

**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
PRESENTED TO PARLIAMENT ON 22 OCTOBER 2020 (HC 813)**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument amends the Immigration Rules that are used to regulate people's entry to and stay in the United Kingdom. These amendments deliver the Future Points-Based Immigration System and represent a further step in realising the Home Office commitment to simplifying the rules, implementing the recommendations of the Law Commission to ensure we provide greater clarity to migrants, employers and all other users of the rules.
- 2.2 The detail of the changes being made is included in section 7 of this Explanatory Memorandum but, in summary, the main changes are as follows:

The **Visitor rules** will now:

- permit study of up to six months under the standard visit route. All study must be undertaken at an accredited institution, except recreational courses undertaken for leisure that last no longer than 30 days;
- allow drivers on international routes to collect as well as deliver goods and passengers in and out of the UK;
- remove the requirement for volunteering to be incidental to the main reason for the visit.

In the **Student and Child Student rules**, the maintenance levels are being amended in line with the current home student maintenance loans. Minor corrections will be made to the rules as laid on 5 October 2020.

A new **Short-term Study route** is being introduced for students who wish to come to the UK to study English language courses for between 6 and 11 months, replacing the current route. The study must be at an accredited institution. Students who wish to come to the UK to study for 6 months or less may now do so under the Visitor route.

The **Skilled Worker route** is a new points-based route for those who wish to come to the UK for the purpose of working in a skilled job they have been offered. The key characteristics of the new route are that an applicant must be sponsored to do a specific job, which meets skill and salary requirements, by an employer that has been licensed by the Home Office.

On the **Intra-Company Transfer route** changes are being made to the cooling off requirement, the provision for high earners, and the ability of people to move onto the route when already in the UK.

We are also making changes to the **Global Talent rules** on the criteria for senior appointments and to the definitions of qualifying academic and research roles.

2.3 A number of other work routes are included in the Statement of Changes. These have been revised and simplified but there are no substantial policy changes. These routes are:

- **T2 Minister of Religion**, which allows the recruitment of persons who have a key leading role within their religious establishment or organisation in the UK.
- **T2 Sportsperson**, which is for an elite sportsperson or qualified coach who is sponsored on a long-term contract to make a significant contribution to the development of sport at the highest level in the UK.
- **UK Ancestry**, which is for Commonwealth citizens with a grandparent born in the UK who intend to come to the UK to work.
- **Tier 5 (Temporary Worker) routes**: Seasonal Worker, Youth Mobility Scheme, Religious Worker, Charity Worker, Creative and Sporting Worker, International Agreement Worker and Government Authorised Exchange Worker.
- **Start-up and Innovator**: these routes were reformed recently to attract to the UK those with innovative business ideas.

2.4 We have also revised and simplified the rules on the exercise of the powers to refuse or cancel permission on suitability grounds. There are changes to the criminality thresholds. We have replaced the current different thresholds with a single sentence-based threshold of 12 months, applying to offences committed in the UK or overseas. This will also align decision-making on criminality with the current deportation threshold of 12 months imprisonment under the UK Borders Act 2007, creating consistency across the immigration system and making it easier for migrants to understand what impact their convictions will have on their immigration status. There are also new grounds for refusal or cancellation for customs breaches, rough sleeping or being involved in a sham marriage.

2.5 We are revising and providing greater consistency in the way applicants prove English language, Finance and Knowledge of Life in the UK. These thematic rules include changes to:

- ensure applicants only need to prove the required level of English language to the Home Office once.
- update the majority speaking English language country list (where nationality is proof of English language ability) to include Malta and allow people with a degree from Ireland to rely on that as proof of English language ability.
- allow applicants who have gained GCSE/A Level or Scottish Highers in English while at school in the UK to rely on this to prove their English language ability. Initially, this will apply only to entry clearance and permission to stay for Students, Skilled Worker, Start-up and Innovators.

- no longer require applicants who have met the maintenance requirement on their current route to meet it again if they have been supporting themselves in the UK for more than a year. This only applies on the Student, Skilled Worker, Intra-company, T2 Minister of Religion and T2 Sportsperson, T5 (Temporary Workers), Start-up and Innovator routes.
- align the timeframes applicants are required to show they have held funds to 28 days. Initially this will apply to the Student, Skilled Worker, Intra-company, T2 Minister of Religion, T2 Sportsperson, T5 (Temporary Workers), Start-up and Innovator routes.
- allow applicants to rely on electronic bank statements without requiring that they be certified by the bank on each page.
- allow applicants to show they meet maintenance requirements by relying on a wider range of accounts.
- there are also some minor and technical changes to the way time periods are calculated and the approach to accounts with financial institutions where the Home Office cannot verify financial evidence.

2.6 There are also now common rules on ATAS (Advance Technology Approval to Study) and Continuous Residence for settlement, to provide greater consistency in how the current rules apply. The new Appendix Continuous Residence applies to applications for settlement on the following routes: Skilled Worker, Representative of an Overseas Business, Global Talent, Innovator; T2 Minister of Religion, T2 Sportsperson, UK Ancestry, Hong Kong British National (Overseas), and ECAA Extension of Stay.

2.7 Changes are being made to Appendix AR to provide a right of administrative review where a relevant decision is made on an application as:

- a Student,
- a Short-term Student
- a Child Student,
- the Parent of a Child Student
- a Skilled Worker,
- an Intra-Company routes Worker
- a T2 Minister of Religion,
- a T2 Sportsperson,
- a Representative of an Overseas Business,
- a person with UK Ancestry,
- a person on the Global Talent route,
- a person on the Start-up route,
- an Innovator,
- a T5 Seasonal Worker,
- a T5 Youth Mobility Worker,
- a T5 Religious Worker,
- a T5 Charity Worker,
- a T5 Creative or Sporting Worker,
- a T5 International Agreement Worker,
- a T5 Government Authorised Exchange Worker,

- a Hong Kong British National (Overseas).
- 2.8 In line with the changes to Part 9 of the Immigration Rules, there are consequential changes to Appendix AR to ensure references to Part 9 are correct.
- 2.9 Where provisions for cancellation of leave to enter or remain, currently contained in Part 9 of the Immigration Rules, have been incorporated into Appendix EU and Appendix EU (Family Permit) consequential amendments are being made to Appendix AR so there will continue to be a right to administrative review where a decision is made to cancel leave on the grounds of false or misleading information, representations or documents. Changes have also been made to ensure that cancellations of entry clearance or permission to enter under Appendix S2 Healthcare Visitor and Appendix Service Providers from Switzerland have a right to administrative review.
- 2.10 Changes are being made to Appendix AR (EU) to provide a right of administrative review where a relevant decision is made on an application as:
- A joining family member (under the EUSS) of a resident EEA or Swiss citizen.
  - An S2 Healthcare Visitor.
  - A service provider from Switzerland.
- 2.11 Changes are also being made to Appendix AR (EU) to make it clear that where an administrative review is pending the person cannot be removed from the United Kingdom and to enable a person to waive their right to an administrative review by signing a waiver form.
- 2.12 Changes are being made to the rules for the EU Settlement Scheme (EUSS), contained in Appendix EU, and for the EUSS family permit, contained in Appendix EU (Family Permit). The EUSS enables EEA and Swiss citizens living in the UK by the end of the transition period, and their family members, to obtain the UK immigration status they need to remain in the UK after 30 June 2021, with the same rights to work, study and access benefits and services as they had before the UK left the EU. The EUSS family permit enables certain family members of a resident EEA citizen to travel to the UK. The changes are in line with the Citizens' Rights Agreements with the EU, the other EEA states (Iceland, Liechtenstein and Norway) and Switzerland and mainly reflect the end of the transition period.
- 2.13 Changes are being made to the rules for family members in Appendix FM to enable:
- An EEA or Swiss citizen with limited leave under Appendix EU (the EUSS) on the basis of being resident in the UK before the end of the transition period to sponsor new family members (those who are not covered by the EUSS) to come to or remain in the UK.
  - A Turkish worker or business person with limited leave under Appendix ECAA Extension of Stay (or under legacy arrangements in respect of the European Communities Association Agreement (ECAA)) to sponsor a partner and children to come to or remain in the UK.

- 2.14 The Citizens' Rights Agreements with the EU, the other EEA states and Switzerland require a route of entry into the UK to be made available, free of charge, to persons who, before the end of the transition period, had requested authorisation from their home state to receive a course of planned healthcare treatment provided by the NHS under the 'S2 route'. After the transition period ends, the S2 Healthcare Visitor route will allow eligible patients to enter the UK for a period sufficient to allow them to complete their treatment. These arrangements will also apply to any person accompanying a patient for the purpose of providing them with care or support during the course of planned healthcare treatment.
- 2.15 Following the end of the transition period and the repeal of EU-derived directly effective immigration rights the UK will no longer be internationally or domestically obliged to provide preferential treatment to Turkish nationals on the basis of the European Communities Association Agreement (ECAA) or its related provisions in the Additional Protocol or Decision 1/80. The new Appendix ECAA Extension of Stay will largely replicate the existing ECAA arrangements to ensure that Turkish workers, business persons and family members currently covered by those arrangements remain subject to the same eligibility requirements as now. Changes are being made to suitability requirements to ensure that conduct committed before the end of the transition period is considered under the previous arrangements for restricting rights (which derive from judgments of the CJEU), whereas conduct committed after that date will be considered under the UK criminality thresholds. Minor updates are also being applied to the existing Appendix ECAA Settlement for consistency purposes.
- 2.16 In line with the Citizens' Rights Agreement with Switzerland, the new Appendix Service Providers from Switzerland establishes an immigration route for eligible service providers from Switzerland. The route allows companies and (if Swiss) self employed individuals to fulfil pre-existing contracts in the UK for no more than 90 days per calendar year. To be eligible, the contracts must have been signed and commenced before the end of the transition period. The route is expected to run for five years, until 31 December 2025.
- 2.17 These amendments also extend the Afghan Interpreters ex-gratia relocation scheme to allow applications from those who resigned from their positions and served for a minimum of 12 months prior to resignation and ensures criteria for those who resigned is in line with those who were made redundant. This extension allows for more Afghan Interpreters who assisted HM Forces in Afghanistan and their family members to relocate to the UK. The amendment makes clear that this is a time-limited extension, and will have the effect of requiring that applications are made between 1 December 2020 and 30 November 2022.
- 2.18 New rules are being introduced to reflect the Government's commitment to establish a Hong Kong British National (Overseas) route as set out in the Home Secretary's Policy Statement on 22 July 2020.<sup>1</sup>

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<sup>1</sup> Hong Kong British National (Overseas) Visa Policy Statement, 22 July 2020, CP 280, accessed here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/902976/CCS207\\_CCS0720898728-001\\_HK\\_BN\\_Visa\\_Policy\\_Statement\\_A4\\_4\\_-\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902976/CCS207_CCS0720898728-001_HK_BN_Visa_Policy_Statement_A4_4_-_FINAL.pdf)

- 2.19 We are also making changes to the rules to reflect the fact that Irish citizens will not require permission to enter or stay in the UK once free movement ends, except in specified circumstances.

### **3. Matters of special interest to Parliament**

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

- 3.1 The rules represent a further step in implementing the Law Commission recommendations on simplifying the Immigration Rules<sup>2</sup>.

#### ***Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)***

- 3.2 As this statement of changes in Immigration Rules is subject to the procedure set out under section 3(2) of the Immigration Act 1971, there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

### **4. Extent and Territorial Application**

- 4.1 The territorial extent of this Statement of Changes in Immigration Rules is all of the United Kingdom.
- 4.2 The territorial application of this Statement of Changes in Immigration Rules is all of the United Kingdom.

### **5. European Convention on Human Rights**

- 5.1 As this Statement of Changes in Immigration Rules is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

### **6. Legislative Context**

- 6.1 The Immigration Rules, as laid before Parliament by the Secretary of State, constitute a statement of practice to be followed in the administration of the Immigration Act 1971 for regulating the entry into and stay in the United Kingdom of those without the right of abode.
- 6.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules, which can be found on the GOV.UK website at [www.gov.uk/government/collections/immigration-rules](https://www.gov.uk/government/collections/immigration-rules), where all the Statements of Changes in Immigration Rules issued since May 1994 are published.
- 6.3 The following sections take effect at 9am on 1 December 2020. In relation to these changes, if an application for entry clearance, leave to enter or leave to remain has

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<sup>2</sup> Law Commission Report on Simplifying the Immigration Rules at <https://www.lawcom.gov.uk/project/simplifying-the-immigration-rules/>

been made before 9am on 1 December 2020, the application will be decided in accordance with the Immigration Rules in force on 30 November 2020.

- Introduction (except Provision for Irish Citizens)
- Part 1
- Part 2
- Part 3
- Part 4
- Part 5
- Part 6
- Part 6A
- Part 7
- Part 8
- Part 9
- Part 11
- Part 14
- Appendix EL(deletion)
- Appendix FIN (deletion)
- Appendix A
- Appendix AR
- Appendix ATAS (deletion)
- Appendix B
- Appendix C
- Appendix D (deletion)
- Appendix E
- Appendix J (deletion)
- Appendix K (deletion)
- Appendix KoLL
- Appendix P (deletion)
- Appendix ST (deletion)
- Appendix CS (deletion)
- Appendix U (deletion)
- Appendix W (deletion)

The insertion of:

- Appendix V: Visitor
- Appendix Visitor: Permitted Activities
- Appendix Visitor: Visa National list
- Appendix Visitor: Permit Free Festivals
- Appendix Visitor: Transit Without Visa Scheme
- Appendix S2 Healthcare Visitor
- Appendix Student
- Appendix Short-term Student
- Appendix Child Student
- Appendix Parent of a Child Student
- Appendix Skilled Worker
- Appendix Intra-Company routes

- Appendix Skilled Occupations
- Appendix Shortage Occupation List
- Appendix T2 Minister of Religion
- Appendix T2 Sports person
- Appendix Representative of an Overseas Business
- Appendix UK Ancestry
- Appendix Global Talent
- Appendix Start-up
- Appendix Innovator
- Appendix T5 (Temporary Worker) Seasonal Worker
- Appendix T5 (Temporary Worker) Youth Mobility Scheme
- Appendix T5 Youth Mobility Scheme: eligible nationals
- Appendix T5 (Temporary Worker) Creative Sporting Worker
- Appendix T5 (Temporary Worker) Religious Worker
- Appendix T5 (Temporary Worker) Charity Workers
- Appendix T5 (Temporary Worker) International Agreement Workers
- Appendix T5 (Temporary Worker) Government Authorised Exchange Workers
- Appendix T5 Creative Workers: Codes of Practice
- Appendix Service Providers from Switzerland
- Appendix ATAS
- Appendix English Language
- Appendix KOL UK
- Appendix Finance
- Appendix Continuous Residence

6.4 The changes at Annex 3 of Appendix EU and the changes at Annex 3 of Appendix EU (Family Permit) take effect at 9am on 1 December 2020.

6.5 The following changes take effect at 11pm on 31 December 2020:

- Introduction (Provision for Irish citizens)
- The remaining changes to Appendix EU
- The remaining changes to Appendix EU (Family Permit)
- Appendix EU(AR)
- Appendix ECAA Extension of Stay
- Appendix ECAA Settlement
- Appendix FM
- Appendix FM-SE

6.6. The following changes take effect on 31 January 2021: Appendix Hong Kong British National (Overseas).

6.7. An application for leave to remain made by an EEA national before 11pm on 31 December 2020, other than under Appendix EU, Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland, is invalid and will be rejected and not considered.

- 6.8 Where an EEA national makes an application for entry clearance, other than under Appendix EU (Family Permit), Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland, before 11pm on 31 December 2020, any entry clearance granted will take effect from 1 January 2021.

## **7. Policy background**

### **Simplification**

- 7.1 Where a route is being simplified, it is added to the rules as an Appendix. This avoids the need for complex cross-references where possible. This is a transitional measure and when the Immigration Rules are fully consolidated and simplified, the routes will be in the body of the rules as separate Parts.
- 7.2 Not all changes to the rules concern routes that will be simplified. For example, the new Appendix EU and Appendix EU (Family Permit) are amended to reflect policy changes which mainly relate to the end of the transition period.
- 7.3 The significant changes from the current Rules are set out in detail below.

### **Changes to the Introduction**

- 7.4 Provision is being made for Irish citizens in new paragraphs 5C to 5E and in paragraph 7, who as part of the Common Travel Area arrangement between the UK and Ireland, and in line with their long-standing associated rights set out in the UK-Ireland CTA Memorandum of Understanding signed in 2019,<sup>3</sup> will have the right to enter, live and work in the UK without requiring permission and without restriction on their stay, as confirmed in the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, unless they are subject to a deportation order, exclusion decision or international travel ban. Irish citizens who do not require permission will not be able to apply for permission under most of the routes in the Immigration Rules and any application will be rejected as invalid.
- 7.5 Irish citizens resident in the UK by 31 December 2020 do not need to apply to the EU Settlement Scheme, although they may do so if they wish, and their eligible family members can apply to the scheme whether or not the Irish citizen has done so. Irish citizens will also be permitted to apply for other routes which deliver our Citizen's Rights Agreement commitments, although they do not need to do so. Irish citizens will continue to be able to bring family members to the UK on the same basis as a British citizen.
- 7.6 The definitions in paragraph 6 are revised and updated and listed in alphabetical order.

### **Changes to Part 1**

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<sup>3</sup> <https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-uk-and-ireland-on-the-cta>

- 7.7 Changes will be made to apply the rules to EEA and Swiss citizens who will require permission to enter and stay in the UK as a consequence of the end of free movement.
- 7.8 The requirements currently set out in paragraph 34 of the Immigration Rules will in some routes now be in part replaced by validity requirements which apply to applications for entry clearance and permission to stay. The general validity requirements are:
- the application must be made on the specified form on Gov.UK;
  - any fee and Immigration Health Charge must have been paid;
  - the applicant must have provided any required biometrics;
  - the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and
  - the applicant must meet any minimum age requirement on the date of application;
  - if the applicant has received an award from a Government or international scholarship agency in the 12 months before the date of application which covers both fees and living costs for study in the UK, they must have provided written consent to the application from that Government or agency; and
  - the applicant must meet any relevant rules as to the current or previous leave.

There are also some route specific validity requirements, for example, the Skilled Worker route includes an additional validity requirement that the applicant must have been issued a Certificate of Sponsorship within three months of the date of application. The relevant validity requirements are set out in each simplified route.

- 7.10 Paragraph 39E is amended to disregard overstaying between 24 January 2020 and 31 August 2020 (during the pandemic).

#### **Changes to Parts 2, 3 and 4**

- 7.11 A number of redundant provisions will be deleted.

#### **Changes to Part 5**

- 7.12 The Overseas Domestic Worker route will be amended to reflect the change to the status of EEA nationals intending to visit the UK after 31 December 2020.
- 7.13 The purpose of the provisions at paragraph 159A of the Rules is to provide for the admission of an overseas domestic worker (ODW) where the worker forms part of their employers' household overseas; the worker is accompanying their employer to the UK; and the employer's stay in the UK will not exceed six months.
- 7.14 Students and other temporary residents are not permitted to bring their private domestic staff to the UK. A change is being made to reflect the updated rules for visitors (Appendix V) to ensure that those coming to the UK for short term study remain unable to sponsor an ODW.

7.15 The other changes to Part 5 are to delete paragraphs that are redundant.

### **Changes to Part 6 and 6A**

7.16 Paragraphs are being deleted where they are redundant.

### **Changes to Part 7**

7.17 Changes will be made to allow locally engaged Afghan interpreters who served for a minimum of 12 months prior to resignation and served 'on frontline duties outside the wire in Helmand' to apply for limited leave to enter the UK. Applications must be submitted between 1 December 2020 and 30 November 2022. These changes allow a person now eligible for limited leave to the UK to sponsor family members to come to the UK subject to the existing requirements under Part 7 of the rules. Amendments have also been made to refer to the Foreign and Commonwealth Office as the Foreign, Commonwealth and Development Office to reflect Departmental changes.

7.18 The remaining change to Part 7 is to reflect the simplification of the Parent of a Child Student route, explained in more detail below.

### **Changes to Part 8**

7.19 The changes to be made to Part 8 reflect the changes to the provisions for dependants in the simplified routes, which means that the provisions for dependants in Part 8 will only apply to dependants of Tier 1 (Entrepreneur) Migrants or Tier 1 (Investor) Migrants. Those already in the UK as a dependant of a PBS Migrant will be able to extend their permission or apply for settlement as a dependant under the new routes.

7.20 In addition, for the purpose of Part 8, Malta is added to the list of countries where a person can rely on their nationality as proof of English language ability.

### **Changes to Part 9: Grounds for Refusal**

7.21 The rules on how we use the powers to refuse or cancel entry clearance and permission on suitability grounds will be replaced with revised and simplified rules. The new Part 9 applies to all routes, except Appendix FM (Family Route), Appendix AF (Armed Forces), Appendix EU (EU Settlement Scheme), Appendix EU (Family Permit), Part 11 (Asylum) (except paragraph 352ZH, 352ZP, 352J and 352U), Appendix S2 Healthcare Visitor and Appendix Service Providers from Switzerland.

7.22 There are exceptions to Part 9 that will apply to applications for, and leave granted under, legacy ECAA arrangements with Turkey and transitional arrangements introduced from 1 January 2021. The changes ensure that, in respect of conduct committed after 31 December 2020, the UK conduct thresholds will apply to cancellation of leave and to new applications for extension of leave. Conduct committed before that date will continue to be assessed under ECAA legacy thresholds. For dependent children joining a family member with leave under

Appendix ECAA Extension of Stay from 1 January 2021, all conduct will be assessed in accordance with the revised suitability rules.

- 7.23 There are changes to the criminality thresholds to replace the existing different thresholds with a new single sentence-based threshold of 12 months applying to offences committed in the UK or overseas. This will also align decision-making relating to criminality with the current deportation threshold of 12 months for UK offences, creating consistency across the immigration system and making it easier for migrants to understand exactly what impact their convictions will have on their immigration status.
- 7.24 It will be mandatory to refuse an applicant who is seeking entry clearance or permission to enter the UK for the first time as a visitor or for entry for less than 6 months if the relevant criminality grounds apply. These changes reflect the policy intention for decision-making to be tougher at the border in relation to visitors and those entering the UK for the first time.
- 7.25 Currently, any application for limited or indefinite leave to remain must be refused if the Secretary of State has previously made a decision to exclude that person under Article 1F of the Refugee Convention, to exclude that person from Humanitarian Protection under paragraph 339D of these Rules or made a decision that they are within scope of Article 33(2) of the Refugee Convention. The application must also be refused if notwithstanding there has been no such decision, their actions result in such a refusal decision, based on exclusion under Article 1F, paragraph 339D, or the application of Article 33(2) on the basis that there are reasonable grounds for regarding them as a danger to the security of the UK, if the person were to make a protection claim. The rules will allow applications for entry clearance, permission to enter and permission to stay to be refused on a similar basis as well as existing permission to be cancelled. These grounds will be discretionary. The changes ensure a consistent approach in how we deal with individuals we believe have committed serious crimes and ensure that a refugee who has been removed from the UK under Article 33(2) of the Refugee Convention cannot return to the UK.
- 7.26 The changes to Part 9 also introduce a new discretionary ground for refusal or cancellation of entry clearance or permission on the basis of involvement in a sham marriage or sham civil partnership.
- 7.27 Changes are being made to the grounds for refusal on the basis of false representations and deception. The existing Rules at paragraphs 320(7A), 321A (2) and 322(1A) are mandatory grounds for refusal and will be amended to make them discretionary. An additional mandatory ground has also been introduced to allow for an application to be refused if for example the applicant submitted false documents in support of an application and the decision-maker can prove that it is more likely than not that the applicant used deception.
- 7.28 Minor changes will be made to the discretionary grounds for cancellation of permission on the basis of deception. There is also a discretionary ground for refusal based on false representations or false documents being submitted, were there is no deception.

- 7.29 Simplified provision is made to the grounds for cancellation on the work and study routes, for example where a person ceases to work or study, or their sponsored loses their licence.
- 7.30 The grounds for refusing entry clearance, leave to enter and stay based on an immigration breach are being consolidated. Current paragraphs 320 (7B), 320 (11) and 322(3) are revised in paragraphs 9.8.1 to 9.8.7. The policy remains unchanged in that refusal of entry clearance or permission to enter is mandatory where there has been an immigration breach and the application is made within the time periods set out at 9.8.6 of the revised Part 9. Refusal of entry clearance or permission is discretionary if there is an immigration breach and the application is made outside of the set time periods, but the applicant has contrived to frustrate the rules.
- 7.31 Paragraphs 9.19.1 and 9.19.2 introduce a new discretionary ground under which those who breach customs provisions may be refused at the border, or have their existing permission cancelled. From 1 December 2020, enforcement decisions can be taken against individuals who breach the provisions of the Customs and Excise Management Act 1979 or other customs legislation, for example by carrying prohibited items, importing endangered species or failing to make a customs declaration under this ground,.
- 7.32 Paragraphs 9.21.1 to 9.21.2 introduce a new discretionary ground for refusal or cancellation of permission to stay on the basis of rough sleeping. From 1 December 2020 the Secretary of State may use this this ground to refuse or cancel permission to stay of individuals who are in the UK on a temporary basis and are found sleeping rough.
- 7.33 Further minor amendments will be made to the grounds for cancellation or permission to align with the revised rules for workers and students and to reflect other changes to the rules.

### **Changes to Part 11**

- 7.34 Changes are made to ensure Part 11 reflects the drafting of the revised provisions in Part 9.

### **Changes to Part 14**

- 7.35 Changes are made to ensure Part 14 reflects the drafting of the revised provisions in Part 9.

### **Deletion of Appendix English language, Appendix Finance and Appendix ATAS**

- 7.36 These Appendixes are deleted and replaced with new Appendixes. Changes made are explained below.

### **Changes to Appendix A**

- 7.37 The changes to paragraphs 40(h) and 65B, replace the reference to appendix P with the relevant section in Appendix Finance. This change is explained in more detail below.
- 7.38 The remaining changes are to remove paragraphs that are redundant and to correct a minor omission.

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

- 7.39 Changes are being made to paragraph AR2.11 of Appendix AR which ensure that a person can submit new evidence in support of an administrative review where a decision is made, at the border, to:

- cancel leave under Appendix EU; or
- refuse permission to enter or stay under Appendix S2 Healthcare Visitor; or
- refuse permission to enter under Appendix Service Providers from Switzerland

on the grounds that, whether or not to the applicant's knowledge, false or misleading information, representations or documents had been submitted in support of their application (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 application.

- 7.40 Changes are also being made to paragraph AR3.2 of Appendix AR to provide a right of administrative review, where a relevant decision is made, for students, child students and their dependants under Appendices ST Student and CS Child Student.
- 7.41 Paragraphs AR3.2 and AR5.2 are being amended to provide a right of administrative review, where a relevant decision is made for the Hong Kong British National (Overseas) route. This will allow those applying under this route to challenge a decision in the same way as other routes under the Immigration Rules.
- 7.42 Changes are being made to paragraph AR(EU)1.1 of Appendix AR (EU) to provide a right of administrative review, where a relevant decision is made, for:
- a joining family member (under the EUSS) of a resident EEA or Swiss citizen; or
  - an S2 Healthcare Visitor; or
  - a service provider from Switzerland.

This will enable them to challenge a decision in the same way as those who come under the EUSS. Consequential changes are also being made to paragraphs AR(EU)A1, AR(EU)1.2, AR(EU)1.3 and AR(EU)2.1.

- 7.43 New paragraph AR(EU)4.1 makes it clear that where an administrative review under Appendix AR(EU) is pending the Home Office will not seek to remove the applicant from the UK. New paragraph AR(EU)4.2 sets out when an administrative review is pending. New paragraph AR(EU)4.3 provides applicants with a right to waive their

right to an administrative review under Appendix AR(EU) if they wish by signing a waiver form.

### **Changes to Appendix ATAS**

7.44 This Appendix is substituted with a new Appendix ATAS with minor drafting changes.

### **Changes to Appendix B**

7.45 The changes to this Appendix will:

- remove paragraphs that are redundant primarily as a consequence of the insertion of Appendix English language; and
- add Malta to the list of countries where a person can rely on their nationality as proof of English language ability.

### **Changes to Appendix C**

7.46 The changes to this Appendix will:

- reflect where rules on proof of finance will be replaced by Appendix Finance (set out in more detail below); and
- delete paragraphs that are redundant.

### **Changes to Appendix D**

7.47 The changes to this Appendix will remove redundant provisions.

### **Changes to Appendix E**

7.48 The changes to this Appendix will:

- reflect where rules on proof of finance will be replaced by Appendix Finance (set out in more detail below); and
- delete paragraphs that are redundant.

### **Insertion of new Appendix ECAA Extension of Stay and changes to Appendix ECAA Settlement**

7.49 After the end of the transition period and the repeal of EU-derived directly effective immigration rights, the UK will no longer be internationally or domestically obliged to provide preferential treatment to Turkish nationals on the basis of the European Communities Association Agreement (ECAA) or its related provisions in the Additional Protocol for business persons or Decision 1/80 for workers.<sup>4</sup>

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<sup>4</sup> Agreement establishing an Association between the European Economic Community and Turkey and the Additional Protocol, *OJ C 113*, 24.12.1973, p. 1–80.

- 7.50 The new Appendix ECAA Extension of Stay will largely replicate the existing ECAA arrangements to ensure that, from the end of the transition period, Turkish workers business persons and their family members currently covered by those arrangements remain subject to largely the same eligibility requirements as now. Changes are being made to suitability requirements to ensure that conduct committed before the end of the transition period is considered under the previous arrangements for restricting rights (which derive from judgments of the CJEU), whereas conduct committed after that date will be considered under the UK criminality thresholds..
- 7.51. Minor changes are being made to Appendix ECAA, which is being renamed as Appendix ECAA Settlement, to ensure consistency with other parts of the rules.

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

- 7.52 Some changes are being made to the Immigration Rules for the EU Settlement Scheme (EUSS), contained in Appendix EU, and for the EUSS family permit, contained in Appendix EU (Family Permit). The EUSS enables EEA and Swiss citizens living in the UK by the end of the transition period, and their family members, to obtain the UK immigration status they need to remain in the UK after 30 June 2021, with the same rights to work, study and access benefits and services as they had before the UK left the EU. The EUSS family permit enables certain family members of a resident EEA or Swiss citizen to travel to the UK. The changes are in line with the Citizens' Rights Agreements with the EU, the other EEA states (Iceland, Liechtenstein and Norway) and Switzerland and mainly reflect the end of the transition period.
- 7.53 The main changes in respect of the EUSS and the EUSS family permit are as follows:
- To provide access to the EUSS for a resident EEA or Swiss citizen's existing close family members (a spouse, civil partner, durable partner, child or grandchild and dependent parent or grandparent) who are resident overseas at the end of the transition period (or who are resident in the UK before that point and subsequently break the required continuity of that residence), where the family relationship continues to exist when the family member seeks to join them in the UK. The changes also provide access to the EUSS for a child born to or adopted by an EEA or Swiss citizen after the end of the transition period where the latter was resident here by then and, in line with the Agreement with Switzerland, for the spouse or civil partner of a Swiss citizen resident here by then where the marriage or civil partnership is formed after that point and by 31 December 2025. (See paragraphs EU2A and EU3A of Appendix EU).
  - To provide for the deadlines by which applications to the EUSS are to be made. These include the deadline of 30 June 2021 for an application to be made by those residents here by the end of the transition period, with scope for them to

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Additional Protocol and Financial Protocol signed on 23 November 1970, annexed to the Agreement establishing the Association between the European Economic Community and Turkey and on measures to be taken for their entry into force - Final Act – Declarations, *OJ L 293, 29.12.1972, p. 3–56*.  
Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association ('Decision No 1/80').

apply after that date where there are reasonable grounds why they missed the deadline. (See the entry for ‘required date’ in Annex 1 of Appendix EU).

- To widen access to the EUSS family permit from the end of the transition period to include, for example, existing close family members resident overseas at that point and children born or adopted after that point, together with relevant family members returning to the UK from the EEA or Switzerland with a UK national having lived together there while the UK national exercised their free movement rights. (See paragraph FP6 of Appendix EU (Family Permit)).
- To provide access to the EUSS and the EUSS family permit for relevant family members of EEA or Swiss citizens resident in the UK by the end of the transition period who are exempt from immigration control (e.g. because they work for a specified international organisation) and who will be able to apply for status under the EUSS themselves once they cease to be exempt. The changes also provide access to the EUSS and the EUSS family permit for relevant family members of EEA or Swiss citizens who, under regulations to be made under section 8 of the EU (Withdrawal Agreement) Act 2020, are frontier workers in the UK (working here, but resident overseas) by the end of the transition period. (See the entries for ‘relevant EEA citizen’ in Annex 1 of Appendix EU and of Appendix EU (Family Permit)).
- To provide that, consistent with the Agreements, in an application to the EUSS made from 1 July 2021, the dependency of a parent or grandparent on the resident EEA or Swiss citizen will not be assumed but will need to be evidenced, where the applicant was resident outside the UK at the end of the transition period (or was resident in the UK before that point and subsequently broke the required continuity of that residence) and where they (or their spouse, civil partner or durable partner with whom they reside) do not already have status under the EUSS as a ‘dependent parent’. Similar changes are made for any application made from 1 July 2021 for an EUSS family permit as a ‘dependent parent’. (See the entry for ‘dependent parent’ in Annex 1 of Appendix EU and of Appendix EU (Family Permit)).
- To incorporate in Appendix EU and Appendix EU (Family Permit) the provision currently made in Part 9 of the Immigration Rules for the cancellation and curtailment of leave to enter or remain granted under Appendix EU and of leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit). (See Annex 3 of Appendix EU and of Appendix EU (Family Permit)).

## **Changes to Appendix FM**

7.54 Changes are being made to the rules for family members in Appendix FM to enable:

- An EEA or Swiss citizen with limited leave under Appendix EU (the EUSS) on the basis of being resident in the UK before the end of the transition period to sponsor new family members (those who are not covered by the EUSS) to come to or remain in the UK. (See the eligibility requirements for entry clearance, leave to remain and indefinite leave to remain under Appendix FM).

- A Turkish worker or business person with limited leave under Appendix ECAA Extension of Stay (or under legacy arrangements in respect of the European Communities Association Agreement (ECAA)) to sponsor a partner and children to come to or remain in the UK. (See the eligibility requirements for entry clearance, leave to remain and indefinite leave to remain under Appendix FM).

7.55 In addition changes are being made to add Malta to the list of countries where a person can rely on their nationality as proof of English language ability.

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

7.56 Changes are being made to:

- replace the reference to Appendix P with a reference to the relevant paragraphs of Appendix Finance which covers the same subject; and
- add Malta to the list of countries where a person can rely on their nationality as proof of English language ability.

### **Changes to Appendix G**

7.57. Appendix G is deleted and replaced by Appendix Youth Mobility Scheme: eligible nationals. The changes in content are described below.

7.58. San Marino is being added to the Youth Mobility scheme country list as a country without Deemed Sponsorship Status with an allocation of 1,000 places. The Republic of Korea is being added to the list of countries where invitation to apply arrangements apply.

### **Changes to Appendix J**

7.59 Appendix J is deleted and replaced by a new Appendix Skilled Occupations, which relates to skill levels and salary rates for occupations. The content relating to the creative sector and models in the fashion industry is being retained in new Appendix T5 Creative Workers: Codes of Practice.

### **Changes to Appendix K**

7.60 Appendix K is being deleted and replaced by a new Appendix Shortage Occupation List.

### **Changes to Appendix KoLL**

7.61 Changes to this Appendix will:

- add Malta to the list of countries where a person can rely on their nationality as proof of English language ability; and
- ensure that references to dependants who cannot prove English language abilities after 15 years are updated to reflect the new route names.

## **Changes to Appendix P**

- 7.62 Appendix P is being deleted and replaced by provisions in Appendix Finance, as explained below.

## **Changes to Appendix ST and CS**

- 7.63 These Appendices are replaced by Appendix Student and Appendix Child Student. The policy changes are explained below.

## **Changes to Appendix U**

- 7.64 Appendix U is being deleted as it will be replaced by Appendix T5 (Temporary Worker) Seasonal Worker.

## **Changes to the Visitor Rules**

- 7.65 The Visitor Rules in Appendix V are being simplified. There are four types of visitor:
- Standard visitor: for those seeking to undertake the activities set out in Appendix Visitor: Permitted Activities, for example tourism and visiting family usually for up to six months.
  - Marriage and Civil Partnership visitor: for those seeking to come to the UK to marry or form a civil partnership or give notice of marriage or civil partnership.
  - Permitted Paid Engagement visitor: for experts in their field coming to the UK to undertake specific paid engagements for up to one month.
  - Transit visitor: for those who want to transit the UK on route to another country outside the Common Travel Area and who will enter the UK for up to 48 hours by crossing the UK border unless Appendix Visitor: Transit Without Visa Scheme applies.
- 7.66 Changes will be introduced in paragraphs Appendix V: PA 17.1 to PA 17.3 to permit study of up to six months under the standard visit route. All study must be undertaken at an accredited institution, except recreational courses undertaken for leisure that last no longer than 30 days. The current Short-term study route allows students to come to the UK to study courses of up to six months. It also provides a route for students to come to the UK to study English language courses for between six and 11 months at an accredited institution. The new Short-term Student route will replace the current rules for the 6 to 11-month English language study. Students who wish to undertake short-term study for up to 6 months may now use the revised Visitor route for this purpose.
- 7.67 Changes will be introduced in Appendix V: paragraph PA 9 to allow drivers on international routes to collect as well as deliver goods and passengers in and out of the UK as there was no policy intention to prohibit such activity.
- 7.68 Further changes will also be introduced in paragraph Appendix V: paragraph PA 3 to remove the requirement for volunteering to be incidental to the main reason for the

visit. This is because incidental is ambiguous and can be interpreted in different ways. There is an existing time limit of 30 days which is clearer and simpler.

- 7.69 Changes will be introduced in Appendix V: paragraph V 15.3 to allow academic visitors who are experts in their field, and were working in that field in an academic or higher education institution overseas prior to arrival in the UK, to extend their permission to stay in the UK up to a total of 12 months. Previously only academics who were undertaking their own research in the UK whilst on sabbatical leave could extend their permission to stay beyond six months.
- 7.70 Changes will be made to the marriage visit visa criteria in paragraphs V 12.2 to exempt ‘relevant nationals’ (as defined in section 62 of the Immigration Act 2014) from the requirement to obtain such a visa. While this has no immediate practical effect, the intention is that changes to be made through secondary legislation under the Immigration and Social Security Co-ordination (EU Withdrawal) Bill will amend the definition of ‘relevant national’, will require EEA citizens (except those with EUSS status or Irish citizens) to hold a marriage visit visa if entering the UK for that purpose from 1 July 2021. This change will coincide with the extension of the marriage and civil partnership referral and investigation scheme to EEA citizens, aligning with the treatment of non-EEA nationals.
- 7.71 Changes will be made to the Visa national list in Appendix Visitor: Visa national list to amend the names of Burma, Ivory Coast, Macedonia and Swaziland, to reflect the recognised names of these countries. The previous name will be retained in brackets. Burma is being amended to Myanmar, Ivory Coast is being amended to Côte d'Ivoire, Macedonia is being amended to North Macedonia, and Swaziland is being amended to Eswatini.

### **Insertion of new Appendix S2 Healthcare Visitor**

- 7.72 The Citizens’ Rights Agreements with the EU, the other EEA states and Switzerland require a route of entry into the UK to be made available, free of charge, to persons who, before the end of the transition period, had requested authorisation from their home state to receive a course of planned healthcare treatment provided by the NHS under the ‘S2 route’. After the transition period ends, the new S2 Healthcare Visitor route in Appendix S2 Healthcare Visitor will allow eligible patients to enter the UK for a period sufficient to allow them to complete their treatment. These arrangements will also apply to any person accompanying a patient for the purpose of providing them with care or support during the course of planned healthcare treatment.

### **Changes to Appendix Student and Appendix Child Students**

- 7.73 The Student and Child Student routes, collectively referred to as the Student routes, were simplified and revised in the Statement of Changes HC 707 laid on 10 September 2020. The further changes which are being made to the routes are as follows:
- maintenance levels for the Student routes are amended in line with the current home student maintenance loans, and will now be £1,334 per month inside London and £1,023 outside London (paragraphs ST 12.3; CS 10.2).

- the restriction on working as a postgraduate doctor or dentist in training will be removed from the conditions of leave for Students and their dependants to enable them to work in the NHS, if their conditions of permission permit them to work (the revised conditions are at paragraphs ST 26.7 to 26.7; ST 39.3; and CS 15.1).
- the application forms for student dependants will be updated to reflect new forms for EEA nationals who hold a chipped passport (ST 28.1).
- minor corrections will be made to the rules as laid on 5 October 2020, in particular to clarify that when a higher education provider with a track record of compliance is self-assessing the English language ability of a student who will study at degree level after undertaking a pre-sessional course, the sponsor can only self-assess that the student's English language ability will improve to the required B2 level by the end of the pre-sessional course. The sponsor cannot self-assess the student's initial required B1 level ability (ST 15.3).

### **Insertion of Appendix Short-term Students**

7.74 Short-term Student is a route for a person aged 16 and over who wants to study an English language course in the UK for between 6 and 11 months at an accredited institution. This route replicates the previous route for persons seeking to enter the UK for short term study for 6-11 months under Part 3 of the current Rules which will be closed to new applications from 1 December 2020. Other applicants for short term study previously catered for under Part 3 may now apply as visitors. The changes made now are that:

- validity requirements for the online form to be completed, the fee and Immigration Health Charge paid, biometrics and passport or travel document to be provided, and that the applicant must be outside the UK and aged 16 or over at the date of application, have been made, and an applicant who does not meet these requirements may have their application rejected rather than being considered and refused (STS 1.1. to 1.3).
- the policy will be clarified on financial requirements by requiring the applicant to have either paid their course fees, or have sufficient funds to pay their fees (STS 6.3).
- the study that a Short-term Student can undertake must consist solely of English language study at an accredited institution. An accredited institution is one which has been independently assessed by a specified inspection body as meeting required educational standards. The student must intend to leave within 30 days of the completion of their English language course and have sufficient funds to support themselves in the UK. A successful applicant will be granted a visa for 11 months.

### **Insertion of Appendix Parent of a Child Student**

7.75 The Parent of a Child Student route allows one parent to come to or stay in the UK to care for their child (or children), where the child is a Child Student aged between four and 11 who is attending an independent fee-paying school in the UK. This replaces the previous Parent of a Child Student route at paragraphs 276BT1 to 276BV1. The following changes will be made:

- validity requirements for entry clearance and permission to stay which require the online form to be completed, the fee and Immigration Health Charge to be paid, and biometrics and passport or travel document to be provided, the applicant must be aged over 18 at the date of application, and an applicant who does not meet these requirements may have their application rejected rather than being refused (PC 1.1. to PC 1.3.).
- applicants who have permission to stay as a visitor, short-term student, or leave outside the Rules are not now allowed to switch into this route in the UK and may have their application rejected as invalid (PC 1.4).
- the maintenance requirement for Parents of a Child Student will be clarified and set at £1,270 and £315 per month for those applying for entry clearance or who have been living in the UK for less than 12 months (PC 7.1).
- A successful applicant will now be granted leave which expires at the same time as that of the Child Student who they are coming to care for, or on the Child Student's twelfth birthday, whichever is sooner. The parent will no longer have to reapply every twelve months.

### **Transitional arrangements**

- 7.76 The Parent of a Child Student route in Part 7 of the Immigration Rules will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the Parent of a Child Student or Parent of a Tier 4 (Child) route and wants to extend their stay in the UK can apply for further permission to stay under the Parent of a Child Student rules.

### **Insertion of Appendix Skilled Worker**

- 7.77. Appendix Skilled Worker sets out a new points-based route for those who wish to come to the UK to work in an eligible skilled occupation they will be offered by a Home-Office approved sponsor. The route can lead to settlement. Appendix Skilled Worker replaces the Tier 2 (General) rules. Tier 2 (General) rules will be deleted from Part 6A of the Rules.
- 7.78 Rules for dependent partners and children of a Skilled Worker are set out in Appendix Skilled Worker. They replace existing provision for dependants of a Tier 2 (General) Migrant in Part 8 of the Rules, where provisions referring to Tier 2 (General) family members will be deleted.
- 7.79 The Skilled Worker route has the same key characteristics of the Tier 2 (General) route that it replaces, with some key policy changes as follows:

### **Valid application requirements**

- 7.80 The validity requirements are:

An application as a Skilled Worker must:

- provide a certificate of sponsorship issued to them by their sponsor, dated no more than 3 months before the date of application;

- provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award for study in the UK in the 12 months preceding the date of application as a Skilled Worker;
- be aged 18 or over on the date of application

Skilled Worker applicants and their dependant(s) must:

- complete the specified online application form, pay any fee and Immigration Health Charge, provide any required biometric, provide as a passport or other travel document that establishes their identity and nationality;
- meet the requirements relating to current or previous leave;
- a dependent partner must be aged 18 or over on the date of application.

7.81 There are different validity requirements for settlement on the Skilled Worker route which require applicants to:

- complete the specified online application form, pay any relevant fee, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
- be in the UK and have last been granted permission on the Skilled Worker route.

### **Eligibility requirements**

7.82 The main eligibility differences between the Skilled Worker route and the Tier 2 (General) route it replaces are:

- The minimum skill threshold will be lowered from graduate occupations to occupations skilled to RQF level 3,<sup>5</sup> roughly equivalent to A-levels or Scottish Highers. Applicants will not need to hold a formal qualification; it is the skill level of the job they will be doing which determines whether the threshold is met.
- The general salary threshold set out at SW 8.2 will be lowered from £30,000 under the Tier 2 (General) route to £25,600 a year. Sponsor must, as under Tier 2 (General) route, pay their skilled workers a salary which equals or exceeds both this threshold and the “going rate” for the occupation, whichever is higher (but see below). Going rates are being updated in line with newer salary data and the recommendations of the independent Migration Advisory Committee (MAC). The assessment of salary will be based only on guaranteed basic gross pay.
- Sponsored workers may be paid less than the above amounts, depending on the tradeable points they are awarded. Applicants under the new route will need to be awarded 70 points in total. All applicants must qualify for 50 mandatory points for:
  - Sponsorship (20 points)
  - A job at the appropriate skill level (20 points)
  - English language skills at B1 (intermediate) level (10 points)

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<sup>5</sup> The RQF applies in England and Northern Ireland. The equivalent levels are SCQF level 6 in Scotland and CQFW level 3 in Wales.

- An applicant may be awarded the remaining 20 tradeable points in one of the following ways:
  - A salary which equals or exceeds both £25,600 per year and the going rate for the occupation (20 points)
  - A PhD qualification which is relevant to the job (10 points), and a salary which equals or exceeds both £23,040 per year and 90% of the going rate for the occupation (10 points)
  - A PhD qualification in a STEM subject which is relevant to the job, and a salary which equals or exceeds both £20,480 per year and 80% of the going rate for the occupation (20 points)
  - A job in a shortage occupation, and a salary which equals or exceeds both £20,480 per year and 80% of the going rate for the occupation (20 points)
  - Being a new entrant to the labour market, and a salary which equals or exceeds both £20,480 per year and 70% of the going rate for the occupation (20 points)
  - A job in a listed health or education occupation, and a salary which equals or exceeds both £20,480 per year and 80% of the going rate for the occupation (20 points)
- The cap which applies under Tier 2 (General) is being suspended. This will reduce the end-to-end process for sponsoring skilled workers by up to four weeks.
- There will no longer be requirement for sponsors to undertake a Resident Labour Market Test. This will remove at least a further four weeks from the end-to-end process for sponsoring skilled workers. Sponsors must still be seeking to fill a genuine vacancy which meets the skill and salary thresholds.
- The criteria used to identify a “new entrant to the labour market” are being amended. As recommended by the MAC, new entrants will also include those sponsored in postdoctoral research positions and those working towards professional qualifications, registration or chartered status. The criteria for new entrants switching from the Student route are being widened to include those were in the route at any time in the two years before they apply.
- The 12-month “cooling off period” and six-year maximum length of stay in the route are being removed. Under Tier 2 (General), these rules required those applying for entry clearance or to switch into the route to have not been in the UK as Tier 2 (General) migrants during the past 12 months, and to spend a maximum of six years in the route. The Skilled Worker route will not restrict when applications can be made or restrict length of stay.
- The £35,800 salary threshold for settlement applications is being removed. Instead, as set out in paragraph SW 24.3, sponsors must be paying their skilled workers a salary which equals or exceeds £25,600 per year and the going rate for the occupation.
- Paragraph SW 24.3 also sets out that those sponsored in shortage occupations or listed health or education occupations may be paid £20,480 per year but their salary must equal or exceed the going rate for the occupation when they apply for

settlement. Other salary reductions permitted through tradeable points will not apply to settlement applications.

- Appendix Skilled Worker refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.
- Appendix Skilled Worker refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below.

- 7.83 Consequential changes are being made relating to the above changes. For example, the removal of the Resident Labour Market Test means exemptions from the test are no longer needed; and the list of occupations requiring an overseas criminal records certificate is being expanded to reflect the reduced skills threshold.
- 7.84 The introduction of the Skilled Worker route includes a new Appendix Shortage Occupation Lists. This replaces the existing lists under Appendix K. The contents are the same, other than the removal of quantity surveyors, which were previously added in error. The MAC has published its recommended changes to the Shortage Occupation Lists on 29 September and the Government will consider these recommendations carefully for a future Rules change. The Government does not consider changes should be made at this time, before assessing how the UK labour market develops post-Covid 19 and in response to the introduction of the new Points-Based Immigration System.

### **Transitional arrangements**

- 7.85 The Tier 2 (General) route will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the Tier 2 (General) route and wants to extend their stay in the UK can apply for further leave, or settlement, under the Skilled Worker rules if they meet the requirements. References to Tier 2 (General) are either deleted from the Immigration Rules or amended where appropriate to reflect the new Skilled Worker rules. All references to Skilled Workers in the new rules must be read as including references to people who currently hold leave as Tier 2 (General) Migrants.
- 7.86 All Skilled Worker applications, including Dependant partner and child applications, which are made on or after 1 December will be decided in accordance with the new Skilled Worker rules, even where they are accompanied by a Certificate of Sponsorship which was issued under the Tier 2 (General) rules and policy in place before 1 December. Sponsors will need to provide additional information via a “sponsor note” to allow Certificates of Sponsorship issued before 1 December 2020 to be used for a Skilled Worker application. Guidance on this is being published on gov.uk.

### **Transitional Salary requirements**

- 7.87. Paragraph SW14.5.(a) provides that allowances can be included in salary calculations for applicants who are applying before 1 December 2026 and were last granted permission as a Tier 2 (General) Migrant, provided they are still working for the

same sponsor as in their previous permission, and the allowances are guaranteed for the duration of the applicant's permission.

- 7.88 At SW14.5.(b), the rules state that, for applications made before 24 May 2023, an applicant who previously had permission as a Tier 2 (General) Migrant with a Certificate of Sponsorship given to them before 24 November 2016 does not need to score 20 tradeable points as set out in SW 8.1. to SW 13.6. In these cases, 20 tradeable points will be awarded for a salary of £20,800 or above, or, if higher, the going rate for the occupation code.
- 7.89 The salary threshold for settlement applications will be lowered to £20,480 (or the going rate for the job, if higher) for those sponsored in PhD-level occupations, if their 5-year qualifying period for settlement includes time as a Tier 2 (General) migrant. This is at SW 24.3.

### **Appendix Intra-Company routes**

- 7.90 The current Tier 2 (Intra-Company Transfer) route had two subcategories; one for established employees being transferred by their employer company to do a skilled role in the UK and the other for employees being transferred by their employer company to a role in the UK as part in a structured graduate training programme. This route is now being renamed 'Intra-Company routes' with the same sub-categories; Intra-Company Transfer Route and Intra-Company Graduate Trainee route. The revised Rules are set out in 'Appendix Intra-Company Routes'.
- 7.91 Immigration Rules for dependant partners and children of an Intra-Company worker are set out in Appendix Intra-Company routes. They replace existing provision for dependants of a Tier 2 (Intra-Company Transfer) Migrant in Part 8 of the Rules, where paragraphs referring to Tier 2 (Intra-Company Transfer) family members will be deleted.

### **Valid application requirements**

- 7.92 Under these Intra-Company routes the validity requirements are:

Applicants must:

- complete the specified application form, pay any relevant fee and Immigration Health Charge, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
- meet the switching leave requirements in applications for permission to stay;
- be aged 18 or over on the date of application (this does not apply to dependant children);
- provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award study in the UK in the 12 months to preceding the date of application on the Intra-Company routes.

- 7.93 Other changes from the current Tier 2 (Intra-Company Transfer) Route are as follows:

- A change is being made to the cooling-off requirement. Previously, the Rules prevented a person re-entering the UK on the Intra-Company Transfer route for 12 months after departing. The Rules are being amended so that applicants are permitted to hold Intra-Company Transfer leave for up to five years in any six-year rolling period (IC 11.2.) or up to nine years in any 10-year period for high earners (IC 11.1.).
- Provisions for high earners is being unified to a single salary threshold of £73,900. Workers with salaries at or above that threshold can hold Intra-Company Transfer leave for up to nine years in any 10-year rolling period and are exempt from the requirement to have worked for the overseas business for 12 months prior to entering the UK.
- A change will be made to increase the cohorts of applicants in the UK who can apply under the Intra-Company Transfer route when switching from another route. These changes are set out in paragraph IC 1.5. Applicants still need to be an existing employee with a period of overseas experience prior to applying unless they are a high earner.
- Appendix Intra-Company refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.
- Appendix Intra-Company refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below. A change is being made to the financial requirement to align with other employment routes. If the applicant (including dependent partner applicants) is applying for permission to stay and will be in the UK with permission for 12 months or longer, they do not need to provide any evidence to show they meet the financial requirements for the route. If this does not apply the applicant has to show they meet the financial requirements as set out in paragraphs IC 10.2. and IC 10.3. or in the case of dependant applicants, paragraphs IC 18.2.- IC18.5.

### **Transitional arrangements**

- 7.94 The Tier 2 (Intra-Company Transfer) route will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the Tier 2 (Intra-Company Transfer) route and wants to extend their stay in the UK can apply for further leave, or settlement, under the Intra-Company rules.
- 7.95 References to the Tier 2 (Intra-Company Transfer) route are either deleted from the Immigration Rules or amended where appropriate to reflect the new Intra-Company rules. All references to Intra-Company routes in the new rules must be read as including references to people who currently hold leave as Tier 2 (Intra-Company Transfer) Migrants.
- 7.96 All Intra-Company route applications, including Dependant partner and child applications, which are made from 1 December will be decided in accordance with the new Intra-Company rules, even where they are accompanied by a Certificate of

Sponsorship which was issued under the Tier 2 (Intra-Company Transfer) rules and policy in place on 30 November 2020.

## **Appendix Tier 2 (Minister of Religion)**

- 7.97 The current Tier 2 (Minister of Religion) route will be deleted from Part 6A of the Rules and replaced by Appendix T2 (Minister of Religion).
- 7.98 Immigration Rules for dependant partners and children of a T2 Minister of Religion applicant are set out in Appendix T2 Minister of Religion. They replace existing provision for dependants of a Tier 2 (Intra-Company Transfer) Migrant in Part 8 of the Rules, where paragraphs referring to Tier 2 (Intra-Company Transfer) family members will be deleted.

### **Valid application requirements**

- 7.99 The validity requirements for a T2 Minister of Religion validity are:

Applicants and dependant applicants must;

- complete the specified online application form, pay any relevant fee and Immigration Health Charge, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
  - meet the switching leave requirements in applications for permission to stay;
  - be aged 16 or over on the date of application (this does not apply to dependant children);
  - provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award to study in the UK in the 12 months preceding the date of application as a Skilled Worker
- 7.100 Different validity requirements apply to settlement on this route. Paragraphs MOR 12.1. to MOR 12.2. and MOR 30.1. to MOR 30.4. set out the validity requirements, applicants must:
- complete the specified application form, pay any relevant fee, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
  - be in the UK and have last been granted permission in the T2 (Minister of Religion) route.
- 7.101 Other changes from the current Tier 2 (Minister of Religion) Route are as follows:
- Appendix T2 Minister of Religion refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.
  - Appendix T2 Minister of Religion refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below. A change is being made to the financial requirement to align with other employment routes. If the applicant (including dependent partner applicants) is

applying for permission to stay and has been in the UK with permission for 12 months or longer, they do not need to provide any evidence to show they meet the financial requirements for the route. If this does not apply the applicant has to show they meet the financial requirements as set out in paragraphs MOR 7.2. and MOR 7.3. or in the case of dependant applicants, paragraphs MOR 23.2 to MOR 23.4.

### **Transitional arrangements**

- 7.102 The current Tier 2 (Minister of Religion) route will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the Tier 2 (Minister of Religion) route and wants to extend their stay in the UK can apply for further leave, or settlement, under Appendix T2 (Minister of Religion).
- 7.103 References to the Tier 2 (Minister of Religion) route are either deleted from the Immigration Rules or amended where appropriate to reflect the new T2 Minister of Religion rules. All references to T2 Minister of Religion route in the new rules must be read as including references to people who currently hold leave as Tier 2 (Minister of Religion) Migrants.
- 7.104 All T2 Minister of Religion applications, including dependent partner and child applications, which are made from 1 December 2020 will be decided in accordance with the new T2 Minister of Religion rule.

### **Appendix T2 (Sportsperson)**

- 7.110 The current Tier 2 (Sportsperson) route will be deleted from Part 6A of the Rules and replaced with the ‘T2 Sportsperson’ route. The revised Rules are set out in ‘Appendix T2 Sportsperson’
- 7.111 Immigration Rules for dependent partners and children of a T2 Sportsperson applicant are set out in Appendix T2 Sportsperson. They replace existing provision for dependants of a Tier 2 (Sportsperson) Migrant in Part 8 of the Rules, where paragraphs referring to Tier 2 (Sportsperson) family members will be deleted.

### **Valid application requirements**

- 7.112 The validity requirements in Part 1 of the Immigration Rules do not apply to applications for entry clearance and permission to stay under the Appendix T2 Sportsperson. Paragraph 34 will be amended to reflect that there are new route-specific validation rules for T2 Sportsperson applicants and dependants in Appendix T2 Sportsperson. These new route-specific validation rules are at paragraphs SP 1.1. to SP 1.6. and SP 20.1. to SP 20.5.
- 7.113 Under these T2 Sportsperson validity rules:
- Applicants must;

- provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award in the 12 months preceding the date of application as a T2 Sportsperson

Applicants and dependant applicants must:

- complete the correct application form, must pay any relevant fee and Immigration Health Charge, and must provide any required biometrics as well as a passport or other document that establishes their identity and nationality;
- meet the switching leave requirements in applications for permission to stay;
- be aged 16 or over on the date of application (this does not apply to dependent children).

7.114 Paragraphs SP 12.1. to SP 12.4. and SP 31.1. to SP 31.4. set out the validity requirements that applicants and dependant applicants must meet in applications for settlement on the Skilled Worker route.

7.115 Under these validity rules, applicants and dependant applicants must:

- complete the correct application form, must pay any relevant fee, and must provide any required biometrics as well as a passport or other document that establishes their identity and nationality;
- be in the UK and have last been granted permission in the Skilled Worker route.

7.116 Other amendments to the Tier 2 (Sportsperson) Route are as follows:

- Appendix T2 Sportsperson refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.
- Appendix T2 Sportsperson refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below. A change is being made to the financial requirement to align with other employment routes. If the applicant (including dependant partner applicants) is applying for permission to stay and will be in the UK with permission for 12 months or longer, they do not need to provide any evidence to show they meet the financial requirements for the route. If this does not apply the applicant has to show they meet the financial requirements as set out in paragraphs SP 7.2. and SP 7.3. or in the case of dependant applicants, paragraphs SP 24.2. and SP 24.3.

### **Transitional arrangements**

7.117 The current Tier 2 (Sportsperson) route will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the Tier 2 (Sportsperson) route and wants to extend their stay in the UK can apply for further leave, or settlement, under the T2 Sportsperson rules.

7.118 References to the Tier 2 (Sportsperson) route have either been deleted from the Immigration Rules or amended where appropriate to reflect the new T2 Sportsperson rules. All references to T2 Sportsperson route in the new rules must be read as

including references to people who currently hold leave as Tier 2 (Sportsperson) Migrants.

- 7.119 All T2 Sportsperson applications, including dependent partner and child applications, which are made from 1 December 2020 will be decided in accordance with the new T2 Sportsperson rules

### **Appendix Representative of an Overseas Business**

- 7.120 The current Representative of an Overseas Business route in Part 5 will be deleted and replaced by Appendix Representative of an Overseas Business.
- 7.121 Immigration Rules for dependent partners and children of a Representative of an Overseas Business are set out in Appendix Representative of an Overseas Business. They replace existing provision for dependants of a Representative of an Overseas Business in Part 5 of the Rules, where paragraphs referring to Representative of an Overseas Business will be deleted.

### **Valid application requirements**

- 7.122 The validity requirements are at paragraphs ROB 1.1. to ROB 1.6. and paragraphs ROB 20.1. to ROB 20.5.

- 7.123 Applicants must:

- provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award for study in the UK in the 12 months preceding the date of application as a Representative of Overseas Business.

Applicants and dependant applicants must:

- complete the specified application form, pay any relevant fee and Immigration Health Charge, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
- meet the switching leave requirements in applications for permission to stay;
- be aged 18 or over on the date of application (this does not apply to dependant children).

- 7.124. There are different validity requirements for settlement at paragraphs ROB 12.1. to ROB 12.4. and ROB 30.1. to ROB 30.4, applicants and dependant applicants must:

- complete the specified application form, pay any relevant fee, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
- be in the UK and have last been granted permission in the Representative of an Overseas Business route.

- 7.125 Other changes from the current Representative of an Overseas Business route are as follows:

- Appendix Representative of an Overseas Business refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.
- Appendix Representative of an Overseas Business refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below.

### **Transitional arrangements for Representative of an Overseas Business route**

- 7.126 The Representative of an Overseas Business rules in Part 5 will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the Representative of an Overseas Business route and wants to extend their stay in the UK can apply for further leave, or settlement, under the revised rules at Appendix Representative of an Overseas Business.
- 7.127 References to the route are either deleted from the Immigration Rules or amended where appropriate to reflect Appendix Representative of an Overseas Business. All references to Representative of an Overseas Business routes in the new rules must be read as including references to people who currently hold leave under Part 5 Representative of an Overseas Business rules.
- 7.128 All Representative of an Overseas Business route applications, including Dependant partner and child applications, which are made from 1 December will be decided in accordance with the revised Rules at Appendix Representative of an Overseas Business.

### **Appendix UK Ancestry**

- 7.129 The current UK Ancestry route in Part 5 will be deleted and replaced with Appendix UK Ancestry.
- 7.130 Immigration Rules for dependent partners and children of a UK Ancestry applicant are set out in Appendix UK Ancestry. They replace existing provision for dependants of a UK Ancestry applicant in Part 5 of the Rules, where paragraphs referring to UK Ancestry will be deleted.

### **Valid application requirements**

- 7.131 The validity requirements for UK Ancestry are that applicants must:
- be a Commonwealth citizen;
  - be aged 17 or over on the date of intended arrival in the UK;
  - have previously been granted permission on the UK Ancestry route if applying for permission to stay.
- 7.133 Applicants and dependant applicants must:

- complete the correct application form, must pay any relevant fee and Immigration Health Charge, and must provide any required biometrics as well as a passport or other document that establishes their identity and nationality;
- meet the switching leave requirements in applications for permission to stay;
- be aged 17 or over on the date of application (or 18 or over if applying as a dependent partner);

7.134 There are different validity requirements for settlement set out at UKA10.1. to UKA 10.3. and UKA 29.1. to UKA 29.4. Applicants and dependant applicants must:

- complete the specified application form, pay any relevant fee, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
- be in the UK and have last been granted permission on the UK Ancestry route.

7.135 There are some other minor policy changes from the current UK Ancestry route as follows:

- Appendix UK Ancestry refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.

Appendix UK Ancestry refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below.

### **Transitional arrangements for UK Ancestry route**

7.136 The UK Ancestry rules in Part 5 will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the UK Ancestry route in Part 5 and wants to extend their stay in the UK can apply for further leave, or settlement, under the revised rules at Appendix UK Ancestry.

7.137 References to the route are either deleted from the Immigration Rules or amended where appropriate to reflect Appendix UK Ancestry. All references to UK Ancestry in the new rules must be read as including references to people who currently hold leave under Part 5 UK Ancestry rules.

7.138 All UK Ancestry route applications, including dependant partner and child applications, which are made from 1 December 2020 will be decided in accordance with the revised Rules at Appendix UK Ancestry.

### **Appendix Global Talent**

7.139 The Global Talent Rules in Appendix W will be deleted and replaced by Appendix Global Talent. This sets out the 2 stage process for endorsement on the route and applying for entry clearance or permission to stay.

7.140 Immigration Rules for dependent partners and children of a Global Talent applicant are set out in Appendix Global Talent. They replace existing provision for

dependants of a Global talent applicant in Appendix W of the rules, which will be deleted.

### **Valid application requirements**

- 7.141 The validity requirements for Global Talent are at paragraphs GTE 1.1 to GTE 1.3. for endorsement, and, for the application for entry clearance or permission to stay, at paragraphs GT 1.1. to GT 1.6. for applicants and paragraphs GT 18.1. to GT 18.6. for dependant applicants.
- 7.142 Under the Global Talent endorsement rules, applicants must;
- apply on the specified form;
  - pay the application endorsement fee and apply for endorsement by an endorsing body in the field relevant to the applicant;
- 7.143 Under the Global Talent validity rules, applicants must;
- have an endorsement letter from a Home Office approved endorsing body that has not been withdrawn;
  - have applied no more than 3 months after the date of endorsement in first time entry clearance and permission to stay applications
  - provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award in the 12 months preceding the date of application on the Global Talent route.
- 7.144 Applicants and dependant applicants must;
- complete the specified application form, pay any relevant fee and Immigration Health Charge, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
  - meet the switching leave requirements in applications for permission to stay;
  - be aged 18 or over on the date of application (this does not apply to dependant children).
- 7.145 There are different validity requirements for settlement at GT 8.1. to GT 8.4. and GT 28.1. to GT 28.3. Applicants and dependant applicants must:
- complete the specified application form, pay any relevant fee, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
  - be in the UK and have last been granted permission on the Global Talent route.
- 7.146 Further changes from the current Global Talent route in Appendix W are:
- the criteria for consideration of senior appointments will be revised, so that the route caters for emerging leaders as well as those in a more advanced stage of their career.

- the definition of the types of academic and research roles that qualify is being expanded.

### **Transitional provisions for Global Talent route**

- 7.147 The Global Talent route in Appendix W will be closed to new applications from 1 December 2020. A person who has entry clearance or permission to stay on the Global Talent route in Appendix W and wants to extend their stay in the UK can apply for further leave, or settlement, under the revised rules at Appendix Global Talent.
- 7.148 References to the route in Appendix W are either deleted from the Immigration Rules or amended where appropriate to reflect Appendix Global Talent. All references to Global Talent routes in the new rules must be read as including references to people who currently hold leave under Global Talent Rules in Appendix W.
- 7.149 All Global Talent route applications, including dependent partner and child applications, which are made from 1 December 2020 will be decided in accordance with Appendix Global Talent.

### **Appendix Start-up**

- 7.150 Appendix Start-up contains minor changes from the current rules on the Start-up route in Appendix W. The Start-up route in Appendix W will be closed to new applications from 1 December 2020.
- 7.151 Immigration Rules for dependant partners and children of a Start-up applicant are set out in Appendix Start-up. They replace existing provision for dependants of a Start-up applicant in Appendix W of the Rules, which will be deleted.

### **Valid application requirements**

- 7.152 The validity requirements are at paragraphs SU 1.1 to SU 1.6. and SU 13.1 to SU 13.6. Applicants must;
- have been issued with an endorsement letter by an endorsing body dated no more than 3 months before the date of application that has not been withdrawn;
  - provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award in the 12 months preceding the date of application as a Skilled Worker.
- 7.153 Applicants and dependant applicants must;
- complete the specified application form, pay any relevant fee and Immigration Health Charge, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
  - meet the switching leave requirements in applications for permission to stay;
  - be aged 18 or over on the date of application (this does not apply to dependant children).

## **Eligibility requirements for Start-up**

7.154 The eligibility requirements for Start-up are unchanged from Appendix W, except for the following:

- Appendix Start-up refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.
- Appendix Start-up refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below. A change is being made to the financial requirement to align with other economic routes. If the applicant (including dependant applicants) is applying for permission to stay and has been in the UK with permission for 12 months or longer, they do not need to provide any evidence to show they meet the financial requirements for the route. If this does not apply the applicant has to show they meet the financial requirements as set out in paragraphs IC 10.2. and IC 10.3. or, in the case of dependant applicants, paragraphs IC 18.2. to IC 18.5.

## **Transitional provisions for Start-up route**

7.155 A person who has entry clearance or permission to stay on the Start-up route in Appendix W and wants to extend their stay in the UK can apply for further leave, or settlement, under the revised rules at Appendix Start-up.

7.156 References to the route have either been deleted from the Immigration Rules or amended where appropriate to reflect Appendix Start-up. All references to Start-up routes in the new rules must be read as including references to people who currently hold leave under Start-up Rules in Appendix W.

7.157 All Start-up route applications, including Dependant partner and child applications, which are made from 1 December will be decided in accordance with Appendix Start-up.

## **Appendix Innovator**

7.158 There are minor changes from to the Innovator route: the rules are redrafted at Appendix Innovator. The Innovator route in Appendix W will be closed to new applications from 1 December 2020 and the rules under Appendix W will be deleted.

7.159 Immigration Rules for dependent partners and children of an Innovator are set out in Appendix Innovator. They replace existing provision for dependants of an Innovator in Appendix W of the Rules, which will be deleted.

## **Valid application requirements**

7.160 The validity requirements are at paragraphs INN 1.1. to INN 1.6. and INN 23.1. to INN 23.5.

7.161 Applicants must:

- have been issued with an endorsement letter by an endorsing body dated no more than 3 months before the date of application that has not been withdrawn;
- provide written consent to the application from any Government or international scholarship agency who awarded the applicant any award for study in the UK in the 12 months preceding the date of application as an Innovator.

7.162 Applicants and dependant applicants must:

- Complete the specified application form, pay any relevant fee and Immigration Health Charge, provide any required biometrics, provide a passport or other travel document that establishes their identity and nationality;
- meet the switching leave requirements in applications for permission to stay;
- be aged 18 or over on the date of application (this does not apply to dependant children).

7.164 There are different validity requirements or settlement in INN 16.1 to INN 16.4. and INN 34.1. to INN 34.4, applicants and dependant applicants must:

- complete the specified application form, pay any relevant fee, provide any required biometrics, provide a passport or other document that establishes their identity and nationality;
- be in the UK and have last been granted permission on the Innovator route.

### **Eligibility requirements for Innovator route**

7.165 The eligibility requirements for Innovator remain unchanged from Appendix W, except for the following:

- Appendix Innovator refers to Appendix English language which sets out the ways in which English language requirements may be met- see paragraph 7.201 below.
- Appendix Innovator refers to Appendix Finance which sets out the ways in which financial requirements may be met- see paragraph 7.206 below. A change is being made to the financial requirement to align with other employment routes. If the applicant (including dependant applicants) is applying for permission to stay and has been in the UK with permission for 12 months or longer, they do not need to provide any evidence to show they meet the financial requirements for the route. If this does not apply the applicant has to show they meet the financial requirements as set out in paragraphs INN 13.2. and INN 13.3., or in the case of dependant applicants, paragraphs INN 27.2. and INN 27.3.

### **Transitional provisions for Innovator route**

7.166 A person who has entry clearance or permission to stay on the Innovator route in Appendix W and wants to extend their stay in the UK can apply for further leave, or settlement, under Appendix Innovator.

7.167 References to the route in Appendix W are either deleted from the Immigration Rules or amended where appropriate to reflect Appendix Innovator. All references to

Innovator routes in the new rules must be read as including references to people who currently hold leave under Innovator Rules in Appendix W.

- 7.168 All Innovator route applications, including dependent partner and child applications, which are made from 1 December 2020 will be decided in accordance with Appendix Innovator.

#### **Appendix T5 (Temporary Worker) Seasonal Worker**

- 7.169 Appendix T5 (Temporary Worker) Seasonal Worker replaces the provisions for seasonal workers included in the Tier 5 (Temporary Worker) migrant rules in Part 6A and Appendix U of the current Immigration Rules. The Seasonal Worker route is for workers in edible horticulture doing seasonal work in the UK with a sponsor (an approved scheme operator). The changes from the current route are:

- the requirements to complete the specified form, pay the fee, provide biometrics, provide a passport or travel document, provide a Certificate of Sponsorship dated no more than 3 months before the date of application, that the applicant must be over 18 years of age, and that the date of application must be no more than 3 months before the start date of the role recorded on the Certificate of Sponsorship, will be validity requirements, meaning that an applicant who does not meet them may have their application rejected rather than being refused (SAW 1.1. to 1.4).
- the maintenance requirement for applicants will be increased from £945 to £1,270 and applicants are now required to show they have held the funds for 28 days in line with other work routes (SAW 5.1. to 5.2).

#### **Transitional arrangements**

- 7.170 The Tier 5 (Temporary Worker) migrant route in Part 5 will be closed to new applications from 1 December 2020. References to the Tier 5 (Temporary Worker) migrant route are either deleted from the Immigration Rules or amended where appropriate to reflect the new routes. All references to Seasonal Workers in the new rules must be read as including references to people who currently hold leave as a Tier 5 (Temporary Worker) with permission under the provisions applying to Seasonal workers.

#### **Appendix T5 (Temporary Worker) Youth Mobility Scheme**

- 7.171 Appendix T5 (Temporary Worker) Youth Mobility Scheme replaces the Tier 5 (Youth mobility scheme) Temporary Worker rules in Part 6A of the current Immigration Rules. The Tier 5 (Youth mobility scheme) Temporary Worker route will be closed to new applications from 1 December 2020.
- 7.172. The Youth Mobility Scheme provides a cultural exchange programme that allows a person aged between 18 and 30, from participating countries and territories, to experience life in the UK for up to 2 years. This route is drafted in the new simplified structure. The changes from the current route are:
- the requirements to complete the specified form, pay the fee and Immigration Health Charge, provide biometrics, provide a passport or travel document, provide

a Certificate of Sponsorship dated no more than 3 months before the date of application, be under the age of 30, will be validity requirements, meaning that an applicant who does not meet them may have their application rejected rather than being refused (YMS 1.1. to 1.2).

- the requirement to be a British Overseas Citizen, British Overseas Territories Citizen or British National (Overseas) or a national of a country or territory included Appendix Youth Mobility Scheme; eligible nationals has also been made a validity requirement (YMS 1.3).
- the addition of San Marino to the scheme, and addition of the Republic of Korea to the list of countries who are part of the invitation to apply arrangements. (Appendix Youth Mobility Scheme: eligible nationals paragraphs 2 and 3)
- the maintenance requirement for applicants has been increased from £1,890 to £2,540 and applicants are now required to show they have held the funds for 28 days in line with other work routes (YMS 5.1. to 5.2).

### **Transitional arrangements**

- 7.173 References to the Tier 5 (Youth mobility scheme) Temporary Worker route are either deleted from the Immigration Rules or amended where appropriate to reflect the new Youth Mobility Scheme rules. All references to Youth Mobility Scheme in the new rules must be read as including references to people who currently hold leave as a Tier 5 (Youth mobility scheme) Temporary Worker.

### **Appendix T5 (Temporary Worker) Religious Worker**

- 7.174 Appendix T5 (Temporary Worker) Religious Worker replaces the provisions for religious workers included in the Tier 5 (Temporary Worker) migrant rules in Part 6A of the current Immigration Rules. The Tier 5 (Temporary Worker) migrant route in Part 6A will be closed to new applications from 1 December 2020.
- 7.175. The T5 Religious Worker route is for a person who wants to support the activities of religious institutions in the UK by conducting religious work such as working in a religious order or undertaking non-pastoral work for a religious organisation. The changes form the current route are:
- the validity requirements to complete the specified form, pay the fee and Immigration Health Charge, provide biometrics, provide a passport or travel document, have a Certificate of Sponsorship dated no more than 3 months before the date of application, meaning that an applicant who does not provide met these may have their application rejected rather than being refused (RW 1.2).
  - it is now a validity requirement that an applicant applying for permission to stay must have or have last been granted permission as a Religious Worker (RW 1.3).
  - that the validity rules for dependants applying in the UK will provide that dependants on this route must not have permission as any of: visitor, short-term student, parent of a child student, seasonal worker, domestic worker in a private household or leave outside the Immigration Rules (RW 11.3).
  - the financial requirement will only applies to applicants for entry clearance and those who have been living in the UK for less than 12 months (RW 7.1. to RW 7.2; RW 15.1 to RW 15.2).

- the financial requirement will be increased from £945 to £1,270 for religious workers; but decreased from £630 to £285 for a dependant partner, £315 for the first child applying and £285 for each subsequent child (RW 7.2. and RW 15.2)
- applicants will be required to show they have held the funds for 28 days in line with other work routes (RW 7.3. and RW 15.4).

### **Transitional arrangements**

- 7.176 A person who has entry clearance or permission to stay on the current Tier 5 (Temporary Worker) migrant route under the provisions applying to religious workers and wants to extend their stay in the UK can apply for further permission to stay under Appendix T5 (Temporary Worker) Charity Worker.
- 7.177 References to the Tier 5 (Temporary Worker) migrant route are either deleted from the Immigration Rules or amended where appropriate to reflect the new T5 routes. All references to Religious Workers in the new rules must be read as including references to people who currently hold leave as a Tier 5 (Temporary Worker) with permission under the provisions applying to Religious Workers.

### **Appendix T5 (Temporary Worker) Charity Worker**

- 7.178 Appendix T5 (Temporary Worker) Charity Worker replaces the provisions for charity workers included in the Tier 5 (Temporary Worker) migrant rules in Part 6A of the current Immigration Rules. The Tier 5 (Temporary Worker) migrant route in Part 6A will be closed to new applications from 1 December 2020.
- 7.179. The T5 Charity Worker route is for a person who wants to come to the UK to do voluntary work for no more than 12 months. The changes from the current route are:
- the validity requirements to complete the specified form, pay the fee and Immigration Health Charge, provide biometrics, provide a passport or travel document, have a Certificate of Sponsorship dated no more than 3 months before the date of application, meaning that an applicant who does not provide met these may have their application rejected rather than being refused (CW 1.1. and CW 1.2.).
  - it is now a validity requirement that an applicant applying for permission to stay must have or have last been granted permission as a Religious Worker (CW 1.3).
  - the validity rules for dependants applying in the UK will provide that dependants on this route must not have permission as any of: visitor, short-term student, parent of a child student, seasonal worker, domestic worker in a private household or leave outside the Immigration Rules (CW 10.3)
  - the financial requirement will only applies to applicants for entry clearance and those who have been living in the UK for less than 12 months (CW 7.1. to CW 7.2; CW 14.1 to CW 14.2)
  - the financial requirement will be increased from £945 to £1,270 for religious workers; but decreased from £630 to £285 for a dependant partner, £315 for the first child applying and £285 for each subsequent child (CW 7.2. and CW 14.2)
  - applicants will be required to show they have held the funds for 28 days in line with other work routes (CW 7.3. and CW 14.4).

### **Transitional arrangements**

- 7.180 A person who has entry clearance or permission to stay on the current Tier 5 (Temporary Worker) migrant route under the provisions applying to charity workers and wants to extend their stay in the UK can apply for further permission to stay under Appendix T5 (Temporary Worker) Charity Worker.
- 7.181 References to the Tier 5 (Temporary Worker) migrant route are either deleted from the Immigration Rules or amended where appropriate to reflect the new T5 routes. All references to Charity Workers in the new rules must be read as including references to people who currently hold leave as a Tier 5 (Temporary Worker) with permission under the provisions applying to Charity Workers.

### **Appendix T5 (Temporary Worker) Creative and Sporting Worker**

- 7.182 Appendix T5 (Temporary Worker) Creative and Sporting Worker replaces the provisions for Creative and Sporting workers included in the Tier 5 (Temporary Worker) migrant rules in Part 6A of the current Immigration Rules.
- 7.183. The T5 Creative and Sporting Worker route is for a person who wants to come to the UK to for up to 12 months initially to work within the creative and sporting sectors, making a significant contribution. The option to extend to 24 months is being maintained. The changes from the current route are:
- the validity requirements to complete the specified form, pay the fee and Immigration Health Charge, provide biometrics, provide a passport or travel document, have a Certificate of Sponsorship dated no more than 3 months before the date of application, meaning that an applicant who does not provide met these may have their application rejected rather than being refused (CSP 1.1. and CSP 1.2.).
  - it is now a validity requirement that an applicant applying for permission to stay must have or have last been granted permission as a Creative and Sporting s Worker or as a visitor where the applicant already had a Certificate of Sponsorship (CSP 1.4).
  - the validity rules for dependants applying in the UK will provide that dependants on this route must not have permission as any of: visitor, short-term student, parent of a child student, seasonal worker, domestic worker in a private household or leave outside the Immigration Rules (CSP 10.3)
  - the financial requirement will only applies to applicants for entry clearance and those who have been living in the UK for less than 12 months (CSP 6.1. to CSP 6.2; CSP 14.1 to CSP 14.2)
  - the financial requirement will be increased from £945 to £1,270 for religious workers; but decreased from £630 to £285 for a dependant partner, £315 for the first child applying and £285 for each subsequent child (CSP 6.2. and CSP 14.2)
  - applicants will be required to show they have held the funds for 28 days in line with other work routes (CSP 6.3. and CSP 14.4).

### **Transitional arrangements**

- 7.184 A person who has entry clearance or permission to stay on the current Tier 5 (Temporary Worker) migrant route under the provisions applying to creative and sporting charity workers and wants to extend their stay in the UK can apply for

further permission to stay under Appendix T5 (Temporary Worker) Creative and Sporting Worker.

- 7.185 References to the Tier 5 (Temporary Worker) migrant route are either deleted from the Immigration Rules or amended where appropriate to reflect the new T5 routes. All references to Creative and Sporting Workers in the new rules must be read as including references to people who currently hold leave as a Tier 5 (Temporary Worker) with permission under the provisions applying to Creative and Sporting Workers.

#### **Appendix T5 (Temporary Worker) International Agreement Worker**

- 7.186 Appendix T5 (Temporary Worker) International Agreement Worker replaces the provisions for international agreement workers included in the Tier 5 (Temporary Worker) migrant rules in Part 6A of the current Immigration Rules. The Tier 5 (Temporary Worker) migrant route will be closed to new applications from 1 December 2020.
- 7.187. The International Agreement worker route is for a person who wants to come to the UK to provide a service covered under international law, such as private servants in diplomatic households, employees of overseas governments and international organisations, or under the General Agreement on Trade in Services (GATS) or another services trade agreement under which the UK has similar commitments. The changes from the current route are:
- the validity requirements are to complete the specified form, pay the fee and Immigration Health Charge, provide biometrics, provide a passport or travel document, have a Certificate of Sponsorship dated no more than 3 months before the date of application, meaning that an applicant who does not provide these may have their application rejected rather than being refused (IA 1.1. IA 1.2. and to IA 1.4).
  - Also, an applicant who is in the UK on the date of application must have or have last been granted permission as a T5 International Agreement Worker (IA 1.3).
  - The switching rules for dependants applying in the UK will be clarified to state that dependants on this route must not have permission as any of: visitor, short-term student, parent of a child student, seasonal worker, domestic worker in a private household or leave outside the Immigration Rules and this will be made a validity requirement (IA 22.3).
  - The financial requirement will be changed so that it now only applies to applicants for entry clearance and those who have been living in the UK for less than 12 months (IA 11.1. to IA 11.2; IA 26.1 to IA 26.2).
  - The financial requirement will be increased from £945 to £1,270 for International Agreement Workers; but decreased from £630 to £285 for a dependent partner, £315 for the first child applying and £285 for each subsequent child (IA 11.2. and IA 26.2)
  - Applicants are now required to show they have held the funds for 28 days in line with other work routes (IA 11.3. and IA 26.4).
  - A change is being made to clarify that the provisions implementing the UK's obligations on the admission of contractual service suppliers extend to the permanent residents of those countries that have made a notification under Article

XXVIII(k)(ii)(2) of the General Agreement on Trade in Services (GATS) confirming that they treat their permanent residents substantially the same as their own nationals with regard to measures affecting trade in services (IA 9.4). This change amends the nationality eligibility requirements for Tier 5 contractual service suppliers to include the permanent residents of a small number of World Trade Organisation (WTO) member countries - Armenia, Australia, Canada, New Zealand, Switzerland – in line with the UK’s obligations under the WTO’s General Agreement on Trade in Services.

### **Transitional arrangements**

- 7.188 A person who has entry clearance or permission to stay on the Tier 5 (Temporary Worker) migrant route under the provisions applying to International Agreement workers and wants to extend their stay in the UK can apply for further permission to stay (and settlement for private servants in diplomatic households who had leave under the rules in force before 6 April 2012 only) under Appendix T5 (Temporary Workers) International Agreement Worker.
- 7.189 References to the Tier 5 (Temporary Worker) migrant route are either deleted from the Immigration Rules or amended where appropriate to reflect the new T5 routes. All references to International Agreement Workers in the new rules must be read as including references to people who currently hold leave as a Tier 5 (Temporary Worker) with permission under the provisions applying to International Agreement Workers.

### **Appendix T5 (Temporary Worker) Government Authorised Exchange Worker**

- 7.190 Appendix T5 (Temporary Worker) Government Authorised Exchange Worker replaces the provisions for Government Authorised Exchange workers included in the Tier 5 (Temporary Worker) migrant rules in Part 6A of the current Immigration Rules. The Tier 5 (Temporary Worker) migrant route will be closed to new applications from 1 December 2020.
- 7.191. The Government Authorised Exchange worker route is for a person who wants to come to the UK for up to 24 months to work on an approved scheme. The changes from the current route are:
- the validity requirements to complete the specified form, pay the fee and Immigration Health Charge, provide biometrics, provide a passport or travel document; provide a Certificate of Sponsorship dated no more than 3 months before the date of application; if they will be sponsored by a Government or international scholarship agency in the last 12 months to have their consent; the date of application must be no more than 3 months before the start date of the role, meaning that an applicant who does not provide these may have their application rejected rather than being refused (GAE 1.1. to 1.4).
  - The switching rules for dependants applying in the UK will be clarified to state that dependants on this route must not have permission as any of: visitor, short-term student, parent of a child student, seasonal worker, domestic worker in a private household or leave outside the Immigration Rules and this will be made a validity requirement (GAE 10.3).

- The financial requirement will be changed so that it now only applies to applicants for entry clearance and those who have been living in the UK for less than 12 months (GAE 6.1. to GAE 6.2; GAE 14.1 to GAE 14.2)
- The financial requirement will be increased from £945 to £1,270 for Government Authorised Exchange Workers; but decreased from £630 to £285 for a dependent partner, £315 for the first child applying and £285 for each subsequent child (GAE 6.2. and GAE 14.2)
- Applicants are now required to show they have held the funds for 28 days in line with other work routes (GAE 6.3. and GAE 14.4).

### **Transitional arrangements**

- 7.192 A person who has entry clearance or permission to stay on the Tier 5 (Temporary Worker) migrant route under the provisions applying to Government Authorised Exchange workers and wants to extend their stay in the UK can apply for further permission to stay under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker.
- 7.193 References to the Tier 5 (Temporary Worker) migrant route are either deleted from the Immigration Rules or amended where appropriate to reflect the new T5 routes. All references to Government Authorised Exchange Workers in the new rules must be read as including references to people who currently hold leave as a Tier 5 (Temporary Worker) with permission under the provisions applying to Government Authorised Exchange Workers.

### **Appendix Service Providers from Switzerland**

- 7.201 In line with the Citizens' Rights Agreement with Switzerland, the new Appendix Service Providers from Switzerland establishes from 1 December 2020 an immigration route for eligible service providers from Switzerland. To be eligible, service providers will need to show that:
- They have a written work contract, signed and dated before the end of the transition period, and they have commenced work under the contract before then.
  - The work contract is between businesses or individuals established in Switzerland and the UK.
  - They are employed by the contracting business and are required to execute the terms of the contract in the UK.
  - If they are not a Swiss citizen, they are integrated into the regular labour market of Switzerland.
- 7.195 Successful applicants will receive an entry clearance which gives them permission to enter and leave the UK multiple times, to allow for up to 90 days' work per calendar year.

### **Appendix Hong Kong British National (Overseas)**

- 7.196 Before the handover of the UK's responsibilities for Hong Kong, the Government created the British National (Overseas) (BN(O)) nationality status which was opened to people in Hong Kong, through a registration process, to those who had British Dependent Territories citizenship. Now that China has breached the Sino-British

Joint Declaration through implementation of its national security legislation on Hong Kong restricting the rights and freedoms of BN(O) citizens, changes are being made to the entitlements which are attached to BN(O) status. BN(O) citizens in Hong Kong are in a unique position and therefore this policy is specific to them.

- 7.197 Appendix: Hong Kong British National (Overseas) covers two routes – the BN(O) Status Holder route and the BN(O) Household Member route. The BN(O) Status Holder route is for a BN(O) citizen who is ordinarily resident in Hong Kong or the UK. A dependent partner and a dependent child of a BN(O) citizen can, if they are ordinarily resident in Hong Kong or the UK, apply under this route. In exceptional circumstances, other family members with a high degree of dependency may also apply.
- 7.198 The BN(O) Household Member route is for the adult child, born on or after 1 July 1997, of a BN(O) citizen. The BN(O) Household Member, and any dependent partner or child applying under this route must be ordinarily resident in Hong Kong or the UK and form part of the same household as the BN(O) citizen.
- 7.199 The Hong Kong British National (Overseas) routes allow work and study in the UK and are both routes to settlement.

### **Appendix English Language**

- 7.200 This replaces Appendix English Language which was introduced in the Statement of Changes on 10 September 2020. That Appendix applied only to Students, but this Appendix also applies to applications under Appendix Skilled Worker, Appendix Representatives of an Overseas Business, Appendix T2 Minister of Religion, Appendix T2 Sportsperson, Appendix UK Ancestry, Appendix Start-up, Appendix Innovator, Appendix Hong Kong British National (Overseas) and Appendix ECAA Extension of Stay.
- 7.201 Appendix English Language sets out how applicants can meet the English language requirements. The changes from the previous rules are:
- To ensure applicants only need to prove the required level of English language to the Home Office once (EL 3.1)
  - Updates to the majority speaking English language country list to include Malta so that Maltese citizens can rely on their nationality as proof of English language ability. In addition, Irish citizens do not require permission to enter or stay but Ireland is included on the list for degrees to ensure that applicants who gained a degree in Ireland can rely on this to prove their English language ability (EL 4.1. and EL 5.2). These changes will be replicated across the Immigration Rules where English language requirements apply.
  - Allow applicants who have gained GCSE/A Level or Scottish Highers in English while at school in the UK to rely on this to prove their English language ability (EL 7.1). Initially, we will apply this to entry clearance and permission to stay for Students, Skilled Workers, and Start up and Innovator migrants (EL 2.2. to 2.4).
- 7.202 Existing methods of proving English language, such as a Secure English Language Test or degree taught in English continue to apply (EL 5.1 to EL 6.1). Applicants on

the Skilled Work route who are being sponsored to work as a doctor, dentist, nurse or midwife can continue to rely on their professional regulation to prove their English language ability (EL 9.1).

## **Appendix KOL UK**

- 7.203 Appendix KOL UK covers the requirement to show Knowledge of Life in the UK for settlement. It applies to applications for settlement under Appendix Skilled Worker, Appendix Representatives of an Overseas Business, Appendix T2 Minister of Religion, Appendix T2 Sportsperson, Appendix UK Ancestry, Appendix Global Talent, Appendix Innovator, Appendix Hong Kong British National (Overseas) and Appendix ECAA Extension of Stay.
- 7.204 The policy around the Knowledge of Life in the UK test has not changed. The existing Appendix KoLL continues to apply to applications for settlement under other routes.

## **Appendix Finance**

- 7.205 An Appendix Finance was introduced in the Statement of Changes on 10 September 2020. That Appendix applied only to Students, their dependants and Child Students. This Appendix also applies to applications under Appendix Short-term Student, Appendix Child Student, Appendix Parent of a Child Student, Appendix Skilled Worker, Appendix Intra-company routes, Appendix Representative of an Overseas Business, Appendix Global Talent, Appendix Start-up, Appendix Innovator, Appendix T2 Minister of Religion, Appendix T2 Sportsperson, Appendix UK Ancestry, Appendix T5 (Temporary Worker) Seasonal Worker, Appendix T5 (Temporary Worker) Youth Mobility Scheme, Appendix T5 (Temporary Worker) Creative Workers and Sportsperson, Appendix T5 (Temporary Worker) Religious Worker, Appendix T5 (Temporary Worker) Charity Workers, Appendix T5 (Temporary Worker) International Agreement Workers, Appendix T5 (Temporary Worker) Government Authorised Exchange Workers, and Appendix Hong Kong British National (Overseas).
- 7.206 Appendix Finance sets out how the financial requirement must be met. The changes to the current rules are:
- Appendix P, which contained the list of financial institutions in several countries where UKVI could not verify documents which therefore could not be relied upon in evidence, will be replaced by a general requirement that funds must be held in a financial institution that is regulated, uses electronic record keeping, and with which the decision maker can complete verification checks (FIN 2.1). Throughout the Rules, references to Appendix P will be replaced with references to (FIN 2.1).
  - The list of permissible account holders will be updated to allow an applicant to rely on a third party who is not their partner where this is provided for under the Rules covering the route in question (FIN 5.1.(d)).
  - The requirements will be updated to make the calculation of the dates when financial evidence must be held consistent so that evidence must be within 31 days of the date of application (FIN 7.1).

- Applicants may rely on a wider range of accounts – not just cash or cash savings – so long as they can access the funds immediately (FIN 8.1).
- The formatting requirements for bank statements will be removed in line with simplification and applicants may rely on electronic bank statements without having to have each page stamped by their bank.

## **Appendix Continuous Residence**

- 7.207 Appendix Continuous Residence is new. It consolidates existing provisions. It applies to applications for settlement under Appendix Skilled Work, Appendix Representative of an Overseas Business, Appendix Global Talent, Appendix Innovator; Appendix T2 Minister of Religion, Appendix T2 Sports person, Appendix UK Ancestry, Appendix Hong Kong British National (Overseas), and Appendix ECAA Extension of Stay.
- 7.208 Appendix Continuous Residence sets out how the continuous residence requirement for settlement applications is met. It does not change existing requirements, but clarifies:
- the rule that applicants must spend no more than 180 days outside the UK in any 12 month period (CR 2.1);
  - exceptions to that rule, including where a person has been absent for longer, for example due to a pandemic (CR 2.3);
  - where the main applicant is absent for a permitted reason, the exception also extends to dependants (CR 3.1);
  - circumstances in which continuous residence is broken (CR 4.1) or when presence is now lawful (CR 5.1); and
  - how the continuous residence period is calculated (CR 6.1).

## **Changes to Appendix W**

- 7.209 This Appendix is deleted and replaced with Appendix Global Talent, Appendix Start-up and Appendix Innovator.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This Statement of Changes in Immigration Rules is not being made under the European Union (Withdrawal) Act, but it is linked to the withdrawal of the United Kingdom from the European Union because it supports the end of free movement of persons to the UK.
- 8.2 The changes also support further implementation of the EU Settlement Scheme.

## **9. Consolidation**

- 9.1 The Immigration Rules were last consolidated in 1994. The Government has committed to consolidation of the Rules as part of its response to the Law Commission recommendations on simplifying the Immigration Rules.

## **10. Consultation outcome**

- 10.1 The changes relating to the Skilled Worker route are based on recommendations by the independent Migration Advisory Committee (MAC). The MAC consulted extensively before arriving at its recommendations. Its relevant reports available on the GOV.UK website at:
- <https://www.gov.uk/government/publications/migration-advisory-committee-mac-report-eea-migration>
  - <https://www.gov.uk/government/publications/migration-advisory-committee-mac-report-points-based-system-and-salary-thresholds>
- 10.2 The Government has also carried out extensive public engagement with employers and other organisations, which have helped to inform the changes being made.
- 10.3 The other changes in this Statement have not been the subject of a formal public consultation, as this would be disproportionate given the nature of the changes. However, the Law Commission conducted a consultation on Simplification of the Immigration Rules in January 2019.

## **11. Guidance**

- 11.1 Guidance relating to these Rules changes will be updated and placed on GOV.UK website.

## **12. Impact**

- 12.1 On business, charities, or voluntary bodies: bringing EEA nationals within the global Points-Bases Immigration System will mean new processes for businesses recruiting EEA nationals. Other changes – such as lowering the skill and salary thresholds, suspending the cap and removing the Resident Labour Market Test, are designed to reduce burdens on businesses. Overall, the changes are intended to ensure there is no net increase in burdens on business.
- 12.2 There is limited impact on the public sector. The introduction of a new immigration route for BN(O)s may increase migration to the UK. Given that migration happens for a myriad of reasons, there is significant uncertainty about the number of BN(O) citizens who may migrate, as well as the characteristics of this cohort which will influence demand for public provision (age, employment status etc). The uncertainty of those characteristics therefore means the magnitude of potential increase in public expenditure is not known. An increase in the number of BN(O)s migrating to the UK may also lead to additional fiscal contributions to the Exchequer through direct and indirect taxes. As with the level of public expenditure, there is significant uncertainty around the number and characteristics of BN(O)s who may opt to migrate to the UK.

## **13. Regulating small business**

- 13.1 There will be some impact on activities undertaken by small businesses.
- 13.2 The ending of free movement of persons to the UK means that there will be an impact on institutions offering English language study to EEA nationals for six-11 months, as recruitment practices will need to be amended to incorporate EEA national students into their processes and ensure such students obtain a Short-term Study visa. The impacts are considered to be justified as they form part of the Government's commitment to end free movement to the UK following the UK's withdrawal from the EU.
- 13.3 Appendix Service Providers from Switzerland enables businesses to continue to execute existing contracts in the UK under current arrangements for a period of five years from the end of the transition period. Around two thirds of UK exports to Switzerland are services and, in 2018, the UK exported £14.8bn of services to Switzerland, which constituted 5% of all UK services exports. Appendix Service Providers from Switzerland also gives confidence to businesses which have existing contracts with Swiss businesses that Swiss based employees or independent professionals will be able to obtain appropriate immigration leave to come to the UK for at least five years after the end of the transition period.
- 13.4 Bringing EEA nationals within the global Points-Based Immigration System will mean new processes for businesses recruiting EEA nationals. Other changes – such as lowering the skill and salary thresholds, suspending the cap and removing the Resident Labour Market Test, are designed to reduce burdens on businesses. Overall, the changes are intended to ensure there is no net increase in burdens on business.
- 13.5 Where a Turkish business person has extant ECAA leave prior to 1 January 2021, they will be able to apply for an extension of such leave on broadly the same terms as now. Successful applicants will then be able to continue to run their business(es) in the UK. Equally, Turkish workers who have extant ECAA leave before 1 January 2021 will continue to be able to apply for leave on the same basis as now, enabling them to continue to work in the UK. Therefore, for this cohort, there will be no disruption to businesses. Only those without extant ECAA leave at the end of the transition period will not be able to establish a business in the UK and must instead apply under the relevant category of the new Points-Based Immigration System.

#### **14. Monitoring & review**

- 14.1 The review clauses at the beginning of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added by the changes in this Statement, and lay a report before Parliament within five years of 6 April 2017 and within every five years after that. Following each review, the Secretary of State will decide whether the relevant Immigration Rules should remain as they are, be revoked or be amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

#### **15. Contact**

- 15.1 Specific written queries relating to this Statement of Changes should be directed to

Jodie Sharma and Sam Worby at [SORT@homeoffice.gov.uk](mailto:SORT@homeoffice.gov.uk). Please note that this mailbox is only for Parliamentary use in relation to specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.

- 15.2 More general queries should be directed to the Home Office as per the ‘Contact UKVI’ section on the visas and immigration pages of GOV.UK website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.
- 15.3 A copy of this Statement of Changes can be found on the visa and immigration pages of the GOV.UK website at <https://www.gov.uk/government/collections/immigration-Rules-statement-of-changes>.
- 15.4 Sally Weston at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.5 Kevin Foster MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.