

STATEMENT OF CHANGES IN IMMIGRATION RULES

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

*Ordered by the House of Commons to be printed
14 December 2021*

(This document is accompanied by an Explanatory Memorandum)

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¹STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by them as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 29 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 7 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 28 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC 523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014

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

(HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), 15 March 2018 (HC 895), 15 June 2018 (HC 1154), 20 July 2018 (Cm 9675), 11 October 2018 (HC 1534), 11 December 2018 (HC 1779), 20 December 2018 (HC 1849), 7 March 2019 (HC 1919), 1 April 2019 (HC 2099), 9 September 2019 (HC 2631), 24 October 2019 (HC 170), 30 January 2020 (HC 56), 12 March 2020 (HC 120), 14 May 2020 (CP 232), 10 September 2020 (HC 707), 22 October 2020 (HC 813), 10 December 2020 (HC 1043), 31 December 2020 (CP 361), 4 March 2021 (HC 1248), 10 September 2021 (HC 617), 11 October 2021 (CP 542) and 1 November (HC 803).

Implementation

These changes shall take effect at 1600 on 14 December 2021.

Review

Before the end of each review period, the Secretary of State undertakes to review all of the relevant Immigration Rules including any Relevant Rule amended or added by these changes. The Secretary of State will set out the conclusions of the review in a report and publish the report.

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 6 April 2017; and
- (b) subject to the paragraph below, each successive period of five years.

If a report under this provision is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

“Relevant Rule” means an Immigration Rule which:

- (a) imposes requirements, restrictions or conditions, or sets standards, in relation to any activity carried on by a business or voluntary or community body; or

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

Changes to Part 7

7.1. For paragraph 276BB1., substitute

“276BB1. A relevant Afghan citizen is a person who:

- (i) is an Afghan citizen; and
- (ii) is aged 18 years or over; and
- (iii) falls within this paragraph under:
 - (a) the Afghan Relocations and Assistance Policy (see paragraphs 276BB2 to 276BB5); or
 - (b) the Afghanistan Locally Employed Staff Ex-Gratia Scheme (see paragraph 276BB6).

276BB2. A person falls within paragraph 276BB1 under the Afghan Relocations and Assistance Policy if the person:

- (i) submits an application on or after 1 April 2021; and
- (ii) falls within at least one of:
 - (a) paragraph 276BB3 (high and imminent risk of threat to life);
 - (b) paragraph 276BB4 (former employees eligible for relocation); and
 - (c) paragraph 276BB5 (special cases).

276BB3. A person falls within this paragraph if:

- (i) the person was at any time on or after 1 October 2001 directly employed in Afghanistan by a UK government department; and
- (ii) because of that employment, there is a high and imminent risk of a threat to the person’s life.

276BB4. A person falls within this paragraph if:

(i) at any time on or after 1 October 2001, the person:

(a) was directly employed in Afghanistan by a UK government department; or

(b) provided linguistic services to or for the benefit of members of the UK's armed forces in Afghanistan under contract to a UK government department (whether as, or on behalf of, a party to the contract); and

(ii) the nature of the role in which the person was employed was such that the UK's operations in Afghanistan would have been materially less efficient or materially less successful if a role or roles of that nature had not been performed; and

(iii) the nature of the role exposed the person to being publicly recognised as having performed that role; and

(iv) as a result of that public recognition, the person's safety is at risk.

276BB5. A person falls within this paragraph if the person meets conditions 1 and 2 and one or both of conditions 3 and 4. For the purposes of this paragraph:

(i) condition 1 is that at any time on or after 1 October 2001, the person:

(a) was directly employed in Afghanistan by a UK government department; or

(b) provided goods or services in Afghanistan under contract to a UK government department (whether as, or on behalf of, a party to the contract); or

(c) worked in Afghanistan alongside a UK government department, in partnership with or closely supporting and assisting that department;

(ii) condition 2 is that the person, in the course of that employment or work or the provision of those services, made a substantive and positive contribution towards the achievement of:

(a) the UK government's military objectives with respect to Afghanistan; or

(b) the UK government's national security objectives with

respect to Afghanistan (and for these purposes, the UK government's national security objectives include counter-terrorism, counter-narcotics and anti-corruption objectives);

(iii) condition 3 is that because of that employment, that work or those services, the person:

(a) is or was at an elevated risk of targeted attacks; and

(b) is or was at high risk of death or serious injury;

(iv) condition 4 is that the person holds information the disclosure of which would give rise to or aggravate a specific threat to the UK government or its interests.

276BB6. A person falls within paragraph 276BB1 under the Afghanistan Locally Employed Staff Ex-Gratia Scheme if:

(i) the person was directly employed in Afghanistan by a UK government department; and

(ii) the person was made redundant or resigned on or after 1 May 2006; and

(iii) the person served for a minimum of 12 months prior to either redundancy or resignation and served on frontline duties in an exposed role; and

(iv) the person submits an application for consideration not later than 30 November 2022; and

(v) a UK government department has determined that the person should qualify for relocation under the ex-gratia redundancy or resignation package including confirmation that they served on frontline duties in an exposed role.”.

7.2. For paragraph 276BE1., substitute

“A partner of a relevant Afghan citizen and a minor dependent child of a relevant Afghan citizen or of a partner of a relevant Afghan citizen may apply for entry clearance or indefinite leave to remain as their dependants.”.

7.3. Delete paragraph 276BF1.

7.4. In paragraph 276BG1., after the first instance of “the relevant Afghan citizen”, insert “who is the principal applicant”.

- 7.5. In paragraph 276BI1., delete “is in a polygamous marriage”.
- 7.6. In paragraph 276BI1., after “the relevant Afghan citizen” insert “has more than one partner (as defined in paragraph 276BK1)”.
- 7.7. In paragraph 276BJ1., after “come to the UK” insert “under paragraph 276BE1”.
- 7.8. In paragraph 276BK1., for “in this section” substitute “for the purposes of rules 276BA1-276BS5”.
- 7.9. For paragraph 276BL1., substitute

“The relationship requirements for a partner of a relevant Afghan citizen are that:

- (i) the applicant is the partner (as defined in paragraph 276BK1) of the principal applicant, who must have been granted entry clearance under paragraph 276BA2, or who must be being granted entry clearance under that paragraph at the same time, or who must otherwise hold leave to enter or remain in the United Kingdom as a relevant Afghan citizen.
- (ii) they are aged 18 or over at the date of application; and
- (iii) they are in a relationship with the principal applicant that is not within the prohibited degree of relationship; and
- (iv) they have met the principal applicant in person; and
- (v) they are in a genuine and subsisting relationship with the principal applicant; and
- (vi) if the principal applicant and partner are married or in a civil partnership, they must be in a valid marriage or civil partnership and must provide reasonable evidence to the equivalent of a marriage certificate or civil partnership certificate issued in the UK and valid under the law in force in the relevant country; and
- (vii) any previous relationship of the relevant Afghan citizen or their partner must have broken down permanently, unless it is a relationship which falls with paragraph 278(i) of these rules; and
- (vii) they must intend to live together permanently in the UK with the principal applicant.”.

- 7.10. In paragraph 276BO1., after “to the United Kingdom” insert “under paragraph 276BE1.”.
- 7.11. In paragraph 276BP1., for “paragraphs 276BO1, 276BQ1, 276BR1 and 276BS1” substitute “paragraphs 276BA1-276BS5”.
- 7.12. For paragraph 276BQ1., substitute
- “The relationship requirements for a minor dependent child of a relevant Afghan citizen or of their partner are that the applicant satisfies sub-paragraph (i) below and also satisfies one of sub-paragraphs (ii) to (vi) below, namely that the applicant:
- (i) is the child of
 - (a) the principal applicant, who must have been granted entry clearance under paragraph 276BA2, or who must be being granted entry clearance under that paragraph at the same time, or who must otherwise hold leave to enter or remain in the United Kingdom as a relevant Afghan citizen; or
 - (b) the principal applicant’s partner (as defined in paragraph 276BK1), who must have been granted entry clearance under paragraph 276BJ2, or who must be being granted entry clearance under that paragraph at the same time;
 - (ii) is the child of the principal applicant and the child’s other parent is the principal applicant’s partner;
 - (iii) is the child of the principal applicant; and
 - (a) the child’s other parent is dead; or
 - (b) the principal applicant has sole responsibility for the child’s upbringing;
 - (iv) is the child of the principal applicant’s partner; and
 - (a) the child’s other parent is dead; or
 - (b) the principal applicant’s partner has sole responsibility for the child’s upbringing;
 - (v) is the adopted child of the principal applicant as defined at paragraphs 309A or 309B of these Rules and where the requirements at paragraph 310 (vi) - (xi) of these Rules are fulfilled;
 - (vi) is the adopted child of the principal applicant’s partner and as defined at paragraphs 309A or 309B of these Rules and where the requirements at paragraph 310 (vi) - (xi) of these Rules are fulfilled.”.
- 7.13 For paragraphs 276BS2, 276BS3 and 276BS4 substitute:

“Grant or refusal of indefinite leave to remain as a relevant Afghan citizen or their dependant

276BS2 Indefinite leave to remain will be granted to

- (i) a relevant Afghan citizen;
- (ii) their partner within the meaning of 276BK1;
- (iii) their minor dependant child within the meaning of 276BP1

unless that person falls for refusal under Part 9 of these Rules, in which case that person will be refused indefinite leave to remain.”.

