

STATEMENT OF CHANGES IN IMMIGRATION RULES

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

*Ordered by the House of Commons to be printed
17 September 2015*

(This document is accompanied by an Explanatory Memorandum)



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Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and 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.

A copy of this Statement of Changes can be found on the visas and immigration pages of the gov.UK website at www.gov.uk/government/collections/immigration-rules-statement-of-changes

Print ISBN 9781474124553

Web ISBN 9781474124560

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

ID 04091501 51191 09/15

Printed on paper containing 75% recycled fibre content minimum

¹STATEMENT 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), 30 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), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 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 (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 (HC 1116), and 13 July 2015 (HC 297).

¹ This Statement of Changes can be viewed at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

Implementation

The changes to Part 8, Appendix A and Appendix V set out in paragraphs 8.1, A7 and V1 to V3 of this statement shall take effect from 8 October 2015.

The changes to Appendix A set out in paragraphs A1 to A6 of this statement shall take effect for applications for Certificates of Sponsorship under the Tier 2 (General) limit decided from 12 October 2015.

The changes to Introduction, Part 1, Part 5, Part 6A, Part 9 and Appendix 7 set out in paragraphs I1, 1.1, 5.1 to 5.4, 6A.1, 9.1 and App7.1 to App7.8 of this statement shall take effect from 15 October. However, if an application has been made for entry clearance or leave to enter or remain before 15 October and has not been decided before that date, the application will be decided in accordance with the Rules in force on 14 October.

The changes to Part 6A and Appendix C set out in paragraphs 6A.2 and C1 of this statement shall take effect from 12 November 2015.

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 2012; 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

11. In Immigration Rules: Introduction, paragraph 6 after the definition of “working day” insert, “**“National Referral Mechanism”** means the arrangements administered by the Competent Authorities as set out in the guidance found at <https://www.gov.uk/government/publications/victims-of-trafficking-guidance-for-competent-bodies>.”

Changes to Part 1

- 1.1. In paragraph 34BB(3)(iii), after “e.g.”, insert “where it has been retained by an employer or other person in circumstances which have led to the applicant being the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism, or”.

Changes to Part 5

- 5.1. In paragraph 159A(vb), delete “paragraph 2(2) of the National Minimum Wage Regulations 1999 (as amended from time to time)” and substitute “paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time)”.
- 5.2. In paragraph 159D(ivb), delete “paragraph 2(2) of the 1999 National Minimum Wage Regulations 1999 (as amended from time to time)” and substitute “paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time)”.
- 5.3. In paragraph 159EA(iii)(b), delete “paragraph 2(2) of the National Minimum Wage Regulations 1999 (as amended from time to time)” and substitute “paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time)”.
- 5.4. After paragraph 159H, insert:

“Domestic workers who are the victim of slavery or human trafficking

Requirements for leave to remain as a domestic worker who is the victim of slavery or human trafficking

159I. The requirements to be met by a person seeking leave to remain as a domestic worker who is the victim of slavery or human trafficking are that:

- (i) the applicant’s most recent grant of leave to enter or remain in the UK has been granted:

- (a) as a domestic worker in a private household;
 - (b) as a Tier 5 (Temporary Worker) migrant on the basis of a Certificate of Sponsorship issued in the International Agreement subcategory which confirmed that the applicant was being sponsored as a private servant in a diplomatic household; or
 - (c) as a domestic worker who is the victim of slavery or human trafficking;
- (ii) the applicant is the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism;
 - (iii) except where the applicant is applying to extend a previous grant of leave to remain as a domestic worker who is the victim of slavery or human trafficking, the application:
 - (a) is made within 28 days of the decision at (ii) being notified to the applicant; or
 - (b) if the applicant has an outstanding application for leave to remain on the date that the decision at (ii) is notified to the applicant, or the applicant makes an application for (or is being considered for a grant of) leave to remain on some other basis within 28 days of that date, is made within 28 days of the outcome of that application or consideration being notified to the applicant; and
 - (iv) the applicant can maintain and accommodate him or herself without recourse to public funds.

Leave to remain as a domestic worker who is the victim of slavery or human trafficking

159J. A person meeting the requirements of paragraph 159I will be granted leave to remain for a period not exceeding 6 months. A person previously granted leave to remain as a domestic worker who is a victim of slavery or human trafficking for a period of less than six months may, if they continue to meet the requirements of paragraph 159I, be granted a further period of leave to remain such that their total leave to remain as a domestic worker who is a victim of slavery or human trafficking does not exceed 6 months. Leave to remain granted in accordance with this paragraph will be subject to the following conditions:

- (i) no recourse to public funds; and
- (ii) no employment except:
 - (a) as a domestic worker in a private household;

- (b) as a private servant in a diplomatic household working only in the household of the employer recorded by the Certificate of Sponsorship Checking Service in the Tier 5 (International Agreement) sub-category issued to the applicant in accordance with paragraph 111(g)(iii) of Appendix A of these Rules before the employment commences.

Refusal of leave to remain as a domestic worker who is the victim of slavery or human trafficking

159K. Leave to remain as a domestic worker who is the victim of slavery or human trafficking may be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 159I is met.”

Changes to Part 6A

- 6A.1. In paragraph 245ZO(f)(iv), delete “paragraph 2(2) of the National Minimum Wage Regulations 1999 (as amended from time to time)” and substitute “paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time)”.
- 6A.2. In paragraph 245ZZE (i) (6) delete “£500” and insert “£570”.

Changes to Part 8

- 8.1. In paragraph 319H(i)(ii)(2) delete “Recognised Body” and insert “UK recognised body”.

Changes to Part 9

- 9.1. In paragraph 322, after “curtailment of leave,” insert “, except that only paragraphs (1A), (1B), (5), (5A), (9) and (10) shall apply in the case of an application made under paragraph 159I of these Rules.”

Changes to Appendix 7

- App7.1. At the beginning of the employment contract set out in Appendix 7, after “Two copies of this form must be completed and signed by the employer and the overseas domestic worker and” insert “signed originals must be”.
- App7.2. In section 7 of the employment contract set out in Appendix 7, delete “1996” and substitute “1998”.
- App7.3. In section 10 of the employment contract set out in Appendix 7, delete:

“It is the Employer’s obligation and responsibility to pay for the transportation costs and they cannot be passed on to the Employee through payroll deductions or any other means (for example, the Employee must not pay the transportation on behalf of the Employer to be reimbursed at a later date).

Under no circumstances are transportation costs recoverable by the Employer from the Employee.”

App7.4. In section 10 of the employment contract set out in Appendix 7, after “The Employer agrees to pay in advance on behalf of the Employee any visa application fees and any other fees” insert “(including any immigration health surcharge)”.

App7.5. At the end of section 10 of the employment contract set out in Appendix 7, insert:

“It is the Employer’s obligation and responsibility to pay for the transportation costs, any visa application fees and any other fees (including any immigration health surcharge) that may be payable by the Employee in order to obtain a visa to travel to the United Kingdom with their Employer or to join the Employer in the UK, and such costs and fees cannot be passed on to the Employee through payroll deductions or any other means (for example, the Employee must not pay the transportation or the visa fees on behalf of the Employer to be reimbursed at a later date). Under no circumstances are transportation costs or the fees described above recoverable by the Employer from the Employee.”

App7.6. In section 12 of the employment contract set out in Appendix 7, delete:

“1. The Employer agrees to provide comprehensive sickness insurance cover for the Employee in the United Kingdom at no cost to the Employee.

2. The Employer agrees not to deduct money from the Employee’s salary **OR** wages for this purpose.

3. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.”

and substitute:

“Either:

“1. The Employer agrees to provide comprehensive sickness insurance cover for the Employee in the United Kingdom at no cost to the Employee.

2. The Employer agrees not to deduct money from the Employee’s salary **OR** wages for this purpose.

3. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.”

or, if the Employee has remained (or will remain as a result of his/her application for entry clearance, leave to enter or leave to remain being granted) in the UK as either a domestic worker in a private household or a private servant in a diplomatic household for a period exceeding 6 months:

“1. The Employer agrees not to deduct money from the Employee’s salary **OR** wages for the purpose of meeting the cost of comprehensive sickness insurance cover.

2. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.”

App7.7. In section 15 of the employment contract set out in Appendix 7, delete:

“1.
2. *Note: the Employer’s grievance procedure and disciplinary rules and procedure must comply with the ACAS statutory Code of Practice on discipline and grievance.*”

and substitute:

“*Note: the Employer’s grievance procedure and disciplinary rules and procedure must comply with the ACAS statutory Code of Practice on discipline and grievance.*”

App7.8. The changes specified at paragraphs App7.1 and App7.3 to App7.7 above shall also be made to the equivalent provisions in the Word version of the employment contract found at <https://www.gov.uk/government/publications/immigration-rules-appendix-7>.

Changes to Appendix A

A1. Delete paragraph 80D and substitute:

“80D. Available points for an application for a Certificate of Sponsorship are shown in Table 11D. No application will be granted unless it scores a minimum of 20 points under the heading "Type of Job" and a minimum of 1 point under the heading "Salary".”

A2. Delete Table 11D and substitute:

“**Table 11D**
Applications for Certificates of Sponsorship under the Tier 2 (General) limit

Type of job	Points	Salary	Points
Shortage occupation	130	£100,000 - £155,299.99	60
		£75,000 - £99,999.99	55
PhD-level occupation code and job passes Resident Labour Market Test or an exception applies	75	£70,000 - £74,999.99	50
		£65,000 - £69,999.99	45
		£60,000 - £64,999.99	40
		£55,000 - £59,999.99	35
		£50,000 - £54,999.99	30
Job passes Resident Labour Market	20	£45,000 - £49,999.99	25

Test or an exception applies	£44,000 - £44,999.99	24
	£43,000 - £43,999.99	23
	£42,000 - £42,999.99	22
	£41,000 - £41,999.99	21
	£40,000 - £40,999.99	20
	£39,000 - £39,999.99	19
	£38,000 - £38,999.99	18
	£37,000 - £37,999.99	17
	£36,000 - £36,999.99	16
	£35,000 - £35,999.99	15
	£34,000 - £34,999.99	14
	£33,000 - £33,999.99	13
	£32,000 - £32,999.99	12
	£31,000 - £31,999.99	11
	£30,000 - £30,999.99	10
	£29,000 - £29,999.99	9
	£28,000 - £28,999.99	8
	£27,000 - £27,999.99	7
	£26,000 - £26,999.99	6
	£25,000 - £25,999.99	5
	£24,000 - £24,999.99	4
	£23,000 - £23,999.99	3
	£22,000 - £22,999.99	2
	£20,800 - £21,999.99	1

- A3. At the end of paragraph 81E(iii), delete “.” and substitute “;”.
- A4. After paragraph 81E(iii), insert:
- “(iv) If the applicant has exchanged some of his UK employment rights for shares as an employee-owner, the value of those shares will not be included.”
- A5. In paragraph 81F, delete “the codes of practice for Tier 2 Sponsors published by the UK Border Agency” and substitute “the codes of practice in Appendix J”.
- A6. Delete paragraph 83C and substitute:
- “83C. If a Sponsor is allocated one or more Certificates of Sponsorship under the Tier 2 (General) limit which:
- (a) the Sponsor elects not to assign to a migrant and returns them to the Secretary of State, or
- (b) the Sponsor fails to assign to a migrant within 3 months of the date they were allocated to the Sponsor,

the Secretary of State may subsequently add such Certificates of Sponsorship to the following monthly allocation.”

- A7. In paragraph 124(e) delete “Sponsor Licence” and substitute “sponsor licence”.

Changes to Appendix C

- C1. In Appendix C in the table in paragraph 11 (i) under the title “If studying outside London” delete “£820” and substitute “£1,015”.

Changes to Appendix V

- V1. In paragraph 1(a) of Appendix 2 to Appendix V:

- i) for “paragraph” substitute “paragraphs 2 – 19”;
- ii) insert, after “South Africa” and “Vietnam”, “*”.

- V2. In paragraph 3 of Appendix 2 to Appendix V, at the end of sub-paragraph (g), insert:

“; or

(h) nationals of Vietnam who hold diplomatic passports issued by Vietnam.”

- V3. In paragraph 1(f) of Appendix 5 to Appendix V, for “Belfast Festival at Queen’s” substitute “Belfast International Arts Festival”.

ISBN 978-1-4741-2455-3



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**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 17 SEPTEMBER 2015 (HC 437)**

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. The purpose of these changes is to:

- implement section 53(1) of the Modern Slavery Act 2015 (“the 2015 Act”) which provides that the Immigration Rules must make provision for leave to remain in the United Kingdom to be granted to an overseas domestic worker who has been determined to be a victim of slavery or human trafficking. The changes also make a number of minor changes to the existing Immigration Rules applied to overseas domestic workers;
- make a minor change to the rules for visitors;
- make minor changes to improve the operation of the Tier 2 (General) limit; and
- enable Vietnamese diplomatic passport holders to travel visa free to the UK as a visitor for official purposes, for tourism or for the purpose of “visit in transit”.

3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments

3.1. None.

4. Legislative Context

4.1. The Immigration Rules, as laid before Parliament by the Home Secretary, 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.

4.2. This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules, which can be found under the visas and immigration pages of the GOV.UK website at www.gov.uk/government/collections/immigration-rules where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3. The changes to Part 8, Appendix A and Appendix V set out in paragraphs 8.1, A7 and V1 to V3 of this statement shall take effect from 8 October 2015.

4.4. The changes to Appendix A set out in paragraphs A1 to A6 of this statement shall take effect for applications for Certificates of Sponsorship under the Tier 2 (General) limit decided from 12 October 2015.

4.5. The changes to Introduction, Part 1, Part 5, Part 6A, Part 9 Appendix 7 set out in paragraphs I1, 1.1, 5.1 to 5.4, 6A.1, 9.1 to 9.4 and App7.1 to App7.8 of this

statement shall take effect from 15 October. However, if an application has been made for entry clearance or leave to enter or remain before 15 October and has not been decided before that date, the application will be decided in accordance with the Rules in force on 14 October.

4.6. The changes to Part 6A and Appendix C set out in paragraphs 6A.2 and C1 of this statement shall take effect from 12 November 2015.

5. Territorial Extent and Application

5.1. This Statement of Changes applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy Background

What is being done and why

Implementing Section 53 of the Modern Slavery Act 2015

7.1. Section 53 of the 2015 Act provides that the Immigration Rules must make provision for leave to remain in the United Kingdom to be granted to an overseas domestic worker who has been determined to be a victim of slavery or human trafficking. Such leave must be for a period of not less than 6 months and is to be granted for the purpose of working as a domestic worker in a private household.

7.2. The purpose of these provisions in the 2015 Act is to enable overseas domestic workers who have been determined to be a victim of slavery or human trafficking to continue to work as a domestic worker, and to change employer, for a period of time in order to be able to earn some money to assist in rebuilding their lives when they return overseas. It is intended that these provisions will operate alongside, and not instead of, existing arrangements under which discretionary leave may be granted to those determined to be victims of slavery or human trafficking where there are compelling personal circumstances; to pursue a claim for compensation; or to assist with police enquiries.

7.3. The change set out in paragraph 5.4 of this Statement implements these provisions by creating a new category of leave under which a person who has previously been granted leave to enter or remain as a domestic worker in a private or diplomatic household may be granted leave to remain for up to six months where they have been the subject of a positive conclusive grounds decision under the National Referral Mechanism. Where the initial period of leave granted is for less than six months, it will be possible to grant a subsequent extension of stay in this category to allow the individual to complete the maximum period of six months in this category.

7.4. A domestic worker granted leave to remain under these provisions will be permitted to take employment as a domestic worker in a private or diplomatic setting. It is assumed that a person applying under these provisions may not have a prior offer of employment at the point at which they apply. It is nevertheless intended that protections which apply to other non-EEA nationals granted leave to enter or remain for the purpose of domestic work should also apply here. It is specified that, where the employment is in a diplomatic setting, a Certificate of Sponsorship should be issued in the normal way before the employment commences. Administrative arrangements will be put in place to ensure that the statement of the terms and conditions of employment in the format specified in Appendix 7 of the Immigration Rules is submitted in respect of any employment entered into by a person granted leave under these provisions.

7.5. The change at paragraph 1.1 removes the requirement for an application to be accompanied by a passport in cases where the applicant's passport has been retained by their previous employer or other person in circumstances which have led to the applicant being the subject of a positive conclusive grounds decision.

7.6. The change set out in paragraph 9.1 has the effect that the General Grounds for Refusal of an application for leave to remain as set out in paragraph 322 of the Immigration Rules shall not apply to applications under the new category, except insofar as they provide for refusal on grounds of making false representations in connection with the application; failure to produce within a reasonable time information required in support of the application or to comply with a request to attend an interview; where the applicant is the subject of a deportation order; and grounds relating to criminal conduct or a threat to security.

7.7. Other changes set out in this Statement make minor changes to the Immigration Rules applied to overseas domestic workers, including:

- updating references to the National Minimum Wage Regulations; and
- making a number of changes and corrections to the standard format contract at Appendix 7 of the Rules, including changes consequent upon the introduction of the health surcharge.

Changes to the visit rules

7.8. We are making a minor change to the visit rules to reflect the change of name of the Belfast International Arts Festival in the list of Permit Free Festivals. We are also making changes to enable Vietnamese nationals who hold diplomatic passports issued by Vietnam to travel to the UK visa free as a visitor for official purposes, for tourism or for the purpose of "visit in transit", and to annotate the rules to show that this is an exception to the visa requirement for nationals or citizens of Vietnam. We are also making a similar annotation in respect of South Africa.

Changes to the Tier 2 rules

7.9. Tier 2 of the Points-Based System caters for migrant workers with an offer of a skilled job from a licensed employer. Changes are being made to amend the points table at Table 11D, used for allocating places to Sponsors under the Tier 2 (General)

limit. The changes introduce smaller salary bands in order to maximise the monthly allocation of places. They do not alter the overall size of the limit (which remains at 20,700 places per year) or the overall prioritisation.

7.10. A further change is being made to the operation of the limit, to enable the Secretary of State to reclaim Certificates of Sponsorship which are unused by Sponsors before they expire (after three months), and return those unused places to the limit. Minor technical amendments are also being made to bring the assessment of salaries under the Tier 2 (General) limit fully into line with the assessment of salaries in Tier 2 (General) applications by migrants.

8. Consultation

8.1. The changes in this Statement have not been subject to a formal public consultation, as this would be disproportionate given the nature of the changes.

9. Guidance

9.1. Guidance relating to these rules changes will be updated and placed on the GOV.UK website.

10. Impact

10.1. These changes to the immigration rules will have limited or no impact on business, charities, the public sector or voluntary bodies, such that an impact assessment is unnecessary.

11. Regulating small business

11.1. These changes will have limited or no impact on small businesses.

12. Monitoring and review

12.1. 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 2012 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 be amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

13. Contact

13.1. 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>.

13.2. Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and 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.

13.3. 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>.