

# **STATEMENT OF CHANGES IN IMMIGRATION RULES**

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

*Presented to the House of Lords by Command of Her Majesty*

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*Ordered by the House of Commons to be printed on 6 September 2013*

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*(This document is accompanied by an Explanatory Memorandum)*



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## **<sup>1</sup>STATEMENT OF CHANGES IN IMMIGRATION RULES**

The Home Secretary has made the changes hereinafter stated in the rules laid down by her as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 30 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (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) and 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), and 31 July 2013 (Cm 8690).

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<sup>1</sup> This Statement of Changes can be viewed at  
<http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/>

## **Implementation**

The changes set out in paragraphs 3, 40, 43-44, 46-47, 52-56, 64, 67, 70-72, 77, 79, 83-84, 87, 97, 101, 106, 114, 117-121, 123-128, 130, 135, 138, 199-200, 204-205 and 242 of this statement shall apply to all applications made on or after 28 October 2013. An application for leave to enter or remain which is made before 28 October 2013 but which has not been decided before that date will be decided in accordance with the Rules in force on 27 October 2013.

The changes set out in paragraph 238 of this statement shall take effect from 1 January 2014.

The other changes set out in this statement shall take effect from 1 October 2013. However:

- (a) The changes in paragraphs 5-10, 11-25, 74-75, 78, 80-82, 92, 95, 100, 103-105, 140, 150, 164, 167, 180-181, 197-198, 201-203, 206-237 and 241 shall apply to all applications decided on or after 1 October 2013.
- (b) With regard to the other changes, if an applicant has made an application for entry clearance or leave before 1 October 2013, the application will be decided in accordance with the Rules in force on 30 September 2013.

## **Review**

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

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 6 April 2012, and
- (b) subject to the paragraph below, each successive period of five years.

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

“Relevant Rule” means an immigration rule which imposes a net burden (or cost) on business or civil society organisations.

## **Changes**

1. In paragraph 6, in the definition of a “UK recognised body”, after “Foundation Programme Office” insert:

“, South London Local Education and Training Board”.
2. In paragraph 6, after the definition of “Working Holidaymaker”, insert new definition: “A “visitor” is a person granted leave to enter or remain in the UK under paragraphs 40-56Z, 75A-M or 82-87 of these Rules.”
3. Delete paragraph 33B to 33G
4. Delete paragraph 39B(f) and substitute:

“(f) Where any specified documents provided are not in English or Welsh, the applicant must provide the original and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State. The translation must be dated and include:

  - (i) confirmation that it is an accurate translation of the original document;
  - (ii) the full name and original signature of the translator or an authorised official of the translation company;
  - (iii) the translator or translation company’s contact details; and
  - (iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company’s credentials.”
5. In paragraph 40 (general visitor), after “paragraph 56D.” insert, “A person seeking entry to study as a student visitor must meet the requirements of paragraph 56K.”
6. In paragraph 41(v), at the beginning insert, “Save to the extent provided by paragraph 43A,”
7. In paragraph 42, delete “, study”
8. After paragraph 43, insert:

### **“Permitted study as a general visitor**

43A. (1) A person who has been granted leave to enter the United Kingdom under paragraph 42 may undertake a course of study to the extent permitted by this paragraph.

- (2) A course of study is permitted under this paragraph if it-
- (a) does not exceed 30 days in duration (either alone or taken together with any other course and whether continuous or otherwise); and
  - (b) is a recreational course; but
  - (c) is not an English language course.
- (3) A course of study is also permitted under this paragraph if it-
- (a) does not exceed 30 days in duration (either alone or taken together with any other course and whether continuous or otherwise); and
  - (b) is provided by an institution which is-
- (i) the holder of a Sponsor licence for Tier 4 of the Points-Based System,
  - (ii) the holder of valid accreditation from Accreditation UK, the Accreditation Body for Language Services (ABLS), the British Accreditation Council (BAC), or the Accreditation Service for International Colleges (ASIC),
  - (iii) the holder of a valid and satisfactory full institutional inspection, review or audit by the Bridge Schools Inspectorate, the Education and Training Inspectorate, Estyn, Education Scotland, the Independent Schools Inspectorate, Office for Standards in Education, the Quality Assurance Agency for Higher Education, the Schools Inspection Service or the Education and Training Inspectorate Northern Ireland, or
  - (iv) an overseas higher education institution offering only part of its programmes in the United Kingdom, holding its own national accreditation and offering programmes that are an equivalent level to a United Kingdom degree.

(4) For the purposes of this paragraph a “recreational course” is one which a person undertakes purely for leisure purposes.”

9. In paragraph 45, delete “, study”.
10. In paragraph 46G (ii) (business visitor), for “paragraphs 41(ii)-(viii) and (x)-(xii)” substitute, “paragraphs 41 (ii)-(iv), subject to paragraph 46HA, (v), (vi)-(viii) and (x)-(xii)”.
11. In paragraph 46G(iii)(h) after “trainer” insert “, internal auditor”.
12. Amend paragraph 46G(iii)(i) as follows:

- a. before “Specific” insert “To receive”, and
  - b. after sub-paragraph (d) omit “.” and insert: “, or (e) the training is corporate training provided for the purposes of the person’s employment overseas and delivered by a UK company that is neither part of the person’s employer’s corporate group nor whose main activity is the provision of training.”
13. In paragraph 46H, delete “, study”.
14. After paragraph 46H, insert:
- “Permitted study as a business visitor**
- 46HA. A person granted leave to enter under paragraph 46H may undertake a course of study to the same extent permitted by paragraph 43A.”
15. In paragraph 46K, delete “, study”.
16. In paragraph 46M (sports visitor), in sub-paragraph (ii), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”
17. In paragraph 46S (entertainer visitor), in sub-paragraph (ii), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”
18. In paragraph 51 (visitor for private medical treatment), in sub-paragraph (i), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”
19. In paragraph 56A (parent of a child at school), in sub-paragraph (i), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”
20. In paragraph 56D (visitor for marriage or to enter a civil partnership), in sub-paragraph (i), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”
21. In paragraph 56G (visitor under Approved Destination Status Agreement with China), in sub-paragraph (i), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”
22. In paragraph 56K (student visitor):
- (ii)(d), after “United Kingdom degree,” delete “and” and insert; “or:
- (iia)-
- (a) is enrolled on a course of study abroad equivalent to at least UK degree level study, and

(b) has been accepted by a UK recognised body or a body in receipt of public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council to undertake research or research tuition at the UK institution,

providing that-

(c) the overseas course provider confirms that the research or research tuition is part of or relevant to the course of study mentioned in sub-paragraph (a) above, and

(d) the student is not to be employed as a sponsored researcher under the relevant Tier 5 Government Authorised Exchange scheme, or under Tier 2 of the Points-Based System, at the UK institution; and”

23. At the end of paragraph 56K (which becomes sub-paragraph (1) of that paragraph), insert-

“(2) In sub-paragraph (1) (iia) “research tuition” means tuition given to the applicant about how to conduct research,”

24. In paragraph 56X(allowed paid engagements), in sub-paragraph (ii), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”

25. In paragraphs 56N(i) and 56O(a)(i) for “Financial Services Authority” substitute “Financial Conduct Authority”

26. **After paragraph 56Z insert;**

**‘Commonwealth Games Family Member Visitor**

**Period for which these rules have effect**

**56ZA** Paragraphs 56ZB to 56ZH have effect for the period beginning with 4 March 2014 and ending with 4 September 2014. Entry clearance or leave to enter or remain may not be given under these paragraphs for any period outside this period.

**Requirements for leave to enter or remain as a Commonwealth Games Family Member Visitor**

**56ZB.** The requirements to be met by a person seeking leave to enter or remain as a Commonwealth Games Family Member Visitor are that the applicant:

(a) is genuinely seeking leave to enter or remain as a Commonwealth Games Family Member Visitor; and

- (b) is accredited by the Glasgow 2014 Organising Committee for the XX (20th) Commonwealth Games (“Glasgow 2014 Ltd”) (other than under category codes WKF or S) and that accreditation has not been revoked by the Commonwealth Games Federation (CGF) or Glasgow 2014 Ltd acting on behalf of the CGF; and
- (c) when seeking leave to enter or remain, produces a Commonwealth Games Identity and Accreditation Card issued by Glasgow 2014 Ltd; and
- (d) subject to sub-paragraph (f), is seeking leave to enter or remain during the period beginning with 4 March 2014 and ending with 3 September 2014; and
- (e) is not seeking leave to enter or remain for any period that extends beyond 3 September 2014; and
- (f) if seeking leave to enter or remain on or after 4 August 2014, must have been given entry clearance, leave to enter or leave to remain under paragraph 56ZC in respect of the period (or part of the period) beginning with 4 March 2014 and ending with 3 August 2014; and
- (g) if he or she intends to take employment, takes employment only related to the Commonwealth Games (see paragraph 56ZH); and
- (h) will maintain and accommodate him or herself and any dependants adequately out of resources available to him or her without recourse to public funds or taking employment other than as permitted by paragraph 56ZB(g), or will, with any dependants, be maintained and/or accommodated adequately by relatives or friends who can demonstrate they are able and intend to do so, and are legally present in the United Kingdom, or will be at the time of their visit; and;
- (i) does not intend to undertake a course of study; and
- (j) does not, during his or her visit, intend to marry or form a civil partnership, or to give notice of marriage or civil partnership; and
- (k) can meet the cost of the return or onward journey; and
- (l) intends to leave the United Kingdom on or before 3 September 2014; and
- (m) is not a child under the age of 18.

**Leave to enter or remain as a Commonwealth Games Family Member Visitor 56ZC.** A person seeking leave to enter or remain in the United Kingdom as a Commonwealth Games Family Member Visitor during the period beginning with 4 March 2014 and ending with 3 September 2014 may be admitted or allowed to stay in the UK until (but no later than) 3 September 2014 subject to conditions prohibiting

recourse to public funds and restricting employment to employment only related to the Commonwealth Games, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56ZB is met.

**Refusal of leave to enter or remain as a Commonwealth Games Family Member Visitor**

**56ZD.** Leave to enter or remain as a Commonwealth Games Family Member Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56ZB is met.

**Requirements for leave to enter or remain as a Commonwealth Games Family Member Child Visitor**

**56ZE.** The requirements to be met by a person seeking leave to enter or remain as a Commonwealth Games Family Member Child Visitor are that the applicant:

- (a) is genuinely seeking leave to enter or remain as a Commonwealth Games Family Member Child Visitor; and
- (b) meets the requirements of paragraph 56ZB (b) to (g) and (l); and
- (c) is under the age of 18; and
- (d) can demonstrate that suitable arrangements have been made for his or her travel to, and reception and care in, the United Kingdom; and
- (e) has a parent or guardian in his or her home country or country of habitual residence who is responsible for his or her care and who confirms that they consent to the arrangements for the applicant's travel, reception and care in the United Kingdom.

**Leave to enter or remain as a Commonwealth Games Family Member Child Visitor**

**56ZF.** A person seeking leave to enter or remain in the United Kingdom as a Commonwealth Games Family Member Child Visitor during the period beginning with 4 March 2014 and ending with 3 September 2014 may be admitted or allowed to stay until (but no later than) 3 September 2014 subject to conditions prohibiting recourse to public funds and restricting employment to employment only related to the Commonwealth Games, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56ZE is met.

**Refusal of leave to enter or remain as a Commonwealth Games Family Member Child Visitor**

**56ZG.** Leave to enter or remain as a Commonwealth Games Family Member Child Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56ZE is met.

**Meaning of employment related to the Commonwealth Games**

**56ZH.** For the purposes of paragraphs 56ZB to 56ZG “employment related to the Commonwealth Games” is employment that is necessary for the purposes of the Games or other Games Family Members who are attending the Games.

27. In paragraph 76 for the heading substitute:

**“Requirements for leave to enter or remain as the spouse or civil partner of a student and for leave to remain as the spouse or civil partner of a prospective student”**

28. In paragraph 76, after “of a student or” insert “leave to remain as the spouse or civil partner of”.

29. In paragraph 77, in the heading, after “of a student or” insert “leave to remain as the spouse or civil partner of a”.

30. In paragraph 77, after “of a student or” insert “leave to remain as the spouse or civil partner of a”.

31. In paragraph 78, in the heading, after “of a student or” insert “leave to remain as the spouse or civil partner of a”.

32. In paragraph 78 after “of a student or”, insert “leave to remain as the spouse or civil partner of a”.

33. In paragraph 79 for the heading substitute:

**“Requirements for leave to enter or remain as the child of a student and for leave to remain as the child of a prospective student”**

34. In paragraph 79, after “of a student or” insert “leave to remain as the child of a prospective student”.

35. In paragraph 80, in the heading, after “of a student or” insert “leave to remain as the child of a”.

36. In paragraph 80 after “of a student or” insert “leave to remain as the child of a”.

37. In paragraph 81, after “of a student or” insert “leave to remain as the child of a”.

38. After paragraph 81 and the heading “Prospective students” insert:

“A82 In this Part “prospective student” means a person who was granted leave to enter as a prospective student under paragraph 83 as it was at 30 September 2013 (and see further Part 5 of Appendix F to these Rules).”

39. Delete paragraphs 82 – 84.

40. For paragraph 134(vi) substitute:

- (vi) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
41. In paragraph 134SDA(b)(iv)(2), delete “from an online account”.
42. In paragraph 134SDA(b)(iv)(3), delete “from an online account”.
43. For paragraph 135G(iv) substitute:
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL unless the applicant is applying under the terms set out in Appendix S, and
44. For paragraph 142(iv) substitute:
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
45. In paragraph 144(vi)(b)(1), delete:
- “provides an original English language test certificate from an English language test provider approved by the Secretary of State for these purposes, as listed in Appendix O, which clearly shows”
- and substitute:
- “provides the specified documents from an English language test provider approved by the Secretary of State for these purposes, as listed in Appendix O, which clearly show”
46. For paragraph 150(iv) substitute,
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, and
47. For paragraph 158(iv) substitute:
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
48. In paragraph 159EA(i) before “entered the UK”, insert “last”
49. In paragraph 159EA(iii) before “domestic worker” insert “full time”
50. Delete paragraph 159EA(iv) and substitute:

(iv) does not intend to take employment except as a full time domestic worker in the private household referred to in sub-paragraph 159EA (iii); and

51. Renumber 159EB to new number 159EB(i). After 159EB(i), insert new 159EB(ii)

“(ii) Except, where the application is decided before the current leave expires, the extension of stay granted may be for a period not exceeding 12 months plus the time remaining before the expiry of the current leave (so if the application is decided on March 31st and the current leave does not expire until April 30<sup>th</sup>, an additional period of one month’s leave may be granted).”
52. For paragraph 159G (v) substitute:

(v) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
53. For paragraph 167 (iv) substitute:

(iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
54. For paragraph 176(iv) substitute:

(iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
55. For paragraph 184(iv) substitute:

(iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
56. For paragraph 192 (iii) substitute:

(iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
57. In the heading above paragraph 193A, delete “Spouses or civil partners” and substitute “Partners”.
58. In paragraphs 193A to 196F, including the headings, delete all references to “spouse or civil partner” and substitute “partner”.
59. In paragraphs 194 to 196D, delete all references to “is married to or a civil partner of” and substitute “is the spouse, civil partner, unmarried or same-sex partner of”.

60. Delete paragraph 194(ii)-(vi) and substitute:
- “(ii) if an unmarried or same-sex partner:
    - (1) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
    - (2) the parties are not involved in a consanguineous relationship with one another; and
    - (3) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more; and
  - (iii) each of the parties intends to live with the other as his or her partner during the applicant's stay and the relationship is subsisting; and
  - (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
  - (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
  - (vi) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his partner; and
  - (vii) the applicant does not fall for refusal under the general grounds for refusal; and
  - (viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.”
61. Delete paragraph 196A(i)-(vi) and substitute:
- “(i) is the spouse, civil partner, unmarried or same sex partner of a person who:
    - (1) has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K); or
    - (2) has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain;
  - and
  - (ii) meets the requirements of paragraph 194(ii) - (vii); and
  - (iii) was not last granted:

- (1) entry clearance or leave as a visitor,
- (2) temporary admission, or
- (3) temporary release;

and

- (iv) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”

62. In paragraph 196B(ii), after "has indefinite leave to remain", insert "or has become a British citizen".

63. Delete paragraph 196D(i)-(vii) and substitute:

- “(i) is the spouse, civil partner, unmarried or same-sex partner of a person who:

- (1) has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) and who is being granted indefinite leave to remain at the same time; or
- (2) is the spouse, civil partner, unmarried or same-sex partner of a person who has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain;

and

- (ii) meets the requirements of paragraph 194(ii) - (vii); and

- (iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and

- (iv) was not last granted:

- (1) entry clearance or leave as a visitor,
- (2) temporary admission, or
- (3) temporary release;

and

- (v) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”

64. In paragraph 196D(iii), delete “unless he is under the age of 18 or aged 65 or over at the time he makes his application” and substitute “in accordance with Appendix KoLL”.

65. In paragraph 196E, after the first instance of “United Kingdom”, delete “for” and substitute “as”.
66. In paragraph 196F, after the first instance of “United Kingdom”, delete “for” and substitute “as”.
67. In Paragraph 197(i) after “135K” insert :  
“or, in respect of applications for leave to remain only, of a parent who has indefinite leave to remain in the UK but who immediately before that grant had limited leave to enter or remain under those paragraphs”:
68. Delete paragraph 197(vii) and substitute:  
“(vii) if seeking leave to enter, he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:  
(1) entry clearance or leave as a visitor,  
(2) temporary admission, or  
(3) temporary release;  
and”
69. Delete paragraphs 198 and 199 and associated headings and substitute:  
**“Leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**
198. (a) A person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be given leave to enter or remain in the United Kingdom for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K) provided that:  
(i) in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity; or  
(ii) in the case of an application for limited leave to remain, he was not last granted:  
(1) entry clearance or leave as a visitor,  
(2) temporary admission, or  
(3) temporary release,
- and is able to satisfy the Secretary of State that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met.

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

198A. Leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if:

- (i) in relation to an application for leave to enter, a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival; or
- (ii) in the case of an application for limited leave to remain, if the applicant was last granted:
  - (1) entry clearance or leave as a visitor,
  - (2) temporary admission, or
  - (3) temporary release,

or is unable to satisfy the Secretary of State that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met.

**Requirements for indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

199. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that the applicant:

- (i) is the child of a person who:
  - (1) has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) and who is being granted indefinite leave to remain at the same time; or
  - (2) has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain;
- and
- (ii) meets the requirements of paragraph 197(i) - (vi) and (viii); and
- (iii) was not last granted:

- (1) entry clearance or leave as a visitor,
- (2) temporary admission, or
- (3) temporary release;

and

- (iv) does not fall for refusal under the general grounds for refusal; and
- (v) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

**Indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

199A. Indefinite leave to remain in the United Kingdom as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 199 is met.

**Refusal of indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

199B. Indefinite leave to remain in the United Kingdom as the child of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 199 is met.”

70. After paragraph 198(a), insert:

“(b) A person seeking leave to remain as the child of a parent who has indefinite leave to remain in the UK and who had limited leave under paragraphs 128 – 193 (but not paragraphs 135I – 135K) immediately before being granted indefinite leave may be given leave to remain in the UK for a period of 30 months provided he is in the UK with valid leave under paragraph 198 and is able to satisfy the Secretary of State that each of the requirements of paragraph 197(i) and 197 (ii) – (vi) and(viii) is met.”

71. At the end of paragraph 199(v), delete “.” and substitute “; and”

72. After paragraph 199 (v) insert:

(vi) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, unless he is under the age of 18 at the date on which the application is made.

73. In Part 6 delete paragraph 200A; paragraphs 209 to 210; paragraphs 210G to 210H which includes paragraph 210G – SD; paragraphs 222 to 223A; paragraphs 230 to 231 which includes paragraph 230 – SD; and paragraphs 238 to 245; and delete, in so far

as they remain in force, paragraphs 200 to 208; paragraphs 210A to 210 F; paragraphs 224 to 229; and paragraphs 232 to 237.

74. In paragraph 245AA(a), delete “the UK Border Agency” and substitute “the Entry Clearance Officer, Immigration Officer or the Secretary of State”.

75. Delete paragraph 245AA(b) to (d) and substitute:

“(b) If the applicant has submitted specified documents in which:

- (i) Some of the documents in a sequence have been omitted (for example, if one bank statement from a series is missing);
- (ii) A document is in the wrong format (for example, if a letter is not on letterhead paper as specified); or
- (iii) A document is a copy and not an original document; or
- (iv) A document does not contain all of the specified information;

the Entry Clearance Officer, Immigration Officer or the Secretary of State may contact the applicant or his representative in writing, and request the correct documents. The requested documents must be received at the address specified in the request within 7 working days of the date of the request.

(c) Documents will not be requested where a specified document has not been submitted (for example an English language certificate is missing), or where the Entry Clearance Officer, Immigration Officer or the Secretary of State does not anticipate that addressing the omission or error referred to in subparagraph (b) will lead to a grant because the application will be refused for other reasons.

(d) If the applicant has submitted a specified document:

- (i) in the wrong format; or
- (ii) which is a copy and not an original document; or
- (iii) which does not contain all of the specified information, but the missing information is verifiable from:
  - (1) other documents submitted with the application,
  - (2) the website of the organisation which issued the document, or
  - (3) the website of the appropriate regulatory body;

the application may be granted exceptionally, providing the Entry Clearance Officer, Immigration Officer or the Secretary of State is satisfied that the specified documents are genuine and the applicant meets all the other

requirements. The Entry Clearance Officer, Immigration Officer or the Secretary of State reserves the right to request the specified original documents in the correct format in all cases where (b) applies, and to refuse applications if these documents are not provided as set out in (b).”

76. In paragraph 245B, after “exceptional promise” delete “in the fields of science, humanities and engineering”.
77. For paragraph 245BF(e) substitute:
  - (e) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
78. At the end of paragraph 245CD(c)(viii), delete “.” and substitute “, or as a Work Permit Holder where the work permit was granted because the applicant was the subject of an Intra-Company Transfer”.
79. For paragraph 245CD(h) substitute
  - (h) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL of these Rules unless the applicant is applying under the terms set out in Appendix S.
80. In paragraph 245DB(j), delete “will not carry out” and substitute “may decide not to carry out”.
81. In paragraph 245DD(h) to (m), delete all instances of “the UK Border Agency” and substitute “the Secretary of State”.
82. In paragraph 245DD(l), delete “will not carry out” and substitute “may decide not to carry out”.
83. For paragraph 245DF(d) substitute
  - (d) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
84. For paragraph 245EF(d) substitute
  - (d) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
85. Delete paragraph 245GD(g).
86. Delete paragraph 245GF(e) and substitute:

- “(e) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must:
- (i) still hold, or have applied for a renewal of, a Tier 2 (Intra-Company Transfer) Sponsor licence; and
  - (ii) certify in writing that:
    - (1) he still requires the applicant for the employment in question, and
    - (2) the applicant is paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, or where the applicant is not paid at that rate only due to maternity, paternity or adoption leave, the date that leave started and that the applicant was paid at the appropriate rate immediately before the leave.”

87. For paragraph 245GF(g) substitute:

- (g) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.

88. In paragraph 245GF-SD(b)(iv)(2), delete “from an online account”.

89. In paragraph 245GF-SD(b)(iv)(3), delete “from an online account”.

90. In paragraph 245HB(c), delete “92” and substitute “92A”.

91. At the end of paragraph 245HB(l), delete “.” and substitute “, unless the gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 79 of Appendix A) is £152,100 or higher.”

92. After paragraph 245HB(l), insert:

- “(m) If the applicant is applying as a Tier 2 (Minister of Religion) Migrant, the Entry Clearance Officer must be satisfied that the applicant:
- (i) genuinely intends to undertake, and is capable of undertaking, the role recorded by the Certificate of Sponsorship Checking Service; and
  - (ii) will not undertake employment in the United Kingdom other than under the terms of paragraph 245HC(e)(iii).
- (n) To support the assessment in paragraph 245HB(m), the Entry Clearance Officer may:
- (i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested

documents must be received by the Home Office at the address specified in the request within 28 working days of the date the request is sent, and

- (ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.
  - (o) If the Entry Clearance Officer is not satisfied following the assessment in paragraph 245HB(m), no points will be awarded under paragraphs 85 to 92A of Appendix A.
  - (p) The Entry Clearance Officer may decide not to carry out the assessment in paragraph 245HB(m) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”
93. In paragraph 245HD(g), delete “92” and substitute “92A”.
94. At the end of paragraph 245HD(o), delete “.” and substitute “, unless the gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 79 of Appendix A) is £152,100 or higher.”
95. After paragraph 245HD(p), insert:
- “(q) If the applicant is applying as a Tier 2 (Minister of Religion) Migrant, the Secretary of State must be satisfied that the applicant:
    - (i) genuinely intends to undertake, and is capable of undertaking, the role recorded by the Certificate of Sponsorship Checking Service; and
    - (ii) will not undertake employment in the United Kingdom other than under the terms of paragraph 245HE(g)(iii).
  - (r) To support the assessment in paragraph 245HD(q), the Secretary of State may:
    - (i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Home Office at the address specified in the request within 28 working days of the date the request is sent, and
    - (ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.
  - (s) If the Secretary of State is not satisfied following the assessment in paragraph 245HD(q), no points will be awarded under paragraphs 85 to 92A of Appendix A.

(t) The Secretary of State may decide not to carry out the assessment in paragraph 245HD(q) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”

96. Delete paragraph 245HF(d) and substitute:

“(d) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must:

- (i) still hold, or have applied for a renewal of, a Tier 2 Sponsor licence in the relevant category; and
- (ii) certify in writing that:
  - (1) he still requires the applicant for the employment in question, and
  - (2) in the case of a Tier 2 (General) Migrant applying for settlement, the applicant is paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, or where the applicant is not paid at that rate only due to maternity, paternity or adoption leave, the date that leave started and that the applicant was paid at the appropriate rate immediately before the leave.”

97. For paragraph 245HF(f) substitute:

(f) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.

98. In paragraph 245HF-SDA(b)(iv)(2), delete “from an online account”.

99. In paragraph 245HF-SDA(b)(iv)(3), delete “from an online account”.

100. After paragraph 245ZO(h), insert:

“(i) The Entry Clearance Officer or Immigration Officer must be satisfied that the applicant:

- (i) genuinely intends to undertake, and is capable of undertaking, the role recorded by the Certificate of Sponsorship Checking Service; and
- (ii) will not undertake employment in the United Kingdom other than under the terms of paragraph 245ZP(f)(iii).

(j) To support the assessment in paragraph 245ZO(i), the Entry Clearance Officer or Immigration Officer may:

- (i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Home Office at the address specified in the request within 28 working days of the date the request is sent, and
  - (ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.
- (k) If the Entry Clearance Officer or Immigration Officer is not satisfied following the assessment in paragraph 245ZO(i), no points will be awarded under paragraphs 105 to 112 of Appendix A.
- (l) The Entry Clearance Officer or Immigration Officer may decide not to carry out the assessment in paragraph 245ZO(i) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”

101. For paragraph 245ZS(c) substitute

- (c) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.

102. Delete paragraph 245ZQ(b)(vi)(3)-(4) and substitute:

“(3) he is being sponsored to:

- (\_a) undertake a period of postgraduate professional training or work experience which is required to obtain a professional qualification or professional registration in the same professional field as the qualification in (2) above, and will not be filling a permanent vacancy, such that the employer he is directed to work for by the Sponsor does not intend to employ him in the UK once the training or work experience for which he is being sponsored has concluded, or
- (\_b) undertake an internship for up to 12 months which directly relates to the qualification in (2) above, and will not be filling a permanent vacancy, such that the employer he is directed to work for by the Sponsor does not intend to employ him in the UK once the training or work experience for which he is being sponsored has concluded,”

103. After paragraph 245ZQ(j), insert:

“(k) The Secretary of State must be satisfied that the applicant:

- (i) genuinely intends to undertake, and is capable of undertaking, the role recorded by the Certificate of Sponsorship Checking Service; and

- (ii) will not undertake employment in the United Kingdom other than under the terms of paragraph 245ZR(h)(iii).
- (l) To support the assessment in paragraph 245ZQ(k), the Secretary of State may:
  - (i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Home Office at the address specified in the request within 28 working days of the date the request is sent, and
  - (ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.
- (m) If the Secretary of State is not satisfied following the assessment in paragraph 245ZQ(k), no points will be awarded under paragraphs 105 to 112 of Appendix A.
- (n) The Secretary of State may decide not to carry out the assessment in paragraph 245ZQ(k) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”

104. After paragraph 245ZX(d) insert:

- “(da) The applicant must, if required to do so on examination or interview, be able to demonstrate without the assistance of an interpreter English language proficiency of a standard to be expected from an individual who has reached the standard specified in a Confirmation of Acceptance for Studies assigned in accordance with Appendix A paragraph 118(b) (for the avoidance of doubt, the applicant will not be subject to a test at the standard set out in Appendix A, paragraph 118(b)).”

105. After paragraph 245ZX(n) insert:

- “(o) the Secretary of State must be satisfied that the applicant is a genuine student. 245ZX(o) will not be applied to a national or the rightful holder of a qualifying passport issued by one of the relevant competent authorities listed in Appendix H.”

106. For paragraph 248D(vii) substitute:

- (vii) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

107. In the overall heading above paragraph 271, delete “Spouses or civil partners” and substitute “Partners”.

108. In paragraphs 271 to 273F, including the headings, delete all references to “spouse or civil partner” and substitute “partner”.
109. In paragraphs 271 to 273D, delete all references to “is married to or a civil partner of” and substitute “is the spouse, civil partner, unmarried or same-sex partner of”.
110. Delete paragraph 271(ii)-(vi) and substitute:
  - “(ii) if an unmarried or same-sex partner:
    - (1) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
    - (2) the parties are not involved in a consanguineous relationship with one another; and
    - (3) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more; and
  - (iii) each of the parties intends to live with the other as his or her partner during the applicant's stay and the relationship is subsisting; and
  - (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
  - (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
  - (vi) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his partner; and
  - (vii) the applicant does not fall for refusal under the general grounds for refusal; and
  - (viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.”
111. Delete paragraph 273A(i)-(vi) and substitute:
  - “(i) is the spouse, civil partner, unmarried or same sex partner of a person who:
    - (1) has limited leave to enter or remain in the United Kingdom as a retired person of independent means; or
    - (2) has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom as a retired person of independent means immediately before being granted indefinite leave to remain;
  - and

- (ii) meets the requirements of paragraph 271(ii) - (vii); and
  - (iii) was not last granted:
    - (1) entry clearance or leave as a visitor,
    - (2) temporary admission, or
    - (3) temporary release;
- and
- (iv) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”
112. In paragraph 273B(ii), after "has indefinite leave to remain", insert "or has become a British citizen".
113. Delete paragraph 273D(i)-(vii) and substitute:
- “(i) is the spouse, civil partner, unmarried or same-sex partner of a person who:
    - (1) has limited leave to enter or remain in the United Kingdom as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
    - (2) is the spouse, civil partner, unmarried or same-sex partner of a person who has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom as a retired person of independent means immediately before being granted indefinite leave to remain;
- and
- (ii) meets the requirements of paragraph 271(ii) - (vii); and
  - (iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (iv) was not last granted:
    - (1) entry clearance or leave as a visitor,
    - (2) temporary admission, or
    - (3) temporary release;
- and
- (v) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”

114. In paragraph 273D(iii), delete “unless he is under the age of 18 or aged 65 or over at the time he makes his application” and substitute “in accordance with Appendix KoLL”.
115. In paragraph 273E, after the first instance of “United Kingdom”, delete “for” and substitute “as”.
116. In paragraph 273F, after the first instance of “United Kingdom”, delete “for” and substitute “as”.
117. In paragraph 274(i) after “independent means” insert “or, for applications for leave to remain, of a parent with indefinite leave to remain in the UK and who had limited leave as a retired person of independent means immediately before being granted indefinite leave; and”
118. For paragraph 274 (vii) substitute:
- “(vii) if seeking leave to enter, he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:
- (1) entry clearance or leave as a visitor,
  - (2) temporary admission, or
  - (3) temporary release;
- and”
119. For paragraph 275 substitute
- “275 (a) A person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means "may be given leave to enter or remain in the United Kingdom for a period of leave not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means if:
- (i) in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity; or
  - (ii) in the case of an application for limited leave to remain, he was not last granted:
- (1) entry clearance or leave as a visitor,
  - (2) temporary admission, or
  - (3) temporary release,
- and is able to satisfy the Secretary of State that each of the requirements of paragraph 274(i)-(vi) and (viii) is met.

- (b) A person seeking limited leave to remain as the child of a parent who has indefinite leave to remain in the UK and who had limited leave as a retired person of independent means immediately before being granted indefinite leave may be given leave to remain in the UK for a period of 30 months provided he is in the UK with valid leave under paragraph 275 and is able to satisfy the Secretary of State that each of the requirements of paragraph 274(i) to (vi) and (viii) are satisfied.”

120. After paragraph 275 insert new paragraph 275A:

“275A. An application for indefinite leave to remain in this category may be granted provided the applicant meets the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

#### Requirements

- (i) he is the child of a parent with limited leave to enter or remain in the United Kingdom as a retired person of independent means who is, at the same time, being granted indefinite leave to remain, or he is the child of a parent who has indefinite leave to remain in the United Kingdom and who had limited leave under paragraphs 263-269 immediately before being granted indefinite leave; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the United Kingdom beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the United Kingdom save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care;

- (vii) he must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded;
  - (viii) if aged 18 or over, he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KOLL of these Rules;
  - (ix) indefinite leave to remain is, at the same time, being granted to the person with limited leave as a retired person of independent means unless, at the time when indefinite leave to remain was granted to that person, the applicant was aged 18 or over and unable to satisfy paragraph 275A(viii) and the applicant has continued to be in the United Kingdom with leave to remain as a child of that person”
121. In paragraph 276 delete “ an application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid United Kingdom entry clearance for entry in the is capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 274 (i) – (vi) and (vii) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means”
- and substitute:
- “An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid United Kingdom entry clearance for entry in this capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 275 is met.”
122. After paragraph 276AI insert:

*Limited leave to enter for relevant Afghan citizens*

**Limited leave to enter the United Kingdom as a relevant Afghan citizen**

276BA1. Limited leave to enter the United Kingdom for a period not exceeding 5 years will be granted to relevant Afghan citizens, unless the application falls for refusal under paragraph 276BC1.

**Definition of a “relevant Afghan citizen”**

276BB1. A relevant Afghan citizen is a person who:

- (i) is in Afghanistan;
- (ii) is an Afghan citizen;
- (iii) is aged 18 years or over;
- (iv) was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office or the Department for International Development;

- (v) was made redundant on or after 19 December 2012; and
- (vi) the Ministry of Defence, the Foreign and Commonwealth Office, or the Department for International Development has determined should qualify for the resettlement redundancy package as described in the written Ministerial statement of the Secretary of State for Defence dated 4<sup>th</sup> June 2013.

#### **Refusal of limited leave to enter the United Kingdom as a relevant Afghan citizen**

276BC1. An applicant will be refused leave to enter as a relevant Afghan citizen if:

- (i) their application falls for refusal under the general grounds of refusal contained in Part 9 of these Rules;
- (ii) there are serious reasons for considering that the applicant has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (iii) there are serious reasons for considering that the applicant is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts; or
- (iv) there are serious reasons for considering that the applicant constitutes a danger to the community or to the security of the United Kingdom.

#### **Curtailment of leave to enter the United Kingdom as a relevant Afghan citizen**

276BD1. Limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 may be curtailed where the person is a danger to the security or public order of the United Kingdom or leave may be curtailed where:

- (i) the relevant Afghan citizen has made false representations or failed to disclose any material fact for the purpose of obtaining leave to enter; and/or
- (ii) it is undesirable to permit the relevant Afghan citizen to remain in the United Kingdom in the light of his conduct, character or associations or the fact that he represents a threat to national security.

#### **Dependants of a relevant Afghan citizen**

276BE1. A relevant Afghan citizen may include a partner or minor dependant child in his or her application for limited leave to enter as his or her dependants.

276BF1. All dependants included in the application for limited leave to enter the United Kingdom must be:

- (i) Afghan citizens; and

- (ii) in Afghanistan.

276BG1. The application must include the details of all dependents seeking relocation at the time the application is made. Additional dependants cannot normally be added after the application has been made.

276BH1. If the application is successful, the relevant Afghan citizen and his eligible dependents must all travel at the same time.

276BI1. If the relevant Afghan citizen is in a polygamous marriage, his or her application for limited leave may only include one partner.

### **Limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen**

276BJ1. Limited leave to enter the United Kingdom for a period not exceeding 5 years will be granted to the partner of a relevant Afghan citizen where;

- (i) the relationship requirements under paragraph 276BL1 are met; and
- (ii) the application does not fall for refusal under paragraph 276BM1.

### **Definition of “partner” of a relevant Afghan citizen**

276BK1. For the purposes of this section a partner of a relevant Afghan citizen (the principal applicant) is a person who:

- (i) is the principal applicant’s spouse; or
- (ii) is the principal applicant’s civil partner; or
- (iii) has been living together with the principal applicant in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application.

### **Relationship requirements for a partner of a relevant Afghan citizen**

276BL1. The relationship requirements for a partner of a relevant Afghan citizen (the principal applicant) are that:

- (i) they are aged 18 or over at the date of application;
- (ii) they are in a relationship with the principal applicant that is not within the prohibited degree of relationship;
- (iii) they have met the principal applicant in person;
- (iv) they are in a genuine and subsisting relationship with the principal applicant;

- (v) if the principal applicant and partner are married or in a civil partnership, they must be in a valid marriage or civil partnership and must provide reasonable evidence to the equivalent of a marriage certificate or civil partnership certificate issued in the United Kingdom and valid under the law in force in the relevant country;
- (vi) any previous relationship of the principal applicant or their partner must have broken down permanently, unless it is a relationship which falls with paragraph 278(i) of these Rules; and
- (vii) they must intend to live together permanently in the UK with the principal applicant.

**Refusal of limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen**

276BM1. A partner of a relevant Afghan citizen (the principal applicant) will be refused limited leave to enter the United Kingdom if:

- (i) their application falls for refusal under the general grounds of refusal contained in Part 9 of these Rules;
- (ii) there are serious reasons for considering that the partner of the principal applicant has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (iii) there are serious reasons for considering that the partner of the principal applicant is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts; or
- (iv) there are serious reasons for considering that the partner of the principal applicant constitutes a danger to the community or to the security of the United Kingdom.

**Curtailment of limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen**

276BN1. Limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen and who has been granted leave in accordance with paragraph 276BJ1 may be curtailed where the person is a danger to the security or public order of the United Kingdom or leave may be curtailed where:

- (i) the partner of a relevant Afghan citizen has made false representations or failed to disclose any material fact for the purpose of obtaining leave to enter; and/or

- (ii) it is undesirable to permit the partner of a relevant Afghan citizen to remain in the United Kingdom in the light of his conduct, character or associations or the fact that he represents a threat to national security.

**Limited leave to enter the United Kingdom as the minor dependant child of a relevant Afghan citizen or their partner**

276BO1. Limited leave to enter the United Kingdom for a period not exceeding 5 years will be granted to the minor dependant child of a relevant Afghan citizen or their partner where;

- (i) the relationship requirements under paragraph 276BQ1 are met; and
- (ii) the application does not fall for refusal under paragraph 276BR1.

**Definition of “minor dependant child” of a relevant Afghan citizen or their partner**

276BP1. For the purposes of paragraphs 276BO1, 276BQ1, 276BR1 and 276BS1 a minor dependant child of a relevant Afghan citizen (the principal applicant) or their partner is a person who:

- (i) is the child of the principal applicant or the partner of the principal applicant who is also seeking leave to enter the United Kingdom on the same application; and who
- (ii) was under the age of 18 at 19 December 2012;
- (iii) is not married or in a civil partnership;
- (iv) has not formed an independent family unit; and
- (v) must not be leading an independent life.

**Relationship requirements for a minor dependant child of a relevant Afghan citizen or their partner**

276BQ1. The relationship requirements for a minor dependant child of a relevant Afghan citizen (the principal applicant) or their partner are that the person:

- (i) is the child of the principal applicant and the child’s other parent is the principal applicant’s partner;
- or
- (ii) is the child of the principal applicant; and
    - (a) the child’s other parent is dead; or

- (b) the principal applicant has sole responsibility for the child's upbringing;
- or
- (iii) is the child of the principal applicant's partner; and
    - (a) the child's other parent is dead; or
    - (b) the principle applicant's partner has sole responsibility for the child's upbringing;
- or
- (iv) is the adopted child of the principal applicant as defined at paragraphs 309A or 309B of these Rules and where the requirements at paragraph 310 (vi) – (xi) of these Rules are fulfilled;
- or
- (v) is the adopted child of the principal applicant's partner who is also seeking leave to enter the UK on the same application and as defined at paragraphs 309A or 309B of these Rules and where the requirements at paragraph 310 (vi) – (xi) of these Rules are fulfilled.

**Refusal of limited leave to enter the United Kingdom as the minor dependant child of a relevant Afghan citizen or their partner**

276BR1. A minor dependant child of a relevant Afghan citizen (the principal applicant) or their partner will be refused limited leave to enter the United Kingdom if:

- (i) their application falls for refusal under the general grounds of refusal contained in Part 9 of these Rules;
- (ii) there are serious reasons for considering that the minor dependant child of the principal applicant or their partner has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (iii) there are serious reasons for considering that the minor dependant child of the principal applicant or their partner is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts; or
- (iv) there are serious reasons for considering that the minor dependant child of the principal applicant or their partner constitutes a danger to the community or to the security of the United Kingdom.

**Curtailment of limited leave to enter the United Kingdom as the minor dependant child of a relevant Afghan citizen or their partner**

276BS1. Limited leave to enter the United Kingdom as the minor dependant child of a relevant Afghan citizen or their partner and who has been granted leave in accordance with paragraph 276BO1 may be curtailed where the person is a danger to the security or public order of the United Kingdom or leave may be curtailed where:

- (i) the minor dependant child of a relevant Afghan citizen has made false representations or failed to disclose any material fact for the purpose of obtaining leave to enter; and/or
- (ii) it is undesirable to permit the minor dependant child of a relevant Afghan citizen to remain in the United Kingdom in the light of his conduct, character or associations or the fact that he represents a threat to national security.

123. For paragraph 276B(iv) substitute:

- (iv) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.

124. For paragraph 276DE (d) substitute:

- (d) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

125. Delete paragraph 281(b)(ii) and substitute:

- (b)(ii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

126. For paragraph 287(a)(vi) substitute:

- (vi) The applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

127. For paragraph 295A(i)(b)(ii) substitute:

- (i)(b)(ii)the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

128. Delete 295G (vi) and substitute:

- (vi) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

129. Delete paragraphs 295J-295L.
130. After paragraph 298(vi) insert new paragraph 298-(vii):

(vii) if aged 18 or over, was admitted to the United Kingdom under paragraph 302, or Appendix FM, or 319R or 319X and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL.
131. Delete paragraph 319C(h) and substitute:

“(h) An applicant who is applying for leave to remain must not have last been granted:

  - (i) entry clearance or leave as a visitor, unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii);
  - (ii) temporary admission; or
  - (iii) temporary release.”
132. In paragraph 319D(b)(iv), delete “319C(i)(1),(2) and (3)” and substitute:

“319C(i)(iv)(1),(2) and (3)”.
133. In paragraph 319E(d)(ii), delete “the specified period is 5 years” and substitute “the specified period is a continuous period of 5 years”.
134. In paragraph 319E(d)(ii)(c), after “where applicable,” insert "with leave".
135. Delete paragraph 319E(g) and substitute:

(g) The applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
136. Delete paragraph 319H(h) and substitute:

“(h) An applicant who is applying for leave to remain must not have last been granted:

  - (i) entry clearance or leave as a visitor, unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii);
  - (ii) temporary admission; or
  - (iii) temporary release.”

137. In paragraph 319I(b)(iii), delete “319H(i)(1),(2) and (3)” and substitute: “319H(i)(iv)(1),(2) and (3)”.
138. Delete paragraph 319J(f) and substitute:
- (f) The applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, unless he is under the age of 18 at the date on which the application is made.
139. In paragraph 323(i), for “(5)” substitute “(5A)”.
140. In paragraph 323A(a)(ii), :
- (a) delete, at the end of (3), “.” and substitute, “, or” and
- (b) insert, after (3), “(4) the Sponsor withdraws their sponsorship of a migrant who, having completed a pre-sessional course as provided in paragraph 120(b) (i) of Appendix A, does not have a knowledge of English equivalent to level B2 of the Council of Europe’s Common European Framework for Language Learning in all four components (reading, writing, speaking and listening) or above.”
141. In paragraph 339 after 339Q insert:

**Requirements for indefinite leave to remain for persons granted asylum or humanitarian protection**

339R.

The requirements for indefinite leave to remain for a person granted asylum or humanitarian protection, or their dependants granted asylum or humanitarian protection in line with the main applicant, are that:

- (i) the applicant has held a UK Residence Permit (UKRP) issued under paragraph 339Q for a continuous period of five years in the UK; and
- (ii) the applicant’s UKRP has not been revoked or not renewed under paragraphs 339A or 339G of the immigration rules; and
- (iii) the applicant has not:
- a. been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years; or

- b. been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence; or
- c. been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence; or
- d. been convicted of an offence for which they have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record, unless a period of 24 months has passed since they received their sentence; or
- e. in the view of the Secretary of State persistently offended and shown a particular disregard for the law, unless a period of seven years has passed since the most recent sentence was received.

**Indefinite leave to remain for a person granted asylum or humanitarian protection**

339S. Indefinite leave to remain for a person granted asylum or humanitarian protection will be granted where each of the requirements in paragraph 339R is met.

**Refusal of indefinite leave to remain for a person granted asylum or humanitarian protection**

339T. (i) Indefinite leave to remain for a person granted asylum or humanitarian protection is to be refused if any of the requirements of paragraph 339R is not met.

(ii) An applicant refused indefinite leave to remain under paragraph 339T(i) may apply to have their UK Residence Permit extended in accordance with paragraph 339Q.

142. In Appendix 1, paragraph 1 (a) next to the entry for Kuwait insert “(except those referred to in sub-paragraph 2(r) of this Appendix)”

143. After Appendix 1, paragraph 2(q) insert:

“(r) those nationals of Kuwait who hold diplomatic and special passports issued by Kuwait when travelling to the UK for the purpose of a general visit in accordance with paragraph 41.”

144. **In Appendix 1 at the end of paragraph 2(q) insert “,**

(r) for the period beginning with 4 March 2014 and ending with 3 August 2014, nationals or citizens of the countries or territorial entities listed in paragraph 1 who hold a XX (20th) Commonwealth Games Identity and Accreditation Card issued by the Organising Committee of the Commonwealth Games (Glasgow 2014 Ltd) save for those who are accredited under (and whose card indicates accreditation under) category code WKF or S,

(s) for the period beginning with 4 August 2014 and ending with 3 September 2014 nationals or citizens of the countries or territorial entities listed in paragraph 1 who hold a Commonwealth Games Identity and Accreditation Card issued by Glasgow 2014 Ltd unless

- (i) the holder is accredited under (and the card indicates accreditation under) category code WKF or S; or
- (ii) the holder had not had leave to enter, leave to remain or entry clearance under paragraph 56ZC or 56ZF at any time during the period beginning with 4 March 2014 and ending with 3 August 2014”

145. In Appendix A, after paragraph 5(e), insert:

“(f) The number of endorsements available for each Designated Competent Body to endorse Tier 1 (Exceptional Talent) applicants in a particular period, will be reduced by one for each Croatian national that body endorses in that period for the purposes of applying to be deemed a highly skilled person under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013.”

146. In Appendix A, delete paragraph 6A(a)(i)(1)-(2) and substitute:

“(1) original formal payslips issued by the employer and showing the employer’s name, or”

147. In Appendix A, in paragraph 6A(a)(i), re-number sub-paragraph (3) as (2).

148. In Appendix A, in paragraph 6A(a)(iii), delete “from an online account (defined as one that operates solely over the internet and sends their bank statements to their customers electronically)”.

149. In Appendix A, in paragraph 19(e)(ii), delete “from an online account (defined as one that operates solely over the internet and sends their bank statements to their customers electronically)”.

150. In Appendix A, after paragraph 19(h), insert:

- “(i) The Secretary of State must be satisfied that the earnings are from genuine employment. If the Secretary of State is not satisfied, points for those earnings will not be awarded.
- (j) In making the assessment in paragraph 19(i), the Secretary of State will assess on the balance of probabilities and may take into account the following factors:
  - (i) the evidence the applicant has submitted;
  - (ii) whether the money appears to have been earned through genuine employment, rather than being borrowed, gifted, or otherwise shown in the applicant’s financial transactions or records without being earned;

- (iii) whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading;
  - (iv) verification of previous earnings claims with declarations made in respect of the applicant to other Government Departments, including declarations made in respect of earnings claimed by the applicant in previous applications;
  - (v) the applicant's previous educational and business experience (or lack thereof) in relation to the claimed business activity;
  - (vi) the applicant's immigration history and previous activity in the UK;
  - (vii) where the nature of the applicant's employment or business requires him to have mandatory accreditation, registration or insurance, whether that accreditation, registration or insurance has been obtained;
  - (viii) any payments made by the applicant to other parties; and
  - (ix) any other relevant information.
- (k) To support the assessment in paragraph 19(i), the Secretary of State may:
- (i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Secretary of State at the address specified in the request within 28 working days of the date the request is sent, and
  - (ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.
- (l) The Secretary of State may decide not to carry out the assessment in paragraph 19(i) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”

151. In Appendix A, delete paragraph 19-SD(a)(i) and substitute:

- “(i) Payslips covering the whole period claimed, which must be either:
  - (1) original formal payslips issued by the employer and showing the employer’s name, or
  - (2) accompanied by a letter from the applicant’s employer, on the employer’s headed paper and signed by a senior official, confirming the payslips are authentic;”

152. In Appendix A, after paragraph 39 and before Table 4, insert:

“40. In all cases, an applicant cannot use the same funds to score points for attributes under this Appendix and to score points for maintenance funds for himself or his dependants under Appendices C or E.”

153. In Appendix A, delete paragraph 41-SD and substitute:

“41-SD. The specified documents in Table 4 and paragraph 41, and associated definitions, are as follows:

- (a) Where this paragraph refers to funding being available, unless stated otherwise, this means funding available to:
  - (i) the applicant;
  - (ii) the entrepreneurial team, if the applicant is applying under the provisions in paragraph 52 of this Appendix; or
  - (iii) the applicant's business.
- (b) Where this paragraph refers to the applicant's business, the applicant must be registered as a director of that business in the UK, and provide a Companies House document showing the address of the registered office in the UK, or head office in the UK if it has no registered office, and the applicant's name, as it appears on the application form, as a director.
- (c) The specified documents to show evidence of the funding available to invest are one or more of the following specified documents:
  - (i) A letter from each financial institution holding the funds, to confirm the amount of money available. Each letter must:
    - (1) be an original document and not a copy,
    - (2) be on the institution's headed paper,
    - (3) have been issued by an authorised official of that institution,
    - (4) have been produced within the three months immediately before the date of application,
    - (5) confirm that the institution is regulated by the appropriate body,
    - (6) state the applicant's name, and his team partner's name where relevant,
    - (7) show the account number and
    - (8) state the date of the document,
    - (9) confirm the amount of money available from the applicant's own funds (if applicable) that are held in that institution,

- (10) confirm the amount of money available from any third party (if applicable) that is held in that institution,
  - (11) confirm the name of each third party and their contact details, including their full address including postal code, and where available landline phone number and any email address, and
  - (12) confirm that if the money is not in an institution regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA), the money can be transferred into the UK;
- or
- (ii) For money held in the UK only, a recent personal bank or building society statement from each UK financial institution holding the funds, which confirms the amount of money available. Each statement must satisfy the following requirements:
    - (1) the statements must be original documents and not copies;
    - (2) the bank or building society holding the money must be based in the UK and regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA);
    - (3) the money must be in cash in the account, not Individual Savings Accounts or assets such as stocks and shares;
    - (4) the account must be in the applicant's own name only (or both names for an entrepreneurial team), not in the name of a business or third party;
    - (5) each statement must be on the institution's official stationery showing the institution's name and logo, and confirm the applicant's name (and, where relevant, the applicant's entrepreneurial team partner's name), the account number and the date of the statement;
    - (6) each statement must have been issued by an authorised official of that institution and produced within the three months immediately before the date of the application; and
    - (7) if the statements are printouts of electronic statements, they must either be accompanied by a supporting letter from the bank, on the bank's headed paper, confirming the authenticity of the statements, or bear the official stamp of the bank in question on each page of the statement;

or

- (iii) For £50,000 from a Venture Capital firm, Seed Funding Competition or UK Government Department only, a recent letter from an accountant, who is a member of a recognised UK supervisory body, or other authorised official in the case of a UK Government Department, confirming the amount of money made available. Each letter must:
- (1) be an original document and not a copy,
  - (2) be on the institution's official headed paper,
  - (3) have been issued by an accountant engaged by the Venture Capital firm, Seed Funding Competition or UK Government Department or other official of the UK Government Department authorised to provide the information,
  - (4) have been produced within the three months immediately before the date of the application,
  - (5) state the applicant's name, and his team partner's name where relevant, or the name of the applicant's business,
  - (6) state the date of the document,
  - (7) confirm the amount of money available to the applicant, the entrepreneurial team or the applicant's business from the Venture Capital firm, Seed funding competition or UK Government Department, and
  - (8) confirm the name of the Venture Capital firm, Seed funding competition or UK Government Department and the contact details of an official of that organisation, including their full address, postal code and, where available, landline phone number and any email address,

- (d) If the applicant is applying using money from a third party, he must provide all of the following specified documents:

- (i) An original written declaration from every third party that they have made the money available to invest in a business in the United Kingdom, containing:
- (1) the names of the third party and the applicant (and his team partner's name where relevant), or the name of the applicant's business,
  - (2) the date of the declaration,
  - (3) the applicant's signature and the signature of the third party (and the signature of the applicant's team partner where relevant),

- (4) the amount of money available in pounds sterling,
- (5) the relationship(s) of the third party to the applicant,
- (6) if the third party is a venture capitalist firm, confirmation of whether this body is regulated by the Financial Conduct Authority (FCA) and is listed as permitted to operate as a Venture Capital firm,
- (7) if the third party is a UK Seed Funding Competition, confirmation that the applicant, the entrepreneurial team or the applicant's business has been awarded money and that the competition is listed as endorsed on the UK Trade & Investment website, together with the amount of the award and naming the applicant, the entrepreneurial team or the applicant's business as a winner,
- (8) if the third party is a UK Government Department, confirmation that it has made money available for the specific purpose of establishing or expanding a UK business, and the amount, and
- (9) confirmation that the money will remain available until such time as it is transferred to the applicant, the entrepreneurial team or the applicant's business.

and

- (ii) A letter from a legal representative confirming the validity of signatures on each third-party declaration provided, which confirms that the declaration(s) from the third party or parties contains the signatures of the people stated. It can be a single letter covering all third-party permissions, or several letters from several legal representatives. It must be an original letter and not a copy, and it must be from a legal representative permitted to practise in the country where the third party or the money is. The letter must clearly show the following:
  - (1) the name of the legal representative confirming the details,
  - (2) the registration or authority of the legal representative to practise legally in the country in which the permission or permissions was or were given,
  - (3) the date of the confirmation letter,
  - (4) the applicant's name (and the name of the applicant's team partner's name where relevant) and, where (b) applies, that the applicant is a director of the business named in each third-party declaration,
  - (5) the third party's name,

- (6) that the declaration from the third party is signed and valid, and
  - (7) if the third party is not a Venture Capitalist Firm, Seed Funding Competition or UK Government Department, the number of the third party or their authorised representative's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry.
- (e) If the applicant is applying under the provisions in (d) in Table 4, he must also provide:
- (i) his job title,
  - (ii) the Standard Occupational Classification (SOC) code of the occupation that the applicant is working in, which must appear on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the Codes of Practice in Appendix J,
  - (iii) one or more of the following specified documents:
    - (1) advertising or marketing material, including printouts of online advertising, that has been published locally or nationally, showing the applicant's name (and the name of the business if applicable) together with the business activity or, where his business is trading online, confirmation of his ownership of the domain name of the business's website,
    - (2) article(s) or online links to article(s) in a newspaper or other publication showing the applicant's name (and the name of the business if applicable) together with the business activity,
    - (3) information from a trade fair, at which the applicant has had a stand or given a presentation to market his business, showing the applicant's name (and the name of the business if applicable) together with the business activity, or
    - (4) personal registration with a UK trade body linked to the applicant's occupation;

and
  - (iv) one or more of the following documents showing trading:
    - (1) a contract. If a contract is not an original the applicant must sign each page. The contract must show:
      - (\_a) the applicant's name and the name of the business,

(\_b) the service provided by the applicant's business;  
and

(\_c) the name of the other party or parties involved in  
the contract and their contact details, including  
their full address, postal code and, where  
available, landline phone number and any email  
address;

or

(2) an original letter from a UK-regulated financial  
institution with which the applicant has a business bank  
account, on the institution's headed paper, confirming  
that the business is trading;

and

(v) if:

(1) claiming points for being self-employed, the following  
specified documents to show that he is paying Class 2  
National Insurance contributions:

(\_a) the original bill from the billing period  
immediately before the application, if his Class 2  
National Insurance is paid by quarterly bill;

(\_b) the most recent bank statement issued before the  
date of application, showing the direct debit  
payment of National Insurance to HM Revenue  
& Customs, if his National Insurance is paid by  
direct debit;

(\_c) an original small earnings exception certificate  
issued by HM Revenue & Customs for the most  
recent return date, if he has low earnings; or

(\_d) the original, dated welcome letter from HM  
Revenue & Customs containing the applicant's  
unique taxpayer reference number, if he has not  
yet received the documents in (\_a) to (\_c);

or

(2) if claiming points for being a director of a UK company,  
a printout of a Current Appointment Report from  
Companies House, dated no earlier than three months  
before the date of the application, listing the applicant as  
a director of the company, and confirming the date of  
his appointment. The company must be actively trading

and not struck-off, or dissolved or in liquidation. Directors who are on the list of disqualified Directors provided by Companies House will not be awarded points.”

154. In Appendix A, in row 3 of Table 6, at the end of sub-paragraph (a), insert “or”.
155. In Appendix A, delete paragraph 46-SD(c)(iii)(2) and substitute:

“(2) If the applicant is a director of a business, the business must be registered for corporation tax and the applicant must provide documentation from HM Revenue & Customs which confirms this.”
156. In Appendix A, in paragraph 46-SD(f), delete “or where (d) in Table 4 applies”.
157. In Appendix A, in paragraph 46-SD(h)(i), delete “P11 form (also called the Employee Payment Record)” and substitute “Employee Payment Record”.
158. In Appendix A, in paragraph 46-SD(h)(ii), delete “form P11” and substitute “Employee Payment Record”.
159. In Appendix A, in paragraph 46-SD(h)(viii), delete “P11” and substitute “Employee Payment Record”.
160. In Appendix A, in paragraph 46-SD(h)(ix)(1), delete “form P35” and substitute “Full Payment Submission”.
161. In Appendix A, in paragraph 46-SD(h)(ix)(1), delete “a P35” and substitute “a Full Payment Submission”.
162. In Appendix A, at the start of paragraph 52, after “Two applicants” insert “, and no more than two applicants.”.
163. In Appendix A, in paragraph 64-SD(a)(iii), delete “from an online account”.
164. In Appendix A, in the first row of Table 7, in paragraph (b)(i), delete “exceeding £2 million” and substitute “of at least £2 million”.
165. In Appendix A, delete the last row of Table 8 and substitute:

The investment referred to above was made:  (1) within 3 months of the applicant’s entry to the UK, if he was granted entry clearance as a Tier 1 (Investor) Migrant and there is evidence to establish his date of entry to the UK,  (2) within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, or  (3) no earlier than 12 months before the date of the application which led	15
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<p>to the first grant of leave as a Tier 1 (Investor) Migrant, and in each case the investment has been maintained for the whole of the remaining period of that leave;</p> <p>or</p> <p>The migrant has, or was last granted, entry clearance, leave to enter or leave to remain as an Investor.</p>	
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166. In Appendix A, at the start of row 4 of Table 9, insert new paragraph:  
 “The investment referred to above was made no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 (Investor) Migrant.”
167. In Appendix A, delete paragraph 64-SD(b)(4) and substitute:  
 “(4) that the applicant has personal assets with a net value of at least £2 million, and”
168. In Appendix A, in paragraph 74C-SD(a)(i), delete “Formal payslips on company-headed paper” and substitute “Original formal payslips issued by the employer and showing the employer’s name”.
169. In Appendix A, in paragraph 74C-SD(a)(ii), delete “Payslips that are on un-headed paper or are printouts of online payslips” and substitute “Other payslips”.
170. In Appendix A, at the end of paragraph 74C-SD(a)(iii), after sub-paragraph (5), insert “or”.
171. In Appendix A, in paragraph 77B(c), delete “in guidance issued by the UK Border Agency” and substitute “in paragraph 79 of this Appendix”.
172. In Appendix A, in the seventh row of Table 11B, delete “1 October 2013” and substitute “6 April 2014”.
173. In Appendix A, in paragraph 78B(b), before sub-paragraph (1), insert:  
 “(1) a Tier 1 (Graduate Entrepreneur) Migrant,”
174. In Appendix A, in paragraph 78B(b), renumber subsequent sub-paragraphs (1) to (11) as (2) to (12) respectively.
175. In Appendix A, in paragraph 78B(c), delete “(4) to (11)” and substitute “(5) to (12)”.
176. In Appendix A, in the third row of Table 11D, delete “paragraph 78B” and substitute “paragraphs 78B or 78C”.
177. In Appendix A, in paragraph 81D, delete “paragraph 78B” and substitute “paragraphs 78B or 78C”.

178. In Appendix A, delete paragraph 111(b) and substitute:

- “(b) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Creative and Sporting subcategory to enable the applicant to work as a creative worker, if the entry confirms that:
  - (i) where a relevant creative sector Codes of Practice exists in Appendix J, the Sponsor has complied with that Code of Practice; or
  - (ii) where no relevant creative sector Codes of Practice exists in Appendix J, the Sponsor has otherwise taken into account the needs of the resident labour market in that field, and the work could not be carried out by a suitable settled worker.”

179. In Appendix A, delete paragraph 111-SD(a)(i)-(ii) and substitute:

- “(i) original formal payslips issued by the employer and showing the employer’s name; or
- (ii) payslips accompanied by a letter from the applicant’s employer, on the employer’s headed paper and signed by a senior official, confirming the payslips are authentic; or”

180. In Appendix A, in paragraph 118(b)(i)(4), insert, after “or above”, “or that the Sponsor is satisfied that on completion of a pre-sessional course as provided for in paragraph 120(b)(i) of this Appendix, the applicant will have a knowledge of English as set out in this paragraph”.

181. In Appendix A, in paragraph 120(b)(ii) of Appendix A, insert, after “Sponsor”, “or that where the offer is made in respect of an applicant whose knowledge of English is not at B2 level of the Council of Europe’s Common European Framework for Language Learning in all four components (reading, writing, speaking and listening) or above, the Sponsor is satisfied that on completion of a pre-sessional course as provided for in (i) above, the applicant will have a knowledge of English at as set out in this paragraph”

182. In Appendix B, delete paragraph 1(iii)-(iv) and substitute:

- “(iii) for entry clearance or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant”

183. In Appendix B, in Table 1, delete row G and renumber subsequent rows H and I as G and H respectively.

184. In Appendix B, in paragraph 8, delete “(rows G to I)” and substitute “(rows G and H)”.

185. In Appendix B, in paragraph 11, delete “paragraph 14 below” and substitute “paragraph 15 below”.

186. In Appendix B, delete paragraph 12 and substitute:
- “12. Subject to paragraph 15 below, where the application falls under rows B to H of Table 1 above, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted leave:
- (a) as a Minister of Religion (not as a Tier 2 (Minister of Religion) Migrant) under the Rules in place on or after 19 April 2007,
  - (b) as a Tier 2 (Minister of Religion) Migrant, provided that when he was granted that leave he obtained points for English language for being a national of a majority English speaking country, a degree taught in English, or passing an English language test, or
  - (c) as a Tier 4 (General) student, and the Confirmation of Acceptance for Studies used to support that application was assigned on or after 21 April 2011 for a course of at least degree level study.”
187. In Appendix B, in paragraph 12, delete “rows B to I” and substitute “rows B to H”.
188. In Appendix B, delete paragraph 13 and substitute:
- “13. Subject to paragraph 15 below, where the application falls under rows B to D or rows F to H of Table 1 above, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted leave:
- (a) as a Tier 1 (Exceptional Talent) Migrant,
  - (b) as a Tier 2 (General) Migrant under the Rules in place on or after 6 April 2011, or
  - (c) as a Tier 4 (General) student, and the Confirmation of Acceptance for Studies used to support that application was assigned on or after 21 April 2011,
- provided that when he was granted that leave he obtained points for having a knowledge of English equivalent to level B1 of the Council of Europe's Common European Framework for Language Learning or above.”
189. In Appendix B, in paragraph 14, delete “Where the application” and substitute “Subject to paragraph 15 below, where the application”.
190. In Appendix B, in paragraph 14, delete “rows G to I” and substitute “rows G and H”.
191. In Appendix B, in paragraph 16(a), delete “a Tier 2 (General) or a Tier 2 (Intra-Company Transfer) Migrant” and substitute “a Tier 2 (General) Migrant”.
192. In Appendix C, in paragraph 1B(a)(iv)(2), delete “from an online account”.

193. In Appendix C, in paragraph 1B(a)(iv)(3), delete “from an online account”.
194. In Appendix C, after paragraph 2, insert:
- “3. Where the applicant is applying as a Tier 1 (Entrepreneur) Migrant, he cannot use the same funds to score points for attributes under Appendix A and to score points for maintenance funds for himself or his dependants under this Appendix or Appendix E.”
195. In Appendix E, after paragraph (aa), insert:
- “(ab) Where the application is connected to a Tier 1 (Entrepreneur) Migrant, the applicant cannot use the same funds to score points for maintenance funds from this Appendix as the Tier 1 (Entrepreneur) Migrant used to score points for attributes under Appendix A.”
196. In Appendix F:
- (a) for the first heading (immigration rules relating to highly skilled migrants etc. as at 29 June 2008) substitute:
- “ARCHIVED IMMIGRATION RULES”,**
- (b) before the heading “***Highly skilled migrants***” insert :
- “Part 1
- IMMIGRATION RULES RELATING TO HIGHLY SKILLED MIGRANTS,  
THE INTERNATIONAL GRADUATES SCHEME, THE FRESH TALENT:  
WORKING IN SCOTLAND SCHEME, BUSINESSPERSONS, INNOVATORS,  
INVESTORS AND WRITERS, COMPOSERS AND ARTISTS AS AT 29 JUNE  
2008”,**
- (c) below paragraph 237 (refusal of stay as a writer etc) insert “Part 2”,
- (d) below paragraph 270 (refusal of indefinite leave etc) insert “Part 3”,
- (e) below paragraph 47 (attributes for Tier 1 migrants) insert “Part 4”, and
- (f) below paragraph 72 (in the section headed “qualification: notes”) insert
- “Part 5

**IMMIGRATION RULES RELATING TO PROSPECTIVE STUDENTS AS AT  
30 SEPTEMBER 2013**

**Requirements for leave to enter as a prospective student**

82. The requirements to be met by a person seeking leave to enter the United Kingdom as a prospective student are that he:

- (i) can demonstrate a genuine and realistic intention of undertaking, within 6 months of his date of entry:
  - (a) a course of study which would meet the requirements for an extension of stay as a student under paragraph 245ZX or paragraph 245ZZC; and
  - (b) DELETED
- (ii) intends to leave the United Kingdom on completion of his studies or on the expiry of his leave to enter if he is not able to meet the requirements for an extension of stay:
  - (a) as a student in accordance with paragraph 245ZX or paragraph 245ZZC; and
  - (b) DELETED
- (iii) is able without working or recourse to public funds to meet the costs of his intended course and accommodation and the maintenance of himself and any dependants while making arrangements to study and during the course of his studies; and
- (iv) holds a valid United Kingdom entry clearance for entry in this capacity.

#### **Leave to enter as a prospective student**

83. A person seeking leave to enter the United Kingdom as a prospective student may be admitted for a period not exceeding 6 months with a condition prohibiting employment, provided he is able to produce to the Immigration Officer on arrival a valid United Kingdom entry clearance for entry in this capacity.

#### **Refusal of leave to enter as a prospective student**

84. Leave to enter as a prospective student is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 82 is met.”

197. In Appendix FM paragraph E-ECP.4.1.(b) delete “UK Border Agency” and substitute “Secretary of State”.
198. In Appendix FM paragraph E-LTRP.4.1.(b) delete “UK Border Agency” and substitute “Secretary of State”.
199. In Appendix FM paragraph E-ILRP.1.6 after “must have” insert “demonstrated” and for “UK” substitute “United Kingdom” and for “paragraphs 33B to 33G” substitute “Appendix KoLL”.
200. In Appendix FM Delete paragraph D-ILRP.1.2.(b) and substitute.

(b) The applicant has not demonstrated sufficient knowledge of the English language or about life in the United Kingdom in accordance with Appendix KoLL,’

201. In Appendix FM paragraph E-ECPT.4.1.(b) delete “UK Border Agency” and substitute “Secretary of State”.
202. In Appendix FM paragraph E-LTRPT.2.4.(a)(i) after “the child” insert “, or that the child normally lives with them”.
203. In Appendix FM paragraph E-LTRPT.5.1.(b) delete “UK Border Agency” and substitute “Secretary of State”.
204. In Appendix FM paragraph E-ILRPT.1.5 after “must have” insert “demonstrated” and for “UK” substitute “United Kingdom” and for “paragraphs 33B to 33G” substitute “Appendix KoLL”.
205. In Appendix FM paragraph D-ILRPT.1.2.(b) and substitute.
  - (b) The applicant has not demonstrated sufficient knowledge of the English language or about life in the United Kingdom in accordance with Appendix KoLL,’
206. In Appendix FM-SE paragraph D(b)(i)(bb) after “format” insert “(for example, if a letter is not on letterhead paper as specified)”.
207. In Appendix FM-SE after paragraph D(b)(i)(cc) insert:  
“(dd) A document which does not contain all of the specified information; or”.
208. In Appendix FM-SE paragraph D(b)(ii) delete “by the UK Border Agency or Border Force”.
209. In Appendix FM-SE after paragraph D(d)(ii) insert: “or
  - (iii) A document that does not contain all of the specified information, but the missing information is verifiable from:
    - (1) other documents submitted with the application,
    - (2) the website of the organisation which issued the document, or
    - (3) the website of the appropriate regulatory body,”.
210. In Appendix FM-SE paragraph D(f) delete “by the UK Border Agency or Border Force”.
211. In Appendix FM-SE paragraph 1(a)(v)(2) delete “from an online account (defined as one that operates solely over the internet and sends bank statements to its customers electronically)”.
212. In Appendix FM-SE delete paragraph 1(bb) and substitute:

“(bb) Payslips must be:

- (i) original formal payslips issued by the employer and showing the employer’s name; or
- (ii) accompanied by a letter from the employer, on the employer’s headed paper and signed by a senior official, confirming the payslips are authentic.”.

213. In Appendix FM-SE delete paragraph 1(j) and substitute:

“(j) Where any specified documents provided are not in English or Welsh, the applicant must provide the original and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State. The translation must be dated and include:

- (i) confirmation that it is an accurate translation of the original document;
- (ii) the full name and original signature of the translator or an authorised official of the translation company;
- (iii) the translator or translation company’s contact details; and
- (iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company’s credentials.”.

214. In Appendix FM-SE paragraph 1 insert at the end:

“(n) In this Appendix, a reference to the “average” is a reference to the mean average.”.

215. In Appendix FM-SE paragraph 2(a) delete “Wage slips” and substitute “Payslips”.

216. In Appendix FM-SE paragraph 2(b) delete “wage slips” and substitute “payslips”.

217. In Appendix FM-SE paragraph 2(c) delete “wage slips” and substitute “payslips”.

218. In Appendix FM-SE paragraph 2A(i) delete “wage slips” and substitute “payslips”.

219. In Appendix FM-SE paragraph 3 insert at the end “and (where relevant) paragraph 2A”.

220. In Appendix FM-SE paragraph 5(a) delete “wage slips” and substitute “payslips”.

221. In Appendix FM-SE paragraph 5(b) delete “Wage slips” and substitute “Payslips”.

222. In Appendix FM-SE paragraph 6(a) delete “wage slips” and substitute “payslips”.

223. In Appendix FM-SE paragraph 6(b) delete “Wage slips” and substitute “Payslips”.

224. In Appendix FM-SE paragraph 9(c)(i) delete “Wage slips” and substitute “Payslips”.
225. In Appendix FM-SE paragraph 11 delete sub-paragraph (a) and substitute:
- “(a) personal bank statements showing that at least the level of cash savings relied upon in the application has been held in an account(s) in the name of the person or of the person and their partner jointly throughout the period of 6 months prior to the date of application.”.
226. In Appendix FM-SE paragraph 11A(a) after “any form of bank/savings account” insert “(whether a deposit or investment account)”.
227. In Appendix FM-SE paragraph 11A(c)(iii) delete “at least”.
228. In Appendix FM-SE paragraph 11A(a) insert at the end:
- “(d) Funds held as cash savings by the applicant, their partner or both jointly at the date of application can be from the proceeds of the sale of property, in the form only of a dwelling, other building or land, which took place within the period of 6 months prior to the date of application, provided that:
- (i) The property (or relevant share of the property) was owned at the beginning of the period of 6 months prior to the date of application and at the date of sale by the applicant, their partner or both jointly.
- (ii) Where ownership of the property was shared with a third party, only the proceeds of the sale of the share of the property owned by the applicant, their partner or both jointly may be counted.
- (iii) The funds deposited as cash savings are the net proceeds of the sale, once any mortgage or loan secured on the property (or relevant share of the property) has been repaid and once any taxes and professional fees associated with the sale have been paid.
- (iv) The decision-maker is satisfied that the requirements in sub-paragraphs (i)-(iii) are met on the basis of information and documents submitted in support of the application. These may include for example:
- (1) Registration information or documentation (or a copy of this) from the Land Registry (or overseas equivalent).
- (2) A letter from a solicitor (or other relevant professional, if the sale takes place overseas) instructed in the sale of the property confirming the sale price and other relevant information.
- (3) A letter from a lender (a bank or building society) on its headed stationery regarding the repayment of a mortgage or loan secured on the property.

(4) Confirmation of payment of taxes or professional fees associated with the sale.

(5) Any other relevant evidence that the requirements in sub-paragraphs (i)-(iii) are met.

(v) The requirements of this Appendix in respect of the cash savings held at the date of application are met, except that the period of 6 months mentioned in paragraph 11(a) will be reduced by the amount of time which passed between the start of that 6-month period and the deposit of the proceeds of the sale in an account mentioned in paragraph 11(a).”.

229. In Appendix FM-SE paragraph 12A(a)(ii) delete “Wage slips” and substitute “Payslips”.
230. In Appendix FM-SE paragraph 12A(a)(iii) delete “wage slips” and substitute “payslips”.
231. In Appendix FM-SE after paragraph 17 insert:

“17A. Where a person is a subcontractor under the Construction Industry Scheme administered by HMRC and does not rely on paragraph 13(e), the income they receive as a subcontractor under the Construction Industry Scheme may be treated as income from salaried employment for the purposes of this Appendix and Appendix FM. In that case, the requirements for specified evidence in paragraph 2 must be met, subject to applying those requirements so as to reflect the person’s status as a subcontractor under the Construction Industry Scheme.”.
232. In Appendix FM-SE paragraph 18(b) at the end insert “, where they have been received in the relevant period(s) of employment or self-employment relied upon in the application.”.
233. In Appendix FM-SE after paragraph 18(b) insert:

“(bb) In respect of a person in salaried employment at the date of application, the amount of income in sub-paragraph (b) which may be added to their gross annual salary, and counted as part of that figure for the purposes of paragraph 13(a)(i) or 13(b)(i), is the annual equivalent of the person’s average gross monthly income from that income in their current employment in the 6 months prior to the date of application.”.
234. In Appendix FM-SE paragraph 18(d) after “rate” insert “(and the number and/or pattern of hours required to be worked may vary),”.
235. In Appendix FM-SE paragraph 18(d) at the end insert “, whereas salaried employment includes that paid at a minimum fixed rate (usually annual) and is subject usually to a contractual minimum number of hours to be worked.”.
236. In Appendix FM-SE paragraph 18 at the end insert:

“(g) For the purpose of paragraphs 13(c)(ii) and 13(d)(i), “the gross annual salary in the salaried employment in the UK to which they are returning” of a person who is returning to the UK to take up non-salaried employment in the UK starting within 3 months of their return is the gross annual income from that employment, based on the rate or amount of pay, and the standard or core hours of work, set out in the document(s) from the employer provided under paragraph 4. Notwithstanding paragraph 18(b), this may include the gross “on-target” earnings which may be expected from satisfactory performance in the standard or core hours of work.”.

237. In Appendix FM-SE paragraph 29(c) delete “UK Border Agency” and substitute “Home Office”.

238. Delete Appendix G and substitute:

**“Appendix G: Countries and Territories participating in the Tier 5 Youth Mobility Scheme and annual allocations of places for 2014**

Places available for use by Countries and Territories with Deemed Sponsorship Status:

Australia – 38,500 places

Canada – 5,500 places

Japan – 1,000 places

New Zealand – 9,500 places

Monaco – 1,000 places

Places available for use by Countries and Territories without Deemed Sponsorship Status:

Taiwan – 1,000 places

South Korea – 1,000 places

Hong Kong – 1,000 places”

239. In Appendix H, below “Australia” insert “Barbados”.

240. In Appendix H, delete “Croatia”.

241. In Appendix J, delete paragraph 14(e) and substitute:

“(e) The rates stated are per year and are based on the following weekly hours:

(i) Where the source is the Annual Survey of Hours and Earnings 2011, a 39-hour week;

- (ii) Where the source is NHS Agenda for Change or the Royal Institute of British Architects, a 37.5-hour week;
- (iii) Where the source is teachers' national pay scales, on the definition of a full-time teacher as used when determining those pay scales;
- (iv) Where the source is the National Grid submission to the Migration Advisory Committee, a 37-hour week;
- (v) In all other cases, a 40-hour week.

Where the applicant has contracted weekly hours or is paid an hourly rate, the rates must be pro-rated accordingly.”

**242. After Appendix K Insert:**

## **“APPENDIX KOLL**

### **PART 1. GENERAL**

1.1

#### **Purpose**

This Appendix sets out the way in which an applicant for leave to enter or remain must demonstrate sufficient knowledge of the English language and about life in the United Kingdom where it is a requirement of the Rules to demonstrate this for the purposes of an application for indefinite leave to enter or remain. It also sets out general exemptions to the requirement on grounds of age and enables the decision maker to waive the requirement in light of special circumstances in any particular case.

“Specified” in this Appendix means “specified in Part 4 of this appendix”

### **PART 2 - KNOWLEDGE OF LANGUAGE AND LIFE**

2.1 An applicant for leave to enter or remain has sufficient knowledge of the English language and about life in the United Kingdom for the purpose of an application for indefinite leave to enter or remain made under these Rules if the requirements set out in paragraphs 2.2 and 2.3 are met unless the exceptions set out in Part 3 apply.

2.2 For the purposes of paragraph 2.1, an applicant has sufficient knowledge of the English language if:

- a) the applicant has provided specified documentary evidence that:
  - i) the applicant is a national or citizen of one of the following countries:

Antigua and Barbuda

Australia  
The Bahamas  
Barbados  
Belize  
Canada  
Dominica  
Grenada  
Guyana  
Jamaica  
New Zealand  
St Kitts and Nevis  
St Lucia  
St Vincent and the Grenadines  
Trinidad and Tobago  
USA.

or

- ii) the applicant has passed an English language test in speaking and listening at a minimum level B1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State as specified in Appendix O to these Rules; or
- iii) the applicant has obtained an academic qualification(not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or
- iv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and
  - (1) provides the specified documentary evidence to show he has the qualification, and
  - (2) UK NARIC has confirmed that the qualification was taught or researched in English; or
- v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:
  - (1) he has the qualification, and
  - (2) that the qualification was taught or researched in English; or.

- vi) the applicant has taken and passed in England, Wales or Northern Ireland a qualification in English for Speakers of Other Languages (ESOL) which:
  - (aa) includes speaking and listening;
  - (bb) is at ESOL Entry level 3, level 1, level 2 or level 3,
  - (cc) is regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), the Welsh Government or the Council for Curriculum, Examinations and Assessment (CCEA), and
  - (dd) is listed as an ESOL qualification on the Register of Regulated Qualifications,
- or
- vii) the applicant has passed in Scotland a National Qualification in English for Speakers of Other Languages at Scottish Credit and Qualifications Framework (SCQF) level 4, 5 or 6 awarded by the Scottish Qualifications Authority;

or

(b) the applicant-

- (i ) has limited leave to enter or remain in the UK, and
- (ii) that leave (or a grant of leave which preceded it provided any periods of leave since have been unbroken) was given on the basis that the applicant had an English language qualification at a minimum level of B1 on the Common European Framework of Reference for Languages.

2.3 For the purposes of sub-paragraph (1), an applicant has sufficient knowledge about life in the United Kingdom if:

- a) the applicant has passed the test known as the “Life in the UK test” administered by learndirect limited; or
- b) in respect of an applicant who was resident in the Isle of Man, the applicant took and passed the test in the Isle of Man known as the “Life in the UK test” and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor; or
- c) in respect of an applicant who was resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, the applicant took and passed the test known as the “Citizenship Test” and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey (as the case may be).

## **Part 3**

### **Exceptions**

3.1 Notwithstanding any requirement to the contrary in these Rules, for the purposes of this appendix, an applicant will not be required to demonstrate sufficient knowledge of the English language and about life in the UK where:

- a) the applicant is under 18 years of age at the date of his or her application, or
- b) the applicant is at least 65 years of age at the date of his or her application, or
- c) in all the circumstances of the case, the decision maker considers that, because of the applicant's mental or physical condition, it would be unreasonable to expect the applicant to fulfil that requirement.

3.2 In the following circumstances an applicant will be deemed to have demonstrated sufficient knowledge of the English language and about life in the UK:

- a) Where the application for indefinite leave to remain in the United Kingdom is made under:
  - i) paragraph 196D and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I -135K), or
  - ii) paragraph 198 and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128–193 (but not paragraphs 135l-135K), or
  - iii) paragraph 248D and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as a person exercising rights of access to a child resident in the United Kingdom and that child is under the age of 18 at the day on which the applicant's application for indefinite leave is made under paragraph 248D, or
  - iv) paragraph 273D and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as a spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means, or
  - v) paragraph 275A and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the

United Kingdom for at least 15 years as the child of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means, or

- vi) paragraph 287 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 281 or paragraph 284, or
- vii) paragraph 295G and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 295B or paragraph 295D, or
- viii) paragraph 298 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 302 or Appendix FM or paragraph 319R or paragraph 319X, or
- ix) paragraph 319E and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the partner of a relevant points based system migrant
- x) paragraph 319J and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a relevant points based system migrant
- xi) section E-ILRP of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years on the day on which the application is made as a partner (except where leave is as a fiancé or proposed civil partner) under section D-LTRP of Appendix FM; or
- xii) section E-ILRPT of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years on the day on which the application is made as a parent under section D-ILRPT of Appendix FM,

and

- b) the applicant has provided specified documentary evidence of an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3:

and

- c) the applicant has provided specified documentary evidence from a qualified English language teacher that the applicant has made efforts to learn English

but does not yet have sufficient knowledge of the English language to pass a qualification at B1 CEFR, or ESOL entry level 3 or Scottish Credit and Qualification Framework level 4.

and

- d) the applicant is not a national or a citizen of one of the following countries:

Antigua and Barbuda  
Australia  
The Bahamas  
Barbados  
Belize  
Canada  
Dominica  
Grenada  
Guyana  
Jamaica  
New Zealand  
St Kitts and Nevis  
St Lucia  
St Vincent and the Grenadines  
Trinidad and Tobago  
USA.

## PART 4

### SPECIFIED DOCUMENTS

- 4.1 Where these Rules require an applicant to demonstrate sufficient knowledge of the English language and of life in the United Kingdom, the applicant must supply the documents specified in paragraphs 4.6 to 4.14 below.
- 4.2 The decision maker will only consider evidence submitted after the date on which an application is made where the circumstances in paragraphs 4.3 or 4.6 apply.
- 4.3 Where an applicant has submitted:
- (i) a document in the wrong format (for example, if a letter is not on letterhead paper as specified); or
  - (ii) a document that is a copy and not an original document, or
  - (iii) a document which does not contain all of the specified information,

or

- (iv) fails to submit a specified document,

the decision-maker may contact the applicant or his or her representative (in writing or otherwise), and request the document or the correct version of the document. The document must be received by the Home Office at the address specified in the request within such timescale (which will not be unreasonable) as is specified.

- 4.4 A decision-maker may decide not to request a document under paragraph 4.3 where he or she does not anticipate that the supply of that document will lead to a grant of leave to enter or remain in the United Kingdom because the application may be refused for other reasons.
- 4.5 Without prejudice to the decision maker's discretion under paragraph 4.2 and also his or her right in all cases to request the original or specified document and refuse an application in circumstances in which they are not provided, where an applicant submits a specified document:
  - (i) in the wrong format, or
  - (ii) which is a copy and not an original document, or
  - (iii) which does not contain all of the specified information but the missing information is verifiable from,
    - (aa) other documents submitted with the application,
    - (bb) the website of the organisation which issued the document,  
or
    - (cc) the website of the appropriate regulatory body;
- the application for leave to enter or remain in the United Kingdom may be granted exceptionally providing the decision-maker is satisfied that the specified documents are genuine and that the applicant meets all the other requirements.
- 4.6 Where the decision-maker is satisfied that there is a valid reason why a document has not been and cannot be supplied, (for example, because the document has been permanently lost or destroyed), he or she may waive the requirement for the document to be provided or may instead request alternative or additional evidence (which may include confirmation of evidence from the organisation which issued the original document).
- 4.7 The evidence specified for the purposes of paragraph 2.2 of this Appendix is:
  - a) a certificate that:

(i) is from an English language test provider approved by the Secretary of State for the purposes of limited leave to enter or remain as specified in Appendix O of these Rules, and

is in respect of a test approved by the Secretary of State as specified in that Appendix, and

ii) shows the applicant's name; and

iii) shows the qualification obtained, and

iv) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference, and

v) shows the date of award of the qualification;

or,

b) a print out of the online score from a PTE Academic (Pearson) test which:

i) is from an English language test provider approved by the Secretary of State for the purposes of limited leave to enter or remain as specified in Appendix O of these rules, and

ii) is in respect of a test approved by the Secretary of State as specified in that Appendix , and

iii) can be used to show the qualification obtained; and,

iv) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference;

or

c) a certificate or other document issued by an awarding organisation that is recognised either by Ofqual, the Welsh Government, or CCEA that

i) is issued in England, Wales or Northern Ireland in respect of a qualification listed as an ESOL qualification in the OFQUAL Register of Regulated Qualifications, and

ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded ESOL entry level 3;

or

d) a certificate that

- i) is issued in Scotland in respect of a National Qualification in English for Speakers of Other Languages awarded by the Scottish Qualifications Authority, and
  - ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded Scottish Credit and Qualifications Framework level 4
- 4.8 Subject to paragraphs 4.9 and 4.10 the documentary evidence specified for the purposes of paragraph 2.2 of this Appendix as showing that a person is a national or a citizen of one of the countries listed in paragraph 2.2 is a valid passport or travel document which satisfactorily establishes the applicant's nationality.
- 4.9 If the applicant cannot provide their passport or travel document other evidence of nationality of the type described in paragraph 4.10 may exceptionally be supplied in the following circumstances (the reason for which must be indicated by the applicant on their application form), where:
- (a) the applicant's passport has been lost or stolen, or
  - (b) the applicant's passport has expired and has been returned to the relevant authorities, or
  - (c) the applicant's passport is with another part of the Home Office.
- 4.10 Where paragraph 4.9 applies, the alternative evidence specified for the purposes of establishing the applicant's nationality is:
- (a) a valid national identity document; or
  - (b) an original letter from the applicant's Home Government or Embassy confirming the applicant's full name, date of birth and nationality.
- 4.11. The evidence specified for the purposes of paragraph 2.2(iii) and 2.2(iv) (academic qualification recognised by UK NARIC) is:
- (a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing:
    - (i) the applicant's name,
    - (ii) the title of the award,
    - (iii) the date of the award,
    - (iv) the name of the awarding institution, and,

(v) for paragraph 2.2 (iii) that the qualification was taught in English or,

(b) where an applicant has not, at the date of application, formally graduated or no longer has his or her certificate and is unable to obtain a duplicate certificate:

(i) an original academic reference from the institution awarding the academic qualification that:

(aa) is on official letter headed paper,

(bb) shows the applicant's name,

(cc) shows the title of the award,

(dd) confirms that the qualification was taught in English,

(ee) states when the academic qualification was (or as the case may be, will be) awarded,

and

(ff) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued.

or

(ii) an original academic transcript that;

(aa) is on official letter headed paper,

(bb) shows the applicant's name,

(cc) shows the name of the academic institution,

(dd) shows the course title,

(ee) confirms that the qualification was taught in English, and,

(ff) confirms the award given.

- 4.12 In the absence of any evidence to the contrary, a qualification obtained in one of the following countries will be assumed for the purposes of this Appendix to have been taught in English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the UK or the USA.

- 4.13 The evidence specified for the purposes of paragraph 3.2(b) (evidence of English language speaking and listening) is the same as that specified for the purposes of paragraph 2.3 (vi) and 2.3 (vii) except that:
- (a) references to B1 are to be read as references to A2,
  - (b) references to ESOL levels Entry 3, level 1, level 2 and level 3 are to be read as references to ESOL Entry level 2, and
  - (c) references to Scottish Credit and Qualification Framework Level 4, 5 and 6 are to be read as references to Scottish Qualification Framework Level 3.
- 4.14 a) The evidence specified for the purposes of paragraph 3.2(d) (evidence from qualified English teacher) is a letter from the teacher which is signed by him or her and dated no more than 3 months before the date on which the application for indefinite leave to remain is made and which includes the following information:
- i) the applicant's name,
  - ii) confirmation that the applicant has attended an English language class taught by that teacher for at least 75 guided learning hours and which was taught during the period of 12 months immediately preceding the date on which the application for indefinite leave to remain was made,
  - iii) confirmation that the teacher has assessed that the speaking and listening level attained by the applicant is not at B1 level or above,
  - iv) confirmation that the applicant is considered unlikely to attain B1 level through further study
  - v) confirmation of the teacher's qualifications as an English language teacher within the meaning of this Appendix.
- (b) For the purposes of paragraph (a)(ii) "guided learning hours" means the time during which a person is taught or given instruction and does not include any time spent on unsupervised preparation or study.
- 4.15 The documentary evidence specified for the purposes of paragraph 2.3 of this Appendix is:
- a) a pass notification letter issued by learndirect limited in respect of the test known as the "Life in the UK test", or
  - b) where the "Life in the UK test" was taken and passed in the Isle of Man, a pass certificate in respect of the test issued by the relevant educational institution or other person approved for that purpose by the Lieutenant Governor, or

- c) where the “Citizenship test” was taken in the Bailiwick of Guernsey or, as the case may be, in the Bailiwick of Jersey, a pass certificate issued by the relevant educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey (as the case may be).

## PART 5

### INTERPRETATION

5.1 For the purposes of this Appendix “decision maker” means an Entry Clearance Officer or the Secretary of State.

5.2 For the purposes of this Appendix, “qualified English language teacher” means a person who holds a qualification in teaching English as a foreign language or in teaching English to speakers of other languages which was awarded by an awarding organisation regulated by OFQUAL or the Welsh Government or the CCEA or the Scottish Qualification Authority.

243. In Appendix L, in paragraph 2(c), delete “A mandatory letter of recommendation” and substitute “A mandatory dated letter of recommendation written in support of the application”.

244. In Appendix L, delete paragraphs 5 to 10, including the heading, and substitute:

#### **“Criteria for endorsement by The Arts Council**

5. The applicant must either:

- (a) be established as, or demonstrate potential to become, a world-leading artist or an internationally-recognised expert within the fields of the arts (encompassing dance, music, theatre, visual arts and literature), museums or galleries; or
- (b) be established as a world-leading artist or an internationally-recognised expert within the film, television, animation, post-production and visual effects industry.

6. The applicant must:

- (a) be professionally engaged in producing work of outstanding quality which has been published (other than exclusively in newspapers or magazines), performed, presented, distributed or exhibited internationally;
- (b) show recent and regular activity of being engaged professionally as a practitioner in his field;

- (c) show a substantial (if applying under the exceptional talent criteria) or developing (if applying under the exceptional promise criteria) track record in at least one country other than his country of residence.
7. If the applicant's field is within the arts, museums or galleries, he must provide the evidence specified in the table below to demonstrate that his work is of exceptional quality and has national or international recognition. This evidence must consist of no more than 10 documents in total, and must be submitted as paper-based documents in hard copy with the application. Evidence cannot include other objects, Digital Versatile Discs (DVDs) or Compact Discs (CDs), digital files or web links. (If an applicant wishes to use the content of a webpage as one of his 10 permitted supporting documents, he must provide a **printed** copy of the page which clearly shows the Uniform Resource Locator (URL) for the page.)

<b>Exceptional talent within the fields of the arts, museums or galleries</b>	<b>Exceptional promise within the fields of the arts, museums or galleries</b>
<p>The applicant must provide evidence to support <b>two or more</b> of the following:</p> <p>1) Examples of significant media recognition such as features, articles and/or reviews from national publications or broadcasting companies in at least one country other than the applicant's country of residence. Event listings or advertisements are not acceptable.</p> <p>2) Proof of having won international awards for excellence, for example the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award. The Arts Council will judge whether a particular award provides appropriate evidence of international recognition in the applicant's field.</p> <p>3) Proof of appearances, performances, publications or exhibitions in the past five years in contexts which are recognised as internationally significant in the applicant's field or evidence of extensive international distribution and audiences for the applicant's work. The Arts Council will judge whether such appearances, performances, exhibitions or distribution provide</p>	<p>The applicant must provide evidence to support <b>two or more</b> of the following:</p> <p>1) Two or more examples of media recognition such as articles and/or reviews from national publications or broadcasting companies in at least one country other than the applicant's country of residence. Event listings or advertisements are not acceptable.</p> <p>2) Proof of having won or been nominated or shortlisted for international awards for excellence, for example the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award. The Arts Council will judge whether a particular award provides appropriate evidence of recognition in the applicant's field.</p> <p>3) Proof of appearances, performances, publications or exhibitions in the past three years in contexts which are internationally recognised in the applicant's field or evidence of international distribution and audiences for the applicant's work. The Arts Council will judge whether such appearances, performances, exhibitions or distribution provide</p>

exhibitions or distribution provide appropriate evidence of international significance in the applicant's field.	appropriate evidence of international recognition in the applicant's field.
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8. If the applicant's field is within the film, television, animation, post-production and visual effects industry, he must:

(a) have won, or within the last five years from the year of application, have received a nomination for:

- (i) an Academy Award,
- (ii) a British Academy of Film and Television Arts (BAFTA) award,
- (iii) a Golden Globe, or
- (iv) an Emmy award

and provide:

- (1) full details of the production nomination or award, including category and year of nomination or award,
- (2) evidence of the applicant's involvement if the nomination or award was as part of a group, and
- (3) evidence of the credit the applicant received for the nomination or award;

or

(b) have, within the last five years from the year of application, made a significant and direct contribution to winning or being nominated for:

- (i) an Academy Award,
- (ii) a British Academy of Film and Television Arts (BAFTA) award,
- (iii) a Golden Globe, or
- (iv) an Emmy award

and provide evidence from the named person on the award(s) or nomination(s) which demonstrates that the applicant has significantly influenced or directly resulted in the award or nomination to the named person; or

- (c) demonstrate notable industry recognition by providing evidence of:
- (i) international distribution sales and recognition, and
- (ii) having, within the last five years from the year of application, won a minimum of two, or been nominated for a minimum of three, of the following awards:
- Australian Academy of Cinema and Television Arts (AACTS)
  - BAFTA Cymru
  - BAFTA Games Awards
  - BAFTA Interactive Awards
  - BAFTA Scotland
  - BAFTA Television Craft Awards
  - Berlin International Film Festival
  - BFI London Film Festival
  - Brit Awards
  - Cannes International Film Festival / Festival de Cannes
  - DICE Awards organised by the Academy of Interactive Arts and Sciences
  - Edinburgh International Film Festival
  - Fédération Internationale de la Presse Cinématographique or International
  - Film Critics Award given by the International Federation of Film Critics
  - GDC Awards
  - Grammy Awards
  - Sundance Film Festival
  - IGF Awards
  - Independent Spirit Awards
  - Independent Music Awards
  - International Film Music Critics Association Awards
  - Satellite Awards
  - Saturn Awards
  - Toronto International Film Festival
  - The Annime Awards
  - Venice International Film Festival
  - Visual Effects Society Awards
9. The applicant must provide letters of endorsement as specified in the table below, which must:

- (a) be written on headed paper, dated, and signed by the author who must be an authorised member of the organisation such as the Chief Executive, Artistic Director, Principal or Chair;
- (b) include details of the author's credentials (for example, a Curriculum Vitae or résumé) and how they know the applicant (whether through personal relationship or reputation);
- (c) detail the applicant's achievements in his specialist field and how in the opinion of the author he has demonstrated that he is, or has the potential to become, a world leader in his field;
- (d) describe how the applicant would benefit from living in the UK and the contribution he could make to cultural life in the UK, including details of any future professional engagements in the UK that the author is aware of;
- (e) include full contact details of the author including personal email address and direct telephone number so that personal contact can be made; and
- (f) be written specifically for the purpose of supporting the application, not as a general all-purpose reference letter.”

<b>Exceptional talent</b>	<b>Exceptional promise</b>
<p>The applicant must provide <b>two</b> letters of endorsement (as described above) from established arts or cultural organisations, institutions or companies with a national or international reputation and recognised expertise in the applicant's specialist field.</p> <p>At least <b>one</b> of these must be from a UK body. Acceptable organisations would be those which are well established nationally or internationally, work with many international artists each year and are widely acknowledged as possessing expertise in their field.</p>	<p>The applicant must provide <b>three</b> letters of endorsement (as described above), at least <b>two</b> of which must be from established arts or cultural organisations, institutions or companies and one of which may be from an eminent individual with recognised expertise in the applicant's specialist field.</p> <p>At least <b>one</b> of these letters must be from a UK body or individual. Acceptable organisations or individuals would be those which are well established nationally and/or internationally and widely acknowledged as possessing expertise in their field.</p> <p>The Arts Council's assessment of Exceptional Promise applications will place greater weighting on letters of endorsement than in the case of Exceptional Talent applications.</p>

245. In Appendix M, in the table, after the entry for “Netball Northern Ireland”, insert new entry:

Netball	Netball Scotland
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246. In Appendix M, in the table, after the entry for “British Water Ski”, insert new entry:

Wheelchair Basketball	British Wheelchair Basketball
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247. In Appendix M, in the table, after the entry for “British Wrestling Association”, insert new entry:

Yoga	The British Wheel of Yoga
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248. In Appendix N, after “Defence Academy” insert a new row:

De La Rue Internship	Internship Programme for Post Graduate students at the University of West Indies, to build on and consolidate the support De La Rue already provides to high achieving students in the Caribbean through a scholarship programme	De La Rue International	Work experience programme Maximum 12 months	All UK
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249. In Appendix N, after “Mandarin Teachers Programme (Scotland – Strathclyde University)” insert a new row:

Mandarin Teachers Programme (University of Ulster)	The programme supports the teaching and learning of Mandarin Chinese and teaching about China through the Confucius Institute. The exchange scheme will help the Department in delivering the aims and objectives as outlined in Graduating to Success:	University of Ulster	Work experience programme Maximum 12 months	Northern Ireland
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	A Higher Education Strategy for Northern Ireland.			
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250. In Appendix N, delete the following rows:

UK-China Graduate Work Experience Programme	The programme brings together UK and Chinese employers and their top graduates, giving graduates an insight into life in another country and employers the chance to build relationships with the UK and China's top talent. Graduates take part in work placements with companies. For employers the programme is a way to access the UK and China's most promising talent, develop cultural links and raise the company's profile.	GTI Recruiting Solutions	Work experience programme Maximum 12 months	All UK
UK-India Graduate Work Experience Programme	Managed by GTI Recruiting Solutions on behalf of the UK India Education and Research Initiative, the programme gives Indian graduates the opportunity to take part in salaried internships with companies in the UK	GTI Recruiting Solutions	Work experience programme Maximum 12 months	All UK

	and a greater understanding of UK people, society and way of life.			
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251. In Appendix O, above the table, delete:

“Only the level(s) of Test specified for each Test are approved.”

and substitute:

- “1. Where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, the specified evidence submitted by the applicant must show that he achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of his disability. This requirement does not apply to applications made under part 8 or Appendix FM unless Appendix KoLL applies’.
- 2. Only the level(s) of Test specified for each Test are approved.”

252. In Appendix O, in the last row of the table, “Graded Examinations in Spoken English”, delete “A1” and substitute “A1 or higher”.







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**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
PRESENTED TO PARLIAMENT ON 6 SEPTEMBER 2013 (HC 628)**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the Instrument**

2.1 The purpose of these changes is to:

- Expand the Tier 1 (Exceptional Talent) category to make new provision for artists of exceptional promise;
- Implement a package of small changes to Tier 2 of the Points-Based System to improve flexibility for businesses and applicants;
- Expand the use of “genuineness” tests in Tiers 1 and 5 of the Points-Based System, and the Minister of Religion category in Tier 2, to better protect those routes against abuse without disadvantaging genuine applicants;
- Expand the use of the “genuineness” test in Tier 4 to applications for further leave to remain;
- Amend the Knowledge of Language and Life in the UK requirement in line with the Statement of Intent published on 8 April 2013
- Create two categories of visitor for certain Commonwealth Games Family Members to enter the UK to compete or work at the Games. Games family members travelling from overseas will not require visas;
- Allow those Games Family Members already in the UK to apply for Commonwealth Games special leave to allow them to compete or work at the Games;
- Amend the Immigration Rules relating to Points-Based System dependants and dependants of other work routes, further to the judgment of the High Court in *R (on the application of Zhang) v Secretary of State for the Home Department*;
- Provide flexibility for tourists and business visitors to attend courses providing that is incidental to their visit; and make other minor changes to visitor routes;
- Expand the permissible activities a business visitor can undertake to include internal audits and corporate training where it is provided by a company outside of the person’s employer’s corporate group;

- Allow Tier 4 graduates who have completed their degrees in the UK to switch into a 12 month internship under Tier 5 Government Authorised Exchange category, provided it directly relates to their degree;
- Update the list of sports governing bodies for Tiers 2 and 5 of the Points Based System;
- Introduce the General Grounds for Refusal criminality thresholds to indefinite leave to remain applications by refugees and those granted humanitarian protection, to ensure that we are consistent in our approach to indefinite leave to remain for those with a history of criminal activity;
- Make provision in the Immigration Rules to grant leave to enter the UK to those eligible for the relocation element of the Redundancy Scheme being offered to locally engaged staff in Afghanistan;
- Delete from Appendix 1 those nationals or citizens of Kuwait who hold diplomatic and special passports issued by Kuwait when travelling to the UK for the purpose of a general visit in accordance with paragraph 41;
- Make minor changes and clarifications to the Immigration Rules relating to family life;
- Amend the grounds on which a person's leave to enter or remain in the UK may be curtailed. Paragraph 322(5A) (grounds of refusal of leave) is added to the grounds on which person's leave may be curtailed. Sub-paragraph (5A) is concerned with circumstances in which it is undesirable for a person to be permitted to remain in the United Kingdom because of their offending behaviour;
- Make a number of changes to the provisions governing the grant of further leave to overseas domestic workers who entered the UK under the Rules in place before 6 April 2012. These changes are intended to make it clearer that domestic workers wishing to extend their limited leave are required to be in full time domestic work and also clarify the length of leave which can be granted at each extension;
- To repeal Part 6 of the Rules, relating to a number of pre-PBS routes;
- Make a small change to the Prospective Entrepreneur Visitor route to include the Financial Conduct Authority as the new regulator of the financial services industry;
- Add Hong Kong to the list of participating countries and territories on the Youth Mobility Scheme and set the annual allocation of places for participating countries as set out in Appendix G;
- Update the list of Tier 5 Government Authorised Exchange Schemes in Appendix N; and
- Make other minor updates and corrections.

### **3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**

3.1 The Committee is invited to note that this Statement of Changes is accompanied by amended guidance which is being published on the Home Office website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) on the same date as these changes are laid before Parliament, namely 6 September 2013 or date of implementation of the relevant rule as appropriate.

### **4. Legislative Context**

4.1 The Immigration Rules, as laid before Parliament by the Home Secretary, constitute a statement of practice to be followed in the administration of the Immigration Act 1971 for regulating entry into and the stay of persons in the United Kingdom.

4.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules, which can be found under the ‘Policy and Law’ page at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3 The changes set out in paragraphs 3, 40, 43-44, 46-47, 52-56, 64, 67, 70-72, 77, 79, 83-84, 87, 97, 101, 106, 114, 117-121, 123-128, 130, 135, 138, 199-200, 204-205 and 242 of this statement shall apply to all applications made on or after 28 October 2013. An application for leave to enter or remain which is made before 28 October 2013 but which has not been decided before that date will be decided in accordance with the Rules in force on 27 October 2013.

4.4 The changes set out in paragraphs 238 of this statement shall take effect from 1 January 2014.

4.5 The other changes set out in this statement shall take effect on 1 October 2013. However:

- (a) The changes in paragraphs 5-10, 11-25, 74-75, 78, 80-82, 92, 95, 100, 103-105, 140, 150, 164, 167, 180-181, 197-198, 201-203, 206-237, and 241 shall apply to all applications decided on or after 1 October 2013. These changes relate to:
  - (i) genuineness tests in the Points-Based System;
  - (ii) changes to evidential flexibility in the Points-Based System in applicants' favour;
  - (iii) corrections to minor errors in the Points-Based System in applicants' favour;
  - (iv) incidental study for tourists and business visitors and other minor visitor changes

and

- (v) minor changes and clarifications relating to family life.
- (b) With regard to the other changes, if an applicant has made an application for entry clearance or leave before 1 October 2013, the application will be decided in accordance with the Rules in force on 30 September 2013.

## **5. Territorial Extent and Application**

- 5.1 This instrument applies to all of the United Kingdom.

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

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

## **7. Policy Background**

### **What is being done and why**

- 7.1 A summary of the changes contained in this Statement follows:

#### **Visitors**

##### ***Changes relating to Commonwealth Games visitors***

- 7.2. The Host City contract for the 2014 Commonwealth Games requires the UK to provide visa free access to certain Games Family Members during the Accreditation Period of the Games.

- The current Immigration Rules do not cater for this so two new routes are being created to permit this – Commonwealth Games Family Member Visitor and Commonwealth Games Family Member Child Visitor.
- The new routes also permit those Games Family Members already in the UK to apply for special leave to enable them to participate in the Games.
- The new routes will only be in effect for the duration of the Accreditation Period of the Games.

##### ***Changes to visitor routes***

- 7.3 Currently general visitors (i.e. tourists and those visiting family) and business visitors are not permitted to study in the UK. If they want to study, they must apply for entry as a student visitor to study here for up to 6 months. We are introducing some flexibility for these visitors to undertake up to 30 days of recreational, English Language or academic study provided that is not the main purpose of their visit. Recreational study means leisure and

holiday-type courses such as pottery or horse riding. Any other study (including any English language) may only take place at an institution that holds a licence under Tier 4 of the Points Based System or which is accredited by a Home Office-approved body.

7.4 The student visitor route is for students coming here to undertake a short course of study that does not involve work or a work placement. We are introducing a provision to allow students enrolled on a degree level course outside the UK to come here for no more than 6 months at the invitation of a university in the UK to undertake research as part of that course.

7.5 Prospective students may currently come here for up to 6 months in order to finalise their study arrangements. This route is little used and we are therefore removing it and the prospective student dependant routes with effect from 1 October. Provision has been retained for persons granted leave to enter as a prospective student before 1 October, for less than six months, to be granted leave to remain to complete a maximum of 6 months stay.

7.6 Changes are being made to increase the permissible activities that a business visitor can undertake in the UK. Firstly, to allow internal auditors from global corporations to undertake short internal audits as business visitors rather than using the Tier 2 Intra-Company Transfer route. Secondly, to expand the training a business visitor can receive to include corporate training that is for the purposes of the visitor's employment overseas, delivered by a UK company that is neither part of the person's employer's corporate group nor whose main activity is the provision of training.

7.7 A small change is being made to the prospective entrepreneur visitor route to include the 'Financial Conduct Authority' as the new regulator for the financial services industry.

### ***Changes relating to Tier 1 of the Points-Based System***

7.8. Tier 1 of the Points-Based System caters for high value migrants, and currently consists of five categories: Tier 1 (Exceptional Talent), Tier 1 (General) – closed except for extension applications, Tier 1 (Entrepreneur), Tier 1 (Investor) and Tier 1 (Graduate Entrepreneur).

7.9. The Tier 1 (Exceptional Talent) category was introduced for those who lead the world or show exceptional promise in the fields of science, humanities, engineering and the arts, who have been endorsed by a Designated Competent Body and wish to work in the UK. The following changes are being made to this category:

- Changes are being made to reflect changes in the Arts Council's criteria for endorsing applicants in the arts. In particular, the Arts Council has added criteria for endorsing applicants with exceptional promise.
- A minor change is being made to the requirements for supporting letters in the criteria used by other Designated Competent Bodies, at those Bodies' request.

- Following Croatia's accession to the European Union, a change is being made to adjust the number of endorsements available under the Tier 1 (Exceptional Talent) limit by the number of Croatian nationals endorsed by each Designated Competent Body. This mirrors a change made to the Tier 2 (General) limit in HC1039, laid on 14 March 2013.

7.10. The Tier 1 (General) category, in which applicants scored points for their qualifications, previous earnings, age and UK experience, was closed to new applicants in April 2011 but remains open for extension and settlement applications. The following changes are being made to this category:

- A “genuine earnings” test is being introduced, following the introduction of similar tests in the Tier 1 (Entrepreneur) category and Tier 4, the student route. This change is being made in response to concerns that Tier 1 (General) is being abused by applicants submitting bogus claims of their earnings, particularly self-employed earnings. The new test gives caseworkers greater scope to test the evidence presented in cases where abuse is suspected.
- A correction is being made to allow those who were granted as work permit holders, before switching into Tier 2 (ICT) and then into Tier 1 (General), to count the time spent in all three categories towards the five year qualifying period for settlement.

7.11. The Tier 1 (Entrepreneur) category caters for applicants coming to the UK to set up, take over, or otherwise be involved in the running of a business in the UK. The following minor changes are being made to this category:

- A minor change is being made to the “genuine entrepreneur” test to bring it into line with the other genuineness tests being introduced by these changes. This change specifies that caseworkers **may** choose not to apply the test if refusing an application on other grounds, but may still choose to do so if there are valid reasons to.
- Applicants must have investment funds to invest in their business and maintenance funds to support themselves and any dependants. A clarification is being made to confirm that applicants cannot rely on the same funds to satisfy the investment and maintenance criteria.
- A team of two Tier 1 (Entrepreneur) applicants can share the same funds, however, to prevent abuse of the route, teams are limited to two members. This is being clarified.
- A change is also being made to clarify that funding can be made available to an applicant’s business, rather than directly in the applicant’s own name, providing there is evidence to link the applicant sufficiently to that business.
- Some minor changes to specified evidence are being made, including to reflect changes in documentation issued by HM Revenue and Customs.

7.12. The Tier 1 (Investor) category caters for high net worth individuals making a substantial financial investment to the UK. Minor drafting errors are being corrected in this category.

#### ***Changes relating to Tier 2 of the Points-Based System***

7.13 Tier 2 of the Points-Based System caters for migrant workers with an offer of a skilled job from a licensed employer. There are four overall categories: Intra-Company Transfer (ICT), General, Minister of Religion, and Sportsperson. The following changes are being made to Tier 2:

- A deregulatory change is being made to remove the English language requirement for applicants in the Tier 2 (ICT) category extending their stay beyond three years. (At present only those paid £152,100 are exempt.) The test is a basic one (level A1 on the Common European Framework of Reference) and as the Tier 2 (ICT) category ceased to lead to settlement in 2010, the need for integration is less relevant. This change is being made in response to representations from businesses.
- A change is being made to add Tier 1 (Graduate Entrepreneur) to the list of categories which can benefit from the post-study work provisions when switching into the Tier 2 (General) category. These provisions waive the requirement for Sponsors to carry out a Resident Labour Market Test, and allow applicants to be paid “new entrant” rather than “experienced worker” salary rates.
- A further deregulatory change is being made to waive the rule that Tier 2 (General) applicants cannot own more than 10% shares in the Sponsor’s business, for those who earn more £152,100 or more. This requirement was put in place as it is unlikely a genuine Resident Labour Market Test can take place for a job where the migrant appointed is a significant shareholder. However, the requirement is unnecessary and inappropriate for these high earners, who are not subject to the Resident Labour Market Test.
- A correction is being made to the Codes of Practice, which set out (among other things), minimum appropriate rates of pay for occupations under Tier 2 and the work permit arrangements. The correction amends the weekly hours on which the rates are based, in line with information from the salary sources used to derive the rates.
- A “genuineness” test is being added to the Tier 2 (Minister of Religion) category, as with Tier 1 (General). This change is being made to address concerns that the category is not always being used by those with the skills and experience to do the jobs they are being sponsored for, and who may in fact be coming to the UK for other purposes.
- For a Tier 2 migrant to qualify for settlement, their Sponsor must certify that they are still required and are being paid the appropriate rate for their occupation. A change is

being made to require Tier 2 Sponsors to still hold (or have applied to renew) a Tier 2 Sponsor licence in order to endorse settlement applications.

- A temporary exemption from the requirement to advertise via Jobcentre Plus (or JobCentre Online in Northern Ireland) exists for NHS positions advertised on NHS Jobs. This exemption was due to expire on 1 October 2013 but is being extended to 6 April 2014 while technical issues are resolved.
- A reference to guidance on paid allowances is being removed, as this guidance is now contained within these Rules.

#### ***Changes relating to Tier 4 of the Points-Based System***

7.14 Tier 4 of the Points-Based System caters for international students who wish to study in the United Kingdom. The following changes are being made to Tier 4:

- In July 2012 a “genuineness” test was introduced for Tier 4 (General) Student applicants applying for entry clearance. This will now be extended to Tier 4 (General) Student applicants applying for leave to remain. This will enable decision makers to be satisfied that an applicant is a genuine student where there are concerns that the category is being used for other purposes. This will be accompanied by a change that also allows the decision maker to be satisfied that the applicant speaks adequate English.
- To add the South London Local Education and Training Board to the definition of “UK recognised body”. This will enable the Board to issue CAS for dentists who have completed their study and need to undergo a further period of training. This function has previously only been exercised by the Foundation Programme Office and Yorkshire and Humber Strategic Health Authority and this change will enable the South London Local Education and Training Board to perform the same function.
- Appendix H of the Immigration Rules lists the countries and regions from which applicants are subject to different documentary requirements and are exempt from the genuineness test under Tier 4 of the Points-Based System. The Home Office has reviewed the list, re-assessing countries against a range of risk and compliance criteria, and concluded that Barbados merits addition to the list on the basis of the high levels of compliance of their students. In addition, following its accession to the European Union Croatia is being removed from the list.

#### ***Changes relating to Tier 5 of the Points-Based System***

7.15 Tier 5 of the Points-Based System caters for youth mobility and temporary workers coming for primarily non-economic purposes, and consists of two categories: Tier 5 (Youth Mobility Scheme) and Tier 5 (Temporary Worker). The Temporary Worker category consists of five sub-categories: Creative and Sporting, Charity Workers, Religious Workers, Government Authorised Exchange, and International Agreement. Applicants must have a

Tier 5 Sponsor, which is usually their UK employer. The following changes are being made to Tier 5:

- A “genuineness” test is being added to the Tier 5 (Temporary Worker) category, as with Tier 1 (General) and Tier 2 (Minister of Religion). This change is being made to address concerns that the category is not always being used by those with the skills and experience to do the jobs they are being sponsored for, and who may in fact be coming to the UK for other purposes.
- A change is being made to allow selective switching for students in Tier 4 who have completed degrees in the UK to undertake corporate internships which directly relate to their degrees. These internships will take place in the Tier 5 Government Authorised Exchange sub-category. This change is being made in response to representations from businesses that such a change will make it easier to recruit graduates with specialist skills for internships with a view to offering them a permanent position in the future. As with any work experience scheme in this sub-category, roles must be supernumerary and stay is restricted to 12 months. Switching into Tier 2 at the end of the internship is not permitted.
- A minor change is being made to align the Immigration Rules with a long-standing provision in guidance, for Sponsors carrying out a Resident Labour Market Test before sponsoring a creative worker in the Creative and Sporting sub-category in a role for which no specific Code of Practice exists.
- On the Youth Mobility Scheme: Hong Kong is being added to the list of participating countries and territories and the annual allocation of places for all participating countries on the scheme is being set for 2014. There is an increase in the allocations for Australia (35,000 to 38,500) since it attracted a higher number of British youths under its reciprocal scheme in 2012 than in the previous year.
- Minor updates are being made to the list of Government Authorised Exchange Schemes to include two new work experience schemes: a post-graduate internship scheme run by De La Rue, and a Mandarin teaching programme run by the University of Ulster. The UK-China and UK-India Graduate Work Experience Programmes are being removed as they have been replaced by the wider internship scheme run by GTI recruiting solutions.

#### ***Cross-cutting changes relating to all Tiers of the Points-Based System***

7.16 Amendments are being made to the provisions for applications submitted without all the specified documents, to improve flexibility where specified information can be verified by other means, and to clarify what is meant by a document in the wrong format. The circumstances of when and how this flexibility may be applied is set out to ensure consistency of decisions.

7.17 Changes to requirements to provide bank statements are being made, to allow electronic bank statements to be submitted for all bank accounts, not just those which are exclusively online accounts.

7.18 Changes are being made to make the required format of payslips consistent across the Immigration Rules and published guidance. The changes will also make it easier for employers by removing an unnecessary requirement to stamp and sign original payslips which are not on headed paper.

7.19 Sports players and coaches applying in the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting) categories must be endorsed by the relevant UK Governing Body for their sport. Three additions are being made to the list of approved governing bodies – Netball Scotland, British Wheelchair Basketball and The British Wheel of Yoga.

7.20 A few minor drafting corrections and updates to paragraph numbers and references are being made.

#### ***Changes relating to dependants in the Points-Based System and other work routes***

7.21 The judgment of the High Court in *R (on the application of Zhang) v Secretary of State for the Home Department* related to the ability of migrants in the UK in other immigration categories to switch into the status of a Points-Based System dependant. The judgment did not strike down the existing Rule but set a legal precedent which it predicted would cause difficulties in enforcing the Rule in future.

7.22 The present requirement (that only those who entered the UK as dependants can apply in-country as dependants) is therefore being amended to bring it more in line with the changes to the Rules for family members of British citizens and settled persons set out in HC 194 (laid before Parliament on 13 June 2012). The changes will mean that applicants can apply in-country as a dependant, providing they are not an illegal entrant, or were last granted as a visitor, temporary admission or temporary release. This also entails adding a definition of “visitor” to the Immigration Rules.

7.23 The present restrictions on switching the other way around, from dependant to being a main applicant in a person’s own right, will remain. This will continue to prevent main applicants and their dependants from continually swapping statuses in order to prolong their stay in the UK, which would undermine other restrictions such as those on maximum length of stay in certain immigration categories.

7.24 The following technical corrections and amendments are being made at the same time:

- Two corrections to the rules for child dependants in work routes outside the Points-Based System and of Retired Persons of Independent Means. The first allows child dependants to apply for settlement at a later date than their parents if needed, rather than being required to apply at the same time. The second applies the Knowledge of

Life in the UK test to those who are over the age of 18 when they apply for settlement, as is the case in other routes.

- Corrections to the rules for partners of migrants in the above routes, to provide for settlement of unmarried/same-sex partners and to align the provisions with rules for dependants in other routes.
- A correction to an existing provision allowing entertainer and sports visitors to switch into the Creative and Sporting sub-category of Tier 5 (Temporary Worker), and their dependant partners to switch from visitor status with them. The existing Rules do not provide for their dependant children to also switch with them, and this oversight is being corrected.
- Amendments to paragraph references that had become unaligned as a result of previous changes made to improve the clarity of the Rule.

### ***Changes relating to family life***

7.25 The following minor changes and clarifications are being made to the Immigration Rules relating to family life:

- To remove references to the UK Border Agency or replace them with references to the Secretary of State or the Home Office, to reflect the reintegration of immigration functions within the Home Office.
- To make a minor clarification to the eligibility criteria for leave to remain as a parent under Appendix FM.
- To amend the provisions under Appendix FM-SE for applications submitted without all the specified documents, to improve flexibility where specified information can be verified by other means, and to clarify what is meant by a document in the wrong format.
- To amend the requirements for specified evidence under Appendix FM-SE to allow electronic bank statements to be submitted for all bank accounts, not just those which are exclusively online accounts, and to ensure consistency across the Immigration Rules in the required format of payslips.
- To clarify the information to be evidenced through personal bank statements provided under Appendix FM-SE.
- To clarify that Appendix FM-SE allows cash savings used to meet the financial requirements to be held in a bank/savings account which is investment-based (e.g. a stocks and shares Individual Savings Account), as well as in a deposit account.
- To amend Appendix FM-SE to allow cash savings used to meet the financial requirements to include the proceeds of the sale, within 6 months of the date of

application, of a property (or share of this) owned by the applicant, their partner or both jointly.

- To amend Appendix FM-SE to allow a person who is a subcontractor under the Construction Industry Scheme administered by HMRC to evidence their income from that work as though it were salaried employment. Under the scheme, the relevant contractor deducts income tax and National Insurance contributions from the income paid to the subcontractor.
- To clarify the provisions under Appendix FM-SE for the calculation of income from salaried and non-salaried employment.
- To amend Appendix FM-SE to allow a sponsor who is returning to the UK to take up non-salaried employment in the UK starting within 3 months of their return to count the gross “on-target” earnings which may be expected from satisfactory performance in their standard or core hours of work.

#### ***Changes relating to the extension of provision in the Immigration Rules for curtailment***

7.26 Paragraph 322(5A) added an additional general reason for refusal, where a migrant’s offending has caused serious harm or he is a persistent offender who has shown a particular disregard for the law. Paragraph 323 is amended to provide that leave may be curtailed for the same general reason.

#### ***Changes relating to Knowledge of Language and Life in the UK***

7.27 Unless exempt, applicants for indefinite leave to remain are required to demonstrate their knowledge of English language and life in the UK. The provision aims to ensure that migrants intending to live permanently in the UK have sufficient English language skills and knowledge of life in the UK to equip them to interact with the wider community and thus aid their integration.

7.28 Under the previous arrangements, it was possible to qualify for indefinite leave to remain with a low level of spoken English and without passing the Life in the UK test. As announced by the Home Secretary in her Statement of Intent on 8 April, changes are being made to the knowledge of language and life requirement to ensure that all applicants can communicate orally at a level equivalent to B1 on the Common European Framework of Reference for Languages and to require applicants to demonstrate their knowledge of UK life by passing the Life in the UK test. B1 is the first independent level of language at which an applicant can communicate in a variety of situations and express their opinions on a range of topics. Provision is being made to accept a wide range of English language qualifications to enable applicants to study English in a way which suits individual needs.

7.29 There will continue to be exemptions for those aged 65 or over and for those who have a disability which adversely affects their ability to learn English. Additionally, recognising that the full requirement may be particularly challenging for some individuals, there will be

an alternative route for those who have been in the UK on a family route for 15 years but who, despite best efforts, have not been able to reach B1 level.

#### ***Changes relating to pre-PBS routes***

7.30 Repeal of Part 6. We propose to repeal remaining provisions in Part 6 of the Rules which comprise residual rules for further leave for a number of pre- PBS work routes, including the provisions for Bulgarians and Romanians entering under EC Association Agreements (ECAA). It has not been possible to enter on any of these routes since June 2008 and any periods of further leave granted under Part 6 will have already expired. Nationals of EEA states (including nationals of Romania and Bulgaria) may qualify for permanent residence under the Immigration (European Economic Area) Regulations 2006.

#### ***Changes relating to English language requirements***

7.31 Changes are being made to improve flexibility, by enabling applicants to pass an English language requirement up to and including B1 or B2 level if they have previously satisfied a requirement at that level in Tier 4 of the Points-Based System.

7.32 A clarification is being made to confirm that, where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, applicants must achieve the required scores in all the relevant components during a single sitting, and cannot combine scores from different parts of the same examination sat at different times. This change does not affect applicants applying for limited leave under the family rules.

7.33 Changes are being made to replicate the changes made HC 244, laid on 10 June 2013, for Points-Based System Migrants, relating to specified documents for English language tests. These changes are being replicated for the similar English language requirements for Representatives of Overseas Businesses and dependants in various categories.

7.34 Minor amendments are being made to the levels of English covered by one of the listed approved tests, to remove duplication and to update paragraph numberings and paragraph references.

#### ***Introduction of new rules for settlement protection***

7.35 The purpose of this change is to introduce the General Grounds for Refusal criminality thresholds to indefinite leave to remain applications by refugees, to ensure that we are consistent in our approach to indefinite leave to remain for those with a history of criminal activity.

***Introduction of a Redundancy Scheme for locally engaged staff in Afghanistan:  
Relocation element in the Immigration Rules***

7.36 On 4 June 2013 the Secretary of State for Defence announced the Redundancy Scheme to be offered to locally engaged staff in Afghanistan who have, or will be, made redundant as a result of the UK's military drawdown. The full details of the scheme can be found here: [www.parliament.uk/documents/commons-vote-office/June\\_2013/4-6-13/4.DEFENCE-Afghanistan.pdf](http://www.parliament.uk/documents/commons-vote-office/June_2013/4-6-13/4.DEFENCE-Afghanistan.pdf)

7.37 Under this scheme approximately 600 former locally engaged staff will be eligible to relocate to the UK. The Rules contained in this Statement give effect to this aspect of the scheme by allowing eligible applicants to be granted up to a period of 5 years leave to enter.

7.38 The Rules contained in this Statement do not set out the eligibility criteria for the overall Redundancy Scheme. Employing departments (Foreign and Commonwealth Office, Ministry of Defence and Department for International Development) will nominate to the Home Office applicants who are eligible for the relocation element of the scheme, and who choose to come to the UK. The Home Office will then consider, in accordance with these Rules, suitability for relocation to the UK. If the applicant's character or conduct is unsatisfactory, the person will be excluded from the scheme.

7.39 The Rules contained in this Statement also set out the eligibility requirements for accompanying family members, which will be limited to the applicant's spouse / partner and their minor dependant children.

***Changes to Appendix 1- Visa Requirements***

7.40 Changes to the visit visa requirement for Kuwaiti nationals who hold a diplomatic or special passport – this forms part of a Memorandum of Understanding that was signed at Ministerial level in November 2012.

7.41 The UK values close co-operation with Kuwait and these amendments to the UK's visa requirements will allow greater flexibility and ease of travel for those who are actively engaged in developing the ties between and who are supporting the mutual interests of both Governments.

7.42 The changes will be of interest in the countries concerned.

7.43 These changes reflect a need to deepen relationships between the UK and Kuwait whilst ensuring that the security of the UK border is upheld.

***Changes relating to Overseas Domestic Workers***

7.44 A number of amendments are being made to clarify the provisions governing the grant of further leave to overseas domestic workers who entered the UK under the Rules in place before 6 April 2012. These amendments clarify that domestic workers wishing to extend their limited leave are, and have always been, required to be in full time domestic work in a single household. Further amendments are intended to ensure that the length of leave granted at each extension includes any period of unexpired leave in addition to the extension granted.

## *Changes relating to translations of specified documents*

7.45 Minor changes are being made to the requirements relating to translations of specified documents, to better reflect operational practice when verifying translations.

### **8. Consultation**

8.1 As these changes are limited to minor updates, clarifications and corrections, and the 2014 Commonwealth Games, they have not been the subject of a formal public consultation.

### **9. Guidance**

9.1 Where necessary, guidance will be updated and placed on the Home Office website and regional Foreign and Commonwealth Office websites.

### **10. Impact**

10.1. These changes will have limited or no impact on business, charities, the public sector or voluntary bodies, such that an impact assessment is unnecessary.

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

11.1 The changes to Tier 2, Tier 4 and Tier 5 of the Points-Based System will apply to small businesses that are Tier 2, Tier 4 or Tier 5 Sponsors.

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

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

### **13. Contact**

13.1 Queries should be directed to the Home Office's immigration enquiry bureau on 0870 606 7766, or as per the Contact page on the Home Office website at [www.ukba.homeoffice.gov.uk/contact/](http://www.ukba.homeoffice.gov.uk/contact/).

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

13.3 A copy of this Statement of Changes can be found on the Home Office website at  
[www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/)