

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
11 December 2018*

(This document is accompanied by an Explanatory Memorandum)

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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 them 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), 29 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), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 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

¹ This Statement of Changes can be viewed at

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(HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), 15 March 2018 (HC 895), 15 June 2018 (HC 1154), 20 July 2018 (Cm 9675) and 11 October 2018 (HC 1534).

Implementation

The changes to Appendix G take effect on 1 January 2019. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 1 January 2019, the application will be decided in accordance with the Immigration Rules in force on 31 December 2018.

The following sections shall take effect on 1 August 2019:

- Introduction - paragraphs Intro6, Intro8
- Part 3 - paragraphs 3.1, 3.2
- Part 6A - paragraphs 6A.2, 6A.3, 6A.4, 6A.6, 6A.16 to 6A.27, 6A.29 to 6A.43
- Part 8 - paragraphs 8.2, 8.3
- Part 15 - paragraph 15.1
- Appendix A - paragraphs A1 to A8, A13, A14, A20 to A27

The other changes set out in this statement shall take effect on 10 January 2019. However, in relation to those changes, if an application has been made for entry clearance or leave to enter or remain before 10 January 2019, the application will be decided in accordance with the Immigration Rules in force on 9 January 2019.

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 2017; 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:

- (a) imposes requirements, restrictions or conditions, or sets standards, in relation to any activity carried on by a business or voluntary or community body; or
- (b) relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions or standards which relate to any activity carried on by a business or voluntary or community body.

Changes to the Introduction

Intro1. In paragraph 6, in the definitions for “**Designated Competent Body**”, “**Tier 1 (Exceptional Talent) Unique Reference Number**” and “**Government Authorised Exchange Scheme**”, in each instance it occurs, for “the UK Border Agency” substitute “the Home Office”.

Intro2. In paragraph 6, in the definition of “degree level study”, for “revised National”, substitute “Regulated”.

Intro3. In paragraph 6, in the definition of “degree level study”, for “levels”, substitute “level”.

Intro4. In paragraph 6, in the definition of “post-graduate level study”, for “revised National”, substitute “Regulated”.

Intro5. In paragraph 6, in the definition of “post-graduate level study”, delete “or Qualifications and Credit Framework”.

Intro6. In paragraph 6, in the definition of a “foundation degree”, for “higher education institution”, substitute “higher education provider”.

Intro7. In paragraph 6, in the definition of a “foundation degree”, for “revised National”, substitute “Regulated”.

Intro8. In paragraph 6, after the definition of “Independent School”, insert:

“A “**higher education provider**” is a Tier 4 sponsor which:

- a) in England, is an institution that is required to register with the Office for Students, because it is an “English Higher Education Provider”, as defined in the Office for Students Regulations and section 83 of the Higher Education and Research Act 2017;
- b) in Northern Ireland, is a higher education institution as set out in the Education and Libraries (Northern Ireland) Order 1993, or a body that provides higher education, and is recognised under the Further Education (Northern Ireland) Order 1997, with “in developmental” or “established provider” status;
- c) in Scotland, is an institution that provides higher education within the meaning of section 38 of the Further and Higher Education (Scotland) Act 1992 and which is a post-16 education body within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005;
- d) in Wales, is an institution that offers higher education provision and is a “regulated institution”, as defined in the Higher Education (Wales) Act 2015. For the purpose of the 2015 Act, higher education is defined as education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

A “**track record of compliance**” means a four-year track record of immigration compliance and Educational Oversight, established by a Tier 4 sponsor in accordance with the requirements set out in the Tier 4 guidance for sponsors which is published on the visa and immigration pages of the GOV.UK website.”.

Intro9. In paragraph 6, for:

“A “**Professional Sportsperson**”, is someone, whether paid or unpaid, who:

is providing services as a sportsperson, playing or coaching in any capacity, at a professional or semi-professional level of sport; or

being a person who currently derives, who has in the past derived or who the Secretary of State has reason to believe is seeking in the future to derive, a living from playing or coaching, is providing services as a sportsperson or coach at any level of sport, unless they are doing so as an “Amateur” in a charity game.

In the definitions of “Amateur” and “Professional Sportsperson”, “derive a living”, “paid” or similar references include payments made in kind.”.

substitute:

“A “**Professional Sportsperson**”, is someone, whether paid or unpaid, who:

1. is currently providing services as a sportsperson, playing or coaching in any capacity, at a professional or semi-professional level of sport;
2. is currently receiving payment, including payment in kind, for playing or coaching that is covering all, or the majority of, their costs for travelling to, and living in the UK, or who has done so within the previous four years;
3. is currently registered to a professional or semi-professional sports team, or who has been so registered within the previous four years. This includes all academy and development team age groups;
4. has represented their nation or national team within the previous two years, including all youth and development age groups from under 17's upwards;
5. has represented their represented their state or regional team within the previous two years, including all youth and development age groups from under 17's upwards;
6. has an established international reputation in their chosen field of sport;
7. engages an agent or representative, with the aim of finding opportunities as a sportsperson, and/or developing a current or future career as a sportsperson, or has engaged such an agent in the last 12 months; and/or
8. is providing services as a sportsperson or coach at any level of sport, unless they are doing so as an "Amateur" in a charity event."

Intro10. At the end of paragraph 6C insert:

‘edible horticulture sector’ means those growing:

- a) **Protected Vegetables** – those grown in glasshouse systems
- b) **Field Vegetables** – those grown outdoors, including vegetables, herbs, leafy salads and potatoes
- c) **Soft Fruit** – those grown outdoors or under cover e.g. in glasshouses or polytunnel. Includes strawberries, raspberries, blackcurrants, blueberries and all ribes and rubus species.
- d) **Top Fruit** (Orchard Fruit) - trees that bear fruit e.g. apples, plums, cherries, apricots.
- e) **Vine and Bines** – both twining or climbing flexible stems of certain plants, e.g. hops is a bine, and grapes is a vine.
- f) **Mushrooms** – typically covers *Agaricus bisporus* species but can also include more exotic species. Typically grown indoors.

‘Seasonal work’ is employment which fluctuates or is restricted

according to the season or time of the year.”.

Changes to Part 3

- 3.1 In paragraph A57D(a)(ii), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider”.
- 3.2 In paragraph A57D(a)(iii), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider”.

Changes to Part 5

- 5.1 Delete paragraphs 192(vi) and 192-SD.

Changes to Part 6A

- 6A.1 For paragraph 245BC(a), substitute:

“(a) Entry clearance will be granted for a period of:

- (i) 1 year and 4 months,
- (ii) 2 years and 4 months,
- (iii) 3 years and 4 months,
- (iv) 4 years and 4 months, or
- (v) 5 years and 4 months,

as requested by the applicant.”

- 6A.2 In paragraph 245DD(e)(xxi)(1), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- 6A.3 In paragraph 245F(a)(i), for “Higher Education Institutions” substitute “higher education providers”.
- 6A.4 In paragraph 245FB(e)(i)(1), for “UK recognised body or a body in receipt of

public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.

6A.5 After 245GE(d)(iii), insert:

“(iv) study subject to the condition set out in Part 15 of these Rules, where the applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires.”.

6A.6 In paragraph 245HD(b)(ii)(1), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.

6A.7 In paragraph 245ZM(a) after “job shadowing”, insert “, and for meeting seasonal employment needs in the edible horticultural sector”.

6A.8 After paragraph 245ZO(e) insert:

“(ea) Where the applicant is in the Seasonal Worker subcategory, the applicant must be no less than 18 years of age at the time of application.”.

6A.9 After paragraph 245ZO(h) insert:

“(ha) Where the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored in the Seasonal Worker sub-category of the Tier 5 (Temporary Worker) Migrant route, the grant of leave to enter will not result in the applicant being granted leave to enter as a Seasonal Worker for a cumulative period exceeding 6 months in any 12 month period ending during the period of leave to enter requested.”.

6A.10 In paragraph 245ZO(i), for “The” substitute “Unless the applicant is sponsored in the Seasonal Worker sub-category of the Tier 5 (Temporary Worker), the”.

6A.11 After paragraph 245ZO(l) insert:

“(m) The applicant must not have had entry clearance or leave to

remain as a Tier 5 (Religious Worker) or a Tier 5 (Charity Worker) Migrant at any time during the 12 months immediately before the date of the application, unless paragraph (n) below applies.

(n) Paragraph (m) above does not apply to an applicant who was not in the UK with leave as a Tier 5 (Religious Worker) or a Tier 5 (Charity Worker) migrant at any time during the above 12-month period, and provides evidence to show this.”.

6A.12 After paragraph 245ZP(e) insert:

“(ea) Where paragraph 245ZN(b) does not apply and Where the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored in the Seasonal Worker sub-category of the Tier 5 (Temporary Worker) Migrant route, entry clearance will be granted for:

- (i) a period commencing 14 days before the beginning of the period of engagement and ending 14 days after the end of that period of engagement, or
- (ii) 6 months,
- (iii) whichever is the shorter.”.

6A.13 After paragraph 245ZP(f)(2) insert:

“(2a) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the Seasonal Worker subcategory of Tier 5 (Temporary Workers), the work authorised by the Sponsor and that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do,”.

6A.14 In paragraph 245ZP(f)(3), after “Professional”, insert “or in the seasonal worker sub-category,”.

6A.15 In paragraph 245ZQ(b)(i), after “Migrant”, insert “, other than in the Seasonal Worker sub-category”.

6A.16 In paragraph 245ZQ(b)(vi)(a), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.

- 6A.17 In paragraph 245ZV(da)(iii), for “an institution of higher education” substitute “a higher education provider”.
- 6A.18 In paragraph 245ZV(e)(i)(2), for “institution of further or higher education”, substitute “further education institution or higher education provider”.
- 6A.19 In paragraph 245ZV(ga)(i), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.20 In paragraph 245ZV(ga)(ii), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.21 In paragraph 245ZW(c)(iii)(1)(a), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.22 In paragraph 245ZW(c)(iii)(2), for “recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.23 In paragraph 245ZW(c)(iii)(4)(ii)(a), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.24 In paragraph 245ZW(c)(iii)(7), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.

- 6A.25 In paragraph 245ZW(c)(iii)(8)(a), for “Higher Education Institution”, substitute “higher education provider with a track record of compliance”.
- 6A.26 In paragraph 245ZW(c)(iii)(8)(b), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.27 In paragraph 245ZW(c)(iv)(2)(b)1., for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.28 In paragraph 245ZX(b)(i), delete “on a full-time course”.
- 6A.29 For paragraph 245ZX(b)(i)(1), substitute:
- “(1) a higher education provider with a track record of compliance; or”.
- 6A.30 In paragraph 245ZX(ea)(iii), for “an institution of higher education”, substitute “a higher education provider”.
- 6A.31 In paragraph 245ZX(f)(i)(2), for “institution of further or higher education”, substitute “further education institution or higher education provider”.
- 6A.32 In paragraph 245ZX(ha)(i), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.
- 6A.33 In paragraph 245ZX(ha)(ii), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record compliance”.
- 6A.34 In paragraph 245ZX(n)(iii), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education

Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance”.

- 6A.35 In paragraph 245ZY(c)(iii)(1)(a), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record of compliance; or”.
- 6A.36 In paragraph 245ZY(c)(iii)(2), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record compliance”.
- 6A.37 In paragraph 245ZY(c)(iii)(4)(ii)(a), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- 6A.38 In paragraph 245ZY(c)(iii)(7), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- 6A.39 In paragraph 245ZY(c)(iii)(8), for each of “Higher Education Institution” and “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students”, substitute “higher education provider with a track record compliance”.
- 6A.40 In paragraph 245ZY(c)(iii)(9), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.

- 6A.41 In paragraph 245ZY(iv)(2)(b)1., for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- 6A.42 In paragraph 245ZZB(c)(v)(2)(b), for “higher education institution” substitute “higher education provider”.
- 6A.43 In paragraph 245ZZD(c)(v)(2)(b), for “higher education institution” substitute “higher education provider”.

Changes to Part 8

- 8.1 For paragraph 319AA substitute:

“319AA. In paragraphs 319A to 319K and Appendix E, ‘Relevant Points Based System Migrant’ means a migrant granted leave as a Tier 1 Migrant, a Tier 2 Migrant, a Tier 4 (General) Student, or a Tier 5 (Temporary Worker) Migrant with leave in one of the following subcategories:

- a) Tier 5 (Temporary Worker) Creative and Sporting
- b) Tier 5 (Temporary Worker) Charity Worker
- c) Tier 5 (Temporary Worker) Government Authorised Exchange
- d) Tier 5 (Temporary Worker) International Agreement
- e) Tier 5 (Temporary Worker) Religious Worker.”.

- 8.2 In paragraph 319C(i)(ii)(2), for “UK recognised body or a body in receipt of funding as a higher education institution from either:
- (a) the Department for Employment and Learning in Northern Ireland;
 - (b) the Office for Students;
 - (c) the Higher Education Funding Council for Wales;
 - (d) the Scottish Funding Council; or
 - (e) any other provider registered with the Office for Students”,

substitute “higher education provider with a track record of compliance”.

- 8.3 In paragraph 319H(i)(ii)(2), for “UK recognised body or a body in receipt of funding as a higher education institution from either:
- (a) the Department for Employment and Learning in Northern Ireland;
 - (b) the Office for Students;
 - (c) the Higher Education Funding Council for Wales;
 - (d) the Scottish Funding Council; or
 - (e) any other provider registered with the Office for Students”,

substitute “higher education provider with a track record of compliance”.

Changes to Part 9

- 9.1. In paragraph 323AA(a), in the introductory sentence, delete the word “solely” and after the final “to”, insert “one or more of the following:”.
- 9.2. In paragraph 323AA(a), delete sub-paragraphs (i) to (vi) and substitute:
 - “(i) statutory maternity leave,
 - (ii) statutory paternity leave,
 - (iii) statutory parental leave,
 - (iv) statutory shared parental leave,
 - (v) statutory adoption leave,
 - (vi) sick leave,
 - (vii) assisting with a national or international humanitarian or environmental crisis overseas, providing their Sponsor agreed to the absence(s) for that purpose, or
 - (viii) taking part in strike action as part of a legally organised industrial action.”.
- 9.3. In paragraph 323AA(h), delete sub-paragraphs (i) to (iv) and substitute:
 - “(i) absence for any of the reasons specified in paragraph 323AA(a)(i)-(viii),”.
- 9.4. In paragraph 323AA(h), renumber sub-paragraphs (v) and (vi) as (ii) and (iii) respectively.

Changes to Part 15

- 15.1 In paragraph 417(i)(c), for “an institution of higher education” substitute “a higher education provider”.

Changes to Appendix A

- A1. In Table 10(a), for “UK Higher Education Institution” substitute “higher education provider”.

- A2. In paragraph 69(b)(i), for “Higher Education Institutions” substitute “higher education providers”.
- A3. In paragraph 69(c), for “Higher Education Institutions” substitute “higher education providers”.
- A4. In paragraph 69(c)(i), for “UK Higher Education Institutions” substitute “higher education providers”.
- A5. In paragraph 69(c)(ii), for “Higher Education Institutions” substitute “higher education providers”.
- A6. In paragraph 69(c)(iv)(1), for “Higher Education Institution” substitute “higher education provider”.
- A7. In paragraph 69(c)(iv)(2), for “Higher Education Institution” substitute “higher education provider”.
- A8. In paragraph 71(a), for “UK Higher Education Institution” substitute “higher education provider”.
- A9. In paragraph 78(e) after “including the Find a Job” delete Universal Jobmatch”.
- A10. In Table 11B, in both instances it occurs, after “Find a Job” delete Universal Jobmatch”.
- A11. In Table 11B, in each instance it occurs, for “Table 9”, substitute “Table 8”.
- A12. In Table 11C after ““Find a Job” delete Universal Jobmatch”.
- A13. In paragraph 78C(e), for “Higher Education Institution” substitute “higher education provider”.
- A14. In paragraph 78C(f)(i), for “Higher Education Institution” substitute “higher education provider”.
- A15. In paragraph 78C(g), for “paragraph 77B(d)”, substitute “paragraph 77D(b)(iii).
- A16. In Table 11CA after the last row insert,

“

The occupation is either 2231 Nurses or 2232 Midwives and meets the requirements of paragraph 77K for	At least the appropriate rate for a Band 3 and equivalent nurse or midwife, as stated in Table 9 of Appendix J until
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applicants undertaking the Observed Structured Clinical Examination (OSCE) to obtain Nursing and Midwifery Council registration.	registration with the Nursing and Midwifery Council Registration is either successfully completed, otherwise closed, or after 8 months of the stated employment date, whichever is earlier.
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”

A17. In paragraph 111(d)(i)(2), delete “preaching, pastoral work and”.

A18. After paragraph 111(d)(i)(2), insert

“(3) does not include work which falls under the role of a minister of religion, as set out in paragraph 169(i) of these Rules”.

A19. After paragraph 111(e) insert:

“(ea) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Seasonal Worker subcategory, if the entry confirms that the work the applicant is being sponsored to do:

- (i) is being sponsored by an organisation list in Appendix U,
- (ii) is employment in the edible horticulture sector,
- (iii) is seasonal work, and
- (iv) conforms with all relevant UK and EU legislation, such as the National Minimum Wage Act, the relevant Agricultural Wages Order rate where this applies, and the Working Time Directive.”.

A20. In paragraph 116(h), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.

A21. In paragraph 118(b)(i), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.

- A22. In paragraph 118(b)(ii), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- A23. In paragraph 120(b)(i), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- A24. In paragraph 120(e)iv, for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- A25. In paragraph 120(f)(ii)(a), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- A26. In paragraph 120A(b)iii.(1), for “UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students” substitute “higher education provider with a track record of compliance”.
- A27. In paragraph 126(b), for “higher education institution” substitute “higher education provider”.

Changes to Appendix C

- C1. For paragraph 1A(a), substitute:

“(a) The funds specified in the relevant part of Appendix C must be available to the applicant on the date of the application (as defined in Part 1 of these Rules), except where;

- (i) the applicant is a Tier 4 Migrant, and

- (ii) the funds are being provided as a financial loan, and
- (iii) the applicant provides evidence with the application that meets the requirements of paragraph 1B(d) of this Appendix;”.

C2. For paragraph 1A(c), substitute:

“(c) If the applicant is applying as a Tier 4 Migrant, they must provide specified documents that demonstrate the funds referred to in (a) above have been held for a consecutive 28-day period of time, unless the funds are evidenced by the specified documents in 1B(d) or where paragraph 13D (if the applicant is applying as a Tier 4 (General) Student) or paragraph 21C (if the applicant is applying as a Tier 4 (Child) Student) below applies;”.

C3. For paragraph 1A(ca), substitute:

“(ca) If the applicant is applying for entry clearance or leave to remain as a Tier 4 Migrant, they must provide specified documents which show or, where permitted by these Rules, the applicant must confirm, that the funds referred to in (a) above are:

- (i) available in the manner specified in paragraph 13 (if they are applying as a Tier 4 (General) Student) or paragraph 21 (if they are applying as a Tier 4 (Child) Student) below for their use in studying and living in the UK; and
- (ii) that the funds will remain available in the manner specified in paragraph 13 (if they are applying as a Tier 4 (General) Student) or paragraph 21 (if they are applying as a Tier 4 (Child) Student) below unless used to pay for course fees and living costs;”.

C4. In paragraph 1B(d)(6), for “him”, substitute “them”.

C5. In paragraph 11(a), for “him”, substitute “them”.

C6. In paragraph 12, in both places it occurs, for “area comprising the City of London and the Former Metropolitan Police District”, substitute “Greater London Area”.

C7. For paragraph 12AA, substitute ““Greater London Area” means the City of London and the 32 London boroughs.”.

C8. In paragraph 13B, for “he”, substitute “they”.

C9. In paragraph 13B(a), in all places it occurs, for “his” substitute “their”.

- C10. In paragraph 13B(b), in both places it occurs, for “his” substitute “their”.
- C11. In paragraph 13C, for “his” substitute “their”.
- C12. In paragraph 13D(b), for “his” substitute “their”.
- C13. In paragraph 16(a), for “him” substitute “them”.
- C14. In paragraph 19(b)(i), for “his” substitute “their”.
- C15. In paragraph 19(b)(ii), in both places it occurs, for “his”, substitute “their”.
- C16. In paragraph 19(c), for “he” substitute “they”.
- C17. In paragraph 19(d), for “he” substitute “they”.
- C18. In paragraph 19(d)(i), for “his” substitute “their”.
- C19. In paragraph 19A, in both places it occurs, for “area comprising the City of London and the former Metropolitan Policy District”, substitute “Greater London Area”.
- C20. In paragraph 21B, for “his” substitute “their”.
- C21. In paragraph 21C(b), for “his” substitute “their”.

Changes to Appendix FM

- FM1. In Appendix FM, for “domestic violence”, in each place it occurs, substitute “domestic abuse”.
- FM2. In Section E-DVILR: Eligibility for indefinite leave to remain as a victim of domestic violence, for E-DVILR.1.2 and E-DVILR.1.3, substitute:

“E-DVILR.1.2. The applicant’s first grant of limited leave under this Appendix must have been as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen, a person settled in the UK, or a person with refugee leave, under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix or as a partner of a refugee granted under paragraph 352A, and any subsequent grant of limited leave must have been:

 - (a) granted as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen, a person settled in the UK, or a person with refugee leave under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix;
 - or
 - (b) granted to enable access to public funds pending an application under DVILR and the preceding grant of leave was granted as a partner (other than

a fiancé(e) or proposed civil partner) of a British Citizen, a person settled in the UK, or a person with refugee leave under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix; or
(c) granted under paragraph D-DVILR.1.2.

E-DVILR.1.3. The applicant must provide evidence that during the last period of limited leave as a partner of a British Citizen, a person settled in the UK, or a person with refugee leave under paragraph D-ECP.1.1., D-LTRP.1.1 or D-LTRP.1.2 of this Appendix or during their only period of leave under 352A, the applicant's relationship with their partner broke down permanently as a result of domestic abuse.”.

Changes to Appendix G

- G1. After “Countries and territories taking part in the Tier 5 Youth Mobility Scheme and annual allocation of places for”, for “2018” substitute “2019”.
- G2. After “Australia”, for “34,000” and insert “31,000”.
- G3. After 4. (3), insert:
- “Annual quota arrangements
5. In order to ensure the continuity of the scheme, in the event that available places cannot be agreed for the purpose of annual renewal, either 1,000 or 50% of the previous year's places, or whichever is the greater, will automatically carry over into the next year.”.

Changes to Appendix J

- J1. At the end of Table 8 – Creative sector codes of practice, insert:

“Models in the fashion industry

Appropriate salary rate

Payments should be commensurate with industry standards and comply with the National Minimum Wage rate to which they are entitled by the law in force at the relevant time.

Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market

1 Top models

These are people who are recognised not just as models but may, also, be personalities in their own right. They are high earners and, for the most part, will come to the UK with pre-booked work. A sponsor must be able

to supply evidence that the model has international status, e.g publications, publicity materials, press engagements, relevant social media presence.

2 Commercial models

These are those models who have sufficient a level of experience that they are already established, if not in the UK, certainly in their own or other markets. They may already be known to UK clients or will certainly have been pre-marketed, however, photographs alone are not sufficient, except for models flying in for a particular job. Sponsors issuing a CoS must be able provide the following evidence:

- i. Evidence of previous engagements or of commercial status in the UK, and/or
- ii. Evidence of working in markets other than the UK

3 The model is required for continuity

The model has worked for the same client, within the past two years, prior to coming to the UK. The sponsor must be able to provide evidence, e.g confirmation of past and intended bookings.

4 New faces

Will have experience but may be entirely new to the UK market, or on a second or third visit. The New Face Model will have shown considerable promise and, being the 'latest' face, are likely be much sought after, particularly by photographers and print or digital media alike. Models must meet 65% of the eligibility criteria for the Modelling Industry, as endorsed by the British Fashion Council. Sponsors must be able to provide evidence of which criteria are met.

Required endorsement for those falling outside the above criteria

A British Fashion Council approved panel will be put in place to endorse specific models with real potential that are unable to fulfil the required four criteria, which is most likely to occur within the New Faces category. Applications will still be required to be scored against the criteria and the supporting documents submitted to the Panel to enable them to make a decision.

Sponsors must be able to demonstrate panel approval when issuing a CoS.”.

J2. In Table 9, after “for each of the devolved administrations]”, insert:

“All RQF 6 jobs must be paid at Band 5 or above except where noted in table 11CA, in Appendix A.”.

Changes to Appendix L

- L1. In paragraph 1A, for “UK research based fellowship” substitute “UK based research fellowship”.
- L2. In paragraph 1(a), for “Research Councils UK”, substitute “UK Research and Innovation and its Councils”.
- L3. For paragraph 5(c), substitute:
- “(c) be established (if applying under the Exceptional Talent criteria) as, or demonstrate potential (if applying under the Exceptional Promise criteria) to become, an internationally recognised expert in their field within the fashion industry (via a leading design role within a fashion business), as assessed by the British Fashion Council.”.
- L4. After paragraph 5(c), insert:
- “(d) be established (if applying under the Exceptional Talent criteria) as, or demonstrate potential (if applying under the Exceptional Promise criteria) to become an internationally recognised expert within the field of architecture (encompassing design, technical and leadership skills relevant to the operation of leading architectural practices), as assessed by the Royal Institute of British Architecture.”.
- L5. In Paragraph 7, for the table substitute:

“

Exceptional Talent within the fields of arts and culture	Exceptional Promise within the fields of arts and culture
<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) significant international media recognition for the applicant’s work in the field of arts and culture, online or in print such as features, articles and/or reviews from high profile national publications or broadcasting companies in at least two countries, one of which can be the applicant’s country of residence. Event listings or advertisements are not acceptable. Media recognition must provide critique of the applicant’s work.</p> <p>2) Proof of having, within the last five years from the year of applications:</p>	<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) UK or international media recognition for the applicant’s work in the field of arts and culture, online or in print such as features, articles and/or reviews from national publications or broadcasting companies in one or more countries, one of which can be the applicant’s country of residence. Event listings or advertisements are not acceptable. Media recognition must provide critique of the applicant’s work.</p> <p>2) Proof of having, within the last</p>

<ul style="list-style-type: none"> • won; or • made a significant and direct contribution to winning; <p>at least one international award for excellence. For example, the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award.</p> <p>Awards must be awards of merit, rather than monetary awards such as grants and bursaries.</p> <p>3) Proof of appearances, performances, publications or exhibitions in the last five years in contexts which are recognised as internationally significant in the applicant’s field or evidence of extensive international distribution and audiences for the applicant’s work.</p> <p>Proof must come from at least two countries, one of which can be the applicant’s country of residence.</p>	<p>five years from the year of application:</p> <ul style="list-style-type: none"> • won; or • been nominated/shortlisted for; or • made a significant and direct contribution to winning or having been nominated/shortlisted for; <p>at least one international or national award for excellence. For example, the Booker Prize, a Grammy Award; or domestic awards in another country, for example a Tony Award.</p> <p>Awards must be awards of merit, rather than monetary awards such as grants and bursaries.</p> <p>3) Proof of appearances, performances, publications or exhibitions in the last five years in contexts which are internationally recognised in the applicant’s field or evidence of international distribution and audiences for the applicant’s work.</p> <p>Proof must come from one or more countries, one of which can be the applicant’s country of residence.</p>
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”

- L6. In paragraph 8, for “the following Notable Industry Recognition Awards:”, substitute “awards in the Notable Industry Recognition list published by PACT.”.
- L7. Delete the table at the end of paragraph 8.
- L8. In Paragraph 8B, for “through operation of leading designer fashion businesses” substitute “and they are involved, or have been involved, in a leading design role within a fashion business.”.
- L9. In Paragraph 8C, for the table substitute:

“

Exceptional Talent within the field of fashion	Exceptional Promise within the field of fashion
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<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) evidence of significant international media recognition for the applicant's work in the industry: online or in print such as features, articles and/or reviews from national publications or broadcasting companies, in at least one country other than the applicant's country of residence. Event listings or advertisements are not acceptable;</p> <p>2) Proof of having, within the last five years from the year of application:</p> <ul style="list-style-type: none"> • won; or • been nominated/shortlisted for; or • made a significant and direct contribution to winning or being nominated for; <p>international awards for excellence. For example, The Fashion Awards, Council of Fashion Designers of America (CFDA) Fashion Awards, Elle Style Award, GQ Award, LVMH Prize, ANDAM Prize, Hyères Prize or another relevant major award or nomination.</p> <p>Awards must be awards of merit, rather than monetary awards such as grants and bursaries.</p> <p>3) Proof of catwalk shows, presentations and/or exhibitions in the past five years in contexts which are recognised as internationally significant in the applicant's field, or evidence of extensive international distribution and sales of the applicant's collections.</p> <p>4) Proof of international distribution and sales (within the last five years) through internationally renowned retailers and boutiques, or through applicant's own</p>	<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) evidence of UK or international media recognition for the applicant's work in the industry: online, in print such as features, articles and/or reviews from national publications or broadcasting companies, or on social media of the applicant's collections. These must be from independent sources, and social media articles must be from prominent bloggers or key opinion leaders. Event listings or advertisements are not acceptable;</p> <p>2) Proof of having received, within the last five years from the year of application:</p> <ul style="list-style-type: none"> • support and sponsorship through the British Fashion Council's support schemes; or, • support and sponsorship through the Fashion East support scheme; or • support and sponsorship through the Sarabande Foundation; or • supported by Centre for Fashion Enterprise; or <p>similar support from an international counterpart to the British Fashion Council.</p> <p>3) Evidence of one or more orders placed by UK or international luxury retailers and boutiques.</p> <p>4) Evidence of recognition by leading industry players (within the last five years) – for example internationally renowned fashion designers, fashion media, retailers, brands, Graduate Fashion Week - of an exceptional graduating collection;</p>
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physical retail outlets or their ecommerce platform.	
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”

L10. After paragraph 8D insert:

“Architecture applicants – assessment by the Royal Institute of British Architects

8E. If the applicant’s field is within architecture, they must:

- (a) be professionally engaged in producing work of outstanding quality which has been published, presented or exhibited internationally;
- (b) show recent (within the last 5 years) and regular activity of being engaged professionally as a practitioner in their field; and
- (c) show a substantial track record in more than one country (if applying under Exceptional Talent criteria) or a developing track record in one or more countries (if applying under Exceptional Promise criteria).

8F. The applicant must provide the evidence specified in the table below to demonstrate that their work is of exceptional quality and has national or international recognition.

The Royal Institute of British Architects will conduct independent assessment as to whether the evidence provided appropriately and adequately supports the applicant’s claim that they meet the relevant requirements.

This evidence must consist of no more than 10 documents in total, and must be submitted as paper-based documents in hard copy with the application.

Evidence cannot include other objects, Digital Versatile Discs (DVDs) or Compact Discs (CDs), digital files or documents that only show web links. (If an applicant wishes to use the content of a webpage as one of their 10 permitted supporting documents, they must provide a printed copy of the page which clearly shows the Uniform Resource Locator (URL) for the page.)

A document in this context is defined as a single piece of evidence (article, review, letter, etc). If more than the permitted ten pieces of evidence are submitted, only the first ten documents listed will be considered and the additional evidence will be disregarded.

Exceptional Talent within the field of architecture	Exceptional Promise within the field of architecture
<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) evidence of significant international media recognition for the applicant's work in the field of architecture: online or in print such as features, articles and/or reviews from national publications or broadcasting companies or international architectural periodicals or journals, in at least one country other than the applicant's country of residence. Event listings or advertisements are not acceptable;</p> <p>2) Proof of having, within the last five years from the year of application;</p> <ul style="list-style-type: none"> • won; or • made a significant and direct contribution to winning; <p>at least one international award for excellence in architecture. For example, Aga Khan Award for Architecture, RIBA International Prize, Pritzker Prize, Venice Biennale of Architecture Award, World Architecture Festival Award or another relevant major award.</p> <p>Awards must be awards of merit, rather than monetary awards such as grants and bursaries.</p> <p>3) Proof of having work published or exhibited in the last five years from the year of application, in contexts which are recognised as internationally significant in the field of architecture, for example monographs published by recognised international publishing houses, exhibitions at international exhibitions/festivals such as the Venice Biennale of Architecture and World</p>	<p>The applicant must provide two or more of the following:</p> <p>1) Two or more examples of recent (in the last five years) evidence of UK or international media recognition for the applicant's work in the field of architecture: online or in print such as features, articles and/or reviews from national/international publications or broadcasting companies, in at least one country which can be the applicant's country of residence. Event listings or advertisements are not acceptable;</p> <p>2) Proof of having, within the last five years from the year of application;</p> <ul style="list-style-type: none"> • won; or • been nominated/shortlisted for; or • made a significant and direct contribution to winning, being nominated or being shortlisted for; <p>at least one international or national award for excellence in architecture. For example; Aga Khan Award for Architecture, RIBA International Prize, Pritzker Prize, Venice Biennale of Architecture Award, World Architecture Festival Award, RIBA Silver or Bronze Medals (international student awards), AIA Young Architects Awards.</p> <p>Awards must be awards of merit, rather than monetary awards such as grants and bursaries.</p> <p>3) Proof of having work published or exhibited in the last three years in contexts which are recognised as internationally significant in the field of architecture, for example monographs published by recognised international publishing houses, exhibitions at international exhibitions/festivals such</p>

<p>Festival of Architecture, or in international galleries with curated architecture exhibitions, such as the RIBA Gallery, Canadian Centre for Architecture.</p> <p>Proof must come from at least one country other than the applicant's country of residence and must demonstrate a minimum of two publications or exhibitions of the applicant's work.</p>	<p>as the Venice Biennale of Architecture and World Festival of Architecture, or in international galleries with curated architecture exhibitions, such as the RIBA Gallery, Canadian Centre for Architecture.</p> <p>Proof must come from at least one country, which can be the applicant's country of residence and must demonstrate a minimum of two publications or exhibitions of the applicant's work.</p>
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8F. To demonstrate the applicant meets the requirements in paragraph 8E:

(a) if the applicant is providing evidence of having won or being nominated for an international award for excellence, this must include:

- (i) full details of the nomination or award, including category and year of nomination or award;
- (ii) evidence of the applicant's involvement if the nomination or award was as part of a practice or group;
- (iii) evidence of the credit the applicant received for the nomination or award.

(b) if the applicant is providing evidence of a significant or direct contribution to winning or being nominated for international awards for excellence, evidence is required from the named person or practice on the award(s) or nomination(s) which demonstrates that the applicant has significantly influenced or directly resulted in the award or nomination to the named person or practice.”.

L11. In paragraph 9(a)(ii), after “such”, insert “as”.

L12. At the end of paragraph 9(a)(ii), for “.” substitute “;”.

L13. After paragraph 9(a)(ii) insert:

“(iii) for architecture applicants, such as the President, Chair, Chief Executive, Chief Operating Officer, Managing Director, Senior Partner or Editor.”.

L14. In paragraph 9(e), for “Arts Council England, PACT or the British Fashion

Council if required”, substitute “Arts Council England, PACT, the British Fashion Council or the Royal Institute of British Architects if required”.

- L15. In the table after paragraph 9(f), for “**Letters of endorsement for arts and culture, or film and television applicants**” substitute “**Letters of endorsement for arts and culture, film and television, or architecture applicants**”.
- L16. In the table after paragraph 9(f), for “in paragraph 9 above, including:” substitute “in paragraph 9 above.”.
- L17. In the table after paragraph 9(f), for each instance it occurs, for “in its field” substitute “in the applicant’s specialist field”.
- L18. In the table after paragraph 9(f), for each instance it occurs, delete “arts and cultural”.
- L19. For paragraph 11(e), substitute:
- “(e) Evidence in relation to the relevant key and qualifying criteria listed above. This evidence must consist of no more than 10 documents in total, and must be submitted via the Tech Nation (Exceptional Talent) online form. Each document must be no more than 2 A4 sides in length. The evidence in (d) above is included in the maximum of 10 documents.”.
- L20. In paragraph 13(a), in each place it occurs, for “world leader”, substitute “leader”.

Changes to Appendix N

- N1. In Appendix N, row starting “Sponsored Researchers”, for

“

Sponsored Researchers	A scheme to enable higher education institutions to recruit sponsored researchers, or visiting academics giving lectures, acting as examiners or working on supernumerary research collaborations. Institutions do not need individual support from the Department for Business, Innovation and Skills to operate a	Higher education institutions	Research and training programme. Maximum 24 months	All UK
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	scheme.			
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”

substitute:

“

Sponsored Researchers	A scheme to enable higher education institutions to engage with sponsored researchers. Sponsored researchers include academics, researchers, scientists, research engineers or other skilled research technology specialists who will be hosted at the sponsoring higher education institution in a supernumerary role. The sponsored researcher may give lectures (which does not amount to a formal teaching post), act as an examiner, undertake skill development/knowledge transfer, undertake a period of work-based training/work experience/internship/placement or work on research collaborations. Institutions do not need individual support from the Department for Business, Energy and Industrial Strategy or the Department for Education to operate this scheme.	Higher education institutions	Research and training programme. Maximum 24 months	All UK
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”

N2. In Appendix N, row starting “UK Research and Innovation – Science, Research and Academia”, for

“

UK Research and Innovation – Science, Research and Academia	<p>A scheme to enable UK Research and Innovation (UKRI) to engage with sponsored researchers within its own organisation as well as endorsing select Independent Research Organisations to hold a Tier 5 Licence. Sponsored researchers include academics, researchers, scientists, research engineers or other skilled research technology specialists who will be hosted through an approved research institute, in a supernumerary role. The sponsored researcher may give lectures (which does not amount to a formal teaching post), act as an examiner, undertake skill development/knowledge transfer, undertake a period of work-based training/work experience/internship/placement or work on research collaborations. UKRI provide endorsement for use of the scheme on behalf of the Department for Business, Energy and Industrial Strategy.</p>	<p>UK Research and Innovation (UKRI) and the following organisations endorsed by UKRI:</p> <ul style="list-style-type: none"> • Babraham Institute • John Innes Centre • The Pirbright Institute • The Francis Crick Institute • Diamond Light Source Ltd • Plymouth Marine Laboratory • Quadram Institute Bioscience • The Welding Institute • The Sainsbury's Laboratory, Norwich • Wellcome Trust Sanger Institute • National Institute of Agricultural Botany (NIAB) • Natural History Museum 	Research & Training Programmes Maximum 24 months	All UK
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”

substitute

“

UK Research and Innovation – Science, Research and Academia	<p>A scheme to enable UK Research and Innovation (UKRI) to engage with sponsored researchers within its own organisation as well as endorsing select Independent Research Organisations to hold a Tier 5 Licence. Sponsored researchers include academics, researchers, scientists, research engineers or other skilled research technology specialists who will be hosted through an approved research institute, in a supernumerary role. The sponsored researcher may give lectures (which does not amount to a formal teaching post), act as an examiner, undertake skill development/knowledge transfer, undertake a period of work-based training/work experience/internship/placement or work on research collaborations. UKRI provide endorsement for use of the scheme on behalf of the Department for Business, Energy and Industrial Strategy.</p>	<p>UK Research and Innovation (UKRI) and the following organisations endorsed by UKRI:</p> <ul style="list-style-type: none"> • Babraham Institute • John Innes Centre • The Pirbright Institute • The Francis Crick Institute • Diamond Light Source Ltd • Plymouth Marine Laboratory • Quadram Institute Bioscience • The Welding Institute • The Sainsbury’s Laboratory, Norwich • Wellcome Trust Sanger Institute • National Institute of Agricultural Botany (NIAB) • Natural 	Research & Training Programmes Maximum 24 months	All UK
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		<p>History Museum</p> <ul style="list-style-type: none"> • Scottish Association for Marine Science • Earlham Institute • Centre for Ecology and Hydrology • National Oceanography Centre • Rothamsted Research • The Alan Turing Institute • The British Museum • The British Library • Science Museum Group • The Faraday Institution • Victoria and Albert Museum • The National Archives • British Institute of International and Comparative Law • National Museums of Scotland • Institute for Fiscal Studies 		
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		<ul style="list-style-type: none"> • National Centre for Social Research 		
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”

Insertion of new Appendix U

U1. After Appendix T, insert:

“Immigration Rules Appendix U: Seasonal Worker Scheme

Approved Tier 5 seasonal worker scheme:

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Area of UK covered
Seasonal Workers Pilot	This is a pilot scheme, enabling non-EEA migrant workers to come to the UK to undertake seasonal employment in the edible horticulture sector.	<ul style="list-style-type: none"> • Concordia (UK) Ltd • Pro-Force Limited 	All UK

”

Changes to Appendix V

V1. In paragraph V8.7, after “total period they can remain” and before “the UK”, insert “in”.

V2. In Appendix 1 to Appendix V, for the definition of “state-funded school or academy”, substitute

“a) In England: An “**Academy**” as defined by and established under the Academies Act 2010, as amended. This includes academy schools, 16-19 academies and alternative provision academies

b) In England and Wales: A “**school maintained by a local authority**” being an institution defined in the School Standards and Framework Act 1998 or the Education Act 1996, both as amended. This includes community schools, foundation schools, voluntary aided schools, voluntary controlled schools, community special schools, foundation special schools, pupil referral units, and maintained nursery schools.

c) In Northern Ireland: A “**grant-aided school**” being a school to which grants are paid under the Education Orders as defined in the Education and Libraries (Northern Ireland) Order 1986. This includes controlled, maintained, grant-maintained integrated schools and voluntary grammar schools.

d) In Scotland: A “**public school**” and a “**grant-aided school**”, both as defined in section 135 of the Education (Scotland) Act 1980 which defines a “public school” to mean “a school under the management of an education authority”. For the avoidance of doubt, these definitions include any such nursery schools and special schools. “**Special school**” has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004.”.

- V3. In Appendix 1 to Appendix V, for the definition of “Independent School”, substitute

“a) a school in England or Wales at which full time education is provided for (i) five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) or for (ii) at least one pupil of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) for whom an education, health and care (EHC) plan or a statement of special educational needs is maintained, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989), and in either case is not a school maintained by a local authority, or a non- maintained special school; but

b) is not an academy;

c) a school in Scotland at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), which is not a public school or a grant-aided school; or

d) a school in Northern Ireland that has been registered with the Department of Education and is not grant-aided.”.

- V4. In Appendix 2 to Appendix V, after paragraph 3, in the explanatory title after “Emirates”, for “passport holders”, substitute “nationals or citizens”.
- V5. In Appendix 2 to Appendix V, in paragraph 4 after “Subject to”, delete “paragraph” and insert “paragraphs 1 (c) and”.
- V6. In Appendix 2 to Appendix V, in paragraph 5 after “passport holders” and before “of Kuwait”, insert “who are nationals or citizens”.

- V7. In Appendix 2 to Appendix V, in paragraph 16 after “unless 18” add “applies.”.

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