



# Statement of changes in Immigration Rules

*Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty  
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## **STATEMENT OF CHANGES IN IMMIGRATION RULES**

The Home Secretary has made the changes hereinafter stated in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 for regulating entry into and the stay of persons in the United Kingdom 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 (Cmnd 2663), 26 October 1995 (HC 797), 4 January 1996 (Cmnd 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 30 August 1996 (Cmnd 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cmnd 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cmnd 3953), 8 October 1998 (Cmnd 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cmnd 4851), 27 August 2001 (Cmnd 5253) and 16 April 2002 (HC 735).

These changes take effect on 18th September 2002.

1. Paragraph 6 (interpretation) is amended as follows:

- (a) after the definition of “the 2000 EEA Regulations”, insert “‘EEA national’ has the meaning set out in paragraph 257.”
- (b) after the definition of “the Human Rights Convention”, insert “‘Immigration employment document’ means a work permit or any other document which relates to employment and is issued for the purpose of these Rules or in connection with leave to enter or remain in the United Kingdom.”
- (c) after the definition of “Immigration Officer”, insert “‘Multiple Entry work permit employment’ is work permit employment where the person concerned does not intend to spend a continuous period in the United Kingdom in work permit employment.”; and
- (d) for the definition of “public funds”, substitute:

“‘public funds’ means

- (a) housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985, Part I or II of the Housing (Scotland) Act 1987, Part II of the Housing (Northern Ireland) Order 1981 or Part II of the Housing (Northern Ireland) Order 1988;
- (b) attendance allowance, severe disablement allowance, invalid care allowance and disability living allowance under Part III of the Social Security Contributions and Benefits Act 1992; income support, working families’ tax credit, council tax benefit, disabled person’s tax credit and housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; or income based jobseekers’ allowance under the Jobseekers Act 1995.
- (c) attendance allowance, severe disablement allowance, invalid care allowance and disability living allowance under Part III of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; income support, working families’ tax credit, disabled persons’ tax credit, housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; or income based jobseeker’s allowance under the jobseekers (Northern Ireland) Order 1995.”

2. For paragraph 19A, substitute:

“19A Where a person who has indefinite leave to enter or remain in the United Kingdom accompanies, on a tour of duty abroad, a spouse or unmarried partner who is a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service, or a comparable United Kingdom-based staff member of the British Council, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, sub-paragraphs (ii) and (iii) of paragraph 18 shall not apply.”

3. For sub-paragraph 60(i), substitute:

“60(i) was last admitted to the United Kingdom in possession of a valid student entry clearance, or valid prospective student entry clearance in accordance with paragraphs 82 to 87 of these Rules, if he is a person specified in Appendix 1 to these Rules; and”

4. For sub-paragraph 67(i), substitute:

“67(i) was last admitted to the United Kingdom in possession of a valid student entry clearance, or valid prospective student entry clearance in accordance with paragraphs 82 to 87 of these Rules, if he is a person specified in Appendix 1 to these Rules; and”

5. For paragraph 117, substitute:

“117. A person seeking leave to enter the United Kingdom for approved training or approved work experience may be admitted to the United Kingdom for a period not exceeding the period of training or work experience approved by the Home Office for this purpose, provided that the Immigration Officer is satisfied that each of the requirements of paragraph 116 is met. Leave to enter is to be subject to a condition permitting the person to take or change employment only with the permission of the Home Office.”

6. Delete sub-paragraph 119(iv).

7. For paragraph 120, substitute:

“120. An extension of stay for approved training or approved work experience may be granted for a further period not exceeding the extended period of training or work experience approved by the Home Office for this purpose, provided that in each case the Secretary of State is satisfied that each of the requirements of paragraph 119 is met. An extension of stay is to be subject to a condition permitting the person to take or change employment only with the permission of the Home Office.”

8. In sub-paragraph 131(i), after “entered the United Kingdom with a valid work permit under paragraph 29”, insert “or was subsequently granted an extension of stay for work permit employment under paragraph 131 A or 131 B”.

9. After paragraph 131, insert:

“131A. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a student are that the applicant:

- (i) entered the United Kingdom or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and

- (ii) has completed a recognised degree course at either a United Kingdom publicly funded further or higher education institution or a bona fide private education institution which maintains satisfactory records of enrolment and attendance; and
- (iii) holds a valid Home Office immigration employment document for employment; and
- (vi) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (v) meets each of the requirements of paragraph 128 (ii) to (vi).

131B. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a student nurse, postgraduate doctor or postgraduate dentist are that the applicant:

- (i) entered the United Kingdom or was given leave to remain as a student nurse in accordance with paragraphs 63 to 69 of these Rules; or
- (ii) entered the United Kingdom or was given leave to remain as a postgraduate doctor or a postgraduate dentist in accordance with paragraphs 70 to 75 of these Rules; and
- (iii) holds a valid Home Office immigration employment document for employment as a nurse, doctor or dentist; and
- (iv) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (v) meets each of the requirements of paragraph 128 (ii) to (vi)."

10. In paragraph 132, after the words "paragraph 131", insert ", paragraph 131A, or paragraph 131B".

11. In paragraph 133, after "paragraph 131", insert ", paragraph 131A, or paragraph 131B".

12. After paragraph 159, insert:

**"DOMESTIC WORKERS IN PRIVATE HOUSEHOLDS**

**Requirements for leave to enter as a domestic worker in a private household**

159A. The requirements to be met by a person seeking leave to enter the United Kingdom as a domestic worker in a private household are that he:

- (i) is aged 18-65 inclusive;
- (ii) has been employed as a domestic worker for one year or more immediately prior to application for entry clearance under the same roof as his employer or in a household that the employer uses for himself on a regular basis and where there is evidence that there is a connection between employer and employee;

- (iii) that he intends to travel to the United Kingdom in the company of his employer, his employer's spouse or his employer's minor child;
- (iv) intends to work full time as a domestic worker under the same roof as his employer or in a household that the employer uses for himself on a regular basis and where there is evidence that there is a connection between employer and employee;
- (v) does not intend to take employment except within the terms of this paragraph; and
- (vi) can maintain and accommodate himself adequately without recourse to public funds; and
- (vii) holds a valid United Kingdom entry clearance for entry in this capacity.

**Leave to enter as a domestic worker in a private household**

159B. A person seeking leave to enter the United Kingdom as a domestic worker in a private household may be given leave to enter for that purpose for a period not exceeding 12 months provided that he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

**Refusal of leave to enter as a domestic worker in a private household**

159C. Leave to enter as a domestic worker in a private household is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**Requirements for extension of stay as a domestic worker in a private household**

159D. The requirements for an extension of stay as a domestic worker in a private household are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a domestic worker in a private household; and
- (ii) has continued to be employed for the duration of his leave as a domestic worker in a private household; and
- (iii) continues to be required for employment for the period of the extension sought as a domestic worker in a private household within the terms of paragraph 159A as certified by his current employer; and
- (iv) meets each of the requirements of paragraph 159A(i) to (vi).

**Extension of stay as a domestic worker in a private household**

159E. An extension of stay as a domestic worker in a private household may be granted for a period not exceeding 12 months provided that the Secretary of State is satisfied that each of the requirements of paragraph 159D is met.

**Refusal of extension of stay as a domestic worker in a private household.**

159F. An extension of stay as a domestic worker may be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 159D is met.

**Indefinite leave to remain for a domestic worker in a private household.**

159G. Indefinite leave to remain may be granted, on application, to a domestic worker in a private household provided that:

- (i) he has spent a continuous period of 4 years in the United Kingdom employed in this capacity; and
- (ii) he has met the requirements of paragraph 159A throughout the 4 year period; and
- (iii) he is still required for employment as a domestic worker in a private household, as certified by the current employer.

**Refusal of indefinite leave to remain for a domestic worker in a private household**

159H. Indefinite leave to remain in the United Kingdom for a domestic worker in a private household is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 159G is met.”

13. After paragraph 199, insert:

**“MULTIPLE ENTRY WORK PERMIT EMPLOYMENT**

**Requirements for leave to enter for Multiple Entry work permit employment.**

“199A. The requirements to be met by a person coming to the United Kingdom to seek or take Multiple Entry work permit employment are that he:

- (i) holds a valid work permit;
- (ii) is not of an age which puts him outside the limits for employment;
- (iii) is capable of undertaking the employment specified in the work permit;
- (iv) does not intend to take employment except as specified in his work permit;
- (v) is able to maintain and accommodate himself adequately without recourse to public funds; and
- (vi) intends to leave the United Kingdom at the end of the employment covered by the Multiple Entry work permit.

**Leave to enter for Multiple Entry work permit employment**

199B. A person seeking leave to enter the United Kingdom for Multiple Entry work permit employment may be admitted for a period not exceeding 2 years provided that the Immigration Officer is satisfied that each of the requirements of paragraph 199A is met.

**Refusal of leave to enter for Multiple Entry work permit employment**

199C. Leave to enter for Multiple Entry work permit employment is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 199A is met.”

14. Delete paragraphs 249 to 254 (“Holders Of Special Vouchers”).

15. After paragraph 255, insert:

“255A. This paragraph applies where a Swiss national has been issued with a residence permit under the 2000 EEA Regulations and, prior to 1st June 2002, remained in the United Kingdom in accordance with the provisions of these Rules and in a capacity which would have entitled that Swiss national to apply for indefinite leave to remain after a continuous period of 4 years in that capacity in the United Kingdom. Where this paragraph applies, the period during which the Swiss national remained in the United Kingdom prior to 1st June 2002 shall be treated as a period during which he remained in the United Kingdom in accordance with the 2000 EEA Regulations for the purpose of calculating the 4 year period referred to in paragraph 255.”

16. Paragraph 257 is amended as follows:

- (a) at the end of the definition of “EEA national”, insert “A Swiss national shall also be treated as an EEA national for the purposes of these rules.”; and
- (b) after the definition of “member of the family”, insert “So far as this paragraph relates to a Swiss national no account will be taken of any period of residence before 1st June 2002, a cessation of employment before that date, or a death before that date.”

17. After paragraph 257, insert:

“257A. This paragraph applies where a Swiss national was admitted to the United Kingdom before 1st June 2002 for an initial period not exceeding 12 months pursuant to paragraph 282 and on or after that date became a qualified person or the family member of a qualified person under the 2000 EEA Regulations. Where this paragraph applies the Swiss national may, on application, have his residence permit endorsed to show permission to remain in the United Kingdom indefinitely if he meets the requirements set out in paragraph 287.”

18. In paragraph 281, for “For the purposes of this paragraph and paragraphs 282-289 a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, is to be regarded as present and settled in the United Kingdom.”, substitute “For the purposes of this paragraph and paragraphs 282-289 a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, is to be regarded as present and settled in the United Kingdom.”

19. After paragraph 290, insert:

“290A. For the purposes of paragraph 290 and paragraphs 291-295, an EEA national who, under either the Immigration (European Economic Area) Order 1994 or the 2000 EEA Regulations, has been issued with a residence permit valid for 5 years is to be regarded as present and settled in the United Kingdom even if that EEA national has not been granted permission to remain in the United Kingdom indefinitely.”

20. In paragraph 295A, after (viii), insert:

“For the purposes of this paragraph and paragraphs 295B–295I, a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, is to be regarded as present and settled in the United Kingdom.”



21. For paragraph 349, substitute:

“349. A spouse or minor child accompanying a principal applicant may be included in his application for asylum as his dependant. A spouse or minor child may also claim asylum in his own right. If the principal applicant is granted asylum and leave to enter or remain any spouse or minor child will be granted leave to enter or remain for the same duration. The case of any dependant who claims asylum in his own right will be considered individually in accordance with paragraph 334 above. An applicant under this paragraph, including an accompanied child, may be interviewed where he makes a claim as a dependant or in his own right. If the spouse or minor child in question has a claim in his own right, that claim should be made at the earliest opportunity. Any failure to do so will be taken into account and may damage credibility if no reasonable explanation for it is given. Where an asylum application is unsuccessful, at the same time that asylum is refused the applicant may be notified of removal directions or served with a notice of the Secretary of State’s intention to deport him, as appropriate. In this paragraph and paragraphs 350-352 a child means a person who is under 18 years of age or who, in the absence of documentary evidence establishing age, appears to be under that age.”

22. In paragraph 352, for “ A child will not be interviewed about the substance of his claim to refugee status if it is possible to obtain by written enquiries or from other sources sufficient information properly to determine the claim.”, substitute “An accompanied or unaccompanied child who has claimed asylum in his own right may be interviewed about the substance of his claim or to determine his age and identity.”

23. In paragraph 352A renumber sub-paragraph 352A(iv) as 352A(v) and insert:

“(iv) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and”

24. In paragraph 352D for “as the child of a refugee” substitute “in order to join or remain with the parent who has been granted asylum in the United Kingdom”.







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