

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
18 October 2022*

(This document is accompanied by an Explanatory Memorandum)



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A copy of this Statement of Changes can be found at www.gov.uk/official-documents and also 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 them 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 (HC 329), 29 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), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 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 (HC 523), 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

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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), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), 15 March 2018 (HC 895), 15 June 2018 (HC 1154), 20 July 2018 (Cm 9675), 11 October 2018 (HC 1534), 11 December 2018 (HC 1779), 20 December 2018 (HC 1849), 7 March 2019 (HC 1919), 1 April 2019 (HC 2099), 9 September 2019 (HC 2631), 24 October 2019 (HC 170), 30 January 2020 (HC 56), 12 March 2020 (HC 120), 14 May 2020 (CP 232), 10 September 2020 (HC 707), 22 October 2020 (HC 813), 10 December 2020 (HC 1043), 31 December 2020 (CP 361), 4 March 2021 (HC 1248), 10 September 2021 (HC 617), 11 October 2021 (CP 542), 1 November 2021 (HC 803), 14 December 2021 (HC 913), 24 January 2022 (HC 1019), 17 February 2022 (CP 632), 15 March 2022 (HC 1118), 29 March 2022 (HC 1220), 11 May 2022 (HC 17) and 20 July 2022 (HC 511).

Implementation

The following paragraphs shall take effect at 1600 on 18 October 2022.

- APP TWSW1 to TWSW9

The following paragraphs shall take effect on 9 November 2022. In relation to those changes, if an application for entry clearance, leave to enter or leave to remain, or a Global Talent Endorsement application, has been made before 9 November 2022, such applications will be decided in accordance with the Immigration Rules in force on 8 November 2022.

- INTRO3
- 7.1
- 9.1
- 9.4 and 9.5
- 9.7
- APP V1 to APP V3
- APP PA1 and APP PA2
- APP VN2 to APP VN6
- APP ST2
- APP ST4 to APP ST8
- APP GR1
- APP SW1 and APP SW2
- APP SO1
- APP GBM1
- APP GBM6
- APP GBM15 to APP GBM19
- APP GBM22 and APP GBM23

- APP GBM26 to APP GBM29
- APP ROB1
- APP ROB4
- APP GT1 to APP GT20
- APP GTP1 to APP GTP3
- APP ISP1
- APP DW1 to APP DW3
- APP FIN3

The following paragraph shall take effect on 9 November 2022. In relation to those changes, if an application for leave to remain has been made using a Certificate of Sponsorship issued before 9 November 2022, such applications will be decided in accordance with the Immigration Rules in force on 8 November 2022.

- APP CRV1

The following paragraphs shall take effect on 9 November 2022.

- INTRO1 and INTRO2
- INTRO4 to INTRO9
- 1.1 to 1.4
- 6A.1 to 6A.4
- 7.2
- 8.1 to 8.18
- 9.6
- 10.1
- 11.1 to 11.16
- APP 2PR1
- APP AF1
- APP B1 and APP B2
- APP ECAA1 to APP ECAA4
- APP ECAAS1
- APP EU1 to APP EU26
- APP EU(FP)1 to APP EU(FP)15
- APP FM1
- APP FMSE1
- APP KOLL1 to APP KOLL4
- APP VN1
- APP HV1 and APP HV2
- APP ST1
- APP ST3
- APP ST9 to APP ST12
- APP CS1 and APP CS2
- APP PL1 and APP PL2
- APP GR2 to APP GR5

- APP SW3 to APP SW6
- APP GBM2 to APP GBM5
- APP GBM7 to APP GBM14
- APP GBM20 and APP GBM21
- APP GBM24 and APP GBM25
- APP GBM30 to APP GBM33
- APP MOR1 to APP MOR4
- APP ROB2 and APP ROB3
- APP ROB5 and APP ROB6
- APP UKA1 to APP UKA4
- APP GT21 to APP GT25
- APP HPI1 to APP HPI4
- APP SU1 to APP SU4
- APP ISP2 to APP ISP5
- APP SGB1 to APP SGB3
- APP DW4 and APP DW5
- APP YMS1 to APP YMS3
- APP YMSEN1 to APP YMSEN3
- APP CRV2 to APP CRV5
- APP RW1 to APP RW4
- APP CW1 to APP CW4
- APP IA1 to APP IA9
- APP GAE1 to APP GAE5
- APP GAES1 and APP GAES2
- APP CWOP1 and APP CWOP2
- APP HK4 and APP HK5
- APP HK12 and APP HK13
- APP HK21 and APP HK22
- APP HK45 and APP HK46
- APP HK48 and APP HK49
- APP UKR1 to APP UKR3
- APP PL1 to APP PL3
- APP EL1
- APP FIN1
- APP CR1 and APP CR2

The following paragraphs shall take effect on 30 November 2022.

- 7.3
- APP AR1 and APP AR2
- APP HK1 to APP HK3
- APP HK6 to APP HK11
- APP HK14 to APP HK20
- APP HK23 to APP HK44
- APP HK47

- APP ARAP1

The following paragraphs shall take effect on 30 January 2023.

- 9.2 and 9.3
- APP VTS 1

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 2017; 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:

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

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 6.2, in the definition of “Customs Breach”, for “Her Majesty’s”, substitute, “His Majesty’s”.

- INTRO2. In paragraph 6.2, in the definition of “date of application”, in subparagraph (d) after “10” insert “working”.
- INTRO3. In paragraph 6.2, at the end of the definition of “Employment”, add “Standing for or filling an elected post in local or devolved government is not considered to be employment for the purposes of the immigration rules, and conditions restricting employment do not affect the ability to undertake such activities.”.
- INTRO4. In paragraph 6.2, in the definition of “refugee permission to stay”, for “a refugee” substitute “an individual with refugee status”.
- INTRO5. In paragraph 6.2, in the definition of “refugee permission to stay”, for “339QA” substitute “339QA(i)”.
- INTRO6. In paragraph 6.2, in the definition of “temporary refugee permission to stay”, for “a refugee” substitute “an individual with refugee status”.
- INTRO7. In paragraph 6.2, in the definition of “temporary refugee permission to stay”, for “339QB” substitute “339QA(ii)”.
- INTRO8. In paragraph 6.2, in the definition of “temporary humanitarian permission to stay”, for “339QC” substitute “339QB”.
- INTRO9. In paragraph 6.2, for “**Visa nationals**”, substitute:
- ““**Visa nationals**” means persons specified in Appendix Visitor: Visa National list as needing an entry clearance (a visa), in advance of travel to the UK for any purpose and “**Non-visa nationals**” are persons who are not so specified in that Appendix and are required to obtain entry clearance in advance of travel for any purpose other than as a visitor for less than 6 months.”.

Changes to Part 1

- 1.1. For paragraph 24, substitute:

“24. The following persons are required to obtain entry clearance in advance of travel to the UK:

- (i) a visa national;
- (ii) a non-visa national (not a British or Irish national) who is seeking entry for any purpose other than as a visitor seeking entry for 6 months or less, or
- (iii) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules.

Any other person who wishes to ascertain in advance whether they are eligible for admission to the United Kingdom may apply for the issue of an entry clearance.

24A. A person who requires entry clearance must on arrival in the UK either:

- (i) produce to the Immigration Officer a valid passport or other identity document endorsed with a United Kingdom entry clearance, issued to them for the purpose for which they seek entry, which is still in force, or:
- (ii) where they have been granted a United Kingdom entry clearance which was issued to them in electronic form (an eVisa) for the purpose for which they seek entry and which is still in force, produce to the Immigration Officer a valid passport or other identity document.

24B. A person who requires entry clearance and fails to meet the requirements of 24A must not be granted leave to enter on arrival.”.

1.2. After paragraph 34K insert:

“Void applications

34KA. An application is void where it would not be possible to grant the applicant the permission for which they applied.

34KB. If an application is void, it will not be considered.

34KC. An application is void if, for example, any of the following apply:

- (a) it was made by a person who is exempt from immigration control, unless it was made under Appendix EU of these Rules; or
- (b) it is an application for temporary permission, and the applicant has already been granted settlement; or
- (c) it is a new application for permission to stay and is made while the applicant’s current permission is extended under section 3C of the Immigration Act 1971 during the period where an in-time appeal could be brought or is pending, unless the new application is made under Appendix EU of these Rules or is a human rights or protection claim; or
- (d) the applicant has died before the application has been decided.

34KD. Where an application is void, notice will be given in accordance with Appendix SN of these Rules.”.

1.3. In paragraph 39E, for sub-paragraph (2) substitute:

“(2) the application was made:

(a) following the refusal or rejection of a previous application for leave which was made in-time; and

(b) within 14 days of:

(i) the refusal or rejection of the previous application for leave; or

(ii) the expiry of any leave extended by section 3C of the Immigration Act 1971; or

(iii) the expiry of the time-limit for making an in-time application for administrative review or appeal in relation to the previous application (where applicable); or

(iv) any such administrative review or appeal being concluded, withdrawn, abandoned or lapsing; or”.

1.4. In paragraph 34G, in sub-paragraph (4) after “10” insert “working”.

Changes to Part 6A

6A.1. Delete subparagraph 245DC(b)(ii).

6A.2. Delete subparagraph 245DE(b)(ii).

6A.3. Delete subparagraph 245EC(b)(ii).

6A.4. Delete subparagraph 245EE(b)(ii).

Changes to Part 7

7.1. Delete paragraphs 266 to 276.

7.2. Delete paragraph 276A01(2).

7.3. Delete paragraphs 276BA1 to 276BS5.

Changes to Part 8

8.1. In paragraph 281(i)(a)(iii), insert “the British Overseas Territories” between Belize and Canada.

8.2. In paragraph 281(i)(a)(iv), insert “the British Overseas Territories” between Belize and Dominica.

8.3. In paragraph 284(ix)(b), insert “the British Overseas Territories” between Belize and Canada.

- 8.4. In paragraph 281(ix)(c), insert “the British Overseas Territories” between Belize and Dominica.
- 8.5. In paragraph 290(vii)(b), insert “the British Overseas Territories” between Belize and Canada.
- 8.6. In paragraph 290(vii)(c), insert “the British Overseas Territories” between Belize and Dominica.
- 8.7. In paragraph 295A(i)(a)(iii), insert “the British Overseas Territories” between Belize and Canada.
- 8.8. In paragraph 295A(i)(a)(iv), insert “the British Overseas Territories” between Belize and Dominica.
- 8.9. In paragraph 295D(xi)(b), insert “the British Overseas Territories” between Belize and Canada.
- 8.10. In paragraph 295D(xi)(c), insert “the British Overseas Territories” between Belize and Dominica.
- 8.11. Delete subparagraph 319D(b)(ii).
- 8.12. Delete subparagraph 319I(b)(ii).
- 8.13. In paragraph 319L(i)(b)(iv), insert “the British Overseas Territories” between Belize and Canada.
- 8.14. In paragraph 319L(i)(b)(v), insert “the British Overseas Territories” between Belize and Dominica.
- 8.15. In paragraph 319O(i)(a)(iv), insert “the British Overseas Territories” between Belize and Canada.
- 8.16. In paragraph 319O(i)(a)(v), insert “the British Overseas Territories” between Belize and Dominica.
- 8.17. In paragraph 319XA, after “(“leave in line”) provided”, delete “5 years provided on arrival,”.
- 8.18. In paragraph 319XA, after “produced to the Immigration Officer”, insert “on arrival”.

Changes to Part 9

- 9.1. For the title at the beginning of Section 2 “Exclusion or deportation order grounds” substitute “Exclusion, deportation order or travel ban grounds”.

- 9.2. In paragraph 9.1.1(n), for “.”, substitute “; and”.
- 9.3. After paragraph 9.1.1(n), insert:
“(o) Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery except paragraphs 9.2.2, 9.3.2, 9.4.2, 9.4.5, 9.5.2, 9.7.3, 9.18.1, 9.20.1, 9.20.2, 9.23.1 and 9.24.1.”.
- 9.4. After paragraph 9.2.2, insert:
“9.2.3. An application for entry clearance must be refused where the applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.
9.2.4. Entry clearance must be cancelled where the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.”.
- 9.5. For paragraph 9.8.3A, substitute:
“Unless 9.8.1. applies, an application for entry clearance, permission to enter or permission to stay may be refused where a person used deception in relation to a previous application (whether or not successfully).”.
- 9.6. For paragraph 9.14.1, substitute:
“Permission to enter must be refused if the person seeking entry is required under these rules to obtain entry clearance in advance of travel to the UK, and the person does not hold the required entry clearance.”.
- 9.7. At the end of paragraph 9.31.3(c)(iii), for “.”, substitute:
“; or
(d) a reduction in salary coincides with a temporary reduction in the person’s hours for individual health reasons, or a phased return to work for individual health reasons, in either case being supported by an occupational health assessment and where the reduction in pay does not result in the hourly rate falling below any requirement which applied when the person obtained their most recent grant of permission.”.

Changes to Part 10

- 10.1. Delete “Part 10: registering with the police”.

Changes to Part 11

- 11.1. In paragraph 333C, for “asylum claim”, substitute “application for asylum”.
- 11.2. For paragraph 339E, substitute:

“If the Secretary of State decides to grant humanitarian protection to a person who has previously been given leave to enter (whether or not the leave has expired), or to a person who has entered without leave, the Secretary of State will vary the existing leave or grant limited leave to remain. Where a person has an existing grant of indefinite leave to remain, their leave to remain will not be varied.”.
- 11.3. In paragraph 352A, after “The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the partner of a person granted”, insert “refugee leave or”.
- 11.4. In paragraph 352AB, for “refugee status and temporary refugee permission”, substitute “temporary refugee permission to stay”.
- 11.5. In paragraph 352D, for, “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 and refugee permission are that the applicant:”, substitute:

“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 has refugee leave or refugee permission to stay are that the applicant:”.
- 11.6. For paragraph 352D(i), substitute:

“(i) is the child of a parent who has refugee leave or refugee permission to stay granted under the Immigration Rules in the United Kingdom; and”.
- 11.7. In paragraph 352DA, for “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 a parent who currently has refugee status and temporary refugee permission are that paragraph 352D(i) to (vi) has been met and:”, substitute:

“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 a parent who has temporary refugee permission to stay are that paragraph 352D(i) to (vi) has been met and:”.
- 11.8. In paragraph 352DB, for “In the case of an adult child seeking to join a parent with refugee status and refugee permission or temporary refugee permission to stay, criteria which may amount to exceptional circumstances include:”,

substitute:

“In the case of an adult child seeking to join a parent with refugee leave, refugee permission to stay, temporary refugee permission to stay, or humanitarian protection in the UK, criteria which may amount to exceptional circumstances include:”.

11.9. For paragraph 352FA(viii), substitute:

“(viii) for applicants who are seeking leave to enter or remain in the United Kingdom as the partner of a person who was granted humanitarian protection as a result of an asylum claim made on or after 28 June 2022, there are insurmountable obstacles to the couple living anywhere other than the UK and a refusal of leave would breach the UK’s obligations under Article 8 ECHR.”.

11.10. For paragraph 352FG(vii), substitute:

“(vii) for applicants who are seeking leave to enter or remain in the United Kingdom in order to join or remain with their parent who was granted humanitarian protection as a result of an asylum claim made on or after 28 June 2022:

(a) there are insurmountable obstacles to family life continuing elsewhere and a refusal of leave would breach the UK’s obligations under Article 8 ECHR; and

(b) the Secretary of State is satisfied that family reunion in the UK is in the child’s best interests.”.

11.11. In paragraph 352FG(vii), for “; and” substitute “.”.

11.12. Delete paragraph 352FG(viii).

11.13. For paragraph 352G(f), substitute:

“(f) “Refugee permission to stay” means permission to stay granted to an individual with refugee status under paragraph 339QA(i) of these rules which has not been revoked under paragraph 339QD;”.

11.14. For paragraph 352G(g), substitute:

“(g) “Temporary refugee permission to stay” means permission to stay granted to an individual with refugee status under paragraph 339QA(ii) of these rules which has not been revoked under paragraph 339QD;”.

11.15. For paragraph 352G(h), substitute:

“(h) “Temporary humanitarian permission to stay” means permission to stay granted to an individual with humanitarian protection under paragraph 339QB of these rules which has not been revoked under paragraph 339QD;”.

11.16. After paragraph 352G(h), insert:

“(i) “Refugee leave” means the leave to remain granted to an individual with refugee status, who sought to register an asylum claim before 28 June 2022.”.

Changes to Appendix 2

APP 2PR1. Delete “Appendix 2: police registration”.

Changes to Appendix AR

APP AR1. In AR3.2(c), after “under Appendix Ukraine Scheme,” insert “or an application under Appendix Afghan Relocation and Assistance Policy (ARAP),”.

APP AR2. In AR5.2(a), after “under Appendix Ukraine Scheme,” insert “under Appendix Afghan Relocation and Assistance Policy (ARAP),”.

Changes to Appendix Armed Forces

APP AF1. In paragraph 70, insert “the British Overseas Territories” between Belize and Canada.

Changes to Appendix B: English Language

APP B1. In paragraph 6, insert “The British Overseas Territories” between Belize and Canada.

APP B2. In paragraph 7, insert “The British Overseas Territories” between Belize and Dominica.

Changes to Appendix ECAA: Extension of Stay

APP ECAA1. In ECAA 6.4.(d), for “; and”, substitute “.”.

APP ECAA2. Delete ECAA 6.4.(e).

APP ECAA3. In ECAA 16.2.(c), for “; and”, substitute “.”.

APP ECAA4. Delete ECAA 16.2.(d).

Changes to Appendix ECAA Settlement

APP ECAAS1. Delete ECAA 7.1.(g).

Changes to Appendix EU

- APP EU1. In Annex 1, in sub-paragraph (a) of the definition of ‘continuous qualifying period’ in the table, delete “is a **relevant EEA family permit case**,”.
- APP EU2. In Annex 1, in sub-paragraph (c)(ii)(aa) of the definition of ‘continuous qualifying period’ in the table, after “the Immigration Act 1988”, insert “(as it had effect before it was repealed)”.
- APP EU3. In Annex 1, in sub-paragraph (a) of the definition of ‘EEA Regulations’ in the table, for “have effect” substitute “had effect”.
- APP EU4. In Annex 1, in sub-paragraph (b) of the definition of ‘EEA Regulations’ in the table, for “continue” substitute “continued”.
- APP EU5. In Annex 1, after the entry for ‘exclusion order’ in the table, insert:

“

exempt person	a person who: (a) has a right to reside under the EEA Regulations, other than under regulation 16; or (b) has the right of abode under section 2 of the Immigration Act 1971; or (c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; or (d) has indefinite leave to enter or remain, unless this was granted under this Appendix
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- APP EU6. In Annex 1, for the entry for ‘family member of a qualifying British citizen’ in the table, substitute:

“

family member of a qualifying British citizen	a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that: (a) they have (or, as the case may be, had) returned to the UK: (i) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and:
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	<p>(aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(bb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of ‘durable partner’ in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; or</p> <p>(ii) (where sub-paragraph (a)(i)(bb) above does not apply) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed after the date and time of withdrawal and before 2300 GMT on 31 December 2020; or</p> <p>(iii) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the durable partner of a qualifying British citizen, and:</p> <p style="padding-left: 40px;">(aa) the partnership was formed and was durable before the date and time of withdrawal; and</p> <p style="padding-left: 40px;">(bb) the partnership remains durable at the date of application; or</p> <p>(iv) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the durable partner of a qualifying British citizen, and:</p> <p style="padding-left: 40px;">(aa) the partnership was formed and was durable after the date and time of withdrawal and before 2300 GMT on 31 December 2020; and</p> <p style="padding-left: 40px;">(bb) the partnership remains durable at the date of application; or</p> <p>(v) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the child or dependent parent of a qualifying British citizen, and the family relationship existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the</p>
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	<p>meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or (vi) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(i) above), and all the family relationships existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or</p> <p>(vii) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(ii) above), and the family relationship of the child or dependent parent to the spouse or civil partner existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or</p> <p>(viii) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the dependent relative of a qualifying British citizen, or (as the case may be) of their spouse or civil partner as described in sub-paragraph (a)(i) or (a)(ii) above, and that family relationship and (in sub-paragraph (a)(i)(bb) of the entry for ‘dependent relative’ in this table) the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the applicant returned to the UK with the qualifying British citizen or (where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet the deadline of 2300 GMT on 31 December 2020 for returning to the UK) before 2300 GMT on 31 December 2020, and (in either case) the person’s dependency (or, as the case may be, their</p>
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	<p>membership of the household or their strict need for personal care on serious health grounds) continues to exist at the date of application (or did so for the period of residence in the UK relied upon); and</p> <p>(b) they satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member (“F”) to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member (“EFM”) to whom those provisions refer), in either case doing so:</p> <p>(i) (save in the case of a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) above who was born after 2300 GMT on 31 December 2020, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before 2300 GMT on 31 December 2020; and</p> <p>(ii) (save where the date of application is after 2300 GMT on 31 December 2020 and where those conditions concern matters relevant to the dependency referred to in sub-paragraph (b)(ii)(bb) of the entry for ‘child’ in this table or in sub-paragraph (b)(ii) of the entry for ‘dependent parent’ in this table) immediately before returning to the UK with (or following) the qualifying British citizen (who is to be treated as the British citizen (“BC”) to whom those provisions refer); and</p> <p>(c) (where the applicant does not rely on having a documented right of permanent residence, on having completed a continuous qualifying period in the UK of five years, or on being a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen) the family relationship continues to exist at the date of application</p>
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APP EU7. In Annex 1, in the second sub-paragraph (c) of the definition of ‘family member who has retained the right of residence’ in the table, after “the Immigration Act 1988”, insert “(as it had effect before it was repealed)”.

APP EU8. In Annex 1, in the definition of ‘immigration status in the UK or the Islands’ in the table, after “the Immigration Act 1988”, insert “(as it

had effect before it was repealed)”.

APP EU9. In Annex 1, for the entry for ‘person who had a derivative or Zambrano right to reside’ in the table, substitute:

“

person who had a derivative or Zambrano right to reside	<p>a person who, before the specified date, was a person with a derivative right to reside or a person with a Zambrano right to reside, immediately before they became (whether before or after the specified date):</p> <ul style="list-style-type: none">(a) a relevant EEA citizen; or(b) a family member of a relevant EEA citizen; or(c) a person with a derivative right to reside; or(d) a person with a Zambrano right to reside; or(e) a family member of a qualifying British citizen, <p>and who has remained or (as the case may be) remained in any (or any combination) of those categories (including where they subsequently became a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen or with a qualifying British citizen)</p> <p>in addition, where a person relies on meeting this definition, the continuous qualifying period in which they rely on doing so must have been continuing at 2300 GMT on 31 December 2020</p>
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”.

APP EU10. In Annex 1, for the entry for ‘person with a derivative right to reside’ in the table, substitute:

“

person with a derivative right to reside	<p>a person who has satisfied the Secretary of State by evidence provided that they are (and for the relevant period have been) or (as the case may be) for the relevant period they were:</p> <p>(a) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met:</p> <ul style="list-style-type: none">(i) they are not an exempt person; and(ii) they are the primary carer of an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table and, where they are also a British citizen, the EEA citizen falls within sub-paragraphs (c) and (d) of the entry for ‘relevant
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	<p>naturalised British citizen’ in this table); and</p> <p>(iii) the EEA citizen is under the age of 18 years and resides in the UK as a self-sufficient person; and</p> <p>(iv) the EEA citizen would in practice be unable to remain in the UK if the person in fact left the UK for an indefinite period; and</p> <p>(v) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect;</p> <p>or</p> <p>(b) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met:</p> <p>(i) they are not an exempt person; and</p> <p>(ii) they are in education in the UK; and</p> <p>(iii) any of the person’s parents (“PP”) is an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table and, where they are also a British citizen, PP falls within sub-paragraphs (c) and (d) of the entry for ‘relevant naturalised British citizen’ in this table) who resides or has resided in the UK; and</p> <p>(iv) both the person and PP reside or have resided in the UK at the same time and during such a period of residence PP has been a worker or self-employed person in the UK; and</p> <p>(v) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect;</p> <p>or</p> <p>(c) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met:</p> <p>(i) they are not an exempt person; and</p> <p>(ii) they are the primary carer of a person who meets the requirements of sub-paragraph (b) above (“PPP”); and</p> <p>(iii) PPP would in practice be unable to continue to be educated in the UK if the person in fact left the UK for an indefinite period; and</p> <p>(iv) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect;</p>
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	<p>or</p> <p>(d) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met:</p> <ul style="list-style-type: none"> (i) they are not an exempt person; and (ii) they are under the age of 18 years (unless they were previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a person with a derivative right to reside and were under 18 at the date of application for that leave); and (iii) their primary carer meets the requirements of sub-paragraph (a) or (c) above; and (iv) the primary carer would in practice be prevented from residing in the UK if the person in fact left the UK for an indefinite period; and (v) they do not have leave to enter or remain in the UK, unless this was granted under this Appendix or in effect by virtue of section 3C of the Immigration Act 1971; and (vi) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect <p>in addition:</p> <ul style="list-style-type: none"> (a) ‘relevant period’ means here the continuous qualifying period in which the person relies on meeting this definition; and (b) unless the applicant relies on being a person who had a derivative or Zambrano right to reside or a relevant EEA family permit case, the relevant period must have been continuing at 2300 GMT on 31 December 2020; and (c) where the role of primary carer is shared with another person in accordance with sub-paragraph (b)(ii) of the entry for ‘primary carer’ in this table, the reference to ‘the person’ in sub-paragraphs (a)(iv) and (c)(iii) above is to be read as ‘both primary carers’; and (d) ‘self-sufficient person’ means a person with sufficient resources not to become a burden on the social assistance system of the UK, regardless of whether they hold comprehensive sickness insurance cover in the UK; and (e) ‘education in the UK’ excludes nursery education but does not exclude education received before the compulsory school age where that education is equivalent to the education received at or after the compulsory school age
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APP EU11. In Annex 1, for the entry for ‘person with a Zambrano right to reside’ in the table, substitute:

“

<p>person with a Zambrano right to reside</p>	<p>a person who has satisfied the Secretary of State by evidence provided that they are (and for the relevant period have been) or (as the case may be) for the relevant period they were:</p> <p>(a) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met:</p> <ul style="list-style-type: none"> (i) they are not an exempt person; and (ii) they are the primary carer of a British citizen who resides in the UK; and (iii) the British citizen would in practice be unable to reside in the UK, the European Economic Area or Switzerland if the person in fact left the UK for an indefinite period; and (iv) they do not have leave to enter or remain in the UK, unless this was granted under this Appendix or in effect by virtue of section 3C of the Immigration Act 1971; and (v) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; <p>or</p> <p>(b) resident for a continuous qualifying period in the UK which began before the specified date and throughout which the following criteria are met:</p> <ul style="list-style-type: none"> (i) they are not an exempt person; and (ii) they are under the age of 18 years (unless they were previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a person with a Zambrano right to reside and were under 18 at the date of application for that leave); and (iii) their primary carer meets the requirements of sub-paragraph (a) above; and (iv) the primary carer would in practice be prevented from residing in the UK if the person in fact left the UK for an indefinite period; and (v) they do not have leave to enter or remain in the UK, unless this was granted under this Appendix or in effect by virtue of section 3C of
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	<p>the Immigration Act 1971; and</p> <p>(vi) they are not subject to a decision made under regulation 23(6)(b), 24(1), 25(1), 26(3) or 31(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect</p> <p>in addition:</p> <p>(a) ‘relevant period’ means here the continuous qualifying period in which the person relies on meeting this definition; and</p> <p>(b) unless the applicant relies on being a person who had a derivative or Zambrano right to reside or a relevant EEA family permit case, the relevant period must have been continuing at 2300 GMT on 31 December 2020; and</p> <p>(c) where the role of primary carer is shared with another person in accordance with sub-paragraph (b)(ii) of the entry for ‘primary carer’ in this table, the reference to ‘the person’ in sub-paragraph (a)(iii) above is to be read as ‘both primary carers’</p>
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”.

APP EU12. In Annex 1, after the entry for ‘person with a Zambrano right to reside’ in the table, insert:

“

primary carer	<p>a person who:</p> <p>(a) is a direct relative or legal guardian of another person (“AP”); and</p> <p>(b)(i) has primary responsibility for AP’s care; or</p> <p>(ii) shares equally the responsibility for AP’s care with one other person, unless that other person had acquired a derivative right to reside in the UK as a result of regulation 16 of the EEA Regulations before the person assumed equal care responsibility</p> <p>in addition, a person is not to be regarded as having responsibility for AP’s care on the sole basis of a financial contribution towards that care</p>
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”.

APP EU13. In Annex 1, for the entry for ‘qualifying British citizen’ in the table, substitute:

“

qualifying British citizen	<p>a British citizen who:</p> <p>(a) has (or, as the case may be, for the relevant period</p>
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	<p>had) returned to the UK with (or ahead of) the applicant:</p> <ul style="list-style-type: none">(i) (where sub-paragraph (a)(ii) below does not apply) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline); or(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) before 2300 GMT on 31 December 2020 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline); and <p>(b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer):</p> <ul style="list-style-type: none">(i) (save where the applicant is a child as described in sub-paragraph (a)(v), (a)(vi) or (a)(vii) of the entry for ‘family member of a qualifying British citizen’ in this table who was born after 2300 GMT on 31 December 2020, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) before 2300 GMT on 31 December 2020; and(ii) immediately before returning to the UK with (or ahead of) the applicant (who is to be treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer); and <p>(c) was continuously resident in the UK in accordance with regulation 3 of the EEA Regulations throughout any period on which the applicant relies as being present in the UK by virtue of being a family member of a qualifying British citizen</p> <p>in addition:</p> <ul style="list-style-type: none">(i) for the avoidance of doubt, for the purposes of sub-paragraph (b) above, service as a member of HM Forces (as defined in the Armed Forces Act 2006) in a country listed in sub-paragraph (a)(i) of the entry for ‘EEA citizen’ in this table may satisfy the conditions of being a “worker” for the purposes of the EEA Regulations; and
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	(ii) for the purposes of sub-paragraph (i) immediately above, sub-paragraph (a)(i) of the entry for ‘EEA citizen’ in this table will be treated as referring also to the Sovereign Base Areas on Cyprus
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APP EU14. In Annex 1, in sub-paragraph (a)(ii) of the definition of ‘relevant document’ in the table, after “the Immigration Act 1988”, insert “(as it had effect before it was repealed)”.

APP EU15. In Annex 1, in sub-paragraph (a)(iv) of the definition of ‘relevant document’ in the table, for “under Appendix EU (Family Permit) to these Rules” substitute “under or outside Appendix EU (Family Permit) to these Rules”.

APP EU16. In Annex 1, for the entry for ‘relevant EEA family permit case’ in the table, substitute:

“

relevant EEA family permit case	(a) family member of a relevant EEA citizen who is: (i) a dependent relative or a durable partner who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 and by 30 June 2021 with a valid EEA family permit issued under the EEA Regulations on the basis of a valid application made under the EEA Regulations before 2300 GMT on 31 December 2020; or (ii) a dependent relative or (on the basis of a valid application made under the EEA Regulations before 2300 GMT on 31 December 2020) a durable partner who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met the definition in Annex 1 to that Appendix of ‘specified EEA family permit case’; or (b) a person with a derivative right to reside or a person with a Zambrano right to reside who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 and by 30 June 2021 with a valid EEA family permit issued under the EEA Regulations on the basis of a valid application made under the EEA Regulations before 2300 GMT on 31 December 2020; or (c) a person with a derivative right to reside or a person with a Zambrano right to reside who (in either case) arrived in the UK after 2300 GMT on 31 December 2020 with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under
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	Appendix EU (Family Permit) to these Rules on the basis they met the definition in Annex 1 to that Appendix of ‘specified EEA family permit case’
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- APP EU17. In Annex 1, in sub-paragraph (a)(ii) of the definition of ‘required date’ in the table, for “sub-paragraph (a)(iii) below” substitute “sub-paragraph (a)(iii), (a)(v) or (a)(vi) below”.
- APP EU18. In Annex 1, in sub-paragraph (a)(iii) of the definition of ‘required date’ in the table, after “1 April 2021”, insert “, and where sub-paragraph (a)(v) or (a)(vi) below does not apply”.
- APP EU19. In Annex 1, in sub-paragraph (a)(v) of the definition of ‘required date’ in the table, after “failure to meet that deadline”, insert “where it applies”.
- APP EU20. In Annex 1, in sub-paragraph (a)(vi) of the definition of ‘required date’ in the table, after “failure to meet that deadline”, insert “where it applies”.
- APP EU21. In Annex 1, in sub-paragraph (e)(i) of the definition of ‘required evidence of family relationship’ in the table, after “the Immigration Act 1988”, insert “(as it had effect before it was repealed)”.
- APP EU22. In Annex 1, in sub-paragraph (f)(i) of the definition of ‘required evidence of family relationship’ in the table, after “the Immigration Act 1988”, insert “(as it had effect before it was repealed)”.
- APP EU23. In Annex 1, in sub-paragraph (b) of the definition of ‘self-employed person’ in the table, before “a person who is or was no longer in self-employment”, insert “(save where sub-paragraph (b)(iv) of the entry for ‘person with a derivative right to reside’ in this table is concerned)”.
- APP EU24. In Annex 1, for the entry for ‘specified date’ in the table, substitute:

“

specified date	(a) (where sub-paragraphs (b) and (c) below do not apply) 2300 GMT on 31 December 2020; or (b)(i) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 2300 GMT on 29 March 2022; or (ii) (where, in the case of a family member of a qualifying British citizen, the Secretary of State is
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Changes to Appendix Temporary Work – Seasonal Worker

- APP TWSW1. In the description after “seasonal horticulture work” insert “or poultry production work.”.
- APP TWSW2. In the description after “A person on the Seasonal Worker route can stay for a maximum period of six months in any 12-month period” insert:

“if they are working in a role in the horticulture sector and if they are a poultry production worker they can stay for a period of time beginning no earlier than 18 October and ending no later than 31 December each year.”.
- APP TWSW3. After SAW 1.3, insert:

“SAW 1.3ZA. If the Certificate of Sponsorship confirms that the role is in the poultry production sector, the date of application must be on or before 15 November in each year.”.
- APP TWSW4. For SAW 4.1(f), substitute:

“confirm that they are employed in either the horticulture or the poultry production sector. Work in in the horticulture sector means those growing:
- (i) Protected Vegetables – those grown in glasshouse systems; or
 - (ii) Field Vegetables – those grown outdoors, including vegetables, herbs, leafy salads and potatoes; or
 - (iii) Soft Fruit – those grown outdoors or under cover e.g. in glasshouses or polytunnels. Includes strawberries, raspberries, blackcurrants, blueberries and all ribes and rubus species; or
 - (iv) Top Fruit (Orchard Fruit) - trees that bear fruit e.g. apples, plums, cherries, apricots; or
 - (v) Vine and Bines – both twining or climbing flexible stems of certain plants, e.g. hops is a bine, and grapes is a vine; or
 - (vi) Mushrooms – typically covers *Agaricus bisporus* species but can also include more exotic species (typically grown indoors); or
 - (vii) Bulbs and cut flowers, such as daffodils, grown outdoors and indoors; or
 - (viii) Pot plants, such as seasonal bedding plants like pansies, violas, geraniums and poinsettias; or
 - (ix) Hardy ornamental nursery stock such as Christmas trees,

- shrubs, roses, ornamental trees and perennials; or
- (x) Tree and forest nurseries.

Work in the poultry production sector means undertaking one of the following roles:

- (i) Butcher (occupation code 5431); or
- (ii) Bird/game dresser (occupation code 5433); or
- (iii) Killer and plucker (occupation code 5433); or
- (iv) Plucker (occupation code 5433); or
- (v) Poulterer (occupation code 5433); or
- (vi) Poultry processor (occupation code 5433); or
- (vii) Poultry sticker (occupation code 5433); or
- (viii) Trusser (occupation code 5433); or
- (ix) Food operative (occupation code 8111); or
- (x) Poultry catcher/handler (occupation code 9111); or
- (xi) Poultry vaccinator (occupation code 9119); or
- (xii) Poultry meat packer (occupation code 9134); and”.

APP TWSW5. For SAW 4.1(g), substitute:

“confirm the applicant will:

- (i) be paid at least £10.10 for each hour worked; and
- (ii) if the applicant is being sponsored under occupation code 5431 or 5433 in the poultry production sector, be paid at least £25,600 per year pro rate; and
- (iii) if the applicant is being sponsored in the poultry production sector, will receive at least 30 hours paid employment each week.”.

APP TWSW6. After SAW 4.1A, insert:

“SAW 4.1B. The hourly rate only includes guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions) and does not include other pay and benefits (such as those listed in SW14.2).

SAW 4.1C. If the applicant is being sponsored to work more than 48 hours a week, only the salary for the first 48 hours a week will be considered towards the salary threshold of £25,600.”.

APP TWSW7. For SAW 7.1, substitute:

“SAW 7.1. The applicant will be granted permission as follows:

- (a) if the role is in the horticulture sector, for whichever is the shortest of either:

- (i) a maximum period of 6 months in any 12-month period, or
 - (ii) the period of the job on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or
- (b) if the role is in the poultry production sector, for whichever is the shortest of either:
- (i) the period commencing on 18 October and ending on 31 December in the year on which the application is submitted (inclusive); or
 - (ii) the period of the job on the Certificate of Sponsorship plus 14 days before and 14 days after that period.”.

APP TWSW8. In SAW 7.2.(c), for “; and”, substitute “.”.

APP TWSW9. Delete SAW 7.2.(d).

Changes to Appendix Youth Mobility Scheme

APP YMS1. In YMS 4.2, in the table, for the entry for “India”, substitute:

“

4	India	<p>The applicant must:</p> <ul style="list-style-type: none"> (a) have been issued with an invitation to apply in accordance with the invitation to apply arrangements set out in Appendix Youth Mobility Scheme: eligible nationals; and (b) have made their application within the period of time specified in that invitation to apply; and (c) provide the unique application number for that invitation to apply; and (d) provide a local police certificate or a police clearance certificate that has been issued no more than 6 months before the date of application; and (e) hold a qualification equal to or above RQF level 6.
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”.

APP YMS2. In YMS 7.2.(c), for “; and”, substitute “.”.

APP YMS3. Delete YMS 7.2.(d).

Changes to Appendix Youth Mobility Scheme: eligible nationals

3. The performer is engaged by a unit company
A unit company is an opera company which exists in a country outside the UK and has put on at least one production in that country. The sponsor must be able to provide proof that the company has put on at least one production in its home country, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes; and proof that the individual is engaged by the unit company for the production in the UK, e.g. contract of employment.

4. The performer has a certain attribute unlikely to be available in the UK
The role requires an attribute which would be unlikely to be available in the UK labour force, e.g. a certain physical appearance, physical talent, or linguistic or vocal skill. The sponsor must be able to provide proof that
a) the role requires a certain attribute; and
b) the individual has that attribute.

Required advertising media for other posts

Where formal advertising is not the standard industry practice for recruiting for a role: a resident labour search in accordance with standard industry practice, which will normally involve contacting performers' agents, diary services or casting agents.

Where formal advertising is usual for a role, including chorus, trainee and/or ensemble positions: the sponsor must advertise the role to suitably qualified resident workers for a period of at least two weeks on the employer's website and at least one of the following industry websites: Equity, YAP Tracker, Musical Chairs, The Stage, Guardian Media, Arts Jobs, The Voice, Opera Europa."

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APP CWOP2. After the entry for “Performers in opera”, insert:

“Performers in theatre

Appropriate salary rate

Payment should be commensurate with industry standards set out at: www.equity.org.uk

Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market

1. The performer is required for continuity
The applicant has worked for a period of one month or more during the past year, on the same production outside the UK prior to it coming to the UK. The “same production” means one which is largely the same in terms of direction and design as the production outside the UK. The sponsor must be able to provide proof that the performer is currently working, or has worked, on the same production outside the UK and has done so, or did so, for at least one month during the past year, e.g. contract of employment, press cuttings, cast list.

2. The performer has international status
The applicant is internationally famous in their field. (This is different to being well-known only in one country.) The sponsor must be able to provide proof that the performer has international status, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes.

3. The performer is engaged by a unit company
A unit company is a theatre company which exists in a country outside the UK and has put on at least one production in that country. The sponsor must be able to provide proof that the company has put on at least one production in its home country, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes; and proof that the individual is engaged by the unit company for the production in the UK, e.g. contract of employment.

4. The performer has a certain attribute unlikely to be available in the UK
The role requires an attribute which would be unlikely to be available in the UK labour force, e.g. a certain physical appearance, physical talent, or linguistic or vocal skill. The sponsor must be able to provide proof that
a) the role requires a certain attribute; and
b) the individual has that attribute.

5. The performer is the subject of an exchange under one of the UK theatre industry’s exchange programmes

The applicant satisfies the requirements of either of the exchange programmes with the United States and Australia operated by the theatre industry. Sponsors wishing to use

this category must contact Equity in the first instance.

Required advertising media for other posts

Where formal advertising is not the standard industry practice for recruiting for a role, a resident labour search in accordance with standard industry practice, which will normally involve contacting casting directors.

Where formal advertising is usual for a role, the sponsor must advertise the role to suitably qualified resident workers for a period of at least two weeks on at least one of the following industry websites: The Stage, Spotlight, Mandy, or on social media.

”.

Changes to Appendix Hong Kong British National (Overseas)

APP HK1. For the introduction, after “Immigration Rules Appendix Hong Kong British National (Overseas)” substitute:

“There are two Hong Kong British National (Overseas) routes– the BN(O) Status Holder route and the BN(O) Household Member route.

The BN(O) Status Holder route is for a British National (Overseas) status holder who is ordinarily resident in Hong Kong, the UK or the Crown Dependencies. A dependent partner and a dependent child of a British National (Overseas) status holder can apply under this route. Other family members with a high degree of dependency may also apply under this route.

The BN(O) Household Member route is for the adult child of a BN(O) status holder or of the partner of a BN(O) status holder who is aged 18 or over and born on or after 1 July 1997. The child of a BN(O) status holder’s dependent partner, dependent child and in exceptional circumstances, other family members with a high degree of dependency may apply under this route. The adult child of the partner of a BN(O) status holder may apply with their dependent partner and dependent child, and they must all form part of the same household as the British National (Overseas) status holder when they apply.

The Hong Kong British National (Overseas) routes allow work and study in the UK and are routes to settlement.”.

APP HK2. For HK 13.3, substitute:

“The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission on the Hong Kong BN(O) route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Hong Kong BN(O) route; or
- (c) P is settled or has become a British citizen, providing P had permission on the Hong Kong BN(O) route when they settled and the applicant had permission as P’s partner at that time.”.

APP HK3. For HK 15.1, substitute:

“The applicant must be:

(a) the child of a parent who:

- (i) has, or is at the same time being granted, entry clearance or permission as either a BN(O) Status Holder or the partner of a BN(O) Status Holder; or
- (ii) is settled or has become a British citizen, providing the parent had permission on the Hong Kong BN(O) route when they settled and the applicant had permission as their dependent child at that time; or

(b) The grandchild of a grandparent who:

- (i) has, or is at the same time being granted, entry clearance or permission as either a BN(O) Status Holder or the partner of a BN(O) Status Holder; or
- (ii) is settled or has become a British citizen, providing the grandparent had permission on the Hong Kong BN(O) route when they settled and the applicant had permission as their dependent grandchild at that time.”.

APP HK4. In HK 22.5.(c), for “; and”, substitute “.”.

APP HK5. Delete HK 22.5.(d).

APP HK6. For HK 23.2 (d), substitute:

“(d) when applying for the first time as a BN(O) Household member, if the applicant is applying as a child of the partner of a BN(O) Status Holder and does not have, or did not last hold, permission as a dependent child on the BN(O) Status Holder route, that partner of a BN(O) Status Holder must have made a valid application for entry clearance or permission to stay in the UK on the BN(O) Status Holder route at the same time as the applicant.”.

APP HK7. For HK 26.2, substitute:

“If the applicant is applying for entry clearance or permission to stay and they do not have permission on the Hong Kong British National (Overseas) route on the date of application, the applicant:

- (a) must be the child of a person who is, or who was prior to their death, a British National (Overseas) under the Hong Kong (British Nationality) Order 1986; or
- (b) must:
 - (i) be the child of a person who is at the same time being granted permission as a partner on the BN(O) Status Holder Route; and
 - (ii) form part of the same household as the BN(O) Status holder.”.

APP HK8. For HK 27.2, substitute:

“If the applicant is applying for entry clearance, or is applying for permission to stay and they have been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, or a person who has or is being granted permission on the BN(O) Status Holder route, is able to, and will, maintain and accommodate the applicant adequately in the UK without recourse to public funds for at least 6 months.”.

APP HK9. For HK 31.1, substitute:

“If the applicant is applying as the child of a BN(O) Status Holder or they already have permission on the Hong Kong British National (Overseas) route on the date of application, they will be granted permission for either:

- a) a period of 5 years, where the applicant has applied for a period of 5 years; or
- b) period of 30 months, where the applicant has applied for a period of 30 months.”.

APP HK10. For HK 31.2, substitute:

“If the applicant does not have permission on the Hong Kong British National (Overseas) route on the date of application and is the child of a person who is at the same time being granted permission as a partner on the BN(O) Status Holder route, the applicant will be granted permission which ends on the same date as the permission of the

BN(O) Status Holder who is part of the same household as the applicant.”.

APP HK11. For HK 32.2, substitute:

“An application for entry clearance or permission to stay as a partner or child on the BN(O) Household Member route must meet the following validity requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) when applying as a partner on the BN(O) Household Member route, where the applicant does not currently hold, or did not last hold, permission as a partner on the BN(O) Household Member route the applicant must be applying as a partner of a BN(O) Household Member who:
 - (i) where HK 32.2 (d) (ii) does not apply, has made a valid application for entry clearance or permission to stay in the UK as a BN(O) Household Member that has not been decided; or
 - (ii) where the BN(O) Household Member is the child of a BN(O) Status Holder:
 - (aa) has made a valid application for entry clearance or permission to stay in the UK as a BN(O) Household Member that has not been decided; or
 - (bb) has entry clearance or permission as a BN(O) Household Member
- (e) when applying as a child on the BN(O) Household Member route, the applicant must be applying as a child of a BN(O) Household Member or of the partner of a BN(O) Household Member who:
 - (i) where HK 32.2 (e) (ii) does not apply, has made a valid application for entry clearance or permission to stay in the UK as a BN(O) Household Member or as the partner of a BN(O) Household Member that has not been decided; or
 - (ii) where the BN(O) Household Member is the child of a BN(O) Status Holder:
 - (aa) has made a valid application for entry clearance or permission to stay in the UK as a BN(O) Household Member or as the partner of

a BN(O) Household Member that has not been decided; or

(bb) has entry clearance or permission as a BN(O) Household Member or as the partner of a BN(O) Household Member”.

APP HK12. In HK 31.3.(c), for “; and”, substitute “.”.

APP HK13. Delete HK 31.3.(d).

APP HK14. Delete HK 32.3.

APP HK15. For HK 35.3, substitute:

“The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission on the BN(O) Household Member route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the BN(O) Household Member route; or
- (c) P is settled or has become a British citizen, providing P had permission on the BN(O) Household Member route when they settled and the applicant had permission as P’s partner at that time.”.

APP HK16. For HK 35.7, substitute:

“Where the BN(O) Household Member is the child of a person applying as a partner on the BN(O) Status Holder route, the applicant and the BN(O) Household Member must form part of the same household on the date of application.”.

APP HK17. For HK 36.2, substitute:

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, the BN(O) Household Member or a person being granted permission on the BN(O) Status Holder route is able to maintain and accommodate the applicant adequately in the UK without recourse to public funds for at least 6 months.”.

APP HK18. For HK 37.1, substitute:

“The applicant must be the child of a person (P) where one of the following applies:

- (a) P has permission on the BN(O) Household Member route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the BN(O) Household Member route; or
- (c) P is settled or has become a British citizen, providing P had permission on the BN(O) Household Member route when they settled, and the applicant had permission as P’s child at that time.”.

APP HK19. For HK 37.3, substitute:

“Where neither parent of the applicant is the child of a BN(O) status holder, if the applicant is applying for entry clearance or permission to stay and they have not previously had permission as a child on the BN(O) Household Member route they must form part of the same household as the BN(O) Household Member on the date of application.”.

APP HK20. For HK 40.2, substitute:

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK with permission for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Household Member, their partner or a person who is being granted permission on the BN(O) Status Holder route is able to and will maintain and accommodate the applicant adequately in the UK without recourse to public funds for at least six months.”.

APP HK21. In HK 44.5.(c), for “; and”, substitute “.”.

APP HK22. Delete HK 44.5.(d).

APP HK23. After HK 44.5, for the heading “Adult Dependent Relative of a BN(O) Status Holder”, substitute:

“Adult Dependent Relative on the Hong Kong British National (Overseas) route”.

APP HK24. After the heading “Adult Dependent Relative on the Hong Kong British National (Overseas) route”, for the heading “Validity requirements for a BN(O) Adult Dependant Relative on the BN(O)

Status Holder route”, substitute:

“Validity Requirements for a BN(O) Adult Dependent Relative”.

APP HK25. For the start of HK45.1, substitute:

“A person applying for entry clearance or permission to stay as a BN(O) Adult Dependant Relative on the Hong Kong British National (Overseas) route must apply online on the gov.uk website on the specified form as follows:”.

APP HK26. For HK45.2, substitute:

“An application for entry clearance or permission to stay as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route must meet all the following validity requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily established their identity and nationality.”.

APP HK27. For HK 45.4, substitute:

“The applicant must be the parent, grandparent, brother, sister, son or daughter of a person who is making a valid application for entry clearance or permission to stay at the same time as the applicant as:

- (a) a BN(O) Status Holder, applying on the BN(O) Status Holder route; or
- (b) the partner of a BN(O) Status Holder, applying on the BN(O) Status Holder route; or
- (c) the child of a BN(O) status holder, applying on the BN(O) Household Member route; or
- (d) the partner of a child of a BN(O) status holder, applying on the BN(O) Household Member route.”.

APP HK28. For HK 45.5, substitute:

“An application which does not meet the validity requirements for a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route is invalid and may be rejected and not considered.”.

APP HK29. After HK 45.5, for the heading “Suitability requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder Route”, substitute:

“Suitability Requirements for a BN(O) Adult Dependent Relative”.

APP HK30. After HK 46.2, for the heading “Eligibility requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder Route”, substitute:

“Eligibility Requirements for a BN(O) Adult Dependent Relative”.

APP HK31. For HK 47.1, substitute:

“A person seeking to come to the UK as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route must apply for and obtain entry clearance as a BN(O) Adult Dependent Relative before they arrive in the UK.”.

APP HK32. For HK 47.2, substitute:

“A person applying for entry clearance as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.”.

APP HK33. For HK 48.1, substitute:

“If the applicant is applying for permission to stay and they have permission as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route on the date of application, they will meet the relationship requirement.”.

APP HK34. For HK 48.2, substitute:

“Where the applicant is applying for entry clearance or permission to stay, and they have not previously had permission on the Hong Kong BN(O) route they must be the parent, grandparent, brother, sister, son or daughter of a person who is making a valid application for entry clearance or permission to stay at the same time as the applicant as:

- (a) a BN(O) Status Holder, applying on the BN(O) Status Holder route; or
- (b) the partner of a BN(O) Status Holder, applying on the BN(O) Status Holder route; or
- (c) the child of a BN(O) status holder, applying on the BN(O) Household Member route; or
- (d) the partner of a child of a BN(O) status holder, applying on the BN(O) Household Member route”.

APP HK35. For HK 48.3, substitute:

“Where the applicant is the parent or grandparent of a BN(O) Status Holder or of the partner of a BN(O) Status Holder or of the child of a BN(O) status holder applying on the BN(O) Household Member route or of the partner of a child of a BN(O) status holder applying on the BN(O) Household Member route, the applicant must not be in a subsisting relationship with a partner unless:

- (a) that partner is also the parent or grandparent of the BN(O) Status Holder or of the partner of a BN(O) Status Holder or of the child of a BN(O) status holder applying on the BN(O) Household Member route or of the partner of a child of a BN(O) status holder applying on the BN(O) Household Member route; and
- (b) that partner is applying for entry clearance or permission to stay at the same time as the applicant.”.

APP HK36. For HK 49.1, substitute:

“If the applicant is applying for permission to stay and they have permission as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route on the date of application, they will meet the dependency requirement.”.

APP HK37. For HK 49.2, substitute:

“Where the applicant is applying for entry clearance or permission to stay, and they have not previously had permission on the Hong Kong BN(O) route the applicant must:

- (a) as a result of age, illness or disability require long-term personal care to perform everyday tasks; and
- (b) form part of the same household as the BN(O) Status Holder or BN(O) Household Member who has, or is at the same time being granted, permission; and
- (c) be unable, even with the practical and financial help of the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member, depending on who they applied with, to obtain the required level of help in Hong Kong, if the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member moves to the UK, either because the help:
 - (i) is not available, and there is no person in Hong Kong who can reasonably provide it; or
 - (ii) is not affordable.”.

APP HK38. For HK 49.3, substitute:

“In HK 49.2.(b) a person will form part of the same household as the BN(O) Status Holder or the BN(O) Household Member if they normally live with the BN(O) Status Holder or the BN(O) Household Member (as applicable).”.

APP HK39. For HK 49.4, substitute:

“Where the applicant and their partner are the parents or grandparents of the BN(O) Status Holder, or of the partner of the BN(O) Status Holder, or of the BN(O) Household Member, or of the partner of the BN(O) Household Member, the applicant, or their partner, must:

- (a) as a result of age, illness or disability require long-term personal care to perform everyday tasks; and
- (b) be unable, even with the practical and financial help of the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member, depending on who they applied with, to obtain the required level of help in Hong Kong if the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member moves to the UK either because the help:
 - (i) is not available and there is no person in Hong Kong who can reasonably provide it; or
 - (ii) is not affordable.”.

APP HK40. For HK 50.2, substitute:

“If the BN(O) Adult Dependent Relative is applying for entry clearance, or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Status Holder or their partner or the BN(O) Household Member or their partner is able to and will maintain and accommodate the BN(O) Adult Dependent Relative adequately in the UK without recourse to public funds for at least 6 months.”.

APP HK41. For HK 50.4, substitute:

“The BN(O) Status Holder or their partner or the BN(O) Household Member or their partner may rely on credible promises of future third party support.”.

APP HK42. For HK 50.5, substitute:

“The BN(O) Status Holder or their partner or the BN(O) Household Member or their partner must show that they have the required funds as specified in Appendix Finance.”.

APP HK43. For HK 54.1, substitute:

“If the applicant does not have permission on the Hong Kong British National (Overseas) route on the date of application, they will be granted permission which ends on the same date as the permission of the BN(O) Status Holder or the BN(O) Household Member who is part of the same household as the applicant, depending on who they applied with.”.

APP HK44. For HK 54.2, substitute:

“If the BN(O) Adult Dependent Relative has permission on the Hong Kong British National (Overseas) route on the date of application, they will be granted permission which ends on the same date as the permission of the BN(O) Status Holder or the partner of a BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member, depending on who they applied with, who has, or is at the same time being granted, permission.”.

APP HK45. In HK 54.3.(c), for “; and”, substitute “.”.

APP HK46. Delete HK 54.3.(d).

APP HK47. For HK 59.1, substitute:

“Where the applicant has or last had permission as an adult dependant relative on the Hong Kong BN(O) route, they must be the parent, grandparent, brother, sister, son or daughter of a person who:

- (a) last had permission as a BN(O) Status Holder or the partner of a BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member and who is at the same time being granted settlement on the Hong Kong BN(O) route; or
- (b) is settled and whose last grant of permission prior to settlement was as a BN(O) Status Holder or the partner of a BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member; or
- (c) is a British citizen.”.

APP HK48. In HK 64.1C.(c), for “; and”, substitute “.”.

APP HK49. Delete HK 64.1C.(d).

Changes to Appendix Ukraine Scheme

APP UKR1. In the introduction, for “on 18 March 2022 or if their last permission ended after 1 January 2022”, substitute:

“on or between 18 March 2022 and 16 May 2023, or if their last permission ended after 1 January 2022. Applications to this scheme must be made on or before 16 November 2023.”.

APP UKR2. In paragraph 21.2, after “must”, insert “be made on or before 16 November 2023 and”.

APP UKR3. In paragraph 21.3, for “on 18 March 2022, unless:”, substitute:

“on or between 18 March 2022 and 16 May 2023 (but the permission does not need to cover the whole of that period), unless:”.

Insertion of Appendix Afghan Relocation and Assistance Policy (ARAP)

APP ARAP1. After “Appendix Ukraine Scheme”, insert:

“Appendix Afghan Relocation and Assistance Policy (ARAP)

This route is for Afghan citizens and their dependent family members to relocate to, or settle in, the UK where the Ministry of Defence has decided they meet the requirements for relocation to the UK as an eligible Afghan citizen under the ARAP (“the ARAP eligibility decision”).

An eligible Afghan citizen may include a partner, dependent children and additional family members who are eligible under the ARAP in their application.

There is a two-stage application process. An application must first be made, by the applicant, to the Ministry of Defence, who will decide if the applicant is an eligible Afghan citizen or an eligible dependant. If they are eligible for relocation to the UK, the second stage is that the Ministry of Defence will on behalf of the applicant, make an application for entry clearance (if they are outside the UK) or settlement (if they are in the UK) on behalf of the applicant.

Where an applicant is eligible for relocation to the UK, the ARAP leads to a grant of settlement in the UK.

Requirements for entry clearance or settlement in the UK as an eligible Afghan citizen under the ARAP

Validity requirements for an application for entry clearance or settlement for an eligible Afghan citizen

ARAP 1.1. An application for entry clearance or settlement as an eligible Afghan citizen must meet the following validity requirements:

- (a) the Ministry of Defence must have decided that the applicant meets the eligibility requirements in ARAP 3.1 to ARAP 3.6. and that ARAP 3.7. does not apply (the ARAP eligibility decision); and
- (b) the Ministry of Defence must have made an application for entry clearance or settlement on the applicant's behalf no more than 12 months after the ARAP eligibility decision was made; and
- (c) the applicant must have provided any required biometrics; and
- (d) the applicant must have provided a passport or other evidence which satisfactorily establishes their identity and nationality; and
- (e) the applicant must be a citizen of Afghanistan; and
- (f) the applicant must be aged 18 or over on the date of application.

ARAP 1.2. An application which does not meet the validity requirements is invalid and must be rejected and not considered.

Suitability requirements for an application for entry clearance or settlement as an eligible Afghan citizen

ARAP 2.1. The applicant must not fall for refusal under Part 9: Grounds for Refusal of these Rules.

Eligibility requirements for an eligible Afghan citizen

ARAP 3.1. To be an eligible Afghan citizen the applicant must have applied to, and received from, the Ministry of Defence a decision that the requirements under ARAP 3.2. to ARAP 3.6. are met and that ARAP 3.7. does not apply (“the ARAP eligibility decision”).

ARAP 3.2. An eligible Afghan citizen is a person who:

- (a) is an Afghan citizen; and
- (b) is aged 18 years or over; and
- (c) meets the eligibility requirements in at least one of ARAP 3.3 to ARAP 3.6; and
- (d) ARAP 3.7. must not apply.

ARAP 3.3. A person meets the ARAP eligibility requirement if:

- (a) they submit an application on or after 1 April 2021; and
- (b) at least one of the following eligibility requirements applies:

- (i) ARAP 3.4. (high and imminent risk of threat to life);
- (ii) ARAP 3.5. (former employees eligible for relocation); and
- (iii) ARAP 3.6. (special cases).

ARAP 3.4. A person meets the eligibility requirement if:

- (a) they were at any time on or after 1 October 2001 directly employed in Afghanistan by a UK Government department; and
- (b) because of that employment, there is a high and imminent risk of a threat to their life.

ARAP 3.5. A person meets the eligibility requirements if:

- (a) at any time on or after 1 October 2001, the person:
 - (i) was directly employed in Afghanistan by a UK Government department;
or
 - (ii) provided linguistic services to or for the benefit of members of the UK's armed forces in Afghanistan under contract to a UK Government department (whether as, or on behalf of, a party to the contract); and
- (b) the nature of the role in which the person was employed was such that the UK's operations in Afghanistan would have been materially less efficient or materially less successful if a role or roles of that nature had not been performed; and
- (c) the nature of the role exposed the person to being publicly recognised as having performed that role; and
- (d) as a result of that public recognition, the person's safety is at risk.

ARAP 3.6. A person meets the eligibility requirement if conditions 1 and 2 and one or both of conditions 3 and 4 applies:

- (a) Condition 1 is that at any time on or after 1 October 2001, the person:
 - (i) was directly employed in Afghanistan by a UK Government department;
or
 - (ii) provided goods or services in Afghanistan under contract to a UK Government department (whether as, or on behalf of, a party to the contract); or
 - (iii) worked in Afghanistan alongside a UK Government department, in partnership with or closely supporting and assisting that department.
- (b) Condition 2 is that the person, in the course of the employment or work or the provision of those services under Condition 1, made a substantive and positive contribution towards the achievement of one or more of the following:
 - (i) the UK Government's military objectives with respect to Afghanistan; or
 - (ii) the UK Government's national security objectives with respect to Afghanistan (and for these purposes, the UK Government's national security objectives include counter-terrorism, counter-narcotics and anti-corruption objectives).

- (c) Condition 3 is that because of the person's employment or work or those services under Condition 1, the person:
 - (i) is or was at an elevated risk of targeted attacks; and
 - (ii) is or was at high risk of death or serious injury.
- (d) Condition 4 is that the person holds information, the disclosure of which would give rise to or aggravate a specific threat to a UK Government department or its interests.

ARAP 3.7. A person does not meet the ARAP eligibility requirements, if either of the following apply:

- (a) the Ministry of Defence has withdrawn its eligibility decision; or
- (b) the person was directly employed by, or contracted to, a UK Government department or unit and was dismissed from their job (except in circumstances where the Secretary of State considers that the person was dismissed for a minor reason).

Requirement for a Ministry of Defence decision on eligibility as an eligible Afghan citizen

ARAP 4.1. If the Ministry of Defence decision maker is satisfied the ARAP eligibility requirements are met, the Ministry of Defence will make an application for entry clearance or settlement on behalf of the applicant (otherwise the application to the Ministry of Defence will be refused).

Entry requirements for an eligible Afghan citizen

ARAP 5.1. A person seeking to come to the UK as an eligible Afghan citizen must have obtained entry clearance under the ARAP before they arrive in the UK.

ARAP 5.2. A person in the UK, applying for settlement as an eligible Afghan citizen must be in the UK on the date of application.

Decision on application for entry clearance or settlement as an eligible Afghan citizen

ARAP 6.1. If the Home Office decision maker is satisfied that the eligibility and suitability requirements for entry clearance or settlement for an eligible Afghan citizen are met, the application will be granted, otherwise the application will be refused.

ARAP 6.2. An application for entry clearance or settlement as an eligible Afghan citizen will only be considered under this Appendix and will not be considered as an application for entry clearance, permission to stay or settlement on any other basis, including an application for leave outside of the Rules.

Period and conditions of grant for an eligible Afghan citizen

ARAP 7.1. Where the applicant is outside the UK and the requirements for entry clearance are met, they will be granted entry clearance which will have effect on arrival in the UK as indefinite permission to enter (settlement).

ARAP 7.2. Where the applicant is in the UK and the requirements for settlement are met, they will be granted indefinite permission to stay (settlement).

Family members of an eligible Afghan citizen

Validity requirements for entry clearance or settlement as a family member of an eligible Afghan citizen

ARAP 8.1. An application for entry clearance or settlement as the family member of an eligible Afghan citizen must meet the following validity requirements:

- (a) the Ministry of Defence must have decided that the applicant meets the relevant ARAP eligibility requirements in ARAP 10.1 to ARAP 13.4 (the ARAP dependent eligibility decision); and
- (b) an application must have been made by the Ministry of Defence on the applicant's behalf for entry clearance or settlement no more than 12 months after an eligibility decision; and
- (c) the applicant must have provided any required biometrics; and
- (d) the applicant must have provided a passport or other evidence which satisfactorily establishes their identity and nationality; and
- (e) the applicant must be a partner, child or eligible family member of a person who has been granted entry clearance or settlement as an eligible Afghan citizen, or of a person who is applying as an eligible Afghan citizen or their partner at the same time as the applicant.

ARAP 8.2. An application which does not meet the validity requirements is invalid and must be rejected and not considered.

Suitability requirements for entry clearance or settlement as a family member of an eligible Afghan citizen

ARAP 9.1. The applicant must not fall for refusal under Part 9: Grounds for Refusal of these Rules.

Requirement for Ministry of Defence decision on eligibility as a family member of an eligible Afghan citizen (“the ARAP family member eligibility decision”)

ARAP 10.1. To be eligible as a family member of an eligible Afghan citizen the family member must have been included in the Afghan citizen's eligibility application to the Ministry of Defence.

ARAP 10.2. To be eligible as a family member of an eligible Afghan citizen, the Ministry of Defence must have decided the relevant eligibility requirements under ARAP 11.1 to ARAP 13.4 are met.

Relationship requirements for a partner of an eligible Afghan citizen

ARAP 11.1. A person applying as a dependent partner of an eligible Afghan citizen must meet the requirements set out in Appendix Relationship with a Partner.

ARAP 11.2. The applicant must be the dependent partner of an eligible Afghan citizen who the Ministry of Defence has decided is eligible for relocation to the UK under the ARAP.

ARAP 11.3. The applicant must have been the dependent partner of a person (P) on the date when the Ministry of Defence decided that P was an eligible Afghan citizen under the ARAP.

ARAP 11.4. If the relevant Afghan citizen has more than one partner, only one partner can apply for entry clearance or settlement in the UK under these Rules.

Relationship requirements for a child of an eligible Afghan citizen

ARAP 12.1. The applicant must be aged 18 or under on the date of application.

ARAP 12.2. The applicant must be the dependent child of an eligible Afghan citizen or their partner.

ARAP 12.3. The applicant must not be living an independent life.

ARAP 12.4. The applicant must be applying at the same time as both of their parents are applying under ARAP unless:

- (a) the parent applying is the sole surviving parent; or
- (b) the parent applying has sole responsibility for the child's upbringing; or
- (c) one parent is a British citizen or a person who has a right to enter or stay in the UK without restriction; and is or will be ordinarily resident in the UK; or
- (d) the decision maker is satisfied that there are serious and compelling reasons to grant the application.

Relationship requirement for an additional family member an eligible Afghan citizen

ARAP 13.1. The applicant must be an additional family member of an eligible Afghan citizen or their partner.

ARAP 13.2. The additional family member cannot be an additional partner where one

partner has applied for entry clearance or settlement under these Rules.

ARAP 13.3. The additional family member must meet at least one of the following requirements:

- (a) as a result of the eligible Afghan citizen's work for or with a UK Government department, the applicant must be at an elevated risk of targeted attacks, specific threats or intimidation; putting them at a high risk of death or serious injury; or
- (b) the applicant must face specific vulnerabilities which have led to an exceptional level of family dependence, and would be unable, even with the practical and financial help of the eligible Afghan citizen or their partner, to obtain the required level of care or protection outside the UK either because it is not available, and there is no other person who can reasonably provide it, or because it is not affordable.

ARAP 13.4. Where the additional family member is a child:

- (a) the eligible Afghan citizen or their partner must be a legal guardian of the child; or
- (b) one parent is a British citizen or a person who has a right to enter or stay in the UK without restriction; and is or will be ordinarily resident in the UK; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant with the eligible Afghan citizen or their partner.

Requirement for a Ministry of Defence ARAP dependent eligibility decision

ARAP 14.1. If the Ministry of Defence decision maker is satisfied all the relevant eligibility requirements for a dependant of an eligible Afghan citizen are met, the Ministry of Defence will submit an application for entry clearance or settlement on the applicant's behalf.

Entry requirements for a family member of an eligible Afghan citizen

ARAP 15.1. A person seeking to come to the UK as the family member of an eligible Afghan citizen under the ARAP must have obtained entry clearance before they arrive in the UK.

ARAP 15.2. A person in the UK, applying for settlement as the family member of an eligible Afghan citizen, must be in the UK on the date of application.

Decision on application for entry clearance or settlement as a family member of an eligible Afghan citizen.

ARAP 16.1. If the Home Office decision maker is satisfied that all the suitability and eligibility requirements for a family member of an eligible Afghan citizen under the ARAP are met, the application will be granted, otherwise the application will be refused.

ARAP.16.2. An application for entry clearance or settlement under ARAP will only be considered under this Appendix and will not be considered as an application for entry clearance, permission to stay or settlement on any other basis, including an application for leave outside the Rules.

Period and conditions of grant for a family member

ARAP 17.1. Where the requirements for entry clearance as the family member of an eligible Afghan citizen are met, they will be granted entry clearance, which will have effect on arrival in the UK as indefinite permission to enter (settlement).

ARAP 17.2. Where the requirements for settlement as the family member of an eligible Afghan citizen are met, they will be granted indefinite permission to stay (settlement).”.

Insertion of Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery

APPVTS1. After Appendix Afghan Relocation and Assistance Policy (ARAP), insert:

“Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery

This route is to provide for temporary permission to stay for victims of human trafficking or slavery and their children.

The applicant must be in the UK.

A confirmed victim as classified in VTS 1.1 (a), who has not been considered for permission to stay under this route, need not apply under this route, as for those in scope permission to stay will be automatically considered following a positive Conclusive Grounds decision. A confirmed victim who has been considered previously for permission to stay under this route or the Discretionary Leave for victims of Modern Slavery policy and has been refused permission to stay cannot apply or re-apply under this route.

Individuals who already have permission to stay as a victim of human trafficking or slavery, or as their child dependents, or who have been granted Modern Slavery Discretionary Leave as a victim of human trafficking or slavery, or as their child dependents can apply to extend their permission under this route.

The suitability and eligibility requirements set out at VTS 2.1 and 3.1-3.4 below will apply both to first time applicants under this route and those applying to extend an existing grant of permission to stay under this route or a grant of Modern Slavery discretionary leave that has not expired.

This route is not a route to settlement.

Validity requirements for temporary permission to stay as a victim of Human Trafficking or Slavery

VTS 1.1. An applicant for an extension of temporary permission to stay as a victim of Human Trafficking or Slavery must meet the following validity requirements:

- (a) the applicant must have been served with a positive conclusive grounds decision (as defined by Section 69 (1) of the Nationality and Borders Act 2022); and
- (b) the applicant must have permission to stay as a victim of Human Trafficking or Slavery, or as a child of a victim of Human Trafficking or Slavery; and
- (c) the applicant must apply on the specified form on the gov.uk website: FLR (HRO); and
- (d) any required fee must have been paid; and
- (e) the applicant must be in the UK on the date of application.

VTS 1.2. A person is not required to apply as a victim of Human Trafficking or Slavery but references to “applicant” are to a person who is being considered under this route or who has applied to extend their existing permission to stay as a confirmed victim of Human Trafficking or Slavery, or to extend their existing grant of Modern Slavery Discretionary Leave.

VTS 1.3. Where no application is made because VTS 1.2 applies references to ‘date of application’ are to the date of the conclusive grounds decision, but if the person is applying to extend their permission to stay under this route, the date of application is the date on which they apply to extend their permission to stay under this route.

Suitability requirements for temporary permission to stay as a victim of Human Trafficking or Slavery

VTS 2.1. The applicant must not fall for refusal as a threat to public order (as defined in Section 63 of the Nationality and Borders Act 2022), or as a person who has claimed to be a victim of Human Trafficking or Slavery in bad faith (as per Section 63 of the Nationality and Borders Act 2022).

Eligibility requirements for temporary permission to stay as a victim of Human

VTS 3.1. The requirements to be met by a person for permission to stay on the grounds of being a confirmed victim of Human Trafficking or Slavery are (as set out in Section 65 (2) (a) to (c) of the Nationality and Borders Act 2022), that the grant of permission to stay is necessary for the purpose of: -

- (a) assisting the person in their recovery from any physical or psychological harm

arising from the relevant exploitation; or

- (b) enabling the person to seek compensation in respect of the relevant exploitation, or
- (c) enabling the person to co-operate with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation.

VTS 3.2. For the purpose of VTS 3.1 the following apply:

- (a) “physical or psychological harm” means harm of a type that results in physical trauma to the person; or psychological harm that causes mental or emotional trauma or that causes behavioural change or physical symptoms that require psychological or psychiatric care and where the physical or psychological harm arises from the "relevant exploitation"; and
- (b) “assisting the person in their recovery” for psychological or physical harm means that the applicant requires support either through the National Referral Mechanism or other services to assist in their recovery from their exploitation (this support does not need to accomplish recovery); and
- (c) “seeking compensation” means that the person must have made an application for compensation in respect of the relevant exploitation; and
- (d) “an investigation or criminal proceedings” means an investigation by the public authorities or criminal proceedings within the UK which has been confirmed by the relevant public authority or by the Criminal Prosecution Service; and
- (e) “relevant exploitation” means the conduct resulting in the positive conclusive grounds decision.

VTS 3.3. Permission to stay is not necessary for the purpose of VTS 3.1(a), as set out in Section 65 (4) (a) of the Nationality and Borders Act 2022:

- (a) if the Secretary of State considers that the applicant's need for assistance is capable of being met in a country or territory of which they are a national or citizen; or one to which they may be removed in accordance with an agreement between that country or territory and the UK (which may be, but does not need to be, an agreement contemplated by Article 40(2) of the Trafficking Convention).

VTS 3.4 Permission to stay is not necessary for the purpose of VTS 3.1(b) as set out in Section 65 (4) (b) of the Nationality and Borders Act 2022, if the applicant is capable of seeking compensation from outside the UK, and it would be reasonable for them to do so in the circumstances.

Decision on application for temporary permission to stay as a Victim of Human Trafficking or Slavery

VTS 4.1. If the decision maker is satisfied that all of the eligibility and suitability requirements are met the applicant will be granted permission to stay in the UK, otherwise the applicant will be refused permission to stay.

VTS 4.2. A confirmed victim may request reconsideration of the decision if their application is refused. The individual will be notified of the process to request a reconsideration with their refusal decision.

Period of permission to stay and conditions of permission for victims of Human Trafficking or Slavery

VTS 5.1. Permission to stay will be granted for a period not exceeding 30 months when the Secretary of State considers such permission is necessary for the purposes of VTS 3.1(a) or (c), and for a period not exceeding 12 months where the Secretary of State considers such permission is necessary for the purposes of VTS 3.1(b).

VTS 5.2. The grant will be subject to the following conditions:

- (a) access to public funds; and
- (b) work is permitted; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS.

Dependent child of the Victim of Human Trafficking or Slavery (“a dependent child”)

Validity requirements for temporary permission to stay as a dependent child of a Victim of Human Trafficking or Slavery

VTS 6.1. In order to make an application, the dependent child must be a child of an applicant who has or is at the same time being granted temporary permission to stay as a victim of Human Trafficking or Slavery, and meet the following requirements:

- (a) must be in the UK on the date of application: and
- (b) must be aged under 18 at the date of application;
- (c) if born in the UK, they must provide a full UK birth certificate

VTS 6.2. An application by a dependent child which does not meet the validity requirements may be rejected as invalid and not considered.

Suitability requirements for temporary permission to stay as a dependent child of a Victim of Human Trafficking or Slavery

VTS 7.1. The dependent child must not fall for refusal as a threat to public order (as

defined in Section 63 of the Nationality and Borders Act 2022).

Decision on application for a dependent child of a Victim of Human Trafficking or Slavery

VTS 8.1. If the decision maker is satisfied that all the validity and suitability requirements for the dependent child of a victim of Human Trafficking or Slavery are met, the application will be granted, otherwise the application will be refused.

Period and conditions of grant for a dependent child of a victim of Human Trafficking or Slavery

VTS 9.1. Permission to stay will be granted for a period that ends on the same date as the permission of the parent who has been or is being granted permission to stay as a victim of Human Trafficking or Slavery.

VTS 9.2. The grant will be subject to all the following conditions:

- (a) access to public funds.
- (b) work is permitted; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS (if the study will commence when the child is aged 18 or over).

Cancellation of permission to stay for Victims of Human Trafficking or Slavery or the dependent child of a Victim of Human Trafficking or Slavery

VTS 10.1. A person's permission to stay as a victim of Human Trafficking or Slavery or the child of a victim of Human Trafficking or Slavery may be cancelled where any of the following apply:

- (a) the applicant would fall for refusal as a threat to public order (as defined in Section 63 of the Nationality and Borders Act 2022), or as a person who has claimed to be a victim of Human Trafficking or Slavery in bad faith (as per Section 63 of the Nationality and Borders Act 2022).
- (b) paragraphs 9.2.2, 9.3.2, 9.4.2, 9.4.5, 9.5.2, 9.7.3, 9.20.1, 9.20.2, 9.23.1 or 9.24.1 Part 9: Grounds for Refusal apply.”.

Changes to Appendix Private Life

APP PL1. In paragraph PL 7.2, after “imprisonment” insert “or was detained in an institution other than a prison”.

APP PL2. In PL 10.5.(c)(ii), for “; and”, substitute “.”.

APP PL3. Delete PL 10.5.(d).

Changes to Appendix English Language

APP EL1. In EL 4.1., after “Belize”, insert “The British Overseas Territories”.

Changes to Appendix Finance

APP FIN1. In FIN 8.3(b), for “Her Majesty’s”, substitute “His Majesty’s”.

APP FIN2. After FIN 8.3, insert:

“FIN 8.4. An applicant applying as a Short-Term Student will meet financial requirements if they provide evidence of any of the following (or a combination of them):

- (a) money held in an account that meets the requirements set out in FIN 5.1. and FIN 8.1; or
- (b) sufficient funds from an official financial sponsor, which must be His Majesty’s Government, the applicant’s national government, the British Council or any international organisation, international company, university or Independent School.”.

Changes to Appendix Continuous Residence

APP CR1. In CR 4.1.(a), for “;” substitute:

“, unless the applicant is applying for settlement under Appendix Settlement Family Life or Appendix Private Life and CR 4.4. applies;”.

APP CR2. After CR 4.3. insert:

“CR 4.4. Where an applicant applying for settlement under Appendix Settlement Family Life or Appendix Private Life is:

- (a) convicted of an offence and sentenced to imprisonment in the UK for 12 months or less; or
- (b) directed to be detained in an institution other than a prison for 12 months or less,

that period of imprisonment or detention will not break the applicant’s continuous residence during the qualifying period of 10 years for the purposes of SETF 2.3, SETF 11.3, PL 12.3., or PL 27.3, but the time spent in prison or detained in an institution other than a prison will not count towards continuous residence.”.

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