

# STATEMENT OF CHANGES IN IMMIGRATION RULES

*Laid before Parliament on 13 June 2011 under section 3(2) of  
the Immigration Act 1971*

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## STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by her as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC329), 30 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863) and 31 March 2011 (HC 908).

The changes set out in this Statement in paragraphs 1, 2, 3, 6, 7, 10 to 52 and 55 to 78 shall take effect on 4 July 2011. However, if an applicant has made an application for leave before 4 July 2011 and the application has not been decided before that date, it will be decided in accordance with the Rules in force on 3 July 2011.

The changes in paragraphs 4, 5, 8, 9, 53 and 54 shall take effect on 1 October 2011. If an applicant has made an application for leave before 1 October 2011 and the application has not been decided before that date, it will be decided in accordance with the Rules in force on 30 September 2011.

### Review

Before the end of each review period, the Secretary of State must:

- (a) carry out a review of the changes made by HC 1148 to the extent that they are still in force,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

The report must in particular:

- (a) set out the objectives intended to be achieved by any regulatory system established by HC 1148,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 4 July 2011, and
- (b) subject to the paragraph below, each successive period of five years.

If a report under this provision is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

### Changes

1. In paragraph 6, after the definition of “degree level study” insert:

“Under Part 8 of these Rules, “**post-graduate level study**” means a course at level 7 or above of the revised National Qualifications Framework or Qualifications and Credit Framework, or level 11 or above of the Scottish Credit and Qualifications Framework, which leads to a recognised United Kingdom postgraduate degree at Master’s level or above, or an equivalent qualification at the same level.”

2. In paragraph 6, after the definition of “supplementary employment” insert:  
 “Under part 6A and Appendix A of these Rules, “**overseas higher education institution**” means an institution which holds overseas accreditation confirmed by UK NARIC as offering degree programmes which are equivalent to UK degree level qualifications, and which teach no more than half of a degree programme in the UK as a study abroad programme.”
3. Delete paragraph 245GE(f) and substitute:  
 “(f) The cases referred to in paragraph (e) are those where:
  - (i) the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, and
  - (ii) the applicant previously had leave as a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 6 April 2011; and
  - (iii) the applicant has not been granted entry clearance in this or any other route since the grant of leave referred to in (ii) above; and
  - (iv) paragraphs (c) to (d) do not apply.”
4. In paragraph 245ZV(d) after “undertake” insert “a course starting on or before 31 December 2011 which is”.
5. After paragraph 245ZV(d) insert:  
 “(da) If the applicant wishes to undertake a course starting on or after 1 January 2012 which is:
  - (i) undergraduate or postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of these Rules, or
  - (ii) undergraduate or postgraduate studies leading to a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of these Rules, or
  - (iii) a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of these Rules at an institution of higher education where this forms part of an overseas postgraduate qualification

the applicant must hold a valid Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office which relates to the course, or area of research, that the applicant will be taking and at the institution at which the applicant wishes to undertake it and must provide the specified documents to show that these requirements have been met.”
6. In paragraph 245ZV(g) delete:  
 “, and
  - (1) if the course contains a work placement the Sponsor must be a Highly Trusted Sponsor unless the course is a foundation degree, or
  - (2) if the course is at level 3 on the National Qualifications Framework, or at level 6 on the Scottish Credit and Qualifications Framework, the Sponsor must be a Highly Trusted Sponsor”.
7. Delete paragraphs 245ZW(c)(iii)(1), (2) and (3) and substitute:  
 “(1) employment during term time of no more than 20 hours per week and employment (of any duration) during vacations, where the student is following a course of degree level study and is either:
  - (a) sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or
  - (b) sponsored by an overseas higher education institution to undertake a short-term Study Abroad Programme in the United Kingdom.

(2) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of below degree level study and is sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council,

(3) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of study at any academic level and is sponsored by a Sponsor that is a publicly funded further education college,”
8. In paragraph 245ZX(e) after “undertake” insert “a course starting on or before 31 December 2011 which is”.
9. At the end of paragraph 245ZX(e), insert:

“(ea) If the applicant wishes to undertake a course starting on or after 1 January 2012 which is:

- (i) undergraduate or postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of these Rules, or
- (ii) undergraduate or postgraduate studies leading to a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of these Rules, or
- (iii) a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of these Rules at an institution of higher education where this forms part of an overseas postgraduate qualification

the applicant must hold a valid Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office which relates to the course, or area of research, that the applicant will be taking and at the institution at which the applicant wishes to undertake it and must provide the specified documents to show that these requirements have been met.”

10. In paragraph 245ZX(h) delete:

“, and

- (1) if the course contains a work placement the Sponsor must be a Highly Trusted Sponsor unless the course is a foundation degree, or
- (2) if the course is at level 3 on the National Qualifications Framework, or at level 6 on the Scottish Credit and Qualifications Framework, the Sponsor must be a Highly Trusted Sponsor”.

11. Delete paragraphs 245ZY(c)(iii)(1), (2) and (3) and substitute:

“(1) employment during term time of no more than 20 hours per week and employment (of any duration) during vacations, where the student is following a course of degree level study and is either:

- (a) sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or
- (b) sponsored by an overseas higher education institution to undertake a short-term Study Abroad Programme in the United Kingdom.

(2) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of below degree level study and is sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council,

(3) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of study at any academic level and is sponsored by a Sponsor that is a publicly funded further education college.”

12. In paragraph 245ZZB(c)(v)(1), after “that visa letter” insert:

“unless the migrant is studying at an institution which is a partner institution of the migrant’s Sponsor”.

13. In paragraph 245ZZD(c)(v)(1), after “that visa letter” insert:

“unless the migrant is studying at an institution which is a partner institution of the migrant’s Sponsor”.

14. In Paragraph 281 (i) (a) (ii) (b) delete “the Secretary of State considers that”.

15. In Paragraph 281 (i) (a) (ii) (c) delete “the Secretary of State considers”.

16. In Paragraph 281 (i) (a) (iv) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.

17. In Paragraph 281 (i) (a) (v) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.

18. In Paragraph 281 (i) (a) (v) (2) after “UK NARIC has confirmed that the” delete “degree” and insert “qualification”.

19. In Paragraph 281 (i) (a) (vi) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.

20. In Paragraph 284 (ix) (a) (ii) delete “the Secretary of State considers that”.

21. In Paragraph 284 (ix) (a) (iii) delete “the Secretary of State considers”.

22. In Paragraph 284 (ix) (c) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.

23. In Paragraph 284 (ix) (d) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.

24. In Paragraph 284 (ix) (d) (2) after “UK NARIC has confirmed that the” delete “degree” and insert “qualification”.

25. In Paragraph 284 (ix) (e) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.

26. In Paragraph 290 (vii) (a) (ii) delete “the Secretary of State considers that”.

27. In Paragraph 290 (vii) (a) (iii) delete “the Secretary of State considers”.
28. In Paragraph 290 (vii) (c) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
29. In Paragraph 290 (vii) (d) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
30. In Paragraph 290 (vii) (d) (2) after “UK NARIC has confirmed that the” delete “degree” and insert “qualification”.
31. In Paragraph 290 (vii) (e) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
32. In Paragraph 295A (i) (a) (ii) (b) delete “the Secretary of State considers that”.
33. In Paragraph 295A (i) (a) (ii) (c) delete “the Secretary of State considers”.
34. In Paragraph 295A (i) (a) (iv) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
35. In Paragraph 295A (i) (a) (v) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
36. In Paragraph 295A (i) (a) (v) (2) after “UK NARIC has confirmed that the” delete “degree” and insert “qualification”.
37. In Paragraph 295A (i) (a) (vi) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
38. In Paragraph 295D (xi) (a) (ii) delete “the Secretary of State considers that”.
39. In Paragraph 295D (xi) (a) (iii) delete “the Secretary of State considers”.
40. In Paragraph 295D (xi) (c) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
41. In Paragraph 295D (xi) (d) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
42. In Paragraph 295D (xi) (d) (2) after “UK NARIC has confirmed that the” delete “degree” and insert “qualification”.
43. In Paragraph 295D (xi) (e) after “Bachelor’s” insert “or Master’s” and after “degree” insert “or PhD”.
44. In paragraph 298(ii) (c), insert after the word “Citizen”, “; or”.
45. After paragraph 298 (ii) (c) , insert new sub-paragraph (d):  
“(d) the applicant was admitted into the United Kingdom in accordance with paragraph 319X, as the child of a relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom and who is now present and settled here.”
46. In paragraph 319C(i) delete “the Tier 4 (General) Student must be applying for or have entry clearance or leave to remain for a course of study that is longer than six months” and insert:  
“(1) the Relevant Points Based System Migrant must be applying for a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or Student for a course of more than six months duration within the three months immediately preceding the date of the application; and  
(2) the Partner must have or have last had entry clearance, leave to enter or leave to remain as the Partner of a Tier 4 (General) Student or Student with leave for a course of more than six months duration within the three months immediately preceding the date of the application; and  
(3) the Relevant Points Based System Migrant and Partner must be applying at the same time; or  
(4) the Relevant Points Based System Migrant must be a Government Sponsored student who is applying for or has entry clearance or leave to remain for a course of study that is longer than six months; or  
(5) the Relevant Points Based System Migrant must be undertaking a course which is 12 months or longer in duration, and is of post-graduate level study, sponsored by a Sponsor which is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council.”
47. Delete paragraphs 319D(b)(iv) and (v) and substitute:  
“(iv) if the Relevant Points Based System Migrant is a Tier 4 (General) Student and the Partner meets the requirements of paragraphs 319C(i)(1), (2) and (3) and:  
(1) the Relevant Points Based System Migrant is a Tier 4 (General) Student applying for leave for less than 12 months, no employment, or  
(2) the Relevant Points Based System Migrant is a Tier 4 (General) Student who is following a course of below degree level study, no employment.”
48. In paragraph 319H(i), delete “the Tier 4 (General) Student must be applying for or have entry clearance or leave to remain for a course of study that is longer than six months” and insert:  
“(1) the Relevant Points Based System Migrant must be applying for a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain

as a Tier 4 (General) Student or Student for a course of more than six months duration within the three months immediately preceding the date of the application; and

(2) the Child must have or last have had entry clearance, leave to enter or leave to remain as the Child of a Tier 4 (General) Student or Student with leave for a course of more than six months duration within the three months immediately preceding the date of the application; and

(3) the Relevant Points Based System Migrant and Child must be applying at the same time; or

(4) the Relevant Points Based System Migrant must be a Government Sponsored student who is applying for or has entry clearance or leave to remain for a course of study that is longer than six months; or

(5) the Relevant Points Based System Migrant must be undertaking a course which is 12 months or longer in duration, and is of post-graduate level study, sponsored by a Sponsor which is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council.

(j) A Child whose parent is a Relevant Points Based System Migrant, who is a Tier 4 (General) Student or Student, and who does not otherwise meet the requirements of paragraph 319H(i):

(1) must have been born during the Relevant Points Based System Migrant's most recent grant of entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or Student with leave for a course of more than six months duration; or

(2) where the Relevant Points Based System Migrant's most recent grant of entry clearance, leave to enter or leave to remain was to re-sit examinations or repeat a module of a course, must either have been born during a period of leave granted for the purposes of re-sitting examinations or repeating a module of a course or during the Relevant Points Based System Migrant's grant of leave for a course of more than six months, where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module; or

(3) must have been born no more than three months after the expiry of that most recent grant of leave; and

(4) must be applying for entry clearance."

49. Delete paragraphs 319I(b)(iii) and (iv) and substitute:

"(iii) if the Relevant Points Based System Migrant is a Tier 4 (General) Student and the Child meets the requirements of paragraphs 319H(i)(1), (2) and (3) or 319H(j) and:

(1) the Relevant Points Based System Migrant is a Tier 4 (General) Student applying for leave for less than 12 months, no employment, or

(2) the Relevant Points Based System Migrant is a Tier 4 (General) Student who is following a course of below degree level study, no employment."

50. In paragraph 319N, delete "319(i)-(vi)" and replace with "319L (i)-(vi)".

51. After paragraph 319U insert a new heading:

**"Parents, grandparents and other dependent relatives of persons with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection"**.

52. After the new heading insert:

**"Requirements for leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection"**

319V. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection are that the person:

(i) is related to a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom in one of the following ways:

(a) mother or grandmother who is a widow aged 65 years or over; or

(b) father or grandfather who is a widower aged 65 years or over; or

(c) parents or grandparents travelling together of whom at least one is aged 65 or over; or

(d) a parent or grandparent aged 65 or over who has entered into a second relationship of marriage or civil partnership but cannot look to the spouse, civil partner or children of that second relationship for financial support; and where the person with limited leave to enter or remain in the United Kingdom is able and willing to maintain the parent or grandparent and any spouse or civil partner or child of the second relationship who would be admissible as a dependant; or

- (e) a parent or grandparent under the age of 65 if living alone outside the United Kingdom in the most exceptional compassionate circumstances and mainly dependent financially on relatives with limited leave to enter or remain in the United Kingdom; or
- (f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the United Kingdom in the most exceptional compassionate circumstances and mainly dependent financially on relatives with limited leave to enter or remain in the United Kingdom; and
  - (ii) is joining a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom; and
  - (iii) is financially wholly or mainly dependent on the relative who has limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom; and
  - (iv) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and
  - (v) can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and
  - (vi) has no other close relatives in his own country to whom he could turn for financial support; and
  - (vii) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity; and
  - (viii) does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

319VA. Limited leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom may be granted for 5 years provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319V (i)-(viii) is met.

319VB. Limited leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319V (i)-(viii) is met.

**Requirements for indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is present and settled in the United Kingdom or of a former refugee or beneficiary humanitarian protection, who is now a British Citizen.**

319W. The requirements for indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is now present and settled in the United Kingdom or who is now a British Citizen are that:

- (i) the applicant was admitted to the United Kingdom in accordance with paragraph 319V as a dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom; and
- (ii) the sponsor the applicant was admitted to join is now present and settled in the United Kingdom, or is now a British Citizen; and
- (iii) the applicant is financially wholly or mainly dependent on the relative who is present and settled in the United Kingdom; and
- (iv) the applicant can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and
- (v) the applicant can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and
- (vi) the applicant has no other close relatives in their country of former habitual residence to whom he could turn for financial support; and
- (vii) does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

319WA. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is present and settled in the United Kingdom, or who is now a British Citizen may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319W (i)-(vii) is met.

319WB. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319W (i)-(vii) is met.

**Requirements for leave to enter or remain in the United Kingdom as the child of a relative with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.**

319X. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom are that:

- (i) the applicant is seeking leave to enter to accompany or join a relative with limited leave to enter or remain as a refugee or person with humanitarian protection; and
- (ii) the relative has limited leave in the United Kingdom as a refugee or beneficiary of humanitarian protection and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (iii) the relative is not the parent of the child who is seeking leave to enter or remain in the United Kingdom; and
- (iv) the applicant is under the age of 18; and
- (v) the applicant is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (vi) the applicant can, and will, be accommodated adequately by the relative the child is seeking to join without recourse to public funds in accommodation which the relative in the United Kingdom owns or occupies exclusively; and
- (vii) the applicant can, and will, be maintained adequately by the relative in the United Kingdom without recourse to public funds; and
- (viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity; and
- (ix) the applicant does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

319XA. Limited leave to enter the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom may be granted for 5 years provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319X (i)-(ix) is met.

319XB. Limited leave to enter the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319X (i)-(ix) is met.

**Requirements for indefinite leave to remain in the United Kingdom as the child of a relative who is present and settled in the United Kingdom or as a former refugee or beneficiary of humanitarian protection who is now a British Citizen**

319Y. To qualify for indefinite leave to remain as the child of a relative who is present and settled in the United Kingdom, an applicant must meet the requirements set out in paragraph 298(ii) (d)."

53. In the heading of Appendix 6, delete "paragraph 57(v)" and substitute "paragraphs 245ZV and 245ZX".

54. At the end of Appendix 6, insert:

**"For courses commencing on or after 1 January 2012:**

**1. Doctorate or Masters by Research**

JACS codes beginning:

G0 – Mathematical and Computer Sciences

I1 – Computer Science  
I4 – Artificial Intelligence  
I9 – Others in Computer Sciences

**2. Taught Masters:**

H8 – Chemical, Process and Energy Engineering”

55. In Appendix A, after paragraph 115E(v) delete “or”.
56. In Appendix A, after paragraph 115E(vi) delete “.” and insert:  
“; or,  
(vii) an overseas higher education institution which has Highly Trusted Sponsor Status.”
57. In Appendix A, paragraph 118(a), after “from the Sponsor” insert:  
“unless the applicant is sponsored by a Highly Trusted Sponsor, is a national of one of the countries listed in Appendix H, and is applying for entry clearance in his country of nationality or leave to remain in the UK. The UK Border Agency reserves the right to request the specified documents from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made.”
58. In Appendix A, after paragraph 120A(c), insert:  
“120A(ca). A course leading to an approved qualification must be offered by a Sponsor that, if approval at a specified level is required from a relevant awarding organisation, has that approval at the specified level, as set out in the UK Border Agency sponsor guidance published on the UK Border Agency website.”
59. In Appendix A, after paragraph 120A(f) insert:  
“120B. Points will only be awarded for a valid Confirmation of Acceptance for Studies assigned on or after 1 July 2011 (even if all the requirements in paragraphs 116 to 120A above are met) if the Sponsor has confirmed that the course for which the Confirmation of Acceptance for Studies has been assigned represents academic progress from previous study undertaken during the last period of leave as a Tier 4 (General) Student or as a Student, except where:  
(i) the applicant is re-sitting examinations or repeating modules in accordance with paragraph 119 above, or  
(ii) the applicant is making a first application to move to a new institution to complete a course commenced elsewhere.”
60. In Appendix A, after paragraph 125(b), insert:  
“125A. Points will only be awarded for a Confirmation of Acceptance for Studies if the applicant:  
(a) supplies, as evidence of previous qualifications, specified documents that the applicant used to obtain the offer of a place on a course from the Sponsor, or  
(b) is sponsored by a Highly Trusted Sponsor, is a national of one of the countries listed in Appendix H and is applying for entry clearance in his country of nationality or leave to remain in the UK. The UK Border Agency reserves the right to request the specified documents from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made.”
61. In Appendix C, in paragraph 1A, delete (b) to (c) and substitute:  
“(b) If the applicant is applying as a Tier 1 Migrant, a Tier 2 Migrant or a Tier 5 (Temporary Worker) Migrant, the applicant must have had the funds referred to in (a) above for a consecutive 90-day period of time, unless applying as a Tier 1 (Exceptional Talent) Migrant or a Tier 1 (Investor) Migrant;  
(c) If the applicant is applying as a Tier 4 Migrant, the applicant must have had the funds referred to in (a) above for a consecutive 28-day period of time;”
62. In Appendix C, after paragraph 1A(c), insert:  
“(ca) If the applicant is applying for entry clearance or leave to remain as a Tier 4 Migrant, he must confirm that the funds referred to in (a) above are:  
(i) available in the manner specified in paragraph 13 below for his use in studying and living in the UK; and  
(ii) that the funds will remain available in the manner specified in paragraph 13 below unless used to pay for course fees and living costs;”
63. In Appendix C, in paragraph 1A, after (h) insert:

- “(i) the end date of the 90-day and 28-day periods referred to in (b) and (c) above will be taken as the date of the closing balance on the most recent of the specified documents, and must be no earlier than 31 days before the date of application.”
64. In Appendix C, delete paragraph 1 and substitute:  
 “1. An applicant applying for entry clearance or leave to remain as a Tier 1 Migrant must score 10 points for funds, unless applying as a Tier 1 (Exceptional Talent) Migrant or a Tier 1 (Investor) Migrant.”
65. In Appendix C, delete paragraph 11 and substitute:  
 “11. 10 points will only be awarded if the funds shown in the table below are available in the manner specified in paragraph 13 below to the applicant. The applicant must either:  
 (a) provide the specified documents to show that the funds are available to him, or  
 (b) where the applicant is sponsored by a Highly Trusted Sponsor, is a national of one of the countries listed in Appendix H, and is applying for entry clearance in his country of nationality or leave to remain in the UK, confirm that the funds are available to him in the specified manner. The UK Border Agency reserves the right to request the specified documents from these applicants to support this confirmation. The application will be refused if the specified documents are not provided in accordance with the request made.”
66. In Appendix C, paragraph 13 after “show” insert:  
 “or, where permitted by these Rules, the applicant confirms that”.
67. In Appendix C, after paragraph 13(iii) insert:  
 “13A. No points will be awarded where the specified documents show that the funds are held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements is published on the UK Border Agency website.”
68. In Appendix C, delete paragraph 16 and substitute:  
 “16. 10 points will only be awarded if the funds shown in the table below are available in the manner specified in paragraph 21 below to the applicant. The applicant must either:  
 (a) provide the specified documents to show that the funds are available to him, or  
 (b) where the applicant is sponsored by a Highly Trusted Sponsor, is a national of one of the countries listed in Appendix H, and is applying for entry clearance in his country of nationality or leave to remain in the UK, confirm that the funds are available to him in the specified manner. The UK Border Agency reserves the right to request the specified documents from these applicants to support this confirmation. The application will be refused if the specified documents are not provided in accordance with the request made.”
69. In Appendix C, paragraph 21 after “show” insert:  
 “or, where permitted by these Rules, the applicant confirms that”.
70. In Appendix C, after paragraph 21(iii) insert:  
 “21A. No points will be awarded where the specified documents show that the funds are held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements is published on the UK Border Agency website.”
71. In Appendix E, paragraphs (b)(ii), (ba)(i), (ba)(i)(1), (ba)(i)(2) and (g)(ii), delete the references to “Tier 4 Migrant” and substitute each reference with “Tier 4 (General) Student”.
72. In Appendix E, paragraph (ba)(i)(1), delete “London (as defined in paragraph 12 of Appendix B)” and substitute “inner London (as defined in paragraph 12 of Appendix C)”.
73. In Appendix E, paragraph (ba)(i)(2), after “studying in” insert “inner”.
74. In Appendix E, at the end of paragraph (ba)(i)(1) insert “or”.
75. In Appendix E, at the end of paragraph (ba)(i)(2) delete “.” and insert:  
 “, and in each case  
 (3) the applicant must confirm that the funds referred to in (1) or (2) above are:  
 (i) available in the manner specified in paragraph (f) below for use in living costs in the UK;  
 and  
 (ii) that the funds will remain available in the manner specified in paragraph (f) below unless used to pay for living costs.”
76. In Appendix E, after paragraph (i)(3), insert:

“(ia) Sufficient funds will not be deemed to be available to the Partner or Child if the specified documents show that the funds are held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks, and the Relevant Points Based System Migrant to whom the application is connected has, or is being granted, leave as a Tier 4 (General) Student. A list of financial institutions which do not satisfactorily verify financial statements is published on the UK Border Agency website.”

77. In Appendix E, paragraph (j), after “specified documents” insert:

“; unless the applicant is applying at the same time as the Relevant Points Based System Migrant who is a Tier 4 (General) Student sponsored by a Highly Trusted Sponsor, is a national of one of the countries listed in Appendix H, and is applying for entry clearance in his country of nationality or leave to remain in the UK and the applicant is also a national of the same country, and confirms these requirements are met, in which case the specified documents shall not be required. The UK Border Agency reserves the right to request the specified documents from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made.”

78. After Appendix G, insert:

“Appendix H – Countries whose nationals are subject to different documentary requirements under Tier 4 of the Points Based System

Argentina

Australia

British National Overseas

Brunei

Canada

Chile

Croatia

Hong Kong

Japan

New Zealand

Singapore

South Korea

Taiwan (those who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan)

Trinidad and Tobago

United States of America

Where an applicant is a dual national, and only one of their nationalities is listed above, he will be able to apply using the different documentary requirements that apply to these nationals, provided he is applying either for entry clearance in his country of nationality listed above or for leave to remain in the UK.”



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**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
LAID ON 13 JUNE 2011 (HC 1148)**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the Instrument**
  - 2.1 The purposes of these changes are:
    - To bring into effect changes to Tier 4 of the Points Based System following a recent public consultation on reform of the student immigration system;
    - To bring into effect changes to the courses for which Academic Technology Approval Scheme certificates will be required;
    - To bring into effect new provision for other family members of refugees and beneficiaries of humanitarian protection;
    - To make a minor correction to the Tier 2 (Intra-Company Transfer) provisions and clarify requirements of the Points Based System Maintenance Rules; and
    - To make minor, technical changes to the Rules relating to English language requirements for spouses.
3. **Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 The Immigration Rules, as laid before Parliament by the Home Secretary, constitute a statement of practice to be followed in the administration of the Immigration Act 1971 for regulating entry into, and stay of persons in, the United Kingdom.
  - 4.2 This Statement of Changes in Immigration Rules has been incorporated into a consolidated version of the Immigration Rules, which can be found under the 'Policy and Law' page at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk), where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.
  - 4.3 The changes in this Statement at paragraphs 1, 2, 3, 6, 7, 10 to 52 and 55 to 78 shall take effect on 4 July 2011. However, if an applicant has made an application for leave before 4 July 2011 and the application has not been decided before that date, it will be decided in accordance with the Rules in force on 3 July 2011.
  - 4.4 The changes at paragraphs 4, 5, 8, 9, 53 and 54 shall take effect on 1 October 2011. If an applicant has made an application for leave before 1 October 2011 and the application has not been decided before that date, it will be decided in accordance with the Rules in force on 30 September 2011.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to all of the United Kingdom.

## **6 European Convention on Human Rights**

6.1 As this Statement of Changes in the Immigration Rules is subject to a negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

### *What is being done and why*

7.1 A summary of the policy changes contained in this Statement of Changes in Immigration Rules follows:

### *Amendments to Tier 4 of the Points Based System*

7.2 Tier 4 of the Points-Based System caters for international students who wish to study in the United Kingdom. As with other parts of the Points-Based System, Tier 4 was implemented in phases, with the introduction of the main policy changes on 31 March 2009. Tier 4 consists of two categories: Tier 4 (General) Student and Tier 4 (Child) Student.

7.3 The Government ran a public consultation on reform of the Tier 4 student immigration system from 7 December 2010 to 31 January 2011. The Statement of Changes HC908 set out the first set of changes to the Rules governing Tier 4 following consideration of the responses received to the consultation. A Statement of Intent was also published alongside those Rules changes, setting out the other changes the Government plans to make over the coming year. This was to enable education providers and users of the UK's student immigration system to understand the plans for reform and take such steps to prepare themselves as are appropriate. This Statement sets out the second set of changes to the Rules governing Tier 4, as previously announced in the Statement of Intent.

7.4 The following changes are being made to the Tier 4 (General) category, which caters for migrants aged 16 years and over who wish to come to the UK for the purpose of study following on from the review of Tier 4:

- Restricting permission to work during studies for students applying for entry clearance or leave to remain:
  - Students sponsored by a higher education institution (defined as a Recognised Body and or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council) undertaking study at degree level or above will be able to work 20 hours per week during term time and full time during vacations;
  - Students sponsored by a higher education institution undertaking study below degree level will be able to work 10 hours per week during term time, and full time during vacations;
  - Students sponsored by a publicly funded further education college undertaking a course of study at any academic level will be able to work 10 hours per week during term time, and full time during vacations; and
  - Other students will not be granted permission to work at any time.
- Restricting the entitlement to bring dependants (partners and children):

- We will allow new students sponsored by a higher education institution on a course at level NQF 7 / QCF 7 / SQCF 11 or above lasting 12 months or more to sponsor their dependants.
- We will also allow new students to bring dependants where they are sponsored to study in the UK by the UK Government or another national government on a course that is longer than six months.
- The dependants of these students will be able to work, subject to the existing restrictions in the Rules.
- Dependants of students with existing entry clearance or leave to remain in the UK will be able to stay in the UK in line with the duration of their leave and any conditions imposed upon it. Dependants with existing leave wishing to extend their stay will be able to do so subject to existing restrictions, provided they apply at the same time as the Tier 4 (General) Student applies to continue their studies, and within three months of the expiry of their existing leave. Provision is also made to allow for grants of entry clearance to be made where children born to a Tier 4 (General) Student during a period of leave are seeking to enter or re-enter the UK (children born in the UK in these circumstances are not required to obtain leave to remain).
- Students of designated low-risk nationalities attending courses at Highly Trusted Sponsors will not routinely have to present the specified documents at the application stage in respect of their maintenance funds or educational qualifications, although we reserve the right to ask to see those documents. These low risk countries are:
  - Argentina
  - Australia
  - British National Overseas
  - Brunei
  - Canada
  - Chile
  - Croatia
  - Hong Kong
  - Japan
  - New Zealand
  - Singapore
  - South Korea
  - Taiwan (those who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan)
  - Trinidad and Tobago
  - United States of America
- Where a student is applying for entry clearance or leave to remain in order to take a further course of study sponsors will have to vouch that the student is making genuine academic progress. This will not preclude students from undertaking courses at the same level where this will develop

the breadth or depth of their learning, nor prevent those undertaking re-sits or transferring from one institution to another.

- Students and their dependants will have to declare at the application stage that they hold and will continue to hold the required maintenance funds to cover their course fees and living costs, and that these funds will remain available to them to support themselves in the UK while they study and to pay for their course.
- No points will be awarded for maintenance where the specified documents show that the funds are held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements will be published on the UK Border Agency website.
- Students following “study abroad programmes” at overseas higher education institutions with bases in the UK will be treated in line with UK higher education institutions with respect to permission to work during their stay in the UK. These institutions must obtain confirmation from UK NARIC of their overseas accreditation and that they offer degrees equivalent to UK degrees and they teach no more than half of a degree programme in the UK as a study abroad programme. These institutions will also be removed from the Tier 4 interim limit on the allocation of Confirmation of Acceptance for Studies provided they obtain Highly Trusted Sponsor Status.
- If a Sponsor requires approval at a specified level from a relevant awarding organisation in order to be able to deliver a course that leads to an approved qualification to international students under Tier 4, the Sponsor must have that approval at the specified level in order for points to be awarded.

#### ***The Academic Technology Approval Scheme***

- 7.5 In addition, some changes are being made to the list of subjects and course types for which an Academic Technology Approval Scheme (ATAS) certificate will be required. Applicants wishing to undertake certain courses are already required to obtain an ATAS clearance certificate from the Counter Proliferation Department of the Foreign and Commonwealth Office in order to meet the requirements for entry clearance or leave to remain under Tier 4.
- 7.6 The changes to ATAS in this Statement will mean that undergraduate courses, such as integrated Masters or other similar courses in the UK, with a postgraduate exit qualification will be subject to the same rules as those affecting postgraduate study in the UK. This brings consistency of approach to postgraduate study. The list of subjects which require an ATAS certificate is given in Appendix 6. This change strengthens the existing rules on postgraduate study where they relate to the transfer of knowledge or skills that could be used in weapons of mass destruction or their means of delivery.
- 7.7 Two additional subject areas requiring ATAS clearance have been added to Appendix 6 for courses with a start date on or after 1 January 2012. These have the Joint Academic Coding System 2 (JACS 2) codes G0 for Mathematical and Computer Sciences (for research based courses), and H8 for Chemical, Process and Energy Engineering (now for both taught masters and research based courses). New JACS 3 codes are also being introduced by the Higher Education Statistics Agency (HESA) and will come into effect in 2012. This means that some courses have been assigned a different code. In order to take account of these changes an additional three JACS codes have been added to Appendix 6. The additional codes have been included in the list in Appendix 6 to reinforce the UK’s counter-proliferation measures on the transfer of knowledge or skills that could be used in WMD. Any applicant wishing to undertake a course with one of the new JACS 2 or 3 codes listed in Appendix 6 applying on or after 1 October 2011 for a course commencing on or after 1 January 2012 will require an ATAS clearance certificate. Notification

of these changes is being made in the Immigration Rules now because of the long lead-in time needed by both higher education institutions and applicants alike.

#### ***Other family members of refugees and beneficiaries of humanitarian protection***

- 7.8 A new provision for other family members of refugees and beneficiaries of humanitarian protection is being added to Part 8 of the Immigration Rules. Where a refugee or beneficiary of humanitarian protection has only limited leave to remain in the UK, the Immigration Rules do not currently allow him or her to be joined by relatives who do not form part of the nuclear family but are nevertheless dependent (e.g. elderly parents, grandparents, aunts and uncles and children over the age of 18). The Immigration Rules only allow other dependent relatives to join family members in the UK where the sponsor has indefinite leave to remain (ILR) under paragraphs 297 and 317.
- 7.9 Currently, the Secretary of State can use her discretion to consider applications from other dependent relatives of refugees with limited leave outside of the Immigration Rules where there are “compelling and compassionate circumstances” involved. This provides insufficient clarity for applicants and decision makers and leads to a longer and less consistent application and decision-making process than necessary.
- 7.10 The Secretary of State wishes to withdraw the provision for discretion in these applications and insert new provisions into Part 8 of the Immigration Rules to allow dependent relatives of refugees with limited leave to remain to sponsor applications from abroad. We want to align this rule as close as possible to the provisions in paragraph 297 for dependent children of relatives and 317 for other dependent relatives. This means in particular that they would have to be able to be maintained and accommodated by the refugee without recourse to public funds and would be able to apply for Indefinite Leave to Remain as soon as their sponsor acquires it.
- 7.11 The Secretary of State believes that creating this route will provide greater clarity for applicants, sponsors and those considering applications about the entitlement of this group to enter the UK.
- 7.12 We are also including one minor typographical error to paragraph, 319N.

#### ***Amendments to Tiers 1 and 2 of the Points Based System***

- 7.13 A correction is being made to the Tier 2 (Intra-Company Transfer) category to correctly reflect the policy set out in the Explanatory Memorandum to HC 863, that certain migrants who are in the UK in this category under the Rules in place before 6 April 2011 can continue to apply extend their stay beyond five years.
- 7.14 Points-Based System Migrants must provide specified documents (such as bank statements) to show that they have held maintenance funds for a specified period of time, ending no earlier than one month before the date of application. UK Border Agency guidance additionally states that the specified period will be taken as ending from the date of the closing balance of the most recent document. An amendment is being made to bring this existing statement within the Immigration Rules, and to clarify that “no earlier than one month before the date of application” means “no earlier than 31 days before the date of application”. A clarification is also being added to the maintenance rules to confirm that Tier 1 (Exceptional Talent) Migrants are exempt from this requirement.

#### ***Amendments to the English language requirements for spouses***

- 7.15 To make two minor changes to the English language requirement for migrants applying for leave to enter or remain in the UK as the spouse or partner of a British citizen or person settled here. Masters degrees and PhDs taught in English will be accepted as evidence of meeting the requirement. In addition, the references to the Secretary of State will be removed from the

English language exemption provisions to clarify that decisions in these circumstances can also be taken by Entry Clearance Officers.

## **8. Consultation**

- 8.1 The substantive changes to Tier 4 have been developed following a public consultation, “The Student Immigration System – a consultation”, which ran from 7 December 2010 to 31 January 2011. A summary of the findings of this consultation was published on the UK Border Agency website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/students/>. This report gives a detailed statistical breakdown of approximately 31,000 responses the UK Border Agency received via the online consultation questionnaire, as well as a summary of around 300 substantive written responses received largely from corporate partners and individual institutions.
- 8.2 A Statement of Intent, which outlines the Government’s plans for implementation of changes to reform Tier 4 was also published on 31 March on the UK Border Agency website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/sop4.pdf>.
- 8.3 The changes being made to ATAS have been subject of discussions with Universities UK, and higher education institutions are aware of the changes being made. The changes to the Integrated Masters courses did not generally receive a favourable response from HEIs, particularly because these institutions seek a long lead-in time and were concerned about the extra administrative burden if changes were made at short notice. However, it is important that these changes are made to strengthen the UK’s counter proliferation measures and the ATAS scheme itself, bringing the JACS codes lists up to date and including forthcoming JACS 3 changes. The additional JACS codes both strengthen the UK’s counter proliferation measures and meet the technical requirement of the new coding system.
- 8.4 The UK Border Agency has consulted key stakeholders on the ongoing development of family reunion policy, of which these changes form a part. However, no formal public consultation has been undertaken in respect of these changes, given their relatively minor nature and the relatively small numbers likely to be affected by them.
- 8.5 The UK Border Agency has not consulted on the minor technical changes and corrections being made by this Statement to the rules relating to English language requirements for spouses.

## **9. Guidance**

- 9.1 Information on these changes will be made available to migrants, sponsors and UK Border Agency staff, through updates to websites and guidance.

## **10. Impact**

- 10.1 An impact assessment on the changes being implemented following the review of Tier 4 of the Points-Based System has been published on the UK Border Agency website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ia/t4-0611/>.
- 10.2 The changes to ATAS are being introduced not only to strengthen the UK’s counter-proliferation measures, but also to reflect changes introduced by HESA on course codes. Prospective undergraduates who apply to a course with a postgraduate exit qualification will now need to check the JACS codes in Appendix 6 to find out if an ATAS clearance certificate is required for the course. The overall impact on the student is expected to be minimal; if an ATAS certificate is mandatory then this will need to be granted before the applicant applies under Tier 4, but there is no additional charge to the student for this. If a certificate is not granted, it does not preclude students from making a new application for other courses. Higher education institutions will also need to take account of this change but it is not anticipated this will have a significant financial cost.

- 10.3 There is no impact on business, charities or voluntary bodies or on the public sector from the changes to the family reunion policy.
- 10.4 An Impact Assessment has not been conducted in respect of the minor technical changes to the Rules relating to English language requirements for spouses.

### **11. Regulating small business**

- 11.1 The changes to Tier 4 of the Points-Based System will apply to small businesses that are licensed as Tier 4 Sponsors.
- 11.2 The changes to family reunion policy and the English language requirement for spouses have no impact on small business.

### **12. Monitoring and review**

- 12.1 The review clauses at the beginning of this Statement require the Secretary of State to review the operation and effect of the changes in this Statement and publish a report within five years after these changes come into force and within every five years after that. Following each review the Secretary of State will decide whether the changes should remain as they are, or be revoked or be amended. A further Statement of Changes would be needed to revoke the changes or to amend them.
- 12.2 The changes made by this Statement in respect of Tier 4 will be monitored on an on-going basis as part of the review of progress towards meeting the Government's commitment to reduce annual net migration from the level of hundreds of thousands to the level of tens of thousands.
- 12.3 The changes made by this Statement in respect of family reunion policy and the English language requirement for spouses will be monitored on an on-going basis as part of the review of progress towards meeting Public Service Agreement 3: 'ensure controlled, fair migration that protects the public and contributes to economic growth.'

### **13. Contact**

- 13.1 Queries specifically regarding this Statement of Changes only should be addressed as follows:
- Points Based System: to Amanda Willits at the UK Border Agency on 020 8760 2961 or email to: [Amanda.Willits2@homeoffice.gsi.gov.uk](mailto:Amanda.Willits2@homeoffice.gsi.gov.uk).
  - English language requirement for spouses: to Alison Bennett at the UK Border Agency on 020 8760 2973 or [Alison.Bennett@homeoffice.gsi.gov.uk](mailto:Alison.Bennett@homeoffice.gsi.gov.uk)
  - Family reunion: to Fourentza Antoniou at the UK Border Agency on 020 8760 2534 or email to: [Fourentza.Antoniou3@homeoffice.gsi.gov.uk](mailto:Fourentza.Antoniou3@homeoffice.gsi.gov.uk)
- 13.2 Other queries not related to this Statement of Changes, such as queries relating to individual cases should be addressed as per the Contact page on the UK Border Agency website at [www.ukba.homeoffice.gov.uk/contact/](http://www.ukba.homeoffice.gov.uk/contact/).