

# STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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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.

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

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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 (HC329), 30 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014 (HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198) and 10 July 2014 (HC 532).

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<sup>1</sup> This Statement of Changes can be viewed at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

## **Implementation**

The changes set out in paragraphs 1, 7, 18, 64, 66, 97 to 98, 100 to 109, and 168 shall take effect from 20 October 2014.

The changes set out in paragraphs 2 to 5, 19, 70 to 96, 110, 164, 171, 185 to 211, and 214 to 226 shall take effect from 6 November 2014.

The changes set out in paragraphs 6, 8 to 17, 20 to 22, 26 to 63, 65, 67 to 69, 99, 111 to 163, 165 to 167, 169 to 170, 172 to 184, 213, and 227 to 247 shall take effect from 6 November 2014, save that if an application has been made for entry clearance or leave to enter or remain before 6 November 2014, the application will be decided in accordance with the Rules in force on 5 November 2014.

The changes set out in paragraphs 23 to 25 shall take effect from 1 December 2014.

The changes set out in paragraph 212 shall take effect from 1 January 2015.

## **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 ‘Overstayed’ or ‘Overstaying’, delete the words after “Immigration Act 1971”.

2. In paragraph 6, at the end of the definition of “**intention to live permanently with the other**” or “**intend to live together permanently**” insert:

“Where an application is made under Appendix FM and the sponsor is a permanent member of HM Diplomatic Service, or a comparable UK-based staff member of the British Council, the Department for International Development or the Home Office on a tour of duty outside the UK, the words “in the UK” in this definition do not apply.”.

3. In paragraph 6, for the definition of “**present and settled**” substitute:

““**present and settled**” or “**present and settled in the UK**” means that the person concerned is settled in the United Kingdom and, at the time that an application under these Rules is made, is physically present here or is coming here with or to join the applicant and intends to make the UK their home with the applicant if the application is successful.

Where the person concerned is a British Citizen or settled in the UK and is:

(i) a member of HM Forces serving overseas, or

(ii) a permanent member of HM Diplomatic Service, or a comparable UK-based staff member of the British Council, the Department for International Development or the Home Office on a tour of duty outside the UK, and the applicant has provided the evidence specified in paragraph 26A of Appendix FM-SE,

then for the purposes of Appendix FM the person is to be regarded as present and settled in the UK, and in paragraphs R-LTRP.1.1.(a) and R-ILRP.1.1.(a) of Appendix FM the words “and their partner must be in the UK” are to be disregarded.

For the purposes of an application as a fiancé(e) or proposed civil partner under paragraphs 289AA to 295 or Appendix FM, an EEA national who holds a document certifying permanent residence issued under the 2006 EEA Regulations is to be regarded as present and settled in the UK.”.

4. In paragraph 6, for the definition of “adequate” and “adequately” substitute:

““**adequate**” and “**adequately**” in relation to a maintenance and accommodation requirement shall mean that, after income tax, national insurance contributions and housing costs have been deducted, there must be available to the family the level of income that would be available to them if the family was in receipt of income support.”.

5. In paragraph 6, at the end of the definition of “**must not be leading an independent life**” or “**is not leading an independent life**” insert:

“Where a relative other than a parent may act as the sponsor of the applicant, references in this definition to “parents” shall be read as applying to that other relative.”.

6. In paragraph 6, after the definition of "length of the period of engagement", insert:

“Under Part 6A and Appendix A of these Rules, a “**genuine vacancy**” is a vacancy which exists in practice (or would exist in practice were it not filled by the applicant) for a position which:

- (a) requires the jobholder to undertake the specific duties and responsibilities, for the weekly hours and length of the period of engagement, described by the Sponsor in the Certificate of Sponsorship relating to the applicant; and
- (b) does not include dissimilar and/or unequally skilled duties such that the Standard Occupational Classification (SOC) code used by the Sponsor as stated in the Certificate of Sponsorship relating to the applicant is inappropriate.”

7. In paragraph 6, after the definition of ‘relevant NHS regulations’ insert:

“administrative review” means a review conducted in accordance with Appendix AR of these Rules;

“eligible decision” means a decision eligible for administrative review as referred to in paragraph AR3.2 of Appendix AR of these Rules;

“working day” means a business day in the part of the UK in which the applicant resides or (as the case may be) is detained.”.

8. In paragraph A34 delete sub-paragraph (iv).
9. In paragraph 34A, in sub-paragraph (iv) delete “biographical” and substitute “biometric”.
10. In paragraph 34B delete “ Where an application form is specified, it must be sent by prepaid post to the United Kingdom Border Agency of the Home Office, or submitted in person at a public enquiry office of the United Kingdom Border Agency of the Home Office, save for the following exceptions:” and substitute:

“Where an application form is specified, it must be sent by prepaid post to the Home Office at the address specified on the application form for such purposes, or submitted in person at a Home Office premium service centre. Application types permitted in person at a Home Office premium service centre are listed on the visa and immigration pages of the gov.uk website.”.

11. In paragraph 34B delete sub-paragraphs (i)(a) to (g).

12. In paragraph 34B, in sub-paragraph (ii), delete “United Kingdom Border Agency of the” and, after “the Home Office”, insert “at the address specified on the application form for such purposes”.
13. In paragraph 34B renumber sub-paragraphs (ii), (iii) and (iv) as (i), (ii) and (iii) accordingly.
14. Delete paragraph 34C and substitute:

“34C. Where an application or claim in connection with immigration for which an application form is specified does not comply with the requirements in paragraph 34A, or where an application for leave to remain in the United Kingdom is made by completing the relevant online application process, and does not comply with the requirements of paragraph A34(iii), the following provisions apply:

(a) Subject to sub-paragraph (b), the application will be invalid if it does not comply with the relevant requirements of A34(iii) or 34A, as applicable, and will not be considered. Notice of invalidity will be given in writing and deemed to be received on the date it is given, except where it is sent by post, in which case it will be deemed to be received on the second day after it was posted excluding any day which is not a business day, unless the contrary is proved.

(b) The decision maker may contact the applicant or their representative in writing and give the applicant a single opportunity to correct any omission or error which renders the application invalid. The amended application and/or any requested documents must be received at the address specified in the request within 10 business days of the date on which the request was sent.”.

15. In paragraph 34D, delete sub-paragraph (ii) and substitute:

“(ii) such dependants must be:

- (a) the spouse, civil partner, unmarried or same-sex partner of the main applicant; and/or
- (b) children of the main applicant aged under 18; and/or
- (c) where permitted by the Rules for the immigration category under which the applicant wishes to apply, any dependants of the main applicant aged 18 or over.”.

16. In paragraph 34G, in sub-paragraph (ii), delete “public enquiry office of the United Kingdom Border Agency of the”, and after “Home Office” insert “premium service centre”.
17. In paragraph 34G, in sub-paragraph (iii), delete “United Kingdom Border Agency of the”.
18. After paragraph 34K insert:

## **“Specified forms and procedures in connection with applications for administrative review**

### **Notice of an eligible decision**

34L. (1) Unless sub-paragraph (2) applies, written notice must be given to a person of any eligible decision. The notice given must:

- (a) include or be accompanied by a statement of reasons for the decision to which it relates, and
- (b) include information on how to apply for an administrative review and the time limit for making an application.

(2) Sub-paragraph (1) does not apply where the eligible decision is a grant of leave to remain.

### **Making an application**

34M. (1) Unless sub-paragraph (2) applies only one valid application for administrative review may be made in respect of an eligible decision.

(2) A further application for administrative review in respect of an eligible decision may be made where the outcome of the administrative review is as set out in paragraph AR2.2(d) of Appendix AR of these Rules.

34N. An application for administrative review must be made in accordance with the requirements set out in paragraphs 34O to 34S. If it is not it will be invalid and will not be considered.

34O. The application must be made in accordance with paragraph 34U or paragraph 34V.

34P. The application must be made in relation to an eligible decision.

34Q. The application must be made while the applicant is in the UK.

34R. (1) The application must be made:

- (a) where the applicant is not detained, no more than 14 calendar days after receipt by the applicant of the notice of the eligible decision; or
- (b) where the applicant is in detention under the Immigration Acts, no more than 7 calendar days after receipt by the applicant of the notice of the eligible decision.

(2) But the application may be accepted out of time if the Secretary of State is satisfied that it would be unjust not to waive the time limit and the application was made as soon as reasonably practicable.



(3) For the purposes of this paragraph, where notice of the eligible decision is sent by post to an address in the UK, it is deemed to have been received, unless the contrary is shown, on the second working day after the day on which it was posted.

(4) For provision about when an application is made see paragraph 34W.

34S. An application may only include an application on behalf of a dependant of the applicant if that dependant was also a dependant on the application which resulted in the eligible decision.

### **Notice of invalidity**

34T.(1) A notice informing an applicant that their application is invalid will be given in writing (which includes, where an email address has been provided for correspondence, by electronic mail).

(2) A notice of invalidity is deemed to have been received, unless the contrary is shown:

- (a) where it is sent by post, on the second working day after the day on which it was posted;
- (b) where it is sent by electronic mail, on the day on which it is sent; and
- (c) where it is given in person, on the day on which it is given.

### **Online applications for administrative review**

34U. (1) In this paragraph:

"the relevant online application process" means the application process accessible via the gov.uk website and identified there as relevant for applications for administrative review; and

"specified" in relation to the relevant online application process means specified in the online guidance accompanying that process.

(2) An application may be made online by completing the relevant online application process.

(3) Where an application is made online:

- (a) any specified fee in connection with the application must be paid in accordance with the method specified;
- (b) any section of the online application which is designated as mandatory must be completed as specified; and

- (c) documents specified as mandatory on the online application or in the related guidance must be submitted either electronically with the online application and in the specified manner, where this is permitted, or received by post and in the specified manner no more than 7 working days after the day on which the online application is submitted.

### **Postal applications for administrative review**

34V. (1) An application may be made by post or courier in accordance with this paragraph.

(2) Where an application is made by post or courier:

- (a) it must be made on the application form as specified within the meaning of paragraph 34 (but see paragraph 34Y);
- (b) any specified fee in connection with the application must be paid in accordance with the method specified in the application form, separate payment form or related guidance notes (as applicable);
- (c) any section of the application form which is designated as mandatory in the form itself or related guidance notes must be completed;
- (d) the form must be signed by the applicant or their representative;
- (e) the application must be accompanied by the documents specified as mandatory in the application form or related guidance notes; and
- (f) the application must be sent to the address specified on the form.

### **Determining the date of an application**

34W. (1) An application for administrative review is made:

- (a) where it is made by post in accordance with paragraph 34V, on the marked date of posting;
- (b) where it is made by courier in accordance with paragraph 34V, on the date on which it is delivered; and
- (c) where it is made online in accordance with paragraph 34U, on the date on which it is submitted.

(2) Accepting an application has been made does not mean that it is accepted as being valid.

### **Withdrawal of applications**

34X. (1) An application which has not been determined will be treated as withdrawn if the applicant requests the return of their passport for the purpose of travel outside the UK.

(2) An application which may only be brought from within the UK and which has not been determined will be treated as withdrawn if the applicant leaves the UK.

(3) The application for administrative review may be withdrawn by the applicant. A request to withdraw an application must be made in writing to the Home Office at the address provided for that purpose on the visas and immigration pages of the gov.uk website. The application will be treated as withdrawn on the date on which the request is received.

### **Transitional arrangements for specified forms used in postal and courier applications**

34Y. Where an application is made no more than 21 days after the date on which a form is specified (within the meaning of paragraph 34) and on a form that was specified immediately prior to the date of the new specification, the application is deemed to have been made on the specified form (and is therefore not to be treated as invalid by reason only of being made on the “wrong” form).”

19. After paragraph 39B, insert:

#### **“Indefinite leave to enter or remain”**

39C (a) An applicant for indefinite leave to enter or remain must, unless the applicant provides a reasonable explanation, comply with any request made by the Secretary of State to attend an interview.

(b) If the decision-maker has reasonable cause to doubt (on examination or interview or on any other basis) that any document submitted by an applicant for the purposes of satisfying the requirements of Appendix KoLL of these Rules was genuinely obtained, that document may be discounted for the purposes of the application.

(c) Where sub-paragraph (b) applies, the decision-maker may request the applicant to provide additional evidence of knowledge of the English language and/or knowledge about life in the UK (as set out in paragraphs 3.2(b)(ii) and 3.3 of Appendix KoLL) for the purposes of demonstrating sufficient knowledge of the English language requirement and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL.

(d) A decision-maker will not request evidence under sub-paragraph (c) where the decision-maker does not anticipate that the supply of that evidence will lead to a grant of leave to enter or remain in the United Kingdom because the application may be refused for other reasons.”.

20. In paragraphs 41(i) and 42, after “in the case of a person accompanying an academic visitor”, insert -  
“ (as their child, spouse or partner) ”.

21. After paragraph 41(xiii), insert new paragraph 41A as follows:

“41A. The requirements to be met by a person seeking leave to enter the United Kingdom as a general visitor who is acting as an organ donor, or is to be assessed as a suitable organ donor, are that the person:

(a) meets the requirements in paragraph 41 (i) to (xii); and

(b) genuinely intends to donate an organ, or be assessed as a suitable organ donor to an identified recipient in the UK, with whom the visitor has a genetic or pre-existing emotional relationship; and

(c) is confirmed as a donor match to the identified recipient through medical tests, or is undergoing further tests to be assessed as a potential donor to the intended recipient; and

(d) provides a letter, dated no more than three months prior to the person’s intended date of arrival in the UK, from either:

(i) the lead nurse or coordinator of the UK’s NHS Trust’s Living Donor Kidney Transplant team; or

(ii) a UK registered medical practitioner who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council; which:

(aa) confirms that the visitor meets the requirements in subparagraphs (b) and (c); and

(bb) confirms when and where the planned organ transplant or medical tests will take place; and

(e) can demonstrate, if required to do so, that the identified recipient is legally present in the United Kingdom or will be at the time of the visitor’s planned organ transplant.”.

22. After paragraph 46G(iii)(i) insert:

“46G (iii)(j) To share knowledge or experience relevant to, or advise on, an international project that is being led from the UK as an overseas scientist or researcher, provided the visitor remains paid and employed overseas and is not carrying out research in the United Kingdom;

46G (iii)(k) To advise a UK client on litigation and/or international transactions as an employee of an international law firm which has offices in the UK, provided the visitor remains paid and employed overseas.”.

23. Before paragraph 47 insert:

“Transit by visa nationals

47ZA. A visa national who seeks to enter the UK for the purpose of transit (that is, to travel via the UK en route to another destination country) must be in possession of a visa enabling their admission to the United Kingdom as a visitor in transit under paragraph 47, or must meet the requirements for admission under the transit without visa scheme provided for by paragraphs 50A to 50D when seeking leave to enter the UK.”.

24. In paragraph 47(i) after “is” insert “genuinely”.

25. After paragraph 50 insert:

“Transit Without Visa Scheme

50A. A visa national must meet the requirements in paragraphs 50B and 50C when seeking leave to enter the UK in order to be granted leave to enter under the transit without visa scheme.

50B. The requirements to be met by a visa national seeking leave to enter the United Kingdom under the transit without visa scheme are that he:

(i) has arrived and will depart by air; and

(ii) is genuinely in transit to another country, meaning the purpose of his visit is to travel via the UK en route to another destination country, and he is taking a reasonable transit route; and

(iii) does not intend to access public funds, undertake employment or study in the UK; and

(iv) intends and is able to leave the UK before 23:59 hours on the day after the day when he arrived; and

(v) has a confirmed booking on a flight departing the UK before 23:59 hours on the day after the day when he arrived; and

(vi) is assured entry to his country of destination and any other countries he is transiting through on his way there.

50C. The visa national must also:

(i) be travelling to (or on part of a reasonable journey to) Australia, Canada, New Zealand or the USA and have a valid visa for that country; or

(ii) be travelling from (or on part of a reasonable journey from) Australia, Canada, New Zealand or the USA and it is less than 6 months since he last entered that country with a valid entry visa; or

(iii) hold a valid residence permit issued by either:

(a) Australia;

(b) Canada, issued after 28 June 2002;

(c) New Zealand;

(d) USA, issued after 21 April 1998 including: a valid USA I-551 Temporary Immigrant visa (a wet-ink stamp version will NOT be accepted by UK border control); a permanent residence card; an expired I-551 Permanent Residence card provided it is accompanied by a valid I-797 letter authorising extension; a standalone US Immigration Form 155A/155B; or

(e) an EEA state or Switzerland; or

(iv) hold a valid uniform format category D visa for entry to a state in the European Economic Area (EEA) or Switzerland; or

(v) be travelling on to the Republic of Ireland and have a valid Irish biometric visa; or

(vi) be travelling from the Republic of Ireland and it is less than 3 months since the applicant was last given permission to land or be in the Republic by the Irish authorities with a valid Irish biometric visa.

#### **Leave to enter under the transit without visa scheme**

50D. A person seeking leave to enter the United Kingdom on arrival under the transit without visa scheme may be admitted for a period ending no later than 23:59 hours on the day after the day on which he arrived, with a prohibition on employment, study and recourse to public funds, provided the Immigration Officer is satisfied that the requirements of paragraphs 50B and 50C are met.

#### **Refusal of leave to enter under the transit without visa scheme**

50E. Leave to enter under the transit without visa scheme is to be refused if the Immigration Officer is not satisfied that the requirements of paragraphs 50B and 50C are met.

#### **Extension of stay under the transit without visa scheme**

50F. The maximum permitted leave which may be granted to a person under the transit without visa scheme is for a period ending no later than 23:59 hours on the day after the day on which they arrived. An application for an extension

of stay beyond this period by a person admitted in this category is to be refused.”

26. Delete paragraph 51 and replace with the following:

“51. The requirements to be met by a person seeking leave to enter the UK as a visitor for private medical treatment are that the person:

(i) is genuinely seeking entry as a visitor who will be receiving private medical treatment in the UK for an initial period as stated by him that is:

(a) not exceeding six months; or

(b) not exceeding 11 months, where the visitor’s medical practitioner has confirmed that the period of treatment is likely to exceed six months and provided the person has entry clearance as a visitor; and

(ii) meets the requirements set out in paragraph 41(iii)–(vii), (ix)–(x) and (xii) (except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A for entry as a general visitor); and

(iii) in the case of a person suffering from a communicable disease, has satisfied the Medical Inspector that there is no danger to public health; and

(iv) can show, if required to do so, that any proposed course of treatment is of finite duration; and

(v) intends to leave the UK at the end of the treatment; and

(vi) can produce satisfactory evidence, if required to do so, of:

(a) the medical condition requiring consultation or treatment; and

(b) satisfactory arrangements for the necessary consultation or treatment at his own expense; and

(c) the estimated costs of such consultation or treatment; and

(d) the likely duration of the treatment; and

(e) sufficient funds available to the person in the UK to meet the estimated costs and the person’s undertaking to do so.”

27. Delete paragraph 52 and replace with the following:

“52. A person seeking leave to enter the UK as a visitor for private medical treatment may be admitted for a period not exceeding six months, or for a period not exceeding 11 months where paragraph 51(i)(b) applies, subject to a condition prohibiting employment, study and recourse to public funds,

provided the Immigration Officer is satisfied that each of the requirements of paragraph 51 is met.”.

28. Delete paragraph 55 and replace with the following:

“55. An extension of stay to undergo or continue private medical treatment may be granted for a period not exceeding six months, with a prohibition on employment, study and recourse to public funds, provided the Secretary of State is satisfied that each of the requirements of paragraph 54 is met.”.

29. Delete paragraph 56D(iv) and replace with the following:

“56D(iv) does not intend to enter into a sham marriage or sham civil partnership within the meaning of sections 24(5) and 24A(5) of the Immigration and Asylum Act 1999; and”.

30. Insert a new paragraph 56D(v) as follows:

“56D(v) holds a valid UK entry clearance for entry in this capacity”.

31. Delete paragraphs 56ZA to 56ZH.

32. Delete the title “**Requirements for leave to enter the United Kingdom to take the PLAB Test**” before the start of paragraph 75 (A) and insert:

“**Requirements for leave to enter the United Kingdom to take the Professional and Linguistic Assessments Board (PLAB Test) or an Objective Structured Clinical Examination (OSCE).**”.

33. In paragraph 75A, after “seeking leave to enter in order to take the PLAB Test”, insert “or an OSCE”.

34. In paragraph 75A, delete sub-paragraphs (i) to (iii) and insert:

“(i) is a graduate of a medical school and intends to take the PLAB Test, or is a graduate of an overseas nursing school and intends to take an OSCE, in the UK; and

(ii) can provide documentary evidence of a confirmed test date or of his eligibility to take the PLAB Test by way of a letter or email from the General Medical Council or a test admission card; or can provide evidence of a confirmed test date or of his eligibility to take an OSCE by way of a letter from the Nursing and Midwifery Council; and

(iii) meets the requirements of paragraph 41(ii)-(viii) and (x)-(xi) for entry as a visitor; and”.

35. In the title before the start of paragraph 75B, after “**PLAB Test**”, insert “**or an OSCE**”.



36. In paragraph 75B, after “PLAB Test”, insert “or an OSCE”.
37. In the title before paragraph 75C, after “**PLAB Test**”, insert “**or an OSCE**”.
38. In paragraph 75C after “PLAB Test”, insert “or an OSCE”.
39. In paragraph 159A(iv), after “whichever is the earlier”, delete “; and” and substitute “, and does not intend to live for extended periods in the United Kingdom through frequent or successive visits; and”.
40. In paragraph 245BC, delete “Entry clearance will be granted for a period of 3 years and 4 months, or 2 years if the applicant was last granted leave as a Tier 1 (Exceptional Talent) Migrant” and substitute “Entry clearance will be granted for a period of 5 years and 4 months”.
41. Delete paragraph 245BD(c).
42. In paragraph 245BD, renumber sub-paragraphs (d) and (e) as (c) and (d) respectively.
43. Delete paragraph 245BE(a) and substitute:
- “(a) Leave to remain will be granted for a period of 5 years.”.
44. Delete paragraph 245CB(a) and (b) and substitute:
- “(a) Leave to remain will be granted for:
- (i) a period of 3 years, or
  - (ii) the period the applicant needs to take his total leave granted in this category to 5 years,
- whichever is the longer.
- (b) DELETED.”
45. In paragraph 245DB(h), delete "28 working days" and substitute "28 calendar days".
46. In paragraph 245DD(j), delete "28 working days" and substitute "28 calendar days".
47. In paragraph 245EB(b), delete “paragraphs 54 to 65 of Appendix A” and substitute “paragraphs 54 to 65-SD of Appendix A”.
48. After paragraph 245EB(f), insert:
- “(g) The Entry Clearance Officer must not have reasonable grounds to believe that:

- (i) notwithstanding that the applicant has provided the relevant specified documents required under Appendix A, the applicant is not in control of and at liberty to freely invest the money specified in their application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules (where relevant); or
- (ii) any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules held by:
  - (1) the applicant; or
  - (2) where any of the specified money has been made available to the applicant by another party, that party,
    - has been acquired by means of conduct which is unlawful in the UK, or would constitute unlawful conduct if it occurred in the UK; or
- (iii) where any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good,

and where the Entry Clearance Officer does have reasonable grounds to believe one or more of the above applies, no points from Table 7 (where relevant) will be awarded.”

49. In paragraph 245ED(b), delete “paragraphs 54 to 65 of Appendix A” and substitute “paragraphs 54 to 65-SD of Appendix A”.

50. After paragraph 245ED(h), insert:

- “(i) The Secretary of State must not have reasonable grounds to believe that:
  - (i) notwithstanding that the applicant has provided the relevant specified documents required under Appendix A, the applicant is not in control of and at liberty to freely invest the money specified in their application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules (where relevant); or
  - (ii) any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules held by:

(1) the applicant; or

(2) where any of the specified money has been made available to the applicant by another party, that party,

has been acquired by means of conduct which is unlawful in the UK, or would constitute unlawful conduct if it occurred in the UK; or

(iii) where any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good,

and where the Secretary of State does have reasonable grounds to believe one or more of the above applies, no points from Table 7 (where relevant) will be awarded.”

51. In paragraph 245EE(c)(i), delete “£750,000 of his capital” and substitute “the amount of capital specified in paragraph (e)”.
52. In paragraph 245EE(c)(ii), delete “the applicant does not maintain the investment” and substitute “the applicant does not maintain at least the level of investment”.
53. Delete paragraph 245EE(e) and substitute:
- “(e) The amount of capital referred to in paragraph (c) is:
- (i) at least £2 million if the applicant was last granted leave under the Rules in place from 6 November 2014 and was awarded points as set out in Table 7 or Table 8A of Appendix A to these Rules in that last grant, or
  - (ii) at least £750,000 if the applicant was last granted leave under the Rules in place before 6 November 2014 or was awarded points as set out in Table 8B of Appendix A to these Rules in his last grant.
- (f) Paragraph 245EE(c) does not apply where the applicant's two most recent grants of leave were either as a Tier 1 (Investor) Migrant and / or as an Investor.”
54. In paragraph 245EF(c), delete “paragraphs 54 to 65 of Appendix A” and substitute “paragraphs 54 to 65-SD of Appendix A”.
55. In paragraph 245HB(m)(ii), delete “paragraph 245HC(e)(iii)” and substitute “paragraph 245HC(d)(iii)”.

56. In paragraph 245HB(n)(i), delete "28 working days" and substitute "28 calendar days".
57. At the end of paragraph 245HC(d)(iii)(4), add "and Temporary Engagement as a Sports Broadcaster."
58. In paragraph 245HD(q)(ii), delete "paragraph 245HE(g)(iii)" and substitute "paragraph 245HE(d)(iii)".
59. In paragraph 245HD(r)(i), delete "28 working days" and substitute "28 calendar days".
60. In paragraph 245HE(a)(iv), after "as a Tier 2 Migrant" insert "(other than as a Tier 2 (Intra-Company Transfer) Migrant)".
61. At the end of paragraph 245HE(d)(iii)(5), add "and Temporary Engagement as a Sports Broadcaster."
62. In paragraph 245ZO(j)(i), delete "28 working days" and substitute "28 calendar days".
63. In paragraph 245ZQ(l)(i), delete "28 working days" and substitute "28 calendar days".
64. In paragraph 245ZW, after each reference to "appeal" insert "or administrative review".
65. Amend paragraph 245ZW(c)(iv) to read:
  - "no study except:
    - (1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor;
    - (2) until such time as a decision is received from the Home Office on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made while the applicant has extant leave, and any appeal or administrative review against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant;
    - (3) supplementary study;

(4) study of the course, or courses where a pre-sessional is included, for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, unless the student:

(a) has yet to complete the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued;

(b) continues studying at the institution referred to in (1) above; and

(c) begins studying a new course, instead of the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, that represents academic progress (as set out paragraph 120A(b) of Appendix A to these Rules) on the course(s) preceding the migrant's last grant of Tier 4 (General) Student or Student leave, and:

i. the new course is either:

(1) at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter issued; or

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

ii. where the new course (or period of research) is of a type specified in paragraph 245ZV(da), the student obtains an Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office relating to that new course (or area of research) prior to commencing the new course.

(5) in the case of a course (or period of research) of a type specified in paragraph 245ZV(da), study or research to which the Academic Technology Approval Scheme certificate issued to the migrant relates. If the migrant's course (or research) completion date reported on the Confirmation of Acceptance for Studies is postponed

for a period of more than three calendar months, or if there are any changes to the course contents (or the research proposal), the migrant must apply for a new Academic Technology Approval Scheme certificate within 28 calendar days.”

66. In paragraph 245ZY, after each reference to “appeal” insert “or administrative review”.

67. Amend paragraph 245ZY(c)(iv) to read:

“no study except:

(1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor;

(2) until such time as a decision is received from the Home Office on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made while the applicant has extant leave, and any appeal or administrative review against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant;

(3) supplementary study;

(4) study of the course, or courses where a pre-sessional is included, for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, unless the student:

(a) has yet to complete the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued;

(b) continues studying at the institution referred to in (1) above; and

(c) begins studying a new course, instead of the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, that represents academic progress (as set out paragraph 120A(b) of Appendix A to these Rules) on the course(s) preceding the migrant’s last grant of Tier 4 (General) Student or Student leave, and:

i. the new course is either:

(1) at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter issued; or

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

ii. where the new course (or period of research) is of a type specified in paragraph 245ZX(ea), the student obtains an Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office relating to that new course (or area of research) prior to commencing the new course.

(5) in the case of a course (or period of research) of a type specified in paragraph 245ZX(ea), study or research to which the Academic Technology Approval Scheme certificate issued to the migrant relates. If the migrant's course (or research) completion date reported on the Confirmation of Acceptance for Studies is postponed for a period of more than three calendar months, or if there are any changes to the course contents (or the research proposal), the migrant must apply for a new Academic Technology Approval Scheme certificate within 28 calendar days."

68. Amend paragraph 245ZZB(c)(v) to read:

"no study except:

(1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor;

(2) until such time as a decision is received from the Home Office on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made while the applicant has extant leave, and any appeal or administrative review against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for

Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant;

(3) supplementary study;

(4) study of the course, or courses where a pre-sessional is included, for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, unless the student:

(a) has yet to complete the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued;

(b) continues studying at the institution referred to in (1) above; and

(c) begins studying a new course, instead of the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, and the new course is either:

(1) at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter issued; or

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

69. Amend paragraph 245ZZD(c)(v) to read:

“no study except:

(1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor;

(2) until such time as a decision is received from the Home Office on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made



while the applicant has extant leave, and any appeal or administrative review against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant;

(3) supplementary study;

(4) study of the course, or courses where a pre-sessional is included, for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, unless the student:

(a) has yet to complete the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued;

(b) continues studying at the institution referred to in (1) above; and

(c) begins studying a new course, instead of the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter was issued, and the new course is either:

(1) at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned or the visa letter issued; or

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

70. In paragraph 276A for "276ADE" substitute "276ADE(1)".

71. For paragraph 276A0 substitute:

"276A0. For the purposes of paragraph 276ADE(1) the requirement to make a valid application will not apply when the Article 8 claim is raised:

(i) as part of an asylum claim, or as part of a further submission in person after an asylum claim has been refused;

(ii) where a migrant is in immigration detention. A migrant in immigration detention or their representative must submit any application or claim raising Article 8 to a prison officer, a prisoner custody officer, a detainee custody officer or a member of Home Office staff at the migrant's place of detention; or

(iii) in an appeal (subject to the consent of the Secretary of State where applicable).”.

72. In paragraph 276BE(1) for “276ADE” substitute “276ADE(1)”.

73. In paragraph 276BE(1) for “276ADE(iv) and (v)” substitute “276ADE(1)(iv) and (v)”.

74. After paragraph 276BE(2) insert:

“276BE(3). Where an applicant has extant leave at the date of decision, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted under paragraph 276BE(1) or 276BE(2) (which may therefore exceed 30 months).”.

75. In paragraph 276CE for “276ADE” substitute “276ADE(1)”.

76. In paragraph 276DE(b) for “276ADE” substitute “276ADE(1)”.

77. In paragraph 276DE(b) for “276ADE(iv) and (v)” substitute “276ADE(1)(iv) and (v)”.

78. In paragraph 276DE(b) for “276BE” substitute “276BE(1)”.

79. In paragraph A277 for “paragraph A280” substitute “paragraphs A280 to A280B”.

80. In paragraph A277A for “an application for indefinite leave to remain” substitute “an application for limited leave to remain or indefinite leave to remain”.

81. In paragraph A277A(a) after “indefinite leave to remain” insert “(where the application is for indefinite leave to remain)”.

82. In paragraph A277A(b) for “continues to meet the requirements for limited leave to remain on which the applicant's last grant of limited leave to remain under Part 8 was based,” substitute “meets or continues to meet the requirements for limited leave to remain under Part 8 in force at the date of decision,”.

83. In paragraph A277A(c) after “bereaved partner” insert “(where the application is for indefinite leave to remain as a bereaved partner)”.

84. In paragraph A277B for “an application for indefinite leave to remain” substitute “an application for limited leave to remain or indefinite leave to remain”.
85. In paragraph A277B for “the requirements of Part 8 for indefinite leave to remain or limited leave to remain.” substitute “the requirements for indefinite leave to remain (where the application is for indefinite leave to remain) or limited leave to remain under Part 8 in force at the date of decision.”.
86. In paragraph A277B(c) for “indefinite leave to remain under those provisions” substitute “indefinite leave to remain under paragraph 276B”.
87. In paragraph A277C for “A280” substitute “A280B”.
88. In paragraph A277C for “paragraph 276ADE” substitute “paragraph 276ADE(1)”.
89. In paragraph A280(d) delete:
- “(iv) continue to apply to persons who were granted entry clearance, limited leave to enter or remain under Part 8 before 1 December 2013 where that leave is extant.”.
90. After paragraph A280 insert:
- “A280A. The sponsor of an applicant under Part 8 for limited or indefinite leave to remain as a spouse, civil partner, unmarried partner or same sex partner must be the same person as the sponsor of the applicant’s last grant of leave in that category.
- A280B. An applicant aged 18 or over may not rely on paragraph A280 where, since their last grant of limited leave to enter or remain under Part 8, they have been granted or refused leave under Appendix FM, Appendix Armed Forces or paragraph 276BE to CE of these rules, or been granted limited leave to enter or remain in a category outside their original route to settlement.”.
91. At the end of paragraph 287(a)(i)(c) for “and” substitute “or”.
92. In paragraph 289A:
- (i) delete sub-paragraphs (i) to (iii) and substitute:
- “(i)(a) the applicant was last admitted to the UK for a period not exceeding 27 months in accordance with sub-paragraph 282(a), 282(c), 295B(a) or 295B(c) of these Rules; or
- (b) the applicant was last granted leave to remain as the spouse or civil partner or unmarried partner or same-sex partner of a person present and settled in the UK in accordance with paragraph 285 or 295E of these Rules,

except where that leave extends leave originally granted to the applicant as the partner of a Relevant Points Based System Migrant; or

(c) the applicant was last granted leave to enable access to public funds pending an application under paragraph 289A and the preceding grant of leave was given in accordance with paragraph 282(a), 282(c), 285, 295B(a), 295B(c) or 295E of these Rules, except where that leave extends leave originally granted to the applicant as the partner of a Relevant Points Based System Migrant; and

(ii) the relationship with their spouse or civil partner or unmarried partner or same-sex partner, as appropriate, was subsisting at the beginning of the last period of leave granted in accordance with paragraph 282(a), 282(c), 285, 295B(a), 295B(c) or 295E of these Rules; and”;

(ii) renumber sub-paragraph (iv) as sub-paragraph (iii); and

(iii) delete sub-paragraph (iv).

93. In paragraph 319C(b)(iii), after “or is”, delete “,”.

94. In paragraph 319C(b)(iii), after “further leave to remain” insert:

“, or has been refused indefinite leave to remain solely because the applicant has not met the requirements of paragraph 319E(g).”.

95. In paragraph 319C(b)(iv), after “the leave referred to in sub-paragraph (a)”, insert:

“, or has been refused indefinite leave to remain solely because the applicant has not met the requirements of paragraph 319E(g).”.

96. In paragraph 319X(viii) before “another capacity” insert “this or”.

97. In paragraph 320(7B)(iv), after “appeal” insert “or administrative review”.

98. In paragraph 323A(b)(iv)(5), after “2002” insert “, or has a pending administrative review”.

99. Delete paragraph 323AA(h)(vi) and substitute:

“(vi) undertaking professional examinations before commencing work for the sponsor, where such examinations are a regulatory requirement of the job the migrant is being sponsored to do, and providing the migrant continues to be sponsored during that period.”

100. In paragraph 365, delete “Section 5 of the Immigration Act 1971 gives the Secretary of State power in certain circumstances to make a deportation order against the spouse, civil partner or child of a person against whom a

deportation order has been made”, and after “deportee”, insert “under section 5 of the Immigration Act 1971”.

101. In paragraph 366, after “deportee”, insert “under section 5 of the Immigration Act 1971”.

102. Delete paragraph 368.

103. Delete paragraph 378.

104. In paragraph 381 after the second reference to “decision” delete “and of his right of appeal”.

105. Delete paragraph 384.

106. Delete paragraph 386.

107. In paragraph 388, delete “this country” and replace with “the UK”.

108. In paragraph 391(a), after “deportation order,” insert “when, if an application for revocation is received, consideration will be given on a case by case basis to whether the deportation order should be maintained”.

109. Delete paragraph 395.

110. For paragraph 400 substitute:

“400. Where a person claims that their removal under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971, section 10 of the Immigration and Asylum Act 1999 or section 47 of the Immigration, Asylum and Nationality Act 2006 would be contrary to the UK's obligations under Article 8 of the Human Rights Convention, the Secretary of State may require an application under paragraph 276ADE(1) (private life) or under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life as a partner or parent) of these rules. Where an application is not required, in assessing that claim the Secretary of State or an immigration officer will, subject to paragraph 353, consider that claim against the requirements to be met (except the requirement to make a valid application) under paragraph 276ADE(1) (private life) or paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life as a partner or parent) of these rules as appropriate and if appropriate the removal decision will be cancelled.”.

111. In sub-paragraph 1(d) of Appendix 1 (Visa requirements for the United Kingdom) replace “Persons who hold non-national documents” with “Persons travelling on any document other than a national passport, regardless of whether the document is issued by, or evidences nationality of, a state not listed in paragraph (a), except where that document has been issued by the UK”.

112. In Appendix A, in paragraph 19(k)(i), delete "28 working days" and substitute "28 calendar days".

113. In Appendix A, delete the last row of Table 4 and substitute:

“

The money is disposable in the UK	25
If the applicant is applying for leave to remain, the money must be held in the UK.	

”

114. In Appendix A, in paragraph 41(a), after “assets”, insert “and, where multiple documents are provided, they must show the total amount required is available on the same date”.

115. In Appendix A, in paragraph 41-SD(c)(ii)(4), after “or both names for an entrepreneurial team” insert “or where it is a joint account with the applicant’s spouse, civil partner or partner as set out in paragraph 53 below”.

116. In Appendix A, in paragraph 41-SD(d)(i)(6), delete “this body is regulated by the Financial Conduct Authority (FCA) and is listed as permitted to operate as a Venture Capital firm” and substitute “this body is registered with the Financial Conduct Authority (FCA) and its entry in the register includes a permission to arrange, deal in or manage investments, or to manage alternative investment funds”.

117. In Appendix A, at the end of paragraph 41-SD(d)(i)(8), delete “and”.

118. In Appendix A, after paragraph 41-SD(d)(i)(8), insert:

“(9) if the third party is another business in which the applicant is self-employed or a director, evidence of the applicant’s status within that business and that the applicant is the sole controller of that business’s finances, or, where the applicant is not the sole controller, the letter must be signed by another authorised official of that business who is not the applicant, and”

119. In Appendix A, after new paragraph 41-SD(d)(i)(9), renumber existing subparagraph (9) as (10).

120. In Appendix A, in paragraph 41-SD(e)(vii)(1), delete “a UK-regulated financial institution, on the institution’s headed paper,” and substitute “the UK bank in question, on its headed paper,”.

121. In Appendix A, in paragraph 41-SD(e)(vii)(2), delete “a UK-regulated financial institution, on the institution’s headed paper,” and substitute “the UK bank in question, on its headed paper,”.

122. In Appendix A, delete paragraph 45 and substitute:

- “45. If the applicant has invested the money referred to in Table 4 in the UK before the date of the application, points will be awarded for funds available as if the applicant had not yet invested the funds, providing:
- (a) the investment was made no more than 12 months (or 24 months if the applicant was last granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of the application; and
  - (b) all of the specified documents required in paragraphs 46-SD(a) to (g) are provided to show:
    - (i) the amount of money invested; and
    - (ii) that the applicant has established a business in the UK, in which the money was invested.”

123. In Appendix A, insert new first row in Table 6:

“

1.	<p>The applicant has invested, or had invested on his behalf, not less than £200,000 (or £50,000 if, in his last grant of leave, he was awarded points for funds of £50,000) in cash directly into one or more businesses in the UK.</p> <p>The applicant will not need to provide evidence of this investment if he was awarded points for it, as set out in Table 5, in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.</p>	20
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”

124. In Appendix A, renumber subsequent rows 1 to 3 of Table 6 as 2 to 4 respectively.

125. In Appendix A, in row 3 (formerly row 2) of Table 6, delete “at least 12 months of the period for which the previous leave was granted” and substitute “for at least 12 months during that last grant of leave”.

126. In Appendix A, in row 4 (formerly row 3) of Table 6, in sub-paragraph (a), delete “row 2 above” and substitute “row 3 above”.

127. In Appendix A, delete paragraphs 47 and 48 and substitute:

- “47. For the purposes of Tables 4, 5 and 6, “investment and business activity” does not include investment in any residential accommodation, property development or property management, and must not be in the form of a director's loan unless it is unsecured and

subordinated in favour of the business. “Property development or property management” in this context means any development of property owned by the applicant or his business to increase the value of the property with a view to earning a return either through rent or a future sale or both, or management of property (whether or not it is owned by the applicant or his business) for the purposes of renting it out or resale.

48. Points will only be awarded in respect of a UK business or businesses.

- (a) A business will be considered to be a UK business if:
  - (i) it is trading within the UK economy, and
  - (ii) it has a registered office in the UK, except where the applicant is registered with HM Revenue & Customs as self-employed and does not have a business office, and
  - (iii) it has a UK bank account, and
  - (iv) it is subject to UK taxation.
- (b) Multinational companies that are registered as UK companies with either a registered office or head office in the UK are considered to be UK businesses for the purposes of Tables 4, 5 and 6.
- (c) Subject to (d) below, a business will only be considered to be a “new” business for the purposes of Tables 5 and 6 if it was established no earlier than 12 months before the start of a period throughout which the applicant has had continuous leave as a Tier 1 (Entrepreneur) Migrant, and which includes the applicant’s last grant of leave. (For these purposes continuous leave will not be considered to have been broken if any of the circumstances set out in paragraphs 245AAA(a)(i) to (iii) of these Rules apply.)
- (d) If the applicant held entry clearance or leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant no more than 28 days before the application which led to the start of the period of continuous leave as a Tier 1 (Entrepreneur) Migrant referred to in (c) above, a business will only be considered to be a “new” business for the purposes of Tables 5 and 6 if it was established no earlier than 24 months before the start of the period in (c).”

128. In Appendix A, delete paragraphs 55 to 58 and substitute:

- “55. Except where paragraph 56 applies, available points for applications for entry clearance or leave to remain are shown in Table 7.



56. (a) Available points for entry clearance or leave to remain are shown in Table 8A for an applicant who:
- (i) has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, which was granted under the Rules in place from 6 November 2014, in the 12 months immediately before the date of application, or
  - (ii) is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, which was granted under the Rules in place from 6 November 2014.
- (b) Available points for entry clearance or leave to remain are shown in Table 8B for an applicant who:
- (i) has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, under the Rules in place before 6 November 2014, or as an Investor, in the 12 months immediately before the date of application;, or
  - (ii) is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, under the Rules in place before 6 November 2014, or as an Investor.
57. (a) Available points for applications for indefinite leave to remain are shown in Table 9A for an applicant who was last granted as a Tier 1 (Investor) Migrant under the Rules in place from 6 November 2014, and was awarded points as set out in Table 7 or Table 8A of Appendix A to these Rules in that last grant.
- (b) Available points for applications for indefinite leave to remain are shown in Table 9B for an applicant who was last granted as a Tier 1 (Investor) Migrant under the Rules in place before 6 November 2014, or was awarded points as set out in Table 8B of Appendix A in his last grant.
58. Notes to accompany Tables 7 to Table 9B appear below Table 9B.”

129. In Appendix A, delete Table 7 and substitute:

**“Table 7: Applications for entry clearance or leave to remain referred to in paragraph 55**

<b>Money to invest in the UK</b>	<b>Points</b>
The applicant has money of his own under his control held in a	75

regulated financial institution and disposable in the UK amounting to not less than £2 million.	
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”

130. In Appendix A, delete Table 8 and substitute:

**“Table 8A: Applications for entry clearance or leave to remain from applicants who initially applied to enter the category from 6 November 2014 as referred to in paragraph 56(a)**

<b>Money and investment</b>	<b>Points</b>
<p>The applicant has invested not less than £2 million in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below.</p> <p>The investment referred to above was made:</p> <ol style="list-style-type: none"> <li>(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, unless there are exceptionally compelling reasons for the delay in investing, or</li> <li>(2) where there is no evidence to establish his date of entry in the UK or where the applicant was granted entry clearance in a category other than Tier 1 (Investor) Migrant, within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, unless there are exceptionally compelling reasons for the delay in investing, or</li> <li>(3) where the investment was made prior to the application which led to the first grant of leave as a Tier 1 (Investor) Migrant, no earlier than 12 months before the date of such application,</li> </ol> <p>and in each case the level of investment has been at least maintained for the whole of the remaining period of that leave.</p> <p>“Compelling reasons for the delay in investing” must be unforeseeable and outside of the applicant’s control. Delays caused by the applicant failing to take timely action will not be accepted. Where possible, the applicant must have taken reasonable steps to mitigate such delay.</p>	75

**Table 8B: Applications for entry clearance or leave to remain from applicants who initially applied to enter the category before 6 November 2014 as referred to in paragraph 56(b)**

<b>Money and investment</b>	<b>Points</b>
<p>The applicant:</p> <p>(a) has money of his own under his control in the UK amounting to not less than £1 million, or</p> <p>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million; and</p> <p>(ii) has money under his control and disposable in the UK amounting to not less than £1 million which has been loaned to him by a UK regulated financial institution.</p>	30
<p>The applicant has invested not less than £750,000 of his capital in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below and has invested the remaining balance of £1,000,000 in the UK by the purchase of assets or by maintaining the money on deposit in a UK regulated financial institution.</p>	30
<p>(i) The investment referred to above was made:</p> <p>(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, unless there are exceptionally compelling reasons for the delay in investing; or</p> <p>(2) where there is no evidence to establish his date of entry in the UK or where the applicant was granted entry clearance in a category other than Tier 1 (Investor) Migrant, within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, unless there are exceptionally compelling reasons for the delay in investing; or</p> <p>(3) where the investment was made prior to the application which led to the first grant of leave as a Tier 1 (Investor) Migrant, no earlier than 12 months before the date of such application,</p> <p>and in each case the level of investment has been at least maintained for the whole of the remaining period of that leave; or</p> <p>(ii) The migrant has, or was last granted, entry clearance, leave to enter or leave to remain as an Investor.</p> <p>“Compelling reasons for the delay in investing” must be</p>	15

unforeseeable and outside of the applicant’s control. Delays caused by the applicant failing to take timely action will not be accepted. Where possible, the applicant must have taken reasonable steps to mitigate such delay.	
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”

131. In Appendix A, delete Table 9 and substitute:

**“Table 9A: Applications for indefinite leave to remain from applicants who initially applied to enter the category from 6 November 2014 as referred to in paragraph 57(a)**

<b>Row</b>	<b>Money and investment</b>	<b>Points</b>
1.	<p>The applicant has invested money of his own under his control amounting to at least:</p> <p>(a) £10 million; or</p> <p>(b) £5 million; or</p> <p>(c) £2 million</p> <p>in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below.</p>	40
2.	<p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant.</p> <p>The specified continuous period is:</p> <p>(a) 2 years if the applicant scores points from row 1(a) above;</p> <p>(b) 3 years if the applicant scores points from row 1(b) above; or</p> <p>(c) 5 years if the applicant scores points from row 1(c) above.</p> <p>Time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man in a category equivalent to the categories set out above may be included in the continuous period of lawful residence, provided the most recent period of leave was as a Tier 1 (Investor) Migrant in</p>	20

	the UK. In any such case, the applicant must have absences from the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man (as the case may be) of no more than 180 days in any 12 calendar months during the specified continuous period.	
3.	<p>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.</p> <p>The level of investment has been at least maintained throughout the relevant specified continuous period referred to in row 2, other than in the first 3 months of that period, and the applicant has provided the specified documents to show that this requirement has been met.</p> <p>When calculating the specified continuous period, the first day of that period will be taken to be the later of:</p> <p>(a) the date the applicant first entered the UK as a Tier 1 (Investor) Migrant, (or the date entry clearance was granted as a Tier 1 (Investor) Migrant) or the date the applicant first entered the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man with leave in a category equivalent to Tier 1 (Investor) if this is earlier; or</p> <p>(b) the date 3 months before the full specified amount was invested in the UK, or before the full required amount in an equivalent category was invested in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.</p>	15

**Table 9B: Applications for indefinite leave to remain from applicants who initially applied to enter the category before 6 November 2014 as referred to in paragraph 57(b)**

Row	Money and investment	Points
1.	<p>The applicant:</p> <p>(a) (i) has money of his own under his control in the UK amounting to not less than £10 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £20 million; and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £10 million which has been</p>	20

	<p>loaned to him by a UK regulated financial institution, or</p> <p>(b) (i) has money of his own under his control in the UK amounting to not less than £5 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £10 million; and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £5 million which has been loaned to him by a UK regulated financial institution; or</p> <p>(c) (i) has money of his own under his control in the UK amounting to not less than £1 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million; and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £1 million which has been loaned to him by a UK regulated financial institution.</p>	
2.	<p>The applicant has invested not less than 75% of the specified invested amount of his capital in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below, and has invested the remaining balance of the specified invested amount in the UK by the purchase of assets or by maintaining the money on deposit in a UK regulated financial institution.</p> <p>The specified invested amount is:</p> <p>(a) £10,000,000 if the applicant scores points from row 1(a) above,</p> <p>(b) £5,000,000 if the applicant scores points from row 1(b) above, or</p> <p>(c) £1,000,000 if the applicant scores points from row 1(c) above.</p>	20
3.	<p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant and/or as an Investor, of</p>	20

	<p>which the most recent period must have been spent with leave as a Tier 1 (Investor) Migrant.</p> <p>The specified continuous period is:</p> <ul style="list-style-type: none"> <li>(a) 2 years if the applicant scores points from row 1(a) above,</li> <li>(b) 3 years if the applicant scores points from row 1(b) above, or</li> <li>(c) 5 years if the applicant scores points from row 1(c) above.</li> </ul> <p>Time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man in a category equivalent to the categories set out above may be included in the continuous period of lawful residence, provided the most recent period of leave was as a Tier 1 (Investor) Migrant in the UK. In any such case, the applicant must have absences from the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man (as the case may be) of no more than 180 days in any 12 calendar months during the specified continuous period.</p>	
4.	<p>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.</p> <p>The level of investment has been at least maintained throughout the time spent with leave as a Tier 1 (Investor) Migrant in the UK in the relevant specified continuous period referred to in row 3, other than in the first 3 months of that period.</p> <p>In relation to time spent with leave as a Tier 1 (Investor) Migrant in the UK, the applicant has provided the specified documents to show that this requirement has been met.</p> <p>When calculating the specified continuous period, the first day of that period will be taken to be the later of:</p> <ul style="list-style-type: none"> <li>(a) the date the applicant first entered the UK as a Tier 1 (Investor) Migrant (or the date entry clearance was granted as a Tier 1 (Investor) Migrant), or the date the applicant first entered the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man with leave in a category equivalent to Tier 1 (Investor) if this is earlier, or</li> </ul>	15

	(b) the date 3 months before the full specified amount was invested in the UK, or before the full required amount in an equivalent category was invested in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.	
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132. In Appendix A, delete:

“**Assets and investment: notes**”

and substitute:

“**Money and assets: notes**”

133. In Appendix A, in paragraph 61A, delete “In Tables 7, 8 and 9” and substitute “In Tables 7 to 9B”.

134. In Appendix A, in paragraph 61A(iii), delete “in paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9” and substitute “in paragraph (b) in Table 8B or row 1 in Table 9B”.

135. In Appendix A, delete paragraph 62A.

136. In Appendix A, delete paragraph 63 and substitute:

“63. In the case of an application where Table 7 applies, where the money referred to in Table 7 has already been invested in the UK before the date of application, points will only be awarded if it was invested in the UK no more than 12 months before the date of application.”

137. In Appendix A, after paragraph 63, insert new sub-heading:

“**Source of money: notes**”

138. In Appendix A, in paragraph 64(a), delete “or assets”.

139. In Appendix A, in paragraph 64(b), delete “or assets”.

140. In Appendix A, in the opening words of paragraph 64-SD, delete “or assets”.

141. In Appendix A, at the start of paragraph 64-SD(a), delete:

“If the applicant is claiming points from (a) in the first row of Table 7, he must provide:”

and substitute:

“The applicant must provide:”.



142. In Appendix A, delete paragraph 64-SD(b).

143. In Appendix A, in paragraph 64-SD, renumber sub-paragraph (c) as (b).

144. In Appendix A, in paragraph 64A-SD, delete:

“that the money or assets are under the applicant's control and that he is free to invest them”

and substitute:

“that the money is under the applicant's control and that he is free to invest it”.

145. In Appendix A, after paragraph 64A-SD, insert new sub-heading:

**“Source of additional money (Table 9A and Table 9B): notes”**

146. In Appendix A, delete paragraph 64B-SD and substitute:

“64B-SD. In the case of an application where Table 9A, row 1 (a) or (b), or Table 9B, row 1 (a)(i) or (b)(i) applies, points will only be awarded if the applicant:

- (a) (i) has had the additional money (or the additional assets in respect of an application to which either row 1 (a)(i) or (b)(i) of Table 9B applies) that he was not awarded points for in his previous grant of leave for a consecutive 90-day period of time, ending on the date(s) this additional capital was invested (as set out in row 1 of Table 9A or row 2 of Table 9B), and
- (ii) provides the specified documents in paragraph 64-SD (or the additional assets in respect of an application to which either row 1 (a)(i) or (b)(i) of Table 9B applies), with the difference that references to "date of application" in that paragraph are taken to read "date of investment"; or
- (b) provides the additional specified documents in paragraph 64A-SD of the source of the additional money (with the difference that references to "date of application" in that paragraph are taken to read "date of investment").”

147. In Appendix A, after paragraph 64B-SD, insert:

“64C-SD. In the case of an application where Table 9B, row 1 (a)(ii) or (b)(ii) applies, points will only be awarded if the applicant provides an original letter of confirmation from each UK regulated financial institution the applicant has taken out a loan with to obtain the additional funds that he was not awarded points for in his previous grant of leave. The letter must have been issued by

an authorised official, on the official letter-headed paper of the institution(s), and confirm:

- (i) the amount of money that the institution(s) has loaned to the applicant,
- (ii) the date(s) the loan(s) was taken out by the applicant, which must be no later than the date(s) this additional capital was invested (as set out in Table 9B, row 2),
- (iii) that the institution is a UK regulated financial institution for the purpose of granting loans,
- (iv) that the applicant has personal assets with a net value of at least £2 million, £10 million or £20 million (as appropriate), and
- (v) that the institution(s) will confirm the content of the letter to the Home Office on request.”.

148. In Appendix A, after paragraph 64C-SD, insert new sub-heading:

**“Qualifying investments (Table 8A to Table 9B): notes”**

149. In Appendix A, delete paragraph 65(f) and substitute:

- “(f) Leveraged investment funds, except where the leverage in question is the security against the loan referred to in paragraph (b) in Table 8B or row 1 of Table 9B (as appropriate), and paragraph 61A(i)-(iii) apply.”.

150. In Appendix A, delete paragraph 65A and substitute:

“65A. "Active and trading UK registered companies" means companies which:

- (a) have a registered office or head office in the UK;
- (b) have a UK bank account showing current business transactions; and
- (c) are subject to UK taxation.

65B. No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the Home Office is unable to make satisfactory verification checks.

65C. (a) In the case of an application where Table 8A or Table 9A applies, points for maintaining the level of investment for the specified continuous period of leave will only be awarded:

- (i) if the applicant has maintained a portfolio of qualifying investments for which he paid a total purchase price of at least

£2 million (or £5 million or £10 million, as appropriate) throughout such period; and

- (ii) if the applicant sells any part of the portfolio of qualifying investments during the specified continuous period of leave such that the price he paid for the remaining portfolio falls below the purchase price referred to in (i) above, the shortfall is fully corrected within the same reporting period by the purchase of further qualifying investments.
- (b) In the case of an application where Table 8B or Table 9B applies, points for maintaining the level of investment for the relevant period of leave will only be awarded if:
- (i) the applicant has maintained a portfolio of qualifying investments with a market value of at least £750,000 (or £3,750,000 or £7,500,000 as appropriate);
  - (ii) any fall in the market value of the portfolio below the amount in (i) is corrected by the next reporting period by the purchase of further qualifying investments with a market value equal to the amount of any such fall; and
  - (iii) the applicant has maintained a total level of investment (including the qualifying investments at (i) and (ii) above) of £1,000,000.”.

151. In Appendix A, in paragraph 65-SD(a)(i), delete “the third row of Table 8” and substitute “the relevant table”.

152. In Appendix A, in paragraph 65-SD(a)(iv), after “next reporting period” insert “as required by paragraph 65C (a) or (b) as applicable”.

153. In Appendix A, in paragraph 65-SD(a)(xi), delete “UK Border Agency” and substitute “Home Office”.

154. In Appendix A, in paragraph 65-SD(b), delete:

“Where the applicant previously had leave as an Investor and is unable to provide the evidence listed above because he manages his own investments, or has a portfolio manager who does not operate in the UK”

and substitute:

“Where the applicant is applying under Table 8B or Table 9B, previously had leave as an Investor and is unable to provide the evidence listed above because he manages his own investments, or because he has a portfolio manager who does not operate in the UK”.

155. In Appendix A, in paragraph 65-SD(c), delete “Where the applicant has invested” and substitute “Where the applicant is applying under Table 8B or Table 9B and has invested”.
156. In Appendix A, in paragraph 65-SD(c)(ii), delete “UK Border Agency” and substitute “Home Office”.
157. In Appendix A, in paragraph 65-SD(d), delete “the third row of Table 8” and substitute “Table 8A, Table 8B, Table 9A or Table 9B”.
158. In Appendix A, in paragraph 66, delete “for leave to remain” and substitute “for entry clearance or leave to remain”.
159. In Appendix A, in paragraph 69(c)(iii)(1), delete “each type of endorsements” and substitute “endorsements”.
160. In Appendix A, in paragraph 70(c)(xiii), delete “if the applicant was last granted leave” and substitute “if the applicant is applying for leave to remain and was last granted leave”.
161. In Appendix A, after paragraph 74F, insert new paragraphs:
- “74G. No points will be awarded for a Certificate of Sponsorship if the job that the Certificate of Sponsorship Checking Service entry records that the applicant is being sponsored to do amounts to:
- (a) the hire of the applicant to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent, or
  - (b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor,
- regardless of the nature or length of any arrangement between the sponsor and the third party.
- 74H. No points will be awarded for a Certificate of Sponsorship if the Entry Clearance Officer or the Secretary of State has reasonable grounds to believe, notwithstanding that the applicant has provided the evidence required under the relevant provisions of Appendix A, that:
- (a) the job as recorded by the Certificate of Sponsorship Checking Service is not a genuine vacancy, if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in either of the Short Term Staff or Long Term Staff subcategories, or
  - (b) the applicant is not appropriately qualified to do the job in question.

74I. To support the assessment in paragraph 74H, the Entry Clearance Officer or the Secretary of State may request additional information and evidence from the applicant or the Sponsor, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Entry Clearance Officer or the Secretary of State at the address specified in the request within 28 calendar days of the date the request is sent.”.

162. In Appendix A, delete paragraph 77D(b)(i) and substitute:

“(b) (i) the applicant:

- (1) is applying for leave to remain, and
- (2) does not have, or was not last granted, entry clearance, leave to enter or leave to remain as the Partner of a Relevant Points Based System Migrant,

or”.

163. In Appendix A, after paragraph 77F, insert new paragraphs:

“77G. No points will be awarded for a Certificate of Sponsorship if the job that the Certificate of Sponsorship Checking Service entry records that the applicant is being sponsored to do amounts to:

- (a) the hire of the applicant to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent, or
- (b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor,

regardless of the nature or length of any arrangement between the sponsor and the third party.

77H. No points will be awarded for a Certificate of Sponsorship if the Entry Clearance Officer or the Secretary of State has reasonable grounds to believe, notwithstanding that the applicant has provided the evidence required under the relevant provisions of Appendix A, that:

- (a) the job as recorded by the Certificate of Sponsorship Checking Service is not a genuine vacancy,
- (b) the applicant is not appropriately qualified or registered to do the job in question (or will not be, by the time they begin the job), or

- (c) the stated requirements of the job as recorded by the Certificate of Sponsorship Checking Service and in any advertisements for the job are inappropriate for the job on offer and / or have been tailored to exclude resident workers from being recruited.

77I. To support the assessment in paragraph 77H(b), if the applicant is not yet appropriately qualified or registered to do the job in question, he must provide evidence with his application showing that he can reasonably be expected to obtain the appropriate qualifications or registrations by the time he begins the job, for example, a letter from the relevant body providing written confirmation that the applicant has registered to sit the relevant examinations.

77J. To support the assessment in paragraph 77H(a)-(c), the Entry Clearance Officer or the Secretary of State may request additional information and evidence from the applicant or the Sponsor, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Entry Clearance Officer or the Secretary of State at the address specified in the request within 28 calendar days of the date the request is sent.”.

164. In Appendix A, in the seventh row of Table 11B, delete “1 October 2014” and substitute “6 April 2015”.

165. In Appendix A, in paragraph 78D(b), after “the applicant must have” insert “, or have last been granted,”.

166. In Appendix A, delete paragraph 79A and substitute:

“79A. No points will be awarded if the salary referred to in paragraph 79 above is less than £20,500 per year, unless:

- (a) the applicant:
  - (i) is applying for leave to remain, and
  - (ii) previously had leave as:
    - (1) a Qualifying Work Permit Holder,
    - (2) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,
    - (3) a Member of the operational Ground Staff of an Overseas-owned Airline,
    - (4) a Jewish Agency Employee, or
    - (5) a Tier 2 (General) Migrant under the Rules in place before 6 April 2011; and
  - (iii) has not been granted entry clearance in this or any other route since that grant of leave; or

- (b) the Certificate of Sponsorship checking service entry records that the applicant:
- (i) obtained a Nursing and Midwifery Council permission before 30 March 2015 to undertake the Overseas Nursing Programme or the Adaptation to Midwifery Programme;
  - (ii) is being sponsored as a nurse or midwife in a supervised practice placement approved by the Nursing and Midwifery Council;
  - (iii) will continue to be sponsored as a registered nurse or midwife by the Sponsor after achieving Nursing and Midwifery Council registration; and
  - (iv) will be paid at least £20,500 per year once that registration is achieved,

and the applicant provides evidence of the above, if requested to do so.”.

167. In Appendix A, after paragraph 81G, insert:

“81H. No points will be awarded for a Certificate of Sponsorship if the Secretary of State has reasonable grounds to believe that:

- (a) the job described in the application is not a genuine vacancy, or
- (b) the stated requirements of the job described in the application and in any advertisements for the job are inappropriate for the job on offer and / or have been tailored to exclude resident workers from being recruited.

81I. To support the assessment in paragraph 81H, the Secretary of State may request additional information and evidence from the Sponsor. This request will follow the procedure for verification checks as set out in paragraph 82C.”.

168. After Appendix A insert:

## **“APPENDIX AR**

### **ADMINISTRATIVE REVIEW**

## Introduction

Administrative review is available where an eligible decision has been made. Decisions eligible for administrative review are listed in paragraph AR3.2 of this Appendix.

Administrative review will consider whether an eligible decision is wrong because of a case working error and, if it is considered to be wrong, the decision will be withdrawn or amended as set out in paragraph AR2.2 of this Appendix.

Rules about how to make a valid application for administrative review are set out at paragraphs 34M to 34Y of these Rules.

## Definitions

AR1.1 For the purpose of this Appendix the following definitions apply:

<i>Applicant</i>	the individual applying for administrative review.
<i>Case working error</i>	an error in decision-making listed in paragraph AR3.4 (for administrative review in the UK).
<i>Valid application</i>	an application for administrative review made in accordance with paragraphs 34M to 34Y of these Rules.
<i>Pending</i>	as defined in paragraph AR2.9.
<i>Reviewer</i>	the Home Office case worker or Immigration Officer conducting the administrative review.
<i>Original decision maker</i>	the Home Office case worker or Immigration Officer who made the <i>eligible decision</i> .

## General Principles

### WHAT IS ADMINISTRATIVE REVIEW?

AR2.1 Administrative review is the review of an *eligible decision* to decide whether the decision is wrong due to a *case working error*.

### OUTCOME OF ADMINISTRATIVE REVIEW

AR2.2 The outcome of an administrative review will be:

- (a) Administrative review succeeds and the *eligible decision* is withdrawn;
- or



- (b) Administrative review does not succeed and the *eligible decision* remains in force and all of the reasons given for the decision are maintained; or
- (c) Administrative review does not succeed and the *eligible decision* remains in force but one or more of the reasons given for the decision are withdrawn; or
- (d) Administrative review does not succeed and the *eligible decision* remains in force but with different or additional reasons to those specified in the decision under review.

## **WHAT WILL BE CONSIDERED ON ADMINISTRATIVE REVIEW?**

AR2.3 The *eligible decision* will be reviewed to establish whether there is a *case working error*, either as identified in the application for administrative review, or identified by the *Reviewer* in the course of conducting the administrative review.

AR2.4 The *Reviewer* will not consider any evidence that was not before the *original decision maker* except where evidence that was not before the *original decision maker* is submitted to demonstrate that a *case working error* as defined in paragraph AR3.4 (e), (g), (h) and (j) has been made.

AR2.5 If the *applicant* has identified a *case working error* as defined in paragraph AR3.4 (e), (g), (h) and (j), the *Reviewer* may contact the applicant or his representative in writing, and request relevant evidence. The requested evidence must be received at the address specified in the request within 7 working days of the date of the request.

AR2.6 The *Reviewer* will not consider whether the applicant is entitled to leave to remain on some other basis and nothing in these rules shall be taken to mean that the *applicant* may make an application for leave or vary an existing application for leave, or make a protection or human rights claim, by seeking administrative review.

## **APPLYING FOR ADMINISTRATIVE REVIEW**

AR2.7 The rules setting out the process to be followed for making an application for administrative review are at 34M to 34Y of these Rules.

## **EFFECT OF PENDING ADMINISTRATIVE REVIEW ON LIABILITY FOR REMOVAL**

AR2.8 Where administrative review is pending (as defined in AR2.9) the Home Office will not seek to remove the *applicant* from the United Kingdom.

## **WHEN IS ADMINISTRATIVE REVIEW PENDING?**

AR2.9 Administrative review is pending for the purposes of sections 3C(2)(d) and 3D(2)(c) of the Immigration Act 1971:

- (a) While an application for administrative review can be made in accordance with 34M to 34Y of these Rules, ignoring any possibility of an administrative review out-of-time under paragraph 34R(2);
- (b) While a further application for administrative review can be made in accordance with paragraph 34M(2) of these Rules following a notice of outcome at AR2.2(d) served in accordance with Articles 8ZA to 8ZC of the Immigration (Leave to Enter and Remain) Order 2000 (SI 2000/1161) (as amended);
- (c) When an application for administrative review has been made until :
  - (i) the application for administrative review is rejected as invalid because it does not meet the requirements of paragraph 34N to 34S of these Rules;
  - (ii) the application for administrative review is withdrawn in accordance with paragraph 34X; or
  - (iii) the notice of outcome at AR2.2(a), (b) or (c) is served in accordance with Articles 8ZA to 8ZC of the Immigration (Leave to Enter and Remain) Order 2000 (SI 2000/1161) (as amended).

AR2.10 Administrative review is not pending when an administrative review waiver form has been signed by an individual in respect of whom an *eligible decision* has been made. An administrative review waiver form is a form where the person can declare that although they can make an application in accordance with paragraphs 34M to 34Y of these Rules, they will not do so.

## **Administrative Review in the UK**

### **DECISIONS ELIGIBLE FOR ADMINISTRATIVE REVIEW IN THE UNITED KINGDOM**

AR3.1 Administrative review is only available where an *eligible decision* has been made.

AR3.2 (a) *An eligible decision* is a refusal of an application made on or after 20th October 2014 for:

- (i) leave to remain as a Tier 4 Migrant under the Points Based System; or
- (ii) leave to remain as the partner of a Tier 4 Migrant under paragraph 319C of the Immigration Rules; or

(iii) leave to remain as the child of a Tier 4 Migrant under paragraph 319H of the Immigration Rules.

(b) An eligible decision is also a decision to grant leave to remain in relation to an application referred to in sub-paragraph (a) where a review is requested of the period of leave granted.

AR3.3 Any decision not listed in AR3.2. is not an *eligible decision* and administrative review is not available in respect of that decision.

## **WHAT IS A CASE WORKING ERROR?**

AR3.4 The following is a complete list of case working errors for the purposes of these Rules:

- (a) Where the *original decision maker* applied the wrong Immigration Rules;
- (b) Where the *original decision maker* applied the Immigration Rules incorrectly;
- (c) Where the *original decision maker* incorrectly added up the points to be awarded under the Immigration Rules;
- (d) Where there has been an error in calculating the correct period of immigration leave either held or to be granted;
- (e) Where the *original decision maker* has not considered all the evidence that was submitted as evidenced in the *eligible decision*;
- (f) Where the *original decision maker* has considered some or all of the evidence submitted incorrectly as evidenced in the *eligible decision*;
- (g) Where the Immigration Rules provide for the *original decision maker* to consider the credibility of the applicant in deciding the application and the *original decision maker* has reached an unreasonable decision on the credibility of the applicant;
- (h) Where the *original decision maker's* decision to refuse an application on the basis that the supporting documents were not genuine was incorrect;
- (i) Where the *original decision maker's* decision to refuse an application on the basis that the supporting documents did not meet the requirements of the Immigration Rules was incorrect;
- (j) Where the *original decision maker* has incorrectly refused an application on the basis that it was made more than 28 days after leave expired; and

(k) Where the *original decision maker* failed to apply the Secretary of State’s relevant published policy and guidance in relation to the application.”

169. In Appendix Armed Forces, in paragraph 2(ja)(i) and (ii), delete “NATO” and substitute “a NATO force”.

170. In Appendix Armed Forces, in paragraph 6(a), after “in a route under this Appendix”, delete “; and” and substitute “, unless they are: (i) a non-visa national; (ii) not seeking entry for a period exceeding 6 months; and (iii) applying for leave to enter under paragraphs 56, 61B or 64 of this Appendix; and”.

171. In paragraph 39 of Appendix Armed Forces:

(i) delete sub-paragraph (a)(ii) and substitute:

“(ii) last granted leave to enable access to public funds pending an application under this paragraph and the preceding grant of leave was given in accordance with paragraph 276AD of these Rules or paragraph 23, 26, 28 or 32 of this Appendix;”;

(ii) in sub-paragraph (b), after “the leave referred to in sub-paragraph (a)”, insert

“(i) or, where applicable, the preceding grant of leave referred to in sub-paragraph (a)(ii)”.

172. In Appendix Armed Forces, in the introductory wording in paragraphs 56 to 58, delete “Entry clearance and leave to enter” and substitute “Entry clearance and/or leave to enter”.

173. In Appendix Armed Forces, in paragraph 61C, delete sub-paragraph (a) and substitute:

“(a) for

(i) in respect of an application from a civilian employee of a NATO force or the Australian Department of Defence: (aa) 6 months, where the duration of their period of employment in the United Kingdom does not exceed 6 months; or (bb) five years, where the duration of their period of employment in the United Kingdom exceeds 6 months; or (ii) in respect of a civilian employee of a company under contract to a NATO force, the duration of their period of employment in the United Kingdom or, if the shorter period, 4 years; and”.

174. In Appendix Armed Forces, in paragraph 61D, delete subparagraph (b) and substitute:

“(b) was last:

(i) granted leave to enter or remain under paragraph 61C or 61E of this Appendix or under the concessions which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to Relevant Civilian Employees; or

(ii) exempt from control under section 8(4)(b) of the Immigration Act 1971 and has been offered employment as a Relevant Civilian Employee;”.

175. In Appendix Armed Forces, in paragraph 61E(a)-

(i) in the introductory wording, delete “whichever is the shorter period of”;

(ii) in the first subparagraph (ii), after “NATO”, delete “four years; or” and substitute “the duration of their period of employment in the United Kingdom, or, if the shorter period, four years; and”; and

(iii) delete the second subparagraph (ii).

176. In Appendix Armed Forces, in paragraph 62(b) delete subparagraph (ii) and insert:

“(ii) the applicant’s parent and the applicant:

(aa) is under 18 years of age at the date of application;

(bb) is not married or in a civil partnership;

(cc) has not formed an independent family unit; and

(dd) is not living an independent life; or

(iii) a serving armed forces member who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971 or a civilian employed to work in the UK by a NATO force or the Australian Department of Defence and the applicant: (aa) is a dependant other than a partner within the meaning of section 12(4)(b) of the Visiting Forces Act 1952 or Article I(c) of the NATO Status of Forces Agreement; and (bb) is listed as a dependant of the sponsor on the sponsor’s military movement orders or equivalent civilian posting letter;”.

177. In Appendix Armed Forces, in paragraph 62(c), delete “partner or parent (as the case may be)” and substitute “sponsor”.

178. In Appendix Armed Forces, delete paragraph 64(b) and re-number subparagraphs (c), (d) and (e) as subparagraphs (b), (c) and (d) accordingly.

179. In Appendix Armed Forces, in paragraph 65, delete sub-paragraph (a) and insert:

“(a) for

- (i) in respect of an application from the dependant of an armed forces member who is not exempt from immigration control or of a civilian employee of a company under contract to a NATO force, the duration of the sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom or, if the shorter period, 4 years; or
- (ii) in respect of an application from the dependant of an armed forces member who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971 or of a civilian employee of a NATO force or the Australian Department of Defence: (aa) 6 months, where the duration of the sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom does not exceed 6 months; or (bb) a maximum of 5 years, where the duration of the sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom exceeds 6 months; and"

180. In Appendix Armed Forces, in paragraph 66 –

- (i) delete subparagraph (b) and substitute:

“(b) in relation to an application to which sub-paragraph 62(a)(ii) applies, was last granted leave to enter or remain under paragraph 64 or 66 of this Appendix or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to the dependant of a member of the armed forces who is not exempt from immigration control;”;

- (ii) delete subparagraph (f) and substitute:

“(f) meets the general eligibility criteria in paragraph 62 and, where the sponsor is the applicant's parent, one of the criteria in paragraph 63, except that the applicant does not need to be under 18 years of age at the date of application where:

- (i) paragraph 66(b) applies; or

(ii) sub-paragraph 62(a)(iii) applies and the applicant was last granted leave to enter or remain under paragraph 64 or 66 of this Appendix or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to the dependant of an employee of a company under contract to a NATO force.”.

181. In Appendix Armed Forces, in paragraph 67(a) –

- (i) in the introductory wording, delete “whichever is the shorter period of”;

(ii) in subparagraph (i), after “NATO,” delete “4 years;” and substitute “the duration of the sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom, or, if the shorter period, 4 years; or”.

(iii) in subparagraph (ii), after “Defence,” delete “5 years: or” and substitute “a maximum of 5 years; and”; and

(iv) delete subparagraph (iii).

182. In Appendix B, delete paragraph 1 and substitute:

“1. An applicant applying as a Tier 1 Migrant or Tier 2 Migrant must have 10 points for English language, unless applying for entry clearance or leave to remain:

(i) as a Tier 1 (Exceptional Talent) Migrant,

(ii) as a Tier 1 (Investor) Migrant, or

(iii) as a Tier 2 (Intra-Company Transfer) Migrant.”

183. In Appendix B, in Table 1, delete row D.

184. In Appendix B, delete paragraph 13 and substitute:

“13. Subject to paragraph 15 below, where the application falls under rows B to C 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 (Graduate Entrepreneur) 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 knowledge of English equivalent to level B1 of the Council of Europe's Common European Framework for Language Learning or above.”

185. In Appendix FM for paragraph GEN.1.9. substitute:

“GEN.1.9. In this Appendix:

(a) the requirement to make a valid application will not apply when the Article 8 claim is raised:

(i) as part of an asylum claim, or as part of a further submission in person after an asylum claim has been refused;

(ii) where a migrant is in immigration detention. A migrant in immigration detention or their representative must submit any application or claim raising Article 8 to a prison officer, a prisoner custody officer, a detainee custody officer or a member of Home Office staff at the migrant's place of detention; or

(iii) in an appeal (subject to the consent of the Secretary of State where applicable); and

(b) where an application or claim raising Article 8 is made in any of the circumstances specified in paragraph GEN.1.9.(a), or is considered by the Secretary of State under paragraph A277C of these rules, the requirements of paragraphs R-LTRP.1.1.(c) and R-LTRPT.1.1.(c) are not met.”.

186. In Appendix FM after paragraph GEN.1.12. insert:

“GEN.1.13. For the purposes of paragraphs D-LTRP.1.1., D-LTRP.1.2., D-ILRP.1.2., D-LTRPT.1.1., D-LTRPT.1.2., and D-ILRPT.1.2. (excluding a grant of limited leave to remain as a fiancé(e) or proposed civil partner), where the applicant has extant leave at the date of decision, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted under that paragraph (which may therefore exceed 30 months).”.

187. In Appendix FM in paragraph E-ECP.4.1.(d) for “EECP.4.2.” substitute “E-ECP.4.2.”.

188. In Appendix FM in paragraph E-LTRP.4.1.(d) for “ELTRP.4.2;” substitute “E-LTRP.4.2;”.

189. In Appendix FM for paragraph RILRP.1.1. substitute:

“R-ILRP.1.1. The requirements to be met for indefinite leave to remain as a partner are that-

(a) the applicant and their partner must be in the UK;

(b) the applicant must have made a valid application for indefinite leave to remain as a partner;

(c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability for indefinite leave to remain;

(d) the applicant:

(i) must meet all of the requirements of Section E-LTRP: Eligibility for leave to remain as a partner (but in applying paragraph E-LTRP.3.1.(b)(ii) delete the words “2.5 times”); or



(ii) must meet the requirements of paragraphs E-LTRP.1.2.-1.12. and E-LTRP.2.1. and paragraph EX.1. applies; and

(e) the applicant must meet all of the requirements of Section E-ILRP: Eligibility for indefinite leave to remain as a partner.”.

190. In Appendix FM for paragraph E-ILRP.1.5. substitute:

“E-ILRP.1.5. In calculating the periods under paragraph E-ILRP.1.3. the words “in the UK” in that paragraph shall not apply to any period(s) to which the evidence in paragraph 26A of Appendix FM-SE applies.”.

191. In Appendix FM in paragraph E-DVILR.1.2.:

(i) delete the introductory wording and substitute:

“The applicant’s first grant of limited leave under this Appendix must have been as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix and any subsequent grant of limited leave must have been:”.

(ii) delete sub-paragraphs (a) and (b) and substitute:

“(a) granted as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix; or

(b) granted to enable access to public funds pending an application under DVILR and the preceding grant of leave was granted as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix; or”.

192. In Appendix FM in paragraph E-DVILR.1.3. after “period of limited leave as a partner”, insert “of a British Citizen or a person settled in the UK under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix”.

193. In Appendix FM in paragraph E-ECPT.4.1.(d) for “EECPT.4.2.” substitute “E-ECPT.4.2.”.

194. In Appendix FM in paragraph E-LTRPT.5.1.(d) for “ELTRPT.5.2,” substitute “E-LTRPT.5.2.;”.

195. In Appendix FM in the section at the end entitled “Deportation and removal” for “276ADE” substitute “276ADE(1)”.

196. In Appendix FM-SE paragraph 1(c) for “employment income of an applicant” substitute “employment or self-employment income of an applicant”.

197. In Appendix FM-SE after paragraph 1(c) insert:

“(cc) The income of an applicant or sponsor working in the UK in salaried or non-salaried employment or in self-employment can include income from work undertaken overseas, provided paragraph E-LTRP.1.10 of Appendix FM and the other requirements of this Appendix are met.”.

198. In Appendix FM-SE at the end of paragraph 3 insert:

“In respect of an equity partner whose income from the partnership is treated as salaried employment under paragraph 17, the payslips and employer’s letter referred to in paragraph 2 may be replaced by other evidence providing the relevant information in paragraph 2 (which may include, but is not confined to, a letter on official stationery from an accountant, solicitor or business manager acting for the partnership).”.

199. In Appendix FM-SE at the end of paragraph 7(g) insert:

“, or (where the person has reached state pension age) through alternative evidence (which may include, but is not confined to, evidence of ongoing payment of business rates, business-related insurance premiums, employer National Insurance contributions or franchise payments to the parent company)”.

200. In Appendix FM-SE in paragraph 10(g)(i) after “12 months” insert “or for at least one full academic year”.

201. In Appendix FM-SE in paragraph 11A after sub-paragraph 11A(c)(iii) insert:

“(iv) For the purposes of sub-paragraph 11A(c), “investments” includes funds held in an investment account which does not meet the requirements of paragraphs 11 and 11A(a).”.

202. In Appendix FM-SE in paragraph 12(a) for “the entitlement and the amount received” substitute “the current entitlement and the amount currently received”.

203. In Appendix FM-SE in paragraph 12(b) for “payment of the benefit or allowance into the person’s account” substitute “payment of the amount of the benefit or allowance to which the person is currently entitled into their account”.

204. In Appendix FM-SE after paragraph 12A insert:

“12B. Where the financial requirement an applicant must meet under Part 8 (excluding an applicant who is a family member of a Relevant Points Based System Migrant) or under Appendix FM relates to adequate maintenance and where cash savings are relied upon to meet the requirement in full or in part, the decision-maker will:

(a) Establish the total cash savings which meet the requirements of paragraphs 11 and 11A;

(b) Divide this figure by the number of weeks of limited leave which would be issued if the application were granted, or by 52 if the application is for indefinite leave to enter or remain;

(c) Add the figure in sub-paragraph 12B(b) to the weekly net income (before the deduction of housing costs) available to meet the requirement.”.

205. In Appendix FM-SE at the end of paragraph 13 insert:

“(k) Where the application relies on the employment income of the applicant and the sponsor, all of that income must be calculated either under sub-paragraph 13(a) or under sub-paragraph 13(b) and paragraph 15, and not under a combination of these methods.”.

206. In Appendix FM-SE after paragraph 26 insert:

“Evidence of the Applicant Living Overseas with a Crown Servant

26A. Where

(a) An applicant for entry clearance, limited leave to enter or remain or indefinite leave to remain as a partner under Appendix FM (except as a fiancé(e) or proposed civil partner) intends to enter or remain in the UK to begin their probationary period (or has done so) and then to live outside the UK for the time being with their sponsor (or is doing so or has done so) before the couple live together permanently in the UK; and

(b) The sponsor, who is a British Citizen or settled in the UK, is a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council, the Department for International Development or the Home Office on a tour of duty outside the UK,

the applicant must provide a letter on official stationery from the sponsor’s head of mission confirming the information at (a) and (b) and confirming the start date and expected end date of the sponsor’s tour of duty outside the UK.”.

207. In Appendix FM-SE in paragraph 29(a) after “passport” insert “or travel document”.

208. In Appendix FM-SE in paragraph 29(b) after “passport” insert “or travel document”.

209. In Appendix FM-SE in paragraph 29(c) after “passport” insert “or travel document”.

210. In Appendix FM-SE in paragraph 30(b) for “Home Government or Embassy” substitute “national government, Embassy or High Commission”.

211. In Appendix FM-SE after paragraph 32 insert:

“32A. For the avoidance of doubt paragraphs 27 to 32D of this Appendix apply to fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner and same sex partner applications for limited leave to enter or remain made under Part 8 of these Rules where English language requirements apply, regardless of the date of application. Paragraphs 27 to 32D of this Appendix also apply to spouse, civil partner, unmarried partner and same sex partner applications which do not meet the requirements of Part 8 of these Rules for indefinite leave to remain (where the application is for indefinite leave to remain) and are being considered for a grant of limited leave to remain where paragraph A277A(b) of these Rules applies. Any references in paragraphs 27 to 32D of this Appendix to “limited leave to enter or remain” shall therefore be read as referring to all applicants referred to in this paragraph.

32B. Where the decision-maker has:

(a) reasonable cause to doubt that an English language test in speaking and listening at a minimum of level A1 of the Common Framework of Reference for Languages relied on at any time to meet a requirement for limited leave to enter or remain in Part 8 or Appendix FM was genuinely obtained; or

(b) information that the test certificate or result awarded to the applicant has been withdrawn by the test provider for any reason,

the decision-maker may discount the document and the applicant must provide a new test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it.

32C. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result which has ceased by the date of application to be:

(a) from an approved test provider, or

(b) in respect of an approved test,

the decision-maker will not accept that certificate or result as valid, unless the decision-maker does so in accordance with paragraph 32D of this Appendix and subject to any transitional arrangements made in respect of the test provider or test in question.

32D. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result and the Home Office has already accepted it as part of a successful previous partner or parent application (but not where the application was refused, even if on

grounds other than the English language requirement), the decision-maker may accept that certificate or result as valid if it is:

- (a) from a provider which is no longer approved, or
  - (b) from a provider who remains approved but the test the applicant has taken with that provider is no longer approved, or
  - (c) past its validity date (if a validity date is required under Appendix O),
- provided that when the subsequent application is made:

- (i) the applicant has had continuous leave (disregarding any period of overstaying of no more than 28 days) as a partner or parent since the Home Office accepted the test certificate as valid; and
- (ii) the award to the applicant does not fall within the circumstances set out in paragraph 32B of this Appendix.”.

212. Delete Appendix G and substitute:

**“Appendix G: Countries and Territories participating in the Tier 5 Youth Mobility Scheme and annual allocations of places for 2015**

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

- Australia – 38,000 places
- Canada – 5,000 places
- Japan – 1,000 places
- New Zealand – 11,000 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”.

213. In Appendix J, in paragraph 14(e)(i), delete “2011”.

214. In Appendix KoLL, in Part 1 – General, in paragraph 1.1, delete “the way in which” and substitute “how”.

215. In Appendix KoLL, in Part 1 – General, in paragraph 1.1, after “an applicant for” insert “indefinite”.

216. In Appendix KoLL, in Part 2 – Knowledge of language and life, in the introductory wording in paragraph 2.2, delete “has” and substitute “demonstrates”.
217. In Appendix KoLL, in Part 2 – Knowledge of language and life, after paragraph 2.2(b)(ii) insert “, and” and insert new sub-paragraph (iii):  
“iii) at the date of application, the provider of that qualification continues to be approved by the Secretary of State as specified in Appendix O to these Rules.”.
218. In Appendix KoLL, in Part 2 – Knowledge of language and life, in the introductory wording in paragraph 2.3, delete “has” and substitute “demonstrates”.
219. In Appendix KoLL, in Part 3 – exceptions, delete paragraph 3.2(b) and substitute:  
  
“(b)(i) 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; or  
(ii) where paragraph 39C(c) of these Rules applies, the applicant has provided specified documentary evidence of an English language speaking and listening qualification at A2 CEFR with a provider approved by the Secretary of State as specified in Appendix O to these Rules.”.
220. In Appendix KoLL, in Part 3 – exceptions, insert new paragraph 3.3:  
  
“3.3 Where paragraph 39C(c) of these Rules applies, an applicant demonstrates sufficient knowledge of the English language and about life in the UK where:  
  
(i) upon a request by the decision-maker to provide additional evidence of knowledge of the English language, he or she has provided specified documentary evidence that he or she has passed an English language test in speaking and listening at a minimum 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, unless paragraph 3.2 of this Appendix applies; or  
  
(ii) upon a request by the decision-maker to provide additional evidence of knowledge about life in the UK, he or she has provided specified evidence that he or she has passed the test known as the “Life in the UK test” administered by learndirect limited under arrangements approved by the decision-maker; or

(iii) upon a request by the decision-maker to provide additional evidence of knowledge of the English language and about life in the UK, he or she has provided the evidence set out in sub-paragraphs (i) and (ii).”.

221. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.2, delete:

“paragraphs 4.3 or 4.6” and substitute “paragraph 39(C)(c) of these Rules or paragraphs 4.3 or 4.6 of this Appendix apply.”.

222. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.11:

(i) in the introductory wording, delete “2.2(iii) and 2.2(iv)” and substitute “2.2(a)(iii) to 2.2(a)(v)”; and

(ii) in sub-paragraph (a)(v), delete “2.2(iii)” and substitute “2.2(a)(iii)”.

223. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.13, delete:

“3.2(b)” and substitute “3.2(b)(i)”, and delete “paragraph 2.3(vi) and 2.3(vii)” and substitute “paragraphs 2.2(a)(vi) and 2.2(a)(vii)”.

224. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.14(a), delete “3.2(d)” and substitute “3.2(c)”.

225. In Appendix KoLL, in Part 4 – specified documents, insert new paragraph 4.13A:

“4.13A. The evidence specified for the purposes of paragraph 3.2(b)(ii) (evidence of English language speaking and listening) is the same as that specified for the purposes of paragraph 2.2(a)(ii) except that references to B1 are to be read as references to A2.”.

226. In Appendix KoLL, in Part 4 – specified documents, insert new paragraphs 4.16 and 4.17:

“4.16 The evidence specified for the purposes of paragraph 3.3(i) of this Appendix (evidence of English language speaking and listening) is the same as that specified for the purpose of paragraph 2.2(a)(ii) of this Appendix.

4.17 The evidence specified for the purposes of paragraph 3.3(ii) of this Appendix (evidence of knowledge about life in the UK) is the same as that specified at paragraph 4.15(a) of this Appendix.”.

227. In Appendix L, at the start of paragraph 1, delete “The applicant must:” and substitute “To be considered for endorsement, the application must first:”.

228. In Appendix L, in the table after paragraph 1, after both instances of “a dated letter of personal recommendation from an eminent person resident in the UK”, insert “supporting the Tier 1 (Exceptional Talent) application”.

229. In Appendix L, at the start of paragraph 2, delete “The applicant” and substitute “To be considered for endorsement, the applicant”.

230. In Appendix L, at the start of paragraph 4, delete “When assessing applicants the Designated Competent Bodies will take into consideration the following:” and substitute “If the eligibility criteria in paragraph 1 are met, and the documents outlined in paragraph 2 are provided in accordance with the requirements at paragraph 3, then the Designated Competent Body will assess the applicant for endorsement, taking into consideration the following assessment criteria:”.

231. In Appendix L, after the table following paragraph 4, insert:

“4A. The Designated Competent Body will advise the Home Office whether or not it endorses the applicant. If the applicant is judged by the Designated Competent Body to have met the published eligibility criteria for consideration as well as assessed to have met the assessment criteria to a level considered demonstrable of a world leader in their field or a potential world leader in their field then the Designated Competent Body will endorse the applicant. If the applicant is judged by the Designated Competent Body not to have met the eligibility criteria or assessed not to have met the assessment criteria to a level considered demonstrable of a world leader in their field or a potential world leader in their field, then the Designated Competent Body will not endorse the applicant.”

232. In Appendix L, at the end of paragraph 7, insert new sub-paragraph:

“A document in this context is defined as a single article, review, letter, etc. If more than the permitted ten documents are submitted, only the first ten documents listed will be considered; additional evidence in excess of the permitted ten documents will be disregarded.”

233. In Appendix L, delete paragraph 8(c)(ii), including the list of awards following, and substitute:

“(ii) having achieved one of the following combinations:

- (1) won a minimum of two,
- (2) won one, and, within the last five years before the date of application, have been nominated for one other, or
- (3) within the last three years before the date of application, have been nominated for a minimum of three,

of the following Notable Industry Recognition Awards:

- Akil Koci Prize



- American Academy of Arts and Letters Gold Medal in Music
- Angers Premiers Plans
- ARIA Music Awards (Australian Recording Industry Association)
- ASCAP awards (American Society of Composers, Authors and Publishers)
- Australian Academy of Cinema and Television Arts (AACTS)
- Awit Awards (Philippine Association of the Record Industry)
- BAFTA Cymru
- BAFTA Games Awards
- BAFTA Interactive Awards
- BAFTA Scotland
- BAFTA Television Craft Awards
- Berlin International Film Festival
- BET Awards (Black Entertainment Television, United States)
- BFI London Film Festival
- Brit Awards
- British Composer Awards – For excellence in classical and jazz music
- Brooklyn International Film Festival
- Cannes International Film Festival / Festival de Cannes
- Chicago International Film Festival
- Cinema Jove International Film Festival
- Classic Rock Roll of Honour Awards – An annual awards program bestowed by *Classic Rock*
- Comet (Viva, Germany)
- Cork International Film Festival
- Country Music Awards of Australia (Country Music Association of Australia)
- DICE Awards organised by the Academy of Interactive Arts and Sciences
- Directors Guild of America Award
- Distinguished Service to Music Medal (Kappa Kappa Psi) – For exceptional service to American bands and band music
- Echo (German Phonographic Academy)
- Edinburgh International Film Festival
- Ernst von Siemens Music Prize

- Fédération Internationale de la Presse Cinématographique or International Film Critics Award given by the International Federation of Film Critics
- GDC Awards
- George Peabody Medal (Peabody Institute)
- Gold Badge Awards – For outstanding contributions to the music and the entertainment industry of the United Kingdom
- Golden Melody Awards (Taiwan)
- Grammy Awards
- Grand Prix du Disque (France)
- Grawemeyer Award for Music Composition
- IGF Awards
- Independent Music Awards
- Independent Spirit Awards
- International Film Music Critics Association Awards
- Ivor Novello Awards
- Juno Awards (Canadian Academy of Recording Arts and Sciences)
- Latin Grammy Award (Latin Academy of Recording Arts & Sciences)
- Léonie Sonning Music Prize (Léonie Sonning Music Foundation)
- Locarno Film Festival
- Los Premios MTV Latinoamérica – Previously known as MTV Video Music Awards Latinoamérica (MTV)
- Melbourne International Film Festival
- Mercury Prize
- MTV Music Awards (MTV)
- Otaka Prize – An annual composition prize for Japanese composers
- Polar Music Prize
- Praemium Imperiale
- Preis der deutschen Schallplattenkritik – For achievement in recorded music
- Prix de Rome
- Pulitzer Prize for Music
- Raindance Film Festival
- Rolf Schock Prize in Musical Arts
- Rotterdam International Film Festival
- Sanremo Music Festival (Italy)
- Sao Paulo International Film Festival
- Satellite Awards

- Saturn Awards
- Sibelius Prize
- South by Southwest Film Festival
- Stockholm International Film Festival
- Sundance Film Festival
- Suntory Music Award (Japan)
- Sydney Film Festival
- The Annime Awards
- Toronto International Film Festival
- Tribeca Film Festival
- Venice International Film Festival
- Visual Effects Society Awards
- Women in Film and Television Awards
- Writers Guild Awards of Great Britain
- Writers Guild of America Awards”

234. In Appendix L, delete the table following paragraph 9 and substitute:

“

<b>Letters of endorsement for exceptional talent and exceptional promise</b>
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<p>The applicant must provide <b>3</b> letters of endorsement (as described in paragraph 9 above).</p>
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- |  |
|--|
| <ul style="list-style-type: none"> <li>• The <b>first letter</b> must be from a <b>UK based</b> arts or cultural organisation, institution or company which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field.</li> <li>• The <b>second letter</b> must be from another arts or cultural organisation, institution or company which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field. This second organisation may be UK or overseas based.</li> <li>• The <b>third letter</b> may be <b>either</b> from a third arts or cultural organisation, institution or company (UK or overseas based) which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field <b>or</b> from an eminent individual with internationally recognised expertise in the applicant's specialist field.</li> </ul> |
|--|

”

235. In Appendix M, after paragraph 1, insert:

- “2. Each Governing Body may only endorse applicants in the Tier(s) specified in the table.”

236. In Appendix M, delete the table and substitute:

“

<b>Sport</b>	<b>Governing body</b>	<b>Tiers</b>
Archery	Grand National Archery Society	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Athletics	UK Athletics	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Badminton	Badminton England	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Badminton	Badminton Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Baseball	BaseballSoftball UK	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Basketball	Basketball England	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Basketball	Basketball Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Boxing	British Boxing Board of Control	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Canoeing	British Canoeing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Chinese Martial Arts	British Council for Chinese Martial Arts	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	England and Wales Cricket Board (ECB)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	Cricket Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	Cricket Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Curling	Royal Caledonian Curling Club	Tier 2 (Sportsperson)
Cycling	British Cycling	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Equestrianism	British Horse Society	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker

		– Creative and Sporting)
Fencing	British Fencing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey England	England Hockey	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Scotland	Scottish Hockey Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Wales	Welsh Hockey Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Ireland	Irish Hockey Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football England	The Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Scotland	Scottish Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Wales	The Football Association of Wales	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Northern Ireland	Irish Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Gymnastics	British Gymnastics	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Handball	British Handball Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Ice Hockey	Ice Hockey (UK)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Ice Skating	National Ice Skating Association of Great Britain and Northern Ireland	Tier 5 (Temporary Worker – Creative and Sporting)
Jockeys and Trainers	British Horseracing Authority	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Judo	British Judo Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Kabbadi	England Kabaddi Federation (UK)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker

	Registered	– Creative and Sporting)
Karate	Scottish Karate	Tier 5 (Temporary Worker – Creative and Sporting)
Lacrosse	English Lacrosse	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Motorcycling (except speedway)	Auto-cycle Union	Tier 2 (Sportsperson)
Motorsports	The Royal Automobile Club Motor Sports Association Ltd	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Welsh Netball Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	England Netball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Netball Northern Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Netball Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Polo	Hurlingham Polo Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rowing	British Rowing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby League	Rugby Football League	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union England	Rugby Football Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Scotland	Scottish Rugby Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Wales	Welsh Rugby Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Ireland	Ulster Rugby	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Sailing, windsurfing and powerboating	Royal Yachting Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Shooting	British Shooting	Tier 2 (Sportsperson) and

		Tier 5 (Temporary Worker – Creative and Sporting)
Snooker	World Snooker	Tier 2 (Sportsperson)
Speedway	British Speedway Promoters Association	Tier 2 (Sportsperson)
Squash and racketball	England Squash and Racketball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Swimming, water polo, diving and synchronised swimming	British Swimming	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Table Tennis	English Table Tennis Federation	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Taekwondo	GB Taekwondo	Tier 2 (Sportsperson)
Tennis	Lawn Tennis Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Triathlon	British Triathlon	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Water Skiing	British Water Ski	Tier 5 (Temporary Worker – Creative and Sporting)
Wheelchair Basketball	British Wheelchair Basketball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Wrestling	British Wrestling Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Yoga	The British Wheel of Yoga	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

”

237. In Appendix N, after the “Encouraging Dynamic Global Entrepreneurs” scheme, insert a new entry as follows:

“

Engineering work placement scheme	This scheme offers overseas engineering students (both undergraduates and graduates) short work experience opportunities with engineering companies in the UK.	Twin Training International	Work experience programme Maximum 12 months	UK
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”

238. In Appendix N delete the schemes below as these have now been included in a single scheme operated by Hanban UK Ltd.

- “Mandarin Teachers Programmes – London Southbank University”
- “Mandarin Teaching Programme – Scotland – University of Edinburgh”
- “Mandarin Teachers Programme – Scotland – Strathclyde University”
- “Mandarin Teachers Programme – University of Ulster”

239. In Appendix N after “Scottish Government Interchange Scheme”, insert a new entry as follows:

“

<p>Scottish Schools Education Research Centre (SSERC)</p> <p>Work Exchange programme with China</p>	<p>Offers employees of the Educational Equipment Research and Development Centre (EERDC) in China to come to Scotland to share best practices and educational resources with their Scottish counterparts and to develop new educational resources</p>	<p>Scottish Schools Education Research Centre (SSERC)</p>	<p>Work experience programme</p> <p>Maximum 12 months</p>	<p>Scotland</p>
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240. In Appendix N, delete the “Sponsored Scientific Researcher Initiative” scheme, and replace with the amended entry below:

“

<p>Sponsored Scientific Researcher Initiative</p>	<p>This scheme enables organisations to engage overseas postgraduate scientists in formal research projects and/or collaborations within an internationally recognised host institute/laboratory for sharing knowledge, experience and best practice, and enabling the</p>	<p>UK Shared Business Services Limited (UKSBS)</p>	<p>Research &amp; Training Programmes</p> <p>Maximum 24 months</p>	<p>UK</p>
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	individual to experience the social and cultural life of the United Kingdom			
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”

241. In Appendix O, in the last column of each of the two rows of the table containing the “Integrated Skills in English” test and the “Graded Examinations in Spoken English” test, both awarded by Trinity College London, insert new paragraph at the end:

“For tests taken on or after 6 November 2014: Certificate as above which must also state “SELT Centre” on the test certificate and the test must be able to be verified on the online verification tool.”

242. In Appendix P, delete Table 1 and substitute:

**“Table 1: Financial institutions whose financial statements are accepted – Cameroon**

<b>Name of Financial Institution</b>
Afriland First Bank
Banque Atlantique du Cameroun (BAC)
BGFI Bank Cameroun
BICEC
CITIBANK NA Cameroon
Commercial Bank of Cameroon
Credit Agricole – Societe Commerciale de Banque (CA-SCB)
Ecobank Cameroun (EBC)
National Financial Credit Bank
SGBC
Standard Chartered Bank Cameroun (SCBC)
Union Bank of Cameroon Ltd (UBC)
United Bank For Africa Cameroun Plc (UBAC)

”

243. In Appendix P, delete Table 4 and substitute:

**“Table 4: Financial institutions whose financial statements are accepted – Ghana**

<b>Name of Financial Institution</b>
Access Bank (Ghana) Ltd
Agricultural Development Bank Ltd
ARB Apex Bank
Bank of Africa (Gh) Ltd
Bank of Baroda (Ghana) Ltd
Barclays Bank of Ghana Ltd
BSIC Ghana Ltd

CAL Bank Ltd
Citibank NA Ghana
Ecobank Ghana Ltd
Energy Bank (Ghana) Ltd
Fidelity Bank Ghana Ltd
First Atlantic Bank Ltd
First Capital Plus Bank Limited
Ghana Commercial Bank Limited
Ghana International Bank Plc
Guaranty Trust Bank (Ghana) Ltd
HFC Bank Ltd
International Commercial Bank Ltd
Merchant Bank (Ghana) Ltd
National Investment Bank Ltd
Prudential Bank Ltd
The Royal Bank Ltd
SG-SSB Ltd
Stanbic Bank Ghana Ltd
Standard Chartered Bank Ghana Limited
uniBank Ghana Ltd
United Bank for Africa (Ghana) Ltd
UT Bank Ltd
Zenith Bank (Ghana) Ltd

”

244. In Appendix P, in Table 11, delete the entry “International Finance Investment and Commerce Bank Limited”.

245. In Appendix P, in Table 11, delete the entry “Standard Bank Limited”.

246. In Appendix P, in Table 12, after the entry “Eastern Bank Limited”, insert new entry “International Finance Investment and Commerce Bank Limited”.

247. In Appendix P, in Table 12, after the entry “Pubali Bank Limited”, insert new entry “Standard Bank Limited”.

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**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
PRESENTED TO PARLIAMENT ON 16 OCTOBER 2014 (HC 693)**

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:

- Set out the rules on when and how a person may apply to the Home Office to have a casework error in an immigration decision corrected through a process of administrative review;
- Make minor changes and clarifications to the Immigration Rules relating to family and private life;
- Make changes to the validation rules to support improved clarity, consistency with other Immigration Rules and customer service. Changes will ensure applicants are afforded an opportunity to remedy errors or omissions which would render their application invalid and provide the Home Office with greater flexibility over which services can be offered at premium service centres;
- Increase flexibility for applicants in the Tier 1 (Exceptional Talent) category, including 5-year grants of leave;
- Make changes to improve the benefits of the Tier 1 (Investor) category to the UK, following a review by the Migration Advisory Committee;
- Prevent Tier 1 (Entrepreneur) applicants within the UK relying on funds which are outside the UK;
- Apply a genuine vacancy assessment to Tier 2 (Intra-Company Transfer) and Tier 2 (General) applications;
- Clarify the requirements for Tier 4 (General) students who wish to undertake study or research for which an Academic Technology Approval Scheme certificate is needed;
- Set the annual allocation of places for participating countries on the Youth Mobility Scheme for 2015;
- Update the list of Tier 5 Government Authorised Exchange schemes;
- Make changes to the Immigration Rules in relation to transit passengers who enter the UK in transit;

- Clarify which individuals can accompany an Academic Visitor to the UK as a General Visitor;
- Create a new provision within the General Visitor route for individuals acting as an organ donor, or to be assessed as a suitable organ donor, to a recipient in the UK;
- Provide flexibility within the Business Visitor route to allow: scientists and researchers to collaborate on an international project that is being led from the UK; overseas lawyers to advise UK clients; and graduates of an overseas nursing school to take an Objective Structured Clinical Examination in the UK;
- Provide more flexibility for Private Medical visitors to apply for entry clearance for up to 11 months where their treatment is likely to be longer than six months; and clarify the period of leave granted for extensions as Private Medical visitors;
- Strengthen the Rules for visitors coming to the UK to marry or to form a civil partnership to prevent an individual using this route to take part in a sham marriage or a sham civil partnership in the UK;
- Clarify the current Overseas Domestic Worker in a Private Household rules to prevent repeat visits that amount to de facto residence, providing protection against exploitation to workers and harmonising the requirement with that applying to general visitors;
- Remove the provisions for Commonwealth Games Family Members now the Commonwealth Games has ended; and
- Make other minor changes and updates.

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

3.1. The Home Office regrets that it has not been possible to give the usual 21 days' notice before some of these changes take effect. This is because the new rules on administrative review are being brought into effect on the same day that section 15 of the Immigration Act 2014 comes into force for some applicants, and a similarly reduced notice period is being given for the commencement of section 15, which will come into force on 20th October 2014. Section 15 substitutes a new section 82 into the Nationality, Immigration and Asylum Act 2002, which sets out new rights of appeal to the First-tier Tribunal. The effect of the commencement of section 15 will be to remove the right of appeal for certain persons who have been refused further leave to remain under Tier 4 of the Points Based System where the application is made on or after 20th October 2014. The new rules changes will introduce a right for these Tier 4 applicants to apply for an administrative review, as set out in this Statement of Changes.

3.2. The reason for the reduced notice period is to prevent a surge in applications by Tier 4 applicants seeking to preserve their right of appeal. Usually, applications for further leave should be submitted shortly before leave is due to expire, but there are concerns that if there is a significant time period between the date announcing the commencement of section 15 and the date of coming into force, then a large volume of applicants for leave to remain may make their application early to attempt to preserve their right of appeal. The right of appeal can be used as a means of delaying departure from the UK because appeals take several months to conclude, irrespective of whether there is merit in the grounds of appeal, whereas the new administrative review process will be quick.

3.3. The Committee is invited to note that this Statement of Changes is accompanied by amended guidance which is being published on the visas and immigration pages of the GOV.UK website [www.gov.uk/visasimmigration](http://www.gov.uk/visasimmigration) in time for the changes coming into effect.

#### **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 visas and immigration pages of the GOV.UK website at [www.gov.uk/government/collections/immigration-rules](http://www.gov.uk/government/collections/immigration-rules) where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3. The changes set out in this Statement of Changes concerning administrative review give effect to a commitment made during the passage of the Immigration Bill through Parliament to introduce these measures. In October 2013 a statement of intent on administrative review was published<sup>1</sup> which sets out the commitments made to Parliament. The new rules deliver on the commitment to provide persons whose immigration applications have been refused, and who no longer have a right of appeal against that refusal, with the opportunity to have casework errors corrected by administrative review.

4.4. The changes set out in paragraphs 1, 7, 18, 64, 66, 97 to 98, 100 to 109, and 168 shall take effect from 20 October 2014.

4.5. The changes set out in paragraphs 2 to 5, 19, 70 to 96, 110, 164, 171, 185 to 211, and 214 to 226 shall take effect from 6 November 2014.

4.6. The changes set out in paragraphs 6, 8 to 17, 20 to 22, 26 to 63, 65, 67 to 69, 99, 111 to 163, 165 to 167, 169 to 170, 172 to 184, 213, and 227 to 247 shall take effect from 6 November 2014, save that if an application has been made for entry

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<sup>1</sup> <https://www.gov.uk/government/publications/immigration-bill-part-2-appeals>

clearance or leave to enter or remain before 6 November 2014, the application will be decided in accordance with the Rules in force on 5 November 2014.

4.7. The changes set out in paragraphs 23 to 25 shall take effect from 1 December 2014.

4.8. The changes set out in paragraph 212 shall take effect from 1 January 2015.

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

5.1. This Statement of Changes 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:

#### *Administrative review*

7.2. Administrative review will be available for persons refused leave to remain where they do not have a right of appeal. The new administrative review process will resolve case-working errors and will do so more quickly than the appeals process it replaces. The reviewer will be a different person from the original decision maker. The Home Office service standard is to determine an administrative review application within 28 days whereas the average time for a Points Based System appeal to be concluded is 12 weeks.

7.3. The Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014 sets out the first phase of the implementation of the changes to rights to appeal. From 20 October 2014, the changes made by section 15 of the 2014 Act, which amends rights of appeal, will apply to persons who seek leave to remain as a Tier 4 migrant under the Points Based System as well as to partners and children of Tier 4 migrants. Only these same persons will be eligible for administrative review so paragraph AR3.2 of new Appendix AR of the Immigration Rules replicates the commencement order when describing who is eligible for administrative review. When the application of section 15 is broadened to further categories of persons in future commencement orders, paragraph AR3.2 will be amended accordingly.

7.4. Paragraph AR3.4 of Appendix AR sets out the list of case working errors that can be considered under administrative review. Persons applying for administrative review will be asked which of these they believe apply to their decision and to explain why. Additionally, paragraph AR2.3 confirms that if the caseworker considering the

application for administrative review identifies an error that was not identified by the applicant, the caseworker will also correct this matter.

7.5. Paragraph AR2.4 of Appendix AR prohibits new evidence from being considered when applying for administrative review subject to some exceptions. The reason for this is that administrative review is not designed to enable people to correct omissions in their original application for leave to enter or remain.

7.6. The possible outcomes of an administrative review are set out at paragraph AR2.2 of Appendix AR. The original decision under review may be withdrawn, in which case the application fee will be refunded<sup>2</sup> and leave to remain may be granted. If the original decision remains in force, the decision may continue to stand as it is, have a reason for refusal withdrawn or have additional reasons given. While usually it is only possible to have an administrative review application considered once in respect of an eligible decision (see paragraph 34M), if the outcome of the review is that additional reasons for refusal are given, as set out in paragraph AR2.2(d), then a further application for administrative review may be made.

7.7. Where someone with leave to enter or remain has made an application to vary their leave, but their existing leave expires before the application is determined, their leave is statutorily extended by the operation of section 3C of the Immigration Act 1971. Paragraph 21 of Schedule 9 to the Immigration Act 2014 amends section 3C so that leave is also extended while an application for administrative review is pending. Paragraph AR2.9 of Appendix AR sets out when an administrative review is pending, and thus at what point extended leave to enter or remain is brought to an end.

7.8. New paragraph 34L of the Immigration Rules requires the Home Office to give notice to persons of their right to apply for administrative review where an eligible decision has been given. This measure is similar to the duty that exists to give persons notice of rights of appeal that exists elsewhere in secondary legislation<sup>3</sup>.

7.9. New paragraphs 34M to 34Y of the Immigration Rules set out the technical process that needs to be followed for making a valid application for administrative review. These largely replicate rules on making valid applications for leave to remain. Paragraph 34R sets out the time limits that apply to make an application for administrative review following receipt of an eligible decision. A time limit of 14 calendar days applies. A reduced time limit of 7 calendar days applies to those in immigration detention.

7.10. Consequential changes are being made to the Immigration Rules which reflect the changes to appeal rights brought about by the Immigration Act 2014. These include, where appropriate, deleting reference to appeal rights and substituting or adding reference to administrative review.

7.11. On 20 October, in addition to bringing the new Act into force for persons applying for leave to remain under Tier 4, the appeals provisions in the Act will also apply to foreign criminals and their family members. There will no longer be a right

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<sup>2</sup> Administrative review fee refunds are found in paragraph 3(4) to schedule 6 of Immigration and Nationality (Cost Recovery Fees) Regulations 2014 (SI 2014/581) as amended (SI 2014/2398)

<sup>3</sup> See the Immigration (Notices) Regulations 2003 (SI 2003/658)



of appeal against deportation, nor will there be an administrative review. However, foreign criminals may make an application for leave to remain based on a protection or human rights claim for which there will continue to be a right of appeal if such a claim is refused. There are consequential amendments to the Immigration Rules which delete or amend references to appeals.

### ***Changes relating to the validation of immigration applications***

7.12. The changes to the validation rules support improved clarity, consistency with other Immigration Rules and customer service. The following changes are being made:

- Providing applicants with an opportunity to remedy errors or omissions which would render their immigration application invalid. This will prevent those applicants who submit an invalid, but in-time, application from becoming out of time.
- Remove the list of permitted in-person application types for premium service centres from the Rules and reference the GOV.UK website where this list will be available. This will allow the Home Office to make changes to the services it offers at premium service centres more quickly.
- Allow dependants over the age of 18 to be included on an application where this is permitted by the Rules of the route to which they are applying.
- Clarify that postal applications must be sent to the address specified on the application form.

### ***Changes relating to General Visitors***

7.13. Changes are being made to align the Immigration Rules with UK Visas and Immigration's practice to confirm that a child, spouse or partner of an Academic Visitor can accompany them to the UK as General Visitors.

7.14. Currently visitors acting as organ donors to recipients in the UK with private healthcare enter as Private Medical Visitors, and visitors acting as organ donors to recipients who are receiving treatment on the National Health Service are assessed outside the Immigration Rules. A new provision is being introduced within the General Visitor route to accommodate visitors who are coming to the UK to act as an organ donor, or to be assessed as a suitable organ donor, to an identified recipient in the UK. This provision will provide greater clarity for applicants and caseworkers.

### ***Changes relating to Business Visitors***

7.15. The Business Visitor route enables individuals to carry out a wide range of permitted activities in the UK, provided they remain paid and employed overseas. Changes are being made to include new activities as follows:

- a. allowing scientists and researchers to share knowledge, expertise and advice on an international project which is being led by the UK,

provided the visitor is not carrying out research that should be undertaken on a Tier 5 (temporary worker) or Tier 2 (skilled work) visa;

- b. creating a provision for overseas lawyers, who are employees of international law firms which have offices in the UK, to provide direct advice to clients in the UK on litigation or international transactions provided they remain paid and employed overseas;
- c. allowing graduates of an overseas nursing school to be admitted as a Business Visitor in order to sit the Objective Structured Clinical Examination (OSCE) which is required before any overseas nurse can work in the UK under the Tier 2 route. This provision has been included in Part 3 of the Immigration Rules where similar provisions exist for medical graduates taking the Professional and Linguistic Assessments Board (PLAB) Test who are processed as Business Visitors.

#### ***Changes relating to Private Medical Treatment Visitors***

7.16. Currently visitors who are coming to the UK to receive private medical treatment can stay for up to six months. Certain types of medical treatment last for longer than six months so changes are being made to allow visitors to apply for a visa for up to 11 months at the outset where the visitor has provided evidence from a medical practitioner of the likely duration of their treatment.

7.17. Changes are being made to clarify that Private Medical visitors can extend their leave for a period of up to six months where there is an on-going need to receive private medical treatment in the UK.

#### ***Changes relating to Marriage/Civil Partnership Visitors***

7.18. Visitors can enter the UK to get married or form a civil partnership. They must have entry clearance for this purpose regardless of their nationality. A change is being made to ensure that a person coming to the UK cannot do so for the purpose of entering into a sham marriage or sham civil partnership.

#### ***Changes to visitors in transit***

7.19. These amendments to the Immigration Rules establish clear requirements to allow visa nationals to transit landside through the UK provided they hold a valid exemption document under the transit without visa scheme. By placing the provision in the Immigration Rules, ensuring the same rules and exemption document requirements apply to all visa nationals, we are replacing a concessionary arrangement which operated outside the Immigration Rules and which allowed some visa nationals to enter the UK without a visa whilst in transit purely on the basis of a confirmed onward ticket (and no exemption document) and required others to hold an exemption document. The transit without visa scheme provides greater clarity to passengers, airlines and immigration staff on the requirements for transiting landside without a visa and goes further than the previous arrangements by adding additional

documents to the list of documents that can be used to transit the UK landside without a visa. While most of the documents referred to in the transit without visa scheme were part of the previous concession, we are adding Irish biometric visas and Australian and New Zealand residence permits. These rules will come into force from 1 December to allow those affected by the changes (airlines, passengers and immigration staff) time to prepare for them.

### ***Changes to the Commonwealth Games Family Members***

7.20. The temporary provisions that were introduced for Games Family Members are being removed following the end of the Commonwealth Games.

### ***Changes to the Overseas Domestic Worker in a Private Household route***

7.21. Changes to the rules on Overseas Domestic Workers in a Private Household will prevent abuse by those who are living in the UK through frequent, successive visits, and provide added protection to workers against exploitation. The Overseas Domestic Worker route exists to allow employers resident overseas to be accompanied by their household staff on visits to the UK. A maximum stay of six months is permitted. There is already a requirement in the General Visitor Rules that prevents visitors from effectively living in the UK through making repeated or successive visits to the UK. The change will harmonise the requirements for Overseas Domestic Workers who must only come to the UK with a visitor. It will help protect workers against exploitation from employers who sponsor repeated visa applications and require them to remain in the UK for extended periods.

### ***Changes to the Immigration Rules relating to family and private life***

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

#### ***In respect of the minimum income threshold requirement under Appendix FM and Appendix FM-SE:***

- Allowing funds to be transferred from a type of investment account which does not count under the rules as an eligible account for cash savings (e.g. because the funds cannot be accessed immediately) to an eligible bank account within the period of 6 months prior to application.
- Allowing an academic stipend or grant to be counted as income where it is paid for at least one full academic year, as well as for a 12-month period.
- Clarifying that a sponsor or applicant living in the UK can, in calculating their employment or self-employment income, include work undertaken overseas.
- Enabling a self-employed person of state pension age (and therefore no longer paying Class 2 NI contributions) to demonstrate ongoing self-employment by alternative evidence, e.g. ongoing payment of business rates or of business-related insurance premiums.

- Ensuring that where an application relies on the income from employment in the UK of the sponsor and applicant, this must be calculated on the same basis for both parties for the purpose of the income threshold rules.
- Allowing an equity partner, e.g. in a law firm, to evidence their partnership income through a letter from an accountant, solicitor or business manager acting for the partnership.
- Clarifying how cash savings can be used in meeting a requirement for 'adequate' maintenance, where the applicant is exempt from the income threshold requirement. This change also applies to applicants under Part 8 (excluding an applicant who is a family member of a Relevant Points Based System Migrant).
- Clarifying that the official documentation to be provided by a person in receipt of a specified disability-related benefit or Carer's Allowance must relate to that person's current entitlement to it.

***In respect of partners and parents who need to meet an English language requirement for limited leave to enter or remain in the UK under Appendix FM, or partners needing to meet such a requirement in Part 8 or Appendix Armed Forces:***

- The provision that an applicant is not required to provide evidence of A1 level English if they have done so as part of a successful previous application as a partner or parent will not apply where a test certificate or result awarded to the applicant has been withdrawn by a provider such that it can no longer be relied upon. In those circumstances the applicant must provide a fresh test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it.
- Where the applicant submits a test certificate or result from a test provider no longer on the approved list, or past its validity date but for a test which remains approved, the rules set out the circumstances under which caseworkers may accept the certificate or result.

***In respect of Appendix FM and the private life rules from 9 July 2012:***

- Providing that where an applicant granted further leave to remain has extant leave at the date of decision, this may be added to the normal length of leave granted, up to a maximum of 28 days.
- Clarifying the indefinite leave to remain requirements for partners to make clear that applicants have to meet the eligibility requirements which apply to the 5-year route to settlement or the 10-year route, not both.
- Adapting the provisions covering when an ECHR Article 8 claim will be considered without a valid application to take account of the implementation of the appeals reforms under the Immigration Act 2014.

- Clarifying that an Article 8 claim against removal has only to be considered against the requirements for the 10-year partner, parent and private life routes.
- Clarifying that, in Appendix FM as under Part 8, the partner of a member of HM Diplomatic Service or of a comparable UK-based staff member of the British Council, the Department for International Development or the Home Office on an overseas tour of duty can serve their probationary period overseas once they have been here to trigger the start of that period. There is an addition to Appendix FM-SE in respect of the specified evidence required.
- Amending the definition of “independent life” (which means an adult child here can no longer depend on their sponsor’s immigration status and must apply to remain in their own right) to take account of scenarios where the sponsor is permitted to be a relative other than a parent.

***In respect of the Part 8: pre-9 July 2012 rules for partners and parents; and the current rules for some child applicants***

- Ensuring that the child of a refugee sponsor can apply for further limited leave to remain in line with their sponsor if the latter is refused indefinite leave to remain.
- Ensuring that the transitional arrangements for Part 8 cannot be relied upon by an applicant granted under Part 8 whose partner has since changed; or by an applicant aged 18 or over with previous Part 8 leave who has since been granted leave under another part of the rules or refused leave under Appendix FM, Appendix Armed Forces or the new private life rules.
- Clarifying that a person cannot be granted further limited leave to remain as a partner (other than a person applying as a family member of a relevant Points Based System Migrant) under Part 8 unless they have met or remain exempt from the requirement for A1 level English.
- Clarifying that a person with continuous leave both under Part 8 and the new family and private life rules can count this towards long residence but not towards the probationary period for indefinite leave to remain under the new rules.

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

7.23. Tier 1 of the Points-Based System caters for high value migrants, and currently consists of four categories: Tier 1 (Exceptional Talent), Tier 1 (Entrepreneur), Tier 1 (Investor) and Tier 1 (Graduate Entrepreneur). It also includes the Tier 1 (General) category, which was closed to new applicants in April 2011 but remains open for extension applications until April 2015 and indefinite leave to remain applications until April 2018.

7.24. 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:

- A change is being made so that successful applicants will be granted 5 years' leave (rather than 3 years'). This will increase flexibility for applicants and reflects a similar change introduced for Tier 2 applicants in April this year (see HC 1138).
- The English language requirement is being removed for extension applications in this category. This is consistent with introducing a 5-year grant period, as some applicants will no longer need to apply for extensions. It also mitigates against the possibility of an otherwise exceptionally talented individual leaving the UK because they did not meet a language requirement. The knowledge of language and life in the UK requirement will continue to apply for indefinite leave to remain applications.
- Changes are being made to the criteria applied by Designated Competent Bodies when considering endorsements for applicants:
  - Minor clarifications are being made to the criteria applied by The Royal Society, The Royal Academy of Engineering and The British Academy.
  - The criteria applied by The Arts Council are being amended to clarify the documentary requirements and align the letter requirements for "exceptional talent" and "exceptional promise", enabling both standards to be assessed in a single application.
  - The criteria and list of notable industry awards are being expanded for applicants in the film, television, animation, post-production and visual effects industry, on the advice of the Producers Alliance for Cinema and Television (PACT), who assess such applicants on behalf of The Arts Council.

7.25. The Tier 1 (Investor) category caters for high net worth individuals making a substantial financial investment to the UK. This category was recently reviewed by the Migration Advisory Committee and their report was published on 28 February 2014. The following changes are being made to this category, partially in response to that report:

- The current £1 million minimum investment threshold is being raised to £2 million.
- A change is being made to require the full investment sum to be invested in prescribed forms of investments (share or loan capital in active and trading UK companies, or UK Government bonds), rather than 75% of the sum as at present).
- The current requirement that the migrant's investment must be "topped up" if its market value falls is being removed; instead Tier 1 (Investor) Migrants will only

need to purchase new qualifying investments if they sell part of their portfolios and need to replace them in order to maintain the investment threshold.

- The existing provision under which the required investment sum can be sourced as a loan is being removed.
- Transitional arrangements are being applied, so that Tier 1 (Investor) Migrants who have already entered the route before these changes are introduced will not be subject to these changes when they apply for extensions or for indefinite leave to remain.
- Entry Clearance Officers and UK Visas & Immigration caseworkers are being empowered to refuse a Tier 1 (Investor) application if they have reasonable grounds to believe that:
  - the applicant is not in control of the investment funds;
  - the funds were obtained unlawfully (or by means which would be unlawful if they happened in the UK); or
  - the character, conduct or associations of a party providing the funds mean that approving the application is not conducive to the public good.

7.26. 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. This category has the potential to benefit the UK economy but has been heavily abused in recent years. The following changes are being made to this category:

- For applications made in the UK, a new requirement is being added that the funds to be invested in the business must also be in the UK, to assist in verifying that the funds are genuine.
- A change is being made to require applicants for indefinite leave to remain to show they have invested their funds, if they have not been required to do so in a previous application. This change will apply to applicants for accelerated indefinite leave to remain, who have not made an extension application before applying for indefinite leave.
- A number of technical clarifications are being made to evidential requirements relating to funding held in joint accounts, multiple bank accounts, or another business.
- Clarifications are also being made to the evidential requirements where an applicant has already established a business, to the job creation requirements for indefinite leave to remain, and to the definitions of “Venture Capital firms”, “new businesses” and “property development or property management”. These clarifications are being made due to various enquiries on these subjects.

7.27. 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 applications until April 2015 and indefinite leave to remain applications until April 2018.

7.28. A change is being made to this category to adjust the grant periods for Tier 1 (General) extensions to either 3 years (as at present) or the balance the applicant needs to take their time in the category to 5 years, whichever is longer. This allows for applicants to accrue 5 years in the category before the closing date, even if their original grant was delayed due to a refusal and appeal. The Home Office will assess what provisions are needed for indefinite leave to remain applications once all extension applications have been processed after April 2015, and will consider making adjustments in a future Statement of Changes.

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

7.29. 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 Sports person. The following changes are being made to Tier 2:

- An assessment of whether a genuine vacancy exists is being added to Tier 2 (Intra-Company Transfer) and Tier 2 (General). This change empowers Entry Clearance Officers and caseworkers to refuse applications where there are reasonable grounds to believe that the job described by the sponsor does not genuinely exist, has been exaggerated to meet the Tier 2 skills threshold, or (in respect of Tier 2 (General)) has been tailored to exclude resident workers from being recruited, or where there are reasonable grounds to believe that the applicant is not qualified to do the job.
- An existing requirement in the published guidance for Sponsors is that Tier 2 Migrants cannot be sponsored to fill a position, undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor. This requirement is being replicated in the Immigration Rules for transparency and completeness. This also enables applications by individuals for entry clearance or leave to remain, and applications by Sponsors for Restricted Certificates of Sponsorship, to be refused in line with any wider compliance action relating to the Sponsor in question.
- Provisions relating to overseas nurses and midwives are being amended, to reflect changes in practice by the Nursing and Midwifery Council (NMC).
- A change is being made to the Tier 2 (General) provisions for extension applications where the applicant is continuing to work in the same occupation for the same sponsor. Such applicants are exempt from the Resident Labour Market Test. Currently the exemption only applies if the applicant still has current leave as a Tier 2 (General) Migrant when they make their extension application. The change will enable them to benefit from the extension if their previous leave as a Tier 2 (General) Migrant expired no more than 28 days before they make their extension application.



- A temporary provision, dating back to 2009, waiving the £20,500 minimum salary threshold where companies are reducing their employees' hours in order to avoid redundancies, is being removed. This was introduced in response to the economic situation at the time and was only ever intended to be a short term measure.
- 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 2014 but is being extended to 6 April 2015 while ongoing technical issues are resolved.
- It is not possible for applicants to switch from the Tier 2 (Intra-Company Transfer) category to other Tier 2 categories within the UK, unless they entered under the Tier 2 (Intra-Company Transfer) rules in place before 6 April 2011. A drafting error meant that the time spent in Tier 2 (Intra-Company Transfer) counted towards the maximum period of 6 years that applicants may spend in other Tier 2 categories. This is being corrected.
- An amendment is being made to the conditions of leave for Tier 2 (Sportsperson) migrants, enabling them to take additional employment as a sports broadcaster, in line with the conditions for sportspeople in the Creative and Sporting sub-category of the Tier 5 (Temporary Worker) category.

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

7.30. Paragraphs 245ZV(da) and 245ZX(ea) of the Rules require that Tier 4 (General) Students applying for a visa or an extension of stay who want to undertake a course at a Higher Education Institution in a discipline set out in Appendix 6 of the Rules hold a valid Academic Technology Approval Scheme (ATAS) certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office.

7.31. We are amending the Rules to make clear that a new ATAS certificate must be obtained if the course content changes, the course end date is postponed significantly, or if the student wants to start a new course that requires ATAS clearance.

#### ***Changes to Tier 5 Youth Mobility Scheme***

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

7.33. On the Youth Mobility Scheme, the annual allocations for participating countries on the scheme are being set for 2015. There is an increase in the allocations

for New Zealand (16%) since it attracted a higher number of British youths under its reciprocal scheme in 2013, than in the previous year.

7.34. Under the Government Authorised Exchange category, we are adding two work experience schemes: the first is an exchange between the Scottish Schools Education Research Centre (SSERC) and the Development Centre, Ministry of Education in China (EERDC), which enables teachers to support school educators in both Scotland and China through sharing knowledge and best practice on educational resources. The second is a scheme administered by Twin Training International that offers work experience opportunities to overseas engineering students (under-graduates and graduates). As with all Government Authorised Exchange schemes, the activities that participants undertake are strictly supernumerary and skilled at level 3, or above, on the UK's National Qualifications Framework. National Minimum Wage legislation also applies.

7.35. We are removing four Mandarin Teacher's schemes which are now part of the overarching Mandarin Teacher scheme that is administered by Hanban UK Ltd. This overarching scheme operates with all UK Confucius Institutes and Classrooms and provides greater consistency regarding the administration of work placements for Hanban teachers.

7.36. Other minor amendments are being made to the sponsor's details for the Sponsored Scientific Researcher scheme.

### ***Cross-cutting changes***

7.37. We are clarifying the meaning of "non-national travel document".

7.38. Sports players and coaches applying in Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting) must be endorsed by the relevant UK governing body for their sport. Each governing body is responsible for determining whether they may issue endorsements for the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting) routes. Given that several governing bodies do not issue endorsements for both routes, a change is being made to the table of governing bodies to include information on which Tier(s) each body may endorse applicants in.

7.39. Three routine updates are also being made to the contents of the list of sports governing bodies: reflecting the name change of "British Canoe Union" to "British Canoeing", the removal of Volleyball England from the list, and the addition of Scottish Karate to the list.

7.40. A change is being made to the list of Secure English Language Test (SELT) providers in relation to tests offered by Trinity College London. This provider has reduced the number of its centres which offer SELTs. The change requires that for a SELT to be accepted, the certificate must confirm that it was taken at a SELT centre.

7.41. Routine updates are being made to the lists of financial institutions in Bangladesh, Cameroon and Ghana from which statements are, or are not, accepted.

7.42. A handful of minor drafting errors are being corrected.

### ***Changes to Appendix Armed Forces to the Immigration Rules***

7.43. An amendment to paragraph 2(ja)(i) and (ii) clarifies that Relevant Civilian Employees are employed by an individual NATO force rather than by NATO as an organisation.

7.44. Changes to paragraphs 61C, 61E, 65 and 67 will allow us to grant the maximum five years leave to civilian employees of a NATO force and dependants of exempt visiting forces and civilian employees of a NATO force where the initial period on their movement orders or posting letter is shorter. This is to prevent the disruption and expense of renewal.

7.45. Changes to paragraph 61D will allow applicants to take up employment as a Relevant Civilian Employee without seeking entry clearance in that capacity where they entered as an exempt member of a visiting force.

7.46. Changes to paragraph 66 prevent dependants of armed forces who are subject to control from switching into that category in country, in line with their sponsor.

7.47. Changes to paragraphs 62(b), 64 and 66 will permit Relevant Civilian Employees and exempt visiting forces to sponsor dependants other than partners and children where these are covered by legislation and named on the sponsor's movement order or posting letter.

### ***Part 9***

7.48. A change to paragraph B320(2) will bring the general grounds for refusal for Part 9A of Appendix Armed Forces into line with those for Parts 9A and 10 and allows entry clearance to be refused where an applicant cannot satisfy an Immigration Officer that he or she will be admitted to another country after a stay in the UK.

### ***Changes to Appendix Knowledge of Language and Life***

7.49. The changes to applications for indefinite leave and the requirement to demonstrate knowledge of language and life in the UK make it clear that the Secretary of State may require an applicant to attend an interview and/or to retake the relevant examinations or tests in order to satisfy the Secretary of State that the knowledge of language and life requirement is met.

### ***Changes to Domestic Violence***

7.50. There are a number of changes to the provisions of the Rules which enable certain categories of applicant whose relationship breaks down as a result of domestic violence to apply for indefinite leave to remain. These changes clarify the existing eligibility criteria. There has been no change in policy.

## **8. Consultation**

8.1. Following a commitment given in Parliament during the passage of the Immigration Bill, a targeted consultation on the administrative review Immigration Rules was carried out in July and August 2014. In response to the consultation the following changes were made:

- The layout of the administrative review rules was changed in order to make them easier to follow.
- It was proposed that where a review was sought beyond the time limit, that this would only be allowed where there was serious illness or compassionate circumstances. In paragraph 34R an alternative test has been adopted to consider late applications where it would be unjust not to do so.
- It was proposed to only correct casework errors that would alter the outcome of the application but many of those consulted believed that someone accused of fraud, should be able to overturn the fraud finding even if there are other reasons to maintain the refusal. In paragraph AR2.2(c) of Appendix AR provision is now made for a decision of this sort.
- The definition of case working error originally only included a misapplication of the rules, but not the misapplication of guidance. In particular the university sector commented that various important concessions are only in guidance and not in the rules. Paragraph AR3.4(k) of Appendix AR now makes provision for the misapplication of policy or guidance.

8.2. The changes relating to Tier 1 (Investor) in this Statement follow a report by the Migration Advisory Committee (MAC) published on 28 February 2014 on the GOV.UK website. The MAC consulted widely in preparing its recommendations, and details of its consultation are set out in the report.

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

## **9. Guidance**

9.1. The online application form for submitting an administrative review application will provide guidance on how the application is to be made. Additionally there will be guidance for caseworkers on making administrative review decisions. This will be published on the GOV.UK website.

9.2. Guidance on other rules changes will be updated and placed on the GOV.UK website.

## **10. Impact**

10.1. The changes to appeal rights were subject to an impact assessment which can be found at:

<http://www.parliament.uk/documents/impact-assessments/IA13-24A.pdf>

The Immigration Rules on administrative review and the consequential amendments will have limited or no impact on business, charities, the public sector or voluntary bodies, such that an impact assessment is unnecessary.

10.2. All non administrative review 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. These changes will have limited or no impact on small businesses.

## **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 contact centre on 0300 123 2241, or as per the 'Contact UKVI' section on the visas and immigration pages of the GOV.UK website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

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 visa and immigration pages of the GOV.UK website at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>.