

# STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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## **<sup>1</sup>STATEMENT 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

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

(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), 11 October 2018 (HC 1534), 11 December 2018 (HC 1779), 20 December 2018 (HC 1849), 7 March 2019 (HC 1919) and 1 April 2019 (HC 2099).

## **Implementation**

The following sections shall take effect on 1 October 2019. In relation to those changes, if an application for entry clearance, leave to enter or leave to remain has been made before 1 October 2019, such applications will be decided in accordance with the Immigration Rules in force on 30 September 2019.

- Part 6A – Paragraphs 6A.1, 6A.2, 6A.11, 6A.13, 6A.21, 6A.22 and 6A.27
- Part 8 – Paragraph 8.1
- Appendix A – Paragraphs A1 to A14, A27, A30, A33 to A35, A37 and A38
- Appendix Armed Forces – Paragraph AF1
- Appendix B – Paragraphs B1 to B4
- Appendix FM-SE – Paragraphs FMSE1 and FMSE2
- Appendix J – Paragraphs J1 to J5, J7
- Appendix KOLL – Paragraphs KOLL1 to KOLL7
- Appendix L – Paragraphs L1 to L11
- Appendix O – Paragraph O1
- Appendix W – Paragraphs W1 to W10

The following sections shall take effect on 6 October 2019. However, if an applicant has made an application for entry clearance or leave to remain using a Certificate of Sponsorship that was assigned to them by their Sponsor before 6 October 2019, the application will be decided in accordance with the Immigration Rules in force on 5 October 2019.

- Appendix A – Paragraphs A25, A26, A28, A29, A32 and A34
- Appendix J – Paragraphs J6 and J8 to J12
- Appendix K – Paragraphs K1 to K5

The following sections shall take effect on 1 January 2020. In relation to those changes, if an application for entry clearance, leave to enter or leave to remain has been made before 1 January 2020, such applications will be decided in accordance with the Immigration Rules in force on 31 December 2019.

- Appendix G – Paragraph 1 and Paragraph 2

The following section shall take effect on 1 October 2019. However, in relation to that section, where notice of an eligible decision under Appendix AR (EU) is received between 3 September 2019 and 30 September 2019, such applications will be decided in accordance with the Immigration Rules in force on 30 September 2019.

- Part 1 – Paragraph 34R(1A)

The other changes set out in this statement shall take effect on 1 October 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 5 for “2006 EEA Regulations” substitute “Immigration

(European Economic Area) Regulations 2016”.

Intro2. In paragraph 6 in the definition of “**present and settled**” or “**present and settled in the UK**” for paragraph (ii), substitute:

“(ii) a permanent member of HM Diplomatic Service, or a comparable UK-based staff member of the British Council, the Department for International Development or the Home Office on a tour of duty outside the UK, and the applicant has provided the evidence specified in paragraph 26A of Appendix FM-SE, then for the purposes of Appendix FM the person is to be regarded as present and settled in the UK, and in paragraphs R-LTRP.1.1.(a) and R-ILRP.1.1.(a) of Appendix FM the words “and their partner must be in the UK” are to be disregarded.

For the purposes of an application under Appendix FM, or as a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, child, parent or adult dependent relative under Part 8, an EEA national with a permanent right to reside in the UK under European law must hold either a valid residence permit issued under the Immigration (European Economic Area) Regulations 2000 which has been endorsed under the Immigration Rules to show permission to remain in the UK indefinitely, or a valid document certifying permanent residence issued under the Immigration (European Economic Area) Regulations 2016, 2006 or predecessor instruments in order to be regarded as present and settled in the UK. This does not, however, apply if the EEA national in question has been, or would be if they were to make a valid application in the case of an Irish citizen, granted indefinite leave to enter or remain under Appendix EU to these rules.

For the purposes of an application under Appendix FM, or as a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, child, parent or adult dependent relative under Part 8, a non-EEA national with a permanent right to reside in the UK under European law must hold either a valid residence document issued under the Immigration (European Economic Area) Regulations 2000 which has been endorsed under the Immigration Rules to show permission to remain in the UK indefinitely, or a valid permanent residence card issued under the Immigration (European Economic Area) Regulations 2016, 2006 or predecessor instruments in order to be regarded as present and settled in the UK. This does not, however, apply if the non-EEA national in question has been granted indefinite leave to enter or remain under Appendix EU to these rules.”.

Intro3. In paragraph 6, in the definition of a “**Professional Sportsperson**”, for ““Amateur” in a charity event”, substitute “Amateur in a charity event, or they are a Tier 4 (General) Student who is studying a course at degree level or above at a higher education provider and playing or coaching sport as an Amateur or as part of a work placement that is undertaken as an integral and assessed part of their course”.

## **Changes to Part 1**

1.1 For paragraph 34O, substitute:

“34O. An application for administrative review under Appendix AR or Appendix AR (EU) must be made online in accordance with paragraph 34U, unless the eligible decision relates to an application that was a valid paper application, in which case it can be made:

- (a) in accordance with paragraph 34U;
- (b) in relation to a leave to enter or remain application, in accordance with paragraph 34V; or
- (c) in relation to an entry clearance application, in accordance with paragraph 34VA.”.

1.2 In paragraph 34R, for sub-paragraph (1A), substitute:

“(1A) An application under Appendix AR (EU) must be made:

- (a) where the applicant is in the UK and not detained, no more than 28 calendar days after receipt by the applicant of the notice of the eligible decision;
- (b) where the applicant is in detention in the UK under the Immigration Acts, no more than 7 calendar days after receipt by the applicant of the notice of the eligible decision;
- (c) where the applicant is overseas, no more than 28 calendar days after receipt by the applicant of the notice of the eligible decision.”.

1.3 In paragraph 34V, for sub-paragraph (1), substitute:

“(1) Subject to paragraph 34O, an application may be made by post or courier in accordance with this paragraph.”.

1.4 In paragraph 34VA, for sub-paragraph (1), substitute:

“(1) Subject to paragraph 34O, an application may be made by post, courier, hand, fax or email in accordance with this paragraph.”.

## **Changes to Part 6A**

6A.1 At the end of paragraph 245AAA(a)(i)(2), for “.” substitute:

“; and  
(3) for any applicant who has or has had leave as a Tier 2 (General) migrant, where the Certificate of Sponsorship Checking Service entry shows that they were sponsored to work in any of the occupations in table 1 of Appendix J

when the absence occurred, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days, if the applicant provides evidence from their sponsor showing that:

- (a) research was the purpose of the absence(s); and
- (b) the sponsor, agreed to the absence(s) for that purpose; and
- (c) the absence(s) directly related to their Tier 2 employment in the UK.”.

6A.2 In paragraph 245D(a)(iii), after “establish”, delete “, join or take over”.

6A.3 In paragraph 245ED(c)(xvi)(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.4 For paragraph 245GF(e)(ii), substitute:

“(ii) certify in writing:

(1) that they still require the applicant for the employment in question, and

(2) subject to sub-paragraph (3), that the applicant is paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J,

(3) where the applicant is not paid at or above the appropriate rate in Appendix J solely because they are currently absent from work for a reason referred to in paragraph 323AA(a)(i) to (viii) in Part 9 of these Rules, or have returned from such an absence within the calendar month immediately preceding the date of application:

(aa) the date that the period of absence started and the date that it finished (or is expected to finish),

(bb) that the applicant was paid at or above the appropriate rate immediately before the absence started, and

(cc) if the applicant is yet to return from the absence, that they will be paid at or above the appropriate rate on their return to work.”.

6A.5 In paragraph 245GF-SD.C, for “maternity, paternity, shared parental or adoption leave”, substitute “absence for a reason referred to in paragraph



323AA(a)(i) to (viii) in Part 9 of these Rules”.

- 6A.6 In paragraph 245GF-SD.C(a)(i), for “leave” substitute “period of absence”.
- 6A.7 In paragraph 245GF-SD.C(a)(ii), for “period of the leave” substitute “period of absence”.
- 6A.8 In paragraph 245GF-SD.C(b)(i), for “leave” substitute “period of absence”.
- 6A.9 In paragraph 245GF-SD.C(b)(ii), for “period of the leave” substitute “period of absence”.
- 6A.10 In paragraph 245GF-SD.C(c), for “maternity, paternity, shared parental or adoption leave”, substitute “statutory maternity, paternity, parental, shared parental or adoption leave”.
- 6A.11 For paragraph 245HB(e), after “The applicant must have a minimum of 10 points under paragraphs 1 to 18 of Appendix B”,

Insert:

“, except where the applicant is applying for entry clearance and leave to remain as a doctor, dentist, nurse or midwife who is exempt by virtue of paragraph 1 (iv) of Appendix B”.

- 6A.12 For paragraph 245HF(c)(ii)(3) substitute:

“(3) if the applicant is currently absent from work for a reason referred to in paragraph 323AA(a)(i) to (viii) in Part 9 of these Rules, or has returned from such an absence within the calendar month immediately preceding the date of application:

(aa) the date that the period of absence started and the date that it finished (or is expected to finish),

(bb) the applicant’s salary immediately before the absence started, and

(cc) the applicant’s salary from the date of their return, or expected return, to work,

and”.

- 6A.13 For paragraph 245HF(i), after “in accordance with Appendix KoLL”,

Insert:

“, except where the applicant has been granted leave under Tier 2 (General) as

a doctor, dentist, nurse or midwife, has passed an English Language assessment which is accepted by the relevant regulated professional body as a requirement for registration, in which case they do not need to meet the requirement of paragraph 2.2 of Appendix KoLL when applying for Indefinite Leave to Remain”.

- 6A.14 In paragraph 245HH, in the introductory wording, for “245GF(d)”, substitute “245HG(d)”.
- 6A.15 In paragraph 245HH-C, for “maternity, paternity, shared parental or adoption leave”, substitute “absence for a reason referred to in paragraph 323AA(a)(i) to (viii) in Part 9 of these Rules”.
- 6A.16 paragraph 245HH-C(a)(i), for “leave” substitute “period of absence”.
- 6A.17 In paragraph 245HH-C(a)(ii), for “period of the leave” substitute “period of absence”.
- 6A.18 In paragraph 245HH-C(b)(i), for “leave” substitute “period of absence”.
- 6A.19 In paragraph 245HH-C(b)(ii), for “period of the leave” substitute “period of absence”.
- 6A.20 In paragraph 245ZW(c)(iii)(7), for “following successful completion of”, substitute “within three months of the date that the applicant’s sponsor expects them to complete, or following successful completion of, a”.
- 6A.21 In paragraph 245ZW(c)(iii)(8), for “as a Tier 1 (Graduate Entrepreneur) Migrant”, substitute “as a Start-up migrant”.
- 6A.22 Delete paragraph 245ZW(c)(iii)(8)(b).
- 6A.23 In paragraph 245ZW(c)(iv)(2)(b)5., before “the applicant will be able to complete the new course”, insert “if the course is at degree level,”.
- 6A.24 In paragraph 245ZX(ha)(ii), after “with a track record” insert “of”.
- 6A.25 In paragraph 245ZY(c)(iii)(2), after “with a track record” insert “of”.
- 6A.26 In paragraph 245ZY(c)(iii)(7), for “following successful completion of”, substitute “within three months of the date that the applicant’s sponsor expects them to complete, or following successful completion of,”.
- 6A.27 In paragraph 245ZY(c)(iii)(8), for:
- “as a Tier 1 (Graduate Entrepreneur) Migrant which is supported by an endorsement from a qualifying higher education provider with a track record

compliance and which is made following successful completion of a full-time course at degree level or above at a higher education provider with a track record compliance”,

substitute:

“as a Start-up migrant, which is supported by an endorsement from a qualifying higher education provider with a track record of compliance”.

6A.28 In paragraph 245ZY(c)(iv)(2)(b)5., before “the applicant will be able to complete the new course”, insert “if the course is at degree level,”.

## **Changes to Part 8**

8.1 After paragraph 319E(d)(ii)(d)(2) for “.” substitute:

“; and

(3) for any applicant who has or has had leave as the dependant partner of a Tier 2 (General) migrant, where the Tier 2 migrant’s Certificate of Sponsorship Checking Service entry shows that they were sponsored to work in any of the occupations in table 1 of Appendix J when the absence occurred, any absence of the applicant from the UK to accompany their partner while the partner carried out research activities overseas shall not count towards the 180 days, if the applicant provides evidence from their partner’s sponsor showing that:

- (a) research was the purpose of the partner’s absence(s); and
- (b) the partner’s sponsor agreed to the partner’s absence(s) for that purpose; and
- (c) the absence(s) were directly related to the Tier 2 employment in the UK.

(4) for any applicant who has leave as a PBS partner of a settled migrant who, at the point they applied for settlement, held leave as a Tier 2 (General) migrant, where the Certificate of Sponsorship Checking Service entry showed that they were sponsored to work in any of the occupations in table 1 of Appendix J, any absence from the UK to accompany the settled migrant for the purpose of their research activities overseas shall not count towards the 180 days, if the applicant provides evidence from their settled partner’s employer showing that:

- (a) the settled partner remained working in an occupation that would appear in table 1 of Appendix J during the period of absence(s);
- (b) research was the purpose of the partner’s absence(s); and
- (c) the settled partner’s employer agreed to the absence(s) for that purpose; and
- (d) the absence(s) directly related to the settled partner’s employment

in the UK.”.

## **Changes to Part 9**

9.1 For paragraph D320., substitute:

“D320. Part 9 does not apply to applications made under Appendix EU or under Appendix EU (Family Permit).”.

9.2 For paragraph E320., substitute:

“E320(1). Part 9 does not apply to leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit), except for paragraphs 321B, 323(i), 323(ia) and 323(ii), which apply to such leave, regardless of the application of paragraph 5 of these Rules.

(2) Part 9 does not apply to refusal of leave to enter where the person is seeking entry to the UK by virtue of having been granted an entry clearance under Appendix EU (Family Permit).

(3) Part 9 does not apply to leave to enter or remain that was granted by virtue of Appendix EU, except for paragraphs 321B, 323(i), 323(ia) and 323(ii), which apply to such leave, regardless of the application of paragraph 5 of these Rules.”.

9.3 For paragraph 321B., substitute:

“321B. A person’s leave to enter or remain which is in force on their arrival in or while they are outside the United Kingdom may be cancelled:

(a) If that person has leave to enter or remain in the United Kingdom granted by virtue of Appendix EU, or leave to enter the United Kingdom granted by virtue of having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit); and

(b)(i) The cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether those Regulations apply to that person (except that for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “EEA decision” read “a decision under paragraph 321B of the Immigration Rules”); or

(ii) The cancellation is justified on the ground that, the United

Kingdom having withdrawn from the European Union without a Withdrawal Agreement, cancellation is conducive to the public good, on the basis of the person's conduct committed after the date and time of withdrawal; or

(iii) The cancellation is justified on grounds that, in relation to the relevant application under Appendix EU or Appendix EU (Family Permit), and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under Appendix EU or (as the case may be) an entry clearance under Appendix EU (Family Permit); or

(iv) Their leave to enter or remain was granted under Appendix EU and they cease to meet the requirements of that Appendix.”.

9.4 In paragraph 323, for sub-paragraph (i), substitute:

“(i) on any of the grounds set out in paragraph 322(2)-(5A) above (except where this paragraph applies in respect of a person granted leave under Appendix Armed Forces, where “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2) and (3) above and paragraph 8(e) and (g) of Appendix Armed Forces”; and except where this paragraph applies in respect of a person granted leave to enter or remain under Appendix EU or granted leave to enter by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit), where “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2)-(2A)”; or”.

## **Changes to Part 11**

11.1 For Paragraph 345A, substitute:

“345A. Whilst the United Kingdom is a member of the European Union or otherwise remains subject to the Dublin Regulation, an asylum claim may be declared inadmissible and not substantively considered if the Secretary of State determines that one of the following conditions are met:

- (i) another Member State has granted refugee status;
- (ii) a country which is not a Member State is considered to be a first country of asylum for the applicant, according to the requirements of paragraph 345B;

- (iii) a country which is not a Member State is considered to be a safe third country for the applicant, according to the requirements of paragraphs 345C and 345D;
- (iv) the applicant is allowed to remain in the United Kingdom on some other grounds and as a result of this has been granted a status equivalent to the rights and benefits of refugee status;
- (v) the applicant is allowed to remain in the United Kingdom on some other grounds which protect them against refoulement pending the outcome of a procedure for determining their status in accordance with (iii) above.”.

11.2 After Paragraph 345A, insert:

“345AA. Where the United Kingdom has ceased to be a member of the European Union but paragraph 345A still applies, those provisions are to be construed as if the United Kingdom continued to be a Member State.

345AB. Where the Dublin Regulation no longer applies to the United Kingdom (save as provided by Part 3 of Schedule 2 to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019) paragraph 345AC applies instead of paragraph 345A.

345AC. An asylum claim may be declared inadmissible and not substantively considered if the Secretary of State determines that one of the following conditions are met:

- (i) another country is considered to be a first country of asylum for the applicant, according to the requirements of paragraph 345B;
- (ii) another country is considered to be a safe third country for the applicant, according to the requirements of paragraphs 345C and 345D;
- (iii) the applicant is allowed to remain in the United Kingdom on some other grounds and as a result of this has been granted a status equivalent to the rights and benefits of refugee status;
- (iv) the applicant is allowed to remain in the United Kingdom on some other grounds which protect them against refoulement pending the outcome of a procedure for determining their status in accordance with (ii) above.”.

11.3 For Paragraph 345B, substitute:

“345B. A country is a first country of asylum, for a particular applicant, if:

- (i) the applicant has been recognised in that country as a refugee and they can still avail themselves of that protection; or
- (ii) the applicant otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement; or
- (iii) the applicant could enjoy sufficient protection in that country, including benefiting from the principle of non-refoulement because:
  - (a) they have already made an application for protection to that country; or
  - (b) they could have made an application for protection to that country but did not do so and there were no exceptional circumstances preventing such an application being made, and
- (iv) the applicant will be readmitted to that country.”.

11.4 For Paragraph 345E, substitute:

**“Dublin Transfers**

345E. Whilst the UK remains subject to the Dublin Regulation, the Secretary of State shall decline to substantively consider an asylum claim if the applicant is transferable to another country in accordance with the Dublin Regulation.”.

11.5 For paragraph 352ZH (ii), substitute:

“(ii) where the person has made an application for refugee status or humanitarian protection, that application has been refused;”.

11.6 After paragraph 352ZH, insert new paragraph:

“352ZHA. For persons arriving in the United Kingdom after 1 October 2019, the grant of Section 67 leave will be made upon their arrival in the United Kingdom.”.

**Changes to Appendix A**

A1. In paragraph 41(a)(ix), for “row 5 of Table 4A”, substitute “row 4 of Table 4A”.

A2. In paragraph 41(a)(x), for “row 5 of Table 4AA”, substitute “row 4 of Table 4A”.

- A3. In paragraph 45(d)(ii), for “where the investment was made after 19 November 2015”, substitute “unless the investment was made on or before 19 November 2015”.
- A4. For paragraph 56, substitute:
- “56. (a) Available points for entry clearance or leave to remain are shown in Table 8A for an applicant who has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant in the 12 months immediately before the date of application, unless Table 8B applies.
- (b) Available points for entry clearance or leave to remain are shown in Table 8B where **all** of the following apply:
- (i) The applicant has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, in the 12 months immediately before the date of application.
- (ii) The applicant’s initial grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant was under the Rules in place before 6 November 2014.
- (iii) The date of application is before 6 April 2020.”.
- A5. For paragraph 57(a), substitute:
- “(a) Available points for applications for indefinite leave to remain are shown in Table 9A for an applicant who was last granted as a Tier 1 (Investor) Migrant, unless Table 9B applies.”.
- A6. For the title of Table 8A, substitute:
- “Table 8A: Applications for entry clearance or leave to remain referred to in paragraph 56(a)”.**
- A7. In Table 8A, for:
- “Where the applicant’s initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019 or the date of application is on or after 6 April 2023, no points will be awarded for investments in UK Government bonds.”
- substitute:
- “Where the applicant’s initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019, no points will be awarded for investments in UK government bonds.



Where the applicant’s initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place before 29 March 2019 and the date of application is on or after 6 April 2023, no points will be awarded for investments that were held in UK Government bonds on or after 6 April 2023.”.

A8. In Table 8A, at the end of paragraph (3), for “,” substitute “.”.

A9. In Table 8A, for:

“and in each case the level of investment has been at least maintained for the whole of the remaining period of that leave.”,

substitute:

“Where the applicant was awarded points as set out in Table 8B in their last grant as a Tier 1 (Investor) Migrant, at least £1 million of the above investment must have been made within the timescales in (1) to (3) above. The remaining balance of the £2 million investment must have been made before the date of application and be shown in the most recent portfolio report referred to in paragraph 65-SD(a) below.

In each case, the level of investment must have been at least maintained for the whole of the remaining period of that leave.”.

A10. For the title of Table 9A, substitute:

**“Table 9A: Applications for indefinite leave to remain referred to in paragraph 57(a)”.**

A11. In Table 9A, for:

“Where the applicant’s initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019 or the date of application is on or after 6 April 2025, no points will be awarded for investments in UK Government bonds.”,

substitute:

“Where the applicant’s initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019, no points will be awarded for investments in UK Government bonds.

Where the applicant’s initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place before 29 March 2019 and the date of application is on or after 6 April 2025, no points will be awarded for

investments that were held in UK Government bonds on or after 6 April 2025.”.

A12. For paragraph 62, substitute:

“62. A regulated financial institution is one which is regulated by the appropriate regulatory body for the country in which the financial institution operates.”.

A13. In paragraph 64A-SD, for “three months”, substitute “2 years” in each place it occurs.

A14. At the start of paragraph 65(g)(ii), before “the date of application is on or after”, insert “the investments were held in UK Government bonds on or after 6 April 2023 and”.

A15. For paragraph 74C(c)(ii): substitute:

“(ii) an aggregated period of at least 12 months within the 24-month period immediately before the date of application, where the applicant:

(1) has, at some point within the 12 months immediately preceding the date of application, been absent from work for a reason referred to in paragraph 323AA(a)(i) to (viii) in Part 9 of these Rules, or the equivalent type of absence under the laws of the country or territory in which the migrant was working for the linked overseas business referred to in paragraph 74C(b), and

(2) if requested to provide the specified documents set out in paragraph 74C-SD(a) below, also provides, at the same time, the relevant specified documents as set out in paragraph 74C-SD(c), (d) or (e) below, or”.

A16. In paragraph 74C(c)(iii), after the words “linked overseas business”, insert “referred to in paragraph 74C(b)”.

A17. In paragraph 74C-SD(a)(ii), after the word “Sponsor”, insert “, or the linked overseas business referred to in paragraph 74C(b)”.

A18. In paragraph 74C-SD(a)(iii)(5), after the word “Sponsor”, insert “, or the linked overseas business referred to in paragraph 74C(b)”.

A19. In paragraph 74C-SD(a)(iv)(4), after the word “Sponsor”, insert “, or the linked overseas business referred to in paragraph 74C(b)”.

A20. In paragraph 74C-SD(c) for:

“(c) The specified documents as evidence of periods of maternity, paternity, shared parental or adoption leave, as required in paragraph 74C(b), are:”

substitute:

“(c) The specified documents, as required by paragraph 74C(c)(ii)(2), as evidence of periods of statutory maternity leave, statutory paternity leave, statutory parental leave, statutory shared parental leave or statutory adoption leave, or the equivalent type of leave under the laws of the country or territory in which the applicant was working for the linked overseas business referred to in paragraph 74C(b), are:”

A21. In paragraph 74C-SD(c)(ii), for sub-paragraphs (1) and (2), substitute:

“(1) A letter from the applicant’s Sponsor, or the linked overseas business referred to in paragraph 74C(b), on company headed paper, confirming the start and end dates of the applicant’s leave,

“(2) One of the types of documents set out in (a) above, covering the entire period of leave, and, where relevant, showing any payments received by the migrant (including statutory payments) for the type of leave in question; and”

A22. In paragraph 74C-SD(d), for:

“(d) The specified documents as evidence of periods of long term sick leave, as required in paragraph 74C(b), are:”

substitute:

“(d) The specified documents, as required by paragraph 74C(c)(ii)(2), as evidence of periods of sickness are:”

A23. In paragraph 74C-SD(d)(i), after the words “A letter from the applicant’s Sponsor”, insert “, or the linked overseas business referred to in paragraph 74C(b)”

A24. After paragraph 74C-SD(d)(iii), insert a new sub-paragraph (e):

“(e) The specified documents, as required by paragraph 74C(c)(ii)(2), as evidence of periods of absence due to assisting with a national or international humanitarian or environmental crisis overseas or taking part in strike action as part of a legally organised industrial action, are either:

(i) A letter from the applicant’s Sponsor, or the linked overseas business referred to in paragraph 74C(b), on company headed paper, confirming the start and end date of each such period of absence and

the reason for it; or

(ii) If the applicant is unable to provide the document in (i), a full explanation of why the document cannot be provided, together with any other relevant documents, from an official source and which are independently verifiable, showing the duration of and reason for each such period of absence.”.

A25. At the end of paragraph 77D(b)(iv), for “.” substitute:

“, or

(v) the number supplied links to a Certificate of Sponsorship Checking Service entry which shows that the applicant is being sponsored to work in a PhD level occupation as listed in Table 1 of Appendix J.”.

A26. For paragraph 77E(a)(i), substitute:

“(i) the list of occupations shown in Table 2 or Table 2A of the codes of practice in Appendix J, or”.

A27. For paragraph 77I, substitute:

“77I. To support the assessment in paragraph 77H(b), if the applicant is not yet appropriately qualified or registered to do the job in question, they must provide evidence with their application showing that they can reasonably be expected to obtain the appropriate qualifications or registrations by the time he begins the job, for example, a letter from the relevant body providing written confirmation that the applicant has registered to sit the relevant examinations.”.

A28. For paragraph 78(e), substitute:

“(e) The Certificate of Sponsorship Checking Service entry contains full details of when and where the job was advertised, and any advertisement reference numbers, including the Find a Job (or other Jobcentre Plus online service), Jobcentre Online, or the GOV.UK Teaching Vacancies service job reference number where relevant.”.

A29. In the last row of Table 11B, for “Find a Job (or other Jobcentre Plus online service) for jobs based in England, Scotland or Wales, or Jobcentre Online for jobs based in Northern Ireland,” substitute “Find a Job (or other Jobcentre Plus online service) for jobs based in England, Scotland or Wales, or Jobcentre Online for jobs based in Northern Ireland, or the GOV.UK Teaching Vacancies service for jobs based in England,”.

A30. In the last row of Table 11C, after “· Jobcentre Online, for jobs based in Northern Ireland,” insert “· the GOV.UK Teaching Vacancies service for

teaching occupation jobs based in England,”.

A31. In paragraph 78C(f)(ii), for “on maternity leave, paternity leave, shared parental leave, adoption leave, or long-term sick leave”, substitute “absent for a reason referred to in paragraph 323AA(a)(i) to (viii) in Part 9 of these Rules”.

A32. In table 11D, delete the row which starts “PhD-level occupation code”.

A33. For paragraph 81A(a)(i), substitute:

“(i) the list of occupations shown in Table 2 or Table 2A of the codes of practice in Appendix J, or”.

A34. Delete paragraph 81C.

A35. Delete paragraph 81F.

A36. In paragraph 111(f)(i), for:

“which has been concluded between the EU and another party or parties and which is in force, and which has no commercial presence in the European Union; and”,

substitute:

“that has been concluded, is in force, and under which the United Kingdom has relevant binding commitments, and that has no commercial presence in the United Kingdom; and”.

A37. For paragraph 118 (b)(ii)(6), substitute:

“(6) the applicant provides the specified documents or unique reference number from a Secure English language Test provider approved by the Secretary of State. This must show that the test was undertaken at a Secure English Language Test centre, approved by the Secretary of State for these purposes, which allows their score to be verified using the provider’s online verification system. The specified document or online verification system must show that they have achieved or exceeded level B2 of the Council of Europe’s Common European Framework for Language learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant’s disability. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk; or”.

A38. For paragraph 118 (b)(iii)(5), substitute:

“(5) the applicant provides the specified documents or unique reference number from a Secure English language test provider approved by the Secretary of State. This must show that the test was undertaken at a Secure English Language Test centre, approved by the Secretary of State for these purposes, which allows their score to be verified using the provider’s online verification system. The specified document or online verification system must show that they have achieved or exceeded level B1 of the Council of Europe’s Common European Framework for Language learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant’s disability. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk.”.

A39. For paragraph 120A(a)ii, substitute:

“

- ii. the applicant is applying for leave to continue studying at their current Tier 4 Sponsor for the purpose of completing the PhD or other doctoral qualification for which study was undertaken during the last period of leave as a Tier 4 (General) Student or as a Student, or”.

### **Changes to Appendix AR (EU)**

AR(EU)1.1 Before paragraph AR(EU)1.1., insert:

“AR(EU)A1. An application for administrative review of an eligible decision made under Appendix EU may only be made in accordance with this Appendix. Appendix AR does not apply to such applications.”.

AR(EU)1.2 After paragraph AR(EU)1.1., insert:

“AR(EU)1.1A. An eligible decision under paragraph AR(EU)1.1. also includes a decision made under paragraph 321B of Part 9 of these Rules to cancel leave granted under Appendix EU on the grounds that the person ceases to meet the requirements of that Appendix for that leave.”.

### **Changes to Appendix Armed Forces**

AF1. For paragraph 68(b), substitute:

“(b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for these purposes and at an approved Secure English Language Test centre. Details of the approved tests and Secure English Language Test centres are published on

the UK Visas and Immigration pages of Gov.uk.;

Where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, the specified evidence submitted by the applicant must show that he achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of his disability;”.

### **Changes to Appendix B**

B1. In paragraph 1(ii), delete “or”.

B2. For paragraph 1(iii), substitute:

“(iii) as a Tier 2 (Intra-Company Transfer) Migrant, or”.

B3. After paragraph 1 (iii), insert:

“(iv) as a doctor, dentist, nurse or midwife under Tier 2 (general), who has passed an English Language assessment which is accepted by the relevant regulated professional body as a requirement for registration.”.

B4. For paragraph 10, substitute:

“10. Ten points will only be awarded for passing an English language test if the applicant has passed a Secure English Language Test, at a Secure English Language Test centre, which has been approved by the Secretary of State and has provided their unique reference number for the test, which allows their score to be verified using the provider’s online verification system. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk.

Where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, the specified evidence submitted by the applicant must show that they achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of their disability.”.

### **Changes to Appendix EU**

EU1.1 For Appendix EU, substitute:

**“Appendix EU: EU, other EEA and Swiss citizens and family members**

## Purpose

EU1. This Appendix sets out the basis on which an **EEA citizen** and their family members, and the family members of a **qualifying British citizen**, will, if they apply under it, be granted indefinite leave to enter or remain or limited leave to enter or remain.

## Requirements and procedure

EU2. The applicant will be granted indefinite leave to enter (where the application is made outside the UK) or indefinite leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12; and
- The applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

EU3. The applicant will be granted five years' limited leave to enter (where the application is made outside the UK) or five years' limited leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- The applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

EU4. Where a person has been granted limited leave to enter or remain under this Appendix:

- They must continue to meet the eligibility requirements for that leave which they met at the **date of application** (except for any which related to their dependency as a **child, dependent parent or dependent relative**) or meet other eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- They remain able to apply for indefinite leave to enter or remain under this Appendix and will be granted this where the requirements in paragraph EU2 are met.

EU5. Where a person has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix and that person also has a right to enter or reside under the **EEA Regulations**, the leave does not have



effect to the person's detriment in so far as the leave is incompatible with that right to enter or reside for as long as that person has that right.

EU6. A valid application made under this Appendix which does not meet the requirements for indefinite leave to enter or remain or limited leave to enter or remain will be refused.

EU7. Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

EU8. Annex 2 applies to the consideration by the Secretary of State of a valid application made under this Appendix.

**Valid application**

EU9. A valid application has been made under this Appendix where:

- (a) It has been made using the **required application process**;
- (b) The **required proof of identity and nationality** has been provided, where the application is made within the UK;
- (c) The **required proof of entitlement to apply from outside the UK** has been provided, where the application is made outside the UK; and
- (d) The **required biometrics** have been provided.

EU10. An application will be rejected as invalid where it does not meet the requirements in paragraph EU9.

**Eligibility for indefinite leave to enter or remain**

Persons eligible for indefinite leave to enter or remain as a relevant EEA citizen or their family member, or as a person with a derivative right to reside or with a Zambrano right to reside

EU11. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **relevant EEA citizen** or their family member (or as a **person with a derivative right to reside** or a **person with a Zambrano right to reside**) where the Secretary of State is satisfied, including (where applicable) by the **required evidence of family relationship**, that, at the date of application, one of conditions 1 to 7 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant:

	<p>(i) is a relevant EEA citizen; or</p> <p>(ii) is (or, as the case may be, was) a <b>family member of a relevant EEA citizen</b>; or</p> <p>(iii) is (or, as the case may be, was) a <b>family member who has retained the right of residence</b> by virtue of a relationship with a relevant EEA citizen; and</p> <p>(b) The applicant has a <b>documented right of permanent residence</b>; and</p> <p>(c) No <b>supervening event</b> has occurred</p>
2.	<p>(a) The applicant is:</p> <p>(i) a relevant EEA citizen; or</p> <p>(ii) a family member of a relevant EEA citizen; or</p> <p>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and</p> <p>(b) There is <b>valid evidence of their indefinite leave to enter or remain</b></p>
3.	<p>(a) The applicant:</p> <p>(i) is a relevant EEA citizen; or</p> <p>(ii) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen; or</p> <p>(iii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</p> <p>(iv) is a person with a derivative right to reside; or</p> <p>(v) is a person with a Zambrano right to reside; or</p> <p>(vi) is a <b>person who had a derivative or Zambrano right to reside</b>; and</p> <p>(b) The applicant has completed a <b>continuous qualifying period</b> of five years in any (or any combination) of those categories; and</p> <p>(c) Since then no supervening event has occurred</p>
4.	<p>(a) The applicant is a relevant EEA citizen who is a <b>person who has ceased activity</b>; and</p> <p>(b) Since they did so, no supervening event has occurred</p>
5.	<p>(a) The applicant is (or, as the case may be, was) a family member of a relevant EEA citizen who is a person who has ceased activity; and</p> <p>(b) The relevant EEA citizen:</p> <p>(i) meets the requirements of sub-paragraph (b) of the definition of relevant EEA citizen in Annex 1; or</p> <p>(ii) is a <b>relevant naturalised British citizen</b> (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); and</p> <p>(c) Sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(d) The applicant was resident in <b>the UK and Islands</b> for a continuous qualifying period immediately before the relevant EEA citizen became a person who has ceased activity; and</p> <p>(e) Since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred</p>
6.	<p>(a) The applicant is a family member of a relevant EEA citizen who has</p>

	<p>died and the relevant EEA citizen was resident in the UK as a <b>worker</b> or <b>self-employed person</b> at the time of their death; and</p> <p>(b) The relevant EEA citizen was resident in the UK and Islands for a continuous qualifying period of at least two years before dying, or the death was the result of an accident at work or an occupational disease; and</p> <p>(c) The applicant was resident in the UK with the relevant EEA citizen immediately before their death and since then no supervening event has occurred</p>
7.	<p>(a) The applicant is a child under the age of 21 years of a relevant EEA citizen, or of their <b>spouse</b> or <b>civil partner</b>, and either:</p> <p>(i) the marriage was contracted or the civil partnership was formed before the <b>specified date</b>; or</p> <p>(ii) the person who is now their spouse or civil partner was the <b>durable partner</b> of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</p> <p>(b) The relevant EEA citizen (or, as the case may be, their spouse or civil partner):</p> <p>(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in <b>the Islands</b>); or</p> <p>(ii) (in the case of an <b>Irish citizen</b> who has not made a valid application under this Appendix) would be granted that leave if they made such an application; or</p> <p>(iii) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1)</p>

Persons eligible for indefinite leave to enter or remain as a family member of a qualifying British citizen

EU12. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen, where the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant is (or, as the case may be, was):</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has a documented right of permanent residence; and</p> <p>(c) No supervening event has occurred</p>

2.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) There is valid evidence of their indefinite leave to enter or remain</p>
3.	<p>(a) The applicant is (or, as the case may be, for the relevant period was):</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has completed a continuous qualifying period in the UK of five years in either (or any combination) of those categories; and</p> <p>(c) The applicant was, for any period in which they were present in the UK as a family member of a qualifying British citizen relied upon under sub-paragraph (b), lawfully resident by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(d) Since completing the continuous qualifying period of five years, no supervening event has occurred</p>
4.	<p>(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen, and either:</p> <p>(i) the marriage was contracted or the civil partnership was formed before the <b>date and time of withdrawal</b>; or</p> <p>(ii) the person who is now their spouse or civil partner was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of durable partner in Annex 1 being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and</p> <p>(b) The applicant is in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(c) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under this Appendix</p>

EU13. The reference to the applicant completing a continuous qualifying period of five years:

- In condition 3 in the table in paragraph EU12 can include a period (or combination of periods) during which the applicant was a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside before becoming the family member of a qualifying British citizen (or thereafter a family member who has retained

the right of residence by virtue of a relationship with a qualifying British citizen); and

- In condition 3 in the table in paragraph EU11 can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EEA citizen, a family member of a relevant EEA citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen), a person with a derivative right to reside or a person with a Zambrano right to reside.

**Eligibility for limited leave to enter or remain**

EU14. The applicant meets the eligibility requirements for limited leave to enter or remain where the Secretary of State is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application, condition 1 or 2 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant is:</p> <ul style="list-style-type: none"> <li>(i) a relevant EEA citizen; or</li> <li>(ii) a family member of a relevant EEA citizen; or</li> <li>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</li> <li>(iv) a person with a derivative right to reside; or</li> <li>(v) a person with a Zambrano right to reside; or</li> <li>(vi) a person who had a derivative or Zambrano right to reside; and</li> </ul> <p>(b) The applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period of less than five years</p>
2.	<p>(a) The applicant is:</p> <ul style="list-style-type: none"> <li>(i) a family member of a qualifying British citizen; or</li> <li>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</li> </ul> <p>(b) The applicant was, for any period in which they were present in the UK as a family member of a qualifying British citizen relied upon under sub-paragraph (c), lawfully resident by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(c) The applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period in the UK of less than five years</p>

## **Suitability**

EU15. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or
- (b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(2) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to an **Islands deportation order**;  
or
- (b) The applicant is subject to an **Islands exclusion decision**.

EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Secretary of State is satisfied that it is proportionate to refuse the application where:

- (a) In relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or
- (b) The applicant is subject to a removal decision under the EEA Regulations on the grounds of their non-exercise or misuse of rights under Directive 2004/38/EC; or
- (c)(i) The applicant:
  - (aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or
  - (bb) Had indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules) which was cancelled under paragraph

321B(b)(i) or 321B(b)(ii) of these Rules; and

(ii) The refusal of the application is justified either:

(aa) On grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “EEA decision” read “a decision under paragraph EU16 of Appendix EU to the Immigration Rules”); or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

EU17. The references in paragraphs EU15 and EU16 to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

### **Annex 1 – Definitions**

<b>Term</b>	<b>Definition</b>
adopted child	a child adopted in accordance with a decision taken: (a) by the competent administrative authority or court in the UK or the Islands; or (b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or (c) in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption
child	(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or of a qualifying British citizen) or of their spouse or civil partner; or (b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen (or of a qualifying British citizen) or of their spouse or civil partner; and (ii) dependent on the relevant EEA citizen (or on the qualifying British citizen) or on their spouse or civil partner, unless the applicant was previously granted limited leave to enter or remain under this Appendix as a child on the basis that sub-paragraph (a) above applied (or under its equivalent in the Islands on that

basis)

‘dependent’ means here that:

- (a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or of the qualifying British citizen) or of their spouse or civil partner; and
- (b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or by the qualifying British citizen) or by their spouse or civil partner; and
- (c) there is no need to determine the reasons for that dependence or for the recourse to that support

in addition:

(a) ‘child’ includes:

- (i) an **adopted child** of; or
- (ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or
- (iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or
- (iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or
- (v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or
- (vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or
- (vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order,



	<p>appointing as their guardian a person who is; or</p> <p>(viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or</p> <p>(x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or</p> <p>(xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian, (as the case may be) a relevant EEA citizen (or a qualifying British citizen) or their spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) ‘direct descendant’ also includes a grandchild or great-grandchild, other than for the purpose of meeting condition 7 in the table in paragraph EU11 of this Appendix or condition 4 in the table in paragraph EU12; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table</p>
civil partner	(a) the person is, or (as the case may be) for the relevant period was, in a valid civil partnership (which exists or existed under or by virtue of the Civil Partnership Act 2004

	<p>or under any equivalent legislation in the Islands); or is, or (as the case may be) for the relevant period was, in a same sex relationship registered overseas which is, or was, entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen (or with a qualifying British citizen); and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a <b>civil partnership of convenience</b>; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the UK or the Islands</b> based on that person's relationship with that party</p>
<p>civil partnership of convenience</p> <p>durable partnership of convenience</p> <p>marriage of convenience</p>	<p>a civil partnership, durable partnership or marriage entered into as a means to circumvent:</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations; or</p> <p>(b) any other provision of UK immigration law or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Islands under Islands law</p>
<p>continuous qualifying period</p>	<p>a period of residence in the UK and Islands (save in condition 3 in the table in paragraph EU12 of this Appendix; in condition 2 in the table in paragraph EU14 of this Appendix; in sub-paragraph (a)(ii) or (d)(iii)(aa) of the entry for 'family member who has retained the right of residence' in this table; in sub-paragraph (c) of the entry for 'person who has ceased activity' in this table; and in the entry for 'person with a derivative right to reside' and for 'person with a Zambrano right to reside' in this table, where (in each case) the period of residence must be in the UK and the reference in sub-paragraphs (b)(i) and (ii) below to the UK and Islands is to be read as a reference to the UK):</p> <p>(a) which began before the specified date; and</p> <p>(b) during which none of the following occurred:</p> <p>(i) absence(s) from the UK and Islands which exceeded a total of six months in any 12-month period, except for:</p> <p>(aa) a single period of absence which did not exceed 12 months and</p>

	<p>was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting); or</p> <p>(bb) any period of absence on compulsory military service; or</p> <p>(cc) any period of absence on a posting on <b>Crown service</b> or (as a spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on Crown service; or</p> <p>(dd) any period spent working in the UK marine area (as defined in section 42 of the Marine and Coastal Access Act 2009); or</p> <p>(ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands; or</p> <p>(iii) any of the following, unless it has been set aside or no longer has effect in respect of the person:</p> <p>(aa) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(bb) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(cc) an exclusion decision; or</p> <p>(dd) a deportation order, other than by virtue of the EEA Regulations; or</p> <p>(ee) an Islands deportation order; or</p> <p>(ff) an Islands exclusion decision; and</p> <p>(c) (where the period is less than five years and the person has not acquired the right of permanent</p>
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	residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man) which continues at the date of application
Crown service	service as: (a) a member of HM Forces (as defined in the Armed Forces Act 2006); or (b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or (c) a permanent member of the British Council
custody of a child	the child normally lives with the applicant or does so part of the time, and includes arrangements agreed informally and those which are subject to a court order for determining with whom the child is to live and when
date and time of withdrawal	the date on which, and the time (according to GMT) on that day at which, the United Kingdom withdraws from the European Union
date of application	the date on which the application is submitted under the required application process, which means: (a) (in the case of the relevant on-line application form) the date on which that form is submitted on-line; or (b) (in the case of a paper application form): (i) the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or (ii) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office address specified on the form
dependent parent	the direct relative in the ascending line of a relevant EEA citizen (or of a qualifying British citizen) or of their spouse or civil partner  in addition: (a) 'direct relative in the ascending line' includes: (i) a grandparent or great-grandparent; and (ii) an adoptive parent of an adopted child; and (b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) of the entry for 'family member of a qualifying British

	<p>citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; and</p> <p>(c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (or on the qualifying British citizen) – where the relevant EEA citizen or the qualifying British citizen is not a person under the age of 18 years, or on their spouse or civil partner, is assumed</p>
dependent relative	<p>(a) a relative of their sponsor but not the sponsor’s spouse, civil partner, durable partner, child or dependent parent; and the relative is, or (as the case may be) for the relevant period was, a dependant of the sponsor, a member of their household or in strict need of their personal care on serious health grounds; and</p> <p>(b) the person holds a <b>relevant document</b> as the dependent relative of their sponsor for the period of residence relied upon</p> <p>‘sponsor’ means here:</p> <p>(a) a relevant EEA citizen who has been or is being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix (or who would be granted that leave, if they made a valid application under this Appendix); or</p> <p>(b) the spouse or civil partner of such a relevant EEA citizen, where the application for that relevant document was made before 1 February 2017; or</p> <p>(c) a qualifying British citizen</p>
deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act (in respect of conduct committed after the specified date, or conduct committed before that date where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that in regulation 27 for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an</p>

	<p>EEA decision” read “a deportation decision”)</p> <p>in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007</p>
<p>documented right of permanent residence</p>	<p>the Secretary of State is satisfied from the information available to them that:</p> <ul style="list-style-type: none"> <li>(a)(i) the person has been issued by the Secretary of State with a document certifying permanent residence or a permanent residence card (and that permanent residence card was issued or renewed within the last 10 years) under regulation 19 of the EEA Regulations, or with a residence permit or residence document under the Immigration (European Economic Area) Order 1994 endorsed to show permission to remain in the UK indefinitely; and</li> <li>(ii) this document or card is not invalid under regulation 19(4)(c); and</li> <li>(iii) this document or card has not been revoked, and its renewal has not been refused, under regulation 24 (except where the revocation or refusal occurred because the person had been absent from the UK for a period of more than two, and no more than five, consecutive years); and</li> <li>(iv) the person’s right to reside has not been cancelled under regulation 25; or</li> </ul> <p>(b) the person has been given notice in writing under paragraphs 256 to 257A of the Immigration Rules of the Bailiwick of Guernsey showing that they may remain indefinitely, and this notice has not been revoked or otherwise ceased to be effective; or</p> <p>(c) the person has been issued by the relevant Minister with a document in accordance with paragraphs 255 to 258 of the Immigration Rules of the Bailiwick of Jersey in an appropriate form certifying permanent residence or a permanent residence card, and this document or card has not been revoked or otherwise ceased to be effective; or</p> <p>(d) the person has been issued with a letter certifying permanent residence, or their passport has been stamped to that effect, under the Immigration (European Economic Area) Regulations of the Isle of Man, and this evidence has not been revoked, invalidated or cancelled</p>

durable partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a durable relationship with a relevant EEA citizen (or with a qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least two years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) the person holds a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) for the period of residence relied upon, unless the date of application is after 31 December 2020 and the person was resident outside the UK at that date; and</p> <p>(c) it is, or (as the case may be) for the relevant period was, not a durable partnership of convenience; and</p> <p>(d) neither party has, or (as the case may be) for the relevant period had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p> <p>in addition, to meet condition 6 in the table in paragraph EU11 of this Appendix, the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen rather than to the date of application</p>
educational course	a general educational course, apprenticeship or vocational training course, as provided by regulation 10(7) of the EEA Regulations
EEA Regulations	the Immigration (European Economic Area) Regulations 2016 (as they have effect at the date of application or as they had effect immediately before they were revoked)
EEA citizen	<p>a person who is:</p> <p>(a)(i) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p> <p>(ii) not also a British citizen; or</p> <p>(b) a relevant naturalised British citizen</p>
evidence of birth	(a) (in the case of a child) the <b>full birth certificate(s)</b> or

	<p>other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or of the qualifying British citizen) or of their spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; or</p> <p>(b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or of the qualifying British citizen) or of their spouse or civil partner, as described in sub-paragraph (a) above</p>
exclusion decision	<p>a direction given by the Secretary of State that a person must be refused entry to the UK on the ground that that person’s presence in the UK would not be conducive to the public good:</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that in regulation 27 for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “an exclusion direction”)</p>
exclusion order	<p>an order made under regulation 23(5) of the EEA Regulations</p>
family member of a qualifying British citizen	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that:</p> <p>(a) they have (or, as the case may be, had) returned to the UK:</p> <p>(i) before 2300 GMT on 29 March 2022, as the spouse or civil partner of a qualifying British citizen, and:</p> <p>(aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(bb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of</p>



	<p>‘durable partner’ in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal;</p> <p>or</p> <p>(ii) (where sub-paragraph (a)(i)(bb) does not apply) before 2300 GMT on 31 December 2020, as the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed after the date and time of withdrawal; or</p> <p>(iii) before 2300 GMT on 29 March 2022, as the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable before the date and time of withdrawal; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(iv) before 2300 GMT on 31 December 2020, as the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable after the date and time of withdrawal; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(v) before 2300 GMT on 29 March 2022, as the child or dependent parent of a qualifying British citizen; or</p> <p>(vi) before 2300 GMT on 29 March 2022, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (i) above; or</p> <p>(vii) before 2300 GMT on 31 December 2020, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (ii) above; or</p> <p>(viii) before 2300 GMT on 31 December 2020, as the dependent relative of a qualifying British citizen and that family relationship and the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the applicant returned to the UK with the qualifying British citizen; and</p> <p>(b) they satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member (“F”))</p>
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	<p>to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member (“EFM”) to whom those provisions refer), immediately before (in either case) returning to the UK with the qualifying British citizen (who is to be treated as the British citizen (“BC”) to whom those provisions refer)</p>
<p>family member of a relevant EEA citizen</p>	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:</p> <ul style="list-style-type: none"> <li>(a) the spouse or civil partner of a relevant EEA citizen, and: <ul style="list-style-type: none"> <li>(i) the marriage was contracted or the civil partnership was formed before the specified date; or</li> <li>(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of ‘durable partner’ in this table being met before that date rather than at the date of application) and the partnership remained durable at the specified date; or</li> </ul> </li> <li>(b) the durable partner of a relevant EEA citizen, and: <ul style="list-style-type: none"> <li>(i) the partnership was formed and was durable before the specified date; and</li> <li>(ii) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or</li> </ul> </li> <li>(c) the child or dependent parent of a relevant EEA citizen; or</li> <li>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above; or</li> <li>(e) resident in the UK before the specified date as the dependent relative of a relevant EEA citizen (or of their spouse or civil partner, where the application for the relevant document referred to in the entry for ‘dependent relative’ in this table was made before 1 February 2017) and that family relationship and the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date (or, as</li> </ul>

<p>family member who has retained the right of residence</p>	<p>the case may be, before 1 February 2017)</p> <p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (d) below are met:</p> <p>(a) the applicant is an EEA citizen or non-EEA citizen who:</p> <p>(i) was the family member of a relevant EEA citizen (or of a qualifying British citizen) and that person died; and</p> <p>(ii) was resident as the family member of a relevant EEA citizen (or of a qualifying British citizen) for a continuous qualifying period in the UK of at least a year immediately before the death of that person; or</p> <p>(b) the applicant is an EEA citizen or non-EEA citizen who:</p> <p>(i) is the child of:</p> <p>(aa) a relevant EEA citizen (or of a qualifying British citizen) who has died or of their spouse or civil partner immediately before their death; or</p> <p>(bb) a person who ceased to be a relevant EEA citizen (or a qualifying British citizen) on ceasing to reside in the UK or of their spouse or civil partner at that point; and</p> <p>(ii) was attending an <b>educational course</b> in the UK immediately before the relevant EEA citizen (or the qualifying British citizen) died or ceased to be a relevant EEA citizen (or a qualifying British citizen), and continues to attend such a course; or</p> <p>(c) the applicant is an EEA citizen or non-EEA citizen who is the parent with <b>custody of a child</b> who meets the requirements of sub-paragraph (b); or</p> <p>(d) the applicant (“A”) is an EEA citizen or non-EEA citizen who:</p> <p>(i) ceased to be a family member of a relevant EEA citizen (or a qualifying British citizen) on the <b>termination of the marriage or civil partnership</b> of A; for the purposes of this provision, where, after the initiation of the proceedings for that</p>
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	<p>termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or that qualifying British citizen ceased to be a qualifying British citizen), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen) until that termination; and</p> <p>(ii) was resident in the UK at the date of the termination; and</p> <p>(iii) one of the following applies:</p> <p>(aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least three years and the parties to the marriage or civil partnership had been resident for a continuous qualifying period in the UK of at least one year during its duration; or</p> <p>(bb) A has custody of a child of the relevant EEA citizen (or the qualifying British citizen); or</p> <p>(cc) A has the right of access to a child of the relevant EEA citizen (or the qualifying British citizen), where the child is under the age of 18 years and where a court has ordered that such access must take place in the UK; or</p> <p>(dd) the continued right of residence in the UK of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting</p>
full birth certificate	a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the EEA

	Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man
Irish citizen	a person who is an Irish citizen as a matter of Irish law
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971, except for such an order that was made in respect of conduct committed before the specified date (unless the Secretary of State is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that in regulation 27 for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)
Islands exclusion decision	a direction given by the relevant Minister or other authority in the Islands that a person must be refused entry to the Island concerned on the ground that that person’s presence there would not be conducive to the public good, except for such a direction made in respect of conduct committed before the specified date (unless the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that in regulation 27 for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “an exclusion direction”)
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
person who has ceased activity	the person: <ul style="list-style-type: none"> <li>(a) has terminated activity as a worker or self-employed person in the UK and either reached the age of entitlement to a state pension on terminating that activity or, in the case of a worker, ceased working to take early retirement; and immediately before that termination, was a worker or self-employed person in the UK for at least 12 months and resided in the UK and Islands for a continuous qualifying period of more than three years; or</li> <li>(b) stopped being a worker or self-employed person</li> </ul>

	<p>in the UK owing to permanent incapacity to work, having resided in the UK and Islands for a continuous qualifying period of more than the preceding two years or the incapacity having resulted from an accident at work or an occupational disease that entitles the person to a pension payable in full or in part by an institution in the UK; or</p> <p>(c) resided for a continuous qualifying period in the UK of at least three years as a worker or self-employed person, immediately before becoming a worker or self-employed person in a country listed in the entry for 'EEA citizen' in this table, while retaining a place of residence in the UK to which they return, as a rule, at least once a week</p> <p>in addition, the conditions as to length of residence and of employment in sub-paragraphs (a) and (b) above do not apply where the Secretary of State is satisfied, including by the required evidence of family relationship, that the relevant EEA citizen is the spouse or civil partner of a British citizen (substituting 'British citizen' for 'relevant EEA citizen' in the entry for, as the case may be, 'spouse' or 'civil partner' in this table)</p>
<p>person who had a derivative or Zambrano right to reside</p>	<p>a person who was a person with a derivative right to reside or, as the case may be, a person with a Zambrano right to reside, immediately before they became, as the case may be, a relevant EEA citizen, a family member of a relevant EEA citizen, a person with a derivative right to reside, a person with a Zambrano right to reside or a family member of a qualifying British citizen, and they have since remained, to the date of application, in any (or any combination) of those categories or as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen or with a qualifying British citizen</p>
<p>person with a derivative right to reside</p>	<p>a person who has satisfied the Secretary of State, including (where applicable) by the required evidence of family relationship, that, by the specified date, they are (and for the relevant period have been), or (as the case may be) for the relevant period were, resident for a continuous qualifying period in the UK with a derivative right to reside by virtue of regulation 16(1) of the EEA Regulations:</p> <p>(a) regardless of whether, in respect of the criterion in regulation 16(2)(b)(ii) of the EEA Regulations, the EEA citizen meets, or (as the case may be) met,</p>

	<p>the requirement in regulation 4(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK; and</p> <p>(b) regardless (where the person was previously granted limited leave to enter or remain under this Appendix as a person with a derivative right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</p> <p>(c) excluding a person satisfying the criteria in:</p> <ul style="list-style-type: none"> <li>(i) paragraph (5) of regulation 16(1) of the EEA Regulations; or</li> <li>(ii) paragraph (6) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the UK under paragraph (5)</li> </ul>
<p>person with a Zambrano right to reside</p>	<p>a person who has satisfied the Secretary of State, including (where applicable) by the required evidence of family relationship, that, by the specified date, they are (and for the relevant period have been), or (as the case may be) for the relevant period were:</p> <p>(a) resident for a continuous qualifying period in the UK with a derivative right to reside by virtue of regulation 16(1) of the EEA Regulations, by satisfying the criteria in:</p> <ul style="list-style-type: none"> <li>(i) paragraph (5) of that regulation; or</li> <li>(ii) paragraph (6) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the UK under paragraph (5), regardless (where the person was previously granted limited leave to enter or remain under this Appendix as a person with a Zambrano right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</li> </ul> <p>(b) without leave to enter or remain in the UK granted under another part of these Rules</p>
<p>qualifying British citizen</p>	<p>a British citizen who:</p> <ul style="list-style-type: none"> <li>(a) has (or, as the case may be, for the relevant</li> </ul>

	<p>period had) returned to the UK with the applicant:</p> <p>(i) (where sub-paragraph (a)(ii) below does not apply) before 2300 GMT on 29 March 2022; or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) before 2300 GMT on 31 December 2020; and</p> <p>(b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer) immediately before returning to the UK with the applicant (who is to be treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer); and</p> <p>(c) was continuously resident in the UK in accordance with regulation 3 of the EEA Regulations throughout any period on which the applicant relies as being present in the UK by virtue of being a family member of a qualifying British citizen</p>
relevant document	<p>(a) a family permit, registration certificate, residence card, document certifying permanent residence, permanent residence card or derivative residence card issued by the UK under the EEA Regulations (or the equivalent document or other evidence issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man); and</p> <p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and</p> <p>(c) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon</p>
relevant EEA citizen	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above:</p>



	<p>(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the Islands); or</p> <p>(ii) would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; or</p> <p>(c) where the applicant is a family member of a relevant naturalised British citizen, an EEA citizen in accordance with sub-paragraph (b) of that entry in this table</p>
<p>relevant naturalised British citizen</p>	<p>(a) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above, would, but for the fact that they are a British citizen, be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; and in either case the person also:</p> <p>(c) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and</p> <p>(d) meets the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether, save in conditions 5 and 6 in the table in paragraph EU11 of this Appendix, they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship)</p>
<p>required application process</p>	<p>(a) (unless sub-paragraph (b) or (c) applies) the relevant on-line application form and a relevant process set out in that form for:</p> <p style="padding-left: 40px;">(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</p> <p style="padding-left: 40px;">(ii) providing the required biometrics; or</p> <p>(b) the required paper application form where this is mandated on gov.uk and a relevant process set out in that form for:</p> <p style="padding-left: 40px;">(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</p> <p style="padding-left: 40px;">(ii) providing the required biometrics; or</p> <p>(c) a paper application form where this has been issued individually to the applicant by the Secretary of State, via the relevant process for this set out on gov.uk, and a</p>

	<p>relevant process set out in that form for:</p> <p>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</p> <p>(ii) providing the required biometrics</p>
required biometrics	<p>(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and</p> <p>(b) (in the case of a non-EEA citizen without a <b>specified relevant document</b> making an application within the UK) the fingerprints of the applicant (also within that meaning of “biometric information”; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these),</p> <p>in both cases provided in accordance with the required application process</p>
required evidence of family relationship	<p>in the case of:</p> <p>(a) a spouse without a documented right of permanent residence – a relevant document as the spouse of the relevant EEA citizen (or of the qualifying British citizen), or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands;</p> <p>(b) a civil partner without a documented right of permanent residence – a relevant document as the civil partner of the relevant EEA citizen (or of the qualifying British citizen); a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands;</p> <p>(c) a child without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their <b>evidence of birth</b> and, where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or under its equivalent in the Islands) as a child, evidence which satisfies the Secretary of State that sub-paragraph (b)(ii) of the entry for</p>

	<p>‘child’ in this table is met;</p> <p>(d) a dependent parent without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their evidence of birth;</p> <p>(e) a durable partner:</p> <p style="padding-left: 40px;">(i) a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the durable partnership continues to subsist (or did so for the period of residence relied upon); or</p> <p style="padding-left: 40px;">(ii) where the applicant is seeking to come to the UK after 31 December 2020, evidence which satisfies the Secretary of State that the partnership was formed and was durable before that date and that the partnership remains durable; or</p> <p>(f) a dependent relative – a relevant document as the dependent relative of their sponsor (in the entry for ‘dependent relative’ in this table) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the relationship continues to subsist (or did so for the period of residence relied upon)</p> <p>in addition:</p> <p style="padding-left: 40px;">(a) where the eligibility requirements to be met for leave to be granted under this Appendix relate to the death of a person, the required evidence of family relationship must include their death certificate or other evidence which the Secretary of State is satisfied evidences the death; and</p>
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(b) where the applicant is a non-EEA citizen without a documented right of permanent residence, or is an EEA citizen without a documented right of permanent residence who relies on being (or, as the case may be, for the relevant period on having been) a family member of a qualifying British citizen, a family member of a relevant EEA citizen or a family member who has retained the right of residence, the required evidence of family relationship must include:

(i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, or the qualifying British citizen, of whom the applicant is (or, as the case may be, for the relevant period was) a family member:

(aa) (in the case of a relevant EEA citizen who is not a relevant naturalised British citizen or of a qualifying British citizen) their valid passport (and 'valid' here and in sub-paragraph (bb) means that the document is genuine and has not expired or been cancelled or invalidated); or

(bb) (in the case of a relevant EEA citizen who is not a relevant naturalised British citizen) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen) the evidence required by sub-paragraph (aa) or (bb), and information or evidence which is provided by the applicant, or is otherwise available to the Secretary of State, which satisfies the Secretary of State that the person is a British citizen,

unless (in any case) the Secretary of State agrees to accept alternative

	<p>evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; and</p> <p>(ii) evidence which satisfies the Secretary of State that:</p> <p>(aa) where the applicant is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen, either that EEA citizen is (or, as the case may be, for the relevant period was) a relevant EEA citizen as described in sub-paragraph (a) in the entry for ‘relevant EEA citizen’ in this table, and is (or, as the case may be, was) such a relevant EEA citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (b) or (c) in the entry for ‘relevant EEA citizen’ in this table; or</p> <p>(bb) where the applicant is (or, as the case may be, for the relevant period was) a family member of a qualifying British citizen, that British citizen is (or, as the case may be, for the relevant period was) a qualifying British citizen, and is (or, as the case may be, was) a qualifying British citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; and</p> <p>(c) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Secretary of State can require the applicant to submit the original document where the Secretary</p>
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	<p>of State has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required proof of entitlement to apply from outside the UK</p>	<p>(a) in the case of an EEA citizen:  (i) their valid passport; or  (ii) their valid national identity card, where this contains an interoperable biometric chip,</p> <p>unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; or</p> <p>(b) in the case of a non-EEA citizen, their valid specified relevant document,</p> <p>unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated</p>
<p>required proof of identity and nationality</p>	<p>(a) in the case of an EEA citizen making an application within the UK:  (i) their valid passport; or  (ii) their valid national identity card; or  (b) in the case of a non-EEA citizen making an application within the UK:  (i) their valid passport; or  (ii) their valid specified relevant document; or  (iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007),</p> <p>unless (in the case of (a) or (b)) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated</p>

self-employed person	<p>there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either:</p> <p>(a) a self-employed person as defined in regulation 4(1) of the EEA Regulations; or</p> <p>(b) a person who is or was no longer in self-employment but who continues or continued to be treated as a self-employed person within the meaning of “qualified person” under regulation 6 of the EEA Regulations</p>
specified date	<p>(a) if the United Kingdom withdraws from the European Union with a Withdrawal Agreement:</p> <p>(i) (where sub-paragraph (a)(ii) does not apply) 2300 GMT on 31 December 2020; or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 2300 GMT on 29 March 2022 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in:</p> <ul style="list-style-type: none"> <li>- condition 3 in the table in paragraph EU12 of this Appendix;</li> <li>- condition 2 in the table in paragraph EU14 of this Appendix;</li> <li>- sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and</li> <li>- sub-paragraph (a) of the entry for ‘supervening event’ in this table; or</li> </ul> <p>(b) if the United Kingdom withdraws from the European Union without a Withdrawal Agreement:</p> <p>(i) the date and time of withdrawal in the references to specified date in:</p> <ul style="list-style-type: none"> <li>- condition 7 in the table in paragraph EU11 of this Appendix;</li> <li>- paragraph EU16(c)(ii)(bb) of this Appendix;</li> <li>- (where sub-paragraph (b)(ii) or (b)(iii) does not apply) sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table;</li> <li>- the entry for ‘deportation order’ in this table;</li> <li>- the entry for ‘exclusion decision’ in this</li> </ul>

	<p>table;</p> <ul style="list-style-type: none"> <li>- sub-paragraphs (a), (b) and (e) of the entry for ‘family member of a relevant EEA citizen’ in this table;</li> <li>- the entry for ‘Islands deportation order’ and for ‘Islands exclusion decision’ in this table;</li> <li>- the entry for ‘person with a derivative right of residence’ in this table;</li> <li>- the entry for ‘person with a Zambrano right of residence’ in this table; and</li> <li>- sub-paragraph (a) of the entry for ‘relevant EEA citizen’ in this table; or</li> </ul> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) 2300 GMT on 31 December 2020 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in:</p> <ul style="list-style-type: none"> <li>- condition 3 in the table in paragraph EU12 of this Appendix;</li> <li>- condition 2 in the table in paragraph EU14 of this Appendix;</li> <li>- sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and</li> <li>- sub-paragraph (a) of the entry for ‘supervening event’ in this table; or</li> </ul> <p>(iii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 2300 GMT on 29 March 2022 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes to which sub-paragraph (b)(ii) above refers</p>
specified relevant document	within the meaning of ‘relevant document’ in the relevant entry in this table, a residence card, permanent residence card or derivative residence card issued by the UK under the EEA Regulations on the basis of an application made on or after 6 April 2015
spouse	(a) the person is, or (as the case may be) for the relevant period was, party to a marriage with a relevant EEA citizen



	<p>(or with a qualifying British citizen) and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a marriage of convenience; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p>
supervening event	<p>at the date of application:</p> <p>(a) the applicant has been absent from the UK and Islands for a period of more than five consecutive years (at any point since they last acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man, or since they last completed a continuous qualifying period of five years); or</p> <p>(b) any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person:</p> <p>(i) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(ii) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(iii) an exclusion decision; or</p> <p>(iv) a deportation order, other than by virtue of the EEA Regulations; or</p> <p>(v) an Islands deportation order; or</p> <p>(vi) an Islands exclusion decision</p>
termination of the marriage or civil partnership	the date on which the order finally terminating the marriage or civil partnership is made by a court

the UK and Islands	the United Kingdom and the Islands taken together
valid evidence of their indefinite leave to enter or remain	(a) a valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), a valid stamp or endorsement in a passport (whether or not the passport has expired) or other valid document issued by the Home Office, confirming that the applicant has indefinite leave to enter or remain in the UK, which has not lapsed or been revoked or invalidated; or (b) the Secretary of State is otherwise satisfied from the evidence or information available to them that the applicant has indefinite leave to enter or remain in the UK or the Islands, which has not lapsed or been revoked or invalidated
worker	there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either: (a) a worker as defined in regulation 4(1) of the EEA Regulations; or (b) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of “qualified person” under regulation 6 of the EEA Regulations

## **Annex 2 – Consideration of a valid application**

A2.1. A valid application made under this Appendix will be decided on the basis of:

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the Secretary of State; and
- (b) any other information or evidence made available to the Secretary of State (including from other government departments) at the date of decision.

A2.2. (1) For the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain, the Secretary of State may invite the applicant to:

- (a) provide further information or evidence that they meet those requirements; or
- (b) be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(2) If the applicant purports to meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the basis of a relationship with another person (“P”), including where P is a qualifying British citizen, the Secretary of State may invite P to:

(a) provide information or evidence about their relationship with the applicant, their residence in the UK or, where P is a qualifying British citizen, their residence in a country listed in the entry for ‘EEA citizen’ in the table at Annex 1 to this Appendix; or

(b) be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or P (as the case may be):

(a) fails to provide the information or evidence requested; or

(b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the Secretary of State may draw any factual inferences about whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain as appear appropriate in the circumstances.

(4) The Secretary of State may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain.

(5) The Secretary of State must not decide that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the sole basis that the applicant or P failed on at least two occasions to comply with an invitation to be interviewed.”.

### **Changes to Appendix EU (Family Permit)**

EU(FP)1.1 For Appendix EU (Family Permit), substitute:

#### **“Appendix EU (Family Permit)**

##### **Purpose**

FP1. This Appendix sets out the basis on which a **non-EEA citizen** will, if they apply under it, be granted an entry clearance:

- (a) In the form of an EU Settlement Scheme Family Permit – to join a **relevant EEA citizen** in the UK or to accompany them to the UK; or
- (b) In the form of an EU Settlement Scheme Travel Permit – to travel to the UK.

FP2. This Appendix has effect in connection with the granting of entry clearance for the purposes of acquiring leave to enter or remain in the UK by virtue of Appendix EU to these Rules.

### **Requirements and procedure**

FP3. The applicant will be granted an entry clearance under this Appendix, valid for a period of six months from the date of decision, by an entry clearance officer where:

- (a) A valid application has been made in accordance with paragraph FP4;
- (b) The applicant meets the eligibility requirements in paragraph FP6(1) or (2); and
- (c) The applicant is not to be refused on grounds of suitability in accordance with paragraph FP7.

FP4. A valid application has been made under this Appendix where:

- (a) It has been made using the **required application process**;
- (b) The **required proof of identity and nationality** has been provided; and
- (c) The **required biometrics** have been provided.

FP5. An application will be rejected as invalid where it does not meet the requirements in paragraph FP4(a) and (b), and will not be considered where it does not meet the requirement in paragraph FP4(c).

FP6. (1) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit, where the entry clearance officer is satisfied that at the **date of application**:

- (a) The applicant is a non-EEA citizen;
- (b) The applicant is a **family member of a relevant EEA citizen**;

(c) The relevant EEA citizen is resident in the UK or will be travelling to the UK within six months of the date of application;

(d) The applicant will be accompanying the relevant EEA citizen to the UK or joining them in the UK; and

(e) The applicant (“A”) is not the **spouse, civil partner or durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, holds a valid EEA family permit issued under regulation 12 of the **EEA Regulations** or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules.

(2) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Travel Permit, where the entry clearance officer is satisfied that at the date of application:

(a) The applicant is a non-EEA citizen;

(b) The applicant has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed or revoked and which is evidenced by the Home Office reference number for that grant of leave;

(c) The applicant:

(i) Has been issued with a **relevant document** by the UK under the EEA Regulations, or with a biometric residence card by virtue of having been granted leave under Appendix EU to these Rules; and

(ii) Has reported to the Home Office that that document or card has been lost or stolen; and

(d) The applicant will be travelling to the UK within six months of the date of application.

FP7. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

(a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or

(b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(2) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:

(a) The applicant is subject to an **Islands deportation order**; or

(b) The applicant is subject to an **Islands exclusion decision**.

(3) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the entry clearance officer is satisfied that it is proportionate to refuse the application where:

(a) In relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix; or

(b)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU to these Rules (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules; and

(ii) The refusal of the application is justified either:

(aa) On grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules"; and for "EEA decision" read "a decision under paragraph FP7 of Appendix EU (Family Permit) to the Immigration Rules"); or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

(4) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

FP8. A valid application made under this Appendix which does not meet the requirements for an entry clearance to be granted will be refused.

FP9. Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

FP10. Annex 2 applies to the consideration by the entry clearance officer of a valid application made under this Appendix.

**Annex 1 – Definitions**

<b>Term</b>	<b>Definition</b>
adopted child	a <b>child</b> adopted in accordance with a decision taken: <ul style="list-style-type: none"> <li>(a) by the competent administrative authority or court in the UK or <b>the Islands</b>; or</li> <li>(b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or</li> <li>(c) in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption</li> </ul>
child	<ul style="list-style-type: none"> <li>(a) the direct descendant under the age of 21 years of a relevant EEA citizen or of their spouse or civil partner; or</li> <li>(b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen or of their spouse or civil partner; and</li> <li>(ii) dependent on the relevant EEA citizen or on their spouse or civil partner</li> </ul> <p>‘dependent’ means here that:</p> <ul style="list-style-type: none"> <li>(a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen or of their spouse or civil partner; and</li> <li>(b) such support is being provided to the applicant by the relevant EEA citizen or by their spouse or civil partner; and</li> </ul>

(c) there is no need to determine the reasons for that dependence or for the recourse to that support

in addition:

(a) 'child' includes:

- (i) an **adopted child** of; or
- (ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or
- (iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or
- (iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or
- (v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or
- (vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or
- (vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is; or
- (viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or
- (ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or
- (x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or
- (xi) a child in respect of whom an order has been



	<p>made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian,</p> <p>(as the case may be) a relevant EEA citizen or their spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) ‘direct descendant’ also includes a grandchild or great-grandchild; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table</p>
civil partner	<p>(a) the person is in a valid civil partnership (which exists under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands); or is in a same sex relationship registered overseas which is entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen; and</p> <p>(b) it is not a <b>civil partnership of convenience</b>; and</p> <p>(c) neither party has another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the UK or the Islands</b> based on that person’s relationship with that party</p>
<p>civil partnership of convenience</p> <p>durable partnership of convenience</p> <p>marriage of convenience</p>	<p>a civil partnership, durable partnership or marriage entered into as a means to circumvent:</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations; or</p> <p>(b) any other provision of UK immigration law or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Islands under Islands law</p>
date of application	the date on which the application is submitted under the required application process
dependent parent	<p>the direct relative in the ascending line of a relevant EEA citizen or of their spouse or civil partner</p> <p>in addition:</p> <p>(a) ‘direct relative in the ascending line’ includes:</p> <p>(i) a grandparent or great-grandparent; and</p> <p>(ii) an adoptive parent of an adopted child; and</p> <p>(b) ‘spouse or civil partner’ means (as the case may be)</p>

	<p>the person described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; and</p> <p>(c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (where the relevant EEA citizen is not a person under the age of 18 years), or on their spouse or civil partner, is assumed</p>
deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act (in respect of conduct committed after the <b>specified date</b>, or conduct committed before that date where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that in regulation 27 for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)</p> <p>in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007</p>
durable partner	<p>(a) the person is, or (as the case may be) was, in a durable relationship with the relevant EEA citizen, with the couple having lived together in a relationship akin to a marriage or civil partnership for at least two years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) (where the applicant relies on having been in the UK as the durable partner of the relevant EEA citizen before the specified date, under sub-paragraph (a)(ii) of the entry for ‘family member of a relevant EEA citizen’ in this table) the person held a relevant document as the durable partner of the relevant EEA citizen; and</p> <p>(c) it is, or (as the case may be) was, not a durable partnership of convenience; and</p> <p>(d) neither party has, or (as the case may be) had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person’s relationship with that party</p>
EEA citizen	<p>a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta,</p>

	Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they are a <b>relevant naturalised British citizen</b> ) is not also a British citizen
EEA Regulations	the Immigration (European Economic Area) Regulations 2016 (as they have effect at the date of application or as they had effect immediately before they were revoked)
evidence of birth	(a) (in the case of a child) the <b>full birth certificate(s)</b> or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen or of their spouse or civil partner, as described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; or (b) (in the case of a <b>dependent parent</b> ) the full birth certificate(s) or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen or of their spouse or civil partner, as described in sub-paragraph (a) above
exclusion decision	a direction given by the Secretary of State that a person must be refused entry to the UK on the ground that that person’s presence in the UK would not be conducive to the public good: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that in regulation 27 for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “an exclusion direction”)
exclusion order	an order made under regulation 23(5) of the EEA Regulations
family member of a relevant EEA citizen	a person who has satisfied the entry clearance officer, including by the <b>required evidence of family relationship</b> , that they are: (a) the spouse or civil partner of a relevant EEA citizen, and: (i) the marriage was contracted or the civil partnership was formed before the specified date; or (ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of ‘durable partner’ in this table being met before that date rather than at the date of application) and the partnership remained durable

	<p>at the specified date; or</p> <p>(b) the durable partner of a relevant EEA citizen, and:</p> <p>(i) the partnership was formed and was durable before 31 December 2020; and</p> <p>(ii) the partnership remains durable at the date of application; and</p> <p>(iii) the date of application is after 31 December 2020; or</p> <p>(c) the child or dependent parent of a relevant EEA citizen; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in subparagraph (a) above</p>
full birth certificate	a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man
Irish citizen	a person who is an Irish citizen as a matter of Irish law
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971, except for such an order that was made in respect of conduct committed before the specified date (unless the Secretary of State is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that in regulation 27 for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)
Islands exclusion decision	a direction given by the relevant Minister or other authority in the Islands that a person must be refused entry to the Island concerned on the ground that that person’s presence there would not be conducive to the public good, except for such a direction made in respect of conduct committed before the specified date (unless the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that in regulation 27 for “a right of

	permanent residence under regulation 15” read “indefinite leave to enter or remain”; and for “an EEA decision” read “an exclusion direction”)
non-EEA citizen	a person who is not an <b>EEA citizen</b> and is not a British citizen
relevant document	(a) a family permit, residence card or permanent residence card issued by the UK under the EEA Regulations (or the equivalent document or other evidence issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man); and (b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and (c) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon
relevant EEA citizen	an EEA citizen who: (a)(i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or revoked and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or (ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed or revoked; or (iii) (in the case of an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the Islands) the entry clearance officer is satisfied, including by the <b>required evidence of qualification</b> , would be granted such leave under that Appendix if they made a valid application under it; or (b) is a relevant naturalised British citizen
relevant naturalised British citizen	a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who: (a) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and

	<p>(b) meets the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship); and</p> <p>(c) the entry clearance officer is satisfied, including by the required evidence of qualification, comes within sub-paragraph (b) of the entry for ‘relevant naturalised British citizen’ in the table at Annex 1 to Appendix EU to these Rules</p>
required application process	the relevant on-line application form and a relevant process set out in that form for providing the required proof of identity and nationality and for providing the required biometrics
required biometrics	<p>(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and</p> <p>(b) the fingerprints of the applicant (also within that meaning of “biometric information”; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these),</p> <p>in both cases provided in accordance with the required application process</p>
required evidence of family relationship	<p>in the case of:</p> <p>(a) a spouse – a relevant document as the spouse of the relevant EEA citizen, or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands;</p> <p>(b) a civil partner – a relevant document as the civil partner of the relevant EEA citizen; a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands;</p> <p>(c) a child – a relevant document issued on the basis of the relevant family relationship or their <b>evidence of birth</b> and, where the applicant is aged 21 years or over, evidence which satisfies the entry clearance officer that sub-paragraph (b)(ii) of the entry for ‘child’ in this table is met;</p> <p>(d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or their evidence of birth;</p> <p>(e) a durable partner – evidence which satisfies the entry</p>

	<p>clearance officer that the durable partnership was formed and was durable by 31 December 2020 and that the partnership remains durable</p> <p>in addition, where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required evidence of qualification</p>	<p>(a) (in the case of a relevant EEA citizen who is an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the Islands) their passport or national identity card as an Irish citizen, which is:</p> <ul style="list-style-type: none"> <li>(i) valid, which here and in sub-paragraph (b)(i)(aa) means that the document is genuine and has not expired or been cancelled or invalidated; and</li> <li>(ii) the original document and not a copy; or</li> </ul> <p>(b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen):</p> <ul style="list-style-type: none"> <li>(i) their passport or national identity card as an EEA citizen, which is: <ul style="list-style-type: none"> <li>(aa) valid; and</li> <li>(bb) the original document and not a copy; and</li> </ul> </li> <li>(ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is a British citizen; and (in either case);</li> </ul> <p>(c) information or evidence which satisfies the entry clearance officer that:</p> <ul style="list-style-type: none"> <li>(i) (in the case of a relevant EEA citizen who is an Irish citizen) they would be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it; or</li> <li>(ii) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen) they would (but for the fact that they are a British citizen) be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it</li> </ul> <p>in addition, where, in order to meet the requirements of sub-paragraph (b)(ii) or (c), the applicant submits a copy (and not the</p>

	original) of a document, the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted
required proof of identity and nationality	the valid passport of the applicant  'valid' means that the document is genuine and has not expired or been cancelled or invalidated
specified date	(a) if the United Kingdom withdraws from the European Union with a Withdrawal Agreement, 2300 GMT on 31 December 2020; or (b) if the United Kingdom withdraws from the European Union without a Withdrawal Agreement, the date, and the time (according to Greenwich Mean Time) on that day, of withdrawal
spouse	(a) the person is party to a marriage with a relevant EEA citizen and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and (b) it is not a marriage of convenience; and (c) neither party has another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party

## **Annex 2 – Consideration of a valid application**

A2.1. A valid application made under this Appendix will be decided on the basis of:

(a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the entry clearance officer; and

(b) any other information or evidence made available to the entry clearance officer (including from other government departments) at the date of decision.

A2.2. (1) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may invite the applicant to:

(a) provide further information or evidence that they meet those requirements; or

(b) be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(2) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may invite the



relevant EEA citizen on whom the applicant relies as being their family member to:

(a) provide information or evidence about their relationship with the applicant; or

(b) be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or (as the case may be) the relevant EEA citizen:

(a) fails to provide the information or evidence requested; or

(b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.

(4) The entry clearance officer may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for entry clearance.

(5) The entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or the relevant EEA citizen failed on at least two occasions to comply with an invitation to be interviewed.”.

### **Changes to Appendix FM**

FM1. In paragraph E-ECP.3.1.(c)(d) for “the Immigration (EEA) Regulations 2006” substitute “the Immigration (European Economic Area) Regulations 2016”.

FM2. In paragraph E-LTRP.3.1.(c)(d) for “the Immigration (EEA) Regulations 2006” substitute “the Immigration (European Economic Area) Regulations 2016”.

FM3. In paragraph E-ECC.2.1.(c)(d) for “the Immigration (EEA) Regulations 2006” substitute “the Immigration (European Economic Area) Regulations 2016”.

FM4. In paragraph E-LTRC.2.1.(c)(d) for “the Immigration (EEA) Regulations 2006” substitute “the Immigration (European Economic Area) Regulations 2016”.

### **Changes to Appendix FM-SE**

FMSE1. For paragraph 27, substitute:

“27. The evidence required of passing an English language test in speaking and listening (at a minimum of level A1 or A2 (as the case may be) of the Common European Framework of Reference for Languages) with a provider approved by the Secretary of State, where the applicant relies on that pass to meet an English language requirement, is confirmation on the on-line verification system operated by an approved English language test provider and at an approved Secure English Language Test centre that:

(i) the applicant has passed such a test; and

(ii) that test was an English language test in speaking and listening which is approved by the Secretary of State and was taken no more than two years before the date of application and at a test centre approved by the Secretary of State as a Secure English Language Test Centre.

Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk.”

FMSE2. In paragraph 32D(d), for:

“(d) past its validity date (if a validity date is required under Appendix O), provided that it is at or above the requisite level of the Common European Framework of Reference for Languages and when the subsequent application is made:”

substitute:

“(d) past its validity date (if a validity date is required), provided that it is at or above the requisite level of the Common European Framework of Reference for Languages and when the subsequent application is made:”

### **Changes to Appendix G**

G1. In paragraph 1, below “Hong Kong – 1000 places”, insert “South Korea, 1,000 places”.

G2. Delete paragraph 2.

### **Changes to Appendix J**

J1. For table 1, substitute:

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<b>SOC code</b>	<b>Description</b>	<b>Skill</b>
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		<b>level</b>
2111 Chemical scientists	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• develops experimental procedures, instruments and recording and testing systems;</li> <li>• conducts experiments to identify chemical composition, energy and chemical changes in natural substances and processed materials;</li> <li>• analyses results and experimental data;</li> <li>• tests techniques and processes for reliability under a variety of conditions;</li> <li>• develops procedures for quality control of manufactured products.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Analytical chemist</li> <li>• Chemist</li> <li>• Development chemist</li> <li>• Industrial chemist</li> <li>• Research chemist</li> </ul> <p>Salary rates: New entrant: £22,300 Experienced worker: £29,000</p> <p>[Source: Evidence from partners who responded to Migration Advisory Committee in 2011, uplifted based on national changes in earnings]</p>	PhD
2112 Biological scientists and biochemists	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• studies the physical and chemical form, structure, composition and function of living organisms;</li> <li>• identifies and studies the chemical substances, including microbial infections, involved in physiological processes and the progress of disease;</li> <li>• performs tests to study physiological and pathological characteristics within cells and other organisms;</li> <li>• researches the effects of internal and external environmental factors on the life processes and other functions of living organisms;</li> <li>• observes the structure of communities of organisms in the laboratory and in their</li> </ul>	PhD

	<p>natural environment;</p> <ul style="list-style-type: none"> <li>• advises farmers, medical staff and others, on the nature of field crops, livestock and produce and on the treatment and prevention of disease;</li> <li>• monitors the distribution, presence and behaviour of plants, animals and aquatic life, and performs other scientific tasks related to conservation not performed by jobholders in SOC codes beginning “214”.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Biomedical scientist</li> <li>• Forensic scientist</li> <li>• Horticulturist</li> <li>• Microbiologist</li> <li>• Pathologist</li> </ul> <p>Salary rates:</p> <p>Biomedical scientists working in the health sector: See Table 9</p> <p>Other biomedical scientists: New entrant: £22,300 Experienced worker: £29,000</p> <p>[Source: Evidence from partners who responded to Migration Advisory Committee in 2011, uplifted based on national changes in earnings]</p>	
2113 Physical scientists	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• conducts experiments and tests and uses mathematical models and theories to investigate the structure and properties of matter, transformations and propagations of energy, the behaviour of particles and their interaction with various forms of energy;</li> <li>• uses surveys, seismology and other methods to determine the earth’s mantle, crust, rock structure and type, and to analyse and predict the occurrence of seismological activity;</li> <li>• observes, records and collates data on atmospheric conditions from weather</li> </ul>	PhD

	<p>stations, satellites, and observation vessels to plot and forecast weather conditions;</p> <ul style="list-style-type: none"> <li>• applies mathematical models and techniques to assist in the solution of scientific problems in industry and commerce and seeks out new applications of mathematical analysis.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Geologist</li> <li>• Geophysicist</li> <li>• Medical physicist</li> <li>• Meteorologist</li> <li>• Oceanographer</li> <li>• Physicist</li> <li>• Seismologist</li> </ul> <p>Salary rates: New entrant: £22,300 Experienced worker: £29,000</p> <p>[Source: Evidence from partners who responded to Migration Advisory Committee in 2011, uplifted based on national changes in earnings]</p>	
2114 Social and humanities scientists	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• studies society and the manner in which people behave and impact upon the world;</li> <li>• undertakes research across the humanities that furthers understanding of human culture and creativity;</li> <li>• traces the evolution of word and language forms, compares grammatical structures and analyses the relationships between ancient, parent and modern languages;</li> <li>• identifies, compiles and analyses economic, demographic, legal, political, social and other data to address research objectives;</li> <li>• administers questionnaires, carries out interviews, organises focus groups and implements other social research tools;</li> <li>• undertakes analyses of data, presents results of research to sponsors, the media and other interested organisations;</li> <li>• addresses conferences and publishes articles detailing the methodology and</li> </ul>	PhD

	<p>results of research undertaken.</p> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Anthropologist</li> <li>• Archaeologist</li> <li>• Criminologist</li> <li>• Epidemiologist</li> <li>• Geographer</li> <li>• Historian</li> <li>• Political scientist</li> <li>• Social scientist</li> </ul> <p>Salary rates: New entrant: £22,300 Experienced worker: £29,000</p> <p>[Source: Evidence from partners who responded to Migration Advisory Committee in 2011, uplifted based on national changes in earnings]</p>	
<p>2119 Natural and social science professionals not elsewhere classified</p> <p>[Note: For immigration purposes this code includes researchers in research organisations other than universities.]</p>	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• plans, directs and undertakes research into natural phenomena;</li> <li>• provides technical advisory and consulting services;</li> <li>• designs tests and experiments to address research objective and find solutions;</li> <li>• applies models and techniques to medical, industrial, agricultural, military and similar applications;</li> <li>• analyses results and writes up results of tests and experiments undertaken;</li> <li>• presents results of scientific research to sponsors, addresses conferences and publishes articles outlining the methodology and results of research undertaken;</li> <li>• designs and develops an appropriate research methodology in order to address the research objective;</li> <li>• compiles and analyses quantitative and qualitative data, prepares reports and presents results to summarise main findings and conclusions;</li> <li>• advises government, private organisations and special interest groups on policy issues;</li> </ul>	<p>PhD</p>

	<ul style="list-style-type: none"> <li>• writes journal articles, and books, and addresses conferences, seminars and the media to reveal research findings.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Operational research scientist</li> <li>• Research associate (medical)</li> <li>• Research fellow</li> <li>• Researcher</li> <li>• Scientific officer</li> <li>• Scientist</li> <li>• Sports scientist</li> <li>• University researcher</li> </ul> <p>Salary rates: New entrant: £22,300 Experienced worker: £29,000</p> <p>[Source: Evidence from partners who responded to Migration Advisory Committee in 2011, uplifted based on national changes in earnings]</p>	
2150 Research and development managers	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• establishes product design and performance objectives in consultation with other business functions;</li> <li>• liaises with production departments to investigate and resolve manufacturing problems;</li> <li>• develops research methodology, implements and reports upon research investigations undertaken;</li> <li>• plans work schedules, assigns tasks and delegates responsibilities to the research and development team;</li> <li>• monitors the standards of scientific and technical research undertaken by the research team.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Creative manager (research and development)</li> <li>• Design manager</li> <li>• Market research manager</li> <li>• Research manager (broadcasting)</li> </ul> <p>Salary rates:</p>	PhD

	<p>New entrant: £30,000 Experienced worker: £37,000</p> <p>[Source: Annual Survey of Hours and Earnings (ASHE) 2018]</p>	
2311 Higher education teaching professionals	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• prepares, delivers and directs lectures, seminars and tutorials;</li> <li>• prepares, administers and marks examinations, essays and other assignments;</li> <li>• advises students on academic matters and encourages independent research;</li> <li>• provides pastoral care or guidance to students;</li> <li>• participates in decision making processes regarding curricula, budgetary, departmental and other matters;</li> <li>• directs the work of postgraduate students;</li> <li>• undertakes research, writes articles and books and attends conferences and other meetings.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Fellow (university)</li> <li>• Lecturer (higher education, university)</li> <li>• Professor (higher education, university)</li> <li>• Tutor (higher education, university)</li> <li>• University lecturer</li> </ul> <p>Salary rates: New entrant: £26,500 Experienced worker: £33,000 [Source: evidence from Universities UK, Universities and Colleges Employers Association and GuildHE in 2011, uplifted based on national changes in earnings]</p>	PhD

”.

J2. In table 2, for the row “2133 IT specialist managers”, substitute:

“

2133 IT specialist managers	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• plans, coordinates and manages the organisation’s IT provision or a specialist area of IT activity;</li> </ul>	RQF 6
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	<ul style="list-style-type: none"> <li>• liaises with users, senior staff and internal/external clients to clarify IT requirements and development needs;</li> <li>• takes responsibility for managing the development of a specialist aspect of IT provision such as user support, network operations, service delivery or quality control;</li> <li>• supervises the technical team and coordinates training;</li> <li>• plans and monitors work and maintenance schedules to ensure agreed service levels are achieved;</li> <li>• reports on IT activities to senior management.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Data centre manager</li> <li>• IT manager</li> <li>• IT support manager</li> <li>• Network operations manager (computer services)</li> <li>• Service delivery manager</li> </ul> <p>Salary rates: New entrant: £27,000 [Source: Annual Survey of Hours and Earnings (ASHE) 2018]</p> <p>Experienced worker: £42,800 [Source: Incomes Data Services in 2014, uplifted based on national changes in earnings]</p>	
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”

J3. In table 2, in the row “2232 Midwives” at the end of the second column, insert “Salary rates: See Table 9”.

J4. In table 2, for the row “2412 Barristers and judges”, substitute:

“

2412 Barristers and judges	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• becomes acquainted with the facts of a case through reading statements, law reports, and consulting with clients or other professionals;</li> <li>• advises client on the basis of legal knowledge, research and past precedent as to whether to proceed with legal action;</li> <li>• drafts pleadings and questions in preparation for court cases, appears in court to present evidence to the judge and jury, cross examines witnesses and sums up why the court should decide in their client’s favour;</li> <li>• hears, reads and evaluates evidence, and instructs or advises the jury on points of law or procedure;</li> <li>• conducts trials according to rules of procedure, announces the verdict and passes sentence and/or awards costs and damages.</li> </ul>	RQF 6
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	<p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Advocate</li> <li>• Barrister</li> <li>• Chairman (appeals tribunal, inquiry)</li> <li>• Coroner</li> <li>• Crown prosecutor</li> <li>• District judge</li> </ul> <p>Salary rates:  New entrant: £20,800  Pupillage: £20,800  Experienced worker (not pupillage): £34,800</p> <p>[Source: The Bar Council in 2011, uplifted based on national changes in earnings and the Tier 2 (General) minimum salary threshold]</p>	
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”

J5. In table 2, for the row “2431 Architects”, substitute:

“

2431 Architects	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• liaises with client and other professionals to establish building type, style, cost limitations and landscaping requirements;</li> <li>• studies condition and characteristics of site, taking into account drainage, topsoil, trees, rock formations, etc.;</li> <li>• analyses site survey and advises client on development and construction details and ensures that proposed design blends in with the surrounding area;</li> <li>• prepares detailed scale drawings and specifications for design and construction and submits these for planning approval;</li> <li>• monitors construction work in progress to ensure compliance with specifications.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Architect</li> <li>• Architectural consultant</li> <li>• Chartered architect</li> <li>• Landscape architect</li> </ul> <p>Salary rates:  Part 1 graduate: £22,300  Part 2 graduate: £24,600  Part 3 graduate / newly-registered architect with less than 3</p>	RQF 6
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	years' experience since registration: £29,000 Experienced worker: £33,200	
	[Source: Royal Institute of British Architects in 2011, uplifted based on national changes in earnings]	

”

J6. In table 2, after the row for “2434 Chartered surveyors” insert a new row:

“

2435 Chartered architectural technologists	<p>Example job tasks: develops construction project briefs and design programmes;</p> <ul style="list-style-type: none"> <li>• advises clients on methods of project procurement and forms of contract;</li> <li>• advises on environmental, regulatory and legal requirements and assesses environmental impact;</li> <li>• prepares and presents design proposals and manages and coordinates design team;</li> <li>• monitors compliance with design, statutory and professional requirements, undertakes stage inspections;</li> <li>• administers contracts and certification and manages project handover;</li> <li>• evaluates and advises on refurbishment, recycling and deconstruction of buildings;</li> <li>• manages health and safety and carries out design stage risk assessments.</li> </ul> <p>Related job tasks: • Architectural technologist</p> <p>Salary rates: New entrant: £25,000 Experienced worker: £31,500</p> <p>[Source: Annual Survey of Hours and Earnings (ASHE) 2018]</p>	RQF 6
---	---	-------

”

J7. In table 2, for the row “3535 Taxation Experts”, substitute:

“

3535 Taxation experts	<p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• examines accounts of industrial, commercial and other establishments to determine their tax liability and makes adjustments to claims where necessary;</li> <li>• considers particular problems concerning all forms of</li> </ul>	RQF 6
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	<p>personal and company taxation;</p> <ul style="list-style-type: none"> <li>• stays abreast of all changes in tax law and precedent;</li> <li>• discusses disputed cases with accountants and other specialists;</li> <li>• represents Government, client or employer in contested claims before tax officials or an independent tribunal.</li> </ul> <p>Related job titles:</p> <ul style="list-style-type: none"> <li>• Tax adviser</li> <li>• Tax consultant</li> <li>• Tax inspector</li> <li>• Taxation specialist</li> </ul> <p>Salary rates: New entrant: £20,700 Experienced worker: £36,200</p> <p>[Source: Annual Survey of Hours and Earnings (ASHE) 2018]</p>	
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”

J8. After table 2, insert a new table:

“

**Table 2A – Occupations skilled to Regulated Qualifications Framework (RQF) level 3 which are eligible for Tier 2 (General) following their removal from the Shortage Occupation List.**

<b>SOC Code</b>	<b>Job Description</b>	<b>Skill Level</b>
5249 Electrical and electronic trades not elsewhere classified	<p>The only occupation within this SOC which qualifies is overhead lines worker at Linesman Erector 2 (LE2) level.</p> <p>Example job tasks:</p> <ul style="list-style-type: none"> <li>• examines drawings, wiring diagrams and specifications to determine appropriate methods and sequence of operations;</li> <li>• places prepared parts and sub-assemblies in position, checks their alignment and secures with hand tools to install x-ray and medical equipment, aircraft instruments and other electronic equipment;</li> <li>• removes protective sheath from wires and cables and connects by brazing, soldering or crimping and applies conductor insulation and protective coverings;</li> <li>• examines for defect and repairs electronic and related equipment;</li> <li>• tests for correct functioning and makes any further necessary adjustments;</li> </ul>	RQF 3

	<ul style="list-style-type: none"> <li>• performs routine servicing tasks, such as cleaning and insulation testing;</li> <li>• assists with the erection of wood poles or steel towers to carry overhead lines;</li> <li>• connects and installs transformers, fuse gear, lightning arrestors, aircraft warning lights, cable boxes and other equipment;</li> <li>• connects cables to test equipment and tests for balance, resistance, insulation and any defects;</li> <li>• locates and repairs faults to lines and ancillary equipment.</li> </ul> <p>Salary:</p> <p>Overhead lines worker at Linesman Erector 2 (LE2) level: £32,000</p> <p>[Source: Migration Advisory Committee]</p>	
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”.

J9. In table 3, delete the row for “2435 Chartered architectural technologists”.

J10. In table 4, in the row for “5249 Electrical and electronic trades not elsewhere classified”, delete:

“Overhead lines worker at Linesman Erector 2 (LE2) level that qualify for Tier 2 (General) by virtue of their inclusion on the Shortage Occupation List in Appendix K: £32,000

[Source: Migration Advisory Committee]”.

J11. In table 7, in the row for “3121 Architectural and town planning technicians”, delete “2435 Chartered architectural technologists”.

J12. In table 7, below the row for “3119 Science, engineering and production technicians not elsewhere classified”, insert a new row:

“

3121 Architectural and town planning technicians	RQF 4	2435 Chartered architectural technologists	RQF 6
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”.

### Changes to Appendix K

K1. Delete paragraph 4.

K2. For table 1, substitute:

“

Standard Occupational Classification (SOC) code and description	Job titles included on the United Kingdom Shortage Occupation List and further criteria
2112 Biological scientists and biochemists	<b>All</b> jobs in this occupation code
2113 Physical Scientists	<p><b>Only</b> the following jobs in this occupation code:</p> <p>The following jobs in the construction-related ground engineering industry:</p> <ul style="list-style-type: none"> <li>• engineering geologist</li> <li>• hydrogeologist</li> <li>• geophysicist</li> </ul> <p>The following jobs in the oil and gas industry:</p> <ul style="list-style-type: none"> <li>• geophysicist</li> <li>• geoscientist</li> <li>• geologist</li> <li>• geochemist</li> <li>• technical services manager in the decommissioning and waste areas of the nuclear industry</li> <li>• senior resource geologist and staff geologist in the mining sector</li> </ul>
2121 Civil engineers	<b>All</b> jobs in this occupation code
2122 Mechanical engineers	<b>All</b> jobs in this occupation code
2123 Electrical engineers	<b>All</b> jobs in this occupation code
2124 Electronics Engineers	<b>All</b> jobs in this occupation code

2126 Design and development engineers	<b>All jobs in this occupation code</b>
2127 Production and process engineers	<b>All jobs in this occupation code</b>
2129 Engineering professionals not elsewhere classified	<b>All jobs in this occupation code</b>
2135 IT business analysts, architects and systems designers	<b>All jobs in this occupation code</b>
2136 Programmers and software development professionals	<b>All jobs in this occupation code</b>
2137 Web design and development professionals	<b>All jobs in this occupation code</b>
2139 Information technology and communications professionals not elsewhere classified	<p><b>Only</b> the following job in this occupation code:</p> <ul style="list-style-type: none"> <li>• Cyber security specialist .</li> </ul>
2211 Medical practitioners	<b>All jobs in this occupation code</b>
2212 Psychologists	<b>All jobs in this occupation code</b>
2216 Veterinarians	<b>All jobs in this occupation code</b>
2217 Medical Radiographers	<b>All jobs in this occupation code</b>

2222 Occupational therapists	<b>All jobs in this occupation code</b>
2223 Speech and language therapists	<b>All jobs in this occupation code</b>
2231 Nurses	<b>All jobs in this occupation code</b>
2314 Secondary education teaching professionals	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• secondary education teachers in the subjects of maths, physics, science (where an element of physics will be taught), computer science and Mandarin</li> </ul>
2425 Actuaries, economists and statisticians	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• bio-informatician</li> <li>• informatician</li> </ul>
2431 Architects	<b>All jobs in this occupation code</b>
2433 Quantity surveyors	<b>All jobs in this occupation code</b>
2442 Social workers	<b>All jobs in this occupation code</b>
2461 Quality control and planning engineers	<b>All jobs in this occupation code</b>
3213 Paramedics	<b>All jobs in this occupation code</b>
3411 Artist	<b>All jobs in this occupation code</b>
3414 Dancers and choreographers	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• Skilled classical ballet dancers who meet the standard required by internationally recognised United Kingdom ballet companies.</li> </ul>



	<p>The company must be endorsed as being internationally recognised by a United Kingdom industry body such as the Arts Councils (of England, Scotland and/or Wales)</p> <ul style="list-style-type: none"> <li>• Skilled contemporary dancers who meet the standard required by internationally recognised United Kingdom contemporary dance companies. The company must be endorsed as being internationally recognised by a United Kingdom industry body such as the Arts Councils (of England, Scotland and/or Wales)</li> </ul>
3415 Musicians	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• skilled orchestral musicians who are leaders, principals, sub-principals or numbered string positions, and who meet the standard required by internationally recognised UK orchestras. The orchestra must be endorsed as being internationally recognised by the Association of British Orchestras.</li> </ul>
3416 Arts officers, producers and directors	<p><b>All</b> jobs in this occupation code</p>
3421 Graphic designers	<p><b>All</b> jobs in this occupation code</p>
5215 Welding trades	<p><b>Only</b> the following job in this occupation code:</p> <ul style="list-style-type: none"> <li>• high integrity pipe welder where the job requires three or more years' related on-the-job experience</li> </ul>
5434 Chefs	<p><b>Only</b> the following job in this occupation code:</p> <p>Skilled chef where:</p> <ul style="list-style-type: none"> <li>• the pay is at least £29,570 per year after deductions for accommodation, meals etc; and</li> <li>• the job requires five or more years relevant experience in a role of at least equivalent status to the one they are entering; and;</li> <li>• the job is not in either a fast food or standard fare outlet; and</li> </ul> <p>The job is in one of the following roles:</p> <ul style="list-style-type: none"> <li>• executive chef - limited to one per establishment</li> <li>• head chef - limited to one per establishment</li> <li>• sous chef - limited to one for every four kitchen staff per establishment</li> </ul>

	<ul style="list-style-type: none"> <li>• specialist chef - limited to one per speciality per establishment</li> </ul>
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”

K3. For table 2 substitute:

“

<b>Standard Occupational Classification (SOC) code and description</b>	<b>Job titles included on the Scotland only Shortage Occupation List and further criteria</b>
All	All job titles and occupations on the United Kingdom Shortage Occupation List
2111 Chemical scientists	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• Chemical scientists within the nuclear industry</li> </ul>
2127 Production and process engineers	<p>Only the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• Chemical engineers within the nuclear industry</li> </ul>
2314 Secondary education teaching professionals	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• Gaelic Teachers</li> </ul>
2315 Primary and nursery education teaching professionals	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• Gaelic-medium teachers</li> </ul>

”

K4. For table 3, substitute:

“

<b>Standard Occupational Classification (SOC) code and description</b>	<b>Job titles previously included on the United Kingdom Shortage Occupation List and further criteria</b>	<b>Date on which job titles were removed from the United Kingdom</b>	<b>Date of application for indefinite leave to remain where job titles cease to</b>
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		<b>Shortage Occupation List</b>	<b>provide exemption from the salary requirement in paragraph 245HF(d)(vi)</b>
1123  Production managers and directors in mining and energy	<p><b>Only</b> the following jobs in this occupation code:</p> <p>The following jobs in the decommissioning and waste management areas of the nuclear industry:</p> <ul style="list-style-type: none"> <li>• managing director</li> <li>• programme director</li> <li>• site director</li> </ul> <p>The following jobs in the electricity transmission and distribution industry:</p> <ul style="list-style-type: none"> <li>• project manager</li> <li>• site manager</li> </ul>	1 October 2019	1 October 2025
2133 IT specialist managers	<p><b>Only</b> the following job in this occupation code:</p> <p>IT product manager employed by a qualifying company, where the job requires a person with a minimum of five years' relevant experience and demonstrable experience of having led a team.</p>	1 October 2019	1 October 2025
2142 Environmental Professionals	<p><b>Only</b> the following jobs in this occupation code: the following jobs in the construction-related ground engineering industry:</p> <ul style="list-style-type: none"> <li>• contaminated land</li> </ul>	1 October 2019	1 October 2025

	<p>specialist</p> <ul style="list-style-type: none"> <li>• geoenvironmental specialist</li> <li>• landfill engineer</li> </ul>		
2219 Health professionals not elsewhere classified	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• neurophysiology healthcare scientist</li> <li>• neurophysiology practitioner</li> <li>• nuclear medicine scientist</li> <li>• orthotist</li> <li>• prosthetist</li> </ul>	1 October 2019	1 October 2025
2314 Secondary education teaching professionals	<ul style="list-style-type: none"> <li>• secondary education teacher in the subject of chemistry</li> </ul>	6 April 2017	6 April 2023
3113 Engineering technicians	<p><b>Only</b> the following jobs in this occupation code:</p> <p>The following jobs in the electricity transmission and distribution industry:</p> <ul style="list-style-type: none"> <li>• commissioning engineer</li> <li>• substation electrical engineer</li> </ul>	1 October 2019	1 October 2025
3541 Buyers and purchasing officers	<p><b>Only</b> the following job in this occupation code:</p> <ul style="list-style-type: none"> <li>• manufacturing engineer (purchasing) in the aerospace industry</li> </ul>	1 October 2019	1 October 2025
5235 Aircraft maintenance and related trades	<p><b>Only</b> the following jobs in this occupation code:</p> <ul style="list-style-type: none"> <li>• licensed and military certifying</li> </ul>	1 October 2019	1 October 2025

	engineer/inspector technician		
5249 Line repairers and cable jointers	<b>Only</b> the following job in this occupation code:  <ul style="list-style-type: none"> <li>overhead lines worker at Linesman Erector 2 (LE2) level and above, where the pay is at least £32,000 per year</li> </ul>	1 October 2019	1 October 2025
5249 Line repairers and cable jointers	<b>Only</b> the following job in this occupation code:  <ul style="list-style-type: none"> <li>overhead lines worker, working on high voltage lines that carry at least 275,000 volts (except at Lines worker Erector 2 (LE2) level and above and where the pay is at least £32,000 per year – This job remained on the Shortage Occupation List until 1 October 2019)</li> </ul>	6 April 2015	6 April 2021

”

K5. Delete table 4.

### Changes to Appendix KOLL

KoLL1. In paragraph 2.2(b)(iii), delete “as specified in Appendix O to these Rules”.

KoLL2. In paragraph 2.2(c), for the first occurrence of “as specified in Appendix O to these Rules”, substitute: “as published on the UK Visas and Immigration pages of Gov.uk”.

KoLL3. In paragraph 2.2(c), delete “as specified in Appendix O,”.

KoLL4. In paragraph 3.2(b)(ii), for the first occurrence of “as specified in Appendix O to these Rules”, substitute: “as published on the UK Visas and Immigration pages of Gov.uk”.

- KoLL5. In paragraph 3.2(b)(ii), delete “as specified in Appendix O,”.
- KoLL6. In paragraph 3.3(i), for the first occurrence of “as specified in Appendix O to these Rrules”, substitute: “as published on the UK Visas and Immigration pages of Gov.uk”.
- KoLL7. In paragraph 3.3(i), delete “as specified in Appendix O,”.
- KoLL8. For paragraph 4.15 substitute, “The information specified for the purposes of paragraph 2.3 of this Appendix is a unique reference number issued to the applicant by the provider of the “Life in the UK” test.”.

### **Changes to Appendix L**

- L1. For paragraph 1(a), substitute:
- “(a) currently hold, or held within the 12 months directly prior to date of application, a specific peer-reviewed research fellowship as awarded by UK Research and Innovation and its Councils, Wellcome Trust, British Heart Foundation, Cancer Research UK, National Institute for Health Research or UK National Academies, as defined as eligible and named on the accelerated list published by The Royal Society, The Royal Academy of Engineering or The British Academy;”.
- L2. For paragraph 2(b)(iii), substitute:
- “(iii) the name of the position and the department in which the applicant will be based (eligible senior positions are Professor, Associate Professor, Reader, or equivalent positions such as Senior Group Leader, at a UK HEI or research institute);”.
- L3. In paragraph 10, before the table, for “In meeting these criteria, applicants must demonstrate proven commercial or technical expertise in management or exploitation of a technology stack.” substitute:
- “In meeting these criteria, business applicants must demonstrate proven commercial, investment, or product expertise in building digital products or leading investments in significant digital product businesses. Technical applicants must demonstrate proven technical expertise in building, using, deploying or exploiting a technology stack and building technical infrastructure. Examples of the types of applicants who are considered as technical or business applicants as defined by Tech Nation are available in the Tier 1 (Exceptional Talent) Policy Guidance.”.
- L4. In the table in paragraph 10, in each instance it occurs, for “digital technology

company” substitute “product-led digital technology company”.

- L5. In the table in paragraph 10, delete “(e.g. patent application)” in both instances it occurs.
- L6. In the first column of the table in paragraph 10, for “as a director / founder”, substitute “as a founder or director”.
- L7. In the second column of the table in paragraph 10, for “Provide two or more examples of innovation”, substitute “Provide more than one example of innovation”.
- L8. In paragraph 11(c), for “Two dated letters of recommendation on headed paper written in support of the application signed by two different senior members of different established organisations in the digital technology sector, who are familiar with the applicant’s work and their contribution to the digital technology sector, and are qualified to assess the applicant’s claim to be a world leader or potential world leader in this field. Both letters must:”,

Substitute:

“Three dated letters of recommendation on headed paper written in support of the application signed by three different senior members of different established organisations in the digital technology sector, who are familiar with the applicant’s work and their contribution to the digital technology sector, and are qualified to assess the applicant’s claim to be a world leader or potential world leader in this field. Both letters must:”.

- L9. In paragraph 11(c), in both instances it occurs for “world leader” substitute “leader”.
- L10. At the end of paragraph 13(b)(iv), for “.” substitute “; and”.
- L11. After paragraph 13(b)(iv) insert:  
  
“(v) The commercial impact of the applicant’s previous work, achievements and experiences.”.

### **Changes to Appendix M**

- M1. For “National Ice Skating Association of Great Britain and Northern Ireland”, substitute “British Ice Skating”.
- M2. For “England Squash and Racketball”, substitute “England Squash”.

### **Changes to Appendix N**

N1. In Appendix N, delete row starting “Foreign & Commonwealth Office”.

N2. In Appendix N, for:

“

<p>UK Research and Innovation – Science, Research and Academia</p>	<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"> <li>• Babraham Institute</li> <li>• John Innes Centre</li> <li>• The Pirbright Institute</li> <li>• The Francis Crick Institute</li> <li>• Diamond Light Source Ltd</li> <li>• Plymouth Marine Laboratory</li> <li>• Quadram Institute Bioscience</li> <li>• The Welding Institute</li> <li>• The Sainsbury’s Laboratory, Norwich</li> <li>• Wellcome Trust Sanger Institute</li> <li>• National Institute of Agricultural Botany (NIAB)</li> <li>• Natural History Museum</li> <li>• Scottish Association for Marine Science</li> <li>• Earlham Institute</li> </ul>	<p>Research &amp; Training Programmes Maximum 24 months</p>	<p>All UK</p>
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		<ul style="list-style-type: none"> <li>• Centre for Ecology and Hydrology</li> <li>• National Oceanography Centre</li> <li>• Rothamsted Research</li> <li>• The Alan Turing Institute</li> <li>• The British Museum</li> <li>• The British Library</li> <li>• Science Museum Group</li> <li>• The Faraday Institution</li> <li>• Victoria and Albert Museum</li> <li>• The National Archives</li> <li>• British Institute of International and Comparative Law</li> <li>• National Museums of Scotland</li> <li>• Institute for Fiscal Studies</li> <li>• National Centre for Social Research</li> </ul>		
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substitute

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UK Research and Innovation – Science, Research	A scheme to enable UK Research and Innovation (UKRI) to engage with sponsored researchers within its own organisation as well as endorsing select Independent	UK Research and Innovation (UKRI) and the following organisations endorsed by UKRI:	Research & Training Programmes Maximum 24 months	All UK
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<p>and Academia</p>	<p>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>	<ul style="list-style-type: none"> <li>• Babraham Institute</li> <li>• John Innes Centre</li> <li>• The Pirbright Institute</li> <li>• The Francis Crick Institute</li> <li>• Diamond Light Source Ltd</li> <li>• Plymouth Marine Laboratory</li> <li>• Quadram Institute Bioscience</li> <li>• The Welding Institute</li> <li>• The Sainsbury's Laboratory, Norwich</li> <li>• Wellcome Trust Sanger Institute</li> <li>• National Institute of Agricultural Botany (NIAB)</li> <li>• Natural History Museum</li> <li>• Culham Centre for Fusion Energy/UK Atomic Energy Authority</li> <li>• The James Hutton Institute</li> <li>• Kew Gardens</li> <li>• H R Wallingford Ltd</li> <li>• Institute of Development Studies</li> <li>• Institute of Occupational Medicine</li> <li>• International Institute for Environment and Development</li> <li>• Overseas Development Institute</li> </ul>		
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		<ul style="list-style-type: none"> <li>• Royal Botanic Garden Edinburgh</li> <li>• Armagh Observatory and Planetarium</li> <li>• Historic Royal Palaces</li> <li>• The Trustees of the Tate Gallery</li> <li>• Nesta</li> </ul>		
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### **Changes to Appendix O**

O1. Delete Appendix O.

### **Changes to Appendix W**

W1. For paragraph W3.4(a)(i), substitute:

“(i) a *higher education provider with a track record of compliance*”.

W2. For paragraph W3.8(b)3(i), substitute:

“(i) The applicant must have passed a Secure English Language Test taken at a Secure English Language Test centre approved by the Secretary of State. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk. The provider’s online booking system will allow the applicant to choose the location of the test.”.

W3. For paragraph W5.1(b)(v), substitute:

“(v) confirmation that the applicant has not previously established any business in the UK which has commenced trading, unless the applicant’s last grant of leave was as any of the following:

- (1) a Start-up migrant
- (2) a Tier 1 (Graduate Entrepreneur) Migrant
- (3) a Tier 4 (General) Student on the doctorate extension scheme”

W4. For paragraph W5.3(a)(i)(1), substitute:

“(1) The institution is a *higher education provider with a track record of*

*compliance*”.

W5. At the end of paragraph W5.3(a)(ii)(2), insert “The department must be either a core department led by a UK or devolved government minister or a regionally-devolved authority led by a directly-elected mayor.”.

W6. In paragraph W5.3(c)(i), for “6, 12 and 24 months”, substitute “6 and 12 months”.

W7. For paragraph W5.3(d), substitute:

“(d) The organisation and its key personnel must not be connected to past or present abuse of the immigration system, criminality or other actions or behaviour which are non-conducive to the public good.

(e) There must be no reasonable grounds to believe that the organisation’s purpose in becoming an *endorsing body* conflicts with the purpose of the Start-up category or with wider considerations of immigration policy.

(f) In becoming an *endorsing body*, there must be no (actual or potential) conflict of interest within the organisation or with any linked external organisation. In particular, there must be no partnership with immigration organisations and no use of *endorsing body* status to promote immigration services.”.

W8. At the end of paragraph W6.8(b), insert “The department must be either a core department led by a UK or devolved government minister or a regionally-devolved authority led by a directly-elected mayor.”.

W9. For paragraph W6.8(e), substitute:

“(e) The organisation and its key personnel must not be connected to past or present abuse of the immigration system, criminality or other actions or behaviour which are non-conducive to the public good.

(f) There must be no reasonable grounds to believe that the organisation’s purpose in becoming an *endorsing body* conflicts with the purpose of the Innovator category or with wider considerations of immigration policy.

(g) In becoming an *endorsing body*, there must be no (actual or potential) conflict of interest within the organisation or with any linked external organisation. In particular, there must be no partnership with immigration organisations and no use of *endorsing body* status to promote immigration services.”.

W10. In Annex 1, after the definition of “extension application”, insert new entry:

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**higher education  
provider and track  
record of compliance**

have the same meanings as set out in paragraph 6  
of the Immigration Rules

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