

STATEMENT OF CHANGES IN IMMIGRATION RULES

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

*Ordered by the House of Commons to be printed
1 April 2014*

(This document is accompanied by an Explanatory Memorandum)



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Queries should be directed to the Home Office's immigration enquiry bureau on 0870 606 7766, or as per the Contact page on the visas and immigration pages of the gov.UK website at <https://www.gov.uk/visas-immigration>

Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.

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

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¹STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by her as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC329), 30 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014 (HC 1130) and 13 March 2014 (HC 1138).

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

Implementation

All the changes set out in this statement take effect from 5 April 2014.

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

1. In the Implementation section of the Statement of Changes in Immigration Rules HC 1138, below the heading “Implementation” insert a new first sentence “(1) The change set out in paragraph 67 of this statement takes effect on the day on which section 1 of the Immigration Act 2014 comes into force.”.
2. In the Implementation section of the Statement of Changes in Immigration Rules HC1138, delete the sentence “The change set out in paragraph 92 of this statement shall come into force from 5 May 2014.” and substitute “(2) The change set out in paragraph 84 of this statement comes into force on 5 May 2014.”.
3. In the Implementation section of the Statement of Changes in Immigration Rules HC1138, number the paragraph beginning “The changes set out in paragraphs 170 to 172” “(3)”.
4. In the Implementation section of the Statement of Changes in Immigration Rules HC1138, number the paragraph beginning “The other changes set out in this statement” “(4)”.
5. In the Implementation section of the Statement of Changes in Immigration Rules HC1138, in sub-paragraph (4)(b), delete the existing wording and substitute “The changes in paragraphs 1, 25 to 26, 28, 30, 54, 55, 59 to 62, 95 to 98, 131 to 132, 137, 161 to 164, 169, 198 to 223, 232 to 234, and 242 to 246 apply to all applications decided on or after 6 April 2014.”.

6. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 20 before “in Appendix S” add “set out”.
7. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 39, in the inserted text after “6 April 2011” insert “or as a Qualifying Work Permit Holder”.
8. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 53 delete “245ZZE(4)” and substitute “245ZZE(ii)(4)” and delete “settled.” and substitute “settled”.
9. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 60 delete the full stop after “have”.
10. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 61 delete the full stop after “; and”.
11. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 68 in the inserted text before “he was granted” add “if”.
12. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 69 delete “paragraphs 77 to 82” and substitute “paragraphs 70 to 75”.
13. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 70 delete the full stop after “leave”.
14. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 84 delete “sub Paragraph” and substitute “sub-paragraph”.
15. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 119, after “(b) and (c) below,” insert “and”.
16. In the Changes section of the Statement of Changes in Immigration Rules HC1138, delete paragraph 134.
17. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 135 for “paragraph 2(j)(a)” substitute “paragraph 2(ja)”.
18. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 138 for “(j)(a)” substitute “(ja)”.
19. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 139 at the beginning of the sentence delete “After” and substitute “In Appendix Armed Forces, after”.
20. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 142 for “Eemployee” substitute “Employee”.
21. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 154 at the beginning of the sentence delete “In” and substitute “In Appendix Armed Forces, in”.
22. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 164 delete the comma before “(as the case may be)”.

23. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 227 add a closing quotation mark at the end.
24. In the Changes section of the Statement of Changes in Immigration Rules HC1138, in paragraph 238 for “subsection” substitute “sub-paragraph” and for “for” in both places it appears substitute “of”.

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**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 1 APRIL 2014 (HC 1201)**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the Instrument**
 - 2.1 The purpose of these changes is to make corrections to the Statement of Changes in Immigration Rules HC 1138 laid on 13 March 2014, and in particular to:
 - correct the dates when particular changes come into force;
 - correct paragraph numbers;
 - correct cross-referencing;
 - clarify to which Appendices of the Immigration Rules certain changes apply;
 - correct minor drafting and punctuation errors.
3. **Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**
 - 3.1 As this Statement of Changes amends the Statement of Changes in Immigration Rules HC 1138, laid on 13 March 2014 and due to come into force from 6 April 2014, it is not possible to give the usual 21 days notice of these changes.
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 <https://www.gov.uk/government/organisations/uk-visas-and-immigration> 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 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

What is being done and why

- 7.1 The Statement of Changes in Immigration Rules laid on 13 March 2014 (HC 1138) made changes to the Rules on curtailment and stated that these changes will come into

force from 6 April 2014. It was always intended that the change set out in paragraph 67 of the Statement of Changes will come into force on the day section 1 of the Immigration Act 2014 comes into force.

- 7.2 Due to a typographical error, the Statement of Changes in Immigration Rules laid on 13 March 2014 (HC 1138) stated that an amendment to Appendix A will come into force on 5 May 2014. This amendment will come into force on 6 April 2014. The change that is intended to come into force on 5 May 2014 is to the visa requirements for Venezuela in Appendix 1.
- 7.3 The Statement of Changes in Immigration Rules laid on 13 March 2014 (HC 1138) correctly allowed Tier 2 (Intra-Company Transfer) Migrants to extend their leave beyond five years if they entered the route under the Rules in place before 6 April 2011. Due to a drafting oversight, however, the similar provision for intra-company transferees who entered under the previous work permit arrangements was inadvertently removed. This provision is being reinstated.
- 7.4 The Statement of Changes in Immigration Rules laid on 13 March 2014 (HC 1138) did not include that a change to Appendix C will come into force for applications decided on or after 6 April 2014. This was the intention.
- 7.5 Changes to Appendix Armed Forces were not labelled clearly enough in the Statement of Changes in Immigration Rules laid on 13 March 2014 (HC 1138). To avoid confusion, these are corrected.
- 7.6 Paragraph 134 of the Statement of Changes in Immigration Rules laid on 13 March 2014 (HC 1138) was included in error and has therefore been deleted.
- 7.7 Other changes correct erroneous numbering within the Statement of Changes in Immigration Rules laid on 13 March 2014 (HC 1138) or the Immigration Rules, or are minor drafting or punctuation corrections.

8. Consultation

- 8.1 The changes in this Statement have not been subject to consultation as this would be disproportionate to the nature of the changes.

9. Guidance

- 9.1. When the changes are approved the guidance will be updated and placed on the Home Office pages of the GOV.UK website. The amended guidance will also be placed on the regional Foreign & Commonwealth Office pages of the GOV.UK websites if appropriate.

10. Impact

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

11. Regulating small business

- 11.1 The changes are not expected to have any negative impact on small businesses.

12. Monitoring and review

- 12.1 The review clauses at the beginning of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added by the changes in this Statement and lay a report before Parliament within five years of 6 April 2012 and within every five years after that. Following each review the Secretary of State will decide whether the relevant Immigration Rules should remain as they are, be revoked or be amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

13. Contact

- 13.1. Queries should be directed to the Home Office's immigration enquiry bureau on 0870 606 7766, or as per the Contact page on the visas and immigration pages of the GOV.UK website at <https://www.gov.uk/visas-immigration>.
- 13.2. Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.
- 13.3. A copy of this Statement of Changes can be found on the visas and immigration pages of the GOV.UK website at www.gov.uk/government/collections/immigration-rules-statement-of-changes.