

Statement of changes in Immigration Rules

HC 877 (Session 2015-2016)

Presented to Parliament on 11 March 2016

ISBN 978-1-4741-2983-1

CORRECTION

On page 6, in paragraph 6A.7, where it reads, “In paragraph 245ZR(f)(iii), after paragraph (4), insert:”, it should instead read, “In paragraph 245ZR(h)(iii), after paragraph (4), insert:”

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CORRECTIONS

1. On page 8, paragraph 6A.16 reads:

6A.16 Delete paragraph 245ZX(h), and insert:

“(h) If the course is below degree level the grant of entry clearance the applicant is seeking must not lead to the applicant having been granted more than 2 years in the UK as a Tier 4 Migrant since the age of 18 to study courses that did not consist of degree level study.

For the avoidance of doubt, the calculation of whether the applicant has exceeded the time limit will be based on what was previously granted by way of period of leave and level of course rather than (if different) periods and courses actually studied.”

It should instead read as follows:

6A.16 Delete paragraph 245ZX(h), and insert:

“(h) If the course is below degree level the grant of leave to remain the applicant is seeking must not lead to the applicant having been granted more than 2 years in the UK as a Tier 4 Migrant since the age of 18 to study courses that did not consist of degree level study.

For the avoidance of doubt, the calculation of whether the applicant has exceeded the time limit will be based on what was previously granted by way of period of leave and level of course rather than (if different) periods and courses actually studied.”

2. On page 8, paragraph 6A.17 reads:

6A.17 In paragraph 245ZX(ha), delete:

“If the course is at degree level or above, the grant of entry clearance the applicant is seeking must not lead to the applicant having spent more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above unless:”

and insert:

“If the course is at degree level or above, the grant of entry clearance the applicant is seeking must not lead to the applicant having been granted more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, to study courses at degree level or above unless:”.

It should instead read as follows:

6A.17 In paragraph 245ZX(ha), delete:

“If the course is at degree level or above, the grant of leave to remain the applicant is seeking must not lead to the applicant having spent more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above unless:”

and insert:

“If the course is at degree level or above, the grant of leave to remain the applicant is seeking must not lead to the applicant having been granted more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, to study courses at degree level or above unless:”.

3. On page 17, paragraph A2. reads:

A2. In paragraph 14(e), delete “Where an applicant cannot find details of his academic qualification on the points based calculator on the visas and immigration pages of the gov.uk website, he must,” and substitute “Where an academic qualification is awarded by an educational establishment outside the UK, the applicant must,”.

It should instead read as follows:

A2. In paragraph 14-SD(e), delete “Where an applicant cannot find details of his academic qualification on the points based calculator on the visas and immigration pages of the gov.uk website, he must,” and substitute “Where an academic qualification is awarded by an educational establishment outside the UK, the applicant must,”.

4. On page 17, paragraph A3. reads:

A3. At the end of paragraph 14(e), after “his qualification”, insert “to the relevant qualification in the UK”.

It should instead read as follows:

A3. At the end of paragraph 14-SD(e), after “his qualification”, insert “to the relevant qualification in the UK”.

5. On page 17, paragraph A4. reads:

A4. In paragraph 14(f), delete “Where an applicant cannot find details of his professional or vocational qualification on the points based calculator, he

must,” and substitute “Where a professional or vocational qualification is awarded by a body outside the UK, the applicant must,”

It should instead read as follows:

- A4. In paragraph 14-SD(f), delete “Where an applicant cannot find details of his professional or vocational qualification on the points based calculator, he must,” and substitute “Where a professional or vocational qualification is awarded by a body outside the UK, the applicant must,”

March 2016

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Presented to Parliament pursuant to section 3(2) of
the Immigration Act 1971*

*Ordered by the House of Commons to be printed
11 March 2016*

(This document is accompanied by an Explanatory Memorandum)



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Queries should be directed to the Home Office as per the 'Contact UKVI' section on the visas and immigration pages of the GOV.UK website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.

A copy of this Statement of Changes can be found on the visas and immigration pages of the GOV.UK website at www.gov.uk/government/collections/immigration-rules-statement-of-changes

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¹STATEMENT 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), 24 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), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014 (HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116),

¹ This Statement of Changes can be viewed at

<https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

13 July 2015 (HC 297), 17 September 2015 (HC 437), and 29 October 2015 (HC535).

Implementation

The changes to Appendix A set out in paragraph A32. of this statement shall take effect for applications for Certificates of Sponsorship under the Tier 2 (General) limit decided on or after 6 April 2016.

The changes to Appendix FM-SE set out in paragraphs FM-SE1 to FM-SE4 of this statement shall take effect for applications made on or after 6 April 2016.

The changes to Appendix AR set out in paragraphs AR1. and AR6. of this statement shall take effect for applications for administrative review decided on or after 6 April 2016.

The other changes set out in this statement shall take effect from 6 April 2016. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 6 April 2016, the application will be decided in accordance with the Rules in force on 5 April 2016.

Review

Before the end of each review period, the Secretary of State undertakes to review all of the relevant Immigration Rules including any Relevant Rule amended or added by these changes. The Secretary of State will set out the conclusions of the review in a report and publish the report.

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) 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 6 April 2012; 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.

“Relevant Rule” means an Immigration Rule which:

- (a) imposes requirements, restrictions or conditions, or sets standards, in relation to any activity carried on by a business or voluntary or community body; or

- (b) relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions or standards which relate to any activity carried on by a business or voluntary or community body.”

Changes to the Introduction

Intro1. In paragraph 6, after the definition for “Academy” insert:

A “**school maintained by a local authority**” means an institution defined within the School Standards and Framework Act 1998 or the Education Act 1996, both as amended. This includes community schools, foundation schools, voluntary aided schools, voluntary controlled schools, community special schools, foundation special schools, pupil referral units, and maintained nursery schools.

Intro 2. In paragraph 6, for the definition of “Independent School” substitute:

“An “**Independent School**” means a school which is:

(a) a school in England and Wales at which full time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) and which is not a) a school maintained by a local authority, or b) a special school not so maintained;

(b) a school in Scotland at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school’; or

(c) a school in Northern Ireland that has been registered with the Department of Education; and

(d) is not an Academy.”

Intro 3. In paragraph 6, in the definition of “public funds”, in sub-paragraph (e), delete “the Northern Ireland Welfare Reform Act 2013” and replace with “the Welfare Reform (Northern Ireland) Order 2015”

Intro 4. In paragraph 6, in the definition of “public funds” at the end of sub-paragraph (f) delete “.” and add “;

(g) a payment made from a welfare fund under the Welfare Funds (Scotland) Act 2015;

(h) a discretionary support payment made in accordance with any regulations made under article 135 of the Welfare Reform (Northern Ireland) Order 2015;

(i) a discretionary payment made by a local authority under section 1 of the Localism Act 2011.”.

Changes to Part 1

- 1.1 In paragraph 30, for the words from “Consular Fees Act 1980” to the end of the paragraph substitute “regulations made under sections 68 and 69 of the Immigration Act 2014 has been paid.”.
- 1.2 In paragraph A34, in the introductory wording, delete “under these Rules”.
- 1.3 In paragraph A34, in sub-paragraph (iii)(d), for “public enquiry office of the United Kingdom Border Agency” substitute “Home Office premium service centre”.
- 1.4 In paragraph 34C(a), for the words from “deemed to be received” (in the first place it occurs) to the end of the sub-paragraph substitute “served in accordance with Appendix SN of these Rules.”.
- 1.5 Delete paragraph 34R(4).
- 1.6 For paragraph 34T substitute:

“34T. A notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.”.

Changes to Part 3

- 3.1 After paragraph A57C(b)(viii), insert:

“(ix) is genuinely seeking entry as a short-term student.”

Changes to Part 5

- 5.1 In paragraph 144(vi)(b)(2), delete “which is deemed by UK NARIC to meet the recognised standard of a Bachelor’s degree in the UK” and substitute “which is a Bachelor’s degree or Master’s degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC to meet the recognised standard of a Bachelor’s degree or Master’s degree or PhD in the UK”.
- 5.2 In paragraph 144(vi)(b)(2)(ii), before “UK NARIC has confirmed”, insert “unless it is a qualification awarded by an educational establishment in the UK”.
- 5.3 In paragraph 144(vi)(b)(3), before “which is deemed by UK NARIC”, insert “from overseas”.

- 5.4 In paragraph 144(vi)(b)(4), delete “the UK;” where it appears after “Trinidad and Tobago”.
- 5.5 Delete paragraph 159A(vi) and substitute:
“(vi) does not intend to take employment except as a domestic worker in a private household; and”
- 5.6 Delete paragraph 159B, and substitute:

“Leave to enter as a domestic worker in a private household

159B. A person seeking leave to enter the United Kingdom as a domestic worker in a private household may be given leave to enter for that purpose for a period of 6 months provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity. Any conditions attached to leave granted in accordance with this paragraph shall not prevent the applicant from taking employment as a domestic worker in a private household other than that of the employer in relation to which entry clearance was originally granted.”

- 5.7 In paragraph 159J –
(i) replace each reference to “6 months” with “2 years” and
(ii) replace “six months” with “2 years”.

Changes to Part 6A

- 6A.1 In paragraph 245DD(e)(xxi)(3), after “offering Pathway Courses, or” insert:
“(4) an independent school,”
- 6A.2 In paragraph 245ED(c)(xvi)(3), after “offering Pathway Courses, or” insert:
“(4) an independent school, or”
- 6A.3 In paragraph 245HF(d)(vi), after sub-paragraph (4), insert:
“(5) £36,900 if the date of application is on or after 6 April 2021,”
- 6A.4 In paragraph 245ZP(f)(iii)(1), after “unless paragraph (2) applies,” insert “and subject to paragraph (5),”.
- 6A.5 In paragraph 245ZP(f)(iii), after paragraph (4), insert:
“(5) in the case of a person granted leave to enter or remain as a Tier 5 (Temporary Worker) migrant on the basis of a Certificate of Sponsorship issued in the International Agreement subcategory which confirmed that the applicant was being sponsored as a private servant

in a diplomatic household, any conditions attached to their leave shall not prevent that person from taking employment as a domestic worker in a household other than that specified in the Certificate of Sponsorship, such alternative employment being for a maximum period of 6 months, or the period of extant leave remaining to the person (whichever is the lesser).

6A.6 In paragraph 245ZR(h)(iii)(1), after “unless paragraph (2) applies,” insert “and subject to paragraph (5).”.

6A.7 In paragraph 245ZR(f)(iii), after paragraph (4), insert:

“(5) in the case of a person granted leave to enter or remain as a Tier 5 (Temporary Worker) migrant on the basis of a Certificate of Sponsorship issued in the International Agreement subcategory which confirmed that the applicant was being sponsored as a private servant in a diplomatic household, any conditions attached to their leave shall not prevent that person from taking employment as a domestic worker in a household other than that specified in the Certificate of Sponsorship, such alternative employment being for a maximum period of 6 months, or the period of extant leave remaining to the person (whichever is the lesser).”

6A.8 Delete paragraph 245ZV(g), and insert:

“(g) If the course is below degree level the grant of entry clearance the applicant is seeking must not lead to the applicant having been granted more than 2 years in the UK as a Tier 4 Migrant since the age of 18 to study courses that did not consist of degree level study.

For the avoidance of doubt, the calculation of whether the applicant has exceeded the time limit will be based on what was previously granted by way of period of leave and level of course rather than (if different) periods and courses actually studied.”

6A.9 In paragraph 245ZV(ga), delete:

“If the course is at degree level or above, the grant of entry clearance the applicant is seeking must not lead to the applicant having spent more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above unless:”

and insert:

“If the course is at degree level or above, the grant of entry clearance the applicant is seeking must not lead to the applicant having been granted more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, to study courses at degree level or above unless:”

6A.10 After paragraph 245ZV(ga)(iii)(6), insert:

“For the avoidance of doubt, the calculation of whether the applicant has exceeded the time limit will be based on what was previously granted by way of period of leave and level of course rather than (if different) periods and courses actually studied.”

6A.11 In paragraph 245ZV(gb) after ‘PHD’ insert ‘, postgraduate research qualification or a Masters degree by research’.

6A.12 In paragraph 245ZW(c)(iv)(2)(b), delete:

“that represents academic progress (as set out paragraph 120A (b) of Appendix A to these Rules) from the course(s) preceding the migrant’s last grant of leave, and: the new course is either:

1. at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned; or
2. at a lower level than the course for which the Confirmation of Acceptance for Studies was assigned, provided that the requirements and conditions of the migrant’s grant of leave as at the date of commencement of the new course are the same requirements and conditions to which the migrant’s leave would have been subject had he made an application to study at that lower level under the Rules in force at the time of commencement of the new course”

and insert:

“and:

1. the course is taught by a UK 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 which is also the sponsor,
2. the course is at degree level or above,
3. the new course is not at a lower level than the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student,
4. the sponsor has Tier 4 Sponsor status,
5. the applicant will be able to complete the new course within their extant period of leave, and
6. if the applicant has previously been granted leave as a Tier 4 (General) Student or as a Student, the sponsor confirms that:

- a. the course is related to the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student, meaning that it is either connected to the previous course, part of the same subject group, or involves deeper specialisation, or
- b. the previous course and the new course in combination support the applicant's genuine career aspirations".

- 6A.13 In paragraph 245ZW(c)(iii), after "provided that the migrant is not self-employed", insert "or engaged in business activity".
- 6A.14 In paragraph 245ZW(c)(vi), after "authority" insert ", except where the migrant has been granted entry clearance to study at an institution which holds a sponsor licence under Tier 4 of the Points Based System which becomes an Academy or a school maintained by a local authority during the migrant's period of study, in which case the migrant may complete the course for which the Confirmation of Acceptance for Studies was assigned, but may not commence a new course at that institution."
- 6A.15 In paragraph 245ZX(b)(i)(3), after "offering Pathway Courses" insert:
- "; or
- (4) an independent school".

- 6A.16 Delete paragraph 245ZX(h), and insert:

“(h) If the course is below degree level the grant of entry clearance the applicant is seeking must not lead to the applicant having been granted more than 2 years in the UK as a Tier 4 Migrant since the age of 18 to study courses that did not consist of degree level study.

For the avoidance of doubt, the calculation of whether the applicant has exceeded the time limit will be based on what was previously granted by way of period of leave and level of course rather than (if different) periods and courses actually studied.”

- 6A.17 In paragraph 245ZX(ha), delete:

“If the course is at degree level or above, the grant of entry clearance the applicant is seeking must not lead to the applicant having spent more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above unless:”

and insert:

“If the course is at degree level or above, the grant of entry clearance the applicant is seeking must not lead to the applicant having been granted more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, to study courses at degree level or above unless:”.

6A.18 In paragraph 245ZX(ha)(iii) delete:

“(1) Veterinary Medicine & Science; or

(2) Music at a music college that is a member of Conservatoires UK (CUK).”

and insert:

“(5) Veterinary Medicine & Science; or

(6) Music at a music college that is a member of Conservatoires UK (CUK).”

6A.19 After paragraph 245ZX(ha)(iii)(6) (as amended), insert:

“For the avoidance of doubt, the calculation of whether the applicant has exceeded the time limit will be based on what was previously granted by way of period of leave and level of course rather than (if different) periods and courses actually studied.”

6A.20 In paragraph 245ZX (hb) after ‘PHD’ insert ‘, postgraduate research qualification or a Masters degree by research’.

6A.21 In paragraph 245ZX(n)(ii), after “the applicant must have” insert “entry clearance or”.

6A.22 In paragraph 245ZY(c)(iii), after “provided that the migrant is not self-employed”, insert “or engaged in business activity”.

6A.23 In paragraph 245ZY(c)(iv)(2)(b), delete:

“that represents academic progress (as set out paragraph 120A (b) of Appendix A to these Rules) on the course(s) preceding the migrant’s last grant of leave, and: the new course is either:

1. at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned; or

2. at a lower level than the course for which the Confirmation of Acceptance for Studies was assigned, provided that the requirements and conditions of the migrant’s grant of leave as at the date of commencement of the new course are the same requirements and conditions to which the migrant’s leave would have been subject had he made an application to study at that lower level under the Rules in force at the time of commencement of the new course”

and insert:

“and:

1. the course is taught by a UK 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 which is also the sponsor,

2. the course is at degree level or above,
3. the new course is not at a lower level than the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student,
4. the sponsor has Tier 4 Sponsor status,
5. the applicant will be able to complete the new course within their extant period of leave, and
6. if the applicant has previously been granted leave as a Tier 4 (General) Student or as a Student, the sponsor confirms that:
 - a. the course is related to the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student, meaning that it is either connected to the previous course, part of the same subject group, or involves deeper specialisation, or
 - b. the previous course and the new course in combination support the applicant's genuine career aspirations"

6A.24 In paragraph 245ZY(c)(vi), after "authority" insert ", except where the migrant has been granted leave to remain to study at an institution which holds a sponsor licence under Tier 4 of the Points Based System which becomes an Academy or a school maintained by a local authority during the migrant's period of study, in which case the migrant may complete the course for which the Confirmation of Acceptance for Studies was assigned, but may not commence a new course at that institution."

6A.25 In paragraph 245ZZB(c)(iv), after "provided that the migrant is not self-employed", insert "or engaged in business activity".

6A.26 In paragraph 245ZZB(c)(v)(2)(b) after 'the new course is at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned' insert 'and is not a foundation course intended to prepare the student for entry to a higher education institution'.

6A.27 In paragraph 245ZZB(c)(vi), after "authority" insert ", except where the migrant has been granted entry clearance to study at an institution which holds a sponsor licence under Tier 4 of the Points Based System which becomes an Academy or a school maintained by a local authority during the migrant's period of study, in which case the migrant may complete the course for which the Confirmation of Acceptance for Studies was assigned, but may not commence a new course at that institution."

- 6A.28 In paragraph 245ZZD(c)(iv), after “provided that the migrant is not self-employed”, insert “or engaged in business activity”.
- 6A.29 In paragraph 245ZZD(c)(v)(2)(b) after ‘the new course is at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned’ insert ‘and is not a foundation course intended to prepare the student for entry to a higher education institution’.
- 6A.30 In paragraph 245ZZD(c)(vi), after “authority” insert “, except where the migrant has been granted leave to remain to study at an institution which holds a sponsor licence under Tier 4 of the Points Based System which becomes an Academy or a school maintained by a local authority during the migrant’s period of study, in which case the migrant may complete the course for which the Confirmation of Acceptance for Studies was assigned, but may not commence a new course at that institution.”.

Changes to Part 7

- 7.1 In paragraph 276ADE(1)(i) after “S-LTR.3.1.” insert “to S-LTR.4.4.”.

Changes to Part 9

- 9.1 In paragraph B320(1), after “except sub-paragraphs (2)” insert “, (2A)”.
- 9.2 In paragraph 320(3), after “nationality”, insert, “save that the document does not need to establish nationality where it was issued by the national authority of a state of which the person is not a national and the person’s statelessness or other status prevents the person from obtaining a document satisfactorily establishing the person’s nationality”
- 9.3 In paragraph 320(22), delete “£1000” and substitute “£500”.
- 9.4 After paragraph 320(22), insert:
“(23) where the applicant has failed to pay litigation costs awarded to the Home Office.”.
- 9.5 In paragraph 322(12), delete “£1000” and substitute “£500”.
- 9.6 After paragraph 322(12), insert:
“(13) where the applicant has failed to pay litigation costs awarded to the Home Office.”.

Changes to Part 11

- 11.1 Delete paragraphs 352A to 352FJ and substitute with:

“Refugee Family Reunion

352A. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse or civil partner of a person granted refugee status are that:

- (i) the applicant is married to or the civil partner of a person who currently has refugee status granted under the Immigration Rules in the United Kingdom; and
- (ii) the marriage or civil partnership did not take place after the person granted refugee status left the country of his former habitual residence in order to seek asylum; and
- (iii) the applicant would not be excluded from protection by virtue of paragraph 334(iii) or (iv) of these Rules or Article 1F of the Geneva Convention if he were to seek asylum in his own right; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage is subsisting; and
- (v) the parties are not involved in a consanguineous relationship with one another; and
- (vi) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352AA. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the unmarried or the same-sex partner of a person granted refugee status are that:

- (i) the applicant is the unmarried or same-sex partner of a person who currently has refugee status granted under the Immigration Rules in the United Kingdom on or after 9th October 2006; and
- (ii) the parties have been living together in a relationship akin to either a marriage or a civil partnership which has subsisted for two years or more; and
- (iii) the relationship existed before the person granted refugee status left the country of his former habitual residence in order to seek asylum; and
- (iv) the applicant would not be excluded from protection by virtue of paragraph 334(iii) or (iv) of these Rules or Article 1F of the Geneva Convention if he were to seek asylum in his own right; and
- (v) each of the parties intends to live permanently with the other as his or her unmarried or same-sex partner and the relationship is subsisting; and

(vi) the parties are not involved in a consanguineous relationship with one another; and

(viii) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352B. Limited leave to enter the United Kingdom as the spouse or civil partner of a person who currently has refugee status may be granted 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 spouse or civil partner of a person who currently has refugee status may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352A (i) - (v) are met.

352BA Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a person who currently has refugee status may be granted 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 unmarried or same sex partner of a person who currently has refugee status may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352AA (i) - (vii) are met.

352C. Limited leave to enter the United Kingdom as the spouse or civil partner of a person who currently has refugee status 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 as the spouse or civil partner of a person who currently has refugee status is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352A (i) - (v) are met.

352CA Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a person who currently has refugee status 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 as the unmarried or same sex partner of a person who currently has refugee status is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352AA (i) - (vii) are met.

352D. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom in order to join or remain with the parent who currently has refugee status are that the applicant:

(i) is the child of a parent who currently has refugee status granted under the immigration rules in the United Kingdom; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) was part of the family unit of the person granted asylum at the time that the person granted asylum left the country of his habitual residence in order to seek asylum; and

(v) the applicant would not be excluded from protection by virtue of paragraph 334(iii) or (iv) of these Rules or Article 1F of the Geneva Convention if he were to seek asylum in his own right; and

(vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

352E. Limited leave to enter the United Kingdom as the child of a person who currently has refugee status may be granted 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 person who currently has refugee status may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352D (i) - (v) are met.

352F. Limited leave to enter the United Kingdom as the child of a person who currently has refugee status 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 as the child of a person who currently has refugee status is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352D (i) - (v) are met.

352FA. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse or civil partner of a person who currently has humanitarian protection and was granted that status on or after 30 August 2005 are that:

(i) the applicant is married to or the civil partner of a person who currently has humanitarian protection granted under the Immigration Rules in the United Kingdom and was granted that status on or after 30 August 2005; and

(ii) the marriage or civil partnership did not take place after the person granted humanitarian protection left the country of his former habitual residence in order to seek asylum in the UK; and

(iii) the applicant would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph 339D; and

(iv) each of the parties intend to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(v) the parties are not involved in a consanguineous relationship with one another; and

(vi) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352FB. Limited leave to enter the United Kingdom as the spouse or civil partner of a person who currently has humanitarian protection may be granted 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 spouse or civil partner of a person who currently has humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in sub paragraphs 352FA(i) - (iv) are met.

352FC. Limited leave to enter the United Kingdom as the spouse or civil partner of a person who currently has humanitarian protection 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 as the spouse or civil partner of a person who currently has humanitarian protection is to be refused if the Secretary of State is not satisfied that each of the requirements in sub paragraphs 352FA (i) - (iv) are met.

352FD. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the unmarried or same-sex partner of a person who currently has humanitarian protection are that:

(i) the applicant is the unmarried or same-sex partner of a person who currently has humanitarian protection granted under the Immigration Rules in the United Kingdom and has been granted that status on or after 9th October 2006; and

(ii) the parties have been living together in a relationship akin to either a marriage or a civil partnership which has subsisted for two years or more; and

(iii) the relationship existed before the person granted humanitarian protection left the country of his former habitual residence in order to seek asylum; and

(iv) the applicant would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph 339D; and

(v) each of the parties intends to live permanently with the other as his or her unmarried or same-sex partner and the relationship is subsisting; and

(vi) the parties are not involved in a consanguineous relationship with one another; and

(vii) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352FE. Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a person who currently has humanitarian protection may be granted 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 unmarried or same sex partner of a person who currently has humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in subparagraphs 352FD (i) - (vi) are met.

352FF. Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a person who currently has humanitarian protection 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 as the unmarried or same sex partner of a person who currently has humanitarian protection is to be refused if the Secretary of State is not satisfied that each of the requirements in sub paragraphs 352FD(i) - (vi) are met.

352FG. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom in order to join or remain with their parent who currently has humanitarian protection and was granted that status on or after 30 August 2005 are that the applicant:

- (i) is the child of a parent who currently has humanitarian protection and was granted that status on or after 30 August 2005 under the Immigration Rules in the United Kingdom; and
- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried or is not in a civil partnership, and has not formed an independent family unit; and
- (iv) was part of the family unit of the person granted humanitarian protection at the time that the person granted humanitarian protection left the country of his habitual residence in order to seek asylum in the UK; and
- (v) would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph 339D; and
- (vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

352FH. Limited leave to enter the United Kingdom as the child of a person who currently has humanitarian protection may be granted 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 person who currently has humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in sub paragraphs 352FG (i) -(v) are met.

352FI. Limited leave to enter the United Kingdom as the child of a person who currently has humanitarian protection 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 as the child of a person who currently has humanitarian protection is to be refused if the Secretary of State is not satisfied that each of the requirements in sub paragraphs 352FG (i) -(v) are met.

352FJ. Nothing in paragraphs 352A-352FI shall allow a person to be granted leave to enter or remain in the United Kingdom as the spouse or civil partner, unmarried or same sex partner or child of a person who has been granted refugee status, or of a person granted humanitarian protection under the immigration rules in the United Kingdom on or after 30 August 2005, if the person granted refugee status or, as the case may be, person granted humanitarian protection, is a British Citizen.”

Changes to Appendix A

- A1. In paragraph 6A(b)(i) for “(who must be either a fully qualified chartered accountant or a certified accountant who is a member of a registered body in the UK)” substitute “(who must be either a fully qualified chartered accountant or a certified accountant who is a member of a registered body in the UK who holds a valid licence to practise or practising certificate)”.
- A2. In paragraph 14(e), delete “Where an applicant cannot find details of his academic qualification on the points based calculator on the visas and immigration pages of the gov.uk website, he must,” and substitute “Where an academic qualification is awarded by an educational establishment outside the UK, the applicant must,”.
- A3. At the end of paragraph 14(e), after “his qualification”, insert “to the relevant qualification in the UK”.
- A4. In paragraph 14(f), delete “Where an applicant cannot find details of his professional or vocational qualification on the points based calculator, he must,” and substitute “Where a professional or vocational qualification is awarded by a body outside the UK, the applicant must,”
- A5. In paragraph 15, after “an academic qualification” insert “awarded by an educational establishment outside the UK”.
- A6. In paragraph 16, after “vocational and professional qualifications”, insert “awarded by a body outside the UK”.
- A7. In paragraph 19(g)(i) delete “.” and add “, and must have a valid licence to practise or practising certificate.”.
- A8. In Table 4 at entry (b)(i) for “capitalist” substitute “capital”.

- A9. In paragraph 41(a)(ii)(2)(b) for “;” substitute “, or”.
- A10. After paragraph 41(a)(ii)(2)(b) insert:
- “(c) a letter from one or more UK Seed Funding Competitions or one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland as specified in paragraph 41-SD(c)(iii) as evidence of the source of those funds,”.
- A11. In paragraph 41-SD(c)(iii)(1) after “an accountant,” insert “with a valid licence to practise or practising certificate,”.
- A12. In paragraph 41-SD(d) for “UK or Devolved Government Department” substitute “UK Devolved Government Department”.
- A13. At the end of paragraph 41-SD(d)(ii)(7) for “.” and substitute “; and”.
- A14. After paragraph 41-SD(d)(ii)(7) insert:
- “(iii) If the third party is a venture capital firm, he must also provide the following documentation:
- (1) An original letter from a director, partner or fund manager of the venture capital firm, which includes:
 - (a) A statement providing detailed information on the strategy, structure and financial exposure of the fund,
 - (b) A statement detailing the rationale for the investment, providing specific information about the circumstances which led to the investment decision,
 - (c) A statement confirming that the business/proposed business is a genuine and credible proposition,
 - (2) A copy of the completed term sheet for the investment, signed by all parties to the transaction, which must include details of the company valuation, company structure, founder and investor rights, the structure of funding and the type of security being taken,
 - (3) A breakdown of the technical, legal, commercial and financial due diligence conducted by the venture capital firm in support of the investment,
 - (4) A letter from an accountant, validating the financial condition of the fund. The accountant must have a valid licence to practice or practising certificate and must be a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of

Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, the Association of International Accountants or the Association of Accounting Technicians.”.

A15. In table 5, in the first row under the points column for “25” substitute “20”.

A16. In table 6, in row 1 after “evidence of this investment” insert “as specified in 46-SD (a)-(d)”.

A17. In table 6, for the entry in the second column in row 2 substitute:

“The applicant meets the following conditions:

(i) on a date no earlier than three months prior to the date of application was:

- (a) registered with HM Revenue and Customs as self-employed, or
- (b) registered with Companies House as a director of a new or an existing business, and

(ii) where the applicant’s last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) Migrant, on a date within six months of his entry to the UK (if he was granted entry clearance as a Tier 1 (Entrepreneur Migrant) and there is evidence to establish his date of arrival in the UK), or in any other case the date of the grant of leave to remain, the applicant was:

- (a) registered with HM Revenue and Customs as self-employed, or
- (b) registered with Companies House as a director of a new or an existing business.

Directors who are on the list of disqualified directors provided by Companies House will not be awarded points.

The applicant will not need to provide the evidence of registration for condition (ii) if he was awarded points from row 2 of Table 5 in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.”.

A18. At the end of paragraph 46-SD(a)(iv) for “.” substitute “, and additionally if the source of the funding was a venture capital firm, he must also provide the evidence as specified in 41-SD(d)(iii);”.

A19. After paragraph 46-SD(a)(iv) insert:

“(v) Where Table 6 applies and the applicant has established a new UK business that has had an income from business activity of at least £5 million

during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, he must provide audited or unaudited accounts which show the value of the business activity and that this reached at least £5 million, or

(vi) Where Table 6 applies and the applicant has taken over or invested in an existing UK business and his services or investment have resulted in a net increase in income from business activity to that business of at least £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, when compared to the immediately preceding 3 year period, he must provide:

(1) Audited or unaudited accounts from the preceding 3 year period before he became involved with the business as a Tier 1 (Entrepreneur) Migrant, and audited or unaudited accounts which show a net increase of at least £5 million during the period he had leave as a Tier 1 (Entrepreneur) Migrant. The accounts must clearly show the name of the accountant and the date the accounts were produced. The accounts must be prepared and signed off in accordance with statutory requirements, and

(2) An original accountant's letter verifying the net increase in business activity. The accountant must have a valid licence to practice or practising certificate and must be a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, the Association of International Accountants or the Association of Accounting Technicians. The dated letter should contain:

- (i) the name and contact details of the business,
- (ii) an explanation of the applicant's status in the business,
- (iii) confirmation of the net increase in business activity,
- (iv) the registration or permission of the accountant to operate in the United Kingdom, and
- (v) that the accountant will confirm the content of the letter to the Home Office on request."

A20. For paragraph 46-SD(b), substitute:

“(b) When evidencing the investment;

(1) The audited or unaudited accounts must show the investment in money made directly by the applicant, in his own name or on his behalf (and showing his name),

(2) If the investment was made in the applicant's business by one or more UK Seed Funding Competitions listed as endorsed on the UK Trade & Investment website or one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland, this investment can be shown in the accounts as being made in the name of the above funding sources, if the accounts are supplemented by a letter from the source, which confirms that the investment was made on behalf of the applicant,

(3) If the source of funds was not one or more UK Seed Funding Competitions listed as endorsed on the UK Trade & Investment website or one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland, this investment can be shown in the accounts as being made in the name of the investing entity, if the accounts are supplemented by a letter from UK Trade & Investment confirming that this investment was made on behalf of the applicant,

(4) If the applicant has invested by way of share capital the business accounts must show the shareholders, the amount and value of the shares (on the date of purchase) in the applicant's name as it appears on his application. If the value of the applicant's share capital is not shown in the accounts, then a copy of the company's register of members must be provided,

(5) The accounts must clearly show the name of the accountant, the date the accounts were produced, and how much the applicant has invested in the business. The accounts must be prepared and signed off by the accountant in accordance with statutory requirements.”.

- A21. In paragraph 46-SD(f), after “Table 5” insert “or Table 6”, for “applies” substitute “apply” and after “Tier 1 (Entrepreneur) Migrant,” insert “and points were awarded from Table 4,”.
- A22. In paragraph 46-SD(h)(viii) for “The accountant must be” substitute “The accountant must have a valid licence to practice or practising certificate and must be”.
- A23. In paragraph 49 for “but one full time job of more than 30 hours work a week will not count as more than one full time job.” substitute “, and may score points in Tables 5 and 6, if both jobs exist for at least 12 months. However, one full time job of more than 30 hours work a week will not count as more than one full time job. If jobs are being combined, the employees being relied upon must be clearly identified by the applicant in their application. Jobs that have existed for less than 12 months cannot be combined together to make up a 12 month period.”.

- A24. In paragraph 50 after “Tier” insert “1”.
- A25. In paragraph 50, for “This need not consist of 12 consecutive months and the jobs need not exist at the date of application, provided they existed for at least 12 months during the period in which the migrant had leave as a Tier 1 (Entrepreneur) Migrant.” substitute: “A single job need not consist of 12 consecutive months (for example it could exist for 6 months in one year and 6 months the following year) providing it is the same job (different jobs that have existed for less than 12 months cannot be combined together to make up a 12 month period) and the jobs need not exist at the date of application, provided they existed for at least 12 months during the period in which the migrant had leave as a Tier 1 (Entrepreneur) Migrant.”.
- A26. In paragraph 64-SD(c) after “the accountant must” insert “have a valid licence to practise or practising certificate and must:”.
- A27. In paragraph 65-SD(a)(vii) after “The accountant must” insert “have a valid licence to practise or practising certificate and must”.
- A28. In paragraph 65-SD(b)(iv) after “from an accountant” insert “, who has a valid licence to practise or practising certificate and”.
- A29. For paragraph 70(c)(ix) substitute:
“(ix) the name and contact details (telephone number, email and workplace address) of (1) the authorising official of the endorsing body, and (2) an administrative contact (e.g. secretary) at the endorsing body,”.
- A30. In paragraph 72(e), delete “an overseas qualification and an applicant cannot find details of it on the points based calculator on the visas and immigration pages of the gov.uk website, he must” and substitute “a qualification awarded by an educational establishment outside the UK, the applicant must”.
- A31. At the end of paragraph 72(e), after “his qualification”, insert “to the relevant qualification in the UK”.
- A32. Delete paragraph 82A(iii) and substitute:
“(iii) The provisional monthly allocations, subject to the processes set out in paragraphs 83 to 84a below, are shown in Table 11E.

Table 11E

Provisional monthly allocations under the Tier 2 (General) limit

| Application period | Provisional monthly allocation |
|---------------------------|---------------------------------------|
| 6 March – 5 April | 2,200 |
| 6 April – 5 May | 2,000 |
| 6 May – 5 June | 2,000 |

| | |
|-------------------------|-------|
| 6 June – 5 July | 2,000 |
| 6 July – 5 August | 2,000 |
| 6 August – 5 September | 2,000 |
| 6 September – 5 October | 1,500 |
| 6 October – 5 November | 1,500 |
| 6 November – 5 December | 1,500 |
| 6 December – 5 January | 1,500 |
| 6 January – 5 February | 1,500 |
| 6 February – 5 March | 1,000 |

”

A33. After paragraph 90, insert:

"90A. The application for entry clearance or leave to remain must have been made no more than 3 months before the start of the employment as stated on the Certificate of Sponsorship."

A34. After paragraph 98, insert:

"98A. The application for entry clearance or leave to remain must have been made no more than 3 months before the start of the employment as stated on the Certificate of Sponsorship."

A35. In paragraph 118(b)(i)(2), after “Trinidad and Tobago;” delete “the UK;”.

A36. After paragraph 118(b)(i)(2), insert:

“(3) has obtained an academic qualification (not a professional or vocational qualification) from an educational establishment in the UK, which meets the recognised standard of a Bachelor's or Master's degree or a PhD in the UK and provides the specified documents set out in paragraph 120-SD(a); or

(4) the application is to study a short-term study abroad programme at the sponsor in the United Kingdom for up to six months as part of the applicant's course of study at an overseas higher education institution in the USA and that course will lead to an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree in the UK; or”.

A37. In paragraph 118(b)(i) renumber sub paragraphs (3) and (4) as (5) and (6).

A38. In paragraph 118(b)(ii)(2), after “Trinidad and Tobago;” delete “the UK;”.

A39. After paragraph 118(b)(ii)(2), insert:

“(3) has obtained an academic qualification (not a professional or vocational qualification) from an educational establishment in the UK, which meets the recognised standard of a Bachelor's or Master's degree or a PhD in the UK and provides the specified documents set out in paragraph 120-SD(a); or

(4) the application is to study a short-term study abroad programme at the sponsor in the United Kingdom for up to six months as part of the applicant's course of study at an overseas higher education in the USA and that course will lead to an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree in the UK; or”.

A40. In paragraph 118(b)(ii) renumber sub paragraphs (3) and (4) as (5) and (6).

A41. In paragraph 118(b)(iii)(2) after “Trinidad and Tobago;” delete “the UK;”.

A42. After paragraph 118(b)(iii)(2) insert:

“(3) has obtained an academic qualification (not a professional or vocational qualification) from an educational establishment in the UK, which meets the recognised standard of a Bachelor's or Master's degree or a PhD in the UK and provides the specified documents set out in paragraph 120-SD(a); or”.

A43. In paragraph 118(b)(iii) renumber sub paragraphs (3) and (4) as (4) and (5).

A44. In paragraph 120A(a) delete “Points” and insert:

“If the applicant has previously been granted leave as a Tier 4 (General) Student or as a Student and is applying for leave to remain, points”.

A45. In paragraph 120A(a) delete “from previous study undertaken during the last period of leave as a Tier 4 (General) Student or as a Student where the applicant has had such leave,”.

A46. In paragraph 120A(a), after “revoked” insert:

“, or

iv. the applicant is applying for leave to remain to complete the qualification for which the Confirmation of Acceptance for Studies relating to the study undertaken during the last period of leave as a Tier 4 (General) Student or as a Student was assigned after undertaking a period as a student union sabbatical officer”.

A47. Delete paragraph 120A(b) and insert:

“(b) For a course to represent academic progress from previous study:

i. the applicant must have successfully completed the course for which the Confirmation of Acceptance for Studies relating to the study undertaken during the last period of leave as a Tier 4 (General) Student or Student was assigned, or an equivalent course undertaken in accordance with the conditions set out in paragraph 245ZW(c)(iv)(2) or paragraph 245ZY(c)(iv)(2) of Part 6A, and

ii. the course must be above the level of the previous course for which the Confirmation of Acceptance of Studies relating to the study undertaken during the last period of leave as a Tier 4 (General) Student or as a Student was assigned, unless:

1. the course is taught by a UK 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 which is also the sponsor; and

2. the course is at degree level or above; and

3. the new course is not at a lower level than the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student; and

4. the sponsor has Tier 4 Sponsor status; and

5. the sponsor confirms that:

(a) the course is related to the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student, meaning that it is either connected to the previous course, part of the same subject group, or involves deeper specialisation; or

(b) the previous course and the new course in combination support the applicant's genuine career aspirations."

Changes to Appendix Administration Review

AR1. For paragraph AR2.4 substitute:

"AR2.4 The *Reviewer* will not consider any evidence that was not before the *original decision maker* except where:

(a) evidence that was not before the *original decision maker* is submitted to demonstrate that a *case working error* as defined in paragraph AR2.11 (a), (b) or (c) has been made; and

(b) the evidence is submitted to demonstrate that the refusal of an application under paragraph 322(2) of these Rules was a *case working error* and the *applicant* has not previously been served with a decision to:

(i) refuse an application for entry clearance, leave to enter or leave to remain;

- (ii) revoke entry clearance, leave to enter or leave to remain;
- (iii) cancel leave to enter or leave to remain;
- (iv) curtail leave to enter or leave to remain; or
- (v) remove a person from the UK, with the effect of invalidating leave to enter or leave to remain,

which relied on the same findings of facts.”

- AR2. In paragraph AR2.8, delete “ (as defined in AR2.9)”.
- AR3. In paragraph AR2.9, in the introductory wording, after “for the purposes of” insert “ paragraph AR2.8 of this Appendix and”.
- AR4. In paragraph AR2.9, in sub-paragraph (b), for the words from “Articles 8ZA to 8ZC” to the end of the sub-paragraph substitute “Appendix SN of these Rules;”.
- AR5. In paragraph AR2.9, in sub-paragraph (c)(iii), for the words from “Articles 8ZA to 8ZC” to the end of the sub-paragraph substitute “Appendix SN of these Rules.”.
- AR6. In paragraph AR2.11(a)(i), after “320(7B)” for “ or” substitute “,” and after “322(1A)” insert “ or 322(2)”.

Changes to Appendix Armed Forces

- AF1. After paragraph 10 of Part 2 insert:

“10A. The applicant may be refused on grounds of suitability if the applicant has failed to pay litigation costs awarded to the Home Office.”.

Changes to Appendix B

- B1. Before paragraph 7(i)(1), insert new sub-paragraph:
 - “(1) is a UK Bachelor’s degree, Master’s degree or PhD”
- B2. In paragraph 7(i), below the above change, re-number existing sub-paragraphs (1) and (2) as (2) and (3) respectively.
- B3. In the re-numbered paragraph 7(i)(2), delete “is deemed by UK NARIC” and substitute “is a qualification awarded by an educational establishment outside the UK, which is deemed by UK NARIC”.
- B4. In the list in the re-numbered paragraph 7(i)(3), delete “the UK”.

- B5. In paragraph 8(i), delete “which is deemed by UK NARIC” and substitute “which is either awarded by an educational establishment in the UK, and is a Bachelor’s degree or Master’s degree or PhD; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC”.
- B6. In paragraph 8(ii), after “in paragraph 7(ii)”, insert “as”.
- B7. In paragraph 8(iii)(5), before “confirmation”, insert “unless it is a qualification awarded by an educational establishment in the UK,”.

Changes to Appendix C

- C1. Delete paragraph 9 and replace with:

“9. 10 points will only be awarded if an applicant has the level of funds shown in the table below and provides the specified documents in paragraph 1B above:

| Criterion | Points awarded |
|--|-----------------------|
| Meets one of the following criteria: Has £945; or The Sponsor is an A rated Sponsor and the Certificate of Sponsorship Checking Service confirms that the Sponsor has certified maintenance and so confirmed that the applicant will not claim public funds during his period of leave as a Tier 5 (Temporary Worker) Migrant. Points will only be awarded if the applicant provides a valid Certificate of Sponsorship reference number with his application. | 10 |

”

- C2. In the table at paragraph 11, under the title “If studying in London”, after “Where the applicant is applying for leave to remain”, insert “as a postgraduate doctor or dentist on a recognised Foundation Programme, Student Union Sabbatical Officer or”.
- C3. In the table at paragraph 11, after “If studying outside London”, delete “and elsewhere in the United Kingdom”.
- C4. In the table at paragraph 11, at sub-paragraph iii), after “two months”, insert “.”
- C5. In the table at paragraph 11, under the title “If studying outside London” (as amended), after “Where the applicant is applying for leave to remain”, insert “as a postgraduate doctor or dentist on a recognised Foundation Programme, Student Union Sabbatical Officer or”.

- C6. In the table at paragraph 11, under the title “If studying outside London” (as amended), delete “i”.
- C7. In paragraph 12AA (i), before “London”, insert “Greater”.
- C8. In the table at paragraph 16, under the title “Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School in London”, delete “i) Where the applicant does not have an established presence studying in the United Kingdom, the”, and insert “The”.
- C9. In the table at paragraph 16, after “Where the child is aged 16 or 17 years old, is living independently and studying at a non-residential Independent School outside London”, delete “or elsewhere in the United Kingdom”.
- C10. In the table at paragraph 16, under the title “Where the child is aged 16 or 17 years old, is living independently and studying at a non-residential Independent School outside London:” (as amended), delete “iii) Where the applicant does not have an established presence studying in the United Kingdom, the”, and insert “The”.
- C11. In paragraph 19(b)(i)(6), delete “560” and insert “570”.

Changes to Appendix FM

FM1. After paragraph S-EC.2.5. insert:

“S-EC.3.1. The applicant may be refused on grounds of suitability if the applicant has failed to pay litigation costs awarded to the Home Office.”.

FM2. After paragraph S-LTR.3.1. insert:

“S-LTR.4.1. The applicant may be refused on grounds of suitability if any of paragraphs S-LTR.4.2. to S-LTR.4.4. apply.

S-LTR.4.2. The applicant has made false representations or failed to disclose any material fact for the purpose of obtaining a previous variation of leave, or in order to obtain a document from the Secretary of State or a third party, required in support of a previous variation of leave.

S-LTR.4.3. The applicant has previously made false representations or failed to disclose material facts for the purpose of obtaining a document from the Secretary of State that indicates that he or she has a right to reside in the United Kingdom.

S-LTR.4.4. The applicant has failed to pay litigation costs awarded to the Home Office.”.

FM3. After paragraph S-ILR.3.1. insert:

“S-ILR.4.1. The applicant may be refused on grounds of suitability if any of paragraphs S-ILR.4.2. to S-ILR.4.4. apply.

S-ILR.4.2. The applicant has made false representations or failed to disclose any material fact for the purpose of obtaining a previous variation of leave, or in order to obtain a document from the Secretary of State or a third party, required in support of a previous variation of leave.

S-ILR.4.3. The applicant has previously made false representations or failed to disclose material facts for the purpose of obtaining a document from the Secretary of State that indicates that he or she has a right to reside in the United Kingdom.

S-ILR.4.4. The applicant has failed to pay litigation costs awarded to the Home Office.”.

Changes to Appendix FM-SE

- FM-SE1. In paragraph 7(h)(bb) after “(as defined in the Companies Act 2006)” insert “or who is a member of the Institute of Financial Accountants”.
- FM-SE2. In paragraph 9(b)(iv) after “(as defined in the Companies Act 2006)” insert “or who is a member of the Institute of Financial Accountants”.
- FM-SE3. In paragraph 11A(a) for “(whether a deposit or investment account)” substitute “(whether a current, deposit or investment account, provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating)”.
- FM-SE4. In paragraph 13(e) after “their self-employment” insert “(and that of their partner if that person is in the UK with permission to work)”.

Changes to Appendix L

L1. In paragraph 10 after sub-paragraph (b) and before the table insert:

“In meeting these criteria, applicants must demonstrate proven commercial or technical expertise in management or exploitation of a technology stack.

Applicants who do not meet these requirements but demonstrate:

(1) the potential to do so, and

(2) that they already have the necessary technical and/or business skills,

may be considered for endorsement by Tech City UK as an exceptional promise candidate.”

- L2. In the table at paragraph 10, under the sub-heading “Mandatory”, replace “Have a proven record of innovation in the digital technology sector as a director, founder or employee of a digital technology sector company” with “Have a proven track record of innovation in the digital technology sector as a director or founder of a digital technology sector company, or as an employee working in a new digital field or concept;”.
- L3. In the table at paragraph 10, under the sub-heading “Mandatory”, after “Demonstrate” insert “proof of”.
- L4. In the table at paragraph 10, under the sub-heading “Qualifying”, replace “employee” with “entrepreneur”.
- L5. In paragraph 11, delete sub-paragraph (a) and substitute:
 - “(a) A completed Tech Nation (Tier 1 Exceptional Talent) application form;”
- L6. In paragraph 11(b) replace “his” with “their”.
- L7. In paragraph 11(b) replace “3” with “2”.
- L8. In paragraph 11(d) for “Two dated letters of recommendation on headed paper written in support of the application signed by a recognised expert who is familiar with his work and his contribution to his field, and is qualified to assess his claim to be a world leader or potential world leader in his field.”, substitute: “Two dated letters of recommendation on headed paper written in support of the application signed by two different senior members of different established organisations in the digital technology sector, who are familiar with the applicant’s work and their contribution to the digital technology sector, and are qualified to assess the applicant’s claim to be a world leader or potential world leader in this field.”.
- L9. In paragraph 11(d)(iv) after “talent” insert “or exceptional promise”.
- L10. In paragraph 11(d)(vi) delete “and”
- L11. At the end of paragraph 11(d)(vii), delete “.” and substitute “;”.
- L12. After paragraph 11(d)(vii), insert
 - “(viii) be written specifically for the purpose of supporting the application, not as a general all-purpose reference letter.”.
- L13. After paragraph 11(d), insert:

“(e) Evidence of any active businesses established or businesses that have been dissolved in the last five years in which the applicant has been a director, founder or entrepreneur, or evidence of share ownership through business in a digital technology sector company.”

L14. Renumber the existing paragraph 11(e) below the change above as 11(f) and in the renumbered paragraph, after “application.” insert “Each document must be no more than 2 A4 sides in length. Evidence provided in relation to continuous learning must not date back to more than a year before the date of application.”.

L15. In paragraph 13 before “When assessing applicants” insert:

“(a) Tech City UK will advise the Home Office whether or not it endorses the applicant. If the evidence provided by the applicant is judged by Tech City UK to have met the published eligibility criteria for consideration as well as being sufficient to consider the applicant to be a world leader or a potential world leader in the digital technology sector, then Tech City UK will endorse the applicant. If the evidence provided is judged by Tech City UK not to have met the eligibility criteria or not to be sufficient to consider the applicant to be a world leader or a potential world leader in the digital technology sector, then Tech City UK will not endorse the applicant.

(b)”

L16. In paragraph 13, in the existing paragraph below the change above, for “(a)” substitute “(i)”, for “(b)” substitute “(ii)” and for “(c)” substitute “(iii)”.

Changes to Appendix M

M1. In the table, add the following row before “Archery”:

“

| | | |
|--|-------------|---|
| All sports listed in Appendix M of the Immigration Rules | Home Office | Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting) |
|--|-------------|---|

”

Changes to Appendix N

N1. In the entry in respect of the “Chevening and Marshall Sherfield Fellowships Programmes” scheme delete “the UK Environment Programme’s World Conservation Monitoring Centre in Cambridge”.

N2. Delete the entry in respect of “American Institute for Foreign Study (AIFS”.

N3. Delete the entry in respect of “Broadening Horizons”.

- N4. Delete the entry in respect of “Encouraging Dynamic Global Entrepreneurs (EDGE)” scheme.
- N5. Delete the entry in respect of “HMC Projects in Central and Eastern Europe – Teachers’ Work Exchange Scheme”.
- N6. Delete the entry in respect of “National Policing Improvement Agency (NPIA)” scheme.

Insertion of Appendix SN

SN1. After Appendix P, insert:

“

Appendix SN

Service of Notices

Introduction

Notices of appealable immigration decisions are served under the Immigration (Notices) Regulations 2003.

Notices of non-appealable immigration decisions which grant or refuse leave to remain, vary leave to remain or refuse to vary leave to remain are served under the Immigration (Leave to Enter and Remain) Order 2000.

Notices falling within paragraph SN1.2 of this Appendix to the Immigration Rules are to be served in accordance with this Appendix.

Definitions

SN1.1 For the purpose of this Appendix the following definitions apply:

| | |
|------------------------------|---|
| <i>Administrative review</i> | as defined in Appendix AR. |
| <i>business day</i> | any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom to which the notice is sent. |
| <i>decision-maker</i> | (a) the Secretary of State; (b) an immigration officer; (c) an entry clearance officer; |
| <i>representative</i> | a person who appears to the decision-maker: (a) to be the representative of a person referred to in paragraph SN1.2 below; and |

(b) not to be prohibited from acting as a representative by section 84 of the 1999 Act.

Service of notices

SN1.2 A notice in writing:

- (a) that an application for entry clearance, leave to enter or leave to remain in the United Kingdom is invalid;
- (b) that an application for entry clearance, leave to enter or leave to remain in the United Kingdom is void;
- (c) that an application for administrative review is invalid; or
- (d) notifying a person of the outcome of an administrative review application,

may be given to the person affected as follows.

SN1.3 The notice may be:

- (a) given by hand;
- (b) sent by fax;
- (c) sent by postal service to a postal address provided for correspondence by the person or the person's representative;
- (d) sent electronically to an e-mail address provided for correspondence by the person or the person's representative;
- (e) sent by document exchange to a document exchange number or address; or
- (f) sent by courier.

SN1.4 Where no postal or e-mail address for correspondence has been provided, the notice may be sent:

- (a) by postal service to:
 - (i) the last-known or usual place of abode, place of study or place of business of the person; or
 - (ii) the last-known or usual place of business of the person's representative; or
- (b) electronically to:

- (i) the last-known e-mail address for the person (including at the person's last-known place of study or place of business); or
- (ii) the last-known e-mail address of the person's representative.

SN1.5 For the purposes of paragraphs SN1.3 or SN1.4, a postal address outside the UK is not a postal address for correspondence where the person affected by the notice is in the UK.

SN1.6 Where it is not possible to give notice in accordance with paragraphs SN1.3 and SN1.4 or where an attempt to do so has failed, and the decision-maker records the reason for this and places the notice on file, the notice shall be deemed to have been given on the day that it is placed on file.

SN1.7 Where a notice is deemed to have been given in accordance with paragraph SN1.6 and subsequently the person is located, the person shall as soon as is practicable be given a copy of the notice and details of when and how it was given.

SN1.8 A notice given under this appendix may, in the case of a person who is under 18 years of age and does not have a representative, be given to the parent, guardian or another adult who for the time being takes responsibility for the child.

Presumptions about date of receipt of notice

SN1.9 Where a notice is sent in accordance with paragraphs SN1.2 to SN1.4, it shall be deemed to have been given to the person affected, unless the contrary is proved:

- (a) where the notice is sent by postal service:
 - (i) on the second day after it was sent by postal service in which delivery or receipt is recorded if sent to a place within the United Kingdom;
 - (ii) on the 28th day after it was posted if sent to a place outside the United Kingdom;
- (b) where the notice is sent by fax, e-mail, document exchange or courier, on the day it was sent.

SN1.10 For the purposes of paragraph SN1.9(a) the period is to be calculated excluding the day on which the notice is posted.

SN1.11 For the purposes of paragraph SN1.9(a)(i) the period is to be calculated excluding any day which is not a business day.”.

Changes to Appendix V

- V1. In paragraph V3.12, insert at the end “except where paragraph V3.12A applies”.
- V2. Insert, after paragraph V3.12:
- “V3.12A The document referred to in paragraph V3.12(a) does not need to satisfy the decision maker as to nationality where it was issued by the national authority of a state of which the person is not a national and the person’s statelessness or other status prevents the person from obtaining a document satisfactorily establishing the person’s nationality.”
- V3. In paragraph V3.14, for “£1000” substitute “£500”.
- V4. Insert, after paragraph V3.14:
- “Litigation costs**
V3.14A An applicant will normally be refused where the applicant has failed to pay litigation costs awarded to the Home Office.”
- V5. In Appendix 2 to Appendix V, in paragraph 1, in the introductory wording, for “paragraphs 2 – 19”, substitute, “this Appendix ”.
- V6. In Appendix 2 to Appendix V, in paragraph 1 (a), after “Indonesia” insert “**”.
- V7. In Appendix 2 to Appendix V, for paragraphs 2 and 3, substitute :
- “A2 It is not necessary for a transit visitor to hold a visa before they travel to the UK if they are travelling on an emergency travel document issued by, and evidencing the nationality of, a state not listed in paragraph 1(a) and the purpose of their transit visit is to travel to the state in which they are ordinarily resident.
- 2 Subject to paragraph 3, the following people do not need a visa before they travel to the UK as a visitor:
- a) nationals or citizens of the People’s Republic of China who hold a passport issued by the Hong Kong Special Administrative Region; or
 - b) nationals or citizens of the People’s Republic of China who hold a passport issued by the Macao Special Administrative Region; or
 - c) nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes in it the number of the identification card issued by the competent authority in Taiwan; or
 - d) people who hold a Service, Temporary Service or Diplomatic passport issued by the Holy See; or
 - e) nationals or citizens of Oman who hold a diplomatic or special passport issued by Oman; or

- f) nationals or citizens of Qatar who hold a diplomatic or special passport issued by Qatar; or
- g) nationals or citizens of the United Arab Emirates who hold a diplomatic or special passport issued by the United Arab Emirates; or
- h) nationals or citizens of Turkey who hold a diplomatic passport issued by Turkey; or
- i) nationals or citizens of Kuwait who hold a diplomatic or special passport issued by Kuwait; or
- j) nationals or citizens of Bahrain who hold a diplomatic or special passport issued by Bahrain; or
- k) nationals or citizens of South Africa who hold a diplomatic passport issued by South Africa; or
- l) nationals or citizens of Vietnam who hold a diplomatic passport issued by Vietnam; or
- m) nationals or citizens of Indonesia who hold a diplomatic passport issued by Indonesia.

3 Paragraph 2 does not apply where a person is:

- 1. visiting the UK to marry or to form a civil partnership, or to give notice of this; or
- 2. seeking to visit the UK for more than 6 months.”.

- V8. In Appendix 2 to Appendix V, in the heading above paragraph 4, before “Oman” insert “Kuwait.”.
- V9. In Appendix 2 to Appendix V, at the beginning of paragraph 4 insert, “Subject to paragraph 5A”.
- V10. In Appendix 2 to Appendix V, in paragraph 4, after “valid EVW document”, insert “(i.e. a document which meets the validity requirements in paragraphs A8 -13 of this Appendix)”.
- V11. In Appendix 2 to Appendix V, in paragraph 5, before “Oman”, insert “Kuwait.”.
- V12. In Appendix 2 to Appendix V, in paragraph 5, delete the wording after “use an EVW document.”.
- V13. In Appendix 2 to Appendix V, after paragraph 5, insert:

“5A Holders of a EVW Document will need to obtain a visa where the EVW Document is not used in the manner specified in paragraphs 14-18 of this Appendix (meaning that they will normally be refused entry to the UK).”.
- V14. In Appendix 2 to Appendix V, above paragraph 7, for “Electronic Visa Waiver Document validity requirements” substitute as a heading “Obtaining an Electronic Visa Waiver Document”.

- V15. In Appendix 2 to Appendix V, in paragraph 7, for “an applicant” substitute “a person mentioned in paragraph 5 of this Appendix” .
- V16. In Appendix 2 to Appendix V, in paragraph 7, for “Visa4UK website established by the UK Government at <http://www.visa4uk.fco.gov.uk/home/evw>”, substitute “website established by the UK Government at <https://www.electronic-visa-waiver.service.gov.uk/>”.
- V17. In Appendix 2 to Appendix V, after paragraph 7 insert:
- “Electronic Visa Waiver Document validity requirements**
A8 The biographic details on the EVW Document must match those of the holder’s passport.”.
- V18. In Appendix 2 to Appendix V, in paragraph 8, for “applicant” substitute “holder”.
- V19. In Appendix 2 to Appendix V, in paragraph 8, for “9 or 10” substitute “paragraph 9 or 10 of this Appendix”.
- V20. In Appendix 2 to Appendix V, in paragraph 9, in the introductory wording, for “applicant” substitute “holder of an EVW Document”.
- V21. In Appendix 2 to Appendix V, in paragraph 9(a), for “visitor enters” substitute “holder intends to enter” and for “applicant” substitute “holder”.
- V22. In Appendix 2 to Appendix V, in paragraph 9(b), for “applicant” substitute “holder”;
- V23. In Appendix 2 to Appendix V, in paragraph 10, for “applicant” substitute “holder of an EVW Document”.
- V24. In Appendix 2 to Appendix V, in paragraph 12, for “issued” substitute “the required information has been submitted”.
- V25. In Appendix 2 to Appendix V, delete paragraph 16.
- V26. In Appendix 2 to Appendix V, renumber paragraphs 17-19 as paragraphs 16-18.
- V27. In Appendix 5 to Appendix V, in paragraph 1, for sub-paragraphs (a) to (ww), substitute:
- “
- (a) Aberdeen International Youth Festival
 - (b) Aldeburgh Festival
 - (c) Barbican Festivals (Only Connect - Nils Frahm’s Marathon, Summer Festival, Autumn 1 – Transcender, Autumn 2 – New York Philharmonic Residency)
 - (d) Belfast International Arts Festival

- (e) Bestival
- (f) Billingham International Folklore Festival of World Dance
- (g) Boomtown Fair
- (h) Breakin' Convention
- (i) Brighton Festival
- (j) Brighton Fringe
- (k) Brouhaha International Street Festival
- (l) Cambridge Folk Festival
- (m) Camp Bestival
- (n) Celtic Connections
- (o) Cheltenham Festivals (Jazz/Science/Music/Literature)
- (p) City of London Festival
- (q) Cornwall International Male Voice Choral Festival
- (r) DaDa Festival International
- (s) Dance Umbrella
- (t) Download
- (u) Edinburgh Festival Fringe
- (v) Edinburgh International Festival
- (w) Edinburgh Jazz and Blues Festival
- (x) Glasgow International Jazz Festival
- (y) Glastonbury
- (z) Glyndebourne
- (aa) Greenbelt
- (bb) Hay Festival
- (cc) Huddersfield Contemporary Music Festival
- (dd) Latitude
- (ee) Leeds Festival
- (ff) LIFT
- (gg) Llangollen International Musical Eisteddfod
- (hh) London Jazz Festival (EFG)
- (ii) Norfolk and Norwich Festival
- (jj) Reading Festival
- (kk) Royal Edinburgh Military Tattoo
- (ll) Salisbury International Arts Festival
- (mm) Snape Festival
- (nn) T in the Park
- (oo) V Festivals
- (pp) Wireless
- (qq) WOMAD

**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 11 MARCH 2016 (HC 877)**

1. Introduction

- 1.1. 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 purpose of these changes is to:
- Update the definition of ‘public funds’ by including a new discretionary welfare fund which performs functions previously covered by the Social Fund in Scotland, a similar fund which will shortly be set up in Northern Ireland and discretionary payments made by local authorities.
 - Make changes to the Immigration Rules relating to the submission and validation of applications.
 - Make changes in respect of overseas domestic workers’ ability to take alternative employment, and to increase the period which may be granted to an overseas domestic worker who is the victim of slavery or human trafficking from six months to two years.
 - Make minor changes to Tier 1 and Tier 2 of the Points-Based System and the Representatives of Overseas Businesses category.
 - Clarify the maintenance requirements for the Tier 5 (Temporary Worker) categories to confirm that by a sponsor certifying maintenance they are confirming the applicant will not claim public funds during their period of leave.
 - Update the list of Tier 5 Government Authorised Exchange schemes.
 - Add a discretionary power to refuse applications from those who owe a litigation debt to the Home Office.
 - Make changes to the suitability requirements for armed forces applications.
 - Prevent Tier 4 students from extending their leave in the UK to study a course at a lower level than the course for which they were previously granted leave.
 - Prevent students from extending their leave in the UK to study a course at the same level unless that course is at degree level (NQF level 6) or above.
 - Amend the rule specifying when a student can change courses with the same sponsor.
 - Clarify how time limits will be calculated in Tier 4.
 - Make changes to the English language requirements for US study abroad students under Tier 4.
 - Allow student union sabbatical officers and postgraduate doctor or dentist students applying for leave to remain under Tier 4 to qualify for reduced maintenance requirements.
 - Clarify the requirements for applying for leave as a short-term student.
 - Clarify that the definition of ‘self-employment’ prevents students from setting up businesses.

- Allow Tier 4 students who are sponsored by an institution with a Tier 4 sponsor licence which becomes an academy or school maintained by a local authority to complete their current course of study.
- Make changes to the Immigration Rules relating to administrative review.
- Make changes and clarifications to the Immigration Rules relating to family and private life.
- Add an appendix to the Immigration Rules which specifies how certain notices are to be served and make consequential changes to other parts of the Rules.
- Enable non visa nationals, whose national passport has been lost or stolen and who hold an Emergency Travel Document and are travelling home, to transit the UK without a visa.
- Avoid a mandatory entry clearance refusal for holders of ‘non-national’ documents, which do not establish a nationality, owing to the holder’s status, but which the UK is otherwise prepared to accept as they are recognised as valid for travel in all other respects.
- Clarify the exceptions to the requirement for visa nationals to have a visa in advance of travelling to the UK as a visitor or for any other purpose for less than six months.
- Provide an exception to the visa requirement for Kuwaiti nationals who hold an Electronic Visa Waiver (EVW).
- Enable Indonesian diplomatic passport holders to travel visa free to the UK as a visitor.
- Include the list of Permit Free Festivals for 2016/17.
- Make small corrections and technical changes to existing Immigration Rules.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments

3.1. None.

Other matters of interest to the House of Commons

3.2. As this Statement of Changes is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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 the entry into and stay of persons in the United Kingdom.

4.2. This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules, which can be found under the visas and immigration pages of the GOV.UK website at

www.gov.uk/government/collections/immigration-rules where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3. The amendments set out in this Statement of Changes regarding the definition of public funds are consequential to the changes made in Part 3 of the Welfare Reform Act 2012 to discretionary Social Fund payments.

4.4. The changes to Appendix A set out in paragraph A32. of this statement shall take effect for applications for Certificates of Sponsorship under the Tier 2 (General) limit decided on or after 6 April 2016.

4.5. The changes to Appendix FM-SE set out in paragraphs FM-SE1 to FM-SE4 of this statement shall take effect for applications made on or after 6 April 2016.

4.6. The changes to Appendix AR set out in paragraphs AR1. and AR6. of this statement shall take effect for applications for administrative review decided on or after 6 April 2016.

4.7. The other changes set out in this statement shall take effect from 6 April 2016. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 6 April 2016, the application will be decided in accordance with the Rules in force on 5 April 2016.

5. Extent and Territorial Application

5.1. The extent of this Statement of Changes is all of the United Kingdom.

Other matters of interest to the House of Commons

5.2. The territorial application of this Statement of Changes is all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy Background

What is being done and why

Changes relating to the Definition of Public Funds

7.1. The Welfare Reform Act 2012 abolished the part of the discretionary Social Fund which provided benefit recipients with emergency loans and grants to ease exceptional pressure on them and their families.

7.2. Funding has since been passed to local authorities in England to deliver new local support aligned with their existing services, and to the devolved administrations.

The additions to the definition incorporate the powers under which local authorities in England and the relevant authorities in Scotland and Northern Ireland may make discretionary payments.

7.3. The replacement of the words “the Northern Ireland Welfare Reform Act 2013” in paragraph (e) of the definition of ‘public funds’ with the words “the Welfare Reform (Northern Ireland) Order 2015” is to correct an error.

Changes relating to Part 1 of the Immigration Rules

7.4. Paragraph 30 of the Immigration Rules sets out that an application for entry clearance has not been made until any fee required has been paid. The rule has been updated to refer to the current legislation under which the applicant is required to pay the fee for an entry clearance application.

7.5. Minor changes have been made to paragraph A34 to:

- Clarify that an application for leave to remain must be made either by completing the relevant online application process or by using the correct specified application form, regardless of whether the application is made under or outside the Immigration Rules.
- Update a rule to refer to the Home Office premium service centre.

7.6. In consequence of the insertion of Appendix SN into the Immigration Rules, redundant references to deeming provisions have been removed from paragraphs 34C(a), 34R(4) and 34T(2). For more information about Appendix SN, see paragraphs 7.42. and 7.43.

Changes relating to Tier 1 of the Points-Based System

7.7. Tier 1 of the Points-Based System caters for high value migrants, and currently consists of four active categories: Tier 1 (Exceptional Talent), Tier 1 (Entrepreneur), Tier 1 (Investor) and Tier 1 (Graduate Entrepreneur). It also includes the Tier 1 (General) category, which was closed to new applicants in April 2011 but remains open for settlement applications.

Tier 1 (Entrepreneur)

7.8. In response to partner feedback, amendments are being made to better support applicants who have access to investment funds from a trusted source. In particular:

- A provision is being made to allow an applicant applying with funding from one or more UK Seed Funding Competitions or one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland to supply a letter, confirming that the money was transferred to them less than 90 days before the date of the application. This removes the need for the applicant to supply a third party declaration and legal confirmation if they have not held the funds for this duration;

- A provision is being made to allow applicants who have received investment from a UK Seed Funding Competition or UK Government Department to produce financial accounts which show that the investment was made in the name of the source of funds, providing they supply a supplementary letter from the source, confirming that this investment was on their behalf. This removes the need for the specified financial accounts evidence to confirm that the investment was made on the applicant's behalf.

7.9. Additionally, in order to better reflect normal business practice, an amendment is being made to allow applicants to provide financial accounts which show that the qualifying investment in their businesses was made in the name of an investing entity, other than one or more UK Seed Funding Competitions or one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland, providing they supply a supplementary letter from UK Trade and Investment (UKTI) which confirms the investment was made on behalf of the applicant.

7.10. To address concerns about abuse, the evidential requirements for applicants applying using funding from venture capital firms are being expanded.

7.11. The Immigration Rules on indefinite leave to remain (ILR) are being clarified so that applicants applying under the accelerated provision are able to appropriately demonstrate that:

- they have registered their business within six months of their specified date; and
- their business, if it was being taken over, has resulted in a net increase of at least £5 million (should they be applying for accelerated ILR on this basis).

7.12. In response to queries from external stakeholders, minor clarifications are being made to existing Immigration Rules around job creation.

7.13. Minor technical changes are being made to clarify various evidential requirements and to correct minor drafting errors.

Tier 1 (Graduate Entrepreneur)

7.14. The prescribed content of the endorsement letter required from the applicant's endorsing body is being expanded to request a telephone contact number from the authorising official at the endorsing body, and to also request the name and contact details of a person in an administrative role at the institution.

Tier 1 (Exceptional Talent)

7.15. The Tier 1 (Exceptional Talent) category is for talented individuals in the fields of science, humanities, engineering, the arts and digital technology to work in the UK without the need to be sponsored for employment in a specific post. Minor amendments have been made to the criteria used by Tech City UK for endorsing applicants in the digital technology sector in this category.

Changes across Tier 1

7.16. A minor change is being made regarding UK accounting bodies, whose evidence is accepted in various Tier 1 categories, to require confirmation that they hold the relevant licence to practise or a practising certificate.

Changes relating to Tier 2 of the Points-Based System

7.17. The Tier 2 (General) category is for migrant workers with an offer of a skilled job from a licensed employer which cannot be filled by a resident worker. Changes are being made to redistribute the monthly allocations of places under the annual limit which applies to this category. The limit begins in April each year, with places released monthly. Unused places are carried over from the previous month. The revised allocations will better reflect seasonal demand for places across the year, based on recent trends. The overall size of the limit (20,700 places per year) remains unchanged.

7.18. As in previous years, an annual uplift in line with wage inflation is being applied to the earnings threshold for Tier 2 (General) and Tier 2 (Sportsperson) settlement applications. The uplifted threshold will apply to settlement applications made from 6 April 2021. The Government intends to review other Tier 2 salary requirements as part of its response to the review of Tier 2 published by the Migration Advisory Committee on 19 January 2016.

7.19. No Tier 2 application can be made earlier than 3 months before the start date given by the applicant's sponsor. For Tier 2 (Minister of Religion) and Tier 2 (Sportsperson), this requirement is currently only set out in guidance and is being added to the Rules.

Changes relating to various Points-Based System categories and Representatives of Overseas Businesses

7.20. Amendments are being made to reflect the closing down of the "points based calculator" tool on the gov.uk website, which applicants may currently use if they would like to use an overseas qualification to demonstrate a requirement of the rules. From 6 April 2016, applicants should instead obtain an official statement from UK NARIC: www.naric.org.uk/visasandnationality.

7.21. Minor amendments are being made to clarify that UK NARIC determines the level of international qualifications, and does not assess UK qualifications; and to confirm that Master's degrees and PhDs taught in English may be used to satisfy the English language requirement for Representatives of Overseas Businesses, in line with Points-Based System categories.

Changes relating to Overseas Domestic Workers

7.22. This Statement of Changes implements two changes announced in the Minister for Immigration's Written Ministerial Statement of 7 March, which set out the Government's response to the independent review of the overseas domestic

worker visa undertaken by James Ewins QC. First, these changes give effect to the Government's decision to allow those admitted as an overseas domestic worker to take employment other than that for which they were admitted originally during the six months for which such workers are admitted, and irrespective of whether they are the victim of abuse or not. These changes give effect to this by providing that the conditions attached to the leave of a non-EEA national admitted to the UK shall not prevent them from taking alternative employment as a domestic worker, with the consequence that such workers will be able to take alternative employment as a domestic worker without being required to apply for a variation of their leave to enter or remain. Similar provision is being made for those admitted under Tier 5 provisions for private servants of diplomats. Second, the provisions of the Rules relating to domestic workers who are the victims of slavery or human trafficking (which have been implemented pursuant to section 53 of the Modern Slavery Act 2015) are being amended to provide that a person may be granted leave to remain in this category for a period of up to two years.

Changes to Tier 5 of the Points-Based System

7.23. Tier 5 of the Points-Based System caters for youth mobility and temporary workers coming for primarily non-economic purposes, and consists of two categories: Tier 5 (Youth Mobility Scheme) and Tier 5 (Temporary Workers). The Temporary Workers category consists of five sub-categories: Creative and Sporting, Charity Workers, Religious Workers, Government Authorised Exchange, and International Agreement. Applicants must have a Tier 5 Sponsor, which is usually their UK employer. The Government Authorised Exchange category enables people to come to the UK to share knowledge, skills and gain work experience through individual schemes which are administered by an overarching sponsor.

7.24. The maintenance requirements under all the Tier 5 (Temporary Worker) routes are being amended to clarify that by a sponsor certifying maintenance they are confirming the applicant will not claim public funds during their period of leave.

7.25. Under the Government Authorised Exchange category, the "American Institute for Foreign Study (AIFS)", "Broadening Horizons", the "Encouraging Dynamic Global Entrepreneurs (EDGE)", "HMC Projects in Central and Eastern Europe – Teachers' Work Exchange Scheme", and "National Policing Improvement Agency (NPIA)" schemes, are being removed as they are all no longer in use.

7.26. The description of the "Chevening and Marshall Sherfield Fellowships Programmes" administered by the Association of Commonwealth Universities is being amended to remove any reference to the "UK Environment Programme's World Conservation Monitoring Centre in Cambridge" as the Chevening scheme is no longer used to sponsor individuals through that programme.

Changes relating to Tier 4 of the Points-Based System

7.27. Tier 4 of the Points Based System is the visa route used by non-EEA students wishing to study in the UK. Tier 4 is comprised of two categories: Tier 4 (General) and Tier 4 (Child). The following changes are being made in Tier 4:

- An amendment is being made to make clear that Tier 4 (General) students may not extend their leave in the UK in order to study a course at a lower level than the previous course for which they were granted Tier 4 leave and the course must be at or above degree level. These students must be progressing academically, unless they are taking a course at the same level as their previous course and their Higher Education Institution sponsor confirms that the course is related to the previous course for which the applicant was granted leave as a Tier 4 (General) Student, or the previous course and the new course in combination support the applicant's genuine career aspirations. A further change is being made to tighten the circumstances in which a Tier 4 (General) student, who has previously studied in the UK, can switch courses without obtaining a new visa.
- Amendments are being made to the rules relating to the time limits under Tier 4 (General). A clarification has been added to specify that for the purposes of calculating how much time has been spent contributing to the time limits, the period of leave granted, and the level of course for which the leave was granted, will be counted, rather than (if different) periods and courses actually studied. Time spent under the age of eighteen will no longer be excluded. This will mean that all time granted for study in the UK under Tier 4 (General) will be included when calculating the maximum length of time that may be spent under the route.
- A provision is being added to allow third country nationals applying under Tier 4 (General) to study a short-term study abroad programme in the UK as part of their bachelor's or master's degree at an overseas higher education institution in the USA to be exempt from the English language requirements in Tier 4. This change allows USA universities to assess the student's level of English language in the same way that UK higher education institutions are permitted to.
- An amendment is being made to reduce the maintenance requirements for those applying for leave to remain under Tier 4 as a student union sabbatical officer or postgraduate doctor or dentist on a recognised Foundation Programme. These students are applying for a salaried position, which will contribute to their ability to support themselves financially. These students will be required to show funds for their living costs for each month of their course up to a maximum of two months, bringing them in line with Doctorate Extension Scheme students, who can also work full-time.
- Under current Tier 4 rules, students are not permitted to be self employed, which is defined as being registered as self-employed with HM Revenue & Customs, or being employed by a company of which the applicant is a controlling shareholder. This allows students to set up businesses, provided they are not the controlling shareholder. We are tightening the definition of self employment to prevent this, in order to reflect the policy intention that the Tier 4 visa route is for students to come to the UK to study, not to take employment. Work is allowed so that a student can supplement their income whilst studying in the UK, not to set up businesses.

- Tier 4 students are permitted to study at independent schools and sixth form colleges. Where such an institution with a Tier 4 sponsor licence becomes an academy or a school maintained by a local authority, it is not permitted to sponsor any new students under Tier 4. An amendment is being made to the rules to clarify that Tier 4 students who are sponsored by such an institution at the time of the conversion may continue to study there until they complete their current course of study. A definition of ‘school maintained by a local authority’ is also being added.

Changes relating to Short-term Students

7.28. A clarification is being made to the Short-term student rules to make clear that short-term students must be genuine and that their purpose of coming to the UK is to study a short course.

Changes relating to Part 9

7.29. Each year, the Home Office is awarded considerable litigation costs by the courts and tribunal. Some applicants fail to pay these costs. They may then make further applications to be granted entry clearance, leave to enter or leave to remain. At present the Immigration Rules do not provide a specific power to refuse such applications on the basis that the applicant owes a litigation debt to the Home Office. It is right that people who are ordered to pay costs to the Home Office following an unsuccessful appeal or claim should do so. Therefore a new discretionary power to refuse applications on the basis of litigation debt is being introduced into Part 9 of the Immigration Rules, which contains the general grounds for refusal. The new rule will encourage applicants to pay litigation debts that they owe and assist the Home Office in recovering the costs incurred in dealing with the unsuccessful litigation.

7.30. An equivalent change is being made to Appendix V, which contains ‘suitability requirements’ for applicants under the visitor route based on the general grounds contained in Part 9 of the Rules.

7.31. A change is also being made to the ‘suitability requirements’ in Appendix FM and Appendix Armed Forces such that applications made under those Appendices may be refused on the basis of litigation debt. As Appendix FM sets out how the Secretary of State will consider applications to enter or remain in the UK on the basis of family or private life, and Appendix Armed Forces applicants may raise similar considerations, the rule will confer a discretionary power to refuse an application on the basis of a litigation debt.

7.32. Following amendments to the Immigration Rules on 10 October 2011 (HC, 1511) migrants subject to immigration controls who have incurred a cumulative NHS debt of £1000 or more should normally be refused entry clearance and leave to enter or remain in the UK until the debt is cleared. The amendments to paragraph 320(22), 322(12) and 3.14 of Appendix V lower the threshold from £1000 to £500.

7.33. Paragraph 320 of the Immigration Rules sets out various grounds for the refusal of entry clearance or leave to enter. We are making an amendment to paragraph 320(3) to avoid a mandatory refusal for holders of documents which do not

establish a nationality, owing to the holder's status, but which the UK is otherwise prepared to accept as they are recognised as valid for travel in all other respects.

7.34. Paragraph 322(2A), which provides for refusal where the applicant has made false representations or failed to disclose material facts for the purpose of obtaining a document indicating a right to reside, is being extended to applications made under Appendix Armed Forces. This corrects an oversight.

Changes relating to Administrative Review

7.35. Appendix AR of the Immigration Rules sets out the rules for administrative review including the decisions that are eligible for review.

7.36. The purpose of an administrative review is to assess whether the original decision maker reached an incorrect decision on the application, based on the evidence originally supplied with the application. It does not provide, generally, an opportunity for the applicant to rectify omissions in the evidence that was submitted with the original application. Additional evidence may only be submitted in the circumstances set out in paragraph AR2.4 of Appendix AR. Amendments have been made to allow reviewers to request further evidence in additional limited circumstances.

7.37. An application may be refused under paragraph 322(2) of the Immigration Rules if the applicant has practiced deception for the purpose of obtaining leave to enter or a previous variation of leave, or in order to obtain documents from the Secretary of State or a third party required in support of the application for leave to enter or a previous variation of leave. A change has been made to provide for additional evidence to be considered at administrative review in order to demonstrate that the deception specified in paragraph 322(2) did not occur. This brings the administrative review of such refusals in line with the review of a decision to refuse an application on the basis that deception was practiced in the current application.

7.38. One of the principles of administrative review is that a decision may only be reviewed once, unless the result of the first review is that different or additional refusal reasons are added to the decision. This principle will also apply to the review of refusals under paragraph 322(2). Applicants may only produce new evidence once to rebut a finding of deception. Therefore new evidence can only be provided to rebut a finding that deception was practiced in a previous application if the decision under review is the first decision which contained the finding of deception. If the finding of deception was also made in the decision on a previous application, the applicant will have already had a chance to challenge that finding in the context of the previous decision.

7.39. A change is being made to paragraphs AR2.8 and AR2.9 to clarify when an administrative review is pending.

Changes relating to Appendix Armed Forces

7.40. Changes are being made to Appendix Armed Forces to enable an application to be refused on grounds of suitability if the applicant has failed to pay litigation costs awarded to the Home Office.

Changes relating to Family and Private Life

7.41. The following changes and clarifications are being made to the Immigration Rules relating to family and private life:

- To enable an application to be refused on grounds of suitability if false representations have been submitted, or there has been a failure to disclose material facts, in a previous immigration application; or where the applicant has failed to pay litigation costs awarded to the Home Office.
- In respect of the evidential requirements under Appendix FM-SE for the minimum income threshold for sponsoring a partner and any dependent child:
 - Allowing a certificate of confirmation of accounts to be provided by an accountant who is a member of the Institute of Financial Accountants.
 - Allowing cash savings to be held in a current, deposit or investment account which is provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating and which otherwise meets the requirements of Appendix FM-SE.
 - Clarifying that where the applicant or sponsor relies on income from self-employment, or as a director of a specified limited company, all the income relied on by the couple must relate to the same financial year(s).

Insertion of Appendix SN

7.42. Appendix SN is being inserted in the Immigration Rules to specify how certain notices will be served. The notices covered by Appendix SN are:

- (a) that an application for entry clearance, leave to enter or leave to remain in the United Kingdom is invalid;
- (b) that an application for entry clearance, leave to enter or leave to remain in the United Kingdom is void;
- (c) that an application for administrative review is invalid; or
- (d) notifying a person of the outcome of an administrative review application.

Service of these notices is not covered by either the Immigration (Notices) Regulations 2003 or the Immigration (Leave to Enter and Remain) Order 2000 because they are not notices of the types covered by this legislation. Previously,

service of such notices has been covered by various provisions in Part 1 and Appendix AR of the Immigration Rules. Appendix SN sets out a unified set of provisions for service of the notice types that it covers, which provides clarity for applicants and Home Office officials. Consequently, redundant provisions regarding service of notices are being removed from Part 1 and Appendix AR, making those sections of the Rules shorter and simpler. The new appendix adopts the same provisions regarding service as the 2003 Regulations and 2000 Order, providing consistency of approach when serving different types of notices.

7.43. Appendix SN clarifies that a postal address outside the UK is not a postal address for correspondence where the person affected is in the UK. A person is unlikely to receive a notice sent to an address outside the UK when the person is in the UK. There is an increased risk that the notice may be lost or received by someone other than the intended recipient if that person is not present at the address to which it is sent.

Changes relating to the Visit Rules

7.44. Part V3 of Appendix V sets out the suitability requirements for visitors. A change is being made to include a discretionary power for an application for a visit visa, leave to enter or leave to remain to be refused where the applicant owes a litigation debt to the Home Office.

7.45. Part V3 of Appendix V also requires an application for a visit visa, leave to enter or leave to remain to be refused where the applicant fails to produce a valid travel document that satisfactorily establishes their nationality and identity. We are making a change to that so that a mandatory refusal is avoided for holders of documents which do not establish a nationality, owing to the holder's status, but which the UK is otherwise prepared to accept as they are recognised as valid for travel in all other respects.

7.46. Appendix 2 to Appendix V of the Immigration Rules sets out those people who need a visa in advance of travelling to the UK as a visitor, and the exceptions to that requirement. We are making changes to clarify those exceptions and to ensure that they are consistent with the other provisions of Appendix V. We are making a change to Appendix 2 to enable Indonesian nationals who hold diplomatic passports, issued by Indonesia, to travel to the UK visa free as a visitor. We are also making a change to enable persons who are nationals or citizens of a country or territory that is not included in the visa national list and who hold an Emergency Travel Document issued by their country or territory, to transit the UK without a visa to return to the country or territory in which they are ordinarily resident.

7.47. Appendix 2 includes an exception to the visa requirement in respect of nationals of specific countries who hold an Electronic Visa Waiver (EVW) Document. The EVW scheme is being introduced in Kuwait and Appendix 2 has been amended to reflect that.

7.48. Appendix 5 to Appendix V of the Immigration Rules comprises a list of events that are Permit Free Festivals. Permit Free Festivals are events that are assessed as contributing to the cultural heritage of the UK and at which performers can,

exceptionally, be paid for their participation as visitors. Visitors cannot normally receive payment from a UK source for any permitted activities they undertake here. The list has been updated for 2016/17.

8. Consultation

8.1. There was consultation on the administrative review Immigration Rules as laid in October 2014. There has not been any further consultation.

8.2. Otherwise the changes in this Statement have not been the subject of a formal public consultation, as this would be disproportionate given the minor nature of the changes.

9. Guidance

9.1. Guidance relating to these rules changes will be updated and placed on the GOV.UK website.

10. Impact

10.1. These changes will have limited or no impact on business, charities, the public sector or voluntary bodies, such that an impact assessment is unnecessary. The changes to the operation of the Tier 2 (General) annual limit are expected to have a small beneficial impact on employers who are Tier 2 (General) sponsors.

11. Regulating small business

11.1. These changes will have limited or no impact on small businesses, other than as mentioned above.

12. Monitoring and review

12.1. The review clauses at the beginning of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added by the changes in this Statement, and lay a report before Parliament within five years of 6 April 2012 and within every five years after that. Following each review the Secretary of State will decide whether the relevant Immigration Rules should remain as they are, be revoked or be amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

13. Contact

13.1. Queries should be directed to the Home Office as per the 'Contact UKVI' section on the visas and immigration pages of GOV.UK website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

13.2. Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries.

Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.

13.3. A copy of this Statement of Changes can be found on the visa and immigration pages of the GOV.UK website at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>.

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