

ADVICE FOR UKRAINIANS

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1. I set out the new visa rules which apply to Ukrainians from outside and within the UK with and without families in the UK. These rules answer most if not all of the questions sought. The links to the rules, guidance and forms are set out below in the footnotes.

2. The Ukraine Family Scheme

Overview

3. The Home Office has updated its guidance webpage in relation to the Ukraine Family Scheme. The updated version confirms that individuals who have already arrived in the UK can apply under the scheme, subject to meeting the eligibility criteria. Where the applicant is applying from inside the UK, they must apply using a specified form and enrol their biometric information at a UK Visa and Citizenship Application Services (UKVCAS) centre. The applicant will not be required to pay for the biometric enrolment fee, and other UKVCAS service fees eg uploading documents at the centre.

The Ukraine Family Scheme allows applicants to join family members or extend their stay in the UK.¹

4. It is free to apply.
5. You will be able to live, work and study in the UK and access public funds.
6. If you need any assistance, please call the 24/7 free helpline +44 808 164 8810 (0808 164 8810 if you're in the UK).
7. **If you cannot contact UK 0808 numbers, please use +44 (0)175 390 7510.**

The FORM:²

8. Use this form to apply to stay in the UK as the family member of someone based in the UK. At least one person in your family group must be a Ukrainian citizen.³
9. [Read the guidance](#) to find out about eligibility and how to make your application.⁴
10. The Guidance provides:⁵
11. Guidance for family members of British nationals, UK settled persons and certain others to come to or stay in the UK under the Ukraine Family Scheme.

¹ <https://www.gov.uk/guidance/apply-for-a-ukraine-family-scheme-visa#overview>

² https://apply.visas-immigration.service.gov.uk/product/ukraine-scheme?_ga=2.83454806.1907112483.1646647642-2133756334.1641046250

³ https://apply.visas-immigration.service.gov.uk/product/ukraine-scheme?_ga=2.83454806.1907112483.1646647642-2133756334.1641046250

⁴ <https://www.gov.uk/guidance/apply-for-a-ukraine-family-scheme-visa>

⁵ <https://www.gov.uk/guidance/apply-for-a-ukraine-family-scheme-visa>

12. From Tuesday 15 March, if you are outside the UK and hold a valid Ukrainian international passport, you will no longer need to provide your biometric information from overseas to apply to the Ukraine Family Scheme. You will still need to complete an application online, but you will not need to attend an in-person appointment at a visa application centre.
13. Before 15 March, you should apply to the scheme using the current process of submitting an application online and booking an appointment at a visa application centre (VAC).
14. You must provide a valid email address when you submit your application as we will need to contact you with more guidance on the travel process.

Eligibility

15. To apply to the Ukraine Family Scheme you must:
 - be applying to join or accompany your UK-based family member; and
 - be Ukrainian or the immediate family member of a Ukrainian national who is applying to the scheme; and
 - have been residing in Ukraine on or immediately before 1 January 2022 (including those who have now left Ukraine)
16. You can apply if you've already arrived in the UK and meet the requirements above.
17. Your application will be subject to security checks.

UK-based family member

18. Your family member must be one of the following:
 - a British national
 - someone settled in the UK - for example, they have indefinite leave to remain, settled status or proof of permanent residence
 - someone from the EU, Iceland, Liechtenstein, Norway or Switzerland who has pre-settled status and started living in the UK before 1 January 2021
 - someone with refugee status or humanitarian protection in the UK

19. You must provide evidence that your UK-based family member is one of the following:
20. an immediate family member
21. an extended family member
22. an immediate family member of an extended family member
23. You will be asked to provide a copy of an official document that confirms your relationship to your UK-based family member. For example, a marriage or birth certificate if you have one.
24. Please note you can still apply if you are unable to provide this document, explaining why you are unable to do so.

Immediate family members

25. An immediate family member is your:
 - spouse or civil partner
 - unmarried partner (you must have been living together in a relationship for at least two years)
 - child who is under 18
 - parent (if you are under 18)
 - fiancé(e) or proposed civil partner

Extended family members

26. An extended family member is your:
 - parent (if you are over 18)
 - child who is over 18
 - grandparent
 - grandchild or your partner's grandchild

- brother or sister
- aunt or uncle
- niece or nephew
- cousin
- mother-in-law or father-in-law
- grandparent-in-law
- brother or sister-in-law

27. Immediate family member of an extended family member

An immediate family member of an extended family is the:

- spouse or civil partner of an extended family member
- child under 18 of an extended family member
- parent of a child under 18 who is an extended family member
- fiancé(e) or proposed civil partner of an extended family member

28. If your UK-based family member is your (or an extended family member's) spouse, civil partner, fiancé(e) or proposed civil partner the relationship must have started before 1 January 2022.

29. Other family members will be **considered where there are exceptional circumstances.**

If you have a family member from the EU, Iceland, Liechtenstein, Norway or Switzerland

30. You might also be eligible for the [EU Settlement Scheme Family Permit](#) if you are the family member of someone who is living in the UK with settled or pre-settled status under the EU Settlement Scheme who is from the EU, Iceland, Liechtenstein, Norway or Switzerland.

31. You can choose which scheme you apply for but please do not apply to both the Ukraine Family Scheme and the EU Settlement Scheme Family Permit.
32. You must be outside of the UK to apply for an EU Settlement Scheme Family Permit.
33. Regardless of which scheme you apply to, if you're eligible you'll be able to apply to the EU Settlement Scheme once you're in the UK.

How long you can stay

34. Your visa will last up to 3 years.

Fees

35. It is free to apply to the Ukraine Family Scheme.
36. You do not need to pay the immigration health surcharge or biometric enrolment fee for this scheme.

Apply from outside the UK

37. You must [apply online](#) for the Ukraine Family Scheme if you are outside the UK.
38. You will then need to book and attend an appointment at a [visa application centre](#) (VAC).
39. From 15 March, if you hold a valid Ukrainian international passport, you will still need to complete an application online, but you will not need to attend an in-person appointment at a visa application centre.
40. If you do not hold a valid Ukrainian international passport you will need to book and attend an appointment at a [visa application centre](#).

Visa application centres

41. You will need to have your photograph and fingerprints taken at a VAC as part of your application. Children under the age of 5 will not have their fingerprints taken but will still need to attend the VAC and have a digital photograph taken.

42. When you attend the VAC you will need to provide your passport which will be scanned. If you do not have a passport you can still apply but will need to explain why you are unable to provide it.
43. From 15 March, you will only need to have your photograph and fingerprints taken at a VAC if you are applying without a valid Ukrainian international passport.

Visa application centre availability

44. VACs in Ukraine are currently closed. You can apply at a VAC in any country if you are able to travel safely.
45. There is a temporary VAC for people applying for the Ukraine Family Scheme in [Rzeszow, Poland](#). You'll need to complete your online application and book an appointment before attending the Rzeszow VAC - walk-in appointments are no longer accepted.
46. VACs are currently operating throughout Europe including:

[Budapest, Hungary](#)

[Chisinau, Moldova](#)

[Warsaw, Poland](#)

[Bucharest, Romania](#)

[Paris, France](#)

How long it takes

47. You will need to await a decision from UKVI on your application before travelling.
48. We will prioritise your application and aim to make a decision as quickly as possible.
49. You will be contacted when a decision has been made with more guidance on the travel process.
50. Please do not attend the VAC to collect your decision until you have been contacted.

Contact UKVI

51. You can call the free 24/7 helpline on +44 808 164 8810 if you are outside the UK for help with any questions about the scheme.

Apply from inside the UK

52. You must [apply online](#) for the Ukraine Family Scheme if you are in the UK.
53. You will then book and attend an appointment at [UK Visa and Citizenship Application Services \(UKVCAS\)](#) service point.

UKVCAS service points

54. You will need to give your fingerprints and a photograph (biometric information) at a UKVCAS service point - this is to get a biometric residence permit.
55. Children under the age of 5 will not have their fingerprints taken but will still need to attend the UKVCAS and have a digital photograph taken.
56. Some services at UKVCAS service points have a fee. You do not need to use these services, such as document scanning, to complete your application and you should not pay for them in advance.
57. If you need to use any of these services at a UKVCAS service point during your appointment, you will not need to pay a fee for them.

How long it takes

58. We will prioritise your application and aim to make a decision as quickly as possible.
59. You will be contacted when a decision has been made.

Contact UKVI

60. You can call the free 24/7 helpline on 0808 164 8810 if you are in the UK for help with any questions about the scheme.

Second Route to the UK by those without families in the UK:

61. The Homes for Ukraine programme will allow individuals, charities, community groups and businesses to bring people escaping the war to safety – even if they have no ties to the UK. Anyone with a room or home available can offer it to a Ukrainian individual or a family, though those offering will be vetted and Ukrainian applicants will undergo security checks.

Local Sponsorship Scheme

62. In addition, the Government has announced “plans” to set up a “*Local Sponsorship Scheme for Ukraine*”, according to which “*sponsors, such as communities, private sponsors or local authorities [will be able] to bring those forced to flee Ukraine to the UK*”. This is said to be for Ukrainians with “*no ties*” to the UK. It is said that there will be no formal limit on the numbers who may benefit from this and that “[*t*]hose who come under this scheme will also be granted leave for an initial period of 12 months and able to work and access public services”,⁶⁹ although it also appears to be envisaged that “*the sponsor would provide housing and integration support*”.⁷

How long can refugees stay with a family or individual?

63. Members of the public will be able to nominate a Ukrainian family to stay with them for at least six months. Sponsored Ukrainians will be granted three years’ leave to remain in the UK, with entitlement to work and access public services.

Other routes:

64. All other individuals in Ukraine who do not fall within the above-

Normal visa routes

65. Individuals who are not eligible to apply under the above family routes may apply for another visa under the Immigration Rules. These include the “*normal*” visas to visit, study or work in the UK.

66. Key categories include:

- a. Seasonal Worker Visa: This visa would enable individuals to come to the UK to work in “*edible horticulture*” for up to 6 months (*i.e.* picking fruit and vegetables).⁶ The alternative lines of work listed under this visa — namely, “*pork butchery*”, “*poultry work*”, and “*driv[ing] heavy goods vehicles to transport food*” — are no longer available.⁷ Eligibility requires that the individual has both: a certificate of sponsorship reference number from a UK sponsor; and sufficient money to support herself in the UK (*i.e.* about £1,270) (unless exempt). An individual coming to the UK on a Seasonal Worker Visa cannot take a permanent job, is not eligible for public funds, and cannot bring family members. This may change too by the Government deciding to relax the rule for Ukrainians.
- b. Standard Visitor Visa: This visa would enable individuals to come to the UK “*for tourism, business, study (courses up to 6 months) and other permitted activities*” for up to 6 months (with extensions available in certain limited circumstances), after which they must intend to leave the UK.⁸ The individual must be able to support herself during the trip and to pay for the return or onward journey (or has funding from someone else), and is able to show that she will not live in the UK for long periods of time (*i.e.* “*through frequent or successive visits*”). An individual coming to the UK on a Standard Visitor Visa cannot undertake (paid or unpaid) work, is not eligible for public funds, and cannot marry or register a civil partnership.

67. For those who “*need to travel to the UK urgently for compassionate reasons*”, the Guidance advises these individuals to “*apply for a visa in the usual way*” and include “*clear compelling or compassionate reasons*” in the application.⁹

⁶ UK Home Office, “[Temporary Work – Seasonal Worker Visa](#)”.

⁷ The deadlines and date restrictions are as follows: “*pork butchery*” (application closed 31 December 2021); “*poultry work*” (application closed 15 November 2021, with work permitted until 31 December 2021); and “*driv[ing] heavy goods vehicles*” (application closed 1 December 2021, with work permitted until 28 February 2022).

⁸ UK Home Office, “[Visit the UK as a Standard Visitor](#)”.

⁹ UK Home Office, “[Guidance: Support for family members of British nationals in Ukraine, and Ukrainian nationals in Ukraine and the UK](#)” (6 March 2022).

68. The Government does not have plans to create additional humanitarian visa routes.

69. The specific questions asked are covered by the recent Home Office Concession.

70. What option do we have to switch our route from Tier 5 to Tier 2. Tier 2 is now replaced by the Skill Worker.

71. Under the Home Office Concession such switching is permitted with in-built flexibility.

The Concession provides:¹⁰

72. To be eligible to be considered under this concession an applicant must be a Ukrainian national seeking leave to remain under Appendix FM or Part 7 or 8 of the Immigration Rules and either: a) • in the UK • with either limited leave to enter or remain, or an overstayer and paragraph 39E of the Immigration Rules applies • have paid the appropriate fee and Immigration Health Charge (if required) • have provided a passport or other travel document which satisfactorily establishes their identity and nationality • meet the requirements in Appendix FM or Parts 7 or 8 of the Immigration Rules for the route they are applying under, including eligibility and suitability requirements, subject to the concessions contained in this guidance Or, in respect to document flexibility, b) • be outside the UK • have made a valid application for entry clearance including providing biometrics • have paid the appropriate fee and Immigration Health Charge (if required) • have provided a passport or other travel document which satisfactorily establishes their identity and nationality • meet the requirements in Appendix FM or Part 8 of the Immigration Rules for the route they are applying under, including eligibility and suitability requirements, subject to the concessions contained in this guidance Applications which do not meet the above criteria, (for example if they do not meet the requirements of the Immigration Rules not waived by this concession) may be refused or rejected following consideration as to whether exceptional circumstances apply as set out in sections GEN.3.1 to 3.3, Section EX.1. or consideration outside the Immigration Rules. If an applicant meets these criteria, they will be granted permission to enter or stay on the route applied for and for the length of time normally allowed under the route in which they are applying and on the same conditions.

Switching

73. This section sets out when some Ukrainian nationals can apply for permission to stay

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057364/Concession_to_the_Immigration_Rules_for_Ukrainian_nationals_on_family_routes.pdf

under the family Immigration Rules when the Rules would not usually permit it because of the leave they currently hold (often called ‘switching’).

74. This concession recognises that the situation in Ukraine may mean that some Ukrainian nationals may be in the UK and eligible for other immigration routes, but may face challenges if they are required to return to Ukraine in order to make an out of country application for entry clearance as would normally be required. This concession is intended to facilitate those who have come for a visit or on a temporary route but who meet the requirements of the family Rules to continue their stay in the UK, including on routes to settlement where those requirements are met, and where UKVI are satisfied that it would not be appropriate to require them to return to Ukraine. It covers those who meet the general requirements above and meet the following relevant requirements.

75. The decision maker does not require detailed evidence as to why a document is not available. They can instead be satisfied with a reasonable written explanation provided with the application as to why the document cannot be obtained. A sufficient and reasonable explanation may for example be that it is not possible to obtain a document from an institution as it is not functioning or is not offering its full range of services due to military conflict.

Biometrics:

76. From Tuesday 15 March 2022, eligible Ukrainian applicants with a passport will not be required to attend a visa application centre to enrol their biometric information. Instead, successful applicants will receive a notification that they are 'eligible for the scheme and can come to the UK'. The applicant will then be required to enrol their biometric information in the UK. The speech also states that 'vital security checks will continue on all cases', and that the capacity at visa application centres across Europe has increased, with over 13,000 appointments every week.

77. A specialist volunteer who is ready to assist with these and other enquiries includes -Ash Immigration Services, 212 Warwick Road, Sparkhill, Birmingham, B11 2NB, UK. Tel: 0044 (0) 121 753 0999 Fax: 0044 (0) 121 753 1999

78. Please feel free to come back to me.

R de Mello

No5 Chambers

London

14.3.22