a);
 - (b) has subsequently varied their application for entry clearance to an application for permission to stay under Appendix Ukraine Scheme of the immigration rules;
 - (c) meets all requirements of Appendix Ukraine Scheme of the immigration rules, other than the requirement to have been granted permission to enter on arrival in the United Kingdom; and
 - (d) does not fall for refusal under part 9 grounds for refusal within the immigration rules, other than under rule 9.14.1.

Arrangements for Ukrainian nationals who enter the United Kingdom via the Common Travel Area without a visa

10. (a) This paragraph applies to a Ukrainian national who:
- (i) did not apply for a visa prior to travelling to the United Kingdom;
 - (ii) subsequently travelled to the United Kingdom via the Common Travel Area after 1 January 2022; and

(iii) was not granted permission to enter or stay by an immigration officer on or after arrival in the United Kingdom.

(b) If the conditions in paragraph 11 are met, the Secretary of State may consider whether to grant permission to stay in the United Kingdom under Appendix Ukraine Scheme of the immigration rules for 36 months from the date of arrival in the United Kingdom.

Conditions for paragraph 10

11. The conditions referred to in paragraph 10 are that the Ukrainian national:

(a) meets the criteria in paragraph 10(a);

(b) has subsequently made an application for permission to stay under Appendix Ukraine Scheme of the immigration rules;

(c) meets all requirements of Appendix Ukraine Scheme of the immigration rules, other than the requirement to have permission to enter or stay in the United Kingdom:

(i) under section UKR 5.2 if applying for the Ukraine Family Scheme; or

(ii) under UKR 21.3 if applying for the Ukraine Extension Scheme and was in the United Kingdom on or between 18 March 2022 and 16 November 2023; and

(d) does not fall for refusal under Part 9 grounds for refusal within the immigration rules, other than under rule 9.14.1.

Arrangements for Ukrainian nationals who entered the United Kingdom via the Common Travel Area before receiving a decision on their entry clearance application

12. (a) This paragraph applies to a Ukrainian national who:

(i) submitted an entry clearance application under the Ukraine Scheme from outside the UK;

(ii) subsequently travelled to the United Kingdom via the Common Travel Area before receiving a decision on that application; and

(iii) was not granted permission to enter by an immigration officer on or after arrival in the United Kingdom.

(b) If the conditions in paragraph 13 are met, the Secretary of State may consider whether to vary the application for entry clearance to an application for permission to stay under Appendix Ukraine Scheme of the immigration rules for 36 months from the date of arrival in the United Kingdom.

Conditions for paragraph 12

13. The conditions to be met for paragraph 12 are that the Ukrainian national:

(a) meets the criteria in paragraph 12(a);

(b) has since arriving in the United Kingdom varied their application for entry clearance to an application for permission to stay under Appendix Ukraine Scheme of the immigration rules;

(c) meets all requirements of Appendix Ukraine Scheme of the immigration rules other than the requirement to have had permission to enter or stay in the United Kingdom on or between 18 March 2022 and 16 November 2023; and

(d) does not fall for refusal under part 9 grounds for refusal within the immigration rules, other than under Rule 9.14.1.

Duration

14. This ministerial authorisation remains in force until 5 September 2024 and will be kept under review.

Home Office

15/04/2024


Minister of State for Legal Migration and the
Border

