



Statement of changes in Immigration Rules

*Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty*

December 2020

(This document is accompanied by an Explanatory Memorandum)



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¹STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by them as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 29 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC 523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014

¹ 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), 15 March 2018 (HC 895), 15 June 2018 (HC 1154), 20 July 2018 (Cm 9675), 11 October 2018 (HC 1534), 11 December 2018 (HC 1779), 20 December 2018 (HC 1849), 7 March 2019 (HC 1919), 1 April 2019 (HC 2099), 9 September 2019 (HC 2631), 24 October 2019 (HC 170), 30 January 2020 (HC 56), 12 March 2020 (HC 120), 14 May 2020 (CP 232), 10 September 2020 (HC 707), and 22 October 2020 (HC 813) and 10 December 2020 (HC 1043).

Implementation

The changes set out in this statement shall take effect at 2300 on 31 December 2020 and will apply to all decisions made on or after that time.

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 6.2, after the definition of “**English language course**”, insert:

“ “**EU national**” in Appendix T5 (Temporary Worker) International Agreement Worker means a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, or Sweden; and who is not also a British citizen.”.

Changes to Part 7

7.1. For the second paragraph 276BB1(vi)(d), substitute:

“(e) the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development or the Foreign, Commonwealth and Development Office has determined should qualify for relocation under the ex-gratia redundancy / resignation package, including confirmation that they served ‘on frontline duties outside the wire in Helmand’.”.

Changes to Part 9

9.1. In paragraph 9.1.1.(g), after “352X,” add “and 352A to 352FJ.”.

9.2. In paragraph 9.8.7, replace the heading in the first column of the table from “Time from date the person left the UK (or date of refusal of the entry clearance under row (f))” to “Time from date the person left the UK (or date of refusal of the application under row (f))” and replace “in an application for entry clearance (including a visit visa)” from row f of the table with “in an application (for visits this applies to applications for entry clearance only)”.

Changes to Part 11

11.1 For paragraph 352J(v) substitute:

“(v) must not fall for refusal under paragraphs 9.2.1 (c), 9.3.1, 9.4.1, 9.4.3, 9.5.1, 9.7.1, 9.7.2, 9.8.1 to 9.8.4, 9.9.1, 9.11.1, 9.12.1 or 9.13.1 of Part 9: grounds for refusal.”.

Changes to Appendix AR: administrative review

AR.1 For paragraph AR2.11(a) substitute:

“AR2.11(a) Where the original decision maker’s decision to:

- (i) refuse an application on the basis of paragraph 9.7.1, 9.7.2, 9.8.1 or 9.8.2 of Part 9 of these Rules; or
- (ii) cancel leave to enter or remain which is in force under paragraph 9.7.3 of Part 9 of these Rules; or
- (iii) refuse an application of the type specified in paragraph AR3.2(d) of these Rules on grounds of deception; or
- (iv) cancel leave to enter or remain which is in force under paragraph A3.1(c) of Annex 3 to Appendix EU or paragraph A3.1(c) of Annex 3 to Appendix EU (Family Permit) of these Rules; or
- (v) refuse permission to enter or stay which is in force under paragraph HV11.1(c) of Appendix S2 Healthcare Visitor; or
- (vi) refuse permission to enter which is in force under paragraph SPS10.1(c) of Appendix Service Providers from Switzerland;

is incorrect;”.

Changes to Appendix G

G.1. Delete Appendix G.

Changes to Appendix Visitor: Permit Free Festival List.

PPF1. In Appendix Visitor: Permit Free Festival List, for paragraph PFF 1., substitute:

“PFF 1. An artist, entertainer or musician visiting the UK to perform at one or more of the following permit free festivals may receive payment to do so:

- (a) Aldeburgh Festival
- (b) Barbican Festivals (Spring, Summer, Autumn)
- (c) Belfast International Arts Festival
- (d) Billingham International Folklore Festival of World Dance
- (e) Boomtown Festival
- (f) Breakin’ Convention
- (g) Brighton Festival
- (h) Brighton Fringe
- (i) Brouhaha International Festival of Arts Engagement
- (j) BST Hyde Park
- (k) Cambridge Folk Festival
- (l) Camp Bestival
- (m) Celtic Connections
- (n) Cheltenham Festivals (Jazz, Science, Music & Literature Festivals)
- (o) Dance Umbrella
- (p) Download
- (q) Edinburgh Festival Fringe
- (r) Edinburgh International Book Festival

- (s) Edinburgh International Festival
- (t) Edinburgh Jazz and Blues Festival
- (u) Glasgow International Jazz Festival
- (v) Glastonbury
- (w) Glyndebourne
- (x) Greenbelt
- (y) Harrogate International Festivals
- (z) Hay Festival
- (aa) Huddersfield Contemporary Music Festival
- (bb) Isle of Wight Festival
- (cc) Latitude
- (dd) Leeds Festival
- (ee) Llangollen International Musical Eisteddfod
- (ff) London International Festival of Theatre (LIFT)
- (gg) London Jazz Festival (EFG)
- (hh) Meltdown (Southbank Centre)
- (ii) Norfolk & Norwich Festival
- (jj) Reading Festival
- (kk) Snape Proms
- (ll) The Royal Edinburgh Military Tattoo
- (mm) Wireless
- (nn) WOMAD
- (oo) WWE Live”.

Changes to Appendix Visitor: Permitted Activities

PA1. In PA 11.1. (a), after “overseas” add “, or conduct independent research”.

Changes to Appendix Student

ST.1. For paragraphs ST 8.1. to ST.8.5. substitute:

“ST 8.1. The application must be for a single course of study that meets the requirements in ST 8.2. unless it is one of the following:

- (a) a combined pre-sessional course which meets the requirements in ST 15.1. to 15.3.; or
- (b) a full-time, salaried, elected executive position as a Student Union Sabbatical Officer, where the applicant is either part-way through their studies or will fill the position in the academic year immediately after their graduation; or
- (c) to enable the applicant to stay in the UK on the Doctorate Extension Scheme and the Confirmation of Acceptance for Studies has been assigned by a higher education provider with a track record of compliance and issued within 60 days of the expected end date of a course leading to the award of a PhD to the applicant.

ST 8.2. The application must be for a course which is one of the following:

- (a) a full-time course at degree level or above that leads to an approved qualification; or
- (b) a full-time course below degree level involving a minimum of 15 hours per week of classroom-based daytime study (08:00 to 18:00, Monday to Friday) that leads to an approved qualification; or
- (c) a full-time course involving a minimum of 15 hours per week of classroom-based daytime study that is a pre-sessional course; or
- (d) a part-time course above degree level that leads to an approved qualification where the Confirmation of Acceptance for Studies has been issued by a higher education provider with a track record of compliance; or
- (e) a full-time course at degree level or above that is recognised by UK NARIC as being equivalent to a UK higher education course where the Confirmation of Acceptance for Studies has been assigned by an overseas higher education institution or a higher education provider with a track record of compliance.

ST 8.3. If the course is an Association of Certified Chartered Accountants (ACCA) qualification or an ACCA Foundations in Accountancy qualification, the student sponsor must be an ACCA approved learning partner – student tuition at either Gold or Platinum level.

ST 8.4. If the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies, the applicant must have a valid ATAS certificate and provide it with the application.”.

Changes to Appendix T2 Minister of Religion

MOR.1. For MOR 28.1., substitute:

- “A partner will be granted:
- (a) permission which ends on the same date as their partner’s permission as a T2 Minister of Religion; or
 - (b) 3 years’ permission if the T2 Minister of Religion was (or is being) granted settlement as a T2 Minister of Religion.”.

Changes to Appendix T2 Sportsperson

SP.1. For SP 29.1., substitute:

- “A partner will be granted:
- (a) permission which ends on the same date as their partner’s permission as a T2 Sportsperson; or
 - (b) 3 years’ permission if the T2 Sportsperson was (or is being) granted settlement as a T2 Sportsperson.”.

Changes to Appendix T5 (Temporary worker) International Agreement Worker

IA1. For IA 9.4., substitute:

“IA 9.4. The applicant must be a national of the country in which the overseas undertaking is established or:

- (a) where the application is covered by a commitment in the General Agreement on Trade in Services and the overseas undertaking is established in a country which has made a notification under Article XXVIII(k)(ii)(2) of that agreement, a permanent resident of that country; or
- (b) where the application is covered by a commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, a permanent resident of Switzerland.”.

IA2. In IA 10.1.(c), after “country” insert: “or, where the application is covered by a commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, be a permanent resident of Switzerland”.

IA3. For IA 14.1., substitute:

“IA 14.1. If the application is for entry clearance as a contractual service supplier or independent professional, subject to IA 14.6., the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or
- (b) if shorter,
 - (i) if the applicant is an EU national covered by a relevant commitment in the United Kingdom-European Union Trade and Cooperation Agreement, 12 months; or,
 - (ii) if the applicant is a Swiss national or permanent resident covered by a relevant commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, 12 months; or
 - (iii) in all other cases, 6 months.”.

IA4. For IA 14.2., substitute:

“IA 14.2. If the application is for permission to stay as a contractual service supplier or independent professional, subject to IA 14.6., the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or

- (b) if shorter,
- (i) if the applicant is an EU national covered by a relevant commitment in the United Kingdom-European Union Trade and Cooperation Agreement, the difference between the period the applicant has already spent in the UK since their last grant of permission as an International Agreement Worker and 12 months; or,
 - (ii) if the applicant is a Swiss national or permanent resident covered by a relevant commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, the difference between the period the applicant has already spent in the UK since their last grant of permission as an International Agreement Worker and 12 months; or
 - (iii) in all other cases, the difference between the period the applicant has already spent in the UK since their last grant of permission as an International Agreement Worker and 6 months.”.

IA5. For IA 14.6., substitute:

“IA 14.6. An applicant who is not an EU national may not be granted permission as a contractual service supplier or independent professional for a total period of:

- (a) if the applicant is a Swiss national or permanent resident covered by a relevant commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, more than 12 months in any 24-month period (the relevant 24 months includes the period of permission the applicant is applying for); or
- (b) in all other cases, more than 6 months in any 12-month period (the relevant 12 months includes the period of permission the applicant is applying for).”.

Changes to the Statement of Changes in Immigration Rules (HC 813)

HC 813.1 In the changes section of the Statement of Changes in Immigration Rules (HC 813), in Insertion of new Appendices, Appendix Hong Kong British National (Overseas), for “less than 6 months” in each place it occurs, substitute: “6 months or less”.

Changes to the Statement of Changes in Immigration Rules (HC 1043)

HC 1043.1 In the changes section of the Statement of Changes in Immigration Rules (HC 1043), in “Changes to Appendix Visitor: Permitted Activities”, in paragraph PA1., for PA 9.1.(a) substitute:

“(a) a translator and/or interpreter may translate and/or interpret in the UK as an employee of an enterprise located overseas; or”.

HC 1043.2 In the changes section of the Statement of Changes in Immigration Rules (HC 1043), in “Changes to Appendix Visitor: Permitted Activities”, in paragraph PA1., at PA 9.1.(f), for “.”, substitute “; or”.

HC 1043.3 In the changes section of the Statement of Changes in Immigration Rules (HC 1043), in “Changes to Appendix Visitor: Permitted Activities”, in paragraph PA1., after PA 9.1.(f), add:

“(g) market researchers and analysts may conduct market research or analysis for an enterprise located outside the UK.”.

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