

# STATEMENT OF CHANGES IN IMMIGRATION RULES

*Laid before Parliament on 19 March 2007 under section 3(2) of  
the Immigration Act 1971*

---

*Ordered by The House of Commons to be printed  
19 March 2007*

---

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

## 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) and 11 December 2006 (HC 130).

These changes shall take effect on 2 April 2007

1. After paragraph 33A, insert:

### **“Knowledge of language and life in the United Kingdom**

33B. A person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for the purpose of an application for indefinite leave to remain under these rules if—

(a) he has attended a course which used teaching materials derived from the document entitled “Citizenship Materials for ESOL Learners” (ISBN 1-84478-5424) and he has thereby attained a relevant accredited qualification; or

(b) he has passed the test known as the “Life in the UK Test” administered by an educational institution or other person approved for this purpose by the Secretary of State; or

(c) in the case of a person who is the spouse or civil partner or unmarried or same sex partner of:

i) a permanent member of HM Diplomatic Service; or

ii) a comparable UK-based staff member of the British Council on a tour of duty abroad; or

iii) a staff member of the Department for International Development who is a British citizen or is settled in the UK,

a person designated by the Secretary of State certifies in writing that he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for this purpose.

33C. In these rules, a “relevant accredited qualification” is—

(a) an ESOL “Skills for Life” qualification in speaking and listening at Entry Level approved by the Qualifications and Curriculum Authority; or

(b) two ESOL units at Access Level under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.

33D. If in the special circumstances of any particular case the Secretary of State thinks fit, he may waive the need to fulfil the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom if he considers that, because of the applicant’s physical or mental condition, it would be unreasonable to expect him to fulfil that requirement.

33E. Where an applicant applies for indefinite leave to remain under these rules, and:

(i) is required by these rules to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, and

(ii) meets all the other requirements for indefinite leave to remain for the category he has applied under with the exception of the requirement in (i) above, and

(iii) has not made any false representations or failed to disclose any material fact in his application,

his application will automatically fall to be considered under the rules for an extension of stay in the same category in which he applied for indefinite leave to remain. This provision does not apply to applications for indefinite leave to remain made under paragraphs 222 to 223A of these rules.

33F. Where an application is considered under the rules for an extension of stay in accordance with paragraph 33E above, and the Secretary of State is satisfied that the applicant qualifies for a grant of limited leave, leave should be granted for the duration and subject to the conditions normally imposed on an extension of stay in the category under which the application is being considered.”

2. In paragraphs 134 (iii); 142 (iii); 150 (iii); 158 (iii); 159G(iii); 167 (iii); and 184 (iii) after “employer” delete “.” and insert:

“; and

“(iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

3. In paragraph 135G (iii) after “both” delete “.” and insert:

“; and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

4. In paragraph 176 (iii) after “belongs” delete “.” and insert:

“; and

“(iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

5. In paragraph 192 (ii) after “capacity” delete “.” and insert:

“; and

(iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

6. For paragraphs 194 to 196, substitute the following:

**“Spouses or civil partners of persons who have or have had leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K)**

**Requirements for leave to enter as the spouse or civil partner of a person with limited limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

194. The requirements to be met by a person seeking leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that:

- (i) the applicant is married to or a civil partner of a person with limited leave to enter in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K); and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant’s stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse; and
- (vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

**Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

195. A person seeking leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K) provided the Immigration Officer is satisfied that each of the requirements of paragraph 194 is met.

**Refusal of leave to enter as the spouse or civil partners of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

196. Leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 194 is met.

**Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

196A. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that the applicant:

- (i) is married to or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K); or
- (ii) is married to or civil partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or a civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 194(ii) – (v); and
- (v) was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

196B. An extension of stay in the United Kingdom as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K) may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement, or the spouse or civil partner of a person who has indefinite leave to remain, may be granted for a period not exceeding 2 years,

in both instances, provided the Secretary of State is satisfied that each of the requirements of paragraph 196A is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

196C. An extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 196A is met.

**Requirements for indefinite leave to remain for the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

196D. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that the applicant:

- (i) is married to or civil partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or a civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 194(ii) – (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

196E. Indefinite leave to remain in the United Kingdom for the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 196D is met.

**Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)**

196F. Indefinite leave to remain in the United Kingdom for the spouse or civil partner of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 194D is met.”

7. In paragraph 209(iii) after “management accounts for the 5th year” delete “.” and insert:  
“; and  
(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
8. In paragraphs 210G(ii) and 238(ii) after “5 year period” delete “.” and insert:  
“; and  
(iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
9. In paragraph 222(vi) after “management accounts for the 5th year” delete “.” and insert:  
“; and  
(vii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
10. In paragraph 230 (ii) after “continues to do so” delete “.” and insert:  
“; and  
(iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
11. For paragraphs 240 to 242 substitute the following:

**“Spouses or civil partners of persons who have or have had limited leave to enter or remain under paragraphs 200-239**

**Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain under paragraphs 200-239**

240. The requirements to be met by a person seeking leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239 are that:

- (i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant’s stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse or civil partner; and
- (vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

**Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239**

241. A person seeking limited leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239 may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 200-239 provided the Immigration Officer is satisfied that each of the requirements of paragraph 240 is met.

**Refusal of leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239**

242. Leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 240 is met.

**Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242A. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 are that the applicant:

- (i) is married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239; or

- (ii) is married to or civil partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain in the United Kingdom under paragraphs 200-239 immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 240(ii) – (v); and
- (v) was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242B. An extension of stay in the United Kingdom as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 200-239 may be granted for a period not in excess of that granted to the person with limited to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years,  
in both instances, provided the Secretary of State is satisfied that each of the requirements of paragraph 242A is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242C. An extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 is to be refused if the the Secretary of State is not satisfied that each of the requirements of paragraph 242A is met.

**Requirements for indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242D. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200 – 239 are that the applicant:

- (i) is married to or civil partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain under paragraphs 200 – 239 immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 240 (ii) to (v);
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless the applicant is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242E. Indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 200 – 239 may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 242D is met.

**Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242F. Indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 200 – 239 is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 242D is met.”



12. In paragraph 248D(vi) after “age” delete “.” and insert:

“; and

(vi) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

13. For paragraphs 271 to 273 substitute the following:

**“Spouses or civil partners of persons who have or have had leave to enter or remain in the United Kingdom as retired persons of independent means**

**Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means**

271. The requirements to be met by a person seeking leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means are that:

- (i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partners during the applicant’s stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse or civil partner; and
- (vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

**Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means**

272. A person seeking leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means, provided the Immigration Officer is satisfied that each of the requirements of paragraph 271 is met.

**Refusal of leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means**

273. Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 271 is met.

**Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means**

273A. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means are that the applicant:

- (i) is married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means; or
- (ii) is married to or the civil partner of a person who has limited leave to enter or remain in the United Kingdom as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or the civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 271 (ii) – (v); and
- (v) was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means**

273B. An extension of stay in the United Kingdom as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain as a retired person of independent means may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or

- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years,
- in both instances, provided the Secretary of State is satisfied that each of the requirements of paragraph 273A is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means**

273C. An extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 273A is met.

**Requirements for indefinite leave to remain for the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means**

273D. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means are that the applicant:

- (i) is married to or the civil partner of a person who has limited leave to enter or remain in the United Kingdom as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or the civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 271 (ii) – (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means**

273E. Indefinite leave to remain in the United Kingdom for the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 273D is met.

**Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means**

273F. Indefinite leave to remain in the United Kingdom for the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 273D is met.”

14. After paragraph 276A, insert:

**“Requirements for an extension of stay on the ground of long residence in the United Kingdom**

276A1. The requirement to be met by a person seeking an extension of stay on the ground of long residence in the United Kingdom is that the applicant meets all the requirements in paragraph 276B of these rules, except the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom contained in paragraph 276B (iii).

**Extension of stay on the ground of long residence in the United Kingdom**

276A2. An extension of stay on the ground of long residence in the United Kingdom may be granted for a period not exceeding 2 years provided that the Secretary of State is satisfied that the requirement in paragraph 276A1 is met.

**Conditions to be attached to extension of stay on the ground of long residence in the United Kingdom**

276A3. Where an extension of stay is granted under paragraph 276A2:

- (i) if the applicant has spent less than 14 years in the UK, the grant of leave should be subject to the same conditions attached to his last period of lawful leave, or
- (ii) if the applicant has spent 14 years or more in the UK, the grant of leave should not contain any restriction on employment.

**Refusal of extension of stay on the ground of long residence in the United Kingdom**

276A4. An extension of stay on the ground of long residence in the United Kingdom is to be refused if the Secretary of State is not satisfied that the requirement in paragraph 276A1 is met.”

15. In paragraph 276B(ii)(g), after “any representations received on the person’s behalf” delete “.” and insert: “;and



- (iii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
16. Delete paragraph 281(i)(b), and replace with:
- “(b)(i) the applicant is married to or the civil partner of a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is on the same occasion seeking admission to the United Kingdom for the purposes of settlement and the parties were married or formed a civil partnership at least 4 years ago, since which time they have been living together outside the United Kingdom; and
- (b)(ii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and”
17. For paragraph 282, substitute:
- “A person seeking leave to enter the United Kingdom as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement may:
- (a) in the case of a person within paragraph 281(i)(a), be admitted for an initial period not exceeding 2 years, or
- (b) in the case of a person who meets both of the requirements in paragraph 281(i)(b), be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph 281(i)(b)(i), but not the requirement in paragraph 281(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom, be admitted for an initial period not exceeding 2 years,
- in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 281 is met.”
18. In paragraph 283, delete “if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” and replace with:
- “if the Immigration Officer is not satisfied that each of the requirements of paragraph 281 is met.”
19. After paragraph 287(a)(i)(b), delete “and” and insert:
- “or
- (c) was admitted to the United Kingdom in accordance with leave granted under paragraph 282(c) of these rules; and”
20. In paragraph 287(a), after “(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds”, delete “.” and insert,
- “;and
- (vi) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
21. Delete paragraph 295A(i)(b), and replace with:
- “(b)(i) the applicant is the unmarried or same-sex partner of a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is on the same occasion seeking admission to the United Kingdom for the purposes of settlement and the parties have been living together outside the United Kingdom in a relationship akin to marriage which has subsisted for 4 years or more; and
- (b)(ii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and”
22. For paragraph 295B, substitute:
- “A person seeking leave to enter the United Kingdom as the unmarried or same-sex partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement may:
- (a) in the case of a person within paragraph 295A(i)(a), be admitted for an initial period not exceeding 2 years, or
- (b) in the case of a person who meets both of the requirements in paragraph 295A(i)(b), be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph 295A(i)(b)(i), but not the requirement in paragraph 295A(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom, be admitted for an initial period not exceeding 2 years,

in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 295A is met.”

23. In paragraph 295C, delete “if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” and replace with:

“if the Immigration Officer is not satisfied that each of the requirements of paragraph 295A is met.”

24. In paragraph 295G(i), after “person present and settled here;” delete “and” and insert:

“or

(i)(a) was admitted to the United Kingdom in accordance with leave granted under paragraph 295B(c) of these rules; and”

25. In paragraph 295G, after “(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public fund”, delete “.” and insert

“;and

(vi) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

Published by TSO (The Stationery Office) and available from:

**Online**

[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**Mail, Telephone, Fax & E-mail**

TSO

PO Box 29, Norwich NR3 1GN

General enquiries: 0870 600 5522

Order through the Parliamentary Hotline *Lo-call* 0845 7 023474

Fax orders: 0870 600 5533

Email: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)

Textphone: 0870 240 3701

**TSO Shops**

123 Kingsway, London WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

**The Parliamentary Bookshop**

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders: 020 7219 3890

General enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: [bookshop@parliament.uk](mailto:bookshop@parliament.uk)

Internet: <http://www.bookshop.parliament.uk>

**TSO@Blackwell and other Accredited Agents**

ISBN 978-0-10-294470-9



9 780102 944709

**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
LAID ON 19 MARCH 2007 (HC 398)**

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Description**

- 2.1 This Statement of Changes in Immigration Rules contains a policy change to require those subject to immigration control and in a category that leads to settlement to demonstrate sufficient knowledge of the English language and sufficient knowledge of life in the United Kingdom before settlement can be granted. There are exemptions on various grounds, most notably on the grounds of age and infirmity. Foreign or Commonwealth citizens and Ghurkhas who are eligible for settlement on discharge from the Armed forces are not required to take the test.

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

- 3.1 We wish these changes to the Immigration Rules to come into force on the 2nd April in order to coincide with other changes to be announced at that time. The 21 day rule has been breached due to a combination of factors: the delay in approving revisions to and publication of the official “Knowledge of Life in the UK Handbook” which is the recommended preparation for these tests, and the need to enhance security at the test centres to prevent impersonation and other possible fraudulent applications. The Department regrets this breach of the 21 day rule.

**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 19 March. All the changes will take effect on 2 April.
- 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](http://www.ind.homeoffice.gov.uk), where there are also copies of all the Statement of Changes in Immigration Rules issued since May 2003.

**5. Extent**

- 5.1 This Statement of Changes in Immigration Rules applies to all of the United Kingdom.

**6. European Convention on Human Rights**

- 6.1 Not applicable.

**7. Policy background**

- 7.1 A summary of the policy changes contained in this Statement of Changes in Immigration Rules follows:

## Settlement

- In its February 2005 paper 'Controlling Our Borders: the Five Year Strategy for Asylum and Immigration', the Government set out its intention to require those coming to the UK to pass English language and knowledge of the UK tests before they are granted permanent settlement rights. These requirements are related to the factors that are most closely linked to migrants succeeding in the UK and becoming economically active, and are intended to encourage greater social integration. The Government formally announced on 4 December 2006 that this change to the immigration rules would be introduced in April 2007.
- In making these changes the Government wishes there to be a clearer distinction between the decision to come to the UK for a limited period of time and the decision made by an individual to make the UK their permanent home. It wishes those who make their permanent home here to see this as a separate decision involving rights and responsibilities that are close to those of full citizenship. The tests it has chosen are those that, in order to pass them, require the applicant to demonstrate skills that are important for social and economic participation. The degree to which these skills are exercised will vary from person to person but the possession of these skills leads to greater levels of participation and to better long term outcomes for individuals in terms of employment and wider social access.
- These rules changes ensure that no-one will be refused leave to remain in the UK simply because they have not passed the tests. The provisions allow for them to be granted further leave to remain providing they continue to qualify under the immigration rules as they have done to this point. As soon as they have taken and passed the test they may, if they meet the other requirements for settlement, be granted settlement. Applying to live permanently in the UK thus becomes linked to the exercise of a particular choice to do so and a willingness to embrace the language and the main precepts of its civic organisation. There will be no possibility, therefore, of splitting families or requiring individuals to leave the UK solely because this test has not been taken and passed. Although it is possible for one family member to pass the test and another to fail it they can choose to remain and settle at different times or, as most frequently happens when the test is applied at the nationality stage, wait until they are able to qualify together.
- There are some exceptions which the government feels are justified. Victims of domestic violence are granted settlement so as not to leave them with the choice of no avenue to settlement other than remaining in an abusive and possibly violent relationship. In addition, access to local authority funded support, such as refuges, is only available if they are free of immigration conditions. There is recognition that bereaved spouses who entered as dependants may be left in an uncertain position if they have not already taken the test and they are allowed to progress to settlement without taking it. As with naturalisation applications there is an exemption for minors, those who are 65 or older, and on grounds of infirmity at the discretion of the Secretary of State. Because the immigration rules require parents and grandparents to be over the age of 65 to qualify as dependants of family members in the UK they are exempt and so is the group known as other dependant relatives in the immigration rules since they are normally required to be alone and incapable of caring for themselves in order to qualify for entry.
- Foreign and commonwealth citizens and Ghurkhas serving in the Armed Forces who are eligible for settlement on discharge are not going to be required to take the test, nor their spouses or partners.
- There is also provision for spouses and partners of those in Crown Service overseas, who may not have opportunities to come to the UK to take the test in between a series of postings, to have a designated person certify that they have sufficient knowledge of the English language and of life in the UK.

- The Committee's attention is drawn to the General Provisions paragraphs which set out the specific form of the test. For those applicants who are not fully conversant with the English language, the means of qualifying is by following to completion and qualification a course that combines language tuition with citizenship materials. For those with a reasonable knowledge of the English language the 'Knowledge of Life in the UK' test has been prepared which combines the test with familiarity and ability at a much more developed level.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this Statement of Changes in Immigration Rules as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

- 9.1 Queries should be addressed to the Home Office's Immigration and Nationality Directorate Enquiry Bureau on telephone: 0870-6067766 or by e-mail: [indpublicenquiries@ind.homeoffice.gsi.gov.uk](mailto:indpublicenquiries@ind.homeoffice.gsi.gov.uk)



Printed in the United Kingdom by The Stationery Office Limited  
on behalf of the Controller of Her Majesty's Stationery Office  
5540597 03/07 19585 363646

Printed on Paper containing 75% post consumer waste and 25% ECF pulp.