

# STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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

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*Ordered by the House of Commons to be printed  
15 June 2018*

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



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

The Home Secretary has made the changes hereinafter stated in the rules laid down by her as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (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 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

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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>

(HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), and 15 March 2018 (HC 895).

## **Implementation**

The changes to Part 7 set out in paragraph 7.2, to Part 8 set out in paragraphs 8.1 and 8.2, to Part 11 set out in paragraph 11.1, to Appendix A set out in paragraphs A14 to A17 and A21 to A25, to Appendix ECAA set out in paragraph ECAA1., to Appendix FM set out in paragraphs FM1. to FM4. and to Appendix FM-SE set out in paragraphs FM-SE1. and FM-SE2. of this statement shall take effect from 6 July 2018 and will apply to all decisions made on or after that date.

The other changes set out in this statement shall take effect on 6 July 2018. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 6 July 2018, the application will be decided in accordance with the Immigration Rules in force on 5 July 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, in each place it occurs, for “Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council”, substitute “Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”.

Intro2. In paragraph 6, after the definition of “UK listed body” for:

“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.

“**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.

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”,

substitute

“A “**state-funded school or academy**” means:

- a) In England: An “**Academy**” as defined by and established under the Academies Act 2010, as amended. This includes academy schools, 16-19 academies and alternative provision academies
- b) In England and Wales: A “**school maintained by a local authority**” being an institution defined in 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.

- c) In Northern Ireland: A “**grant-aided school**” being a school to which grants are paid under the Education Orders as defined in the Education and Libraries (Northern Ireland) Order 1986. This includes controlled, maintained, grant-maintained integrated schools and voluntary grammar schools.
- d) In Scotland: A “**public school**” and a “**grant-aided school**”, both as defined in section 135 of the Education (Scotland) Act 1980 which defines a “public school” to mean “a school under the management of an education authority”. For the avoidance of doubt, these definitions include any such nursery schools and special schools. “**Special school**” has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004.

A ‘**non-maintained special school**’ (in England and Wales) means: A school approved by the Secretary of State under section 342(1) of the Education Act 1996 (as amended) which is specially organised to make special educational provision for pupils with special educational needs, and is not a community or foundation special school.”.

Intro3. In paragraph 6, for the definition of an “**Independent School**” substitute:

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

- a) a school in England or Wales at which full time education is provided for (i) 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) or for (ii) at least one pupil of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) for whom an education, health and care (EHC) plan or a statement of special educational needs is maintained, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989), and in either case is not a school maintained by a local authority, or a non-maintained special school; but
- b) is not an academy;
- c) a school in Scotland at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), which is not a public school or a grant-aided school; or
- d) a school in Northern Ireland that has been registered with the Department of Education and is not grant-aided.”.

## **Changes to Part 1**

- 1.1 In paragraph 18 delete “seeking leave to enter the United Kingdom as a returning resident”.
- 1.2 In paragraph 18 after “may” insert “resume their residence in the UK”.
- 1.3 In paragraph 18 delete “be admitted for settlement”.
- 1.4 In paragraph 18A after “Those who qualify” insert “to resume their residence”.
- 1.5 In paragraph 18A delete “for admission to the United Kingdom as returning residents”.
- 1.6 In paragraph 19 delete “away from the United Kingdom for too long, may nevertheless” and replace with “absent from the United Kingdom for more than two consecutive years, must have applied for, and been granted indefinite leave to enter by way of entry clearance”.
- 1.7 In paragraph 19 delete “be admitted as a returning resident”.
- 1.8 In paragraph 19 after “if” insert “he can demonstrate he has strong ties to the United Kingdom and intends to make the United Kingdom his permanent home.”.
- 1.9 In paragraph 19 delete “,for example, he has lived here for most of his life.”.
- 1.10 In paragraph 19A after “an overseas posting” insert “a partner, parent”.
- 1.11 In paragraph 19A sub paragraph(b)(ii) after “United Kingdom based” insert “permanent”.
- 1.12 In paragraph 19A, sub paragraph (b)(iii) after “a” insert “permanent”.
- 1.13 In paragraph 19A, sub paragraph (b)(iv), after “a” insert “permanent”.
- 1.14 In paragraph 24(ii), in the first place it occurs, delete “who is”.
- 1.15 In paragraph 24(ii), after “for” and before “purpose”, insert “a”.
- 1.16 In paragraph 24(iii), after “for”, in the second place it occurs, and before “prior entry”, insert “which”.
- 1.17 In paragraph 39E(2)(a) delete “or to which sub-paragraph (1) applied”.

### **Changes to Part 3**

- 3.1 In paragraph A57B(c)(iii), for “Higher Education Funding Council for England (HEFCE)” substitute “the Office for Students”.
- 3.2 In paragraph A57D(a), in each place it occurs, for “Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council”, substitute “Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”.
- 3.3 In paragraph A57E, after “must meet the requirements in A57C”, insert “(with the exception of A57C(xii))”.
- 3.4 For paragraph A57F(a) substitute:

“(a) Where paragraph A57D applies, entry clearance or leave to enter the UK as a short-term student will be granted for a period not exceeding 6 months, and where the applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires, subject to the condition set out in Part 15 of these Rules.”.

### **Changes to Part 4**

- 4.1 In paragraph 123, for “have” substitute “has”.
- 4.2 In paragraph 126, for “have” substitute “has”.

### **Changes to Part 5**

- 5.1 For paragraph 128A(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:

  - (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 that their employer, if there was one, agreed to the absence(s) for that purpose; and
  - (2) for any absences from the UK during periods of leave granted under the Rules in place before 11 January 2018, the applicant must not have been absent from the UK for more than 180 days during each consecutive 12 month period, ending on the same date of the year as the date of the application for indefinite leave to remain.”.

5.2 For paragraph 128A(ii), substitute:

- “(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that:
- (1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted,
  - (2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, or
  - (3) where, on or after 24 November 2016, the applicant makes a further application for entry clearance within 14 days of the applicant’s leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application for indefinite leave to remain, why the application could not be made during the currency of continuing limited leave, or
  - (4) where a successful application for entry clearance is made following the refusal of a previous application to which (2) or (3) otherwise applies, and the application was made within 14 days of that refusal (or the expiry of the time-limit for making an in-time application for administrative review, or any administrative review or appeal being concluded, withdrawn or abandoned or lapsing),

that period spent without existing leave, pending the applicant’s re-entry into the United Kingdom, shall be disregarded; and”.

5.3 In paragraph 145, for “have” substitute “has”.

5.4 In paragraph 159B, for “have” substitute “has”.

5.5 In paragraph 187, for “have” substitute “has”.

5.6 In paragraph 196A(iii)(1), for “ot” substitute “or”.

5.7 In paragraph 196D(iv)(1), for “ot” substitute “or”.

5.8 In paragraph 197(vii)(1), for “ot” substitute “or”.

5.9 In paragraph 198, for sub-paragraph (a) (ii) substitute:

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

- (1) entry clearance or leave as a visitor, 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 197 (i)-(vi) and (viii) is met.”.

5.10 In paragraph 198(a)(i) for “have” substitute “has”.

5.11 In paragraph 198A(ii)(1), for “ot” substitute “or”.

5.12 In paragraph 199(iii)(1), for “ot” substitute “or”.

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

6A.1 In Part 6A, in each place it occurs, for “Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council”, substitute “Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”.

6A.2 For paragraph 245AAA(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:

(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 that their Sponsor, if there was one, agreed to the absence(s) for that purpose; and

(2) for any absences from the UK during periods of leave granted under the Rules in place before 11 January 2018, the applicant must not have been absent from the UK for more than 180 days during each consecutive 12 month period, ending on the same date of the year as the date of the application for indefinite leave to remain.”.

6A.3 For paragraph 245AAA(a)(ii), substitute:

- “(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that:
- (1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted,
  - (2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, or
  - (3) where, on or after 24 November 2016, the applicant makes a further application for entry clearance within 14 days of the applicant’s leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application for indefinite leave to remain, why the application could not be made during the currency of continuing limited leave, or
  - (4) where a successful application for entry clearance is made following the refusal of a previous application to which (2) or (3) otherwise applies, and the application was made within 14 days of that refusal (or the expiry of the time-limit for making an in-time application for administrative review, or any administrative review or appeal being concluded, withdrawn or abandoned or lapsing),

that period spent without existing leave, pending the applicant’s re-entry into the United Kingdom, shall be disregarded; and”.

6A.4 Delete paragraphs 245C to 245CD-SD.

6A.5 After paragraph 245GF-SD C(b), insert:

“(c) The applicant must provide the following evidence to confirm periods of maternity, paternity, shared parental or adoption leave:

(i) An original full birth certificate or original full certificate of adoption (as appropriate), which must show that the applicant is one of the parent(s) or adoptive parent(s) of a child for whom the leave was taken; or

(iii) If the documents above are unavailable, a full explanation as to why they cannot be provided, and at least one of the following specified documents, which must be from an official source and be

independently verifiable:

- (1) relevant official adoption papers issued by the relevant authority,
- (2) any relevant medical documents, or
- (3) a relevant extract from a register of birth which is accompanied by an original letter from the issuing authority.”.

6A.6 In paragraph 245HB(l), after “more than 10% of its shares” insert “, directly or indirectly”.

6A.7 In paragraph 245HD(o), after “more than 10% of its shares” insert “, directly or indirectly”.

6A.8 In paragraph 245ZT, for “an Academy or a school maintained by a local authority”, substitute “a state funded school – except for voluntary grammar schools with boarding in Northern Ireland – and academies”.

6A.9 In paragraph 245ZV(da)(iii), delete “in excess of 6 months”.

6A.10 After paragraph 245ZW(c)(iv)(2)(b)6.b., insert:

“and

(2A) study on a study abroad programme at a partner institution of the applicant’s existing sponsor, which is an integral and assessed part of the course for which the Confirmation of Acceptance for Studies was assigned (regardless of when it is added to the course),”.

6A.11 In paragraph 245ZW(c)(vi), for “Academies or schools maintained by a local authority”, substitute “state funded schools – except for voluntary grammar schools with boarding in Northern Ireland – and academies”.

6A.12 In paragraph 245ZW(c)(vi), after “Points Based System which becomes an Academy or a”, for “school maintained by a local authority”, substitute “state funded school”.

6A.13 In paragraph 245ZX(ea)(iii), delete “in excess of 6 months”.

6A.14 After paragraph 245ZY(c)(iv)(2)(b)6.b., insert:

“and

(2A) study on a study abroad programme at a partner institution of the applicant’s existing sponsor, which is an integral and assessed part of

the course for which the Confirmation of Acceptance for Studies was assigned (regardless of when it is added to the course),”.

- 6A.15 In paragraph 245ZY(c)(vi), for “Academies or schools maintained by a local authority”, substitute “state funded schools – except for voluntary grammar schools with boarding in Northern Ireland – and academies”.
- 6A.16 In paragraph 245ZY(c)(vi), after “Points Based System which becomes an Academy or a”, for “school maintained by a local authority”, substitute “state funded school”.
- 6A.17 In paragraph 245ZZ, for “Academy and schools maintained by a local authority”, substitute “A state funded school – except for voluntary grammar schools with boarding in Northern Ireland – and academies”.
- 6A.18 In paragraph 245ZZB(c)(iv)(3), substitute “,” for “.”.
- 6A.19 Delete paragraph 245ZZB(c)(iv)(4).
- 6A.20 In paragraph 245ZZB(c)(iv) after “vacancy” delete “other than a vacancy as a sabbatical officer”.
- 6A.21 In paragraph 245ZZB(c)(vi), for “. Academies or schools maintained by a local authority”, substitute “state funded schools – except for voluntary grammar schools with boarding in Northern Ireland – and academies”.
- 6A.22 In paragraph 245ZZB(c)(vi), after “Points Based System which becomes and Academy or a”, for “school maintained by a local authority”, substitute “state funded school”.
- 6A.23 Delete paragraph 245ZZD(c)(iv)(4).
- 6A.24 In paragraph 245ZZD(c) (iv) after “vacancy” delete “other than a vacancy as a sabbatical officer”.
- 6A.25 In paragraph 245ZZD(c)(vi), for “Academies or schools maintained by a local authority”, substitute “state funded schools – except for voluntary grammar schools with boarding in Northern Ireland – and academies”.
- 6A.26 In paragraph 245ZZD(c)(vi), after “Points Based System which becomes and Academy or a”, for “school maintained by a local authority”, substitute “state funded school”.

### **Changes to Part 7**

- 7.1 In paragraph 275(a)(i), delete “that, ”.

- 7.2 In paragraph 276ADE(1)(i) for “S-LTR.1.2 to S-LTR.2.3.” substitute “S-LTR.1.1. to S-LTR.2.2.”.
- 7.3 In paragraph 276S, delete one of the double full stops at the end of the paragraph.
- 7.4 For paragraph 276BB1(iv)-(vi) substitute:

“(iv) if applying on the basis of redundancy:

- a) was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office or the Department for International Development;
- b) was made redundant on or after 1 May 2006; and
- c) the Ministry of Defence, the Foreign and Commonwealth Office, or the Department for International Development has determined should qualify for relocation under the ex-gratia redundancy package; or

(v) is or was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office or the Department for International Development for any period since 2001; and has been determined by the Secretary of State as being in need of relocation to the United Kingdom under the published intimidation policy.”.

- 7.5 After paragraph 276BS1 insert:

**“Requirements for indefinite leave to remain for persons granted limited leave to enter the United Kingdom in accordance with paragraphs 276BA1 to 276BS1 of the Immigration Rules**

276BS2. The requirements for indefinite leave to remain for a person granted limited leave in line with Paragraphs 276BA1 to 276BS1 of the Immigration Rules, or their dependants granted limited leave in line with the main applicant, are that:

- (i) the applicant has had limited leave to enter the United Kingdom in line with paragraphs 276BA1-276BS1 for a continuous period of five years in the UK or has leave to remain for the same period as their parent or parents; and

- (ii) the applicant's leave has not been revoked or not curtailed under paragraphs 276BD1, 276BN1 or 276BS1 of the immigration rules; and
- (iii) the applicant does not fall for refusal under the general grounds for refusal.
- (iv) the applicant has not:
  - a. been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years; or
  - b. been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence; or
  - c. been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence; or
  - d. within the 24 months prior to the date on which the application has been decided, been convicted of or admitted an offence for which they have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or
  - e. in the view of the Secretary of State caused serious harm by their offending or persistently offended and shown a particular disregard for the law; and
- (v) in the view of the Secretary of State, having had regard to the public interest there are no reasons why it would be undesirable for him to be given indefinite leave to remain.

**Indefinite leave to remain for a person granted leave in accordance with paragraph 276BA1 of the Immigration Rules**

276BS3. Indefinite leave to remain for a person granted leave in accordance with paragraphs 276BA1-BS1 of the Immigration Rules, or their dependants, will be granted where each of the requirements in paragraph 276BS2 is met.

**Refusal of indefinite leave to remain for a person granted leave in accordance with paragraphs 276BA1-BS1 of the Immigration Rules**

276BS4. Indefinite leave to remain for a person granted leave in accordance with paragraph 276BA1-BS1 or their dependants will be refused if any of the requirements of paragraph 276BS2 is not met.

- (i) An applicant refused indefinite leave to remain under paragraph 276BS2 may apply to have their residence permit extended in accordance with paragraphs 276BA1, 276BJ1 or 276BO1.”.

**Changes to Part 8**

- 8.1 In paragraph A277B.(a) delete “and EX.1.”.
- 8.2 In paragraph A277C delete “and EX.1.”.
- 8.3 In paragraph 311 for subparagraph (ii)(b) substitute:  
“(b) if aged 18 or over, was given leave to enter or remain with a view to settlement under paragraph 315 or paragraph 316B and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL; and”.
- 8.4 At the end of paragraph 313 after “.” insert:  
“If an applicant aged 18 or over does not meet the requirements of paragraph 311 only because the applicant does not meet the requirement in paragraph 311(ii)(b) to have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL, the applicant may be granted limited leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds.”.
- 8.5 In paragraph 316E, after “Immigration Officer” and before “valid passport”, insert “a”.
- 8.6 In paragraph 319C(i)(ii)(1), for “12” substitute “9”.
- 8.7 In paragraph 319C(i)(ii)(2)(b), for  
“(b) the Higher Education Funding Council for England;  
(c) the Higher Education Funding Council for Wales; or  
(d) the Scottish Funding Council”,  
substitute  
“(b) the Office for Students;  
(c) the Higher Education Funding Council for Wales;  
(d) the Scottish Funding Council; or  
(e) any other provider registered with the Office for Students”.
- 8.8 In paragraph 319D(b)(iv)(1), in both places it occurs, for “12” substitute “9”.
- 8.9 In paragraph 319H(i)(ii)(1), for “12” substitute “9”.

8.10 In paragraph 319H(i)(ii)(2)(b), for

- “(b) the Higher Education Funding Council for England;
- (c) the Higher Education Funding Council for Wales; or
- (d) the Scottish Funding Council”;

substitute

- “(b) the Office for Students;
- (c) the Higher Education Funding Council for Wales;
- (d) the Scottish Funding Council; or
- (e) any other provider registered with the Office for Students”.

8.11 In paragraph 319I(b)(iii)(1), in both places it occurs, for “12” substitute “9”.

8.12 In paragraph 319XA, after “Immigration Officer and the applicant has” and before “clearance for entry”, insert “entry”.

### **Changes to Part 9**

9.1 In paragraph 320(7BB)(b), after “any period of overstaying pending the determination of” insert “such application or”.

9.2 At the end of paragraph 323AA(a)(iv), delete “or”.

9.3 At the end of paragraph 323AA(a)(v), for “.” substitute:

“, or:

(vi) assisting with a national or international humanitarian or environmental crisis overseas, providing their Sponsor agreed to the absence(s) for that purpose.”.

### **Changes to Part 11**

11.1 After paragraph 352ZF, insert:

**“Section 67 of the Immigration Act 2016 leave**

352ZG. Paragraphs 352ZH to 352ZS only apply where a person has been

transferred to the United Kingdom under Section 67 of the Immigration Act 2016.

### **Grant of Section 67 of the Immigration Act 2016 leave**

352ZH. The person described in paragraph 352ZG will be granted Section 67 of the Immigration Act 2016 leave to remain in the United Kingdom (“Section 67 leave”) if the Secretary of State is satisfied that:

- (i) the person is not excluded from being a refugee under regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 or excluded from a grant of humanitarian protection under paragraph 339D of these Rules;
- (ii) the person’s application for refugee status or humanitarian protection has been refused;
- (iii) there are no reasonable grounds for regarding the person as a danger to the security of the United Kingdom;
- (iv) the person has not been convicted by a final judgment of a particularly serious crime, and does not constitute a danger to the community of the United Kingdom; and
- (v) none of the general grounds for refusal in paragraph 322 apply.

### **Residence Permits**

352ZI. The Secretary of State will issue to a person granted Section 67 leave a residence permit as soon as possible after the grant of Section 67 leave. The residence permit will be valid for five years.

352ZJ. The Secretary of State will issue a residence permit to a dependant of a person granted Section 67 leave in accordance with paragraph 352ZO.

352ZK. The Secretary of State may revoke a person’s residence permit where their grant of Section 67 leave is revoked under the provisions in these Rules.

### **Requirements for indefinite leave to remain for a person granted Section 67 leave**

352ZL. A person may apply for indefinite leave to remain under paragraph 352ZN where:

- (i) they have been granted Section 67 leave; or
- (ii) they transferred to the UK under Section 67 of the Immigration Act 2016 and, having been granted refugee status or humanitarian protection, that person has had their status ended or refused under either paragraph 339A or paragraph 339G of the Immigration Rules following a review.

352ZM. The requirements for indefinite leave to remain for a person described in paragraph 352ZL are that:

- (i) each of the requirements of paragraph 352ZH continue to be met;
- (ii) the person has held a residence permit issued under paragraph 352ZI, 352ZJ or 339Q for a continuous period of five years in the UK;
- (iii) the person's residence permit has not been revoked; and
- (iv) the person has not in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.

### **Indefinite leave to remain for a person granted Section 67 leave**

352ZN. Indefinite leave to remain will, on application, be granted to a person described in paragraph 352ZL where each of the requirements in paragraph 352ZM is met.

### **Dependants of a person transferred to the UK under Section 67 of the Immigration Act 2016**

352ZO. The dependent child of a person granted leave to remain under paragraph 352ZH or 352ZN, will be granted leave to enter or remain for the same duration as that person ("leave in line") provided that the requirements of paragraph 352ZH (except for (ii)); and 352ZM (iv) are met. For the purposes of this paragraph, a dependent child means a child who is under 18 years of age and for whom the person has parental responsibility.

### **Curtailment and Revocation of Section 67 leave**

352ZP. A person's grant of leave under paragraph 352ZH or 352ZN may be curtailed or revoked if any of the grounds in paragraph 323 apply.

352ZQ. Any curtailment or revocation of a person's leave under paragraph 352ZP shall also apply to any leave in line granted to a dependent child of that person.

### **Travel documents**

352ZR. Following receipt of a completed application for a travel document, the Secretary of State will issue to a person granted Section 67 leave, unless compelling reasons of national security or public order otherwise require, a travel document if that person can demonstrate they are unable to obtain a national passport or other identity documents which enable that person to

travel.

352ZS. Where the person referred to in paragraph 352ZR can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document if that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are compelling reasons for travel.”.

### **Changes to Part 15**

15.1 In paragraph 417(i)(c), delete “in excess of 6 months”.

### **Changes to Appendix A**

A1. In Appendix A, in each place it occurs, for “Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council”, substitute “Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”.

A2. In paragraph 4(b)(v), for “Tech City UK” substitute “Tech Nation”.

A3. In paragraph 5(f), delete:

“:

(i) each applicant that body endorses in that period for the purposes of applying to be deemed a highly skilled person under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013; and

(ii)”.

A4. Delete paragraphs 7 to 34-SD, including Tables 2 and 3.

A5. In paragraph 41(a)(vii), for “the declaration(s) from the third party or parties mentioned in (vi) and letters from financial institutions mentioned in (viii)”, substitute “all letters and declarations in (ii)-(vi) and (viii) (where required)”.

A6. For paragraph 45(c)(iii), substitute:

“(iii) a third party other than those in (ii), and the accounts must either:

(1) confirm that the investment was made as a result of the applicant’s activity, or

(2) be accompanied by a letter from the Department for International Trade, confirming that the investment was made as a result of the

applicant's activity;”.

- A7. In paragraph 65(f), for “paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9”, substitute “paragraph (b) in Table 8B or row 1 of Table 9B”.
- A8. For paragraph 65C(c)(i), substitute:
- “(i) The applicant may withdraw interest accrued and dividends declared after the date on which the applicant purchased the qualifying investments in the portfolio;”.
- A9. At the end of paragraph 65-SD(a)(x), delete “and”.
- A10. At the end of paragraph 65-SD(a)(xi), for “.” substitute “; and”.
- A11. After paragraph 65-SD(a)(xi), insert:
- “(xii) confirmation that the portfolio is unencumbered and has no loans secured against it; and
- (xiii) confirmation that none of the investments being relied on are prohibited by paragraph 65(a) to (f).”.
- A12. At the end of paragraph 74B(a)(ii)(5), for “, or” substitute “.”.
- A13. Delete paragraph 74B(b) including its sub-paragraphs.
- A14. In paragraph 77B(b), delete “for leave to remain”.
- A15. At the end of paragraph 77B(b), for “,” substitute “.”.
- A16. Delete paragraphs 77B(c) and 77B(d).
- A17. At the end of the proviso in paragraph 77D(b)(iii), for “.” substitute:
- “, or
- (iv) the number supplied links to a Certificate of Sponsorship Checking Service entry which shows that the applicant is being sponsored to work in the occupation code “2211 Medical Practitioners” or “2231 Nurses”.
- A18. Delete paragraph 77E(d) including its sub-paragraphs.
- A19. In paragraph 77K, for “2231 Midwives”, substitute “2232 Midwives”.

- A20. In paragraph 78(e) and Tables 11B and 11C, in each place it occurs, before “Universal Jobmatch” insert, “Find a Job, ”.
- A21. In the fourth row of Table 11D, delete the list entry “2231 Nurses”.
- A22. At the end of paragraph 81B, delete “If the job is in the occupation code “2231 Nurses”, the sponsor must also certify that it has met the requirements of the resident labour market test, as set out in paragraph 78 of this Appendix.”.
- A23. In paragraph 81H(c), for “the occupation code is “2231 Nurses” or “2231 Midwives””, substitute “the occupation code is “2232 Midwives””.
- A24. In paragraph 83(b), delete “, or to Croatian nationals as set out in (c) below,”.
- A25. Delete paragraph 83(c).
- A26. In paragraph 120(a)vii., for “.”, substitute “; or”.
- A27. After paragraph 120(a)vii., insert:  
“viii. where the course is being delivered under a partnership between a higher education institution and a research institute, the course must be accredited at Regulated Qualifications Framework (RQF) level 7 or above, or accredited at Level 11 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority.”.
- A28. In paragraph 120-SD(a), after “for each qualification” delete “, either”.
- A29. After paragraph 120-SD(a)(i), insert:  
“(iia) The print out of qualification or transcript results from the awarding body’s online checking service which clearly shows:  
(1) the applicant’s name,  
(2) the title of the award,  
(3) the date of the award, and  
(4) the name of the awarding body,”.
- A30. After paragraph 120-SD(b), insert:  
“(c) Where the applicant has provided print outs as evidence of previous qualifications, the Home Office reserves the right to request the original certificate of qualification or the transcript of results. The application will be refused if the specified documents are not provided in accordance with the request made.”.
- A31. For paragraph 125-SD, substitute:

“125-SD.(a) Where paragraph 125A of this Appendix refers to specified documents relating to previous qualifications, those specified documents are:

(i) The original certificate(s) of qualification, which clearly shows:

- (1) the applicant's name,
- (2) the title of the award,
- (3) the date of the award, and
- (4) the name of the awarding institution;

(ii) The original transcript of results, which clearly shows:

- (1) the applicant's name,
- (2) the name of the academic institution,
- (3) the course title, and
- (4) confirmation of the award;

or

(iii) The print out of qualification or transcript results from the awarding body’s online checking service which clearly shows:

- (1) the applicant’s name,
- (2) the title of the award,
- (3) the date of the award, and
- (4) the name of the awarding body;

(b) Where the applicant has provided print outs as evidence of previous qualifications, the Home Office reserves the right to request the original certificate of qualification or the transcript of results. The application will be refused if the specified documents are not provided in accordance with the request made.”.

### **Create new Appendix ECAA**

ECAA1. After Appendix E insert new Appendix ECAA as follows:

#### **“Appendix ECAA: ECAA Nationals and settlement**

#### **PART ECAA 1. DEFINITIONS**

ECAA 1.1. For the purposes of this Appendix the following definitions apply:

an “ECAA worker” means a person who:

- (a) is a Turkish national; and
- (b) has been granted leave to remain under the ECAA worker category, which has not been revoked, curtailed or lapsed; and
- (c) continues to work lawfully in the UK in line with such leave; and
- (d) is registered with the police where required.

an “ECAA business person” means a person who:

- (a) is a Turkish national; and
- (b) has been granted entry clearance, leave to enter or leave to remain under the ECAA business category, which has not been revoked, curtailed or lapsed; and
- (c) the holder continues to operate their business in the UK in line with such leave; and
- (d) is registered with the police where required.

“family member” means a person who is:

- (a) the spouse of an ECAA worker or ECAA business person; or
- (b) the civil partner of an ECAA worker or business person; or
- (c) the unmarried partner of an ECAA worker or business person or
- (d) the child aged under 21 of an ECAA worker, ECAA business person or their spouse, civil partner or unmarried partner; or
- (e) the adult dependant aged over 21 of an ECAA worker, ECAA business person or their spouse, civil partner or unmarried partner; and
- (f) has valid leave as the family member of an ECAA worker or Business person; and
- (g) is registered with the police where required.

“unmarried partner” means a person who is:

- (a) In a durable relationship with an ECAA worker or business person; and
- (b) Is resident with the ECAA worker or business person; and
- (c) Intends to continue living with the ECAA worker or business person

ECAA 1.2. Unless the contrary intention is expressed in this Appendix, the definitions in paragraph 6 of the Immigration Rules shall apply to this Appendix.

## **PART ECAA 2. CONTINUOUS PERIODS LAWFULLY IN THE UK**

ECAA 2.1. References to a “continuous period” “lawfully in the UK” for the purposes of this Appendix mean residence in the UK for an unbroken period with valid leave, and for these purposes a period shall be considered unbroken where:

- (a) 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);
- (b) the applicant has existing limited leave to enter or remain upon their departure and return except that:
  - (i) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 6 July 2018 and subsequently granted, that period and any period pending the applicant’s re-entry into the United Kingdom shall be disregarded; and
  - (ii) where, on or after 6 July 2018, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, the period spent outside the UK with continuing leave and any period pending the applicant’s re-entry into the United Kingdom shall be disregarded; and
- (c) the applicant has any current period of overstaying disregarded where paragraph 39E of the Immigration Rules applies; and
- (d) the applicant has any previous period of overstaying between periods of leave disregarded where: the further application was made before 6 July 2018 and within 28 days of the expiry of leave; or the further application

was made on or after 6 July 2018 and paragraph 39E of the Immigration Rules applied.

ECAA 2.2. Except for periods where the applicant had leave as:

- (a) a Turkish Business Person;
- (b) a Tier 1 Migrant other than a Tier 1 (Post Study Work) Migrant or a Tier 1 (Graduate Entrepreneur) Migrant; or
- (c) a Tier 1 (Entrepreneur) Migrant;

any absences from the UK during the relevant qualifying period must have been for a purpose that is consistent with the applicant's basis of stay here, including paid annual leave, or for serious or compelling reasons.

ECAA 2.3. The continuous period will be considered as ending on whichever of the following dates is most beneficial to the applicant:

- (a) the date of application;
- (b) the date of decision; or
- (c) any date up to 28 days after the date of application

ECAA 2.4. 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.

### **PART ECAA 3. REQUIREMENTS FOR TURKISH ECAA WORKERS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 3.1. The requirements for indefinite leave to remain to be granted to an ECAA worker are that the applicant must:

- (a) be a Turkish ECAA worker; and
- (b) have spent a continuous period of 5 years lawfully in the UK, of which the most recent period of leave must have been as a Turkish ECAA worker, in any combination of the following categories:
  - (i) a Turkish ECAA worker;

- (ii) as a Tier 2 (General Migrant);
- (iii) as a Tier 2 (Minister of religion) Migrant;
- (iv) as a Tier 2 (Sportsperson) Migrant; or
- (v) as a work permit holder; and

(c) have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

(d) have been able to support any family members with them without recourse to public funds to which they are not entitled; and

(e) not fall for refusal under the general grounds for refusal.

### **Indefinite leave to remain as a Turkish ECAA worker**

ECAA 3.2. Indefinite leave to remain will be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 3.1 are met.

### **Refusal of indefinite leave to remain as a Turkish ECAA worker**

ECAA 3.3. Indefinite leave to remain for Turkish ECAA workers is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 3.1 are met.

## **PART ECAA 4. REQUIREMENTS FOR TURKISH ECAA BUSINESS PERSONS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 4.1. The applicant must:

- (a) be a Turkish ECAA Business person; and
- (b) have spent a continuous period of 5 years lawfully in the UK, of which the most recent period of leave must have been as a Turkish ECAA business person, in any combination of the following categories:
  - (i) the Turkish ECAA business person category;
  - or
  - (ii) the Tier 1 (Entrepreneur) Migrant category;and

(c) have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

(d) have been able to support any family members with them without recourse to public funds to which they are not entitled; and

(e) not fall for refusal under the general grounds for refusal; and

(e) the business upon which the applicant replies meets the requirement of paragraph ECAA 4.2.

ECAA 4.2. The Secretary of State must be satisfied that:

(a) the applicant has established, taken over or become a director of one or more genuine businesses in the UK, and has genuinely operated that business or businesses while he had leave as a ECAA business person; and

(b) the business or businesses upon which they are relying on for any of the qualifying period is/are viable; and

(c) the applicant genuinely intends to continue operating one or more businesses in the UK.

ECAA 4.3. In making the assessment in ECAA 4.2, the Secretary of State must be satisfied on the balance of probabilities. The Secretary of State may take into account the following factors:

(a) the evidence the applicant has submitted;

(b) the viability and credibility of the source of the money used to set up or invest in the business or businesses;

(c) the credibility of the financial accounts of the business or businesses;

(d) the credibility of the applicant's business activity in the UK, including when they had leave as an ECAA business person;

(e) if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained; and

(f) any other relevant information.

ECAA 4.4. The Secretary of State may request additional information and evidence to support the assessment in paragraph ECAA 4.3, and may refuse the application if the information or evidence requested is not received by the Secretary of State at the address specified in the request within 28 calendar days of the date of the request.

#### **Indefinite leave to remain as a Turkish ECAA business person**

ECAA 4.5. Indefinite leave to remain will be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 4.1 are met.

#### **Refusal of indefinite leave to remain as a Turkish ECAA business person**

ECAA 4.6. Indefinite leave to remain for Turkish ECAA business persons is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 4.1. are met.

### **PART ECAA 5. REQUIREMENTS FOR CHILDREN OF ECAA WORKERS OR ECAA BUSINESS PERSONS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 5.1. The Secretary of State must be satisfied that:

(a) the applicant is the child of a parent who has, or is at the same time being granted, indefinite leave to remain as:

- (i) an ECAA worker or ECAA business person; or
- (ii) the spouse, civil partner or unmarried partner of an ECAA worker or ECAA business person; and

(b) the applicant must have, or have last been granted, leave as the child of or have been born in the United Kingdom to, the ECAA Worker or Business Person, or

the partner of an ECAA Worker or Business Person who is being granted indefinite leave to remain.

(c) the applicant must not be married or in a civil partnership, must not have formed an independent family unit, and must not be leading an independent life, and if they are over the age of 21 on the date the application is made, they must provide the specified documents and information in paragraph 319H-SD (except that references to the Relevant Points Based System Migrant are read to mean the ECAA worker or ECAA business person) to show that this requirement is met.

(d) Both of an applicant's parents must either be lawfully settled in the UK, or being granted indefinite leave to remain at the same time as the applicant, unless:

(i) the ECAA worker or business person is the applicant's sole surviving parent; or

(ii) the ECAA worker or business person parent has and has had sole responsibility for the applicant's upbringing; or

(iii) there are serious and compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made for the applicant's care; or

(iv) the parent is, at the same time, being granted indefinite leave to remain as an ECAA worker or business person, the other parent is lawfully present in the UK or being granted leave at the same time as the applicant; and

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

(f) if the applicant is a of an ECAA worker or business person the applicant must provide a full birth

certificate, with translations where necessary showing the names of both parents; and

(g) all arrangements for the child's care and accommodation in the UK must comply with relevant UK legislation and regulations; and

(h) the applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of the Immigration Rules applies, any current period of overstaying will be disregarded; and

(i) the applicant must not fall for refusal under the general grounds for refusal.

**Indefinite leave to remain as the child of a Turkish ECAA worker of ECAA business person**

ECAA 5.2. Indefinite leave to remain will be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 5.1 are met.

**Refusal of indefinite leave to remain as the child of a Turkish ECAA worker or ECAA business person**

ECAA 5.3. Indefinite leave to remain as the child of a Turkish ECAA Worker or Turkish ECAA business person is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 5.1 are met.

**PART ECAA 6. REQUIREMENTS FOR PARTNERS OF ECAA WORKERS OR ECAA BUSINESS PERSONS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 6.1. The Secretary of State must be satisfied that:

(a) The applicant must be the spouse, civil partner or unmarried partner of a person who:

(i) has indefinite leave to remain as an ECAA worker or business person; or

(ii) is, at the same time being granted indefinite leave to remain as a ECAA worker or business person; or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a ECAA worker or business person; and

(b) the applicant must have, or have last been granted, leave as the spouse, civil partner or unmarried partner of the ECAA worker or business person; and

(c) the marriage or civil partnership, or unmarried partnership, must be genuine and subsisting at the time the application is made; and

(d) the applicant and the ECAA worker or business person must intend to live permanently with the other as their spouse or civil partner or unmarried partner; and

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

(f) the applicant and the ECAA worker or business person must have been living together in the UK in a marriage or civil partnership, or in a unmarried partnership, for at least the applicable specified period in line with paragraphs ECAA 6.2 and ECAA 6.3; and

(g) the applicant must not fall for refusal under the general grounds for refusal.

ECAA 6.2. The specified period for spouses, civil partners or unmarried partners of ECAA workers or business persons is a continuous period of 5 years. The 5 year period may consist of a combination of leave as either:

(a) the spouse, civil partner or unmarried partner of an ECAA worker or business person; or

(b) the spouse, civil partner or unmarried partner of an ECAA worker or business person during a period when the sponsor had leave under another category of these Rules.

ECAA 6.3. During the specified period the applicant must:

- (a) have been in a relationship with the same ECAA worker or business person for the entire period; and
- (b) have spent the most recent part of the 5 year period with leave as the spouse, civil partner or unmarried partner of that ECAA worker or business person; and
- (c) have spent the remainder of the 5 year period, where applicable, with leave as the spouse or civil partner or unmarried partner of that person at a time when that person had leave under another category of the Immigration Rules; and
- (d) not have been absent from the UK for more than 180 days during any 12 month period, subject to the following exceptions:

- (i) where the absence from the UK was for the purpose of assisting with a national or international humanitarian or environmental crisis overseas, provided the applicant is able to sufficiently evidence that this was the purpose of the absence, then this shall not count towards the 180 days;

- (ii) any absence from the UK during periods of leave granted under the Rules in place before 6 July 2018 shall not count towards the 180 days; and

- (iii) any time spent lawfully in the Bailiwick of Guernsey, Bailiwick of Jersey or the Isle of Man shall be deemed to be spent as time in the UK.

**Indefinite leave to remain as the partner of a Turkish ECAA worker**

ECAA 6.4. Indefinite leave to remain may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 6.1 are met.

**Refusal of indefinite leave to remain as the spouse, civil partner or unmarried partner of a Turkish ECAA worker**

ECAA 6.5. Indefinite leave to remain for the family member of a Turkish ECAA worker is to be refused if the Secretary of

State is not satisfied that each of the requirements of paragraph ECAA 6.1 are met.

**PART ECAA 7. REQUIREMENTS FOR PARTNER OF  
TURKISH ECAA WORKER OR ECAA BUSINESS PERSONS  
APPLYING FOR FURTHER LEAVE TO REMAIN**

ECAA 7.1. The applicant must:

(a) be the spouse, civil partner or unmarried partner of a Turkish ECAA worker or ECAA business person who has been granted indefinite leave to remain:

(i) in line with the ECAA guidance in force prior to 16 March 2018; or

(ii) under paragraph ECAA 3.2 or ECAA 4.5 of this Appendix; or

(iii) has British citizenship having previously been granted indefinite leave to remain under either provision specified in (i) or (ii) of this paragraph; and

(b) have last been granted entry clearance or leave to remain as a dependent of an ECAA worker or ECAA business person; or

(c) having last been granted leave to remain as a dependant of an ECAA business person, is currently in the United Kingdom without leave as, at the time of that leave expiring:

(i) they did not qualify for indefinite leave to remain in line with the ECAA guidance in force prior to 16 March 2018 due to not meeting the 2 years residency requirement; and

(ii) did not qualify for further limited leave to remain as the dependant of an ECAA business person due to that ECAA business person having acquired indefinite leave to remain; and

(d) be living together and in a subsisting relationship with the ECAA worker or business person under whom entry clearance or leave to remain was granted; and

- (e) not fall for refusal under the general grounds for refusal; and
- (f) their sponsor has adequate accommodation for the parties and can maintain any dependants without recourse to public funds; and
- (g) be registered with the police where appropriate; and
- (h) must not be in the UK in breach of immigration laws except that:
  - (i) where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; or
  - (ii) where paragraph ECAA 7.1(c) applies, any current period of overstaying will be disregarded.

**Granting further leave to remain as the partner of a Turkish ECAA worker or ECAA business person**

ECAA 7.2. Leave to remain for up to 3 years will be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 7.1 are met.

**Refusal of further leave to remain as a Turkish ECAA worker or ECAA business person**

ECAA 7.3. Leave to remain for family members of a Turkish ECAA worker or ECAA business person is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 7.1 are met.”.

**Changes to Appendix FM**

- FM1. After paragraph GEN.1.15. insert:  
“GEN.1.16. Where an application or claim raising Article 8 is considered under Appendix FM and EX.1. applies, the requirements of paragraphs R-LTRP.1.1.(c) and R-LTRPT.1.1.(c) are not met.”.
- FM2. At the end of paragraph E-LTRP.4.1A.(d), after “.” insert “; unless paragraph EX.1. applies.”.
- FM3. In paragraph E-EEC.2.4. for “E-EEC.2.4.” substitute “E-ECC.2.4.”.

FM4. At the end of paragraph E-LTRPT.5.1A.(d), after “.” insert “; unless paragraph EX.1. applies.”.

### **Changes to Appendix FM-SE**

FM-SE1. In paragraph 9(d)(i) delete “and tax credit”.

FM-SE2. In paragraph 10(b)(ii) delete “and tax credit”.

### **Changes to Appendix H**

H1. For Appendix H, substitute:

“An applicant will be subject to different documentary requirements under Tier 4 of the Points Based System where they are a national of one of the following countries and they are applying for entry clearance in the country or territory where the applicant is living or for leave to remain in the UK:

- Argentina
- Australia
- Bahrain
- Barbados
- Botswana
- Brunei
- Cambodia
- Canada
- Chile
- China
- The Dominican Republic
- Indonesia
- Japan
- Kuwait
- Malaysia
- The Maldives
- Mexico
- New Zealand
- Qatar
- Serbia
- Singapore
- South Korea
- Thailand
- Trinidad and Tobago
- United Arab Emirates
- United States of America

Where an applicant is a dual national, and only one of their nationalities is listed above, they will be able to apply using the different documentary requirements that apply to these nationals, provided they are applying either for entry clearance in the country or territory where the applicant is living or for leave to remain in the UK.

An applicant will be subject to different documentary requirements under Tier 4 of the Points Based System where they are the rightful holder of a passport, which has been issued by one of the relevant competent authorities listed below, and where the applicant is applying either for entry clearance in the country or territory where they are living or for leave to remain in the UK.

- British National (Overseas)
- Hong Kong
- Macau SAR
- Taiwan (those who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan).

Where an applicant is the rightful holder of a passport issued by a relevant competent authority listed above and also holds another passport or is the national of a country not listed above, they will be able to apply using the different documentary requirements that apply to rightful holders of those passports listed in this Appendix provided they are applying either for entry clearance in the country or territory where the applicant is living or for leave to remain in the UK.”.

### **Changes to Appendix KOLL**

- KOLL1. In paragraph 2.3 for “Learndirect limited” substitute “by an educational institution or other person approved for this purpose by the Secretary of State”.
- KOLL2. In paragraph 3.3 (ii) for “Learndirect limited” substitute “by an educational institution or other person approved for this purpose by the Secretary of State”.
- KOLL3. In paragraph 4.15(a) for “Learndirect limited” substitute “by an educational institution or other person approved for this purpose by the Secretary of State”.

### **Changes to Appendix L**

- L1. In paragraph 1(a) and 1(b), in both places it occurs, after “as defined” insert “as eligible and named on the accelerated list published”.
- L2. In paragraph 1(c) and in the first column of the table in paragraph 1, in both

places it occurs, for “(world leader)”, substitute “(leader in relevant field)”.

L3. In paragraph 1(d) and in the second column of the table in paragraph 1, in both places it occurs, for “(potential world leader)”, substitute “(potential leader in relevant field)”.

L4. In the table in paragraph 1, in both places it occurs, after “assess their claim to be a”, delete “world”.

L5. For paragraph 2(a), substitute:

“(a) To be considered for endorsement under paragraph 1(a), the applicant must provide written confirmation of the award from the funding body. The confirmation must be dated and confirm the following:

(i) the applicant’s name;

(ii) that the applicant has been awarded a fellowship defined by The Royal Society, The Royal Academy of Engineering or The British Academy.”.

L6. In paragraph 2(c)(ii) for “their claim to be a world leader or a potential world leader” substitute “their claim to be a leader or a potential leader”.

L7. For the table in paragraph 4(d) substitute:

“

<b>Exceptional Talent (leader in relevant field)</b>	<b>Exceptional Promise (potential leader in relevant field)</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 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 leader in their field.	Whether they can provide evidence of a relevant prize or award for early career researchers;
	The significance of their contribution to their field relative to their career stage.

”.

L8. For paragraph 5 substitute:

“5. The applicant must either:

- (a) be established (if applying under the Exceptional Talent criteria) as, or demonstrate potential (if applying under the Exceptional Promise criteria) to become, a leading artist or an internationally recognised expert within the fields of arts and culture, encompassing dance, music, theatre, combined arts, literature and visual arts (including museums and galleries), as assessed by Arts Council England; or
- (b) be established as a leading artist or an internationally-recognised expert within the film, television, animation, post-production and visual effects industry, as assessed by the Producers Alliance for Cinema and Television (PACT); or
- (c) be established (if applying under the Exceptional Talent criteria) as, or demonstrate potential (if applying under the Exceptional Promise criteria) to become, an internationally recognised expert in their field within the fashion industry through the operation of leading designer fashion businesses (encompassing relevant technical), as assessed by the British Fashion Council.”.

L9. Before paragraph 6 insert:

**“Arts and culture applicants – assessment by Arts Council England”.**

L10. For paragraph 6, substitute:

“6. If the applicant’s field is within arts and culture, they must:

- (a) be professionally engaged in producing work of outstanding quality which has been published (other than exclusively in newspapers or magazines), performed, presented, distributed or exhibited internationally;
- (b) show recent (within the last 5 years) and regular activity of being engaged professionally as a practitioner in their field; and
- (c) show a substantial track record in more than one country (if applying under Exceptional Talent criteria) or a developing track record in one or more countries (if applying under Exceptional Promise criteria).”.

L11. For paragraph 7, substitute:

“7. If the applicant’s field is within arts and culture, they must provide the

evidence specified in the table below.

Arts Council England will conduct independent assessment as to whether the evidence provided appropriately and adequately supports the applicant’s claim that they meet the relevant requirements.

This evidence must consist of no more than 10 documents in total, and must be submitted as paper-based documents in hard copy with the application.

Evidence cannot include other objects, Digital Versatile Discs (DVDs) or Compact Discs (CDs), digital files or documents that only show web links. (If an applicant wishes to use the content of a webpage as one of their 10 permitted supporting documents, they must provide a printed copy of the page which clearly shows the Uniform Resource Locator (URL) for the page.)

A document in this context is defined as a single piece of evidence (article, review, letter, etc). If more than the permitted ten pieces of evidence are submitted, only the first ten listed will be considered and the additional evidence will be disregarded.

<b>Exceptional Talent within the fields of arts and culture</b>	<b>Exceptional Promise within the fields of arts and culture</b>
<p>The applicant must provide two or more of the following:</p> <ol style="list-style-type: none"> <li>1) Two or more examples of recent (in the last five years) significant media 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.</li> <li>2) Proof of having won at least one international award for excellence in the last five years, for example the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award.</li> <li>3) Proof of appearances, performances, publications or exhibitions in the last 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</li> </ol>	<p>The applicant must provide two or more of the following:</p> <ol style="list-style-type: none"> <li>1) Two or more examples of recent (in the last five years) media recognition such as articles and/or reviews from national publications or broadcasting companies in one or more 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.</li> <li>2) Proof of having won or been nominated or shortlisted for at least one international award for excellence in the last five years, for example the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award.</li> <li>3) Proof of appearances, performances, publications or exhibitions in the last five years in contexts which are internationally recognised in the applicant’s field or evidence of international distribution and</li> </ol>

<b>Exceptional Talent within the fields of arts and culture</b>	<b>Exceptional Promise within the fields of arts and culture</b>
<p>applicant’s work.</p> <p>Proof must come from at least two countries, one of which can be the applicant’s country of residence.</p>	<p>audiences for the applicant’s work.</p> <p>Proof must come from one or more countries, one of which can be the applicant’s country of residence.</p>

”.

L12. Before paragraph 8 insert:

**“Film and television applicants – assessment by PACT”.**

L13. For paragraph 8 substitute:

“8. If the applicant’s field is within the film, television, animation, post-production and visual effects industry, they must:

(a) have won, or within the last 10 years from the year of application, have received a nomination for one of the following awards:

(i) an Academy Award,

(ii) a British Academy of Film and Television Arts (BAFTA) award (Film, Television, Television Crafts, Cymru, Scotland, Games awards only),

(iii) a Golden Globe, or

(iv) an Emmy award

or

(b) have, within the last 10 years from the year of application, made a significant and direct contribution to winning or being nominated for one of the awards mentioned in paragraph 8(a) above;

or

(ba) have within the last 15 years achieved a minimum of two nominations for one of the awards mentioned in paragraph 8(a) above;

or

(c) demonstrate notable industry recognition by providing evidence of:

- (i) international distribution sales and recognition, and
- (ii) having achieved one of the following combinations:

- (1) won a minimum of two,
- (2) won one, and, within the last six years before the date of application, have been nominated for one other,
- (3) within the last six years before the date of application, have been nominated for a minimum of three, or
- (4) within the last three years before the date of application, made a significant and direct contribution to winning two, or being nominated for a minimum of three,

of the following Notable Industry Recognition Awards:

• AFI Awards	• Gold Badge Awards – For outstanding contributions to the music and the entertainment industry of the United Kingdom	• Preis der Deutschen Filmkritik
• Akil Koci Prize	• Golden Melody Awards (Taiwan)	• Preis der deutschen Schallplattenkritik – For achievement in recorded music
• American Academy of Arts and Letters Gold Medal in Music	• Golden Reel Awards	• Primetime Engineering Emmy
• American Cinema Editors	• Goya Awards	• Prix de Rome
• Angers Premiers Plans	• Gracie Allen Awards	• Producers Guild of America Awards
• Annie Awards	• Grammy Awards	• Pulitzer Prize for Music
• APAs Awards	• Grand Prix du Disque (France)	• Raindance Film Festival
• Argentine Academy of Cinematography Arts and Sciences Awards	• Grande Premio do Cinema Brasileiro	• Rolf Schock Prize in Musical Arts
• ARIA Music Awards (Australian Recording Industry Association)	• Grawemeyer Award for Music Composition	• Rotterdam International Film Festival

• Ariel	• Grierson Documentary Awards	• Royal Television Society Awards
• Art Director's Guild Awards	• Hong Kong Film Awards	• Royal Television Society Awards
• Arthur C. Clarke Award	• Hong Kong Film Critics Society Awards	• Sanremo Music Festival (Italy)
• Artios Awards	• HPA Hollywood Professional Association Awards	• Sao Paulo International Film Festival
• ASCAP awards (American Society of Composers, Authors and Publishers)	• Hugo Awards	• Satellite Awards
• ASTRA Awards	• IGF Awards	• Saturn Awards
• Australian Academy of Cinema and Television Arts (AACTA)	• Independent Music Awards	• Scream Awards
• Australian Production Design Guild	• Independent Spirit Awards	• Screen Actors Guild Awards
• Awit Awards (Philippine Association of the Record Industry)	• International Film Music Critics Association Awards	• Screenwriters Choice Awards
• BAA British Arrows Awards	• Irish Film & Television Awards	• SFX Awards
• Berlin International Film Festival	• Ivor Novello Awards	• Shorty Awards
• BET Awards (Black Entertainment Television, United States)	• Jean Hersholt Humanitarian Academy Award	• Shots Awards
• BFI London Film Festival	• Juno Awards (Canadian Academy of Recording Arts and Sciences)	• Sibelius Prize
• Bodil Awards	• Jupiter Awards	• Siggraph Awards
• Brit Awards	• Kinsale Sharks Awards	• Society of Camera Operators Awards
• British Composer Awards – For excellence in classical and jazz music	• Korean Association of Film Critics Awards	• South by Southwest Film Festival
• Brooklyn International Film Festival	• Latin Grammy Award (Latin Academy of Recording Arts & Sciences)	• Sports Emmy
• Brooklyn International Film Festival	• Lebanese Cinema Movie Guide Awards	• Stockholm International Film Festival
• Cannes International Film Festival / Festival de	• Léonie Sonning Music Prize (Léonie Sonning	• Student Academy Award

Cannes	Music Foundation)	
• Cannes Lions Awards	• Locarno Film Festival	• Sundance Film Festival
• Chicago International Film Festival	• Location Managers Guild Awards	• Suntory Music Award (Japan)
• Ciclope Awards	• London Film Critic's Circle	• SXSW Interactive Awards
• Cinema Audio Society Awards	• London International Awards (LIA)	• Sydney Film Festival
• Cinema Jove International Film Festival	• Los Premios MTV Latinoamérica – Previously known as MTV Video Music Awards Latinoamérica (MTV)	• Technology and Engineering Emmy
• CinemaCon's International Filmmaker of the Year Award	• Louis Delluc Prize Lux Style Awards	• Television Critics Association
• Classic Rock Roll of Honour Awards – An annual awards program bestowed by Classic Rock	• Lux Style Awards	• Televisual Awards
• Clio Awards	• Makeup Artist and Hair Stylist Guild Awards	• The Annime Awards
• Comet (Viva, Germany)	• Man Booker Prize	• Toronto Film Critics Association
• Cork International Film Festival	• Melbourne International Film Festival	• Toronto International Film Festival
• Country Music Awards of Australia (Country Music Association of Australia)	• Mercury Prize	• Tribeca Film Festival
• Creative Circle Awards	• Monte-Carlo Television Festival	• TV Choice Awards
• D&AD Awards	• MTV Music Awards (MTV)	• UKMVA UK Music Video Awards
• DICE Awards organised by the Academy of Interactive Arts and Sciences	• National Film Awards (Bangladesh)	• USC Scriptor Awards
• Directors Guild of America Award	• National Film Awards (India)	• Venice International Film Festival
• Distinguished Service to Music Medal (Kappa Kappa Psi) – For exceptional service to American bands and band music	• National Movie Awards	• Visual Effects Society Awards
• Echo (German	• National Television	• Webby Awards

Phonographic Academy)	Awards	
• Edinburgh International Film Festival	• Nebula Awards	• Women in Film and Television Awards
• Ernst von Siemens Music Prize	• News and Documentary Emmy	• World Soundtrack Awards
• Eurobest Awards	• Ophir Awards	• Writers Guild Awards of Great Britain
• European Film Awards	• Otaka Prize – An annual composition prize for Japanese composers	• Writers Guild of America Awards
• Fédération Internationale de la Presse Cinématographique or International Film Critics Award given by the International Federation of Film Critics	• Peabody Awards	• Young Artist Awards
• GDC Awards	• People’s Choice Awards	• Young Hollywood Awards
• George Peabody Medal (Peabody Institute)	• Polar Music Prize	
• Glamour Awards	• Praemium Imperiale	

”.

L14. After paragraph 8, insert:

“8A. To demonstrate they meet the requirements in paragraph 8, for each award applicants must provide:

- (a) full details of the production nomination or award, including category and year of nomination or award;
- (b) evidence of the applicant’s involvement if the nomination or award was as part of a group;
- (c) evidence of the credit the applicant received for the nomination or award; and
- (d) if applying under paragraph 8(b) or 8(c)(ii)(4), evidence of their significant and direct contribution to the win or nomination.

**Fashion applicants – assessment by the British Fashion Council**

8B. If the applicant’s field is within the fashion industry through operation of leading designer fashion businesses, they must:

- (a) be professionally engaged in producing work of outstanding quality which has been sold or exhibited internationally, either through catwalk presentation or exhibitions (if applying under Exceptional Talent criteria) or which has had recognition with leading industry players (if applying under Exceptional Promise criteria);
- (b) show recent (within the last 5 years) and regular activity of being engaged professionally as a practitioner in their field; and
- (c) show a substantial track record in more than one country (if applying under Exceptional Talent criteria) or a developing track record in one or more countries (if applying under Exceptional Promise criteria).

8C. The applicant must provide the evidence specified in the table below to demonstrate that their work is of exceptional quality and has national or international recognition.

The British Fashion Council will conduct independent assessment as to whether the evidence provided appropriately and adequately supports the applicant’s claim that they meet the relevant requirements.

This evidence must consist of no more than 10 documents in total, and must be submitted as paper-based documents in hard copy with the application.

Evidence cannot include other objects, Digital Versatile Discs (DVDs) or Compact Discs (CDs), digital files or documents that only show web links. (If an applicant wishes to use the content of a webpage as one of their 10 permitted supporting documents, they must provide a printed copy of the page which clearly shows the Uniform Resource Locator (URL) for the page.)

A document in this context is defined as a single piece of evidence (article, review, letter, etc). If more than the permitted ten pieces of evidence are submitted, only the first ten documents listed will be considered and the additional evidence will be disregarded.

<b>Exceptional Talent (within the field of fashion)</b>	<b>Exceptional Promise (within the field of fashion)</b>
<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) evidence of significant international media recognition for the</p>	<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) evidence of UK or international media recognition for the</p>

<p>applicant's work in the industry: online or in print such as features, articles and/or reviews from national publications or broadcasting companies, in at least one country other than the applicant's country of residence. Event listings or advertisements are not acceptable;</p> <p>2) Proof of having, within the last five years from the year of application, won; OR, having received a nomination for, OR having made a significant and direct contribution to winning or being nominated for international awards for excellence, for example The Fashion Awards, Council of Fashion Designers of America (CFDA) Fashion Awards, Elle Style Award, GQ Award, LVMH Prize, ANDAM Prize, Hyères Prize or another relevant major award or nomination.</p> <p>Awards must be awards of merit, rather than monetary awards such as grants and bursaries.</p> <p>3) Proof of catwalk shows, presentations and/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 sales of the applicant's collections.</p> <p>4) Proof of international distribution and sales (within the last five years) through internationally renowned retailers and boutiques, or through applicant's own physical retail outlets or their ecommerce platform.</p>	<p>applicant's work in the industry: online, in print such as features, articles and/or reviews from national publications or broadcasting companies, or on social media of the applicant's collections. These must be from independent sources, and social media articles must be from prominent bloggers or key opinion leaders. Event listings or advertisements are not acceptable;</p> <p>2) Proof of having received, within the last five years from the year of application, support and sponsorship through the British Fashion Council's support schemes; OR, having received support and sponsorship through the Fashion East support scheme; OR having received support and sponsorship through the Sarabande Foundation; OR having been supported by Centre for Fashion Enterprise; OR having received similar support from an international counterpart to the British Fashion Council.</p> <p>3) Evidence of one or more orders placed by UK or international luxury retailers and boutiques.</p> <p>4) Evidence of recognition by leading industry players (within the last five years) – for example internationally renowned fashion designers, fashion media, retailers, brands, Graduate Fashion Week - of an exceptional graduating collection;</p>
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8D. To demonstrate the applicant meets the requirements in paragraph 8C:

- (a) if the applicant is providing evidence of having won or being nominated for an international award for excellence, this must include:
  - (i) full details of the nomination or award, including category and year of nomination or award;
  - (ii) evidence of the applicant's involvement if the nomination or award was as part of a group;

- (iii) evidence of the credit the applicant received for the nomination or award.
- (b) if the applicant is providing evidence of a significant or direct contribution to winning or being nominated for international awards for excellence, evidence is required from the named person on the award(s) or nomination(s) which demonstrates that the applicant has significantly influenced or directly resulted in the award or nomination to the named person;
  - (c) if the applicant is providing evidence of having been given support or sponsorship, this evidence must include full details of the support or sponsorship including:
    - (i) the name and details of the scheme;
    - (ii) the dates the support or sponsorship were received; and
    - (iii) the organisation that awarded it.
  - (d) if the applicant is providing evidence of a catwalk, presentation or exhibition, evidence of participation in one or more reputable UK-based or international trade show or commercial showroom must be cited. The British Fashion Council will judge whether a particular trade show or commercial showroom provides appropriate evidence of recognition in the applicant's field;
  - (e) if the applicant is providing evidence of international distribution and sales, evidence must be provided regarding:
    - (i) the current number of outlets or stockists of the business's products,
    - (ii) the top five stockists and when these sales were achieved; and
    - (iii) where the applicant has sold through their own retail channels, a breakdown of sales and when these sales were achieved.
  - (f) if the applicant is providing evidence of orders placed by UK or international luxury retailers, evidence must be provided naming the buyer or stockist and stating when the order was placed.

**All Applicants for endorsement by Arts Council England”.**

- L15. In paragraph 9, for “as specified in the table” substitute “as specified in the relevant table”.
- L16. For paragraph 9(a) including its sub-paragraphs, substitute:

“(a) be written on headed paper, dated, and signed by the author who must be a senior member of the organisation

- (i) for arts and culture or film and television applicants, such as a member of the senior management team or board, the Chief Executive, Artistic Director, Principal or Chair;
- (ii) for fashion industry applicants, such the Chief Executive, Chief Operating Officer, Creative Director, Buying Director, Fashion Director/Editor or, for Exceptional Promise applicants who have commercialised their graduating collections only, a Head of Course.”.

L17. In paragraph 9(c), for “world leader” substitute “leader”.

L18. In paragraph 9(e), after “Arts Council England” insert “, PACT or the British Fashion Council,”.

L19. For the table in paragraph 9, substitute:

“

<b>Letters of endorsement for arts and culture or film and television applicants</b>
<p>The applicant must provide 3 letters of endorsement all of which must meet the specific requirements in paragraph 9 above, including:</p> <p>The first letter must be from a UK based arts or cultural organisation, institution or company which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field.</p> <p>The second letter must be from another arts or cultural organisation, institution or company which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field. This second organisation may be UK or overseas based.</p> <p>The third letter may be either from a third arts or cultural organisation, institution or company (UK or overseas based) which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field or from an eminent individual with internationally recognised expertise in the applicant’s specialist field.</p>
<b>Letters of endorsement for fashion industry applicants</b>
<p>The applicant must provide 3 letters of endorsement all of which must meet the specific requirements in paragraph 9 above, from established organisations, institutions or companies with a national or international reputation and recognised expertise in fashion.</p>

If applying under Exceptional Talent criteria, at least one of these letters must be from a UK organisation.

Acceptable organisations would be those which are well established nationally or internationally, work with many international designers and industry experts each year and are widely acknowledged as possessing expertise in fashion.

”.

L20. In the heading preceding paragraph 10 and in paragraph 13, in each place it occurs, for “Tech City UK”, substitute “Tech Nation”.

L21. In the table in paragraph 10, in both places it occurs, for “Have made significant technical, commercial, or entrepreneurial contributions in the digital technology sector as either a founder or entrepreneur of a digital technology company” substitute “Have made significant technical, commercial, or entrepreneurial contributions in the digital technology sector as either a founder, entrepreneur or employee of a digital technology company”.

L22. In the table in paragraph 10, in both places it occurs, for “a world leading talent in the digital technology sector” substitute “a leading talent in the digital technology sector”.

L23. In paragraph 11(e), for “mandatory” substitute “key”.

L24. At the end of paragraph 13(b)(ii), delete “and”.

L25. After 13(b)(iii), for “.” substitute:

“; and

(iv) Factors including but not limited to, the applicant’s academic track record and salary level if employed, the company the applicant is being hired by if an employee, the amount of money raised if an entrepreneur.”.

### Changes to Appendix N

N1. In Appendix N, delete row starting “Sponsored Scientific Researcher Initiative”.

N2. In Appendix N, after row starting “Tier 5 interns scheme”, insert:

“

UK Research	A scheme to enable UK	UK Research and	Research	All
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<p>and Innovation – Science, Research and Academia</p>	<p>Research and Innovation (UKRI) to engage with sponsored researchers within its own organisation as well as endorsing select Independent Research Organisations to hold a Tier 5 Licence. Sponsored researchers include academics, researchers, scientists, research engineers or other skilled research technology specialists who will be hosted through an approved research institute, in a supernumerary role. The sponsored researcher may give lectures (which does not amount to a formal teaching post), act as an examiner, undertake skill development/knowledge transfer, undertake a period of work-based training/work experience/internship/placement or work on research collaborations. UKRI provide endorsement for use of the scheme on behalf of the Department for Business, Energy and Industrial Strategy.</p>	<p>Innovation (UKRI) and the following organisations endorsed by UKRI:</p> <ul style="list-style-type: none"> <li>• Babraham Institute</li> <li>• John Innes Centre</li> <li>• The Pirbright Institute</li> <li>• The Francis Crick Institute</li> <li>• Diamond Light Source Ltd</li> <li>• Plymouth Marine Laboratory</li> <li>• Quadram Institute Bioscience</li> <li>• The Welding Institute</li> <li>• The Sainsbury's Laboratory, Norwich</li> <li>• Wellcome Trust</li> <li>• Sanger Institute</li> <li>• National Institute of Agricultural Botany (NIAB)</li> <li>• Natural</li> </ul>	<p>&amp; Training Programmes Maximum 24 months</p>	<p>UK</p>
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		History Museum		
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”.

### Changes to Appendix V

- V1. In paragraph V1.2, after “leave to enter” and before “Appendix 1”, insert “.”.
- V2. In Appendix 1 to Appendix V, in the definition of an “accredited institution”, after “Office for Standards in Education,”, insert “the Office for Students, ”.
- V3. In Appendix 2 to Appendix V, after paragraph 7, insert “7AEVW Documents are issued to the applicant in electronic form.”.
- V4. In Appendix 2 to Appendix V, in paragraph A8 after “match those of the holder’s passport.”, insert “Where such details do not match, the EVW Document is not valid. However, the following errors are permissible and will not invalidate the EVW Document:
- a) where an apostrophe, space or hyphen is present in the holder’s name on their EVW Document but is not present in the holder’s name on their passport, or;
  - b) where an apostrophe, space or hyphen is present in the holder’s name on their passport but is not present in the holder’s name on their EVW Document.”.
- V5. In Appendix 2 to Appendix V, for paragraph 11 substitute:
- “11 When the EVW Document is issued, the holder must be able to present it:
- a) in a clear, legible format;
  - b) in English, and;
  - c) electronically or in printed form.”.
- V6. In Appendix 2 to Appendix V, for paragraph 15 substitute:
- “15 Where the holder has presented a printed copy of the EVW Document, it must be surrendered to an Immigration Officer upon request.”.
- V7. In Appendix 2 to Appendix V, in paragraph 16, delete “ or 19 applies”.
- V8. In Appendix 3 to Appendix V, in paragraph 1, for “All visitors” substitute “Standard, Marriage/Civil Partnership and Permitted Paid Engagement visitors”.

- V9. In Appendix 3 to Appendix V, in paragraph 1, after “ADS agreement may only do activities in paragraph 3 of this appendix.”, add “Standard, Marriage/Civil Partnership and Transit visitors may undertake the activity in paragraph 28 of this appendix.”.
- V10. In Appendix 3 to Appendix V, in paragraph 1, for “Visitors coming to the UK as a transit visitor may only do the activities in paragraph 28 of this appendix.” substitute “Transit visitors may only do the activities in paragraph 28 of this appendix.”.









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