

ILPA information sheet

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Extension of Syrian Concession

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In late 2012, the Home Office introduced a special concession for Syrian nationals in the UK, in light of the ongoing war in that country. Its effect is to make it easier for Syrians to extend their stay in UK lawfully. The concession initially applied for a five month period from 15 October 2012 until 15 March 2013. The Home Office has recently [announced](#)¹ an extension of this concession for a further 12 months, until 28 February 2015.

The concession applies to all Syrian nationals who are lawfully in the UK (or had their visa expire within the previous 28 days). Such persons will be able to apply to extend their stay in the same visa category, or switch to another (non-settlement) category. Applicants will still need to meet the requirements of the category they apply for and pay the fee, etc. The time period granted will be that which normally applies to the category of visa involved.

Details of the Concession

The concession covers individuals who meet the following **criteria**:

- persons of Syrian nationality;
- who are present within the UK;
- whose country of habitual residence is Syria;
- who have limited leave to enter or remain or whose leave has expired within the past 28 days

Such persons may apply to the Home Office to extend their current leave in one of the **categories** below (the normal time limits for those categories will not be applied):

- Visitors
- Tier 1 General
- Tier 4 General (Student),
- Family members of relevant points-based system migrants
- Overseas Domestic Workers

¹ HL Deb, 13 Feb 2014 c79WS

Switching categories

In addition to the option to extend a visa's duration in the categories above, Syrians who entered the UK in other visa categories may also switch from their current category into another without having to leave the United Kingdom (as is often required when changing category). There are some restrictions, for example certain categories of visa-holder can only switch into the General Visitor or certain Points-Based system categories. The full list is set out in the [guidance](#). **However in all cases switching into a settlement category is not permitted.** This is important, because it means that the additional time spent lawfully in the UK will not count towards establishing a permanent right to stay.

Family members

Dependants of a visa holder can apply to extend their stay in line with the main applicant or can apply to become a visa holder in their own right if they meet the terms of the category in which they are applying.

A flexible approach

The normal rules limiting the amount of time spent in each category will not apply to visas granted under the concession. The Home Office has stated that it will take a liberal approach where documents cannot be provided due to the civil unrest in Syria. If this is the case, the applicant should explain this in their application and, according to the Home Office guidance, the requirement to provide the document in question may be waived.

What about asylum?

While on its face the concession may appear a benevolent gesture, on another view, it is being offered as an attempt to see off asylum or humanitarian protection applications from Syrians in the UK who may well have valid claims for international protection. A successful asylum claim entitles the applicant to refugee status, valid for five years. Recognised refugees have rights akin to those of British citizens, and a clear path to a permanent right to stay in the UK, and ultimately British citizenship. They also have the right to reunite their family unit by bringing close family members from abroad to reside in the UK.

Whether an asylum application or an application for a visa under the concession is the right option for an individual will depend on the facts of the case. Syrian nationals will require legal advice on the matter to determine whether an application for a visa under the concession or an asylum application is the appropriate option for them.

Further Information

Guidance on the concession is available from the Home Office website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279687/syrian-concessions.pdf