

# STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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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), 29 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (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

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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>

628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014 (HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078) and 20 July 2017 (HC 290).

## **Implementation**

The changes to Appendix M set out in paragraph M1., and to Appendix N set out in paragraph N2. of this statement shall take effect on 28 December 2017.

The changes to Appendix G set out in paragraph G1. of this statement shall take effect on 1 January 2018. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 1 January 2018, the application will be decided in accordance with the Immigration Rules in force on 31 December 2017.

The changes to Part 6A set out in paragraphs 6A.22 and 6A.23, to Appendix A set out in paragraphs A16. to A19., and to Appendix J set out in paragraphs J1. to J11. of this statement shall take effect on 11 January 2018. However, if an applicant has made an application for entry clearance or leave to remain using a Certificate of Sponsorship that was assigned to him by his Sponsor before 11 January 2018, the application will be decided in accordance with the rules in force on 10 January 2018.

The changes to Part 5 set out in paragraphs 5.13 to 5.15 and 5.18 to 5.19, to Part 7 set out in paragraphs 7.3 to 7.5 and 7.7, to Part 8 set out in paragraphs 8.20 and 8.36, and to Appendix Armed Forces set out in paragraph AF2. of this statement shall take effect on the commencement of Schedule 10 to the Immigration Act 2016.

The other changes set out in this statement shall take effect on 11 January 2018. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 11 January 2018, the application will be decided in accordance with the Immigration Rules in force on 10 January 2018.

## **Review**

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

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule

achieves its objectives and is still appropriate; and

- (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 6 April 2017; and
- (b) subject to the paragraph below, each successive period of five years.

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

“Relevant Rule” means an Immigration Rule which:

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

### **Changes to the Introduction**

Intro1. In paragraph 6, for “Department for Employment and Learning”, substitute “Department for the Economy”.

Intro2. In paragraph 6, for “Department of Employment and Learning”, substitute “Department for the Economy”.

Intro3. In paragraph 6, after the definition of “UK listed body”, insert:

“A “**state-funded school**” means a school maintained by a local authority, for schools in England and Wales; a public school as defined in the Education (Scotland) Act 1980, for schools in Scotland; and a grant-aided school as defined by The Education and Libraries (Northern Ireland) Order 1993, for schools in Northern Ireland.”.

Intro4. In paragraph 6, for the definition of “Student Union Sabbatical Officer”, substitute ““**Student Union Sabbatical Officer**” means a migrant who has been granted entry clearance under paragraph 245ZV or leave to remain under paragraph 245ZX, and has been elected to a full-time, salaried, executive union position. This position must be in the student union of the migrant’s sponsor institution or with the National Union of Students of the UK.”.

Intro5. In paragraph 6, in the definition of “Professional Sportsperson”, for “seeks” substitute “who the Secretary of State has reason to believe is seeking”.

Intro6. In paragraph 6, in the definition of “Professional Sportsperson”, after “unless they are doing so as an “Amateur””, insert “in a charity game”.

Intro7. After the definition of Professional Sportsperson in paragraph 6, insert:

“In the definitions of “Amateur” and “Professional Sportsperson”, “derive a living”, “paid” or similar references include payments made in kind.”.

Intro8. In paragraph 6, delete the definition of “relevant NHS regulations” and replace it with:

“relevant NHS regulations” means:

- (i) in Wales, the National Health Service (Charges to Overseas Visitors) Regulations 1989 (1989 No 306);
- (ii) in Scotland, the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 as amended (1989 No 364);
- (iii) in Northern Ireland, the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 (2015 No 227); or
- (iv) in England, the National Health Service (Charges to Overseas Visitors) Regulations 2015 (2015 No 238).

## **Changes to Part 1**

1.1 For paragraph 24 substitute:

“24. The following:

- (i) a visa national;
- (ii) a non visa national who is not a British national and is seeking entry for a period exceeding six months, or for purpose for which prior entry clearance is required under these Rules;
- (iii) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules,

must either:

- (i) produce to the Immigration Officer a valid passport or

other identity document endorsed with a United Kingdom entry clearance, issued to him for the purpose for which he seeks entry, which is still in force,

or:

- (ii) where he has been granted a United Kingdom entry clearance which was issued to him in electronic form for the purpose for which he seeks entry and which is still in force, produce to the Immigration Officer a valid passport or other identity document.

Such a person will be refused leave to enter if he has no such current entry clearance. Any other person who wishes to ascertain in advance whether he is eligible for admission to the United Kingdom may apply for the issue of an entry clearance.”.

- 1.2 In paragraph 25, after “(for non visa nationals).”, insert, “A visa or an entry certificate may be issued in electronic form.”.

### **Changes to Part 3**

- 3.1 In paragraphs A57A to A57H, for “a state-maintained school or institution”, in each place it occurs, substitute “an academy or state-funded school”.
- 3.2 In paragraph A57A, for “18”, substitute “16”.
- 3.3 Delete paragraph A57B(b).
- 3.4 In paragraph A57B(c)(iii), after “Education Scotland;” insert “Higher Education Funding Council for England (HEFCE);”.
- 3.5 In paragraph A57B(c)(iv), for “.”, substitute “;”.
- 3.6 After paragraph A57B(c), insert:

“(d) The course of study refers to one or more consecutive or concurrent programme(s) of study that will be completed within the six month validity period of the short-term study visa.”.
- 3.7 In paragraph A57C(b)(i), for “18”, substitute “16”.
- 3.8 In paragraph A57C(b)(iv), after “or work experience in the UK”, add “, other than that specified in A57D(a)(iii)”.

- 3.9 In paragraph A57C(b)(vi), for “his”, substitute “their”.
- 3.10 In paragraph A57C(b)(vii), for “him”, substitute “them”.
- 3.11 After paragraph A57C(b)(ix), insert:
- “And where the student is aged 16 or 17:
- (x) can demonstrate that suitable arrangements have been made for their travel to, reception and care in the UK;
  - (xi) has a parent or guardian in their home country or country of habitual residence who is responsible for their care and who confirms that they consent to the arrangements for the applicant’s travel, reception and care in the UK; and
  - (xii) if a visa national:
    - (a) the applicant holds a valid United Kingdom entry clearance for entry as an accompanied short-term student and is travelling in the company of the adult identified on the entry clearance, who is on the same occasion being admitted to the United Kingdom; or
    - (b) the applicant holds a valid United Kingdom entry clearance for entry as an unaccompanied short-term student.”.
- 3.12 In paragraph A57D(a)(ii) for “Department for Employment and Learning”, substitute “Department for the Economy”.
- 3.13 After paragraph A57D(a)(ii), insert:
- “or
- (iii) is enrolled on a course of study abroad equivalent to at least degree level study in the UK, where they are studying medicine, veterinary medicine and science, or dentistry as their principal course of study, and has been accepted by a UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council to undertake electives relevant to their course of study provided these are unpaid, and involve no treatment of patients;”.



- 3.14 In paragraph A57D(b), for “at the end of the study or at the end of 6 months whichever is sooner”, substitute “within 30 days of the end of their study or at the end of 6 months, whichever is sooner”.
- 3.15 In paragraph A57D(c), for “he is”, substitute “they are”.
- 3.16 In paragraph A57E(a), for “a course of study in English language”, substitute “a course of English language study”.
- 3.17 In paragraph A57E(b), for “at the end of the study or at the end of 11 months whichever is sooner”, substitute “within 30 days of the end of their study or at the end of 11 months, whichever is sooner”.
- 3.18 In paragraph A57G(b)(i), for “18”, substitute “16”.
- 3.19 In paragraph A57G(b)(viii), for “his”, substitute “their”.
- 3.20 In paragraph A57G(b)(ix), for “him”, substitute “them;”.
- 3.21 In paragraph A57G(b)(xi), for “his”, substitute “their”.
- 3.22 In paragraph A57G(b)(xi), after “travel to,”, delete “ and”.
- 3.23 In paragraph A57G(b)(xii), for “his”, in both places it occurs, substitute “their”.
- 3.24 In paragraph A57G(b)(xiii)(b), after “United Kingdom entry”, insert “clearance”.
- 3.25 Delete paragraph 76.
- 3.26 Delete paragraph 77.
- 3.27 Delete paragraph 78.
- 3.28 Delete paragraph 79.
- 3.29 Delete paragraph 79A.
- 3.30 Delete paragraph 80.
- 3.31 Delete paragraph 81.

#### **Changes to Part 4**

- 4.1 In paragraph 123, after “produce to the Immigration Officer”, for “valid United Kingdom entry clearance for entry in this capacity or,”, substitute, “valid passport or other identity document and have entry clearance for entry in this capacity or,”.
- 4.2 In paragraph 124, after “in relation to an application for leave to enter,”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or,” substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity or,”.
- 4.3 In paragraph 126, after “produce to the Immigration Officer” for “a valid United Kingdom entry clearance for entry in this capacity or,” substitute, “a valid passport or other identity document and have entry clearance for entry in this capacity or,”.
- 4.4 In paragraph 127, after “in relation to an application for leave to enter,”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival,” substitute, “a valid passport or other identity document is not produced to the Immigration Officer on arrival and the applicant does not have entry clearance for entry in this capacity”.

#### **Changes to Part 5**

- 5.1 In paragraph 128A, for “For the purposes of references in this Part to requirements for indefinite leave to remain:”, substitute “The following rules apply to all requirements for indefinite leave to remain in Part 5:”.
- 5.2 In paragraph 128A(a), for:
  - “(a) “continuous period of 5 years or 4 years lawfully in the UK” means”,substitute:
  - “(a) references to a “continuous period” of 5 years or 4 years “lawfully in the UK” mean”.
- 5.3 In paragraph 128A(a), for “shall not be considered to have been broken”, substitute “shall be considered unbroken”.

- 5.4 For paragraph 128A(a)(i), substitute:
- “(i) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s); and”.
- 5.5 In paragraph 145, after “produce to the Immigration Officer, on arrival,” for “a valid United Kingdom entry clearance for entry in this capacity” substitute, “a valid passport or other identity document and have entry clearance for entry in this capacity”.
- 5.6 In paragraph 146, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival” substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity”.
- 5.7 In paragraph 159A(i), for “18” substitute “19”.
- 5.8 In paragraph 159B, after, “produce to the Immigration Officer, on arrival,” for “a valid United Kingdom entry clearance for entry in this capacity”, substitute, “a valid passport or other identity document and have entry clearance for entry in this capacity”.
- 5.9 In paragraph 159C, after “is to be refused if” for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 5.10 In paragraph 187, after “produce to the Immigration Officer, on arrival,” for “a valid United Kingdom entry clearance for entry in this capacity.”, substitute, “a valid passport or other identity document and have entry clearance for entry in this capacity.”.
- 5.11 In paragraph 188, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

- 5.12 In paragraph 194(iii), before “subsisting”, insert “genuine and”.
- 5.13 In paragraph 196A, for sub-paragraph (iii) substitute:  
“(iii) was not last granted:  
  
(1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),  
(2) temporary admission,  
(3) temporary release, or  
(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary admission or temporary release would previously have been granted; and”.
- 5.14 In paragraph 196D, for sub-paragraph (iv) substitute:  
“(iv) was not last granted:  
  
(1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),  
(2) temporary admission,  
(3) temporary release, or  
(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary admission or temporary release would previously have been granted; and”.
- 5.15 In paragraph 197, for sub-paragraph (vii) substitute:  
“(vii) if seeking leave to enter, he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:  
  
(1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),  
(2) temporary admission,  
(3) temporary release, or  
(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary admission or temporary release would previously have been granted; and”.
- 5.16 In paragraph 198(a)(i), after “on arrival,”, for “a valid United Kingdom entry clearance in this capacity;” substitute, “a valid passport or other identity

document and have entry clearance for entry in this capacity;”.

5.17 In paragraph 198A(i), after “leave to enter,”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival;”, substitute, “a valid passport or other identity document is not produced to the Immigration Officer on arrival and the applicant does not have entry clearance for entry in this capacity;”.

5.18 In paragraph 198A, for sub-paragraph (ii) substitute:

“(ii) in the case of an application for limited leave to remain, if the applicant was last granted:

- (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
- (2) temporary admission,
- (3) temporary release, or
- (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted.”.

5.19 In paragraph 199, for sub-paragraph (iii) substitute:

“(iii) was not last granted:

- (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
- (2) temporary admission,
- (3) temporary release, or
- (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and”.

### **Changes to Part 6A**

6A.1 In Part 6A, for “Department of Employment and Learning”, in each place it occurs, substitute “Department for the Economy”.

6A.2 In paragraph 245AAA, for “For the purposes of references in this Part to requirements for indefinite leave to remain, except for those in paragraphs 245BF, 245DF and 245EF”, substitute “The following rules apply to all requirements for indefinite leave to remain in Part 6A and Appendix A:”.

6A.3 In paragraph 245AAA(a), for:

- “(a) “continuous period of 5 years lawfully in the UK” means, subject to paragraphs 245CD, 245GF and 245HF, residence in the United Kingdom for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:
- (i) the applicant has been absent from the UK for a period of 180 days or less in any of the five consecutive 12 month periods preceding the date of the application for leave to remain, except that any absence from the UK for the purpose of assisting with the Ebola crisis which began in West Africa in 2014 shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s) and that his Sponsor agreed to the absence(s);”

substitute:

- “(a) References to a “continuous period” “lawfully in the UK” means, subject to paragraph (e), residence in the UK for an unbroken period with valid leave, and for these purposes a period shall be considered unbroken where:
- (i) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s) and that their Sponsor, if there was one, agreed to the absence(s) for that purpose;”

6A.4 Delete paragraph 245AAA(b).

6A.5 In paragraph 245AAA(c), for “the five years”, substitute “the relevant qualifying period”.

6A.6 After paragraph 245AAA(c), insert:

- “(d) The continuous period will be considered as ending on whichever of the following dates is most beneficial to the applicant:
- (i) the date of application;
  - (ii) the date of decision; or
  - (iii) any date up to 28 days after the date of application

- (e) References to a continuous period spent with valid leave in the UK include time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, where that leave was granted for an equivalent purpose to one of the categories stated in the relevant paragraph, provided that the most recent period prior to the date of application was spent in the UK with valid leave in the relevant category.”.

6A.7 For paragraph 245BF(c), substitute:

“(c) All of the following requirements must be met:

- (i) The applicant must have spent a continuous period of:
  - (1) 3 years lawfully in the UK, if their last endorsement by a Designated Competent Body was under that body’s criteria for “exceptional talent”, as set out in Appendix L, or
  - (2) 5 years lawfully in the UK, if their last endorsement by a Designated Competent Body was under that body’s criteria for “exceptional promise”, as set out in Appendix L;
- (ii) The applicant must have, or have last been granted, leave as a Tier 1 (Exceptional Talent) Migrant.
- (iii) The relevant continuous period in (i) must have been spent with leave either as a Tier 1 Migrant (excluding as a Tier 1 (Graduate Entrepreneur) Migrant or Tier 1 (Post-Study Work) Migrant) or as a Tier 2 Migrant (excluding as a Tier 2 (Intra-Company Transfer) Migrant).”.

6A.8 Delete paragraph 245CD(k).

6A.9 Delete paragraph 245CD(l).

6A.10 For paragraph 245D(c)(i)(2), substitute:

“(2) in the financial accounts of the UK business(es) which they are relying on to claim points, or”.

6A.11 In paragraph 245D(c)(i)(3), for “paragraph 41-SD(b)”, substitute “paragraph 41(a)(vi)”.

- 6A.12 In paragraph 245D(c)(ii)(2), for “buying the business”, substitute “buying any business”.
- 6A.13 In paragraph 245DB(i), for “has had entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant in the 12 months immediately before the date of application”, substitute “has entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, or has had such leave in the 12 months immediately before the date of application”.
- 6A.14 In paragraph 245DB(r), for “resident” substitute “present”.
- 6A.15 Delete paragraph 245DD(e)(vi).
- 6A.16 In paragraph 245EB(f), for “resident” substitute “present”.
- 6A.17 Delete paragraph 245ED(c)(v).
- 6A.18 In paragraph 245G(i), delete “will, or may, last for more than 12 months and”.
- 6A.19 In paragraph 245GB(e)(ii), delete “or under the Rules in place before 6 April 2011,”.
- 6A.20 Delete paragraph 245GF(i).
- 6A.21 In paragraph 245HB(q), for “resident” substitute “present”.
- 6A.22 For paragraph 245HD(d)(i), substitute:
- “(i) The applicant must have completed:
- (1) a course leading to a UK recognised bachelor’s or master’s degree (not a qualification of equivalent level which is not a degree),
  - (2) a course leading to a UK Postgraduate Certificate in Education or Professional Graduate Diploma of Education (not a qualification of equivalent level), or
  - (3) a minimum of 12 months study in the UK towards a UK PhD.”.
- 6A.23 For paragraph 245HD(d)(vii)(4), substitute:
- “(4) the date they completed the course, having sat all exams and presented all academic papers (or the date of award in the case of a degree certificate), unless they are studying a PhD course



in which case confirmation of 12 months study is required.”.

6A.24 Delete paragraph 245HF(k).

6A.25 At the end of paragraph 245HF, delete:

“In any such case, references to the “UK” in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the Isle of Man, as the case may be.”.

6A.26 Delete paragraph 245HG(g).

6A.27 At the end of paragraph 245HG, delete:

“In any such case, references to the “UK” in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the Isle of Man, as the case may be.”.

6A.28 At the end of paragraph 245ZO(f)(iv), for “.”, substitute “; and”.

6A.29 After paragraph 245ZO(f)(iv), insert:

“(v) satisfy the Entry Clearance Officer or Immigration Officer that they are not related to the employer, or employer’s spouse, either by blood or by marriage. This includes but is not limited to: the spouse or unmarried partner, child, parent, grandparent or sibling of either the employer or the employer’s spouse.”.

6A.30 For paragraph 245ZV(ga)(iii)(4)a, substitute:

“a. a law conversion course validated by the Solicitors Regulation Authority and the Bar Standards Board in England and Wales, a Masters in Law (MLaw) in Northern Ireland, or an accelerated graduate LLB in Scotland; or”.

6A.31 In paragraph 245ZW(c)(iii)(1), after “where the student is following a”, insert “full-time”.

6A.32 In paragraph 245ZW(c)(iii)(4), after “which forms an assessed part of the applicant’s”, insert “full-time”.

6A.33 In paragraph 245ZW(c)(iii)(7), after “which is made following successful completion of”, insert “a full-time”.

6A.34 In paragraph 245ZW(c)(iii)(8)(b), after “is made following successful completion of a”, insert “full-time”.

- 6A.35 In paragraph 245ZX(b)(i), after “as a Tier 4 (General) Student”, insert “on a full-time course”.
- 6A.36 In paragraph 245ZY(c)(iii)(1), after “where the student is following a”, insert “full-time”.
- 6A.37 In paragraph 245ZY(c)(iii)(4), after “which forms an assessed part of the applicant’s”, insert “full-time”.
- 6A.38 In paragraph 245ZY(c)(iii)(7), after “which is made following successful completion of”, insert “a full-time”.
- 6A.39 In paragraph 245ZY(c)(iii)(8), after “which is made following successful completion of a”, insert “full-time”.
- 6A.40 For paragraph 245ZZC (b), substitute:
- “The applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as a Tier 4 migrant.”.

### **Changes to Part 7**

- 7.1 In paragraph 247, after “in the first instance,” for “provided that a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “provided that on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 7.2 In paragraph 248, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 7.3 In paragraph 273A, for sub-paragraph (iii) substitute:
- “(iii) was not last granted:
- (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
  - (2) temporary admission,
  - (3) temporary release, or
  - (4) after the date on which paragraph 1 of Schedule 10 to the

Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and”.

7.4 In paragraph 273D, for sub-paragraph (iv) substitute:

“(iv) was not last granted:

- (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
- (2) temporary admission,
- (3) temporary release, or
- (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and”.

7.5 In paragraph 274, for sub-paragraph (vii) substitute:

“(vii) if seeking leave to enter, he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:

- (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
- (2) temporary admission,
- (3) temporary release, or
- (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and”.

7.6 In paragraph 275(a)(i), after “leave to enter”, for “he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity;” substitute, “that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity;”.

7.7 In paragraph 275, for sub-paragraph (ii) substitute:

“(ii) in the case of an application for limited leave to remain, he was not last granted:

- (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),

- (2) temporary admission,
- (3) temporary release, or
- (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and

is able to satisfy the Secretary of State that each of the requirements of paragraph 274(i)-(vi) and (viii) is met.”.

- 7.8 In paragraph 276, after “application for leave to enter,” for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival,” substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity,”.
- 7.9 In paragraph 276G, after “may be granted indefinite leave to enter”, for “provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival”, substitute, “provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 7.10 In paragraph 276H, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity”.
- 7.11 In paragraph 276M, after “may be granted indefinite leave to enter”, for “provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival”, substitute, “provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity”.
- 7.12 In paragraph 276N, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 7.13 In paragraph 276S, after “may be granted indefinite leave to enter”, for “provided a valid United Kingdom entry clearance for entry in this capacity is

produced to the Immigration Officer on arrival.”, substitute, “provided, on arrival, that a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

- 7.14 In paragraph 276T, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and he does not have entry clearance for entry in this capacity.”.
- 7.15 In paragraph 276Y, after “may be granted”, for “provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 7.16 In paragraph 276Z, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity”.

### **Changes to Part 8**

- 8.1 In paragraph 291, after “to enable the marriage or civil partnership to take place” for “provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 8.2 In paragraph 292, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.3 In paragraph 299, after “may be granted”, for “provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

- 8.4 In paragraph 300, after “is to be refused if” where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.5 In paragraph 302, after “able, on arrival, to produce to the Immigration Officer” for “a valid United Kingdom entry clearance for entry in this capacity.” substitute, “a valid passport or other identity document and the applicant has entry clearance for entry in this capacity.”.
- 8.6 In paragraph 303, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.7 In paragraph 303B, after “provided that”, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 8.8 In paragraph 303C, after “is to be refused if”, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.9 In paragraph 312, after “provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “, on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 8.10 In paragraph 313, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.11 In paragraph 315, after “able, on arrival, to produce to the Immigration

Officer” for “a valid United Kingdom entry clearance for entry in this capacity.” substitute, “a valid passport or other identity document and has entry clearance for entry in this capacity.”.

- 8.12 In paragraph 316, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.13 In paragraph 316B, after “able, on arrival, to produce to the Immigration Officer” for “a valid United Kingdom entry clearance for entry in this capacity.” substitute, “a valid passport or other identity document and has entry clearance for entry in this capacity.”.
- 8.14 In paragraph 316C, after “is to be refused if” for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.15 In paragraph 316E, after “able, on arrival, to produce to the Immigration Officer” for, “a valid United Kingdom entry clearance for entry in this capacity.” substitute, “valid passport or other identity document and has entry clearance for entry in this capacity.”.
- 8.16 In paragraph 316F, after “is to be refused if” for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.17 In paragraph 318, after “provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 8.18 In paragraph 319, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this

capacity.”.

- 8.19 In paragraph 319C(d), before “subsisting”, insert “genuine and”.
- 8.20 In paragraph 319C(h), for sub-paragraphs (ii) and (iii) substitute:  
“(ii) temporary admission;  
(iii) temporary release; or  
(iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted.”.
- 8.21 In paragraph 319C(i)(i), after “to undertake a”, insert “full-time”.
- 8.22 In paragraph 319C(i)(ii)(1), after “to undertake a”, insert “full-time”.
- 8.23 In paragraph 319C(i)(iv)(1), after “to undertake a”, insert “full-time”.
- 8.24 In paragraph 319C(i)(iv)(1)(a), after “to undertake a”, insert “full-time”.
- 8.25 In paragraph 319C(i)(iv)(1)(b), after “to undertake a”, insert “full-time”.
- 8.26 In paragraph 319C(i)(iv)(2)(a), after “to undertake a”, insert “full-time”.
- 8.27 In paragraph 319C(i)(iv)(2)(b), after “to undertake a”, insert “full-time”.
- 8.28 In paragraph 319C(k), for “resident” substitute “present”.
- 8.29 In paragraph 319D(b)(iv)(1), after “no employment”, insert “, except where the relevant Points Based System Migrant is applying for, or has been granted leave to remain to continue studying the same course for which they have previously been granted leave of 12 months or more as a Tier 4 (General) Student”.
- 8.30 In paragraph 319E(d), for “at least the period specified in (i) or (ii)”, substitute “at least the applicable specified period in either (i) or (ii), subject to (iii)”.
- 8.31 In paragraph 319E(d)(ii)(b), delete “and” where it appears for the second time.
- 8.32 In paragraph 319E(d)(ii)(c), for “.”, substitute “, and”.



- 8.33 After paragraph 319E(d)(ii)(c), insert:
- “(d) not have been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that:
- (1) any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s), and
  - (2) any absence from the UK during periods of leave granted under the Rules in place before 11 January 2018 shall not count towards the 180 days.”.

8.34 After paragraph 319E(d)(ii), insert:

“(iii) Any time spent lawfully in the Bailiwick of Guernsey, Bailiwick of Jersey or the Isle of Man shall be deemed to be time spent in the UK.”.

8.35 In paragraph 319E(e), before “subsisting”, insert “genuine and”.

8.36 In paragraph 319H(h), for sub-paragraphs (ii) and (iii) substitute:

“(i) temporary admission;  
(ii) temporary release; or  
(iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted.”.

8.37 In paragraph 319H(i)(i), after “to undertake a”, insert “full-time”.

8.38 In paragraph 319H(i)(ii)(1), after “to undertake a”, insert “full-time”.

8.39 In paragraph 319H(i)(iv)(1), after “to undertake a”, insert “full-time”.

8.40 In paragraph 319H(i)(iv)(1)(a), after “to undertake a”, insert “full-time”.

8.41 In paragraph 319H(i)(iv)(1)(b), after “to undertake a”, insert “full-time”.

8.42 In paragraph 319H(i)(iv)(2)(a), after “to undertake a”, insert “full-time”.

8.43 In paragraph 319H(i)(iv)(2)(b), after “to undertake a”, insert “full-time”.

- 8.44 In paragraph 319H(j)(1), after “with leave for a”, insert “full-time”.
- 8.45 In paragraph 319H(j)(2), after “grant of leave for a”, insert “full-time”.
- 8.46 In paragraph 319I(b)(iii)(1) after “no employment”, insert “, except where the relevant Points Based System Migrant is applying for, or has been granted leave to remain to continue studying the same course for which they have previously been granted leave of 12 months or more as a Tier 4 (General) Student”.
- 8.47 In paragraph 319VA, after “provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 8.48 In paragraph 319VB, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.49 In paragraph 319XA, after “provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has clearance for entry in this capacity.”.
- 8.50 In paragraph 319XB, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

### **Changes to Part 9**

- 9.1 After paragraph B320(2) insert:  
“C320. Part 9 does not apply to applications made under Appendix V.”.
- 9.2 In paragraph 320, delete “and subject to paragraph 321 below, ”.

- 9.3 At the end of paragraph 320(2), delete “Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors.”.
- 9.4 In paragraph 320(5), after “to produce to the Immigration Officer a passport or other identity document” for “endorsed with a valid and current United Kingdom entry clearance issued for the purpose for which entry is sought”, substitute “and to have entry clearance for the purpose for which entry is sought”.
- 9.5 In paragraph 320(7B)(ii) after “in an application for entry clearance” insert “, leave to enter or remain, or in order to obtain documents from the Secretary of State or a third party required in support of the application”.
- 9.6 Delete paragraph 321.
- 9.7 In paragraph 322(3), after “attached to the” insert “current or a previous” and after “enter or remain” insert “, unless leave has been granted in the knowledge of a previous breach”.
- 9.8 Before paragraph 323AA(a), insert:
- “(za) If a migrant is a Tier 2 (General) Migrant, their start date is changed to a date more than 28 days from either of the following, whichever is later:
- (i) the date on which their entry clearance or leave to remain is granted; or
  - (ii) the start date as stated on their Certificate of Sponsorship, taking into account any changes to the start date that have been properly reported by his employer before the date on which entry clearance or leave to remain is granted.”.

### **Changes to Part 11**

- 11.1 In paragraph 352A, for sub-paragraph (v) substitute:  
“(v) each of the parties intends to live permanently with the other as their partner and the relationship is genuine and subsisting”.
- 11.2 In paragraph 352B, after “may be granted provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this

capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

- 11.3 In paragraph 352BA, after “may be granted provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 11.4 In paragraph 352C, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 11.5 In paragraph 352E, after “may be granted provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 11.6 In paragraph 352F, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 11.7 In paragraph 352FA, for sub-paragraph (v) substitute:

“(v) each of the parties intends to live permanently with the other as their partner and the relationship is genuine and subsisting”.
- 11.8 In paragraph 352FB, after “may be granted provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

- 11.9 In paragraph 352FC, after “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 11.10 In paragraph 352FH, after “may be granted provided”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 11.11 In paragraph 352FI, after, “is to be refused if”, where it appears for the first time, for “a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

#### **Changes to Appendix A**

- A1. In Appendix A, for “Department for Employment and Learning”, in each place it occurs, substitute “Department for the Economy”.
- A2. In Appendix A for “Department of Employment and Learning”, in each place it occurs, substitute “Department for the Economy”.
- A3. In paragraph 4(b), for:

“The Tier 1 (Exceptional Talent) Limit is 1,000 endorsements in total per year (beginning on 6 April and ending on 5 April) which will be allocated to the Designated Competent Bodies as follows:”,

substitute:

“The Tier 1 (Exceptional Talent) Limit is 2,000 endorsements in total per year (beginning on 6 April and ending on 5 April), of which 1,000 endorsements are unallocated while 1,000 endorsements will be allocated to the Designated

Competent Bodies as follows:”.

A4. In paragraph 4(c), after “The Tier 1 (Exceptional Talent) Limit”, insert “, including the use of the 1,000 unallocated endorsements,”.

A5. In paragraph 5(b), for “for each Designated Competent Body”, substitute “to each Designated Competent Body”.

A6. After paragraph 5(b)(ii), insert:

“(iii) If, and only if, a Designated Competent Body has used the number of endorsements available to it in either part of the year, it may draw on the remaining balance of unallocated endorsements in the Tier 1 (Exceptional Talent) Limit, with priority given to applications of earlier dates.”.

A7. In paragraph 5(d), for “available for the relevant Designated Competent Body,”, substitute “allocated to the relevant Designated Competent Body or to the remaining balance of unallocated endorsements in the Tier 1 (Exceptional Talent) Limit (as appropriate),”.

A8. For paragraph 5(e), substitute:

“(e) An application for a Designated Competent Body endorsement will be refused if the Designated Competent Body has used the number of endorsements allocated to it and the remaining balance of unallocated endorsements in the Tier 1 (Exceptional Talent) Limit has reached zero.”.

A9. In paragraph 5(f), for:

“The number of endorsements available for each Designated Competent Body to endorse Tier 1 (Exceptional Talent) applicants in a particular period,”

substitute:

“The number of allocated endorsements available to each Designated

Competent Body to endorse Tier 1 (Exceptional Talent) applicants in a particular period, or the remaining balance of unallocated endorsements in the Tier 1 (Exceptional Talent) Limit (as appropriate).”

A10. For paragraphs 35 to 53, substitute:

**“Attributes for Tier 1 (Entrepreneur) Migrants**

35. An applicant applying for entry clearance, leave to remain or indefinite leave to remain as a Tier 1 (Entrepreneur) Migrant must score 75 points for attributes.

36. (a) Subject to paragraph 37, available points for initial applications for entry clearance or leave to remain are as shown in Table 4, read in conjunction with the Notes.

(b) An applicant who is applying for leave to remain and has, or was last granted, leave as a Tier 4 Migrant will only be awarded points under (b)(ii) or (b)(iii) in Table 4.

(c) An applicant who is applying for leave to remain and has, or was last granted leave as a Tier 1 (General) Migrant will be awarded no points under (a) or (b)(i) in Table 4 unless, between a date before 6 April 2015 and the date of application, they have been continuously:

- (i) engaged in business activity in the UK through one or more contracts for service between their own business and another business which is not their own (this must not amount to activity effectively as an employee pursuant to a contract of service);
- (ii) registered with HM Revenue & Customs as self-employed, or registered with Companies House as a director of a new or an existing company or as a member of a new or an existing partnership, and
- (iii) working in an occupation listed in the codes of practice in Appendix J and at Regulated Qualifications Framework skill level 4 or above and in so working, the applicant has been directly involved in the delivery of his business’ core service to its customers or clients. This excludes any work in administration, marketing or website functions for the business.

37. Available points are shown in Table 5 for extension applications for

applicants who have entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, or have had such leave in the 12 months immediately before the date of application.

38. Available points for applications for indefinite leave to remain are shown in Table 6.

### Notes

39. (a) In all cases, an applicant cannot score points from any of the following:

- (i) the same money being used to score points for maintenance funds for themselves or their dependants under Appendices C or E,
- (ii) money made available from a third party, where the third party is another Tier 1 (Entrepreneur) Migrant, or that migrant's business or close family member,
- (iii) money invested in their business more than 12 months (or 24 months if the applicant was previously granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of the application which led to their first grant of leave as a Tier 1 (Entrepreneur) Migrant,
- (iv) money invested in the form of a director's loan unless it is unsecured and subordinated to other creditors' loans to the business, or
- (v) investment in any residential accommodation, property development or property management, meaning:
  - (1) any development of property owned by the applicant or their 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
  - (2) management of property (whether or not it is owned by the applicant or their business) for the purposes of renting it out or resale.

For the avoidance of doubt, (v) requires that the business income is generated from the supply of goods and/or services, and not derived from the increased value of property or any income generated from property, such as rent.



(b) Points will only be awarded for an applicant's business if it is a UK business.

(c) A business will be considered to be a UK business if the applicant provides the specified evidence in this Appendix to show that:

- (i) it is trading within the UK economy,
- (ii) it has its registered office in the UK, or, in the case of multinational companies with no UK registered office, its head office in the UK, except where the applicant is registered with HM Revenue & Customs as self-employed and does not have a business office,
- (iii) it has a UK bank account, and
- (iv) it is subject to UK taxation.

(d) Points will not be awarded for being the director of a UK business or member of a UK partnership if the applicant is on Companies House's list of disqualified directors.

(e) Where evidence from an accountant is required, it will only be accepted if the accountant:

- (i) is not the applicant,
- (ii) has prepared and signed off the accounts in accordance with all relevant statutory requirements,
- (iii) has a valid licence to practice or practising certificate, and
- (iv) is a member of at least one of the following:
  - (1) the Institute of Chartered Accountants in England and Wales,
  - (2) the Institute of Chartered Accountants in Scotland,
  - (3) the Institute of Chartered Accountants in Ireland,
  - (4) the Association of Chartered Certified Accountants,
  - (5) the Association of Authorised Public Accountants,
  - (6) the Chartered Institute of Public Finance and Accountancy,
  - (7) the Institute of Financial Accountants,
  - (8) the Chartered Institute of Management Accountants,
  - (9) the Association of International Accountants, or
  - (10) the Association of Accounting Technicians.

- (f) Where personal or business bank statements are required:
- (i) The bank or building society must be based in the UK and regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA).
  - (ii) Each statement must be on the institution's official stationery showing the institution's name and logo, and confirm the applicant's name (and, where relevant, the applicant's entrepreneurial team partner's name), the account number and the date of the statement.
  - (iii) Each statement must have been issued by an authorised official of that institution.
  - (iv) If the statements are printouts of electronic statements, they must either be accompanied by a supporting letter from the institution, on its headed paper, confirming the authenticity of the statements, or bear the official stamp of the institution on each page of the statement.
- (g) Further notes to accompany Table 4 appear below Table 4.
- (h) Further notes to accompany Tables 5 and 6 appear below Table 6.

**Table 4: Initial applications as referred to in paragraph 36**

<b>Row</b>	<b>Investment and business activity</b>	<b>Points</b>
1	<p>(a) At least £200,000 is available to the applicant or their business, or has been invested in their business due to their activity, or</p> <p>(b) At least £50,000 is available to the applicant or their business, or has been invested in their business due to their activity, from:</p> <ul style="list-style-type: none"> <li>(i) one or more registered venture capital firms regulated by the Financial Conduct Authority (FCA),</li> <li>(ii) one or more UK Entrepreneurial seed funding competitions listed as endorsed on the Department for International Trade pages of the GOV.UK website, or</li> </ul>	25

	<p>(iii) one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland, and made available by the Department(s) for the specific purpose of establishing or expanding a UK business, or</p> <p>(c) At least £50,000 is available to the applicant or their business, or has been invested in their business due to their activity, and the applicant:</p> <p>(i) is applying for leave to remain, and</p> <p>(ii) has, or was last granted, leave as a Tier 1 (Graduate Entrepreneur) Migrant.</p>	
2	The money is held in one or more financial institutions, which are regulated by the appropriate regulatory body for the country in which they operate.	25
3	The money is disposable in the UK. If the applicant is applying for leave to remain, the money must be held in the UK.	25

**Available money: notes**

40.

- (a) Available money must be cash, not Individual Savings Accounts or other assets such as stocks and shares.
- (b) Where multiple documents are provided, they must show the total amount required is available on the same date.
- (c) The money must either be held in a UK regulated financial institution or be transferable to the UK and convertible to sterling.
- (d) If the money is available to the applicant's business, rather than to the applicant themselves, the business must be a company or partnership and the applicant must be registered as a director, in the case of a company, or member, in the case of a partnership.
- (e) The money must remain available to the applicant or their business until it is spent for the purposes of the applicant's business(es). The

Secretary of State reserves the right to request further evidence or otherwise verify that the money will remain available, and to refuse the application if this evidence is not provided or cannot be satisfactorily verified.

(f) Applicants may only score points from one of (a), (b) or (c) in Table 4. They cannot use funds other than those in (b) to meet the £50,000 funding threshold in (b).

(g) Money is disposable in the UK if all of the money is held in a UK based financial institution and free from sanctions or if the money is freely transferable to the UK and convertible to sterling. Funds in a foreign currency will be converted to pounds sterling (£) using the spot exchange rate which appeared on [www.oanda.com](http://www.oanda.com) on the date of application.

(h) No points will be awarded where the money is held in a financial institution with which the Home Office is unable to make satisfactory verification checks, as stated in Appendix P.

#### Available money: specified documents

41. (a) If all or part of the money has not yet been invested in the applicant's business, the applicant must provide all of the specified documents set out in the relevant row of Table 4A below. If the applicant is claiming points for available money from more than one source, the applicant must provide the specified documents for each row which applies.

**Table 4A: Specified documents showing available money**

Row	Available money	Specified documents (see descriptions below table)
1	Money available from a seed funding competition or a UK or Devolved Government Department, as set out in Table 4	(i)
2	Money available from a venture capital firm, as set out in Table 4	All of (ii)-(v) and (vii)

3	Money available from a third party, other than those in rows 1 and 2 above, where the money is still held by the third party	All of (vi)-(viii)
4	Money held by the applicant for less than 90 consecutive days, ending no earlier than 31 days before the date of application, where the source of that money is other than those in row 1 above.	(vi) and (vii), and either (ix) or (x) as appropriate
5	Money held by the applicant for at least 90 consecutive days, ending no earlier than 31 days before the date of application	Either (ix) or (x) as appropriate

Specified documents:

(i) A letter confirming the amount of money available to the applicant, the entrepreneurial team or the applicant's business from the seed funding competition or a UK or Devolved Government Department. The letter must be from an authorised official of that organisation or, in the case of a UK or Devolved Government Department, a letter from an authorised official of an intermediary public body providing it confirms that it has been authorised to award funds from that Department for the specific purpose of establishing or expanding UK businesses.

(ii) A letter from a director, partner or fund manager of the venture capital firm, which includes:

- (1) confirmation of the amount of money available to the applicant, the entrepreneurial team or the applicant's business from the organisation,
- (2) a statement providing detailed information on the strategy, structure and financial exposure of the fund,
- (3) a statement detailing the rationale for the investment, providing specific information about the circumstances which led to the investment decision,
- (4) a statement confirming that the business/proposed business is a genuine and credible proposition, and
- (5) confirmation that the venture capital firm 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.

(iii) A copy of the completed term sheet for the investment, signed by all parties to the transaction, which must include details of the company valuation, company structure, founder and investor rights, the structure of funding and the type of security being taken.

(iv) A breakdown of the technical, legal, commercial and financial due diligence conducted by the venture capital firm in support of the investment.

(v) A letter from an accountant, validating the financial condition of the fund.

(vi) An original written declaration from each third party that they have made the money available to invest in the applicant's business in the UK, containing:

- (1) the names of the third party and the applicant (and their entrepreneurial team partner's name where relevant), or the name of the applicant's business,
- (2) the date of the declaration,
- (3) the applicant's signature and the signature of the third party (and the signature of the applicant's entrepreneurial team partner where relevant),
- (4) the amount of money available in pounds sterling,
- (5) the relationship(s) of the third party to the applicant,
- (6) if the third party is 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
- (7) confirmation that the money will remain available until such time as it is transferred to the applicant, the entrepreneurial team or the applicant's business.

(vii) A letter (or letters) from one or more legal representatives, who

are not the applicant or the third party, which confirm(s) that the declaration(s) from the third party or parties mentioned in (vi) and letters from financial institutions mentioned in (viii) contain the genuine signatures of the required signatories. The letter(s) must clearly show the registration or authority of the legal representative to practise legally in the country where the third party or the money is.

(viii) A letter from each financial institution holding the funds, issued by an authorised official of that institution, confirming in each case the amount of money that the third party intends to make available, and that the institution is not aware of the third party having promised to make that money available to any other person available.

(ix) For money held outside the UK, a letter from each financial institution holding the funds, issued by an authorised official of that institution, confirming the minimum balance available from the applicant's own funds held in that institution on the date of the letter and, in the case as described in row 5 of Table 4A, during a consecutive 90-day period of time ending on the date of the letter.

(x) For money held in the UK, recent original personal bank or building society statements, with the most recent statement being dated no earlier than 31 days before the date of application, which taken altogether show that the relevant required sum of available money is held in the account(s) on the date of the most recent statement(s). In the case described in row 5 of Table 4AA, the statements must show the sum has been held for a consecutive 90 day period of time immediately before the date of the statement.

(b) Each letter referred to in (a)(i)-(ii), (v) and (vii)-(ix) above must:

- (1) be an original document and not a copy,
- (2) be on the organisation's official headed paper,
- (3) be dated no earlier than three months (in the case of (i), (ii), (v) and (vii)), or 31 days (in the case of (viii) and (ix)), immediately before the date of application,
- (4) state the applicant's name, and their entrepreneurial team partner's name where relevant, or the name of the applicant's business,
- (5) include the contact details of the person or (where relevant) an official of the organisation issuing the letter

- (6) include (where relevant) the name of the third party providing the money, including their full address, postal code, telephone contact number and any email address,
- (7) in the case of (vii), include the number of the third party or their authorised representative's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry, unless the third party is a venture capital firm.
- (8) in the case of (viii)-(ix), show the account number,
- (9) in the case of (viii)-(ix), confirm that the financial institution is regulated by the appropriate body and, if not regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA), that the money can be transferred into the UK.

42. If the money is available to the applicant's business, rather than to the applicant themselves, the applicant must also provide a Companies House document showing the address of the business's registered office in the UK, or head office in the UK if it has no registered office in the UK, and that the applicant is a director, in the case of a company, or member, in the case of a partnership.

43. If all or part of the money has been invested in the applicant's business, the applicant must provide:

- (a) all of the specified documents required in paragraph 45 to show the amount of money invested, and
- (b) all of the specified documents required in paragraph 48 to show that the applicant has established a new UK business or joined or taken over an existing UK business, in which the money was invested.

**Switching from Tier 1 (General): additional specified evidence**

44. In addition to the evidence of available money, if the applicant is applying for leave to remain, and has, or was last granted, leave as a Tier 1 (General) Migrant, they must also provide all of the following evidence to show that they meet the additional requirements set out in paragraph 36(c):

- (a) the applicant's job title and a summary of their job description;
- (b) the Standard Occupational Classification (SOC) code(s) of the occupation(s) that the applicant has been continuously working in between a date before 6 April 2015 and the date of application. These must appear



on the lists of occupations shown in Tables 1 to 3 of the Codes of Practice in Appendix J;

- (c) one or more of the following, to show that the business was active before 6 April 2015 and remained active on a date no earlier than three months before the date of application:
- (i) dated advertising or marketing material, including printouts of online advertising other than on the business's own website, that has been published locally or nationally and showing the name of the business and the business activity,
  - (ii) dated printouts from the business's website detailing the service or product provided by the applicant's business (the applicant may only rely on this option if they (or their entrepreneurial team member, or their business) own the domain name of the website and submit evidence to this effect; if not, they must provide one of the other types of evidence instead),
  - (iii) dated article(s) or online links to dated article(s) in a newspaper or other publication showing the name of the business together with the business activity,
  - (iv) dated information from trade fair(s), at which the applicant has had a stand or given a presentation to market their business, showing the name of the business together with the business activity,
  - (v) personal registration with a UK trade body linked to the applicant's occupation;
- (d) as many as is necessary of the following to show that the business was trading continuously between a date before 6 April 2015 and a date no earlier than three months before the date of application:
- (i) contract(s) for service, which must:
    - (1) be original or, if not, be signed by the applicant on each page,
    - (2) state the name of the applicant's business and the products or services it provides,
    - (3) state the name of the other party or parties involved in the contract and their contact details, including their full address, postal code, telephone contact number and any email address, and

- (4) confirm the duration of the contract or, if it is a rolling contract with no defined end date, confirm when this arrangement began and enclose a letter from the customer or their representative confirming that the contract has not been terminated, dated no earlier than three months before the date of application,
  - (ii) one or more original letters from UK-regulated financial institutions with which the applicant has a business bank account, on the institution's headed paper, confirming the dates the business was trading;
- (e) as many as is necessary of the following to show that the applicant was continuously registered as either self-employed, a director of a UK company and/or a member of a UK partnership between a date before 6 April 2015 and a date no earlier than three months before the date of application:
  - (i) if the applicant is or was self-employed, evidence to demonstrate that they have registered with HM Revenue & Customs,
  - (ii) if the applicant is or was a director of a UK company or member of a UK partnership, printouts of Companies House documents showing all of the following:
    - (1) the address of the registered office in the UK, or head office in the UK if it has no registered office,
    - (2) the applicant's name, as it appears on the application form, as a director or member,
    - (3) the date of the applicant's appointment as a director or member, and
    - (4) that the business is actively trading (not dormant, struck-off, dissolved or in liquidation),
  - (iii) if the applicant was previously a director of a different UK company or member of a different UK partnership from that in (ii) above, a printout from Companies House of the applicant's appointment history, as well as a printout of the company or partnership's filing history page;
- (f) the following evidence that the business has continuously held a UK bank account or bank accounts of which the applicant is or was a signatory,

between a date before 6<sup>th</sup> April 2015 and a date no earlier than three months before the date of application:

- (i) if the applicant is or was self-employed, a personal or business bank statement, showing business transactions, or a letter from a UK bank, on its headed paper, confirming that the applicant has had a business and has acted through that bank for the purposes of that business, or
  - (ii) if the applicant is or was a director of a company, or member of a partnership, a statement from the business's UK bank account which shows business transactions, or a letter from a UK bank, on its headed paper, confirming that the company or partnership has had a bank account, the applicant has been a signatory of that account, and the company or partnership uses that account for the purposes of the applicant's business;
- (g) the following evidence from HM Revenue & Customs, showing that the business has continuously been subject to UK taxation and has continuously been actively trading (not dormant, struck-off, dissolved, or in liquidation) between a date before 6<sup>th</sup> April 2015 to a date no earlier than three months before the date of application:
- (i) if the applicant is or was self-employed as a sole trader or a member of a UK partnership, evidence that they are or were making tax returns within the self-assessment tax system, or
  - (ii) if the applicant is a director of a UK company, evidence which confirms the company is or was registered for corporation tax.

**Table 5: Extension applications as referred to in paragraph 37**

Row	Investment, business activity and job creation	Points
1	<p>The applicant has invested or has caused investment to be made by one or more third parties, totalling at least £200,000 (or £50,000 if they were awarded points for £50,000 funding or investment in their last grant of leave) in cash directly into one or more UK businesses.</p> <p>The applicant does not need to provide evidence of this investment if they were awarded points under Table 5 in their last grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.</p>	20

2	<p>The applicant has:</p> <ul style="list-style-type: none"> <li>(a) registered with HM Revenue &amp; Customs as self-employed, or</li> <li>(b) registered with Companies House as a director of a UK company, or member of a UK partnership.</li> </ul> <p>The applicant must have registered as above within 6 months of entering the UK (if they were most recently granted entry clearance and there is evidence to establish their date of entry) or, in any other case, within 6 months of the date on which the most recent leave was granted.</p>	20
3	<p>Within the three months before the date of application, the applicant was:</p> <ul style="list-style-type: none"> <li>(a) registered with HM Revenue &amp; Customs as self-employed, or</li> <li>(b) registered with Companies House as a director of a UK company or member of a UK partnership.</li> </ul>	15
4	<p>The applicant has:</p> <ul style="list-style-type: none"> <li>(a) established a new business or businesses that has or have created the equivalent of at least 2 new full time jobs for settled workers, or</li> <li>(b) taken over or invested in an existing business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for settled workers by creating the equivalent of at least 2 new full time jobs for settled workers.</li> </ul> <p>The jobs must have existed for at least 12 months during the applicant's most recent grant of leave as a Tier 1 (Entrepreneur) Migrant or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of application.</p>	20

**Table 6: Applications for indefinite leave to remain as referred to in paragraph 38**

Row	Investment, business activity and job creation	Points
1	<p>The applicant has invested or has caused investment to be made by one or more third parties, totalling at least £200,000 (or £50,000 if they were awarded points for £50,000 funding or investment in their last grant of leave) in cash directly into one or more UK businesses.</p> <p>The applicant does not need to provide evidence of this investment if they were last granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant, having been awarded points under Table 5.</p>	20
2	<p>The applicant was:</p> <ul style="list-style-type: none"> <li>(a) registered with HM Revenue &amp; Customs as self-employed, or</li> <li>(b) registered with Companies House as a director of a UK company or member of a UK partnership.</li> </ul> <p>The above requirement must have been met:</p> <ul style="list-style-type: none"> <li>(i) within 6 months of entering the UK (if they were most recently granted entry clearance and there is evidence to establish their date of entry) or, in any other case, within 6 months from the date the most recent leave was granted, and</li> <li>(ii) within the three months before the date of application.</li> </ul> <p>The applicant does not need to provide evidence of (i) if they were last granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant, having been awarded points under Table 5.</p>	20
3	<p>The applicant has:</p> <ul style="list-style-type: none"> <li>(a) established a new business or businesses that has or have created the equivalent of at least 2 new full time jobs for settled workers, or</li> <li>(b) taken over or invested in an existing business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or</li> </ul>	20

	<p>businesses for settled workers by creating the equivalent of at least 2 new full time jobs for settled workers.</p> <p>The jobs must have existed for at least 12 months during the applicant's most recent grant of leave or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of application.</p>	
4	<p>(a) The applicant has spent a continuous period of 5 years lawfully in the UK with leave as a Tier 1 (Entrepreneur) Migrant, or</p> <p>(b) The applicant has spent a continuous period of 3 years lawfully in the UK as a Tier 1 (Entrepreneur) Migrant, and has:</p> <p>(i) created the equivalent of at least 10 (including the two jobs already relied upon to score points under row 3) new full time jobs which meet the requirements in row 3 above, or</p> <p>(ii) established a new UK business or businesses that has or have had a gross income from business activity of at least £5 million during the 3 year continuous period, or</p> <p>(iii) taken over or invested in an existing UK business or businesses and the applicant's services or investment have resulted in a net increase in gross income from business activity of £5 million during the 3 year continuous period, when compared to the 3 year period immediately before the date the applicant became involved with the business.</p>	15

**Investment: specified documents**

45. The applicant must provide their business accounts and accompanying evidence of their investment, which must meet the following requirements:

- (a) if the applicant's business is legally required to produce audited accounts, the audited accounts must be provided;
- (b) if the applicant's business is not legally required to produce audited accounts, unaudited accounts and an accounts compilation report must be provided from an accountant;
- (c) the audited or unaudited accounts must show the investment in money made directly in the business by:
  - (i) the applicant, in their own name,

- (ii) one or more seed funding competitions or UK or Devolved Government Departments, as set out in Table 4, and the accounts must be accompanied by a letter from the source, confirming that the investment was made on the applicant's behalf, or
  - (iii) a third party other than those in (ii), and the accounts must be accompanied by a letter from the Department for International Trade, confirming that the investment was made as a result of the applicant securing the investment;
- (d) if the applicant has made the investment in the form of a director's loan:
  - (i) it must be shown in the relevant set of accounts provided,
  - (ii) where the investment was made after 19 November 2015, the investment must be shown through readily identifiable transactions in the applicant's business bank statements, which must clearly show the transfer of this money from the applicant to their business, and
  - (iii) the applicant must provide a legal agreement, between the applicant (in the name that appears on their application) and the business, showing:
    - (1) the terms of the loan,
    - (2) any interest that is payable,
    - (3) the period of the loan, and
    - (4) that the loan is unsecured and subordinated to other creditors' loans to the business;
- (e) if the applicant has made the investment in the form of share capital, the accounts must show the shareholders, the amount and value of the shares (on the date of purchase) in the applicant's name as it appears on their application. If the value of the applicant's share capital is not shown in the accounts, then a printout of the company's register of members from Companies House must be provided;
- (f) the accounts must clearly show the name of the accountant, the date the accounts were produced, and how much the applicant has invested in the business;

- (g) if the applicant is claiming points for investment from a venture capital firm, they must also provide an original, dated letter from the venture capital firm, on its headed paper, confirming:
  - (i) the applicant's name,
  - (ii) the date(s) the money was transferred to the applicant or invested in their business, and
  - (iii) that the venture capital firm was registered with the Financial Conduct Authority on the date(s) in (ii) above;
- (h) if the applicant is claiming points for investing £50,000 from a seed funding competition, a UK or Devolved Government Department, or a venture capital firm, and has not been awarded points for those funds in a previous application, they must also provide the specified evidence in Table 4A above as evidence of the source of the funds (except that the letters referred to in paragraph 41(a)(i) and (ii) do not need to be dated within the three months immediately before the date of the application);
- (i) if the applicant has bought property as part of their business investment, the value of any residential accommodation cannot be included. The applicant must provide an estimate of the value of the residential accommodation if it is part of the premises also used for the business. The valuation must be from a surveyor who is a member of the Royal Institution of Chartered Surveyors, and dated within the three months before the date of application.

**Business activity: notes**

46. A business will only be considered to be a “new” business for the purposes of paragraph 43 and Tables 5 and 6 if it was established by the applicant no earlier than 12 months (or 24 months if the applicant was previously granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of the application which led to the applicant's first grant of leave as a Tier 1 (Entrepreneur) Migrant.

**Business activity: specified documents**

47. The applicant must provide the following specified documents, showing that they obtained the necessary business registration within the 6 month period referred to in Table 5 or 6:



- (a) if the applicant was self-employed, evidence of their registration with HM Revenue & Customs;
- (b) if the applicant was a director of a UK company or member of a UK partnership, a printout from Companies House of the company's filing history page and of the applicant's personal appointments history, showing the date of their appointment as a director or member.

48. The applicant must provide the following specified documents to show that they have established a new UK business or joined or taken over an existing business, and that they are engaged in business in the UK when they make their application:

- (a) if the applicant is self-employed, they must provide:
  - (i) evidence of their registration with HM Revenue & Customs to show that their business is based in the UK, and such evidence is dated no earlier than three months before the date of application,
  - (ii) HM Revenue & Customs evidence that the applicant is making tax returns within the self-assessment tax system, and
  - (iii) a personal bank statement showing transactions for their business, or a business bank statement, or a letter from a UK-regulated financial institution, on the institution's headed paper, confirming that the applicant has a business and acts through that bank for the purposes of that business;
- (b) if the applicant is a director of a UK company or member of a UK partnership, they must provide:
  - (i) printouts of Companies House documents, dated no earlier than three months before the date of the application, showing all of the following:
    - (1) the address of the registered office in the UK, or head office in the UK if it has no registered office,
    - (2) the applicant's name, as a director or member,
    - (3) the date of the applicant's appointment as a director or member, and

(4) that the business is actively trading (not dormant, struck-off, dissolved or in liquidation),

(ii) evidence from HM Revenue & Customs confirming that the company is registered for corporation tax (if the applicant is a director of a company) or that the applicant is making tax returns within the self-assessment tax system (if the applicant is self-employed), and

(iii) a business bank statement from a UK account which shows business transactions, or a letter from the UK bank in question, on its headed paper, confirming that the company or partnership has a bank account, that the applicant is a signatory of that account, and that the company or partnership uses that account for the purposes of their business.

#### **Job creation: notes**

49. (a) A full time job is one involving at least 30 hours of paid work per week.

(b) “The equivalent of” a full time job means two or more part time jobs that add up to 30 hours per week, if each of the jobs exist for at least 12 months. However, one full time job of more than 30 hours of work per week will not count as more than one full time job.

(c) A job may count even if it does not last 12 consecutive months (for example it lasts for 6 months in one year and 6 months the following year) provided that it is the same job.

(d) The jobs need not exist on the date of application, provided that they existed for at least 12 months as specified in Table 5 (row 4) and Table 6 (row 3).

(e) Different jobs that have existed for less than 12 months cannot be combined together to make up a 12 month job. The only exception is where the applicant successfully applied as a Tier 1 (Entrepreneur) Migrant before 6 April 2014, has had continuous leave as a Tier 1 (Entrepreneur) Migrant since then, and the date of application for entry clearance, leave to remain or indefinite leave to remain is before 6 April 2019.

(f) If jobs are being combined the employees being relied upon must be clearly identified by the applicant in their application.

(g) The jobs must comply with all relevant UK legislation including,

but not limited to, the National Minimum Wage Regulations in effect at the time and the Working Time Regulations 1998.

**Job creation: specified documents**

50. If the applicant is required to score points for job creation in Table 5 or Table 6, they must provide all of the following specified documents:

- (a) printouts of Real Time Full Payment Submissions showing that the applicant complied with Pay As You Earn (PAYE) reporting requirements to HM Revenue & Customs in respect of each relevant settled worker as legally required, and has done so for the full period of employment used to claim points. These must show every payment made to each settled worker as well as any deductions;
- (b) duplicate payslips or wage slips for each settled worker used to claim points, covering the full period(s) of the employment for which points are being claimed;
- (c) confirmation of the employment start date, hours paid per pay period and the hourly rate for each settled worker relied upon, including any changes to the same and the dates of those changes;
- (d) copies of any of the following documents which demonstrate that each employee has settled status in the UK:
  - (i) the biometric data page of a British or EEA passport, showing the photograph and personal details of the employee,
  - (ii) a birth certificate, showing the employee was born in the UK and Colonies before 1 January 1983,
  - (iii) if the employee was born in the UK on or after 1 January 1983, a birth certificate, together with documentation, such as a passport or naturalisation certificate, which confirms one of their parents had settled status in the UK when the employee was born, and additionally, if the parent is the employee's father, a marriage certificate to the mother,
  - (iv) if the employee is an EEA national, a UK registration certificate/permanent residence document,
  - (v) if the employee is the spouse of an EEA national, the biometric data page of their passport, showing their photograph and personal details, or a residence card, and any of the

documents in (i) or (iv) above which relate to the EEA national, together with their marriage certificate to the EEA national, or

(vi) if the worker is an overseas national with settled status in the UK, the biometric data page of their passport containing their photograph and personal details, and the pages where a UK Government stamp or an endorsement appear, or a biometrics residence permit, or official documentation from the Home Office which confirms their settled status in the UK;

- (e) if the applicant was self-employed at the time a settled worker was employed by their business, the specified documents in paragraph 48(a) above showing the dates that the applicant became registered with HMRC as self-employed, with the bank statements referred to in 48(a)(iii) showing all the payments made to the settled worker in the full period of employment used to claim points, and the address of the business;
- (f) if the applicant was a director of a UK company or member of a UK partnership at the time the settled worker was employed by their business, a printout from Companies House of the company's filing history page and of the applicant's personal appointments history, showing this;
- (g) if the applicant took over or joined a business, they must provide an original signed and dated letter from an accountant, showing:
  - (i) the name and contact details of the business,
  - (ii) the applicant's status in the business,
  - (iii) the number of jobs created in the business and the hours paid in each of the jobs,
  - (iv) the start dates and end dates (where applicable) of the jobs relied upon,
  - (v) the registration or permission of the accountant to operate in the UK,
  - (vi) confirmation that the business did not employ any workers before the applicant took over or joined it, if relevant and
  - (vii) confirmation that the accountant will verify the contents of the letter to the Home Office on request;

This applies regardless of how long the business existed for before the applicant took over or joined it;

(h) if the business referred to in (g) employed workers before the applicant took over or joined it, they must also provide the following documents for the year immediately before the applicant joined the business and the years that the jobs were created, showing the net increase in employment and signed and dated by the applicant:

(i) duplicate Real Time Full Payment Submissions sent to HM Revenue & Customs, or

(ii) if the business started employing settled workers for whom points are being claimed, before reporting under Real Time, a form P35.

**Settlement on the basis of £5 million business activity: specified documents**

51. (a) Where Table 6 applies and the applicant is relying on the business activity of a new UK business or businesses, they must provide audited (if the business is legally required to produce audited accounts) or unaudited accounts which show the gross income resulting from the business' activities and that this reached at least £5 million.

(b) Where Table 6 applies and the applicant is relying on business activity from an existing UK business which they have taken over or invested in, they must provide both of the following:

(i) audited accounts (if the business is legally required to produce audited accounts) or unaudited accounts clearly showing:

- (1) the name of the accountant,
- (2) the date the accounts were produced,
- (3) the gross income from business activity for the 3 year period immediately before the date on which the applicant became involved with the business, and
- (4) a net increase of at least £5 million in gross income from business activity during the three year for which the applicant is claiming points under Table 6, row 4;

- (ii) an original, signed and dated accountant's letter, confirming:
  - (1) the name and contact details of the business,
  - (2) an explanation of the applicant's status in the business,
  - (3) the net increase in business activity,
  - (4) the registration or permission of the accountant to operate in the United Kingdom, and,
  - (5) that the accountant will verify the content of the letter to the Home Office on request.

**Entrepreneurial teams: notes**

52. Two applicants, but no more than two applicants, may claim points for the same investment, available funds, jobs created and business activity in Tables 4, 5 or 6 provided all of the following requirements are met:

- (a) The applicants have equal level of control over the funds and (where relevant) equal status as owners, directors and/or members of the business or businesses in question.
  - (b) The applicants are both shown by name, passport number and (where relevant) Points-Based System reference number in each other's applications and in the specified evidence required in the relevant table.
  - (c) Neither applicant has previously been granted leave as a Tier 1 (Entrepreneur) Migrant on the basis of investment and/or business activity linked in this way with any applicant other than each other, if the same funds were relied on in a previous application.
53. (a) No points will be awarded for money that is made available to any individual other than the applicant, except:
- (i) under the terms of paragraph 52 above; or
  - (ii) where the money is held in a joint account with the applicant's spouse, civil partner or partner (defined as a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application), and that spouse or partner is not (and is not applying to be) another Tier 1 (Entrepreneur) Migrant.

(b) No points will be awarded for investment, job creation and business activity shared with another Tier 1 (Entrepreneur) applicant, except under the terms of paragraph 52 above.

(c) If the applicant is not the sole member or director in their business, they must provide confirmation of:

(i) the names of the other members or directors,

(ii) whether any of the other members or directors are also Tier 1 (Entrepreneur) Migrants, and

(iii) if so:

(1) the dates they became members or directors,

(2) whether they are applying under the provisions in paragraph 52 above, and

(3) if they have made (or are making at the same time) an application in which they claimed points for creating jobs, the names of the jobholders in question.”.

A11. In Table 9A, row 2, delete:

“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.”.

A12. In Table 9B, row 3, delete:

“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.”.

- A13. In paragraph 65(e), for “the National Savings and Investment Agency (NS&I)” substitute “National Savings and Investment (NS&I)”.
- A14. In paragraph 65-SD(a)(viii), for “correct, and confirmation that” substitute “correct and, except for National Savings and Investment (NS&I) portfolio reports, confirmation that”.
- A15. In paragraph 65-SD(c)(i), for:
- “only the unmortgaged portion of the applicant's own home can be considered. The property must be owned by the applicant (or applicant and/or the husband, wife, civil partner, or unmarried or same-sex partner of the applicant) and the valuation must be provided on a report issued by a surveyor (who is a member of the Royal Institution of Chartered Surveyors) in the six months prior to the date of application;”
- substitute:
- “only the unmortgaged portion of the applicant's own main home, excluding any share owned by any other person in the case of a tenancy in common, will count towards the balance of funds. The valuation of the portion of the property that the applicant may rely on, must be provided in a report issued by a surveyor (who is a member of the Royal Institution of Chartered Surveyors), which is dated not earlier than six months prior to the date of application. The property must be:
- (1) wholly owned by the applicant or
  - (2) co-owned by the applicant and their spouse, civil partner, or partner, or
  - (3) co-owned by the applicant with one or more persons as tenants in common;”.
- A16. After paragraph 77K(a)(iii), insert:
- “(iv) they are undertaking a Nursing and Midwifery Council approved programme with a view to returning to practice”.
- A17. In paragraph 78C, for “In order for another Resident Labour Market Test exemption to apply, either”, substitute “The Resident Labour Market Test exemption also applies if one of the requirements from (a) to (g) is met and the Certificate of Sponsorship Checking Service entry provides full details of why an exemption applies”.
- A18. For paragraph 78C(b), substitute:



- “(b) the job offer must be in a supernumerary research position, where the applicant has been granted a scientific research Award or Fellowship either:
- (i) by a third party organisation, and the Award or Fellowship cannot be transferred to anyone else; or
  - (ii) by the Sponsor if the following requirements are met:
    - (1) the applicant has been selected through a competitive process on the basis of their own research proposal; and
    - (2) the funding of the research is secured in an agreement between the Sponsor and a third party organisation, which includes objectively justified requirements that effectively prohibit any settled worker from undertaking the role.

This exemption continues to apply after the relevant third party funding has ended, as long as the applicant is being sponsored to continue to undertake the same research; or”.

A19. For paragraph 78C(f), substitute:

“(f) the job offer must be to continue working as a member of an existing research team and:

- (i) the Sponsor is a Higher Education Institution or a Research Council, and
- (ii) the applicant has previously worked with the lead researcher as part of their team for a continuous 12 month period immediately before the date of the application (or for 12 months during the 24 months immediately before the date of the application, if the applicant has been on maternity leave, paternity leave, shared parental leave, adoption leave or long term sick leave during that time); or

(g) the job offer meets the requirements set out in paragraph 77B(d) of this Appendix.”.

A20. In paragraph 116(f)(ii)(4) for “that the course is full-time” substitute “on whether the course is part-time or full-time”.

A21. In paragraph 116(g), for “student union sabbatical officer”, substitute “Student Union Sabbatical Officer”.

- A22. In paragraph 120(a), after “must meet”, insert “one of”.
- A23. In paragraph 120(a)i., after “Level 3 or above”, insert “(or at RQF Level 7 or above if the course is part-time)”.
- A24. In paragraph 120(a)ii., after “Level 4 or above”, insert “(or at RQF Level 7 or above if the course is part-time)”.
- A25. In paragraph 120(a)iii., after “by the Scottish Qualifications Authority”, insert “(or at SCQF Level 11 or above if the course is part-time)”.
- A26. In paragraph 120(a)iv., after “by the Scottish Qualifications Authority”, insert “(or at SCQF Level 11 or above if the course is part-time)”.
- A27. In paragraph 120(e)ii., delete “or”.
- A28. In paragraph 120(e)iii., for “lead”, substitute “that leads”.
- A29. In paragraph 120(e)iii., for “as defined in (cb) above.”, substitute “as defined in (cb) above; or”.
- A30. After paragraph 120(e)iii., insert “iv. be a part-time course sponsored by a UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council, that meets the relevant academic requirements set out in paragraphs 120(a)i., 120(a)ii., 120(a)iii. or 120(a)iv., and leads to an approved qualification as defined in (cb) above.”.
- A31. In paragraph 120A(a)iv, for “student union sabbatical officer”, in each place it occurs, substitute “Student Union Sabbatical Officer”.
- A32. In paragraph 120A(a)vi., for “.”, substitute “, or”.
- A33. After paragraph 120A(a)vi., insert:
- “vii. the applicant is applying for leave to undertake a study abroad programme or work placement which is both integral to, and assessed as part of the course; or to complete their course, having completed a study abroad programme or work placement.”.

### **Changes to Appendix Armed Forces**

- AF1. Delete paragraph 8(d).
- AF2. In paragraph 28, for paragraph (a), substitute:

“

(a) is in the United Kingdom, but not:

- (i) as a visitor;
- (ii) with valid leave that was granted for a period of 6 months or less, unless that leave:
  - (aa) is as a fiancé(e) or proposed civil partner; or
  - (bb) was granted pending the outcome of family court or divorce proceedings;
- (iii) on temporary admission or temporary release; or
- (iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted;”.

### **Changes to Appendix C**

- C1. In paragraph 1B(a)(iii)(1)\_ii, for “Tier 4 Migrant,” substitute “a Tier 4 Migrant or as a Child of a Relevant Points-Based System Migrant, or”.
- C2. In paragraph 1B(a)(iii)(1)\_iii, for “a Partner or Child of a Relevant Points-Based System Migrant, or” substitute “a Partner of a Relevant Points-Based System Migrant.”.
- C3. Delete paragraph 1B(a)(iii)(1)\_iv.
- C4. In paragraph 1B(a)(iv), after “must”, delete “be”.
- C5. In paragraph 1B(b)(iii)(1)\_ii, for “Tier 4 Migrant,” substitute “a Tier 4 Migrant or as a Child of a Relevant Points-Based System Migrant, or”.
- C6. In paragraph 1B(b)(iii)(1)\_iii, for “a Partner or Child of a Relevant Points-Based System Migrant, or” substitute “a Partner of a Relevant Points-Based System Migrant.”.
- C7. Delete paragraph 1B(b)(iii)(1)\_iv.
- C8. In paragraph 1B(c)(v)(1)\_ii, for “Tier 4 Migrant,” substitute “a Tier 4 Migrant or as a Child of a Relevant Points-Based System Migrant, or”.

- C9. In paragraph 1B(c)(v)(1)\_iii, for “a Partner or Child of a Relevant Points-Based System Migrant, or” substitute “a Partner of a Relevant Points-Based System Migrant.”.
- C10. Delete paragraph 1B(c)(v)(1)\_iv.
- C11. In paragraph 1B(c)(v), for the second sub-paragraph number “(5)”, substitute “(6)”.
- C12. For the table below paragraph 11, substitute:  
“

Criterion	Points
<b>If studying in London:</b>	
(i) Where the applicant is (or will be) studying at a residential Independent School: sufficient funds are available to the applicant to pay boarding fees (being course fees plus board/lodging fees) for an academic year.	<b>10</b>
(ii) Where the applicant is applying for leave to remain as a postgraduate doctor or dentist on a recognised Foundation Programme or as a Student Union Sabbatical Officer: funds of £1,265 are available to the applicant for each month remaining of the course up to a maximum of two months.	
(iii) Where the applicant is applying for leave to remain on the doctorate extension scheme: two months of funds, a total of £2,530, are available to the applicant.	
(iv) In all other circumstances: sufficient funds are available to the applicant to pay the full course fees for an academic year, or for the entire course if it is less than a year, plus £1,265 for each month of the course up to a maximum of nine months.	
<b>If studying outside London:</b>	
(v) Where the applicant is (or will be) studying at a residential Independent School: sufficient funds are available to the applicant to pay boarding fees (being course fees plus board/lodging fees) for an academic year.	

(vi) Where the applicant is applying for leave to remain as a postgraduate doctor or dentist on a recognised Foundation Programme or as a Student Union Sabbatical Officer: funds of £1,015 are available to the applicant for each month remaining of the course, up to a maximum of two months.	
(vii) Where the applicant is applying for leave to remain on the doctorate extension scheme: two months of funds, a total of £2,030, are available to the applicant.	
(viii) In all other circumstances: sufficient funds are available to the applicant to pay the full course fees for an academic year, or for the entire course if it is less than a year, plus £1,015 for each month of the course up to a maximum of nine months.	

”.

C13. For the table below paragraph 16, substitute:

<b>Criterion</b>	<b>Points</b>
(i) Where the child is (or will be) studying at a residential Independent School: sufficient funds are available to the applicant to pay boarding fees (being course fees plus board/lodging fees) for an academic year.	
(ii) Where the child is (or will be) studying at a non-residential Independent School and is in a private foster care arrangement (see notes below) or staying with and cared for by a close relative (see notes below): <ul style="list-style-type: none"> <li>(a) sufficient funds are available to the applicant to pay school fees for an academic year;</li> <li>(b) the foster carer or relative (who must meet the requirements specified in paragraph 19 of this Appendix) has undertaken to maintain and accommodate the child for the duration of the course; and</li> <li>(c) the foster carer or relative has funds equivalent to at least £570 per month, for up to a maximum of nine months, to support the child whilst in the</li> </ul>	

United Kingdom.	<b>10</b>
<p>(iii) Where the child is (or will be) studying at a non-residential Independent School, and is (or will be) accompanied by a parent who is on the Parent of a Tier 4 (Child) Student route, sufficient funds are available to the applicant to pay school fees for an academic year, plus:</p> <p>(a) if no other children are accompanying the applicant and the parent, £1,560 per month of stay up to a maximum of nine months; or</p> <p>(b) if other children are accompanying the applicant and the parent, £1,560 per month, plus £625 per month for each additional child, up to a maximum of nine months.</p>	
<p>(iv) Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School in London: sufficient funds are available to the applicant to pay the full course fees for an academic year, or for the entire course if it is less than a year, plus £1,265 for each month of the course up to a maximum of nine months.</p>	
<p>(v) Where the child is aged 16 or 17 years old, is living independently and studying at a non-residential Independent School outside London: sufficient funds are available to the applicant to pay the full course fees for an academic year, or for the entire course if it is less than a year, plus £1,015 for each month of the course up to a maximum of nine months.</p>	

”.

### **Changes to Appendix FM**

FM1. In paragraph S-EC.1.4., delete “Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors.”.

### **Changes to Appendix G**

G1. For paragraph 1 substitute:

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

- Australia - 34,000 places
- New Zealand - 14,000 places
- Canada - 6,000 places
- Japan - 1,000 places
- Monaco - 1,000 places
- Taiwan – 1,000 places”.

### **Changes to Appendix J**

J1. In paragraph 14(f)(ii), after “NHS Agenda for Change” insert “or the equivalent source for each of the devolved administrations,”.

J2. In Table 2, in the row containing “2213 Pharmacists”, for:

“Pre-registration and Band 5 and equivalent: £21,909  
Band 6 and equivalent: £26,302  
Band 7 and equivalent: £31,383  
Band 8a and equivalent: £40,028  
Band 8b and equivalent: £46,625  
Band 8c and equivalent: £56,104  
Band 8d and equivalent: £66,582  
Band 9 and equivalent: £78,629”

substitute:

“See Table 9”.

J3. In Tables 1 and 2, in each place it occurs, for:

“Band 5 and equivalent: £21,909  
Band 6 and equivalent: £26,302  
Band 7 and equivalent: £31,383  
Band 8a and equivalent: £40,028  
Band 8b and equivalent: £46,625  
Band 8c and equivalent: £56,104  
Band 8d and equivalent: £66,582  
Band 9 and equivalent: £78,629”

substitute:

“See Table 9”.

- J4. In Table 2, in the row containing “2231 Nurses”, delete:

“Pre-registration candidate nurses (Band 3 and equivalent): £16,800”.

- J5. In Table 2, in the row containing “2232 Midwives”, delete:

“Pre-registration candidate midwives (Band 3 and equivalent): £16,800”.

- J6. In Table 2, in the row containing “3213 Paramedics”, for:

“Band 5 and equivalent: £21,909  
Band 6 and equivalent: £26,302  
Band 7 and equivalent: £31,383”.

substitute:

“See Table 9”.

- J7. In Table 3, in both places it occurs, for:

“Band 3 and equivalent: £16,800  
Band 4 and equivalent: £19,217  
Band 5 and equivalent: £21,909  
Band 6 and equivalent: £26,302  
Band 7 and equivalent: £31,383”

substitute:

“See Table 9”.

- J8. In Table 4, in the row containing “6141 Nursing auxiliaries and assistants”, for:

“Band 3 and equivalent: £16,800  
Band 4 and equivalent: £19,217”

substitute:

“See Table 9”.

- J9. In Table 4, in the row containing “6143 Dental nurses”, for:

“Band 3 and equivalent: £16,800  
Band 4 and equivalent: £19,217



Band 5 and equivalent: £21,909  
Band 6 and equivalent: £26,303”

substitute:

“See Table 9”.

J10. In Tables 1 to 4, in each place it occurs, delete:

“[Source: NHS Agenda for Change 2016]”.

J11. After Table 8, insert:

**“Table 9: Minimum rates of pay for health sector workers by administration and band**

[Source: rates of pay defined by the NHS Agenda for Change 2017-18 in England and the equivalent rates for each of the devolved administrations]

<b>Band or equivalent</b>	<b>England</b>	<b>Scotland</b>	<b>Wales</b>	<b>Northern Ireland</b>
Band 3	£16,968	£17,760	£16,764	£16,597
Band 4	£19,409	£20,302	£19,410	£19,217
Band 5	£22,128	£22,440	£22,129	£21,909
Band 6	£26,565	£26,830	£26,566	£26,301
Band 7	£31,696	£32,013	£31,697	£31,383
Band 8a	£40,428	£40,833	£40,429	£40,028
Band 8b	£47,092	£47,562	£47,092	£46,626
Band 8c	£56,665	£57,232	£56,666	£56,103
Band 8d	£67,247	£68,599	£67,920	£67,248
Band 9	£79,415	£81,011	£80,210	£79,415

”.

### **Changes to Appendix K**

K1. In Table 3, in the last column of the row containing “2314 (Secondary education teaching professionals)” and “secondary education teachers in the subject of chemistry”, for “6 April 2022”, substitute “6 April 2023”.

### **Changes to Appendix L**

L1. For paragraphs 1 to 4A, substitute:

**“Criteria for endorsement by The Royal Society, The Royal Academy of Engineering or The British Academy**

1. To be considered for endorsement, the applicant must demonstrate that they either:

(a) hold a specific peer-reviewed Research Councils UK, Wellcome Trust, British Heart Foundation, Cancer Research UK or UK National Academies research fellowship, as defined by The Royal Society, The Royal Academy of Engineering or The British Academy;

(b) have been appointed to eligible senior academic or research positions at UK Higher Education Institutions (HEI) or specific research institutes as defined by The Royal Society, The Royal Academy of Engineering or The British Academy;

(c) satisfy all of the mandatory “Exceptional Talent (world leader) criteria, and at least one of the qualifying criteria, in the table below; or

(d) satisfy all of the “Exceptional Promise (potential world leader)” criteria in the table below.

<b>Exceptional Talent (world leader)</b>	<b>Exceptional Promise (potential world leader)</b>
<b>Mandatory</b>	<b>Mandatory</b>
<p>The applicant must:</p> <ul style="list-style-type: none"> <li>- Be an active researcher in a relevant field, typically within a university, research institute or within industry;</li> <li>- Have a PhD or equivalent research experience;</li> <li>- Provide a dated letter of personal recommendation from an eminent person resident in the UK supporting the Tier 1 (Exceptional Talent) application who is familiar with the applicant’s work and their contribution to their field, and is</li> </ul>	<p>The applicant must:</p> <ul style="list-style-type: none"> <li>- Be an active researcher in a relevant field, typically within a university, research institute or within industry;</li> <li>- Have a PhD or equivalent research experience (including industrial research);</li> <li>- Provide a dated letter of personal recommendation from an eminent person resident in the UK supporting the Tier 1 (Exceptional Talent) application who is familiar with the applicant’s work and their contribution to their</li> </ul>

<b>Exceptional Talent (world leader)</b>	<b>Exceptional Promise (potential world leader)</b>
<p>qualified to assess their claim to be a world leader in their field; and</p> <ul style="list-style-type: none"> <li>- Meet one or more of the following Qualifying Criteria.</li> </ul>	<p>field, and is qualified to assess their claim that they have the potential to be a world leader in their field;</p> <ul style="list-style-type: none"> <li>- Be at an early stage in their career; and</li> <li>- Have been awarded, hold, or have held in the past five years, a prestigious UK based Research Fellowship, or an international Fellowship or advanced research post judged by the competent bodies to be of equivalent standing.</li> </ul>
<b>Qualifying</b>	
<ul style="list-style-type: none"> <li>- Be a member of their national academy or a foreign member of academies of other countries (in particular any of the UK national academies);</li> <li>- Have been awarded a prestigious internationally recognised prize;</li> <li>- Provide a written dated recommendation from a reputable UK organisation concerned with research in the applicant's field. The dated letter must be written by an authorised senior member of the organisation, such as a Chief Executive, Vice-Chancellor or similar, on official paper.</li> </ul>	

2. (a) No further documents are required to be considered for endorsement under paragraph 1(a), providing the applicant confirms the details of their fellowship in their application.

(b) To be considered for endorsement under paragraph 1(b), the applicant must provide a statement of guarantee from the Director of Human Resources or equivalent of the appointing UK HEI or research institute. The statement must be dated and confirm all of the following:

(i) that the job was advertised and an open competition was held for the position (applications where there was not an open competition may be considered providing all other criteria are met and a reasonable explanation is provided for that decision);

(ii) that a job offer of an eligible senior academic or research position at the employing institution has been made and accepted;

(iii) the name of the position and the department in which the applicant will be based (eligible senior positions are Professor, Associate Professor or Reader in a UK HEI or equivalent positions at a research institute, such as Senior Group Leader);

(iv) that at least three references were required and received;

(v) that at least four senior academic representatives from the employing institution were present on the interview panel;

(vi) that at least one senior external expert in a relevant field, who is not employed by the employing institution, was consulted during the recruitment process (either participating in the interview or providing written input).

(c) To be considered for endorsement under paragraph 1(c) or paragraph 1(d), the applicant must provide the following documents:

(i) A short curriculum vitae outlining their career and publication history (of no more than 3 A4 sides in length);

(ii) A dated letter of recommendation written in support of the application from an eminent person resident in the UK who is familiar with the applicant's work and their contribution to their field, and is qualified to assess their claim to be a world leader or a potential world leader in their field. The letter should include details of how the eminent person knows the applicant; the applicant's achievements in the specialist field, and how in the opinion of the eminent person the applicant exhibits exceptional talent; how the applicant would benefit from living in the UK; and the contribution they would make to UK research excellence and to wider society.

(iii) for applicants applying under paragraph 1(c), in addition to the

documents required in (i) and (ii) above, evidence in relation to at least one of the qualifying criteria listed in the table in paragraph 1 above.

3. The documents in paragraph 2 above must be:

- (a) Hard copy,
- (b) Printed (not hand-written), and
- (c) Written in English or accompanied by authorised English translations.

4. If the applicant is applying under paragraph 1(c) or 1(d), the Designated Competent Body will also take into consideration the following assessment criteria:

- (a) The applicant’s track record/career history (including their international standing, the significance of their publications, prizes and research funding awarded, patents, and the impact of past innovation activity, in a company, academia or as an individual);
- (b) The strength of the supporting statements in the letter of personal recommendation, and evidence in relation to qualifying criteria, including a written recommendation from a reputable UK organisation concerned with research in the applicant’s field (if relevant);
- (c) The expected benefits of the applicant’s presence in the UK in terms of the contribution to UK research excellence and to wider society, including potential economic benefits from exploitation of intellectual capital; and
- (d) The additional factors in the table below.

<b>Exceptional Talent (world leader)</b>	<b>Exceptional Promise (potential world leader)</b>
Whether the applicant is the winner of a prestigious prize or award;	Whether the applicant has provided evidence sufficient to demonstrate that they have the potential to be a future world leader in their field;
Whether the applicant has secured significant funding for their work in the past ten years;	The level of additional funding secured during, or following tenure of, a relevant fellowship;
Whether the applicant is regarded as a world leader in their field.	Whether they can provide evidence of a relevant prize or award for early

<b>Exceptional Talent (world leader)</b>	<b>Exceptional Promise (potential world leader)</b>
	career researchers;  The significance of their contribution to their field relative to their career stage.

4A. If the applicant is judged by the Designated Competent Body not to meet the requirements in paragraphs 1 to 4 above, endorsement will not be given. In all cases, the Designated Competent Body will advise the Home Office of their endorsement decision.”.

- L2. In paragraph 5(a), for “the arts (encompassing dance, music, theatre, visual arts and literature), museums or galleries”, substitute “arts and culture, encompassing dance, music, theatre, combined arts, literature and visual arts (including museums and galleries)”.
- L3. In paragraph 6(b), for “practitioner in his field”, substitute “practitioner in their field”.
- L4. In paragraph 6(c), for “exceptional talent”, substitute “Exceptional Talent”.
- L5. In paragraph 6(c), for “exceptional promise”, substitute “Exceptional Promise”.
- L6. In paragraph 7, for “within the arts, museums or galleries”, substitute “within arts and culture”.
- L7. In paragraph 7, for “he”, in both places it occurs, substitute “they”.
- L8. In paragraph 7, for “his”, in both places it occurs, substitute “their”.
- L9. For the table in paragraph 7, substitute:

<b>Exceptional Talent within the fields of arts and culture</b>	<b>Exceptional Promise within the fields of arts and culture</b>
The applicant must provide evidence to support two or more of the following:  1) Two or more examples of recent (in the last five years) significant media	The applicant must provide evidence to support two or more of the following:  1) Two or more examples of recent (in the last five years) media recognition such as

<b>Exceptional Talent within the fields of arts and culture</b>	<b>Exceptional Promise within the fields of arts and culture</b>
<p>recognition such as features, articles and/or reviews from national publications or broadcasting companies in at least two countries, one of which can be the applicant’s country of residence. Event listings or advertisements are not acceptable. Media recognition must provide critique of the applicant’s work.</p> <p>2) Proof of having won international awards for excellence in the past five years, for example the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award. Arts Council England will judge whether a particular award provides appropriate evidence of international recognition in the applicant’s field.</p> <p>3) Proof of appearances, performances, publications or exhibitions in the past five years in contexts which are recognised as internationally significant in the applicant’s field or evidence of extensive international distribution and audiences for the applicant’s work.</p> <p>Arts Council England will judge whether such appearances, performances, exhibitions or distribution provide appropriate evidence of international significance in the applicant’s field. Proof must come from at least two countries, one of which can be the applicant’s country of residence.</p>	<p>articles and/or reviews from national publications or broadcasting companies in at least two countries, one of which can be the applicant’s country of residence. Event listings or advertisements are not acceptable. Media recognition must provide critique of the applicant’s work.</p> <p>2) Proof of having won or been nominated or shortlisted for international awards for excellence in the past five years, for example the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award. Arts Council England will judge whether a particular award provides appropriate evidence of recognition in the applicant’s field.</p> <p>3) Proof of appearances, performances, publications or exhibitions in the past five years in contexts which are internationally recognised in the applicant’s field or evidence of international distribution and audiences for the applicant’s work.</p> <p>Arts Council England will judge whether such appearances, performances, exhibitions or distribution provide appropriate evidence of international recognition in the applicant’s field. Proof must come from at least two countries, one of which can be the applicant’s country of residence.</p>

L10. In paragraph 8, for “he must” substitute “they must”.

L11. In paragraph 8(c)(ii)(3), for “within the last three years” substitute “within the last five years”.

- L12. In paragraph 9(a), after “member of the organisation such” insert “as”.
- L13. For paragraph 9(c), substitute:  
“(c) detail the applicant's achievements in their specialist field and how in the opinion of the author they have demonstrated that they are, or have the potential to become, a world leader in their field;”.
- L14. In paragraph 9(d), for “he” substitute “they”.
- L15. In paragraph 9(e), after “can be made” insert “by Arts Council England if required”.
- L16. In the table in paragraph 10, for “you”, in both places it occurs, substitute “they”.
- L17. In the table in paragraph 10, for “your”, in both places it occurs, substitute “their”.
- L18. In the table in paragraph 10, in the “Key” section of the “Exceptional Talent” column, renumber the second paragraph 1 as paragraph 2.
- L19. In paragraph 13(b)(i), for “his”, in each place it occurs, substitute “their”.

### **Changes to Appendix M**

- M1. In paragraph 2, before “Archery” insert:

“

Aikido	British Aikido	Tier 5 (Temporary Worker – Creative and Sporting)
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”

### **Changes to Appendix N**

- N1. For “BOND business internships” and all references to “BOND” substitute “British Council Tech Trainees”.
- N2. After the row starting “Jiangsu Centre for Chinese Studies in Essex”, insert:  
“



Khebrat Leadership for Change Programme	This scheme enables Saudi Arabian education professionals to undertake professional learning experience in the UK, through the Saudi national Khebrat programme.	British Council	Work experience programme Maximum 12 months	All UK
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”.

**Changes to Appendix V**

- V1. In paragraph V1.2, after “leave to enter.”, insert, “Appendix 1 of Appendix V sets out the format of visit visas that are valid for entry to the UK.”.
- V2. In paragraph V3.4, delete “Where this paragraph applies, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors.”.
- V3. In paragraph V3.9(b), after “attached to their leave” insert “, unless leave was subsequently granted in the knowledge of the breach”.
- V4. In Paragraph V7.4, after “A visa national must either hold”, insert “a type of visit visa set out in paragraph V1.5(a) or (b) or”.
- V5. In Paragraph V7.7(c), delete “will”.
- V6. In Appendix 1 to Appendix V, in paragraph 1, after the definition “specified application form”, insert the following:

“

State funded school or academy	A “state funded school” refers to: <ul style="list-style-type: none"> <li>• a school maintained by a local authority, for schools in England and Wales;</li> <li>• a public school as defined in the Education (Scotland) Act 1980, for schools in Scotland; and</li> <li>• a grant-aided school as defined</li> </ul>
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	<p>by the Education and Libraries (Northern Ireland) Order 1993, for schools in Northern Ireland.</p> <p>A “school maintained by a local authority” means an institution defined within the School Standards and Framework Act 1998 or the Education Act 1996, both as amended. This includes community schools, foundation schools, voluntary aided schools, voluntary controlled schools, community special schools, foundation special schools, pupil referral units, and maintained nursery schools.</p> <p>“Academy” means an institution defined by and established under the Academies Act 2010, as amended. This includes academy schools, 16-19 academies and alternative provision academies.</p>
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”

V7. In Appendix 1 to Appendix V, in paragraph 1, after the definition of “illegal entrant” insert the following:

“

<p>Independent School</p>	<p>An “Independent School” means a school which is:</p> <p>(a) a school in England and Wales at which full time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) and which is not:</p> <ul style="list-style-type: none"> <li>(i) a school maintained by a local authority, or</li> <li>(ii) a special school not so maintained;</li> </ul> <p>(b) a school in Scotland at which full-time education is provided for pupils</p>
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	<p>of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school; or</p> <p>(c) a school in Northern Ireland that has been registered with the Department of Education; and</p> <p>(d) is not an Academy.</p>
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”

- V8. In Visitors Appendix 1, in the definition of “visit visa”, after “in the holder’s passport”, insert, “but may be issued in electronic form”.
- V9. In Appendix 3 to Appendix V, in the heading above paragraph 1, delete “except transit visitors”.
- V10. In paragraph 1 of Appendix 3 to Appendix V, after “Visitors coming to the UK under the ADS agreement may only do activities in paragraph 3 of this appendix.”, insert “Permitted Paid Engagement visitors may not undertake the activity in paragraph 28 of this Appendix. Visitors coming to the UK as a transit visitor may only do the activities in paragraph 28 of this Appendix.”.
- V11. In paragraph 11(b) of Appendix 3 to Appendix V, for “our” substitute, “out”.
- V12. In paragraph 25(a) of Appendix 3 to Appendix V, for “UK state” substitute, “a state funded school or academy”.
- V13. In paragraph 25(b) of Appendix 3 to Appendix V, after “provided that the main purpose of the visit is not to study”, insert “and the study is not at *a state funded school or academy*.”.
- V14. After paragraph 27 of Appendix 3 to Appendix V, insert:
- “Transit**
28. An individual may transit the UK provided they meet the requirements of Part V7.”.
- V15. In Appendix 5 to Appendix V, in paragraph 1, after (qq), insert, (rr) Africa Utopia”.