



# Statement of changes in Immigration Rules

*Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty  
August 2004*

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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) and 29 April 2004 (HC 523).

Paragraph 8 of these changes takes effect on 9th August 2004 and the remaining paragraphs take effect on 23rd August 2004.

1. Paragraph 170 is amended as follows:

(a) in paragraph (i)(a), after the words “has either been working for at least one year as a minister of religion”, insert “in any of the 5 years immediately prior to the date on which the application is made”; and

(b) after paragraph (iv), insert:

“(iva) if seeking entry as a minister of religion, can produce an International English Language Testing System certificate issued to him to certify that he has achieved level 4 competence in spoken English and that is dated not more than two years prior to the date on which the application is made”.

2. For the heading above paragraph 173, substitute:

**“Requirements for an extension of stay as a minister of religion where entry to the United Kingdom was granted in that capacity”**

3. In paragraph 173, after the words “The requirements for an extension of stay as a minister of religion”, insert “where entry to the United Kingdom was granted in that capacity”.

4. In paragraph 173, for sub-paragraph (iv), substitute:

“(iv)(a) if he entered the United Kingdom as a minister of religion in accordance with sub-paragraph (i) prior to 23rd August 2004 or as a missionary or member of a religious order, meets the requirements of paragraph 170 (ii) – (iv);

(b) if he entered the United Kingdom as a minister of religion in accordance with sub-paragraph (i) after 23rd August 2004, or was granted leave to remain in accordance with paragraph 174B after that date, meets the requirements of paragraph 170 (ii)-(iva); or”

5. After paragraph 174, insert:

**“Requirements for an extension of stay as a minister of religion where entry to the United Kingdom was not granted in that capacity”**

174A The requirements for an extension of stay as a minister of religion for an applicant who did not enter the United Kingdom in that capacity are that he:

(i) entered the United Kingdom, or was given an extension of stay, in accordance with these Rules, except as a minister of religion or as a visitor under paragraphs 40-56 of these Rules, and has spent a continuous period of at least 12 months here pursuant to that leave immediately prior to the application being made; and

(ii) has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made (provided that, when doing so, he was not in breach of a condition of any subsisting leave to enter or remain) or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry; and

(iii) is imminently to be appointed, or has been appointed, to a position as a minister of religion in the United Kingdom and is suitable for such a position, as certified by the leadership of his prospective congregation; and

(iv) meets the requirements of paragraph 170(ii)-(iva).

**Extension of stay as a minister of religion where leave to enter was not granted in that capacity**

174B An extension of stay as a minister of religion may be granted for a period not exceeding 12 months provided the Secretary of State is satisfied that each of the requirements of paragraph 174A is met.”

6. In paragraph 175, after “173”, insert “or 174A”.

7. In paragraph 176, after 173, insert “or 174A”.

8. In paragraph 217, for sub-paragraph (i), substitute:

“(i) he entered the United Kingdom with a valid United Kingdom entry clearance as a person intending to establish himself in business under the provisions of an EC Association Agreement; and

(ia) he has established himself in business in the United Kingdom; and”.



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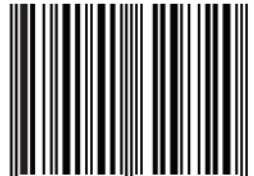
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