

Statement of changes in Immigration Rules

Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty April 2007

(This document is accompanied by an Explanatory Memorandum)

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STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 for regulating entry into and the stay of persons in the United Kingdom and contained in the Statement laid before Parliament on 23 May 1994 (HC 395), as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cmnd 2663), 26 October 1995 (HC 797), 4 January 1996 (Cmnd 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 30 August 1996 (Cmnd 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cmnd 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cmnd 3953), 8 October 1998 (Cmnd 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cmnd 4851), 27 August 2001 (Cmnd 5253), 16 April 2002 (HC 735), 27 August 2002 (Cmnd 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 (Cmnd 5829), 24 August 2003 (Cmnd 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC 523), 3 August 2004 (Cmnd 6297), 24 September 2004 (Cmnd 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) and 3 April (Cm 7074).

These changes shall take effect on 1 May 2007.

1. For paragraphs 135O - 135T, there is substituted -

International Graduates Scheme

Requirements for leave to enter as a participant in the International Graduates Scheme

135O. The requirements to be met by a person seeking leave to enter as a participant in the International Graduates Scheme are that he:

- (i) has successfully completed and obtained either:
 - (a) a recognised UK degree (with second class honours or above) in a subject approved by the Department for Education and Skills for the purposes of the Science and Engineering Graduates scheme, completed before 1 May 2007; or
 - (b) a recognised UK degree, Master's degree, or PhD in any subject completed on or after 1 May 2007;or
 - (c) a postgraduate certificate or postgraduate diploma in any subject completed on or after 1 May 2007;

at a UK education institution which is a recognised or listed body.

- (ii) intends to seek and take work during the period for which leave is granted in this capacity;
- (iii) can maintain and accommodate himself and any dependants without recourse to public funds;
- (iv) completed his degree, Master's degree, PhD or postgraduate certificate or diploma, in the last 12 months;
- (v) if he has previously spent time in the UK as a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme, is not seeking leave to enter to a date beyond 12 months from the date he was first given leave to enter or remain under the Science and Engineering Graduates Scheme or the International Graduates Scheme;
- (vi) intends to leave the United Kingdom if, on expiry of his leave under this scheme, he has not been granted leave to remain in the United Kingdom in accordance with paragraphs 57–62, 128–135H or 200–210H of these Rules;
- (vii) has the written consent of his official sponsor to enter or remain in the United Kingdom under the Science and Engineering Graduates Scheme or International Graduates Scheme if his approved studies, or any studies he has subsequently undertaken, were sponsored by a government or international scholarship agency; and
- (viii) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

Leave to enter as a participant in the International Graduates Scheme

135P. A person seeking leave to enter the United Kingdom as a participant in the International Graduates Scheme may be admitted for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

Refusal of leave to enter as a participant in the International Graduates Scheme

135Q. Leave to enter as a participant in the International Graduates Scheme is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 135O is met.

Requirements for leave to remain as a participant in the International Graduates Scheme

135R. The requirements to be met by a person seeking leave to remain as a participant in the International Graduates Scheme are that he:

- (i) meets the requirements of paragraph 135O(i) to (vii); and
- (ii) has leave to enter or remain as a student or as a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme in accordance with paragraphs 57–69L or 135O–135T of these Rules;
- (iii) would not, as a result of an extension of stay, remain in the United Kingdom as a participant in the International Graduates Scheme to a date beyond 12 months from the date on which he was first given leave to enter or remain in this capacity or under the Science and Engineering Graduates Scheme.

Leave to remain as a participant in the International Graduates Scheme

135S. Leave to remain as a participant in the International Graduates Scheme may be granted if the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 135R.

Refusal of leave to remain as a participant in the International Graduates Scheme

- 135T. Leave to remain as a participant in the International Graduates Scheme is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 135R is met.
- 2. In paragraphs 131C, 131C(i), 135DE, 135DE(i), 143A(viii), 143D(ii)(b), 143D(iii)(b), 206C, 206C(i), 210DE and 210DE(i), after the words "Science and Engineering Graduates scheme", insert "or International Graduates Scheme".

Requirement for leave to enter the United Kingdom as a Fresh Talent: Working in Scotland scheme participant

- 1. For paragraph 143A(i) substitute:
 - "(i) has been awarded:
 - (a) a HND, by a Scottish publicly funded institution of further or higher education, or a Scottish bona fide private education institution; or
 - (b) a recognised UK undergraduate degree, Master's degree or PhD or postgraduate certificate or diploma, by a Scottish education institution which is a recognised or listed body; and"
- 2. In paragraphs 143A(ii) and 143A(v) for the words "or PhD" substitute "PhD or postgraduate certificate or diploma".



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EXPLANATORY MEMORANDUM TO THE STATEMENT OF CHANGES IN IMMIGRATION RULES LAID ON 4 APRIL 2007 (CM 7075)

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statement of Changes in Immigration Rules makes a series of changes to the Science and Engineering Graduates Scheme (SEGS). These include renaming the scheme the 'International Graduate Scheme' (IGS) and broadening its eligibility criteria. The IGS will be open to those who have received a bachelor's degree or postgraduate degree, or postgraduate diploma or certificate, in any subject from a recognised or listed institution of higher education. Secondly, it makes an amendment to the eligibility criteria for the Fresh Talent: Working in Scotland Scheme, opening it to those with postgraduate certificates or diplomas awarded by a recognised or listed institution in Scotland.

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

3.1 None.

4. Legislative Background

- 4.1 The Immigration Rules are the Rules made under section 3(2) of the Immigration Act 1971. These constitute a statement of practice, as laid before Parliament by the Home Secretary, to be followed in regulating entry into, and stay of persons in, the United Kingdom. Under section 3(2) the Secretary of State is obliged ".. from time to time (and as soon as may be) lay before Parliament statements of the Rules, or any changes in the Rules, laid down by him as to the practice to be followed in the administration of this Act ..".
- 4.2 This statement of Changes in Immigration Rules will be laid on 4 April 2007. The changes will take effect on 1 May 2007.
- 4.3 This Statement of Changes in Immigration Rules was incorporated into a consolidated version of the Immigration Rules, which can be found under the 'Laws & Policy' page at: www.ind.homeoffice.gov.uk, where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

5. Territorial Extent and Application

5.1 This Statement applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the Statement is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The Science and Engineering Graduates Scheme (SEGS) was launched in 2004 with the aim of encouraging non-EEA national physical sciences, mathematics, and engineering graduates of UK further or higher education establishments to pursue a career in the UK.
- 7.2 The scheme enabled those non-EEA students who successfully obtained a Bachelor's degree (with second class honours or above), Master's degree or PhD in an eligible subject to work without restriction in the UK for up to 12 months after completion of their studies.

- 7.3 In 2006 the scheme was expanded so that those who commenced a Master's degree or PhD after 1 May 2006 were eligible to apply regardless of the subject they studied.
- 7.4 For Bachelor's degrees, the Department for Education and Skills (DfES) drew up lists of eligible undergraduate courses, based on trends in numbers of UK students graduating. However, because these lists changed every year, it was not possible for UK universities to tell potential students if they would be eligible for leave under this category by the time they graduated. This meant that the maximum potential benefit of the scheme to attract international students to study in the UK was not being realised.
- 7.5 From 1 May 2007, we are therefore removing the DfES lists, and widening the eligibility criteria for the scheme. Bachelor's and Master's degrees and PhDs obtained after 1 May 2007 in any subject will be eligible, and all degree classes except fails will be accepted. Applicants with postgraduate certificates and diplomas from UK educational institutions which are recognised or listed bodies will also now be eligible.
- 7.6 We are making changes to the Fresh Talent: Working in Scotland Scheme to bring it into line with IGS in allowing applications from those with postgraduate certificates and diplomas who have lived in Scotland for an appropriate period of time whilst studying. Applicants must continue to intend to take employment in Scotland and will remain eligible to work for up to 24 months after completion of their studies.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this Statement as it has minimal impact on business, charities or voluntary bodies.
- 8.2 There is no identifiable impact on the public sector.
- 8.3 A Race Equality Impact Assessment has been prepared, and found that the change has no impact on Race Equality issues.

9. Contact

9.1 The Home Office's Immigration and Nationality Enquiry Bureau on telephone: 0870-6067766 or by e-mail:indpublicenquiries@ind.homeoffice.gsi.gov.uk can answer any queries regarding the instrument.