

**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 10 SEPTEMBER 2021 (HC 617)**

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.

2.2 The changes being made primarily deliver coronavirus (COVID-19) concessions on some routes, changes relating to the evidence of identity and nationality requirements for persons arriving in the United Kingdom or seeking entry through the Channel Tunnel, provisions for Afghan locally employed staff, the launch of the International Sportsperson route (and associated changes required to other routes) and the rebranding of the T5 Temporary Worker routes, increasing the list of eligible prizes under the Global Talent route, changes to the EU Settlement Scheme and expanding the Youth Mobility Scheme to include Iceland and India. This instrument also makes a series of minor changes to other policy areas, detailed (in paragraphs 7.52 to 7.63) of section 7 of this Explanatory Memorandum.

3. Matters of special interest to Parliament

Matters of special interest to the [Joint Committee on Statutory Instruments OR the Select Committee on Statutory Instruments OR the Sifting Committees]

3.1 None.

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 of, persons in the United Kingdom.
- 6.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules. This can be found on the GOV.UK website, where all the Statements of Changes in Immigration Rules issued since May 1994 are published.¹
- 6.3 These changes will be implemented from 1 October 2021 as detailed in the implementation section of the accompanying Statement of Changes.

7. Policy background

What is being done and why?

Coronavirus (COVID-19) Concessions

Tier 1 (Entrepreneur)

- 7.1 Under the coronavirus (COVID-19) concession for Tier 1 (Entrepreneur) migrants whose businesses had been negatively impacted by the pandemic, they were able to extend their leave, provided they had created the equivalent of two full-time jobs for settled workers at the time of application, but without having to demonstrate that the jobs had existed for a minimum period of 12 months.
- 7.2 This second requirement must however be met before the applicant can qualify for settlement, in addition to the existing job creation requirement that applies to all settlement applications. The settlement rules in Appendix A: attributes, have thus been amended to reflect this and clarify the existing policy.

EU Settlement Scheme (EUSS)

- 7.3 The changes reflect in the Immigration Rules for the EUSS in Appendix EU the concession (outside Appendix EU) which is currently in operation for applicants whose continuous residence in the UK has been affected by coronavirus (COVID-19). This was published in guidance on 10 June 2021.² From 6 October 2021, that concession, which covers a range of circumstances where, due to COVID-19, the applicant would have exceeded the permitted absence from the UK, and broken their period of continuous residence, will cease to operate.

Skilled Worker route and Tier 2 Sportsperson route

- 7.4 Due to major disruption to UK Visas and Immigration (UKVI) services as a result of Coronavirus (COVID-19), concessions were put in place for those who applied as Skilled Workers (which includes applications on the predecessor route) in the UK between 24 January 2020 and 30 June 2021, allowing them to start working for their

¹ <https://www.gov.uk/guidance/immigration-rules>

² [Coronavirus \(COVID-19\): EU Settlement Scheme - guidance for applicants - GOV.UK \(www.gov.uk\)](#)

sponsor while waiting for a decision on their application. A change is being made to the settlement rules to allow those who successfully applied in the UK during this period to include the time they were waiting for a decision towards the five years required for settlement as a Skilled Worker or as a Tier 2 Sports person.

Changes relating to the evidence of identity and nationality requirements for persons arriving in the United Kingdom or seeking entry through the Channel Tunnel

- 7.5 Consistent with the Citizens' Rights Agreements³, EU, other European Economic Area (EEA) and Swiss citizens (collectively referred to here as 'EEA citizens') resident in the UK by the end of the transition period at 2300 on 31 December 2020 and certain EEA citizen family members (referred to herein as 'the citizens' rights cohort') can continue to use their EEA national identity card to enter the UK until at least the end of 2025. The citizens' rights cohort is comprised of EEA citizens in any of the following groups:
- a national of Switzerland with a valid entry clearance granted under Appendix Service Providers from Switzerland to the Immigration Rules.
 - an EEA citizen with valid indefinite or limited leave to enter or remain granted under the EUSS (in Appendix EU to the Immigration Rules), or who has made a valid application under that Appendix (other than as a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined.
 - an EEA citizen with a valid entry clearance in the form of an EU Settlement Scheme Family Permit.
 - an EEA citizen with a frontier worker permit.
 - an EEA citizen seeking to come to the UK as an S2 Healthcare Visitor.
- 7.6 The above also extends to an EEA citizen who has been granted the equivalent immigration permission by the Islands⁴, or who has made a valid application to the equivalent of the EUSS operated by the Islands (other than as the equivalent of a joining family member of a relevant sponsor under that scheme) which has not yet been finally determined.
- 7.7 Furthermore, a British citizen of Gibraltar may continue to use their national identity card indefinitely to enter the UK.
- 7.8 From 1 January 2021, the Government has implemented a single global immigration system which applies to nationals of all countries, except the UK and Ireland and the citizens' rights cohort. Inconsistency in the design and security features of identity cards gives rise to document security risks, and the need for manual processing increases border queues. Therefore, the Government announced in October 2020 that EEA citizens outside of the citizens' rights cohort will, like other nationalities, need, from 1 October 2021, a passport to demonstrate nationality and identity at the UK border, rather than a national identity card.

³ The UK-EU withdrawal agreement, the separation agreement with the EEA EFTA states (Norway, Iceland and Liechtenstein) and the Swiss citizens' rights agreement.

⁴ "The Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man".

Changes to provide further support to Afghan Locally Employed Staff (LES)

- 7.9 To reflect the changing security situation in Afghanistan, we are enabling current and former Afghan LES and their family members who are outside Afghanistan to relocate to the United Kingdom under the Afghan relocations and assistance policy and the ex gratia scheme. The schemes were previously only available to those in Afghanistan.
- 7.10 We are also enabling LES who are approved for relocation to be granted indefinite leave to enter the UK, replacing the five years' limited leave they are currently granted. Those already in the UK will be able to apply for indefinite leave to remain before their limited leave expires if they choose to do so.
- 7.11 An additional change will correct a legacy line in the Immigration Rules that states that minor dependants must be under 18 on 19 December 2012 with the requirement that they must be under 18 at the time of application.

Launch of the new International Sportsperson route (and consequential changes), and the rebranding of the Tier 5 routes

- 7.12 The new International Sportsperson route will replace the T2 and T5 Temporary Worker routes for professional sporting workers with simplified, dedicated visa arrangements. The new route will continue to offer a dedicated option for anyone wishing to come for 12 months or less but will bring together the T2 and T5 offers into one dedicated category, thereby making it more straightforward for professional sportspeople and their sponsors to access. The new route mirrors the previous routes in that it has a dual level of assurance of an endorsement from a Sports Governing Body and requires a Certificate of Sponsorship from a club. The route is points-based to bring it in line with the points-based system and there is a requirement to demonstrate English language ability for those who apply for a stay that exceeds 12 months.
- 7.13 The Tier 5 Temporary Worker routes are being rebranded with the launch of new application forms and all references to the old T5 system being removed. This approach will make the Immigration Rules governing these routes easier to find and deliver better service for customers. These changes will deliver a dedicated route for temporary creative workers, who will be subject to the same requirements and be subject to the same grant conditions. The separation of the old T5 Creative and Sporting Worker route will deliver a Temporary Work – Creative Worker visa which recognises the unique requirements of the sector. Consequential amendments are being made to Appendix AR to provide a right of administrative review for eligible decisions under the new International Sportsperson route and the re-branded Temporary Worker routes.

Changes to the criteria and evidential requirements required from applicants to, and to improve clarity of, the Global Talent route

- 7.14 The Global Talent category is for talented and promising individuals in the fields of science, digital technology and arts and culture wishing to work in the UK. 'Talent' applicants are already leaders in their respective fields, while 'Promise' applicants have shown the potential to become leaders in their field.

- 7.15 Changes are being made to the endorsement criteria and evidential requirements to reflect feedback and recommendations from the endorsing bodies for the route.
- 7.16 The arts and culture endorsement criteria are being amended to:
- clarify letters of recommendation required by the endorsing body must specifically be from well-established ‘arts and culture’ organisations. This is to ensure that applicants do not seek to rely on letters from organisations outside of the relevant fields and ensures authors of recommendation letters are qualified to make expert recommendations on the suitability of individuals.
 - make it easier for applicants who are members of groups, such as internationally recognised orchestras or dance troupes, to qualify. The change specifically allows individuals to submit evidence that primarily relates to the activities of a group but also specifically names the applicant and supports their claim of exceptional talent or promise.
- 7.17 The evidential requirements for digital technology endorsements are being amended to:
- include being a board member of a product-led digital technology companies as a role that can be used to evidence an exceptional talent in this field.
 - reduce the number of examples required for each of the exceptional promise criteria from at least two to at least one.
- 7.18 The endorsement criteria for science, engineering, humanities and medicine fields are being amended to:
- extend the eligibility period for the fellowship fast track pathway following the completion of an approved fellowship or award from 12 months to five years, enabling more applicant to qualify under this category.
 - incorporate the requirements previously set out in paragraph GTE 8.3(a)-(b) of Appendix Global Talent relating to the applicant’s post with the job description and statement of guarantee in paragraph GTE 8.6. This reduced duplication and streamlines the collection of information required by the endorsing bodies.
 - expand the requirement to have academic representatives on interview panels to cover research and innovation representatives, in recognition that not all roles will be in an academic setting.
- 7.19 The endorsed funder fast track pathway is being amended to:
- reduce the length of time remaining on an employment contract or hosting agreement from two years to one year to allow greater flexibility for individuals working on qualifying research, which must be a minimum of two years in duration, undertaken at academic or industry locations in multiple countries.
 - amend the evidential requirement so that applicants who have an award listed on a publicly accessible research database accepted by UK Research and Innovation (UKRI) will no longer be required to provide a letter from the

endorsed funder confirming their suitability for the award. Where the details of the award are published on an accepted research database, the applicant can provide a link to the award directly or via the Director of Human Resources, or equivalent, at the relevant employing or hosting body. Where the award is not listed on an acceptable database, the applicant must continue to provide written confirmation of the award from the endorsed funder.

- clarify that applicants must confirm through either the letter from the endorsed funder or the link to the approved database that the award is either funded by a one-off grant or award that has been won in open competition or attributed to a large institutional, renewable award that is subject to periodic peer review. A list of acceptable research databases will be published on GOV.UK.

Changes to the Global Talent: Prestigious Prizes route to expand the list of qualifying prizes and to provide greater clarity

- 7.20 Applicants who hold a qualifying prestigious prize are able to qualify on the Global Talent route without the need to obtain an endorsement from one of the Global Talent endorsing bodies.
- 7.21 Following advice from the relevant endorsing bodies, the list of prizes in Appendix Global Talent: Prestigious Prizes has been expanded to cover a wider range of prizes. In the opinion of our expert bodies, the prizes listed demonstrate irrefutable evidence of prize holders being at the pinnacle of their profession.
- 7.22 To be eligible, prizes must be given to named individuals, and therefore the list does not include prestigious awards for specific works, such as an award-winning film, or prizes given to whole organisations, as such prizes recognise work created by the collective contribution of a number of individuals rather than the clear exceptional talent of a single applicant. Prizes included must also be open to all nationalities and winners must be determined by experts or peers, rather than a public vote. The list will be kept under review and may be revised in future updates to the Rules.
- 7.23 An amendment has also been made in the introduction of Appendix Global Talent: Prestigious Prizes to clarify that only the endorsing bodies relevant to the sector covered by specific prizes have made recommendations on the formation of the list.

Changes to the EUSS regarding joining family members and to improve clarity

- 7.24 The EUSS enables EU, other 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 continue living in the UK. The EUSS family permit enables certain family members of such citizens to travel to the UK.
- 7.25 The main changes in respect of the EUSS and the EUSS family permit are as follows:
- to allow a joining family member to apply to the EUSS whilst in the UK as a visitor. From 6 October 2021, the temporary concession to this effect outside Appendix EU where certain joining family members are concerned, as currently set out in the EUSS caseworker guidance, will cease to operate⁵.

⁵ [EU Settlement Scheme caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/eu-settlement-scheme-caseworker-guidance)

- technical changes to reflect the passing of the 30 June 2021 deadline for applications to the EUSS by those resident in the UK by the end of the transition period (though a late application can still be made where there are reasonable grounds as to why the person missed that deadline).
- technical changes to reflect the fact that, as the Home Office has already confirmed to relevant stakeholders, a person who is exempt from immigration control can, if they wish, apply to the EUSS whilst they remain exempt, or they can apply once they have ceased to be exempt.

Changes to the Youth Mobility Scheme

7.26 The main changes to the Youth Mobility Scheme are as follows:

- re-branding the route from T5 (Temporary Worker) Youth Mobility Scheme to Youth Mobility Scheme.
- Iceland is being added to the Youth Mobility scheme country list as a country without Deemed Sponsorship Status with an allocation of 1,000 places. India is being added to the list of countries where invitation to apply arrangements apply.
- updating to allow citizens and nationals or the rightful holder of a passport issued by a territory without Deemed Sponsorship Status to apply for this route from any post that accepts such applications worldwide.

Changes to the visitor rules to provide further clarity on the activities students can undertake in the UK and when employees of overseas manufacturers or suppliers can come to the UK as visitors

- 7.27 The visitor rules are being updated to incorporate a concession in the Visit guidance, which allows students to come to the UK to undertake activities relating to a course they are undertaking at a UK institution from overseas via distance learning.
- 7.28 The changes will also allow students studying nursing overseas at the equivalent of degree level to come to the UK as a visitor to undertake electives with a UK higher education provider, provided these are unpaid and involve no treatment of patients. This will bring nursing students in line with medical, veterinary medicine and science, and dentistry students, who can already undertake these activities on the visitor route.
- 7.29 The changes will also make clear that research students who have been accepted by a UK higher education provider to undertake research or research tuition as part of a course of study they are undertaking overseas can do so at a UK research institute, provided a formal partnership exists between the higher education provider and the research institute. This will bring the provisions for visitors undertaking research in line with the provisions of the student routes and provide greater clarity for applicants.
- 7.30 The changes will provide further clarity on when employees of overseas manufacturers or suppliers can come to the UK as visitors, in order to install, maintain, service or advise on equipment, software or hardware.

Changes to the Settlement Protection Rules to provide greater clarity

- 7.31 The settlement protection Rules permit those with refugee status or humanitarian protection and their dependants to settle in the UK once they have continuously lived in the UK for five years on the protection route.
- 7.32 We have sought to provide greater clarity in the Rules by applying the new simplified structure. The new Rules explain how an individual can make a valid application for settlement on a protection route; the suitability requirements; and the eligibility requirements.
- 7.33 In line with the simplified structure, there are separate Rules for main applicants and dependants, which again will provide greater clarity for applicants, and make the Rules easier to apply for decision-makers. For example, the Rules are now clear that spouses must continue to be in a genuine and subsisting relationship in order to qualify for settlement on a protection route.
- 7.34 As well as the Rules being clear on the circumstances in which settlement will be granted, the Rules are now also clear on the options available to decision-makers where the applicant does not meet the requirements for settlement, for example there can be a grant of further permission to stay where the applicant continues to qualify for refugee status, humanitarian protection or as a dependant.

Changes to the eligibility requirements for the Hong Kong British National (Overseas) route

- 7.35 Following a concession made outside the Rules to allow the partner and, if applicable, child under 18 of a BN(O) status holder to join the BN(O) status holder following a grant on the BN(O) route, this concession has now been incorporated into Appendix Hong Kong British National (Overseas).
- 7.36 Provision has been made within the Rules for parents of a child born in the UK to a BN(O) status holder or their partner, or a BN(O) household member or their partner, to regularise that child's stay on the BN(O) route.

Corrections and technical amendments to the Skilled Worker route

- 7.37 The Skilled Worker route is for applicants with a specific job offer from an approved sponsoring employer. The following changes are being made to this route:
- a correction is being made to make clear that a sponsor must be A-rated to certify the finance requirement, as set out in Part 2 of the Sponsor Guidance⁶, and
 - a further correction is being made to confirm the minimum hourly rate of £10.10 (introduced on 6 April 2021 by HC 1248) that applies to applications for settlement as well as for entry clearance and permission to stay⁷.

⁶ <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker-general-information-accessible-version#financial>.

⁷ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1248-4-march-2021>

7.38 The following technical amendments, which do not change the policy, are also being made:

- a clarification to the curtailment rules, to reflect the difference in application criteria for those granted under Appendix Skilled Worker and those granted under Part 6A;
- a minor amendment to capitalise “UK Regulated Professions” in line with its definition.

7.39 A technical amendment is being made to the Shortage Occupation List entry for orchestral musicians, following discussion with the Association of British Orchestras.

Changes to the provisions for Child Dependants

7.40 Changes are being made to address a gap in the provisions where a parent is settled in the UK, is a British citizen or has the right of abode.

7.41 The dependant rules in place prior to 1 December 2020 defined where financial support could come from and also detailed the provision for UK born children to apply to settle outside of the family routes⁸. These provisions are being reinstated as they were before the Rules changes in HC 813 (22 October 2020)⁹.

7.42 We are aligning all economic routes so that relationship requirements appear under eligibility rules, not split between eligibility and validity. These changes will ensure consistency and prevent applications being rejected on a partial consideration of the relationship requirements.

7.43 Changes are being made to align all economic routes to clarify who can provide the funds for a dependant application.

Changes to eligibility requirements for settlement for Representatives of an Overseas Business

7.44 The Rules for Representatives of an Overseas Business are being amended to correct drafting errors made when the Rules were simplified in the changes in HC 813 (22 October 2020)¹⁰.

7.45 The change will amend the eligibility requirements for settlement in the route by requiring applicants to show they have continued to meet the requirements of the route throughout the five year period leading up to their settlement application. The change will also remove the requirement for settlement applicants to be paid the appropriate salary, since there are no specified salary requirements within the route.

⁸ <https://www.gov.uk/government/publications/immigration-rules-archive-05-october-2020-to-30-november-2020>

⁹ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-813-22-october-2020>

¹⁰ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-813-22-october-2020>

These changes will have the effect of reinstating the settlement requirements in place prior to the 22 October 2020 rules changes, but in the new simplified format¹¹.

Technical changes to the general provisions regarding entry clearance, leave to enter or remain in the United Kingdom (Part 1 of the rules)

- 7.46 In paragraph A34, Appendix Graduate has been added to the list to show that paragraphs 34 and 34A do not apply to the Graduate route.
- 7.47 Paragraph 34C has been changed to reflect that dependent applicants either apply as part of the main applicant's application where that is possible or make their own application.
- 7.48 Paragraph 34E has been changed to reflect that an application for permission to stay must comply with paragraph 34 unless the route applied for has its own validity requirements, in which case the application must comply with those route specific requirements.
- 7.49 Paragraph 34GB has been added to Part 1 to clarify that, when a person submits a ('new') application which varies a current ('old') application, the date of application for the 'new' application is the date the 'old' application was made. This is to ensure continuity of permission for applicants.
- 7.50 Paragraph 34GC has been added to Part 1 to clarify that, where a 'new' application is made with dependents included for the first time, the date of application for the dependent will be the date of the 'new' application, and not the 'old' application.
- 7.51 Paragraphs 34J and 34K have been updated to reflect that where any application for permission to stay has been made, and the applicant leaves the common travel area before a decision is made, their application will be treated as withdrawn on the date they left the common travel area.

Minor policy or technical changes to the Rules that will:

- 7.52 Require T2 Minister of Religion route applicants to be aged 18 or above on the date of their application.
- 7.53 Rename the list of existing Government Authorised Exchange Schemes (GAE) in line with the temporary work rebrand. This list was previously called Appendix N and is being renamed to align with the name of the route it refers to.
- 7.54 Replace references to the National Academic Recognition Information Centre. After the UK's exit from the EU, UK NARIC, an EU member only term, has changed to UK ENIC (European Network Information Centre). UK ENIC is managed by a service provider called Ecctis, and it is through this service that individuals can check their qualifications for immigration purposes. The Rules have been changed throughout to reflect this and replace references to "UK NARIC" with "Ecctis".

¹¹ <https://www.gov.uk/government/publications/immigration-rules-archive-05-october-2020-to-30-november-2020>

- 7.55 Amend Appendix AR and Appendix AR(EU) to change the word ‘refuse’ to ‘cancel’. This amendment corrects a technical error in terminology.
- 7.56 Amendments are being made to the Appendix T5 (Temporary Worker) International Agreement Worker route for Contractual Service Suppliers (CSS) and Independent Professionals (IP) to:
- specify that, where applicable, applicants must provide evidence that they are an eligible permanent resident of the country from which they are applying to provide a service to a UK consumer as a CSS or IP. The service to be provided must be in a specified sector covered by the relevant international agreement.
 - clarify the implementation of commitments taken as part of the United Kingdom-European Union Trade and Cooperation Agreement (TCA) and the provisionally applied CARIFORUM-UK Economic Partnership Agreement (CARIFORUM). The changes make it clear that CSSs and IPs providing services covered by the UK-EU TCA or CSSs providing services covered by CARIFORUM qualify for the route regardless of which EU or CARIFORUM state their business is based in.
- 7.57 Replace a reference to the Joint Academic Stage Board in the Graduate route with Solicitors Regulation Authority to align with the updated name for the body which regulates solicitors in England and Wales.
- 7.58 Provide clarification to ensure applicants for the Student and Child Student routes continue to have funds available to them after making their application. Applicants must continue to hold the funds required throughout the duration of the application process and to be able to demonstrate this if requested by UKVI, or be able to demonstrate where funds have gone if said funds have been used to pay outstanding course fees or accommodation costs.
- 7.59 Update the list of forms in Appendix Innovator which applicants will be able to use to apply for settlement as an Innovator or as a partner or child of an Innovator.
- 7.60 We are making minor changes to references to application forms in the validity requirements for the Skilled Worker, Student (including respective dependants rules) and Child Student routes, so that it is clear to applicants which form on GOV.UK is the correct one for them. This change will enable in-country applicants with a Biometric Residence Permit in these routes (not only EEA nationals as currently) to make use of a digital application form, where available, that includes identity verification technology. People who use the form with inbuilt identity verification will also receive a digital status.
- 7.61 Introduce a change to Appendix English Language that will allow applicants who are applying for settlement on the Innovator route (either as an Innovator, their partner, or dependent child aged over 18) to prove their English language ability by relying on a

GCSE or A Level gained at a UK school or college while 18 or under in English language or literature.

- 7.62 Update Appendix Continuous Residence to ensure that applicants who qualified for Global Talent using a prestigious prize awarded in the science, engineering, humanities and medical sectors, benefit from the exemption which allows absences for research purposes to be discounted from the maximum 180 days absence in a 12 month period. The same exemption applies to their dependants who accompany them while they undertake their research. This is to ensure that these applicants are treated the same as those endorsed by the Royal Society, British Academy or Royal Academy of Engineering and UKRI who can already benefit from this exemption.
- 7.63 Introduce minor drafting changes to improve clarity and ensure consistency of wording within the various routes and to correct minor drafting errors including those made in the Statement of Changes in Immigration Rules listed below:
- (HC 1248) laid on 4 March 2021¹²
 - (CP 361) laid on 31 December 2020¹³
 - (HC 813) laid on 22 October 2020¹⁴

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument is not being made under the European Union (Withdrawal) Act but relates to the withdrawal of the United Kingdom from the European Union because it supports further implementation of the EUSS.
- 8.2 For all other changes, this instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 The Government has committed to the 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 in this Statement have not been the subject of a formal public consultation, as this would be disproportionate given the nature of the changes.

11. Guidance

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

¹² <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1248-4-march-2021>

¹³ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-cp-361-31-december-2020>

¹⁴ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-813-22-october-2020>

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.

13. Regulating small business

- 13.1 The legislation Changes to the Skilled Worker route may affect small businesses who are sponsors of Skilled Workers. These changes are not expected to have a significant negative impact.
- 13.2 For all other changes there is no, or no significant, impact on activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The review clauses on page 4 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 to 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 unchanged, be revoked or 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 Robert Hayes-Walters at StatementofChanges@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 Oliver Carlisle at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.5 Kevin Foster MP, Parliamentary Under Secretary of State (Minister for Future Borders and Immigration) at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.

