

**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 4 MARCH 2021 (HC 1248)**

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument amends the Immigration Rules that are used to regulate people's entry to, and stay in, the United Kingdom.
- 2.2 The changes being made primarily deliver the new Graduate route and associated changes required to other routes, as well as changes to the EU Settlement Scheme. This instrument also makes a series of more minor changes to other policy areas, detailed in section 7 of this Explanatory Memorandum.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As this Statement of Changes in Immigration Rules is subject to the procedure set out under section 3(2) of the Immigration Act 1971, there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this Statement of Changes in Immigration Rules is all of the United Kingdom.
- 4.2 The territorial application of this Statement of Changes in Immigration Rules is all of the United Kingdom.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 The Immigration Rules, as laid before Parliament by the Secretary of State, constitute a statement of practice to be followed in the administration of the Immigration Act 1971 for regulating the entry into, and stay of, persons in the United Kingdom.
- 6.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules. This can be found on the GOV.UK website, where all the Statements of Changes in Immigration Rules issued since May 1994 are published.¹
- 6.3 These changes will be implemented from 1 April 2021 as detailed in the implementation section of the accompanying Statement of Changes.

7. Policy background

What is being done and why?

Introduction of the Graduate Route

- 7.1 The introduction of the Graduate route was announced on 11 September 2019 and the ‘Factsheet: Graduate Immigration Route’, which provided further information about the route, was published on 14 October 2019.²
- 7.2 The Graduate route is a new route for international students who have successfully completed an eligible course as a student at a student sponsor which is a higher education provider with a track record of compliance. It improves the UK’s offer to international students considering study here, by giving those who successfully complete an eligible course a further two years (three years for those being awarded doctorates) in the UK, during which they can work or look for work at any skill level.
- 7.3 Applications must be made in the UK and applicants must have current permission as a Student or Tier 4 migrant. They must not have previously held permission on the Doctorate Extension Scheme (DES), or the Graduate route.
- 7.4 The suitability requirements will apply, and criminality, misconduct, and breaches of immigration law will disqualify someone from being granted permission on the route, except where periods of overstaying can be disregarded in certain limited circumstances as set out in the Immigration Rules.
- 7.5 Applicants must have successfully completed the course of study undertaken during their most recent grant of permission as a Student (which includes permission under Tier 4), and their sponsor must notify the Home Office of this before the application is made. The course must have led to the award of a degree at UK bachelor’s or postgraduate level, or a professional course requiring study at UK bachelor’s degree level or above, in a profession with reserved activities that is regulated by UK law or UK public authority. Changes to a course that are permitted under the Student route will not disqualify an applicant from being granted permission, provided the qualification gained still meets the qualification requirement. Those who have been sponsored to undertake a role as a Student Union Sabbatical Officer following the

¹ <https://www.gov.uk/guidance/immigration-rules>

² <https://homeofficedia.blog.gov.uk/2019/10/14/fact-sheet-graduate-immigration-route/>

completion of an eligible qualification in their most recent grant of permission to study will also be eligible to apply under this route.

- 7.6 Study on an eligible course must have taken place in the UK for a minimum period which is based on the total length of the course. For those who have completed a course lasting 12 months or less, the whole of the course must have been studied in the UK. Those on courses lasting longer than 12 months will need to have been granted permission for at least 12 months on the Student route and have spent that time studying in the UK. Where distance learning has taken place outside of the UK as a result of Covid-19, students will still be eligible for the route, depending on the start date of their course and the date by which they enter the UK as a Student to complete that course.
- 7.7 Successful applicants will be permitted to work full time at any skill level. A Graduate may switch into a relevant skilled work route if suitable employment is found and the requirements of the route are met. Study will be permitted, provided that it is not study with a student sponsor on a course that would meet the requirements of the Student route. Study is subject to the Academic Technology Approval Scheme (ATAS) condition (a requirement to obtain an ATAS certificate before studying certain sensitive subjects at postgraduate level).³ Police registration will also apply to relevant nationals.⁴
- 7.8 Dependent family members will be permitted on the Graduate route, provided those family members are in the UK and had last been granted permission as dependants of the main applicant on the Graduate route. New dependants will not be permitted, except where a dependent child was born in the UK during a period of Student or Graduate permission.
- 7.9 Consequential amendments are being made to delete references to the DES, which will close upon opening of the Graduate route, from Appendix Student, and to insert a new sub-paragraph at AR3.2 to provide for a right of in-country administrative review on an application under the Graduate route.

Changes to the Skilled Worker Route

- 7.10 The Skilled Worker route is for applicants with a specific job offer from an approved sponsoring employer. The following changes are being made to this route:
- Changes are being made to the criteria for “new entrants” as a result of the introduction of the new Graduate route. The current criteria includes those individuals whose last permission was as a Student and was within the last two years. This provision is being expanded to also include previously holding permission as a Graduate within the last two years. As recommended by the Migration Advisory Committee (MAC), time in the Graduate route will count towards the time an applicant can be classed as a new entrant (which the Government has set at four years).

³ <https://www.gov.uk/guidance/academic-technology-approval-scheme>

⁴ <https://www.gov.uk/register-with-the-police>

- A change is also being made to the requirement for the applicant’s most recent permission to be as a Student (or Graduate), so that “most recent permission” does not include permission as a visitor. This prevents applicants inadvertently disqualifying themselves as new entrants by making short visits to the UK.
- The Shortage Occupation List and eligible occupations are being revised, following a report published by the MAC on 29 September 2020.⁵ The Government has accepted the changes below and will continue to consider the long-term economic impact of the Covid-19 pandemic. The changes to the list are:
 - The addition of eight occupations to the UK-wide Shortage Occupation List in the health and care sectors:
 - Health services and public health managers and directors;
 - Residential, day and domiciliary care managers and proprietors;
 - Pharmacists;
 - Health professionals not elsewhere classified (the MAC recommended this occupation be recognised as a shortage occupation in Wales and the Government is expanding this to include the rest of the UK);
 - Physiotherapists;
 - Laboratory technicians (including those not in the health and care sectors);
 - Nursing auxiliaries and assistants;
 - Senior care workers.
 - As well as the addition of modern foreign language teachers and the removal of skilled chefs (who will nevertheless continue to qualify for the Skilled Worker route, due to the changes in the skills and salary thresholds).
- Deckhands on large fishing vessels (nine metres and above) and vent chick sexers are being added to the list of occupations which are eligible for the Skilled Worker route. In both cases, jobs are only eligible where the job requires the worker to have at least three years’ full-time experience in using these skills.
- Skilled Workers must be paid the going rate for their job, subject to tradeable points, with a minimum salary floor of £20,480 per year.⁶ The going rates are based on a 39-hour working week (except where national pay scales apply a different number of hours). These criteria are being bolstered by a minimum hourly rate of £10.10 (which equates to the £20,480 minimum floor for a 39-hour week). The purpose of this change is to safeguard against sponsors requiring their employees to work long hours, to compensate for lower pay rates in meeting the minimum salary floor. A transitional arrangement is

⁵ <https://www.gov.uk/government/news/migration-advisory-committee-reviews-shortage-occupation-lists>

⁶ The “going rate” is calculated as the 25th percentile salary for an occupation. This is calculated using the Office for National Statistics Annual Survey of Hours and Earnings.

being included so this change does not apply to Skilled Workers who are already in the route and working in jobs paying less than £10.10 per hour, to ensure they do not lose their jobs as a result of the change.

- When introducing the Skilled Worker route on 1 December 2020, the Government accepted the MAC's recommendations to change the data source used for identifying going rates for several occupations.⁷ For three of these occupations (2113 Physical scientists, 2119 Natural and social science professionals not elsewhere classified, and 2311 Higher education teaching professionals), the change resulted in a significant increase in the going rates. A transitional arrangement is being introduced for Tier 2 (General) migrants who continue to be sponsored in these occupations, to exempt them from these higher going rates when they apply to extend their permission or settle under the Skilled Worker Rules. The previous going rates will continue to apply in these cases, for applications made before 1 December 2026.
- A change is being made to salary reductions in Part 9 of the Rules, to prevent sponsors reducing their Skilled Workers' salaries below the level of tradeable points which have been assessed and awarded by the Home Office. If the sponsor wishes to reduce a salary on the basis the Skilled Worker can offset the reduced salary by relying on a different set of tradeable points, a new application will be needed. This ensures the new points are assessed by the Home Office and the Skilled Worker continues to meet the requirements of the route.

Minor corrections are being made to rectify drafting errors and incorrect references. These include updating/correcting the salary source used to identify the going rates for doctors and dentists. The other corrections are inconsequential.

Changes to the EU Settlement Scheme

- 7.11 The EU Settlement Scheme (EUSS) enables EU, other European Economic Area (EEA) and Swiss citizens living in the UK by the end of the Transition Period at 11pm on 31 December 2020 (and referred to collectively here as 'EEA citizens'), and their family members, to obtain the UK immigration status they need to continue living in the UK. The EUSS family permit enables certain family members of such EEA citizens to travel to the UK.
- 7.12 The main change in respect of the suitability provisions of the EUSS and the EUSS family permit is to enable an application to the EUSS or for an EUSS family permit to be refused (and the leave or entry clearance granted following such an application to be cancelled) where the applicant's presence in the UK is not conducive to the public good because of conduct committed after the end of the Transition Period.
- 7.13 The main changes in respect of the eligibility requirements for the EUSS are as follows:

⁷ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-813-22-october-2020>

- To enable a family member applying to the EUSS to rely on a family permit issued under the Immigration (European Economic Area) Regulations 2016 as a relevant document evidencing that relationship, where the family permit:
 - was issued on the basis of an application made under those Regulations before 1 July 2021; other than where the family member is an extended family member dependent relative, when the application under those Regulations must have been made by the end of the Transition Period; or
 - has expired since the end of the Transition Period and before they apply to the EUSS, where they arrived in the UK after the end of that period (unless they are an unmarried, durable partner or an extended family member dependent relative) and before 1 July 2021;
- Where the applicant is the family member of a relevant EEA citizen, where both were continuously resident in the UK before the end of the Transition Period, to enable them to rely, in an application made on or after 1 July 2021, on:
 - the qualification of that EEA citizen for EUSS status if they had made a valid application under Appendix EU before 1 July 2021; or
 - that prior residence of the EEA citizen (regardless of whether that EEA citizen has EUSS status or could have qualified for it if they had applied before 1 July 2021), as their family member (or as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen); or where the EEA citizen has died (and was resident in the UK as a worker or self-employed person at the time of their death); or where the applicant relies on their documented right of permanent residence or existing indefinite leave to enter or remain;
- To enable a person applying to the EUSS on or after 1 July 2021 as the joining family member of a relevant sponsor, who is a relevant EEA citizen continuously resident in the UK before the end of the Transition Period, to rely on that prior residence of the relevant sponsor (regardless of whether that relevant sponsor has EUSS status or, but for the fact they are a British citizen where they are one, could have qualified for it):
 - where the joining family member relies on being a family member who has retained the right of residence by virtue of a relationship with the relevant sponsor, on the basis of events which occurred during the period of three months from their arrival in the UK (or their birth or adoption in the UK) in which, unless there are reasonable grounds for them to miss that deadline, they are required to apply to the EUSS; or
 - where the relevant sponsor has died (and was resident in the UK as a worker or self-employed person at the time of their death); or
 - where the joining family member has limited leave to enter or remain granted under Appendix EU and would have been eligible for indefinite

leave to enter or remain as a joining family member if they had made a further application for it before the indefinite or limited leave to enter or remain granted under Appendix EU to their relevant sponsor lapsed or was cancelled, curtailed, revoked or invalidated; and

- To enable a person who relies on having reasonable grounds for missing the deadline applicable to them under the Scheme to apply directly to the EUSS, so that the Secretary of State can consider those grounds in assessing their eligibility for EUSS status.

7.14 The other main changes in respect of the EUSS and the EUSS family permit are as follows:

- To bring within the scope of the EUSS and the EUSS family permit, the following family members of the people of Northern Ireland, where the relevant person of Northern Ireland is a British citizen (or a British citizen and an Irish citizen):
 - a non-EEA citizen family member, where, due to compelling practical or compassionate reasons, it was not possible for the relevant person of Northern Ireland to return to the UK before the end of the Transition Period while the family member (for whom no family permit was then available) remained outside the UK; and
 - a non-EEA citizen extended family member dependent relative, on a basis equivalent to that on which (were the relevant person of Northern Ireland, not a British citizen) the family member could have qualified for a relevant document under the Immigration (European Economic Area) Regulations 2016; and
- To allow an applicant for an EUSS family permit to rely, as they already can under the EUSS, on alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or compelling practical or compassionate reasons.

Replacement of the current intimidation policy with the Afghan Relocation and Assistance Policy to reflect the changing security situation in Afghanistan

7.15 There are currently two separate schemes to assist current and former Locally Employed Staff (LES) in Afghanistan: the Ex-Gratia Scheme (EGS) and the intimidation policy. The existing intimidation policy is available to any current or former Afghan LES who have been employed directly by the UK Government in Afghanistan since 2001, from the first day of their employment, regardless of their role, job or length of service.

7.16 The intimidation policy is being replaced with the Afghan Relocation and Assistance Policy (ARAP) for current and former Afghan LES. The EGS will continue to operate without change until the closing date of 30 November 2022 already set out in the Immigration Rules.

- 7.17 The ARAP moves away from the present policy model which is based on the investigation of alleged cases of intimidation and requires discrete evidence, and into an assessment-oriented approach. This will be grounded in a recognition that the situation in Afghanistan has evolved and poses a latent threat to many current and former LES in particular roles. Other assistance, e.g. internal moves in-country and bespoke security advice, will still be available where appropriate and reflects that not all LES are able or willing to relocate.
- 7.18 Relocations under the new Scheme will have two tracks, recognising that some LES are at more risk than others: a fast-track for relocation of priority cases, and a routine-track for less urgent cases. Initial risk assessment of exposure due to work with HM Forces will dictate which track is most suitable in each case.

Expansion of the ATAS Requirement to cover Relevant Researchers on Sponsored Work-based Routes, to respond to a national security threat posed by foreign state interference in academia

- 7.19 The Academic Technology Approval Scheme (ATAS) is a Foreign, Commonwealth and Development Office administered scheme which currently applies to all international students (except EEA nationals and nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA) who are subject to UK immigration controls and intend to study at a postgraduate level in certain sensitive subjects. The subjects are those where students' knowledge could be used in programmes to develop advanced conventional weapon technology, weapons of mass destruction (WMD), or their means of delivery. Students studying such subjects must apply for an ATAS certificate before they can study in the UK.
- 7.20 This policy is to be expanded to include those coming to the UK under a sponsored work route to work in an occupation that includes postgraduate research in an academic environment. The expansion of ATAS is designed to protect UK research from exploitation and from inadvertently supporting the proliferation of WMD or advanced conventional weapon technologies. It is essential that HMG provides the relevant vetting to ensure universities do not inadvertently support foreign military programmes of concern.

Changes to the Global Talent route to allow applicants who have reached the pinnacle of their careers to bypass the endorsement requirement and expedite the application process

- 7.21 The Global Talent category is for talented and promising individuals in the fields of science, digital technology and arts and culture wishing to work in the UK. 'Talent' applicants are already leaders in their respective field, while 'promise' applicants have shown the potential to become leaders in their field.
- 7.22 The current application process requires applicants to obtain endorsement from one of six endorsing bodies engaged by the Home Office, prior to making their application for permission to enter or stay in the UK. A change is being made to allow applicants who have reached the pinnacle of their careers to bypass the endorsement requirement and instead qualify if they have received a prestigious prize. The relevant prizes set

out in Appendix Global Talent: Prestigious Prizes, have been identified by the Global Talent endorsing bodies, based on their expert opinion, as demonstrating irrefutable evidence of exceptional talent.

- 7.23 In all other aspects, the requirements and conditions applying to individuals relying on a prestigious prize will be consistent with those who qualify using an exceptional talent endorsement. For example, individuals will have a three year qualifying period for settlement and identical conditions applied to their permission. The list included in this Statement of Changes will be reviewed in future updates and amended based on recommendations from the endorsing bodies. This new method of qualifying does not replace existing options available under the Global Talent visa.
- 7.24 At the request of the Royal Society, the British Academy and Royal Academy of Engineering, a minor technical amendment is being made to the fast-track criteria for individuals who have been offered a qualifying position at an eligible institution or institute. The wording change clarifies that applicants are eligible either as an individual or with responsibility across a wider team.
- 7.25 At the request of Tech Nation, a technical amendment is being made to the digital technology criteria for exceptionally promising applicants. This change ensures that the ‘promise’ criteria are consistent with the equivalent requirements for ‘talent’ applicants.

Changes to Hong Kong British National (Overseas)

- 7.26 The changes made to Appendix Hong Kong British National (Overseas) correct a number of small errors as well as amending the form BN(O) that status holders and their dependants can use to apply for settlement. The changes also enable access to public funds where an individual who is in the UK on the BN(O) route later becomes destitute or is at imminent risk of destitution and successfully applies for a change of conditions. They also ensure that those who have been granted Leave Outside the Rules for 12 months, where their BN(O) application was refused, must meet the maintenance requirement when they subsequently apply for the BN(O) route.
- 7.27 Changes made to Appendix Hong Kong British National (Overseas) as well as paragraph 39E will allow BN(O)s who have overstayed in the defined period prior to the route opening and then who have successfully applied for the BN(O) route to apply for settlement and not be refused for failing to meet the lawful residence requirement.

Changes required to Appendix ECAA Extension of Stay and Appendix ECAA Settlement

- 7.28 Changes are being made to Appendix ECAA Extension of Stay and Appendix ECAA Settlement to amend minor grammatical, spelling and formatting errors.

Changes to the Student Route

- 7.29 A new subparagraph is being added to ST14.3 to specify that a person will not be prevented from meeting the academic progress requirement if they are on an

integrated Master's or PhD programme and successfully complete the course leading to the award of the lower-level qualification which formed a part of that programme. A new Rule is being inserted at ST35.5 to specify that the dependant applicant must show that they have the required funds.

Changes to Continuous Residence

- 7.30 Changes are being made to Appendix Continuous Residence to clarify that where a person who had permission as a dependant was absent before 11 January 2018, that absence will not be counted towards the 180 day limit on absences for the purpose of settlement on the following routes: Skilled Worker, Representative of an Overseas Business, Global Talent, Innovator, T2 Minister of Religion, T2 Sportsperson, UK Ancestry or Hong Kong British National (Overseas).

Changes to T5 (Temporary Worker) Creative or Sporting Worker

- 7.31 Under the current system, any migrant working in the UK within the creative sector, must have no more than 14 days between paid engagements. The new Rules allow migrants and their sponsors to 'stop the clock' by only counting time spent within the UK. This arrangement will better reflect the working-practices of the creative sector.

Addition of sponsorship requirements to T5 (Temporary Worker) Seasonal Worker for the sponsor to be endorsed by the Department for Environment, Food and Rural Affairs and licensed by the Gangmasters and Labour Abuse Authority

- 7.32 Previously sponsors were listed in Appendix U. In the Rules changes of 22 October 2020, Appendix U was deleted, therefore the additional requirements those sponsors have to meet have been added here.

Changes to T5 (Temporary Worker) Youth Mobility Scheme

- 7.33 Changes to replace the requirement for a Certificate of Sponsorship with a requirement for persons applying from countries or territories without Deemed Sponsorship Status to produce evidence of sponsorship. Further, the time within which these applicants must obtain evidence of sponsorship before applying has been extended from three to six months.
- 7.34 In addition, the allocations of places available for persons applying from each country/territory with a youth mobility agreement with the UK have been updated in Appendix Youth Mobility Scheme: eligible nationals for 2021 with changes to the number of places available for persons applying from some countries/territories.

Changes to the English Language Rules

- 7.35 Changes are being made to Appendix English language to allow veterinarians applying on the Skilled Worker route to rely on professional regulation by the Royal College of Veterinary Surgeons to prove their English language ability.

Changes to Parent of a Child Student

- 7.36 Changes are being made to Appendix Parent of a Child Student to clarify that an applicant on this route can rely on funds held by their partner (whether or not the partner is in the UK).

Changes to the Family Route

- 7.37 Changes are being made to allow applicants on the family route to rely on having proved their English language ability to the required level in a previously successful application for entry clearance or permission to stay.

Changes to Temporary Worker – International Agreement

- 7.38 A minor change is being made to replace a reference to an EU agreement with a reference to a UK agreement.

Changes to Overseas Domestic Workers, Domestic Workers in a Private Household, and Domestic Workers who are Victims of Modern Slavery

- 7.39 The Immigration Rules have been revised and simplified.

Annual update to Permit Free Festival List

- 7.40 Appendix Visitor: Permit Free Festival List has been updated for 2021/2022 and is contained in paragraph APP PFFL1. of the accompanying Statement of Changes.

Changes to Dependants in the Global Talent and Start-up Routes to bring in line with other dependant routes.

- 7.41 The Immigration Rules currently require dependants of Global Talent and Start-up applicants to provide written consent to their application from a Government or international scholarship agency if they received an award within 12 months before the date of application to fund their living and study in the UK. This requirement should only be applied to main applicants and not their dependants and is therefore being removed.

Changes to the Innovator Route

- 7.42 A change is being made to add a requirement that applicants must be the sole founder or an instrumental member of the founding team of the business for which they have been endorsed by an endorsing body.

Changes to the Intra-Company Routes

- 7.43 A transitional provision is being reinstated to exempt Intra-Company workers who have been in Intra-Company routes since before 6 April 2011 from the maximum time limits that apply in the Intra-Company routes. Eligible workers can extend their permission for up to five years with each application.

Changes to the Requirement that Any Specified Fee must be Paid for an Administrative Review of Entry Clearance Refusals

- 7.44 This change introduces a requirement that any specified fee in connection with an application for administrative review of a decision to refuse entry clearance must be paid in accordance with the method specified in the application form, separate payment form or related guidance notes (as applicable). This change supports proposed changes to the Fees Regulations which make provision for charging an application fee for an administrative review of entry clearance refusals, bringing it in line with all other administrative review applications.

Changes to Short-term Student (English Language) Rules

- 7.45 A minor change is being made to delete STS 8.2, which erroneously states that there was a right of administration review if a Short-term Student application was refused. This correctly aligns the Rules with Appendix Administrative Review.

Changes to Definitions

- 7.46 Minor amendments to the definitions, e.g. of ‘course of study’, to provide more clarity.

Technical Amendments to Visitor Routes

- 7.47 Minor changes are being made to clarify and correct errors in Appendix V: Visitor, Appendix Visitor: Permitted Activities, and Appendix Visitor: Visa National List, including:
- Clarifying the position for “relevant nationals” who intend to get married or form a civil partnership in the UK.
 - Clarifying the study provisions under the Visitor rules by bringing all the requirements into the eligibility section of the rules and clarifying the ATAS condition in the visitor rules.
 - Removing duplication of the requirement for those extending their stay in the UK as visitors.
 - Clarifying the provisions for manufacturers and suppliers of goods to the UK.
 - Clarifying the requirements for those coming to the UK for medical treatment under reciprocal healthcare arrangements.
 - Consequential amendments of numbering.

Other Technical Changes

- 7.48 Correction of a number of minor drafting errors made in the Statement of Changes to the Immigration Rules (HC 813)⁸ laid on 22 October 2020.
- 7.49 Minor drafting changes are being made to improve clarity and ensure consistency of wording within the various routes.

⁸ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-813-22-october-2020>

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is not being made under the European Union (Withdrawal) Act but relates to the withdrawal of the United Kingdom from the European Union because it supports further implementation of the EU Settlement Scheme.
- 8.2 For all other changes, this instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 The Government has committed to consolidation of the Rules as part of its response to the Law Commission recommendations on simplifying the Immigration Rules.

10. Consultation outcome

- 10.1 Changes to Appendix Shortage Occupation List and Appendix Skilled Occupations were informed by the MAC's public call for evidence, which took place between 13 May 2020 and 24 July 2020.
- 10.2 Whilst simplifying the Immigration Rules we have consulted the Simplification of the Rules Review Committee, established in response to the Law Commission's recommendations, as set out in the Home Office Response to the Law Commission Report on Simplifying the Immigration Rules on 25 March 2020.⁹
- 10.3 The other changes in this Statement have not been the subject of a formal public consultation, as this would be disproportionate given the nature of the changes.

11. Guidance

- 11.1 Guidance relating to these Rules changes will be updated and placed on the GOV.UK website.

12. Impact

- 12.1 The introduction of the Graduate route will impact on sponsoring institutions as they will need to confirm that eligible students successfully completed their studies and were in the UK for the required period of time. There is no ongoing sponsorship responsibility under the Graduate route. The impacts are considered to be justified as they help implement the Government's commitment to introduce the Graduate route to further enhance the UK's offer to international students, which will benefit sponsoring institutions.

⁹ <https://www.gov.uk/government/publications/simplifying-the-immigration-rules-a-response>

- 12.2 For all other changes there is no, or no significant, impact on business, charities or voluntary bodies.
- 12.3 There is no, or no significant, impact on the public sector.
- 12.4 A full Impact Assessment for the new Graduate route is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

13. Regulating Small Business

- 13.1 Changes to the Skilled Worker route may affect small businesses who are sponsors of Skilled Workers. These changes are not expected to have a significant negative impact.
- 13.2 Changes to the Graduate route could impose costs on some smaller educational establishments – these are set out in the accompanying impact assessment.
- 13.3 Changes to the Intra-Company route may affect small businesses who are sponsors of Intra-Company Transfers and Graduate Trainees. These changes are not expected to have a negative impact.
- 13.4 For all other changes there is no, or no significant, impact on activities that are undertaken by small businesses.

14. Monitoring & Review

- 14.1 The review clauses at the beginning of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added by the changes in this Statement, and lay a report before Parliament within five years of 6 April 2017 and within every five years after that. Following each review, the Secretary of State will decide whether the relevant Immigration Rules should remain as they are, be revoked or amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

15. Contact

- 15.1 Specific written queries relating to this Statement of Changes should be directed to Richard Short at StatementofChanges@homeoffice.gov.uk. Please note that this mailbox is only for Parliamentary use in relation to specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.
- 15.2 More general queries should be directed to the Home Office as per the ‘Contact UKVI’ section on the visas and immigration pages of GOV.UK website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

- 15.3 A copy of this Statement of Changes can be found on the visa and immigration pages of the GOV.UK website at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>.
- 15.4 Oliver Carlisle at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.5 Kevin Foster MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

