

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
19 February 2024*

(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

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(HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693), 26 February 2015 (HC 1025), 16 March 2015 (HC1116), 13 July 2015 (HC 297), 17 September 2015 (HC 437), 29 October 2015 (HC535), 11 March 2016 (HC 877), 3 November 2016 (HC 667), 16 March 2017 (HC 1078), 20 July 2017 (HC 290), 7 December 2017 (HC 309), 15 March 2018 (HC 895), 15 June 2018 (HC 1154), 20 July 2018 (Cm 9675), 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), 1 November 2021 (HC 803), 14 December 2021 (HC 913), 24 January 2022 (HC 1019), 17 February 2022 (CP 632), 15 March 2022 (HC 1118), 29 March 2022 (HC 1220), 11 May 2022 (HC 17), 20 July 2022 (HC 511), 18 October 2022 (HC 719), 9 March 2023 (HC 1160), 17 July 2023 (HC 1496), 19 July 2023 (HC 1715), 7 September 2023 (HC 1780) and 7 December 2023 (HC 246).

Implementation

The following paragraphs shall take effect at 1500GMT on 19 February 2024.

However, where the applicant submits a Homes for Ukraine Sponsorship Scheme application under UKR 19.B.1. (or is an adult relative named in Section 6 of the UK Sponsorship arrangement consent form, applying at the same time as such an applicant), and their sponsor had submitted the sponsor application form ‘Apply to provide a safe home for a child from Ukraine’, requesting permission from the local authority to host the child before 1500GMT on 19 February 2024, if the sponsor is approved under UKR 11.3(b), whether before or after 1500GMT on 19 February 2024, the rules in force on 18 February 2024 will apply.

Applications submitted to the Ukraine Family Scheme before 1500 GMT on 19 February 2024 will be considered under the rules in force on 18 February 2024.

- INTRO2
- 9.1
- APP UKR2 to APP UKR18
- APP UKR26

The following paragraphs shall take effect on 11 March 2024.

- INTRO1
- 8.1

The following paragraphs shall take effect on 11 March 2024. In relation to those changes, if an application for entry clearance, leave to enter or leave to remain, has been made before 11 March 2024, such applications will be decided in accordance

with the rules in force on 10 March 2024.

- APP SW1 to APP SW5
- APP SO1
- APP SOL1 and APP SOL2
- APP UKR1
- APP UKR19 to APP UKR25
- APP UKR27 to APP UKR29

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:

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

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

Changes to the Introduction

INTRO1. In paragraph 6.2(b) for the definition of “Youth Mobility Scheme”,

substitute:

“**Youth Mobility Scheme route**” means any of the following:

- (i) Appendix Youth Mobility Scheme; or
- (ii) the route in Appendix T5 (Temporary Worker) Youth Mobility Scheme, under the rules in force between 1 December 2020 and 10 October 2021(inclusive); or
- (iii)the Tier 5 (Youth Mobility Scheme) route under part 6A of the rules in force before 1 December 2020; or
- (iv)the Working Holidaymaker route under Part 4 of the rules in force before 1 November 2008.”.

INTRO2. In paragraph 6.2(b), in the definition of “Ukraine Scheme”, delete “Ukraine Family Scheme”.

Changes to Part 8

8.1. In paragraph 319D(b)(vi), for “condition set out in Part 15 of these Rules”, substitute “ATAS condition in Appendix ATAS”.

Changes to Part 9

9.1 In paragraph 9.1.1(1), after “9.7.3” insert “, 9.8.1 to 9.8.8, 9.9.1 to 9.9.2.”.

Changes to Appendix Skilled Worker

APP SW1. For SW 6.1, substitute:

“SW 6.1. The applicant must be sponsored for a job in an eligible occupation code (or, where relevant, an eligible job within an occupation code) listed as eligible in Appendix Skilled Occupations or Appendix Shortage Occupation List, subject to SW 6.1A. and SW 6.2.

SW 6.1A. If the applicant:

- (a) is applying for permission to stay; and
- (b) was previously granted permission as a Skilled Worker, sponsored in the occupation code “6145 Care workers and home carers” or “6146 Senior care workers”, under the Rules in force before 11 March 2024; and
- (c) since then, has continuously had permission as a Skilled Worker, sponsored in either or both these occupation codes (except that where paragraph 39E applies, that period of overstaying will be disregarded); and
- (d) is applying to continue working with the same

sponsor as in their most recent grant of permission, the Care Quality Commission regulation requirement for these occupation codes does not apply.”.

APP SW2. At the start of SW 29.1, for “The applicant”, substitute “Subject to SW 29.1A, the applicant”.

APP SW3. After SW 29.1, insert:

- “SW 29.1A. In SW 29.1(a) and (b), P must not have (or be applying for) entry clearance or permission to stay as a Skilled Worker sponsored for a job in the occupation code “6145 Care workers and home carers” or “6146 Senior care workers”, unless P:
- (a) was (or is being) granted entry clearance or permission to stay as a Skilled Worker, sponsored in the occupation code “6145 Care workers and home carers” or “6146 Senior care workers”, under the rules in force before 11 March 2024; and
 - (b) since the grant of entry clearance or permission to stay in (a), P has continuously had permission as a Skilled Worker, sponsored in either or both these occupation codes (except that where paragraph 39E applies, that period of overstaying will be disregarded).”.

APP SW4. At the start of SW 32A.1, for “The applicant”, substitute “Subject to SW 29.1A, the applicant”.

APP SW5. After SW 32A.1, insert:

- “SW 32A.2. In Appendix Children, where CHI 3.1 (a) or (b) refer to the applicant applying as the child of a person (P), P must not be a Skilled Worker sponsored for a job in the occupation code “6145 Care workers and home carers” or “6146 Senior care workers”, unless:
- (a) P:
 - (i) was (or is being) granted entry clearance or permission to stay as a Skilled Worker, sponsored in the occupation code “6145 Care workers and home carers” or “6146 Senior care workers”, under the rules in force before 11 March 2024; and
 - (ii) since the grant of entry clearance or permission to stay in (i), P has continuously had permission as a Skilled Worker, sponsored in either or both these occupation codes (except that where

paragraph 39E applies, that period of overstaying will be disregarded); or
(b) the applicant was born in the UK.”.

Changes to Appendix Skilled Occupations

APP SO1. In Table 1, after “6146 Senior care workers”, insert “ – Jobs with a working location in England are only eligible in this occupation code where the sponsor holds registration with the Care Quality Commission and is currently carrying on a regulated activity.”.

Changes to Appendix Shortage Occupation List

APP SOL1. In Table 1, for “6146 Senior care workers – all jobs”, substitute “6146 Senior care workers – Jobs with a working location in England are only eligible in this occupation code where the sponsor holds registration with the Care Quality Commission and is currently carrying on a regulated activity.”.

APP SOL2. In Table 3, after “6145 Care workers and home carers”, insert “– Jobs with a working location in England are only eligible in this occupation code where the sponsor holds registration with the Care Quality Commission and is currently carrying on a regulated activity.”.

Changes to Appendix Ukraine Scheme

APP UKR1. For the introduction, substitute:

“Immigration Rules Appendix Ukraine Scheme

This Appendix sets out two routes for those affected by the conflict in Ukraine: the Homes for Ukraine Sponsorship Scheme for those making applications outside of the UK and the Ukraine Extension Scheme for those who are in the UK.

Homes for Ukraine Sponsorship Scheme

A Ukrainian national who is outside the UK may qualify under the Homes for Ukraine Sponsorship Scheme if they have an Approved Sponsor who will provide them with accommodation for at least 6 months.

A child who is not applying with, or intending to join, their parent or legal guardian in the UK must have an Approved Sponsor who was approved for the child by a Local Authority before the application is made, and must have agreed to accommodate the child for at least 18

months or until the child is 18 years old (whichever is soonest), so long as the child is sponsored for at least 6 months .

Immediate family members of a Ukrainian national who are not themselves Ukrainian may also qualify under the Homes for Ukraine Sponsorship Scheme.

Ukraine Extension Scheme

A Ukrainian national in the UK may qualify under the Ukraine Extension Scheme if they held immigration permission on or between 18 March 2022 and 16 November 2023, or if their last permission ended after 1 January 2022. Applications to this scheme must be made on or before 16 May 2024.

A person who has immigration permission as a partner or child of a Ukrainian national who qualifies under the Ukraine Extension Scheme, who is not themselves a Ukrainian national, may also qualify under the Ukraine Extension Scheme.

Children born in the UK to those who have permission under the Ukraine Scheme (and the now closed Ukraine Family Scheme) are eligible to apply under the Ukraine Extension Scheme.

The Ukraine Family Scheme (which was available to eligible Ukrainian nationals with an eligible UK based family member sponsor) closed to new applications at 15:00GMT on 19 February 2024.

Further information on immigration issues related to Ukraine is available in the guidance 'UK visa support for Ukrainian nationals' which can be found at <https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk>.”.

- APP UKR2. Delete UKR 1.1. to UKR 10.2.
- APP UKR3. In UKR 11.1, for “Ukraine Scheme” substitute “Homes for Ukraine Sponsorship Scheme”.
- APP UKR4. In UKR 11.3(b), for “Homes for Ukraine Scheme” substitute “Homes for Ukraine Sponsorship Scheme”.
- APP UKR5. In UKR 11.3A, for “they” substitute “the applicant”.
- APP UKR6. In UKR 11.3A(a), for “applicant” substitute “they”.

- APP UKR7. In UKR 11.3A(b), for “applicant” substitute “they”.
- APP UKR8. In UKR 11.3A(c), for “applicant” substitute “they”.
- APP UKR9. In UKR 12.1, for “(g) to (h)”, substitute:
- “(g) 9.8.1. to 9.8.8. (previous breach of immigration laws); or
(h) 9.9.1. to 9.9.2. (failure to provide required information); or
(i) 9.10.1. to 9.10.2. (admissibility to the Common Travel Area or other countries); or
(j) 9.14.1. to 9.20.2. and 9.23.1. to 9.24.1. (grounds for refusal and cancellation on arrival).”.
- APP UKR10. In UKR 15.3, for “Homes for Ukraine Scheme” substitute “Homes for Ukraine Sponsorship Scheme”.
- APP UKR11. In UKR 18.1, for “qualifies” substitute “who has been granted under or is applying under and qualifies”.
- APP UKR12. In UKR 18.1.(c), after “18” insert “on the date of application”.
- APP UKR13. In UKR 19A.1, after “guardian” for “to” substitute “in”.
- APP UKR14. In UKR 19A.2.(b), after “parent” insert “or legal guardian”.
- APP UKR15. In UKR 19B.1, for “parental consent” substitute “consent from a parent or legal guardian”.
- APP UKR16. In UKR 19B.1.(b), after “authorities” insert “in the country the applicant is residing in”.
- APP UKR17. In UKR 19B.1.(b), for “consul” substitute “Embassy or Consulate”.
- APP UKR18. In UKR 20.1, for “36” substitute “18”.
- APP UKR19. In UKR 21.1, after “apply” insert “pursuant to UKR 21.2”.
- APP UKR20. In UKR 21.2, delete “be made before 16 May 2024 and”.
- APP UKR21. In UKR 21.2(c), for “.” substitute “; and”.
- APP UKR22. After UKR 21.2(c), insert:
- “(d) the applicant must have made the application on or before 23:59 on 16 May 2024, unless the applicant is born in the UK to a parent who has permission under Appendix Ukraine Scheme (and the now closed Ukraine Family Scheme).”.

APP UKR23. In UKR 21.3.(a), after “January” insert “2022”.

APP UKR24. In UKR 21.3(b), for “.”, substitute “; or”.

APP UKR25. After UKR 21.3(b), insert:

“(c) they are a child born in the UK to a parent who was granted permission under Appendix Ukraine Scheme (and the now closed Ukraine Family Scheme) after 16 November 2023.”.

APP UKR26. In UKR 22.1, for “(g) to (h)”, substitute:

“(g) 9.8.1. to 9.8.8. (previous breach of immigration laws); or
(h) 9.9.1. to 9.9.2. (failure to provide required information); or
(i) 9.10.1. to 9.10.2. (admissibility to the Common Travel Area or other countries); or
(j) 9.14.1. to 9.20.2. and 9.23.1. to 9.24.1. (grounds for refusal and cancellation on arrival).”.

APP UKR27. In UKR 25.1, after “parents” insert “or a legal guardian”.

APP UKR28. In UKR 28.1(b), for “the Ukraine Scheme.” substitute “this Appendix, unless;”.

APP UKR29. After UKR 28.1(b), insert:

“(c) where the applicant is a child born in the UK to a parent who qualifies under UKR 21.3 and is granted permission at the same time as the applicant, the applicant will be granted permission in line with that parent; or

(d) where the applicant is a child born in the UK to a parent who has permission under the Ukraine Scheme (and the now closed Ukraine Family Scheme) the applicant will be granted permission in line with that parent; or

(e) where the applicant is a child born in the UK where both parents are in the UK and either qualify under UKR 21.3 and are granted permission at the same time as the applicant or have permission granted under the Ukraine Scheme (and the now closed the Ukraine Family Scheme), the applicant will be granted permission in line with the parent whose permission expires last.”.

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