



TO:

Rt Hon Dame Diana Johnson MP
Chair of the Home Affairs Select
Committee
House of Commons
London
SW1A 0AA

11 May 2022

IMMIGRATION RULES CHANGES

I am writing to inform the Chair of the Home Affairs Select Committee of changes to the Immigration Rules.

On 11 May new Immigration Rules will come into effect which impose a visa regime on nationals of El Salvador and make some changes to the circumstances in which humanitarian protection claims can be made. On 1 June new Immigration Rules will come into effect which will expand the electronic visa waiver (EVW) scheme to nationals of Bahrain and Saudi Arabia and on 28 June new Immigration Rules will come into effect which implement the reformed asylum system as a result of the Nationality and Borders Act 2022.

As a result of the Nationality and Borders Act 2022, changes have been made to the Immigration Rules to **implement the reformed asylum system** which will introduce a differentiated asylum system as provided for by Section 12 of the 2022 Act. In order to do this, we have also introduced three new types of permission to stay to a person granted on a protection route:

- refugee permission to stay for Group 1 refugees;
- temporary refugee permission to stay for Group 2 refugees; and
- temporary humanitarian permission to stay for recipients of humanitarian protection

This will mean different entitlements are provided to refugees who did not come directly to the UK, did not claim asylum without delay or, in some cases, have not shown good cause for any illegal entry or presence in the UK. This supports our key principle of deterring dangerous journeys and encouraging asylum claims to be made in the first safe country an asylum seeker reaches; this is the fastest route to safety.

The current Immigration Rules do not define a “claim for humanitarian protection”, therefore we will clearly outline the Government’s definition of such a claim. Furthermore, some of the changes to humanitarian protection in the Rules are necessary for the effective operation

of the Migration and Economic Development Partnership with Rwanda in preventing unnecessary delays to removal. Currently, if individuals may make a humanitarian protection claim against country of return (which under the definition would include Rwanda), that would require an assessment of whether the individual is a refugee. This runs counter to the object and purpose of the Partnership, where responsibility for refugee status determination is transferred to Rwanda. We intend to clarify that a claim for humanitarian protection can only be made against country of origin (as is the case with asylum claims). The change does not prevent individuals from raising safety concerns about their removal and the specific circumstances of any individual will be considered before removal to ensure the removal is safe and meets the UK's legal obligations, including under the ECHR.

These changes will be made from 11 May 2022, this is necessary and proportionate in order to provide clarity to applicants on the circumstances in which they can lodge a claim for humanitarian protection and prevent unnecessary delays to remove under the UK-Rwanda Partnership. Given the anticipated deterrent effect of the Partnership on people smuggling, this will help to quickly reduce the number of dangerous journeys and save lives.

We have also introduced a provision to clarify exceptional circumstances that may warrant a grant of permission to enter or stay in the UK for children seeking to join a refugee parent or relative. This change will help create more fairness, transparency, and consistency in decision-making.

The changes made to **impose a visit visa regime on nationals of El Salvador** from 11 May 2022, are considered to be necessary and proportionate for reasons of safeguarding the operation of the national immigration system. Salvadorian nationals currently make up the highest number of asylum claims at port amongst non-visa nationals. There were 38 asylum claims made by Salvadoran nationals in 2017. This figure has sharply increased by 1750% to reach 703 in 2021.

This change includes a transition period for Salvadoran nationals travelling to the UK without a visa. This will commence at the same time as the visa regime is imposed on 11 May 2022, until four weeks after the imposition date, on 3 June 2022. During this period, Salvadorians who hold a confirmed booking to the UK made before 16:00 BST 11 May 2022, and where arrival in the UK is no later than 8 June 2022, will be exempt from the visa requirement. Those booking after 11 May, or due to arrive in the UK on or after 8 June will require a visa. This transition period will prevent operational difficulties, general unfairness, and ensure that people who arranged travel before this announcement do not lose money. The length of the period (four weeks) has been chosen in order to give Salvadorans enough time to book and receive a visa. The current service-level agreement for processing times for visit visas is approximately 15 working days.

We will also suspend an existing Visa Treaty (1962) between El Salvador and the UK, covering visa free travel between our countries. The treaty allows for an immediate suspension, "on grounds of public policy".

Finally, we are **allowing nationals of Bahrain and Saudi Arabia access to the Electronic Visa Waiver (EVW)** from 1 June 2022. An EVW is used to make a single-entry, flight-specific trip to the UK. It needs to be completed before each trip and is only applicable for stays of six months or less.

This policy change brings the status of Bahrain and Saudi Arabia in line with other Gulf states (Oman, Kuwait, UAE and Qatar), who already benefit from EVW status.

The necessary changes to the Immigration Rules are being laid on 11 May 2022. For the changes regarding El Salvador, due to safeguarding the operation of the national immigration system, those changes will come into effect on 11 May 2022. The necessary

changes to allow Bahrain and Saudi Arabia to access EVW come into effect on 1 June 2022 and in order to provide clarity to applicants on the circumstances in which they can lodge a claim for humanitarian protection and prevent unnecessary delays to removal under the UK-Rwanda Partnership, the humanitarian protection changes will come into effect on 11 May 2022, and the wider Asylum changes come into effect on 28 June 2022.

With my very best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish at the end.

Kevin Foster MP
Minister for Safe and Legal Migration