

# STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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

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*Ordered by the House of Commons to be printed  
5 September 2012*

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

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Any enquiries regarding this publication should be sent to us as follows:

Queries specifically regarding this Statement of Changes only should be addressed to:

- Points Based System: to Richard Jackson at the Home Office on 0114 207 8373 or email to: [Richard.Jackson@homeoffice.gsi.gov.uk](mailto:Richard.Jackson@homeoffice.gsi.gov.uk)
- Family: to Clive Peckover at the Home Office on 020 7035 8186 or email to: [Clive.Peckover@homeoffice.gsi.gov.uk](mailto:Clive.Peckover@homeoffice.gsi.gov.uk)
- Visitors: to Alicia Ioannou on 020 7035 3606 or email to [Alicia.Ioannou3@homeoffice.gsi.gov.uk](mailto:Alicia.Ioannou3@homeoffice.gsi.gov.uk)
- Tuberculosis screening: to Parvaiz Asmat at the Home Office on 0161 261 1085 or email [parvaiz.asmat@homeoffice.gsi.gov.uk](mailto:parvaiz.asmat@homeoffice.gsi.gov.uk)

Other queries not related to this Statement of Changes, such as queries relating to individual cases, should be addressed as per the Contact page on the UK Border Agency website at [www.ukba.homeoffice.gov.uk/contact/](http://www.ukba.homeoffice.gov.uk/contact/).

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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 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) and 19 July (Cm 8423).

### **Implementation**

The changes set out in paragraphs 1 to 222 of this Statement shall take effect on 6 September 2012.

The changes set out in paragraphs 223 to 238 of this Statement shall take effect on 1 October 2012. However, if an applicant has made an application for entry clearance or leave before 1 October 2012 and the application has not been decided before that date it will be decided in as if those changes had not been made.

### **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 imposes a net burden (or cost) on business or civil society organisations.

### **Changes to come into force on 6 September 2012**

1. In paragraph 6, delete the definition of “Permissible Activity”.
2. In paragraph 6 in the definition of ‘adequate’ and ‘adequately’ insert “, national insurance contributions” after “income tax”.
3. In paragraph 6 in the definition of ‘occupy exclusively’ delete “partner and their dependants” and substitute “family”.
4. In paragraph 6 in the definition of ‘must not be leading an independent life’ insert “, college or university” after “boarding school” and delete “or for a significant number of hours per week”.
5. In paragraph 33B (b) delete “an educational institution or other person approved for this purpose by the Secretary of State” and substitute “learndirect ltd or if taken in the Isle of Man, the test known as the “Life in the UK Test” or if taken in the Bailiwick of Guernsey or the Bailiwick of Jersey, the test known as the “Citizenship Test” administered by an educational institution or other person approved for this purpose by the Lieutenant Governor”.
6. In paragraph 33BA (a) delete “an educational institution or other person approved for this purpose by the Secretary of State” and substitute “learndirect ltd or or if taken in the Isle of Man, the test known as the “Life in the UK Test” or if taken in the Bailiwick of Guernsey or the Bailiwick of Jersey, the test known as the “Citizenship Test” administered by an educational institution or other person approved for this purpose by the Lieutenant Governor”.
7. After paragraph 33F(b) insert:  
  
“(c) An applicant must provide evidence including:

- (i) their original certificate and/or unit transcript awarded or authenticated by a body which is recognised by Ofqual under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 or awarded or authenticated by the Scottish Qualifications' Authority that shows they have gained a relevant qualification; and
- (ii) a letter on official headed notepaper from the college at which they studied for their ESOL qualification, dated and signed by an official of the college, and including the following information:
  - aa) the applicant's name;
  - bb) title of the qualification that applicant has gained;
  - cc) name of the awarding body;
  - dd) confirmation that the course used teaching materials derived from the document entitled "Citizenship Materials for ESOL Learners" produced by NIACE/LLU+;
  - ee) confirmation that that applicant was assessed at the beginning of the course by a suitably qualified teacher;
  - ff) the level at which that applicant was initially assessed;
  - gg) the level to which that applicant has progressed;
  - hh) the duration of the course attended by that applicant; and
  - ii) information demonstrating that the college meets the definition of an "accredited college" in paragraph 33C."

8. After paragraph 38 insert:

"A39. Any person making an application for entry clearance to come to the UK for more than six months from a country listed in Appendix T Part 1 must present at the time of application a valid medical certificate issued by a medical practitioner listed in Appendix T Part 2 confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

B39. Applicants seeking leave to enter as a returning resident under paragraph 19 of these rules, having been absent from the United Kingdom for more than two years are also subject to the requirements in paragraph A39."

- 9. In paragraph 42. after " , subject to a condition prohibiting employment" insert " , study and recourse to public funds".
- 10. In paragraph 45 after " , subject to a condition prohibiting employment" insert " , study and recourse to public funds".

11. In paragraph 46A(iv) delete “. If a foster carer or relative (not a parent or guardian) will be responsible for the care of the applicant, the arrangements must meet the requirements set out in paragraph 46A(iv)(a);” and insert “; and”.
12. Delete paragraph 46A(iv)(a).
13. In paragraph 46D(iii) delete “. If a foster carer or relative (not a parent or guardian) will be responsible for the care of the applicant, the arrangements must meet the requirements as set out in paragraph 46A(iv)(a).” and insert “; and”.
14. In paragraph 46A(vii)(b), delete “a UK Border Agency approved accreditation body” and substitute with “Accreditation UK; the Accreditation Body for Language Services (ABLS); the British Accreditation Council (BAC) or the Accreditation Service for International Colleges (ASIC), or”.
15. Delete paragraph 46A(vii)(c), and substitute with:

“(c) the holder of a valid and satisfactory full institutional inspection, review or audit by one of the following bodies: the Bridge Schools Inspectorate; the Education and Training Inspectorate; Estyn; Education Scotland; the Independent Schools Inspectorate; Office for Standards in Education; the Schools Inspection Service or the Education and Training Inspectorate Northern Ireland.”.
16. Delete paragraph 46A(viii) and substitute with:

“if the applicant is undertaking an exchange or educational visit only, this is to be provided by one of the following schools:

  - (a) For England and Wales, maintained schools as defined under section 20(7) of the School Standards and Framework Act 1998; non-maintained special schools approved under section 342 of the Education Act 1996; independent schools as defined under section 463 of the Education Act 1996 and registered independent schools entered on the register of independent schools maintained under section 158 of the Education Act 2002; academies as defined in section 1(10) of the Academies Act 2010; city technology colleges and city colleges for technology of the arts as established under the Education Act 1996 and treated as academies under section 15(4) of the Academies Act.
  - (b) For Scotland, state-maintained schools, grant-aided schools and independent fee paying schools as defined under Section 135 of the Education (Scotland) Act 1980.
  - (c) For Northern Ireland, grant-aided schools as defined under Articles 10 and 11 of and Schedules 4 to 7 to the Education and Libraries (NI) Order in Council 1986; grant maintained integrated schools as defined under Article 69 of and Schedule 5 to the Education Reform (NI) Order 1989; independent fee paying schools as defined under Article 38 of the Education and Libraries (NI) Order 1986.”.
17. In paragraphs 46B after “subject to a condition prohibiting employment” add “and recourse to public funds”.
18. In paragraph 46E after “subject to a condition prohibiting employment” add “and recourse to public funds”.

19. Delete paragraph 46G(iii)(a) and substitute:

“(a) to carry out one of the following activities;

(i) to attend meetings, conferences and interviews, provided they were arranged before arrival in the UK and, if the applicant is a board-level director attending board meetings in the UK, provided they are not employed by a UK company (although they may be paid a fee for attending the meeting);

(ii) to attend trade fairs for promotional work only, provided they are not directly selling;

(iii) to arrange deals, or negotiating or signing trade agreements or contracts;

(iv) to carry out fact-finding missions;

(v) to conduct site visits;

(vi) to work as a driver on a genuine international route delivering goods or passengers from abroad;

(vii) to work as a tour group courier, providing the applicant is contracted to a firm with headquarters outside the UK, is seeking entry to accompany a tour group, and will depart with that tour, or another tour organised by the same company;

(viii) to speak at a one-off conference which is not organised as a commercial concern, and is not making a profit for the organiser;

(ix) to represent a foreign manufacturer by:

(i) carrying out installing, debugging or enhancing work for computer software companies,

(ii) servicing or repairing the manufacturer’s products within the initial guarantee period, or

(iii) being briefed on the requirements of a UK customer, provided this is limited to briefing and does not include work involving use of the applicant’s expertise to make a detailed assessment of a potential customer's requirements;

(x) to represent a foreign machine manufacturer, as part of the contract of purchase and supply, in erecting and installing machinery too heavy to be delivered in one piece;

(xi) to act as an interpreter or translator for visiting business people, provided they are all employed by, and doing the business of, the same overseas company;



(xii) to erect, dismantle, install, service, repair or advise on the development of foreign-made machinery, provided they will only do so in the UK for up to six months;”.

20. At the end of paragraph 46G(iii)(i)(c), delete “.” and substitute “; or”.
21. After paragraph 46G(iii)(i)(c), insert “(d) the training is corporate training which is being delivered by an outside provider to overseas and UK employees of the same group of companies.”.
22. In paragraph 46H, after “subject to a condition prohibiting employment” add “, study and recourse to public funds”.
23. In paragraph 46K after “subject to a condition prohibiting employment” add “, study and recourse to public funds”.
24. Delete paragraph 46M(iii)a. and replace with:

“a. to take part in a sports tournament, a particular sporting event or series of sporting events in which the applicant is either:

  - (i) taking part, either as an individual or as part of a team;
  - (ii) making personal appearances and promotions, such as book signings, television interviews, guest commentaries, negotiating contracts, or to discuss sponsorship deals;
  - (iii) taking part in ‘trials’, providing it is not in front of an audience, either paying or non-paying;
  - (iv) undertaking short periods of training, either as an individual or as part of a team, providing the applicant is not intending to settle in the UK, being paid by a UK sporting body, or joining a UK team where they are involved in friendly or exhibition matches.”.
25. In paragraph 46N after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
26. In paragraph 46Q after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
27. Delete paragraph 46S(iii)(c) and substitute with “(c) to take part, as an amateur or professional entertainer, in one or more cultural events or festivals on the list of permit free festivals at Appendix R to these Rules.”.
28. In paragraph 46T after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
29. In paragraph 46W after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.

30. In paragraph 48, after “with a prohibition on employment” insert “, study and recourse to public funds”.
31. In paragraph 52, after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
32. In paragraph 55 after “with a prohibition on employment” insert “, study and recourse to public funds”.
33. In paragraph 56B, after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
34. In paragraph 56E, after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
35. In paragraph 56H, after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
36. In paragraph 56K(ii)(b) delete “a UK Border Agency approved accreditation body” and substitute with “Accreditation UK, the Accreditation Body for Language Services (ABLS), the British Accreditation Council (BAC) or the Accreditation Service for International Colleges (ASIC)”.
37. Delete paragraph 56K(ii)(c) and substitute with:

“(c) the holder of a valid and satisfactory full institutional inspection, review or audit by one of the following bodies: Bridge Schools Inspectorate; the Education and Training Inspectorate; Estyn; Education Scotland; the Independent Schools Inspectorate; Office for Standards in Education; the Quality Assurance Agency for Higher Education; the Schools Inspection Service or the Education and Training Inspectorate Northern Ireland, or”.
38. In paragraphs 56L after “subject to a condition prohibiting employment” add “, and recourse to public funds”.
39. In paragraph 56P, after “subject to a condition prohibiting employment” add “, study and recourse to public funds”.
40. At the end of paragraph 56X iii.(b), after “organisation” insert “, provided this is not in a formal teaching role;”.
41. In paragraph 56Y after “not exceeding 1 month”, insert “with a condition prohibiting study and recourse to public funds”.
42. In paragraph 75A(ii) after “PLAB Test”, insert “by way of a letter or email from the General Medical Council or a test admission card”.
43. In paragraph 75B after “for a period not exceeding 6 months,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.

44. In paragraph 75D(ii) after “can provide documentary evidence of a confirmed test date”, insert “by way of a letter or email from the General Medical Council or a test admission card”.
45. In paragraph 75E. after “for a period not exceeding 6 months,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.
46. In paragraph 75H. after “or 6 months in total in this category,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.
47. In paragraph 75L. after “or 6 months in total in this category,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.
48. In paragraph 135G (i) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
49. In paragraph 135G (ii) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
50. In paragraph 135G (iv) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
51. In paragraph 135G (v) delete the word “Judical” and insert “Judicial” and for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
52. In paragraph 159A (ii) delete “in the form set out in guidance published by the UK Border Agency” and after “employee” insert:

“in the form of:

(a) a letter from the employer confirming that the domestic worker has been employed by them in that capacity for the twelve months immediately prior to the date of application; and

(b) one of the following documents covering the same period of employment as that in (a):

53. In paragraph 159A (v) delete “as specified in guidance published by the United Kingdom Border Agency” and insert after ‘and provides’ “evidence of this in the form set out in Appendix 7”.
54. In paragraph 159D (iv) insert after “the employer lives in”, “where there is evidence of this in the form of written terms and conditions of employment in the UK as set out in Appendix 7 and evidence that the employer is living in the UK.”.
55. In paragraph 159EA (iii) delete “there is evidence that there is a connection between employer and employee” and replace with “evidence of this in the form of written terms and conditions of employment in the UK as set out in Appendix 7 and evidence that the employer resides in the UK”.
56. In Part 6A, before paragraph 245A, insert:

**"245AA. Documents not submitted with applications**

(a) Where Part 6A or any appendices referred to in Part 6A state that specified documents must be provided, the UK Border Agency will only consider documents that have been submitted with the application, and will only consider documents submitted after the application where subparagraph (b) applies.

(b) The subparagraph applies if the applicant has submitted:

- (i) A sequence of documents and some of the documents in the sequence have been omitted (for example, if one bank statement from a series is missing);
- (ii) A document in the wrong format; or
- (iii) A document that is a copy and not an original document,

the UK Border Agency will contact the applicant or his representative in writing, and request the correct documents. The requested documents must be received by the UK Border Agency at the address specified in the request within 7 working days of the date of the request.

(c) The UK Border Agency will not request documents where a specified document has not been submitted (for example an English language certificate is missing), or where the UK Border Agency does not anticipate that addressing the omission or error referred to in subparagraph (b) will lead to a grant because the application will be refused for other reasons.”.

57. In paragraph 245CD (a) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
58. In paragraph 245CD (c) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
59. In paragraph 245CD (e) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.

60. In paragraph 245CD (f) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
61. In paragraph 245CD (h) for “of the HSMP ILR Judicial Review Policy Document”, substitute “set out in Appendix S”.
62. In paragraph 245HF(d)(ii), delete “the codes of practice for Tier 2 Sponsors published by the United Kingdom Border Agency” and substitute “the Codes of Practice in Appendix J”.
63. In paragraph 245ZO (f) (ii) after “with his employer” insert “including specifically that the applicant will be paid in accordance with the National Minimum Wage Act 1998 and regulations made under that Act, in the form set out in Appendix Q”.
64. In paragraph 245ZQ (e) (ii) after “with his employer” insert “in the form set out in Appendix Q”.
65. In paragraph A246 insert at the end “, or who before 9 July 2012 has been granted leave to enter or remain as a person exercising rights of access to a child resident in the UK.”.
66. In paragraph 276A delete “and 276ADE” and substitute “, 276ADE and 399A”.
67. In paragraph 276A after subparagraph (b) insert “(c) ‘lived continuously’ and ‘living continuously’ mean ‘continuous residence’, except that paragraph 276A(a)(iv) shall not apply.”.
68. In paragraph 276A2 insert at the end “, and a person granted such an extension of stay following an application made before 9 July 2012 will remain subject to the rules in force on 8 July 2012.”.
69. In paragraph 276ADE(i) delete “1.5” and substitute “2.3. and S-LTR.3.1.”.
70. In paragraph 276ADE delete subparagraph (ii).
71. In paragraph 276ADE(v) delete “residing” and substitute “living”.
72. In paragraph 276ADE delete “In considering applications under this paragraph, the Secretary of State shall attach less weight to private life in the UK established following refusal of an earlier application for leave to remain made under paragraph 276ADE.”.
73. In paragraph 276BE after “are met” insert “or, in respect of the requirements in paragraph 276ADE(iv) and (v), were met in a previous application which led to a grant of limited leave to remain under paragraph 276BE.”.
74. In the heading before paragraph A277 delete “**and Appendix FM**” and substitute “, **Appendix FM and Appendix FM-SE**”.
75. After paragraph A277 insert:
 

“A277A. Where the Secretary of State is considering an application for indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application

from a family member of a Relevant Points Based System Migrant), and where the applicant:

- (a) does not meet the requirements of Part 8 for indefinite leave to remain, and
- (b) continues to meet the requirements for limited leave to remain on which the applicant's last grant of limited leave to remain under Part 8 was based,

further limited leave to remain under Part 8 may be granted of such a period and subject to such conditions as the Secretary of State deems appropriate.

A277B. Where the Secretary of State is considering an application for indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant) and where the application does not meet the requirements of Part 8 for indefinite leave to remain or limited leave to remain:

- (a) the application will also be considered under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules;
- (b) if the applicant meets the requirements for leave under those paragraphs of Appendix FM or paragraphs 276ADE to 276DH (except the requirement for a valid application under that route), the applicant will be granted leave under those provisions; and
- (c) if the applicant is granted leave under those provisions, the period of the applicant's continuous leave under Part 8 at the date of application will be counted towards the period of continuous leave which must be completed before the applicant can apply for indefinite leave to remain under those provisions.

A277C. Subject to paragraphs A277 to A280 and paragraph GEN.1.9. of Appendix FM of these rules, where the Secretary of State is considering any application to which the provisions of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules do not already apply, she will also do so in line with those provisions.”.

- 76. In paragraph A278 insert at the end “and Appendix FM-SE”.
- 77. In paragraph A279 after “paragraphs 276A-276D” where it first appears insert “;”.
- 78. In paragraph A280 (a) after “Part 8” insert “and Appendix FM”.
- 79. In paragraph A280(b) after “309” at the second place it appears insert “A”.
- 80. In paragraph A280(c) delete “to applications made”.
- 81. In paragraph A280(c)(i) delete “by” and substitute “to”.
- 82. In paragraph A280(c)(ii) before “by” insert “to applications made”.

83. In paragraph A280(c)(ii) insert at the end “ and this leave to enter or limited leave to remain is extant”.
84. In paragraph A280 after subparagraph (e) insert:
- (f) Paragraphs 301-303F continue to apply to applications made under this route on or after 9 July 2012, and are not subject to any additional requirement listed in (b) above, by a child of a person to whom those paragraphs relate who has been granted limited leave to enter or remain or an extension of stay following an application made before 9 July 2012,
- (g) For the avoidance of doubt, notwithstanding the introduction of Appendix FM, paragraphs 319AA – 319J of Part 8 continue to apply, and are not subject to any additional requirement listed in paragraph (b) above, to applications for entry clearance or leave to enter or remain as the spouse, civil partner, unmarried partner, same sex partner, or child of a Relevant Points Based System Migrant.”.
85. After paragraph A280 insert:
- “A281. In Part 8 “specified” means specified in Appendix FM-SE, unless otherwise stated, and “English language test provider approved by the Secretary of State” means a provider specified in Appendix O.”.
86. In paragraph 289A. (iv) delete “such evidence as may be required by the Secretary of State” and substitute “evidence”.
87. In paragraph 298(ii)(b) after “paragraph 302” insert “or Appendix FM”.
88. After paragraph 309A. insert:
- “309B. Inter-country adoptions which are not a de facto adoption under paragraph 309A are subject to the Adoption and Children Act 2002 and the Adoptions with a Foreign Element Regulations 2005. As such all prospective adopters must be assessed as suitable to adopt by a competent authority in the UK, and obtain a Certificate of Eligibility from the Department for Education, before travelling abroad to identify a child for adoption. This Certificate of Eligibility must be provided with all entry clearance adoption applications under paragraphs 310-316F.”.
89. At the end of paragraph 319C(b)(ii), delete “.” and substitute “, or”.
90. After paragraph 319C(b)(ii), insert:



(2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules;  
or

(iv) has become a British Citizen where prior to that they held indefinite leave to Remain as a Relevant Points Based System Migrant and where the applicant is applying for further leave to remain and was last granted leave:

(1) as the partner of that same Relevant Points Based System Migrant, or

(2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules”.

91. Delete paragraph 319D(a) and substitute:

“(a) (i) Entry clearance or limited leave to remain will be granted for a period which expires on the same day as the leave granted to the Relevant Points Based System Migrant, or

(ii) If the Relevant Points-Based System Migrant has indefinite leave to remain as a Relevant Points Based System Migrant, or is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or where the Relevant Points-Based System Migrant has since become a British Citizen, leave to remain will be granted to the applicant for a period of three years.”.

92. Delete paragraph 319E(b) to (d) and substitute:

“(b) The applicant must be the spouse or civil partner, unmarried or same-sex partner of a person who:

(i) has indefinite leave to remain as a Relevant Points Based System Migrant; or

(ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.

(c) The applicant must have, or have last been granted, leave as the partner of the Relevant Points Based System Migrant who:

(i) has indefinite leave to remain as a Relevant Points Based System Migrant; or

(ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.

(d) The applicant and the Relevant Points Based System Migrant must have been living together in the UK in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership, for at least the period specified in (i) or (ii):



(i) If the applicant was granted leave as:

(a) the Partner of that Relevant Points Based System Migrant, or

(b) the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules

under the Rules in place before 9 July 2012, and since then has had continuous leave as the Partner of that Relevant Points based System Migrant, the specified period is 2 years

(ii) If (i) does not apply, the specified period is 5 years, during which the applicant must:

(a) have been in a relationship with the same Relevant Points Based System Migrant for this entire period,

(b) have spent the most recent part of the 5 year period with leave as the Partner of that Relevant Points Based System Migrant, and during that part of the period have met all of the requirements of paragraph 319C(a) to (e), and

(c) have spent the remainder of the 5 year period, where applicable, as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules.”

93. In paragraph 319F after “This route is for the children of”, insert “a”.

94. In paragraph 319G (b) (i) after “as”, insert “a”.

95. Delete paragraph 319H (b) and substitute::

“ (b) The applicant must be the child of either –

(i) one parent who has valid leave to enter or remain as a Relevant Points Based System Migrant, or is, at the same time, being granted entry clearance or leave to remain as a Relevant Points Based System Migrant where;

(a) that parent is the applicant’s sole surviving parent, or

(b) that parent has and has had sole responsibility for the applicant’s upbringing, or

(c) There are serious and compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made for the applicant’s care, or

(ii) parents-

(a) one of whom has valid leave to enter or remain as a Relevant Points Based System Migrant and one of whom has leave as the partner of a Relevant Points Based System Migrant, or

(b) who are at the same time being granted entry clearance or leave to remain as a Relevant Points Based System Migrant and as the partner of a Relevant Points Based System Migrant, or

(c) where one parent has valid leave to enter or remain as the partner of a person who has either limited leave to enter or remain as a Relevant Points Based System Migrant, indefinite leave to remain as a Relevant Points Based System Migrant, or who has become a British Citizen where immediately prior to that they had indefinite leave to remain as a Relevant Points Based System Migrant.”.

96. Delete paragraph 319H (f).

97. In paragraph 319I (a) after ” Relevant Points Based System Migrant parent” insert “ or, where paragraph 319H (b) (ii) applies, for a period which expires on the same day as the leave granted to the parent who has valid leave to enter or remain as the partner of a person who has either limited leave to enter or remain as a Relevant Points Based System Migrant, indefinite leave to remain as a Relevant Points Based System Migrant, or who has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.”.

98. In paragraph 319J (b) delete “The applicant must be the child of a parent who is, at the same time, being granted indefinite leave to remain as a Points Based System Migrant” and substitute:

“The applicant must be the child of a parent in one of the circumstances specified in (i) or (ii) below:

(i) if the applicant was granted leave as the child of a Relevant Points Based System Migrant under rules in place prior to 9 July 2012 the applicant must be the child of a parent who is, at the same time, being granted indefinite leave to remain as a Points Based System Migrant; or

(ii) , the applicant must be the child of

(a) a parent who has been granted or is at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant where:

(i) that parent is the applicant’s sole surviving parent, or

(ii) that parent has and has had sole responsibility for the applicant’s upbringing, or

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

(b) a parent who is at the same time being granted indefinite leave to remain as the partner of a person who has indefinite leave to remain as a Relevant Points Based System Migrant, or who has become a British Citizen where

immediately prior to that they had indefinite leave to remain as a Relevant Points Based System Migrant.”.

99. In paragraph A320 at the end insert “, and Part 9 (except for paragraph 322(1)) does not apply to an application for leave to remain on the grounds of private life under paragraphs 276ADE-276DH”.

100.Delete paragraph 320 (11) and substitute:

“(11) where the applicant has previously contrived in a significant way to frustrate the intentions of the Rules by:

(i) overstaying; or

(ii) breaching a condition attached to his leave; or

(iii) being an illegal entrant; or

(iv) using deception in an application for entry clearance, leave to enter or remain or in order to obtain documents from the Secretary of State or a third party required in support of the application (whether successful or not); and

there are other aggravating circumstances, such as absconding, not meeting temporary admission/reporting restrictions or bail conditions, using an assumed identity or multiple identities, switching nationality, making frivolous applications or not complying with the re-documentation process.”.

101.After Appendix 6 insert “Appendix 7 – Statement of Written Terms and Conditions of employment required in paragraph 159A (v) and paragraph 159D (iv)

**Statement of the terms and conditions of employment of an overseas domestic worker in a private household in the United Kingdom**

**This form must be completed and signed by the employer, signed by the overseas domestic worker and submitted with the entry clearance application or with the leave to remain application as required by paragraphs 159a (v) and 159d (iv) of the Immigration Rules.**

*Please complete this form in capitals*

Name of employee:

Name of employer:

**1. Job Title:**

**2. Duties/Responsibilities:**

**3. Date of start of employment in the UK:**

**4. Employer's address in the UK:**

**5. Employee's address in the UK (if different from 4 please explain):**

**6. Employee's place of work in the UK (if different from 4 please explain):**

**7. Rate of Pay per week/month:**

**Note: By signing this document, the employer is declaring that the employee will be paid in accordance with the National Minimum Wage Act 1998 and any Regulations made under it for the duration of the employment.**

**8. Hours of work per day/week:**

Free periods per day:

Free periods per week:

**9. Details of sleeping accommodation:**

**10. Details of Holiday entitlement:**

**11. Ending the employment:**

Employee must give ..... weeks notice if he/she decides to leave his/her job.

Employee is entitled to ..... weeks notice if the employer decides to dismiss him/her.

Employee is employed on a fixed-term contract until (date) [if applicable].

**Signed ..... Date ..... (Employer)**

**I confirm that the above reflects my conditions of employment:**

**Signed ..... Date ..... (Employee)''.**

102. In Appendix A, paragraph 9 for "of the HSMP ILR Judicial Review Policy Document", substitute "set out in Appendix S".

103. In Appendix A, renumber second paragraph 65 as paragraph 65-SD.

104. In Appendix A, in paragraph 78B(a), delete "resident labour market test market test" and substitute "resident labour market test".

105. In Appendix A - Attributes, paragraph 79E, delete "as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates".

106. In Appendix A - Attributes, paragraph 100A, delete “as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant’s Certificate of Sponsorship reference number relates”.

107. In Appendix A, delete paragraph 116(f) and substitute:

“(f) it contains the following mandatory information:

(i) the applicant’s:

- (1) name,
- (2) date of birth,
- (3) gender,
- (4) nationality, and
- (5) passport number;

(ii) the course:

- (1) title,
- (2) level,
- (3) start and end dates, and
- (4) hours per week, including confirmation that the course is full-time;

(iii) confirmation if the course is one in which the applicant must hold a valid Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office;

(iv) confirmation if the course is a recognised Foundation Programme for postgraduate doctors or dentists, and requires a certificate from the Postgraduate Dean;

(v) the main study address;

(vi) details of how the Tier 4 Sponsor has assessed the applicant’s English language ability including, where relevant, the applicant’s English language test scores in all four components (reading, writing, speaking and listening);

(vii) details of any work placements relating to the course;

(viii) accommodation, fees and boarding costs;

(ix) details of any partner institution, if the course will be provided by an education provider that is not the Tier 4 Sponsor; and

(x) the name and address of the overseas higher education institution, if the course is part of a study abroad programme.”.

108. In Appendix A, at the end of paragraph 118(b)(i)(4), delete “.” and substitute “; or”.

109. In Appendix A paragraph 120 delete paragraph (ca) and substitute:

“(ca) If a student is specifically studying towards an Association of Certified Chartered Accountants (ACCA) qualification or an ACCA Foundations in Accountancy (FIA)

qualification, the sponsor must be an ACCA approved learning partner – student tuition (ALP-st) at either Gold or Platinum level.”.

110. In Appendix C, in paragraph 1A(h), after “the most recent of the specified documents” insert “(Where specified documents from two or more accounts are submitted, this will be the end date for the account that most favours the applicant)”.
111. In Appendix C, in the second row of the table following paragraph 16, delete “(who must meet such requirements as are specified in guidance published by the United Kingdom Border Agency)” and substitute “(who must meet the requirements specified in paragraph 19 of this Appendix)”.
112. In Appendix E, in paragraph (m), after “the most recent of the specified documents” insert “(Where specified documents from two or more accounts are submitted, this will be the end date for the account that most favours the applicant)”.
113. In Appendix FM paragraph S-EC.1.5. delete “or” where it first appears.
114. In Appendix FM paragraph GEN.1.2.(iv) insert “together” after “living”.
115. In Appendix FM paragraph GEN.1.4. delete “Annex” and substitute “Appendix”.
116. In Appendix FM paragraph GEN.1.9. after “Appendix” insert “(a)”; before “as part of an asylum claim” insert “(i)”; before “where a migrant is” insert “(ii)”; before “where removal directions” insert “(iii)”; before “in an appeal” insert “(iv)”; before “in response to” insert “(v)”; and at the end insert “; and (b) where the Article 8 claim is raised in any of the circumstances specified in paragraph GEN.1.9.(a) the requirements of paragraphs R-LTRP.1.1.(c) and R-LTRPT.1.1.(c) are not met.”.
117. In Appendix FM paragraph S-EC.1.6. before “attend an interview;” insert “(a)”; before “provide requested information;” insert “(b)”; before “provide requested physical data; or” insert “(c)”; and before “undergo a medical examination” insert “(d)”.
118. In Appendix FM paragraph S-EC.1.6. after “without reasonable excuse to” insert “comply with a requirement to”; delete “requested” in both places where it appears; and delete “, when required to do so”.
119. In Appendix FM paragraph E-ECP.2.1.(a) insert at the end “, subject to paragraph GEN.1.3.(c)”.
120. In Appendix FM paragraph E-ECP.2.1.(b) insert at the end “, subject to paragraph GEN.1.3.(b)”.
121. In Appendix FM paragraph R-LTRP.1.1.(d)(i) delete “meets all of the requirements of” and substitute “must not fall for refusal under”.
122. In Appendix FM paragraph R-LTRP.1.1.(d) delete “(ii) the applicant does not meet all of the requirements of Section E-LTRP: Eligibility for leave to remain as a partner;” and substitute “(ii) the applicant meets the requirements of paragraphs E-LTRP.1.2-1.12. and E-LTRP.2.1.;”.
123. In Appendix FM paragraph S-LTR.1.7. before “attend an interview;” insert “(a)”; before “provide requested information;” insert “(b)”; before “provide requested physical data; or” insert “(c)”; and before “undergo a medical examination” insert “(d)”.

124. In Appendix FM paragraph S-LTR.1.7. after “without reasonable excuse to” insert “comply with a requirement to”; delete “requested” in both places where it appears; and delete “, when required to do so”.
125. In Appendix FM paragraph E-LTRP.1.10. insert at the end “and, in any application for further leave to remain as a partner (except where the applicant is in the UK as a fiancé(e) or proposed civil partner) and in any application for indefinite leave to remain as a partner, the applicant must provide evidence that, since entry clearance as a partner was granted under paragraph D-ECP1.1. or since the last grant of limited leave to remain as a partner, the applicant and their partner have lived together in the UK or there is good reason, consistent with a continuing intention to live together permanently in the UK, for any period in which they have not done so”.
126. In Appendix FM paragraph E-LTRP.1.11. delete “the marriage or civil partnership did not take place during that period of leave” and after “proposed civil partner” insert “and the marriage or civil partnership did not take place during that period of leave.”.
127. After Appendix FM paragraph E-LTRP.1.11. insert:
- “E-LTRP.1.12. The applicant’s partner cannot be the applicant’s fiancé(e) or proposed civil partner, unless the applicant was granted entry clearance as that person’s fiancé(e) or proposed civil partner.”.
128. In Appendix FM paragraph E-LTRP.3.4. after “exclusively” insert “, unless paragraph EX.1. applies”.
129. In Appendix FM paragraph D-LTRP.1.1. delete “60 months with such leave” and substitute “a continuous period of at least 60 months with such leave or in the UK with entry clearance as a partner under paragraph D-ECP1.1. (excluding in all cases any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner)”.
130. In Appendix FM paragraph D-LTRP.1.2. delete “120 months with such leave” and substitute “a continuous period of at least 120 months with such leave, with limited leave as a partner under paragraph D-LTRP.1.1., or in the UK with entry clearance as a partner under paragraph D-ECP1.1. (excluding in all cases any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner)”.
131. In Appendix FM after the heading “Section R-ILRP: Requirements for indefinite leave to remain (settlement) as a partner” insert “R-“ before “ILRP.1.1.”.
132. In Appendix FM paragraph E-ILRP.1.3. after both “(c)” and “(d)” delete “,” and insert “or in the UK with entry clearance as a partner under paragraph D-ECP.1.1.,” in both places.
133. In Appendix FM paragraph E-ILRP.1.3. at the end insert “, excluding in all cases any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner.”.
134. In Appendix FM paragraph D-ILRP.1.3. at the end insert “, unless paragraph EX.1. applies. Where paragraph EX.1. applies, the applicant will be granted further limited leave to remain as a partner for a period not exceeding 30 months under paragraph D-LTRP.1.2.”.
135. In Appendix FM paragraph E-DVILR.1.3. delete “the partner’s”.



136. In Appendix FM paragraph E-ECC.1.6. after “remain,” delete “be applying, or have applied, entry clearance as,” and substitute “or be applying, or have applied, for entry clearance, as”.
137. In Appendix FM paragraph E-ECC.2.1. insert “, of” after “paragraph E-ECC.2.2.”.
138. In Appendix FM paragraph E-ECC.2.2.(a) insert at the end “, which, in respect of an applicant’s parent’s partner returning to the UK with the applicant, can include specified employment or self-employment overseas and in the UK;”.
139. In Appendix FM paragraph E-ECC.2.2.(e) delete “in the UK”.
140. In Appendix FM paragraph E-LTRC.2.2.(e) delete “in the UK”.
141. In Appendix FM paragraph E-LTRC.2.4. delete “specified”.
142. After the heading “Section D-ECPT: Decision on application for entry clearance as a parent” delete “D-ECP.1.1.” and insert “D-ECPT.1.1.”
143. In Appendix FM paragraph E-ECPT.2.4.(a) delete “specified”.
144. In Appendix FM paragraph R-LTRPT.1.1.(d)(i) delete “meets all of the requirements of” and substitute “must not fall for refusal under”.
145. In Appendix FM paragraph R-LTRPT.1.1.(d) delete “(ii) the applicant does not meet all of the requirements of Section E-LTRPT: Eligibility for leave to remain as a parent;” and substitute “(ii) the applicant meets the requirements of paragraphs E-LTRPT.2.2-2.4. and E-LTRPT.3.1.”.
146. In Appendix FM paragraph E-LTRPT.2.2. at the end insert “; or (d) has lived in the UK continuously for at least the 7 years immediately preceding the date of application and paragraph EX.1. applies.”.
147. In Appendix FM paragraph E-LTRPT.4.1. at the end insert “, unless paragraph EX.1. applies.”.
148. In Appendix FM paragraph E-LTRPT.4.2. after “exclusively” insert “, unless paragraph EX.1. applies”.
149. In Appendix FM paragraph E-LTRPT.5.1. at the end insert “, unless paragraph EX.1. applies.”.
150. In Appendix FM paragraph D-LTRPT.1.1. delete “60 months with such leave” and substitute “a continuous period of at least 60 months with such leave or in the UK with entry clearance as a parent under paragraph D-ECPT.1.1.”.
151. In Appendix FM paragraph D-LTRPT.1.2. delete “120 months with such leave” and substitute “a continuous period of at least 120 months with such leave, with limited leave as a parent under paragraph D-LTRPT.1.1., or in the UK with entry clearance as a parent under paragraph D-ECPT.1.1.”.
152. In Appendix FM paragraph E-ILRPT.1.3. after both “(c)” and “(d)” delete “,” and insert “or in the UK with entry clearance as a parent under paragraph D-ECPT.1.1.,” in both places.



153. In Appendix FM paragraph E-ILRPT.1.3. insert “as” after “limited leave” in the second place it appears.
154. In Appendix FM paragraph E-ILRPT.1.3. delete “partner” and substitute “parent”.
155. In Appendix FM after paragraph E-ILRPT.1.4. substitute “E-ILRPT.1.5.” for “E-ILRP.1.5.”
156. In Appendix FM paragraph D-ILRPT.1.3. at the end insert “, unless paragraph EX.1. applies. Where paragraph EX.1. applies, the applicant will be granted further limited leave to remain as a parent for a period not exceeding 30 months under paragraph D-LTRPT.1.2.”.
157. In Appendix FM-SE paragraph A. insert at the end “and, where those requirements are also contained in other rules and unless otherwise stated, the specified evidence applicants need to provide to meet the requirements of those rules”.
158. In Appendix FM-SE at the end of the heading “Evidence of Financial Requirements” insert “under Appendix FM”.
159. In Appendix FM-SE before paragraph 1 insert:
- “A1. To meet the financial requirement under paragraphs E-ECP.3.1., E-LTRP.3.1., E-ECC.2.1. and E-LTRC.2.1. of Appendix FM, the applicant must meet:
- (a) The level of financial requirement applicable to the application under Appendix FM; and
  - (b) The requirements specified in Appendix FM and this Appendix as to:
    - (i) The permitted sources of income and savings;
    - (ii) The time periods and permitted combinations of sources applicable to each permitted source relied upon; and
    - (iii) The evidence required for each permitted source relied upon.”.
160. In Appendix FM-SE paragraph 1(a) delete “Personal”.
161. In Appendix FM-SE paragraph 1(a)(iii) before “be” insert “in relation to personal bank statements,”.
162. In Appendix FM-SE paragraph 1(a)(iii)(3) after “sponsor” insert “or the applicant”.
163. In Appendix FM-SE paragraph 1(b) delete “Promises or evidence of third party support will not be accepted, other than:” and substitute “Promises of third party support will not be accepted. Third party support will only be accepted in the form of:”.
164. In Appendix FM-SE paragraph 1(b)(i) after “children” insert “or in relation to the applicant”.
165. In Appendix FM-SE after paragraph 1(b)(ii) delete “and”.

166. In Appendix FM-SE paragraph 1(b)(iii) delete “cash savings” at the first place it appears and substitute “gift of cash savings (whose source must be declared)”.
167. In Appendix FM-SE paragraph 1(b) after (iii) insert “; and (iv) a maintenance grant or stipend associated with undergraduate study or postgraduate study or research.”.
168. In Appendix FM-SE paragraph 1(c) insert at the end “, and prospective employment income will not be taken into account (except that of an applicant’s partner or parent’s partner who is returning to employment or self-employment in the UK at paragraphs E-ECP.3.2.(a) and E-ECC.2.2.(a) of Appendix FM)”.
169. In Appendix FM-SE paragraph 1(k) delete “the UK Border Agency caseworker” and “caseworker” and substitute “Entry Clearance Officer or Secretary of State” in each place.
170. In Appendix FM-SE after paragraph 1(k) insert “(l) Where the gross (pre-tax) amount of any income cannot be properly evidenced, the net (post-tax) amount will be counted, including towards a gross income requirement.”.
171. In Appendix FM-SE paragraph 2(b) after “periods” insert “of employment relied upon”.
172. In Appendix FM-SE paragraph 2(c)(ii) delete “A” and substitute “any period of salaried employment in the”.
173. In Appendix FM-SE paragraph 2(d) after “employer” insert “(s) who issued the wage slips at paragraph 2(c)”.
174. In Appendix FM-SE paragraph 2(e) insert at the end “for employment currently held.”.
175. Appendix FM-SE paragraph 2(f) after “period” insert “(s)”.
176. Appendix FM-SE paragraph 4 delete “(for an applicant’s partner returning to salaried employment in the UK)” and substitute “(for an applicant’s partner or parent’s partner returning to salaried employment in the UK at paragraphs E-ECP.3.2.(a) and E-ECC.2.2.(a) of Appendix FM)”.
177. In Appendix FM-SE paragraph 5(a) after “periods” insert “of employment relied upon”.
178. In Appendix FM-SE paragraph 5(b)(ii) delete “a” and substitute “any period of salaried employment in the”.
179. In Appendix FM-SE paragraph 6(a) after “periods” insert “of employment relied upon”.
180. In Appendix FM-SE paragraph 6(b)(ii) delete “a” and substitute “any period of salaried employment in the”.
181. In Appendix FM-SE paragraph 7(h)(i)(2) insert at the end “specified in paragraph 19(g)(ii) of Appendix A of these rules”.
182. In Appendix FM-SE paragraph 7(i) delete “6” and substitute “7”.
183. In Appendix FM-SE paragraph 9(d)(ii) insert at the end “specified in paragraph 19(g)(ii) of Appendix A of these rules”.

184. In Appendix FM-SE paragraph 10(a)(i) delete “the applicant’s partner and/or the applicant” and substitute “the person or the person and their partner jointly”.
185. In Appendix FM-SE paragraph 10(d) after “children” insert “or the applicant”.
186. In Appendix FM-SE paragraph 10(e)(ii) delete “personal bank statement” and substitute “monthly personal bank statement in the 12-month period prior to the date of application”.
187. In Appendix FM-SE paragraph 10(f)(i) delete “the applicant’s partner or the applicant” and substitute “the person or their partner”.
188. In Appendix FM-SE paragraph 10(f)(i) insert at the end “in the 12-month period prior to the date of application”.
189. In Appendix FM-SE after paragraph 10(f) insert:
- “(g) To evidence a maintenance grant or stipend (not a loan) associated with undergraduate study or postgraduate study or research:
- (i) Documentation from the body or company awarding the grant or stipend confirming that the person is currently in receipt of the grant or stipend or will be within 3 months of the date of application, confirming that the grant or stipend will be paid for a period of at least 12 months from the date of application or from the date on which payment of the grant or stipend will commence, and confirming the annual amount of the grant or stipend.
  - (ii) Monthly personal bank statements for any part of the 12-month period prior to the date of the application during which the person has been in receipt of the grant or stipend showing the income was paid into the person’s account.”.
190. In Appendix FM-SE paragraph 11 below sub-paragraph (a) insert “(b) A declaration by the account holder(s) of the source(s) of the cash savings.”
191. In Appendix FM-SE after paragraph 11 insert:
- “11A. In respect of cash savings:
- (a) The savings may be held in any form of bank/savings account, provided that the account allows the savings to be accessed immediately (with or without a penalty for withdrawing funds without notice). This can include, for those of retirement age, savings held in a pension savings account which can be immediately withdrawn.
  - (b) Paid out competition winnings or a legacy which has been paid can contribute to cash savings.”.
192. In Appendix FM-SE paragraph 12(b) delete “personal bank statement” and substitute “monthly personal bank statement in the 12-month period prior to the date of application”.
193. In Appendix FM-SE after paragraph 12 insert:

“12A. Where the financial requirement the applicant must meet under Appendix FM relates to adequate maintenance, paragraphs 2 to 12 apply only to the extent and in the manner specified by this paragraph. Where such a financial requirement applies, the applicant must provide the following evidence:

- (a) Where the current salaried employment in the UK of the applicant or their partner, parent, parent’s partner or sponsor is relied upon:
  - (i) A letter from the employer confirming the employment, the gross annual salary and the annual salary after income tax and National Insurance contributions have been paid, how long the employment has been held, and the type of employment (permanent, fixed-term contract or agency).
  - (ii) Wage slips covering the period of 6 months prior to the date of application or such shorter period as the current employment has been held.
  - (iii) Monthly personal bank statement covering the same period as the wage slips, showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.
- (b) Where statutory or contractual maternity, paternity, adoption or sick pay in the UK of the applicant or their partner, parent, parent’s partner or sponsor are relied upon, paragraph 5(b)(i) and (c) or paragraph 6(b)(i) and (c) apply as appropriate.
- (c) Where self-employment in the UK of the applicant or their partner, parent, parent’s partner or sponsor is relied upon, paragraph 7 or 9 applies as appropriate.
- (d) Where the non-employment income of the applicant or their partner, parent, parent’s partner or sponsor is relied upon, paragraph 10 applies and paragraph 10(f) shall apply as if it referred to any UK welfare benefit or tax credit relied upon and to HMRC as well as Department for Work and Pensions documentation.
- (e) Where the cash savings of the applicant or their partner, parent, parent’s partner or sponsor are relied upon, paragraphs 11 and 11A apply.
- (f) The monthly housing and Council Tax costs for the accommodation in the UK in which the applicant (and any other family members who are or will be part of the same household) lives or will live if the application is granted.
- (g) Where the applicant is an adult dependent relative applying for entry clearance, the applicant must in addition provide details of the care arrangements in the UK planned for them by their sponsor (which can involve other family members in the UK), of the cost of these arrangements and of how that cost will be met by the sponsor.”.

194. In Appendix FM-SE at the end of the heading “**Calculating Gross Annual Income**” insert “**under Appendix FM**”.

195. In Appendix FM-SE paragraph 13(a)(ii) after “income” insert “(other than pension income)”.
196. In Appendix FM-SE paragraph 13(b)(ii) after “income” insert “(other than pension income)”.
197. In Appendix FM-SE paragraph 13(b) insert at the end “In addition, the requirements of paragraph 15 must be met.”.
198. In Appendix FM-SE paragraph 13 insert at the end:
- “(g) Where the person is not relying on income from salaried employment or self-employment, their gross annual income will be the total of:
- (i) The gross amount of any specified non-employment income (other than pension income) received by them or their partner in the 12 months prior to the date of application; and
  - (ii) The gross annual income from a UK or foreign State pension or a private pension received by them or their partner.”.
199. In Appendix FM-SE paragraph 15 after “paragraph 13(b)” at the first place it appears insert “and paragraph 13(d)”.
200. In Appendix FM-SE paragraph 15 after “paragraph 13(b)” at the second place it appears insert “or paragraph 13(d)(i)”.
201. In Appendix FM-SE paragraph 15(b)(ii) after “income” insert “(other than pension income)”.
202. In Appendix FM-SE paragraph 15(b) delete “The gross amount of any UK Maternity Allowance, Bereavement Allowance, Bereavement Payment or Widowed Parent’s Allowance received by the person or their partner in the 12 months prior to the date of application; and (v)”.
203. In Appendix FM-SE paragraph 15(b) delete “paragraph 15(b)(i)-(iv)” and substitute “paragraph 15(b)(i)-(iii)”.
204. In Appendix FM-SE paragraph 18 after “paragraphs” insert “12A and”.
205. In Appendix FM-SE paragraph 19 delete “paragraph 13(e)” and substitute “paragraphs 12A and 13(e)”.
206. In Appendix FM-SE paragraph 20 delete “paragraphs 13 to 16” and substitute “paragraphs 12A and 13 to 15”.
207. In Appendix FM-SE paragraph 20(b) delete “The relevant asset” and substitute “Any asset or savings on which income is based”.
208. In Appendix FM-SE paragraph 20(b) after “held” insert “or owned”.
209. In Appendix FM-SE after paragraph 20 insert:

“20A. When calculating the gross annual income from pension under paragraph 13, the gross annual amount of any pension received may be counted where the pension has become a source of income at least 28 days prior to the date of application.”.

210. In Appendix FM-SE after paragraph 36 insert:

“37. If the applicant’s required level of care is not, or is no longer, affordable because payment previously made for arranging this care is no longer being made, the applicant must provide records of that payment and an explanation of why that payment cannot continue. If financial support has been provided by the sponsor or other close family in the UK, the applicant must provide an explanation of why this cannot continue or is no longer sufficient to enable the required level of care to be provided.”.

211. In Appendix I, delete paragraph 245HF(e) and substitute:

“(e) The applicant provides the specified documents in paragraph 245HF-SD to evidence the sponsor's certification in subsection (d) (ii).”.

212. In Appendix J, in paragraph 2(d)(i), delete “£150,000” and substitute “£70,000”.

213. In Appendix N, after the entry in the table for “Jiangsu Centre for Chinese Studies in Essex”, insert new entry:

Korean Teacher Exchange Programme	The scheme contributes to the DfE objective of strengthening maths teaching in schools.	Institute of Education University of London	Work Experience Programme  Maximum 12 months	All UK
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214. In Appendix N, delete the entry in the table for “Mandarin Teachers Programme” and substitute:

Mandarin Teachers Programme (England and Wales)	This programme is run by the Confucius Institute at the Institute of Education in collaboration with the Office of Chinese Language Council International (Hanban) and Peking University. Through the programme, a number of Chinese teachers come to the UK for one academic year to support the teaching and learning of Mandarin Chinese and teaching about China.	Institute of Education University of London	Work Experience Programme  Maximum 12 months	England and Wales
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215. In Appendix N, in the entry for “Madarin Teachers Programme (Scotland)”, delete “(Scotland)” and substitute “(Scotland – University of Edinburgh)”.

216. In Appendix N, before the entry for “Medical Training Initiative”, insert new entry:

Mandarin Teachers Programme (Scotland – Strathclyde University)	Mandarin teachers will come to Scotland to support teaching and learning Mandarin Chinese and teaching about China in Confucius classroom hubs around Scotland.	Strathclyde University (Scotland’s National Centre for Languages)	Work Experience Programme  Maximum 12 months	Scotland
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217. In Appendix O in the heading delete “assessed as meeting the UK Border Agency’s requirements” and substitute “approved by the UK Border Agency for English language requirements for limited leave to enter or remain under the Immigration Rules”.

218. In Appendix O under the heading insert “Only the level(s) of Test specified for each Test are approved.”.

219. After Appendix P insert “Appendix Q - Statement of Written Terms and Conditions of employment required in paragraph 245ZO(f)(ii) and paragraph 245 ZQ (e)(ii)

**Statement of the terms and conditions of employment of an overseas domestic worker in a diplomatic household in the United Kingdom**

**This form must be completed and signed by the employer, signed by the overseas domestic worker and submitted with the entry clearance application or with the leave to remain application as required by paragraphs 245ZO (f) (ii) and 245ZQ (e) (ii) of the Immigration Rules**

*Please complete this form in capitals*

Name of employee:

Name of employer:

**1. Job Title:**

**2. Duties/Responsibilities:**

**3. Date of start of employment in the UK:**

**4. Employer’s address in the UK:**

**5. Employee’s address in the UK (if different from 4 please explain):**

**6. Employee’s place of work in the UK (if different from 4 please explain):**

**7. Rate of Pay per week/month:**



**Note: By signing this document, the employer is declaring that the employee will be paid in accordance with the National Minimum Wage Act 1998 and any Regulations made under it for the duration of the employment.**

**8. Hours of work per day/week:**

Free periods per day:  
Free periods per week:

**9. Sleeping accommodation:**

**10. Holidays:**

**11. Ending the employment:**

Employee must give ..... weeks notice if he/she decides to leave his/her job.

Employee is entitled to ..... weeks notice if the employer decides to dismiss him/her.

Employee is employed on a fixed-term contract until (date) [if applicable].

**Signed ..... Date ..... (Employer)**

**I confirm that my conditions of employment are as described above:**

**Signed ..... Date ..... (Employee)".**

220. After Appendix Q insert:

**“Appendix R - List of recognised festivals for which entry by amateur and professional entertainer visitors is permitted**

- Aberdeen International Youth Festival
- Aldeburgh Festival and Snape Proms
- Alnwick International Music Festival
- Barbican Festivals (Summer, Autumn 1, Autumn 2, Only Connect).
- Bath International Music Festival
- BBC Proms
- Belfast Festival at Queens
- Bestival
- Billingham International Folklore Festival
- Birmingham International Jazz Festival
- Breakin’ Convention
- Brighton Festival
- Brighton Fringe
- Brouhaha International Festival



Cambridge Folk Festival  
 Camp Bestival  
 Celtic Connections Festival  
 Cheltenham Festivals (Jazz/Science/Music/Literature)  
 City of London Festival  
 DaDa  
 Dance Umbrella  
 Edinburgh Festival Fringe  
 Edinburgh International Festival  
 Edinburgh International Jazz and Blues Festival  
 Edinburgh Military Tattoo  
 Festival Republic-Reading, Leeds, Latitude,  
 Glyndebourne  
 Greenbelt Festival  
 Hay Festival  
 Huddersfield Contemporary Music Festival  
 London Jazz  
 Live Nation (Wireless, Download, Hard Rock Calling)  
 Llangollen International Music Eisteddfod  
 London International Festival of Theatre  
 London 2012 Festival  
 Norfolk and Norwich Festival  
 Salisbury International Arts Festival  
 Southbank Centre (Meltdown)  
 T in the Park  
 V Festivals  
 WOMAD Festival”.

221. After appendix R insert:

**“Appendix S**

**Highly Skilled Migrants Programme (HSMP) – Qualifying for Indefinite Leave to Remain after Four Years Continuous Residence.**

1. In this appendix, all references to the Highly Skilled Migrants Programme refer to the scheme of that name that operated until 7 November 2006.
2. Paragraphs 4 - 16 of this appendix cover migrants who:
  - a. Received a Highly Skilled Migrants Programme approval letter issued on the basis of an application made before 3 April 2006; and,
  - b. Were granted Entry Clearance or Leave to Remain on the basis of that letter; and,
  - c. Fall into one of the following five categories:
    - i. Have already settled in the United Kingdom under Highly Skilled Migrants Programme or Tier 1 (General) on the basis of having completed five years continuous residence in a qualifying category.
    - ii. Have completed four years continuous residence in the United Kingdom in a qualifying category.

- iii. Are coming up to having completed four years continuous residence in the United Kingdom in a qualifying category.
  - iv. Had applied for Indefinite Leave to Remain after four years, were refused, and either;
    - 1. won an appeal against the refusal decision and were then granted permission to stay; or
    - 2. did not appeal the refusal decision or their appeal was dismissed.
  - v. Those who have completed four years continuous residence in the United Kingdom in a qualifying category and have submitted an application for Further Leave to Remain (FLR)
3. Paragraph 17 of this appendix covers migrants who:
- a. Received a Highly Skilled Migrants Programme approval letter issued on the basis of an application made between 3 April 2006 and 7 November 2006; and
  - b. Were granted Entry Clearance or Leave to Remain on the basis of that letter.

**Requirements for Indefinite Leave to Remain under the terms of this appendix for those groups covered by paragraph 2 of this appendix.**

4. The requirements for Indefinite Leave to Remain for a person qualifying for consideration under this appendix are that they:
- a. have spent a continuous period of four years lawfully in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant, and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder (under paragraphs 128 to 133 of the Immigration Rules), leave as an Innovator (under paragraphs 210A to 210F of the Immigration Rules) or leave as a Tier 1 (General) migrant;
  - b. had applied to enter onto the Highly Skilled Migrants Programme before the qualifying period for Indefinite Leave to Remain was increased from four to five years on 3 April 2006, and was successful in that application;
  - c. have throughout the period of five years maintained and accommodated themselves and any dependants adequately without recourse to public funds; and,
  - d. are lawfully economically active in the United Kingdom in employment, self-employment or a combination of both.

**Those who have already settled in the United Kingdom under Highly Skilled Migrants Programme or Tier 1 (General) on the basis of having spent completed five years continuous residence in the UK in a qualifying category**

5. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, then extended their initial year grant by a further three years, and were subsequently required to make a second extension application in order to have completed five years continuous residence in the UK.

**Those who have completed four years continuous residence in the United Kingdom in a qualifying category**

6. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, then extended their initial year grant by a further three years, and were subsequently required to make a second extension application in order for them to complete the fifth years' continuous residence in the United Kingdom.
7. Migrants will be allowed to apply for Indefinite Leave to Remain after they have completed four years qualifying residence.
8. The requirements for Indefinite Leave to Remain will be those described in paragraph 4 of this appendix.

**Those who are coming up to having completed four years continuous residence in the United Kingdom in a qualifying category**

9. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, or a grant of two years where their application was made before 3 April 2006 but not approved until after this date, and then extended their initial year grant by either three or four years.
10. The migrants described in the paragraph above will be allowed to apply for Indefinite Leave to Remain after they have completed four years qualifying residence.
11. The requirements for Indefinite Leave to Remain will be those described in paragraph 4 of this appendix.

**Those who applied for settlement after four years, were refused, and either won an appeal against the refusal decision and were then granted permission to stay, or did not appeal the refusal decision or their appeal was dismissed**

12. These migrants will be entitled to apply for their original Indefinite Leave to Remain application to be reviewed under the requirements set out in paragraph 4 of this appendix.
13. If the migrant meets the requirements of paragraph 4 of this appendix their leave will be varied to Indefinite Leave to Remain under the Highly Skilled Migrants Programme.

**Those who have completed four years continuous residence in the United Kingdom in a qualifying category and have submitted an application for Further Leave to Remain**

14. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, then extended their initial year grant by a further three years, and have now made a second extension application in order to complete five years continuous residence in the United Kingdom.
15. The migrants described in the paragraph above will be invited to vary their application to an Indefinite Leave to Remain application under the terms of this appendix.
16. The requirements for Indefinite Leave to Remain will be those described in paragraph 4 of this appendix.

**Requirements for Indefinite Leave to Remain under the terms of this appendix, for those groups covered by paragraph 3 of this appendix.**

17. The requirements for Indefinite Leave to Remain for a person qualifying for consideration under this appendix are that they:
  - a. have spent a continuous period of five years lawfully in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant, and

the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder (under paragraphs 128 to 133 of the Immigration Rules), leave as an Innovator (under paragraphs 210A to 210F of the Immigration Rules) or leave as a Tier 1 (General) migrant;

- b. had applied to enter onto the Highly Skilled Migrants Programme between 03 April 2006, and 7 November 2006 and was successful in that application;
- c. have throughout the period of five years maintained and accommodated themselves and any dependants adequately without recourse to public funds; and
- d. are lawfully economically active in the United Kingdom in employment, self-employment or a combination of both.

### **General Grounds for Refusal**

- 18. Where the migrant falls for refusal under the General Grounds for Refusal in paragraphs 320-322 of the Immigration Rules, their application should be refused even if it otherwise qualifies under the terms of this appendix.

### **Dependants**

- 19. The immigration status of dependants of migrants in the categories covered by this appendix will follow that of the principal applicant.”.

222. After appendix S insert:

#### **“Appendix T – Tuberculosis screening**

##### **Part 1 – Applicable Countries**

*Migrants applying to enter the UK for more than six months from the countries listed below must present at the time of application a valid medical certificate issued by a medical practitioner listed in Part 2 of this Appendix confirming that they have undergone screening for active pulmonary tuberculosis and that such tuberculosis is not present in the applicant.*

Bangladesh  
Burkina Faso  
Cambodia  
Côte d’Ivoire  
Eritrea  
Ghana  
India  
Kenya  
Laos  
Niger  
Pakistan  
Somalia  
Sudan  
Tanzania  
Togo  
Thailand

*Applicants from Burkina Faso, Côte d'Ivoire, Niger, Togo are screened in Ghana, those from Eritrea and Somalia are screened in Kenya and those from Laos are screened in Thailand.*

## **Part 2 – list of screening clinics**

*Migrants applying to enter the UK for more than six months from the countries listed in Part 1 of this Appendix must present at the time of application a valid medical certificate issued by a medical practitioner from a medical clinic listed below confirming that they have undergone screening for active pulmonary tuberculosis and that such tuberculosis is not present in the applicant.*

### **BANGLADESH**

**DHAKA** – International Organisation for Migration (IOM)  
Migration Health Assessment Clinic (MHAC)  
Prescription Point Ltd. (3<sup>rd</sup> floor)  
House 105, Road 12, Block E, Banani  
Dhaka 1213, Bangladesh

**SYLHET** – International Organisation for Migration (IOM)  
Migration Health Assessment Clinic (MHAC)  
Medi-Aid Heart Centre  
South Dorga Gate (Near Minar)  
Dorga Moholla, Sylhet – 3100, Bangladesh

### **CAMBODIA**

**PHNOM PENH** – International Organisation for Migration (IOM)  
No.31, Street 71 Sangkat Boeun Keng Kang 1  
Khan Cham Car Morn Phnom Penh, Cambodia  
Tel: +855 12 900 131  
Fax: +855 23 21 64 23

### **GHANA**

**ACCRA** – International Organisation for Migration (IOM)  
# 17 Ridge Road  
Roman Ridge  
Tel: 030-7010251/53/54

### **INDIA**

#### **ANDHRA PRADESH:**

Centre for Migration Medicine (CMM)  
#3-6-20, Street#19,  
Himayatnagar,  
Hyderabad, AP-500029  
Tel: (040) 29806789/ Mob: 08500777000  
Email: [CMM.UK@MigrationMedicine.com](mailto:CMM.UK@MigrationMedicine.com)

GYD Diagnostics & Reference Laboratories Pvt Ltd  
6-1-126 & 127/4,

Padmarao Nagar, (lane opposite Gharounda supermarket),  
Secunderabad, Andhra Pradesh, 500 025  
Tel: (040) 42414142/ 43/ 44

BANGALORE:

Elbit Medical Diagnostic Ltd  
1 & ½ Indian Express Building Queens Road,  
Banglore -560 001  
Tel: (080) 40570000 / 41132461

Fortis Hospital  
154/9 Bannerghatta Road,  
Opp IIM-B  
Bangalore -560076  
Tel: (080) 66214166/66214444

CHANDIGARH:

Kansal Clinic  
Kothi No.4, Phase 2,  
Sector-54 Nr.Bassi Theatre,  
SAS Nagar, 160 047,  
Chandigarh  
Tel: (0172) 2225124 / 2273587

National Medical and Dialysis Centre  
516, Sector 10 –D  
(opposite Hotel Mountain View)  
Chandigarh  
Tel: (0172)-6652000/Mob: 08427661909

New Diagnostic Centre  
Sector 20C,  
Tribune Road,  
Chandigarh

Max Super Special Speciality Hospital  
New Civil Hospital,  
Ph IV, Mohali, Punjab -160055  
Tel: (0172)-6652000/Mob: 08427661909

CHENNAI:

Osler Diagnostic Pvt Ltd  
2 Maloney Road,  
T Nagar,  
Chennai 600017  
Tel: (044) 2434 6424/ 5881/ (044) 2432 2189

The Apollo Heart Centre  
156 Greaves Road,  
Chennai 600006  
Tel: (044) 60601066 / 28296916/ Mob: 09551011666

GUJARAT:

Apollo Hospitals International Ltd

Plot No.1 A, Bhat GIDC Estate, Ahmedabad  
Gujarat, 382 428  
Tel: (079) 66701800  
Saviour Hospital  
(Near Bharat Petrol Pump),  
Lakhudi Circle Stadium Road,  
Navrangpura,  
Ahmedabad 380014  
Tel: (079) 61908080/61908000/Mob: 09824053196

Apollo Clinic  
Mann Complex  
Opp. Shree Ram Petrol Pump  
Anand Mahal Road, Adajan  
Surat 395009  
Tel: (0261) 2790202

GUWAHATI:

The Apollo Clinic  
Kanchan Road, Bora Service,  
G S Road, Guwahati  
Tel: (0361) 2461473 / 2461474

KERALA:

Kerala Institute of Medical Sciences (KIMS)  
P.B. No 1, Anayara, Thiruvananthapuram,  
Kerala, 695 029  
Tel: (0471) 3041312

KOLKATA:

Apollo Gleneagles Hospital Ltd  
58 Canal Circular Road,  
Kolkata 700054  
Tel: (033) 23202122 / 23202040

Pulse Diagnostics Pty Ltd  
75 Sarat Bose Road,  
Kolkata 700019  
Tel: (033) 24546142 / 21492603

LUCKNOW:

Medical Clinic  
122 Faizabad Road,  
(near Indira Bridge)  
Lucknow 226007  
Tel: (0522) 2324656 / 2336629

National X-ray Clinic  
195/104 Jagat Narain Road,  
Lucknow 226 003  
Tel: (0522) 2253845

LUDHIANA:

Dr Har Kamal Bagga/ Dr Wahiguru Pal Singh  
3791/3A Jagjit Nagar Pakhowal Road,  
Ludhiana 141 001, Punjab  
Tel: (0161) 2459403/ Mob: 09814001200  
Mob: (0161) 2458403/Mob: 91-09872266666

Dr U S Sidhu  
82-A, SARABHA NAGAR,  
Near PVR Cinema/Malhar Road,  
Ludhiana 141 001, Punjab  
Tel: 09779750340 (preferred contact) / (0161)-2450340

Dr Harminder Singh Pannu  
B2412, Krishna Nagar, Opp. Aarti Cinema,  
Ferozepur Road, 141 001  
Tel: (0161) 2409036 / 2408108

S.P.S Apollo Hospitals  
Sherpur Chowk,  
G.T Road  
Ludhiana 141 003  
Tel: (0161) 6617100 / 6617111/ 6617222

Super X-ray Clinic  
2353/2 Krishana Nagar,  
Ferozepur Road,  
(near Aarti Cinema)  
Ludhiana 141 001  
Tel: (0161) 240 8031 / 4629231

MUMBAI:

Lilavati Hospital  
A-791, Bandra Reclamation,  
Bandra West, 400 050  
Tel: (022) 26568000. Ext. no 8248 / 8283  
Direct line 26568248  
Email Id: [visa@lilavatihospital.com](mailto:visa@lilavatihospital.com)

Clinical Diagnostic Centre, South Mumbai  
A-2 Ben Nevis,  
Bhulabhai Desai Road, Next to Tata Garden,  
Mumbai 400 036  
Tel: (022) 61196200/ 23684764/ 65  
Contact Person: Ms Theresa Ferrao

Clinical Diagnostic Centre, North Mumbai  
A403 Floral Deck Plaza, C Cross Road, MIDC,  
Opp. Seepz near Rolta Bhavan, Andheri (east),  
Mumbai-400093  
Tel: (022) 61196300 / 66972352/ 53  
Contact Person: M Phadtare



Rele Clinic  
10 AA, Gita Building,  
“A” Wing, Second Floor,  
Pandita Ramabai Road,  
Gamdevi, Mumbai 400 007  
Tel: (022) 23613737 / 23613838

Insight Health Scan,  
Geeta Building Pandit Ramabai Road, Grant Road,  
Mumbai -400007  
Tel: (022) 23694191/ 23695344

**NAGPUR:**

Sanjiwani Chikitsa Kendra  
Opposite City Post Office  
Itwari  
Nagpur 440 002  
Tel: (071 2) 276 9494/ 2422996 / Mob: 09422102590

Sarda Imaging Clinic  
70 Central Avenue  
(near the Gandhi statue)  
Itwari  
Nagpur 440 002  
Tel: (0712) 2766384 / 2769715 / 6612668

**NEW DELHI:**

Max Medcentre  
N-110, Panchsheel Park  
New Delhi 110 021  
Tel: (011) 26499870 / Mob: 8800334457

Sadhu Vaswani Mission Medical Centre  
4/27, Shanti Niketan  
New Delhi 110 021  
Tel: (011) 24111562/ 2411 4316/ 24111693

**PUNE**

Ruby Hall Clinic  
40, Sassoon Road,  
411 001 Pune  
Tel: (020) 6645 5242 / 6645 5286 / 2616 3391

**KENYA**

**NAIROBI** – International Organisation for Migration (IOM)  
Doctors’ Plaza Annex Nairobi Hospital Compound  
Nairobi, Kenya  
Tel: 00254 20 2718559  
Fax: 00254 20 2718096

## **PAKISTAN**

**ISLAMABAD** – International Organisation for Migration (IOM) SUB OFFICE  
Khurmrial Centre (Behind PTCL Head Quarter),  
G-8/4 Islamabad.

Call Centre for appointments: UAN: +92 51 111 466 472

**LAHORE** – International Organisation for Migration (IOM) SUB OFFICE  
1 – Ali Block, New Garden Town, Lahore.

Call Centre for appointments: UAN: +92 51 111 466 472

**KARACHI** – International Organisation for Migration (IOM) SUB OFFICE  
House # F-8/1, KDA Scheme I, Tipu Sultan Road,  
Adjacent to Main Karsaz Road, Karachi

Call Centre for appointments: UAN: +92 51 111 466 472

**MIRPUR** – International Organisation for Migration (IOM) SUB OFFICE  
House # 6, Sector D/4, F2 Road, Block West,  
Mirpur, Azad Kashmir.

Call Centre for appointments: UAN: +92 51 111 466 472

## **SUDAN**

**KHARTOUM** – International Organisation for Migration (IOM)  
IOM Sudan Mission, Amarat, Street 47, House 18, Block 11 OE  
PO Box 8322, Khartoum, Sudan

Tel: +249983570802

Fax: +24983569094

## **TANZANIA**

**DAR ES SALAAM** – International Organisation for Migration (IOM)  
Slip Road, off Chole, Plot #1365 – Msasani,  
PO Box 9270 Dar es Salaam, Tanzania

Tel: +255222602913

Fax: +255222602782

## **THAILAND**

**BANGKOK** – International Organisation for Migration (IOM)  
8<sup>th</sup> Floor, Kasemkij Bldg, 120 Silom Road,  
Bangrak District, Bangkok 10500 Thailand

Tel: +66 2 234 7950

Fax: +66 2 234 7956

### **Changes to come into force on 1<sup>st</sup> October 2012**

223. In paragraph 245B, after “or who have already demonstrated exceptional promise” insert “in the fields of science, humanities and engineering”.

224. Delete paragraph 245BB(b).

225.Delete paragraph 245BD(c) and substitute:

“(c) If the applicant has, or was last granted, leave as a Tier 1 (Exceptional Talent) Migrant, the applicant must have a minimum of 10 points under paragraphs 1 to 15 of Appendix B.”.

226.Delete paragraph 245BD(d) and substitute:

“(d) The applicant must have, or have last been granted, entry clearance, leave to enter or remain as:

(i) a Tier 1 (Exceptional Talent) Migrant,

(ii) a Tier 2 (General) Migrant, or

(iii) as a Tier 5 (Temporary Worker) Migrant, sponsored in the Government Authorised Exchange sub-category in an exchange scheme for sponsored researchers.”.

227.In Appendix A, delete Table 1 and substitute:

**“Table 1**

**All applications for entry clearance and applications for leave to remain where the applicant has, or last had leave that was not leave as a Tier 1 (Exceptional Talent) Migrant**

<b>Criterion</b>	<b>Points</b>
Endorsed by Designated Competent Body according to that Body's criteria as set out in Appendix L.	75

**All other applications for leave to remain and applications for indefinite leave to remain**

<b>Criterion</b>	<b>Points</b>
(i) During his most recent period of leave as a Tier 1 (Exceptional Talent) Migrant, the applicant has earned money in the UK as a result of employment or self-employment in his expert field as previously endorsed by a Designated Competent Body; and  (ii) That Designated Competent Body has not withdrawn its endorsement of the applicant.	75

”.

228.In Appendix A, delete paragraph 4(c) and substitute:

“(c) The Tier 1 (Exceptional Talent) Limit will be operated according to the practice set out in paragraph 5 below.”.

229. In Appendix A, delete the title above paragraph 5.

230. In Appendix A, delete paragraph 5 and substitute:

“5. (a) An applicant must state which Designated Competent Body he wishes to endorse his application.

(b) A number of endorsements will be made available for each Designated Competent Body, as follows:

(i) From 6 April to 30 September each year, half that body's allocated endorsements under paragraph 4 above.

(ii) From 1 October to 5 April each year, that body's remaining unused allocated endorsements under paragraph 4 above.

(c) Unused endorsements will not be carried over from one year to the next.

(d) If a Designated Competent Body endorses an application, that application is refused, and that refusal is not subsequently overturned, the used endorsement will be returned to the number of endorsements available for the relevant Designated Competent Body.

(e) No points will be awarded for an endorsement if the Designated Competent Body has exceeded the number of endorsements available to it.”.

231. In Appendix A, after paragraph 6, insert:

**“Money earned in the UK**

6A. Points will only be awarded for money earned in the UK if the applicant provides the following specified documents:

(a) If the applicant is a salaried employee, the specified documents are at least one of the following:

(i) payslips confirming his earnings, which must be either:

- (1) original payslips on company-headed paper,
- (2) stamped and signed by the applicant's employer, or
- (3) accompanied by a letter from the applicant's employer, on company headed paper and signed by a senior official, confirming the payslips are authentic;

or

(ii) personal bank statements on official bank stationery, showing the payments made to the applicant; or

(iii) electronic bank statements from an online account (defined as one that operates solely over the internet and sends their bank statements to their customers electronically), which either:

(1) are accompanied by a supporting letter from the bank on company headed paper confirming that the documents are authentic, or

(2) bear the official stamp of the issuing bank on every page of the document;

or

(iv) an official tax document produced by HM Revenue & Customs or the applicant's employer, which shows earnings on which tax has been paid or will be paid in a tax year, and is either:

(1) a document produced by HM Revenue & Customs that shows details of declarable taxable income on which tax has been paid or will be paid in a tax year, such as a tax refund letter or tax demand,

(2) a P60 document produced by an employer as an official return to HM Revenue & Customs, showing details of earnings on which tax has been paid in a tax year, or

(3) a document produced by a person, business, or company as an official return to HM Revenue & Customs, showing details of earnings on which tax has been paid or will be paid in a tax year, and which has been approved, registered, or stamped by HM Revenue & Customs;

or

(v) Dividend vouchers, confirming the gross and net dividend paid by a company to the applicant, normally from its profits. The applicant must provide a separate dividend voucher or payment advice slip for each dividend payment.

(b) If the applicant has worked in a self-employed capacity, the specified documents are at least one of the following:

(i) A letter from the applicant's accountant (who must be either a fully qualified chartered accountant or a certified accountant who is a member of a registered body in the UK), on headed paper, which shows a breakdown of the gross and net earnings. The letter should give a breakdown of salary, dividends, profits, tax credits and dates of net payments earned. If the applicant's earnings are a share of the net profit of the company, the letter should also explain this; or

(ii) Company or business accounts that meet statutory requirements and clearly show:

(1) the net profit of the company or business made over the earnings period to be assessed,

(2) both a profit and loss account (or income and expenditure account if the organisation is not trading for profit), and

(3) a balance sheet signed by a director;

or

(iii) If the applicant has worked as a sponsored researcher, a letter on official headed paper to the applicant from the institution providing the funding, which confirms:

- (1) the applicant's name,
- (2) the name of the sponsoring institution providing the funding,
- (3) the name of the host institution where the applicant's sponsored research is based,
- (4) the title of the post, and
- (5) details of the funding provided.

(c) All applicants must also provide at least one of the following specified documents:

- (i) A contract of service or work between the applicant and a UK employer or UK institution which indicates the field of work he has undertaken; or
- (ii) A letter from a UK employer or UK institution on its official headed paper, confirming that the applicant has earned money in his expert field."

232. In Appendix H after Australia insert "Botswana".

233. In Appendix H after Japan insert "Malaysia".

234. In Appendix L, in the table following paragraph 1(b), delete each instance of "letter" and substitute "dated letter".

235. In Appendix L, in the second column of the table following paragraph 1(b), after "Have a PhD or equivalent research experience", delete ";" and substitute "(including industrial research);".

236. In Appendix L, in the second column of the table following paragraph 1(b), after "international Fellowship" insert " or advanced research post".

237. In Appendix L, in paragraph 2(b), delete ", in pdf format".

238. In Appendix L, in paragraph 2(c), after "The letter should" insert " be dated and".



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**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
PRESENTED TO PARLIAMENT ON 5 SEPTEMBER 2012 (HC 565)**

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 are to amend the Immigration Rules to:

- include requirements to be met by migrants where those requirements are not currently in the Rules but are specified in guidance external to the Rules.
- incorporate compulsory screening for pulmonary tuberculosis for migrants coming to the UK for over 6 months, from some specified countries.
- ensure the Rules relating to family and private life reflect the policy intention and work with the provisions for dependants of Points Based System migrants.
- improve the operation of the Tier 1 (Exceptional Talent) provisions through refined eligibility criteria, allowing some in-country switching and reducing bureaucracy.
- add Botswana and Malaysia to Annex H, which is the list of countries and regions from which applicants are subject to different documentary requirements under Tier 4 of the Points Based System.
- amend the table of Government Approved Exchange Schemes within Tier 5 (Temporary Worker).
- correct some typographical errors.

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

3.1. This Statement of Changes amends the Immigration Rules further to the judgment of the Supreme Court in *R (on the application of Alvi) (Respondent) v Secretary of State for the Home Department (Appellant)*. The judgment requires that any requirements which, if not satisfied by the migrant, would lead to an application for leave to enter or remain being refused must be included in the Immigration Rules and laid before Parliament in accordance with the procedure set out in section 3(2) Immigration Act 1971.

3.2. This therefore follows the previous Statement of Changes (Cm8423) which also amended the Rules in light of the same judgment. That statement addressed the majority of the requirements set out in guidance, but it was not possible to identify and address all of them in the timescale required to preserve the ongoing operability of the



Immigration Rules. These changes therefore address the remaining requirements that migrants cannot currently be required to meet. For this reason it is necessary to bring these changes into force with immediate effect.

3.3. These changes also amend the Family and Private Life Rules as set out in Part 7, Part 8, Appendix FM and Appendix FM-SE. Those changes are not related to *Alvi v SSHD*, are technical in nature and serve to ensure the Rules deliver the original policy intention. They are included in this Statement of Changes as it is the first opportunity to correct these provisions and ensure that migrants are not unintentionally disadvantaged.

3.4. The Government regrets that for these changes it has not been possible to fully comply with the convention that changes should be laid before Parliament no less than 21 days before they will come into force, but invites the Committee to note that most of the changes that come into force immediately have no operational impact on applicants, sponsors or caseworkers. The changes primarily incorporate existing requirements, currently set out in guidance or lists external to the Immigration Rules, into the Rules themselves to protect against further legal challenge.

3.5. The remaining changes in these Rules are to Tier 1 (Exceptional Talent) and the Tier 4 list of low risk nationalities. These will therefore come into force on 1 October as there was no operational need to bring those Rules into force immediately.

#### **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 entry into, and the 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 'Policy and Law' page at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3. All these changes to the Immigration Rules will come into force on 6 September 2012 and will apply to all applications decided on or after that date except those relating to the Tier 1 (Exceptional Talent) route and the Tier 4 list of low risk nationalities which will come into force on 1 October and will apply to all applications received after that date. For the changes that come into force on 1 October 2012, if an applicant makes an application for entry clearance or leave before 1 October 2012 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 30 September 2012.

#### **5. Territorial Extent and Application**

5.1. This instrument applies to all of the United Kingdom

## **6. European Convention on Human Rights**

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

## **7. Policy Background**

7.1. A summary of the policies and practices being included in the Immigration Rules by this Statement of Changes follows:

### ***Family Rules***

7.2. The Statement of Changes in Immigration Rules laid on 19 July 2012 (Cm 8423) supplemented Appendix FM of the Immigration Rules by Appendix FM-SE. This incorporated into the Rules detailed requirements as to evidence relating to financial requirements, marriage or civil partnership, English language requirements and adult dependent relatives. This Statement of Changes extends the detailed scope of those requirements, clarifies the drafting of some aspects, and applies those requirements where relevant to family route applications under Part 8 of the Immigration Rules.

7.3. This Statement of Changes also clarifies the drafting of some aspects of Appendix FM and makes additional transitional provisions, in particular as to the operation of Part 8 of the Rules

### ***Long residence and Private Life Rules***

7.4. This Statement of Changes clarifies the drafting of some aspects of paragraphs 276A-276BE of the Immigration Rules as they deal with applications for leave to remain on the basis of private life and makes additional transitional provisions as to the operation of Part 7 of the Rules.

### ***Overseas Domestic Workers in private households***

7.5. Paragraph 159A of the Rules allows visitors to the UK to bring their domestic worker to the UK with them for a maximum period of six months to work in their private household. Paragraphs 159D and 159EA set out requirements for an extension of stay as a domestic worker where a person is still required for employment as such. At present the documents that must be produced with an application as evidence of the above requirements are set out in guidance and not in the Rules. These changes to the Rules specify the form of the evidence to be produced.

### ***Private servants in diplomatic households***

7.6. The Tier 5 International Agreement category allows diplomats who are posted to the UK to bring a domestic worker to the UK to work in their private household for the duration of their diplomatic appointment. The Rules (Paragraphs 245ZO and 245ZQ) set out respectively the entry requirements and requirements for an extension of stay, including that written terms and conditions of employment in the UK are produced, signed by both the employer and employee and that the former undertakes to pay the domestic worker in accordance with National Minimum Wage legislation. The changes to the Rules specify the form in which that is to be produced.

### ***Life in the UK Test***

7.7. Applicants who apply for settlement are required to pass the “Life in the UK Test”, administered by a provider approved by the Secretary of State. These changes specify the current approved provider as being Learndirect limited.

### ***Points-Based System – General***

7.8. The mandatory information that Sponsors of Tier 4 (General) Students must provide on a Confirmation of Acceptance for Studies (the electronic document that provides evidence of sponsorship) is being incorporated into the Rules, having previously been set out in guidance.

7.9. Where an applicant provides evidence of maintenance funds from more than one account, the date that the funds are assessed by is taken from the closing balance of the account that most favours the applicant. This detail is being incorporated into the Rules, having previously been set out in guidance.

7.10. An error in Appendix J is being corrected, to confirm that jobs with a salary of £70,000 or above are exempt from the requirement to be advertised in Jobcentre Plus (or JobCentre Online in Northern Ireland), not £150,000 or above as stated in Cm 8423.

7.11. Amendments are being made to Appendix I which contain Rules which it is planned will apply to applications for settlement made in the Tier 2 general and sportpersons categories from April 2016. The Rules are being amended to make it explicit that the requirement to be met is that the applicant is earning £35,000 or the appropriate rate at the point they apply for ILR.

7.12. Changes are being made to the table of Government Authorised Exchange Schemes within Tier 5 (Temporary Worker). A new Korean Teacher Exchange Programme has been added to the list of approved schemes, and the overarching sponsor which operates the Mandarin Teachers Programme has changed.

7.13. Corrections are being made to paragraph numbering and cross-referencing within the Rules.

### ***Amendments to Tier 1 of the Points-Based System***

7.14. Tier 1 of the Points-Based System caters for high value migrants, and currently consists of five categories: Tier 1 (Exceptional Talent), Tier 1 (General) – closed except for extension applications, Tier 1 (Entrepreneur), Tier 1 (Investor) and Tier 1 (Graduate Entrepreneur).

7.15. In April 2011 the Tier 1 (Exceptional Talent) category was introduced for those who lead or show exceptional promise in the fields of science, humanities, engineering and the arts, who have been endorsed by a Designated Competent Body and wish to work in the UK. The Home Office has been reviewing the effectiveness of this route over its first year of operation. As a result, a number of minor changes are being made to improve the operation of the route:

- A small amendment is being made to the definition of the purpose of the scheme, to explain that the “exceptional promise” aspect does not apply to the

field of the arts. This is because the Arts Council (the Designated Competent Body for this field) does not endorse applicants with “exceptional promise”. It is considered impractical to define criteria for “exceptional promise” in this field and that to admit such applicants may reduce the opportunities for UK nationals trying to break into this field.

- Small amendments are being made to the criteria used by The Royal Society, The Royal Academy of Engineering and The British Academy to assess applicants, following discussions with these Designated Competent Bodies. The amendments are to require letters of recommendation to be dated, and to set out additional research experience that may be accepted.
- Currently the category is open to applicants from outside the UK only. These changes widen the eligibility to allow applications from within the UK from all Tier 2 (General) Migrants and from those Tier 5 (Temporary Worker) Migrants who are sponsored researchers.
- This category is subject to an annual limit of 1,000 places. The limit is managed through a system in which applicants must request a Unique Reference Number (URN) before they apply. The UK Border Agency is now able to manage the limit without relying on this URN system, and so it is being removed. This will reduce bureaucracy for applicants.
- A clarification is being made to the criteria for extension applications, to confirm that the requirement for applicants to be economically active in their field of expertise means that they must have earned money in the UK in that field, during their most recent period of leave in the UK, and to set out the evidence of these earnings that applicants must provide.

#### ***Tier 4 of the Points Based System***

7.16. Annex H of the immigration rules lists the countries and regions from which applicants are subject to different documentary requirements under Tier 4 of the Points Based System. The UK Border Agency has reviewed the list, re-assessing countries against a range of risk and compliance criteria, and concluded that two additional countries merit addition to the list on the basis of the high levels of compliance of their students: Botswana and Malaysia.

#### ***Dependants of Points Based System Migrants***

7.17. Partners of Points Based System migrants who entered the UK after 9 July 2012 are now required to complete a five year probationary period before they can apply for settlement. Where the main Points Based System migrant obtains settlement prior to their partner, these changes will enable the dependant to obtain a grant of further leave to remain in the Points Based System dependant category, rather than requiring the partner to apply for leave to remain as the partner of a person who has subsequently settled.

7.18. Where the Points Based System migrant has obtained settlement and their partner applies for further leave to remain as a Points Based System dependant, the duration of any leave will be for three years at a time to allow for the possibility that the

partner will not meet the requirements for settlement on completion of the five year probationary period.

7.19. These changes also allow a PBS Migrant's partner to amalgamate leave granted to them as the dependant of a Relevant Points Based System Migrant, together with any leave granted to them as the spouse, civil partner, unmarried or same-sex partner of that same person when they held leave under another category of these Rules, and count that towards the probationary period for settlement.

7.20. Changes are also being made to the rules for children of Points Based System Migrants (paragraphs 319F to 319J) to enable a child to join his parents in the UK after the Relevant Points Based System Migrant has been granted settlement and to provide that, unless the Relevant Points Based System Migrant has sole parental responsibility, a child should not be granted settlement in the UK until both his parents are settled or about to become settled. These changes close a lacuna in the existing provisions and ensure consistency with the Family rules (Appendix FM).

7.21. A minor, technical change is being made to the transitional provisions in HC 194 to make absolutely clear the interaction between Part 8 of the Rules and the new Family Migration Rules which came into force on 9 July. The change makes it clear to applicants that paragraphs 319AA-319J in Part 8 of the Rules continue to apply, to applications made on or after 9 July 2012, by persons who have made an application for entry clearance, leave to enter or remain as the spouse, civil partner, unmarried partner, same sex partner, or child of a Relevant Points Based System Migrant and that those Rules are not subject to any additional requirements listed in Appendix FM.

### ***Visitors***

7.22. The conditions of leave for all categories of visitors have been amended to reflect that where stated, they have restrictions on taking up employment, study and accessing public funds.

### ***Child visitors***

7.23. The Rules have been amended to include the list of UK Border Agency approved accreditation and inspection bodies for institutions where a child visitor has been accepted for a course of study. They also contain a requirement for an institution to hold a valid and satisfactory full institutional inspection, review or audit from one of the specific inspection and audit bodies. The Rules also set out the types of schools where child visitors are permitted to undertake an exchange or educational visit.

### ***Business visitors***

7.24. The Rules have been amended to set out the permissible activities that business visitors can undertake in the UK. They also clarify that business visitors may carry out corporate training in the UK where it is delivered by an outside provider to overseas and UK employees of the same group of companies.

7.25. For individuals seeking leave to enter or to extend their leave as a Graduate undertaking the Professional and Linguistic Assessment Board (PLAB) Test, the Rules have been amended to specify the evidence required.

### ***Sports visitor***

7.26. The Rules have been amended to list the activities that a sports visitor may undertake during and in the margins of a sporting event, series of events and sports tournament.

### ***Entertainer visitor***

7.27. The Rules have been amended to list the cultural events and festivals that professional and amateur entertainers may take part in, this having previously been set out in guidance.

### ***Student visitors***

7.28. The Rules have been amended to list the UK Border Agency approved accreditation, inspection and audit bodies for institutions offering a course of study to student visitors. They also contain a requirement for an institution to hold a valid and satisfactory full institutional inspection, review or audit from one of the specific inspection and audit bodies.

### ***Visitors undertaking permitted paid engagements***

7.29. The Rules have been amended to clarify that for professionals coming to undertake lectures in their area of expertise, they may do so only in as much as it does not extend to lecturing which replaces a formal teaching role.

### ***Tuberculosis screening***

7.30. The UK has had a longstanding policy of screening new entrants from high incidence tuberculosis countries intending to remain for over six months. Screening has been conducted at ports of entry and, since October 2005, pre-entry in some high incidence tuberculosis countries. On 21 May the government announced its intention to expand upon the pre-entry screening programme as that allows for more extensive screening. Entry clearance applicants intending to come to the UK for over six months from countries where pre-entry screening is available will be required to present a certificate from a designated screening provider confirming that screening has been conducted and that the applicant is not suffering from active pulmonary tuberculosis. Where tuberculosis is detected, the applicant will be required to undertake treatment and further screening before any entry clearance application can be made.

## **8. Consultation**

8.1. As the effect of these changes is to incorporate into the Immigration Rules pre-existing requirements set out in guidance or to correct anomalies and better reflect stated policy intentions these changes were not the subject of a formal consultation.

## **9. Guidance**

9.1. Where necessary guidance will be updated and placed on the UK Border Agency website. Guidance will not require updating where the Rules have been updated in order to reflect existing requirements as set out in guidance.



## 10. **Impact**

10.1. Where the effect of these changes is to incorporate into the Immigration Rules requirements which are already specified in guidance and lists external to the Rules, they have no operational impact on applicants, sponsors or caseworkers.

10.2. Where the effect of these changes is to make technical amendments to the Family Rules, these do not represent a change of policy intention. Therefore the original impact assessment published on the UKBA website remains valid. This can be found at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/fam-impact-state.pdf>.

10.3. Other changes covered in this statement are minor and expected to be of limited impact, such that an impact assessment is unnecessary.

## 11. **Regulating small business**

11.1. This Statement of Changes has 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 specifically regarding this Statement of Changes only should be addressed as follows:

- Points Based System: to Richard Jackson at the Home Office on 0114 207 8373 or email to: [Richard.Jackson@homeoffice.gsi.gov.uk](mailto:Richard.Jackson@homeoffice.gsi.gov.uk)
- Family: to Clive Peckover at the Home Office on 020 7035 8186 or email to: [Clive.Peckover@homeoffice.gsi.gov.uk](mailto:Clive.Peckover@homeoffice.gsi.gov.uk)
- Visitors: to Alicia Ioannou on 020 7035 3606 or email to [Alicia.Ioannou3@homeoffice.gsi.gov.uk](mailto:Alicia.Ioannou3@homeoffice.gsi.gov.uk)
- Tuberculosis screening: to Parvaiz Asmat at the Home Office on 0161 261 1085 or email [parvaiz.asmat@homeoffice.gsi.gov.uk](mailto:parvaiz.asmat@homeoffice.gsi.gov.uk)

13.2. Other queries not related to this Statement of Changes, such as queries relating to individual cases, should be addressed as per the Contact page on the UK Border Agency website at [www.ukba.homeoffice.gov.uk/contact](http://www.ukba.homeoffice.gov.uk/contact)

13.3. Queries from applicants about their applications should NOT be addressed to the contacts above. Such queries should be addressed to the UK Border Agency's customer contact centre on 0870 606 7766.