

## EXPLANATORY MEMORANDUM TO

### THE STATEMENT OF CHANGES IN IMMIGRATION RULES PRESENTED TO PARLIAMENT ON 12 MARCH 2025 (HC 733)

#### 1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.
- 1.2 This Explanatory Memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

#### 2. Declaration

- 2.1 Seema Malhotra MP, Minister for Migration and Citizenship at the Home Office, confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Dr Sam Worby, Head of Simplification and Systems Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

#### 3. Contact

- 3.1. Specific written queries relating to this Statement of Changes should be directed to Robert Hayes-Walters at [StateofChanges@homeoffice.gov.uk](mailto:StateofChanges@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.
- 3.2. 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.<sup>1</sup>
- 3.3. A copy of this Statement of Changes can be found on the visa and immigration pages of the GOV.UK website.<sup>2</sup>

### **Part One: Explanation, and context, of the Instrument**

#### 4. Overview of the Instrument

##### *What does the legislation do?*

- 4.1 This instrument amends the Immigration Rules, made under the provisions of section 1(4) and section 3(2) of the Immigration Act 1971, that are used to regulate people's entry to, and stay in, the United Kingdom.

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<sup>1</sup> Available at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

<sup>2</sup> Available at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

4.2 The changes being made concern changes relating to:

- Introduction of a Visit Visa requirement on Trinidad and Tobago
- Changes to Appendix Ukraine Permission Extension and Homes for Ukraine Schemes
- Changes relating to the EU Settlement Scheme (EUSS)
- Adding children (aged 18 and under), visiting the UK as part of a French school group, to the list of those who do not need an Electronic Travel Authority (ETA)
- Appendix ETA – introducing an exemption for British Nationals (Overseas)
- Appendix Short-Term Study (English Language) – inclusion of a genuine intention to study requirement.
- Skilled Worker - changes to the provisions for care workers and senior care workers.
- Skilled Worker – routine update to the minimum salary requirement and changes concerning deductions from an applicant’s salary.
- Updates to the Global Talent and Global Talent: Prestigious Prizes routes
- Annual update of the Permit Free Festival (PFF) list for 2025
- Update to the annual quotas of Youth Mobility Scheme (YMS) partner countries for 2025
- Changes to Appendix Child Student relating to Child Student safeguarding
- Changes to Administrative review to remove “error correction grants” and amend Administrative review validity rules.
- Changes regarding PhD students following supervisors to another institution

4.3 This instrument also makes minor changes to other policy areas, detailed in paragraphs 5.57 and 5.83 of section 5 of this Explanatory Memorandum.

***Where does the legislation extend to, and apply?***

4.4 The extent of this Statement of Changes in Immigration Rules (that is, the jurisdiction(s) which the statement forms part of the law of) is all of the United Kingdom.

4.5 The territorial application of this Statement of Changes in Immigration Rules (that is, where the statement produces a practical effect) is all of the United Kingdom.

## 5. Policy Context

### *What is being done and why?*

#### **Introduction of a Visit Visa requirement on Trinidad and Tobago**

- 5.1 These changes will introduce a visa requirement for nationals of Trinidad and Tobago, which means that these nationals will need to apply for and obtain a visa prior to visiting the UK.
- 5.2 A consequential change is being made which will remove Trinidad and Tobago from the list of countries whose nationals are eligible to apply for an Electronic Travel Authorisation (ETA).
- 5.3 By applying a visitor visa requirement and removing eligibility to enter the UK with an ETA, those travelling to visit the UK can be assessed against the requirements of the Immigration Rules in advance of arrival in the UK. This means that their visit visa application will be refused where they do not meet those requirements or granted where it is concluded that they do.
- 5.4 UK visa requirements are kept under review. There has been a significant increase in nationals of Trinidad and Tobago who have travelled to the UK for purposes that are not permitted under the Immigration Rules for Visitors, such as to live, work or claim asylum in the UK. In particular, there has been a sustained increase in asylum claims by nationals of Trinidad and Tobago. In the most recent eight quarters (2023 Quarter 1 to 2024 Quarter 4) there were 79, 111, 55, 108, 73, 56, 106 and 209 asylum claims (including dependents) from nationals of Trinidad and Tobago. This compares with an average of 49 asylum claims per year between 2015 and 2019.
- 5.5 A majority of asylum claims from nationals of Trinidad and Tobago were made at port on arrival in the UK. This adds significantly to operational pressures at the border, diverting staff from other priorities.
- 5.6 Trinidad and Tobago's visa status will be kept under review; particularly with regards to whether the visa introduction affects the number of individuals claiming asylum from within the UK and the internal security situation in Trinidad and Tobago.
- 5.7 The introduction of the visa requirement will include a transition period for nationals of Trinidad and Tobago to travel to the UK without a visa where they hold a confirmed travel booking made prior to the introduction. This period will commence at the same time as the visa requirement is introduced and run until six weeks after the introduction date: 15:00 BST on 23 April 2025. During this period, nationals of Trinidad and Tobago who hold a confirmed travel booking at the time of the introduction, for travel to the UK within the six-week transition period, will not be required to obtain a visit visa before travel. They will, however, be required to hold a valid ETA. Applications for an ETA for nationals of Trinidad and Tobago will close at 15:00 GMT on 12 March 2025. Nationals who hold confirmed bookings for travel to the UK on a date after the transition period ends will need to obtain a visa in advance of travel. Amending the date of travel on a confirmed booking to an earlier date that falls within the transition period would still require the person to have a visa. This transition period is designed to prevent operational difficulties, general unfairness, and ensure that people who arranged travel before this announcement do

not lose money. The length of the period (six-weeks) has been chosen to give those affected enough time to apply for and receive a visa. The current customer service standard processing time for applicants to receive a decision and, if issued, a visitor visa, is three weeks. Further information can be found at <https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk>.<sup>3</sup>

- 5.8 The introduction of a visa requirement will be accompanied by amendments to the Immigration (Passenger Transit Visa) Order 2014, to ensure that nationals of Trinidad and Tobago will require a direct airside transit visa (DATV) when conducting airside transit travel (unless they fall within one of the exceptions set out in Article 4 of the Order). Airside transit passengers are those who do not need to change airports and do not need to pass through the UK border. If these amendments are not made, nationals of Trinidad and Tobago will be able to travel to the UK purporting to have booked onward travel and instead claim asylum, thus circumventing the visa requirement. It would also continue to enable nationals to transit through the UK with the intention of travelling to another country to claim asylum.

## **Changes to the Ukraine Scheme**

### Ukraine Permission Extension Scheme

- 5.9 The Ukraine Permission Extension Scheme (UPE) launched on 4 February 2025 and provides a route for Ukrainians (and their eligible family members) who have already been living in the UK with Ukraine Scheme permission to make a further application to extend their temporary sanctuary in the UK whilst the conflict in Ukraine remains ongoing.
- 5.10 As part of a crisis response following Russia's unlawful incursion in February 2022, some individuals who came to the UK for sanctuary were granted permission outside the Immigration Rules. This includes, for example, Ukrainians and their eligible family members who were granted permission before the Ukraine Schemes were established, but who would otherwise have met the requirements of the Schemes had they been in place at the time. It was always the intention that these individuals would be able to apply to UPE, and specific provision was made in the UPE validity requirements to ensure this was the case. However, we have identified a need for these requirements to be extended further to provide for children under 18 who were granted Leave to Enter the UK outside the Immigration Rules so they could join or stay with their parents who already held Ukraine Scheme permission. The Homes for Ukraine guidance was updated on 31 January 2025 to enable the parents to be considered eligible sponsors, and therefore allow the children of those parents to apply under the Homes for Ukraine route going forward. However, we are updating the UPE validity requirements to ensure children granted Leave outside the Rules (LOTR) before the concession was in place, can be granted permission under UPE when their current permission is due to expire, in line with their parents, thus providing greater certainty as to their status in the UK.
- 5.11 We are also making minor drafting changes to the UPE nationality, relationship and residence requirements to improve the clarity of the current policy intention as regards eligibility.

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<sup>3</sup> <https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk>

## Homes for Ukraine Scheme

- 5.12 We are also amending eligibility requirements under the Homes for Ukraine Sponsorship Scheme (HfU). The core requirement of this scheme is the need for an approved sponsor. This requirement sits in the validity section of the HfU Rules. Until the new case working system is made available for applications made from overseas, the validity requirements cannot be applied for entry clearance applications. We have therefore amended the Immigration Rules to mirror the requirement for an approved sponsor within ‘eligibility’, in line with the HfU policy intent.
- 5.13 We are also aligning the definition of parent under Appendix Ukraine. Currently HfU defines parent as including step-parents, whereas step-parents are not included in the definition under UPE. Not including step-parent within the definition of parent is in line with the wider immigration system (Appendix Children guidance) and adheres to Section 105 of the Children’s Act 1989, which distinguishes parent from step-parent – defining ‘relative’ as including a step-parent. Removing step-parent from the HfU definition will ensure consistency across the schemes.
- 5.14 We are adding a requirement that parents who are ‘joined’ by a child must be lawfully resident in the UK to preserve the integrity of the broader immigration system.
- 5.15 We are also changing the HfU eligibility requirements to end the in-country variation of permission process where individuals who applied under the Ukraine scheme biometric deferral process travelled with a permission to travel letter and were granted leave outside the Immigration Rules on or after arrival in the UK, could submit an application to vary their existing entry clearance application to permission to remain within six months of arrival.
- 5.16 Changes made to the Immigration Rules via Statement of Changes HC 334 on 26 November 2021, made clear that, from 13 February 2025, Ukrainian nationals with permission to travel letters will no longer be permitted to travel to or enter the UK without entry clearance. Once all arrivals have had six months in which to submit a variation of permission application under the Ukraine schemes, while they have leave outside the Immigration Rules, the rules governing variation of permission will no longer be required. Removing provisions relating to variation of entry clearance application from the Immigration Rules will accompany the closure of this application process once redundant.

## **Changes relating to the EU Settlement Scheme (EUSS)**

- 5.17 The EUSS enables EU, other European Economic Area (EEA) and Swiss citizens living in the UK before the end of the post-EU exit transition period at 11pm on 31 December 2020, and their family members, to obtain the immigration status they need to continue living in the UK, consistently with the Citizens’ Rights Agreements. The EUSS family permit enables relevant family members to travel to the UK, where they can apply to the EUSS to remain here with their sponsor.
- 5.18 The main changes to the Immigration Rules for the EUSS (in Appendix EU), for administrative review of EUSS decisions (in Appendix EU (AR)) and for the EUSS family permit (in Appendix EU (Family Permit)) are as follows:

- To enable a non-EEA national applicant to the EUSS to use a UK-issued biometric residence card or permit which has expired by up to 18 months as proof of their identity and nationality and, where they use such a biometric residence card, not require them to re-enrol their fingerprint biometrics.
- To confirm that a person with a pending administrative review of an EUSS decision, who has not left the UK or has been granted entry into the UK (except on immigration bail), will not be removed from the UK.
- To confirm that a person who became an EU, other EEA or Swiss citizen after the end of the transition period cannot sponsor an EUSS family permit application.
- To enable an EUSS or EUSS family permit application to be refused on suitability grounds, without a deportation or exclusion order being in place, where the applicant's conduct before the end of the transition period meets the relevant EU law public policy test applicable under the Citizens' Rights Agreements.
- To confirm that, under the EU law public policy test applicable under the Citizens' Rights Agreements to suitability decisions based on the applicant's conduct before the end of the transition period, the threshold of 'serious grounds' of public policy or public security is to be met where they have (or are eligible for) indefinite leave to enter or remain under Appendix EU and not under other parts of the Immigration Rules.

**Adding children (aged 18 and under), visiting the UK as part of a French school group, to the list of those who do not need an Electronic Travel Authority (ETA)**

- 5.19 Changes were made in December 2023 to allow children aged 18 and under, studying at a school in France, to visit the UK on an organised educational trip without passports or visit visas, as is currently required on all other visits to the UK.
- 5.20 EU/EEA/Swiss national children aged 18 and under, who are resident and studying at a school in France, can use national identity cards to visit the UK on an organised school trip instead of passports.
- 5.21 Visa national children aged 18 and under, who are resident and studying at a school in France, can visit the UK on an organised school trip without obtaining a visit visa (but we still require passports of this cohort).
- 5.22 The introduction of Electronic Travel Authorisations (ETAs) for visitors to the UK who do not currently need a visa for short stays, or who do not already have a UK immigration status, would place more conditions on non-visa national children in an organised French school group than their visa national classmates.
- 5.23 These changes exempt all children aged 18 and under visiting the UK in organised French school groups from the ETA requirement.

## **Appendix ETA – exemption for British Nationals (Overseas)**

- 5.24 British Nationals (Overseas) are being removed from the list of nationalities requiring an Electronic Travel Authorisation (ETA) prior to travel to the UK. This means that all BN(O) passport holders will be exempt from requiring an ETA if intending to travel to, or transit via, the UK.
- 5.25 BNOs do not automatically qualify for full British citizenship and therefore are subject to immigration control. From 5 March 2025 they were required to obtain an ETA if intending to travel to the UK. This change removes that requirement.

## **Appendix Short-Term Study (English Language)**

- 5.26 A genuine intention to study rule has been added to Appendix Short-term Student to the Immigration Rules. This will enable caseworkers to refuse applications where they are not satisfied the applicant on this route has a genuine intention to study the course listed on their application and to leave the UK at the end of their course.

## **Changes to the Skilled Worker route**

- 5.27 Changes are being made to the provisions for care workers and senior care workers. These changes are being made in response to the growing pool of workers in this route who no longer have sponsorship, because their sponsors have been unable to offer sufficient work and/or have lost their sponsor licences.
- 5.28 The changes require sponsors to try to recruit from this pool of workers who are seeking new employment before seeking to sponsor new recruits from other immigration routes or from overseas. To enforce this requirement, sponsors must provide confirmation from the relevant regional or sub-regional partnership that they have tried to recruit in this way, and confirm that no suitable workers were available from this pool.
- 5.29 These changes relate only to care jobs with working locations entirely in England. Applications relating to working locations in Scotland, Wales or Northern Ireland are unaffected. The changes also do not apply to workers in England who were already sponsored in these occupations before the changes take effect (including those changing employers), or those switching from other immigration routes who have been working lawfully for their sponsor for at least three months.
- 5.30 Changes are also being made to update the minimum salary floor from £23,200 per year (or £11.90 per hour) to £25,000 per year (or £12.82 per hour). It is standard practice to update this and other salary requirements across work visa routes each year, using the latest Annual Survey of Hours and Earnings (ASHE) data from the Office for National Statistics (ONS). This ensures these salary requirements continue to reflect the latest pay situation for UK workers. As the Government intends to shortly publish an Immigration White Paper, the changes are being limited to only updating the minimum salary floor. This is to ensure it reflects the latest ASHE data and remains significantly above the National Living Wage, which is also increasing in April 2025.
- 5.31 Going rates for individual occupations in healthcare and education are also being updated, where they are drawn from national pay scales, so that they continue to

reflect the latest pay scales, Updates to going rates for other occupations are being made only to reflect the new minimum salary floor of £25,000 per year / £12.82 per hour.

5.32 Changes are also being made to the rules concerning deductions from an applicant's salary. These changes are being made:

- for consistency with how paid allowances for the same purposes are treated,
- to mitigate against sponsorship costs being passed on to applicants, and
- to close an unintended loophole whereby applicants could effectively pay towards their own salary through investing in their sponsor's business.

5.33 A change is being made to confirm that, where an applicant is claiming a 'new entrant' salary reduction based on training towards a recognised professional qualification, this must be a UK qualification.

#### **Updates to the Global Talent and Global Talent: Prestigious Prizes routes**

5.34 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 field, while 'promise' applicants have shown the potential to become leaders in their field.

5.35 At the request of Arts Council England and their sub-endorsing bodies, Pact, British Fashion Council and RIBA, the evidential requirements are being amended to:

- include a CV to assist the sub-endorsing bodies in understanding what stage the applicant is at in their career to date. This replicates a change that was made to the arts and culture requirements in 2023 and ensures consistency of requirements across all sectors.
- require the letters of support to come from an organisation or individuals whom the application has worked with in a role using their field of expertise. This is again to ensure consistency across sub-endorsers but also ensure that the letters of support are relevant to the skillset the applicant is claiming as their area of expertise.

5.36 At the request of Arts Council England and their sub-endorsing body, British Fashion Council, the requirements are being amended to:

- ensure an applicant can provide evidence of media recognition of work they produced as a contributing designer, for example for a brand or fashion organisation, rather than solely work produced as an individual.
- make clear that where an applicant is providing evidence of support and sponsorship from an international counterpart of the British Fashion Council, it will be for the sub-endorser to determine if the organisation stated by the applicant is truly equivalent in scope and standing to the British Fashion Council.
- equalise the letter requirements with other arts-linked sectors so that the British Fashion Council will allow the third letter of support to come from an individual with expertise in the applicant's field. This ensures consistency across the sub-endorsers.



- 5.37 At the request of Arts Council England and their sub-endorsing body, Pact, we are clarifying that:
- unless otherwise specified, awards must have been won for the applicant’s work as an individual. This is to make clear that awards given to groups or specific productions cannot be used to qualify under the Pact endorsement criteria. The exception to this is where an applicant can demonstrate they have made a significant contribution to winning, or being nominated for, any of the Main Awards in the last 10 years; and
  - under the Notable Industry Recognition Awards List, evidence must come from at least 2 separate productions to ensure an appropriate breadth of evidence.
- 5.38 Minor technical changes have been made to ensure the terminology and website link used in the film and television Rules are accurate.
- 5.39 Minor technical changes have been made to remove references to a separate external form for digital technology applicants which is currently submitted alongside the Global Talent Endorsement – Stage 1 form. This external form will no longer be required following amendments to the Global Talent Endorsement – Stage 1 form.

#### **Global Talent: Prestigious Prizes**

- 5.40 Applicants who hold a qualifying prize can qualify without the need to obtain an endorsement from one of the Global Talent endorsing bodies. In the opinion of our expert bodies, the prizes listed demonstrate irrefutable evidence of prize holders being at the pinnacle of their profession.
- 5.41 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 to whole organisations. Prizes included must also be open to all nationalities and winners must be determined by experts or peers, rather than a public vote.
- 5.42 The majority of the Golden Globes awards included on the list have been renamed in line with the current titles used by the Hollywood Foreign Press Association. Any prizes awarded under the previous name remain acceptable under the route.
- 5.43 The list will be kept under review and may be revised in future updates to the Immigration Rules.

#### **Annual update of the Permit Free Festival (PFF) list for 2025**

- 5.44 The Permit Free Festival (PFF) list has been in place for several years to enable festivals to continue to showcase international performers. Exceptionally, these performers can be paid for their work, without a requirement for them to be sponsored under the points-based system.
- 5.45 Each year new festivals are given the opportunity to apply for inclusion on the PFF list. The Immigration Rules must be amended to implement the updated list.

## **Update to the annual quotas of Youth Mobility Scheme (YMS) partner countries for 2025**

- 5.46 The Youth Mobility Scheme (YMS) route implements the international commitments we have made to provide cultural exchange programmes for young people. The YMS has quotas for each participating country which limits the number of places available. These are updated annually (with the exception of Covid-impacted years). This change is to replace the previous quotas for 2024 with the new quotas for 2025.

### **Changes to Appendix Child Student relating to Child Student safeguarding**

- 5.47 References to nominated guardians have been added throughout Appendix Child Student. Nominated guardians were previously not accounted for in the Immigration Rules but will now be added and be required to provide a letter of undertaking. This is similar to the current requirement for close relative and private foster carers.
- 5.48 A new definition has been added to the introduction section of the Immigration Rules which defines the term ‘nominated guardian’ in Appendix Child Student.
- 5.49 New eligibility requirements have been added so caseworkers can refuse Child Student applications where the Child Student’s carer in the UK has committed a relevant criminal offence.
- 5.50 Paragraph CS 6.1 has been updated to include a refusal ground that caseworkers can rely on to refuse Child Student applications where there are safeguarding concerns for the applicant once they are in the UK.
- 5.51 A ‘living arrangement requirement’ has been added to clarify that a Child Student must meet the living arrangement requirement in addition to the financial requirement which lists the permitted living arrangements on the route.
- 5.52 New living arrangement categories have been added to account for the different types of living arrangements if the child is boarding at school.

### **Changes to Administrative review**

- 5.53 Administrative review is a paid application for individuals to raise case working errors to the Home Office. The fee is repaid where an administrative review succeeds. The free out-of-country error correction team is going to be expanded to cover cases in-country where there is an error in the conditions or time period in a grant of permission. To avoid having two separate routes to correct errors (in grants administrative review and error correction), error correction grants will be removed from administrative review.
- 5.54 Validity requirements are being amended to ensure applicants who have an application for permission to stay in the UK must remain in the UK to apply for an administrative review against the refusal of their decision. This change avoids situations where a person has left the UK and cannot be granted permission to stay.
- 5.55 In addition, the validity rules are being changed to ensure that a person is considered for only one type of leave at a time, avoiding conflicts should both be granted.

## **PhD students following supervisors to another institution**

- 5.56 A change has been made to Appendix Student to exempt PhD students from Academic Progress requirements if they are following their academic supervisor to another education sponsor to complete their studies. This change allows the PhD student to apply for further permission from inside the UK to complete their course, rather than having to leave the country to do so.

## **Other Minor Changes**

### Changes to the list of disability related benefits in Appendix FM, Appendix FM-SE and Appendix HM Armed Forces

- 5.57 Appendix FM, Appendix FM-SE and Appendix HM Armed Forces include a list of specified disability-related benefits/allowances for those applying for entry clearance, permission to stay and settlement as a partner. If a sponsor is in receipt of one of the listed benefits, the applicant can meet the financial requirements by showing they will be Adequately Maintained instead of meeting the Minimum Income Requirement.
- 5.58 Following the devolution of responsibility for benefits as part of the Scotland Act 2016, Social Security Scotland (SSS) was set up in 2018 to administer benefits on behalf of the Scottish Government. The executive agency has since been introducing Scottish equivalents of benefits administered by the Department for Work and Pensions (DWP). To ensure consistency across the UK, the new SSS equivalent disability benefits/allowances are being added to the benefits list in Appendix FM, Appendix FM-SE and Appendix HM AF.

### Changes to the list of documents accepted as evidence of divorce in the UK within Appendix FM-SE

- 5.59 Following the introduction of the Divorce, Dissolution and Separation Act 2020 on 6 April 2022, a final notice and evidence of a completed divorce in England and Wales will be known as a 'final order'. This change of name needs to be reflected in Appendix FM-SE.
- 5.60 This rules change will also address the differing names for a 'final order' in the devolved governments across the UK.

### Removal of Postgraduate Doctor or Dentist provision from the Student route

- 5.61 These changes remove the provision in Appendix Student for Health Education England (HEE) to sponsor students following recognised foundation programmes as Doctors or Dentists in training. This provision is no longer required as HEE have surrendered their student sponsor licence. Access to these programmes is now provided via the Skilled Worker route.
- 5.62 These changes also remove a foundation programme in Medicine or Dentistry from the list of relevant qualifications for the Graduate route and the associated definition of Postgraduate Doctor or Dentist from the Introduction to the Immigration rules.

### Amendments to the list of public funds as set out in paragraph 6.2(b) of the Immigration Rules

- 5.63 Following the devolution of responsibility for benefits as part of the Scotland Act 2016, Social Security Scotland was set up in 2018 to administer benefits on behalf of the Scottish Government. The executive agency has since been introducing Scottish equivalents of benefits administered by the DWP.
- 5.64 To maintain a consistent position in respect of migrants' access to benefits across the UK, the introduction of these new benefits requires the Home Office to amend the definition of what is considered to be a public fund for immigration purposes as found in paragraph 6.2(b) of the Immigration Rules.
- 5.65 The changes being made will designate four new Scottish benefits as public funds for the purposes of immigration control. The designation of these benefits as a public fund for the purposes of immigration control will mean that a person subject to the No Recourse to Public Funds (NRPF) condition as part of their immigration status is restricted from accessing them. Whilst any individual subject to an NRPF condition is already prevented from accessing the four new Scottish benefits due to the eligibility criteria applied by Social Security Scotland, these changes ensure a consistent approach of equivalent benefits for those with NRPF across the UK. This approach is consistent with changes made in October 2023, when eight benefits administered by Social Security Scotland were added to the list of public funds in paragraph 6.2(b).
- 5.66 Public and parliamentary engagement has reinforced the need to ensure a clear and consistent approach to migrants' access to benefits across the UK.

### Changes to Appendix V: Visitor

- 5.67 Minor change to clarify that all Visitors intending to undertake a Permitted Paid Engagement will need to declare this activity when seeking permission to enter the UK if asked.

### Changes to Appendix Finance

- 5.68 Minor formatting changes and an amendment to the introduction section of Appendix Finance to add Appendix Visitor to the list of routes it applies to.

### Minor change to Part 1

- 5.69 Minor amendment to address a previous error where reference to Appendix FM was unintentionally removed from the validity requirement at A34 in Part 1.

### Changes relating to the sponsorship transformation programme.

- 5.70 Minor changes are being made to the definition of a Certificate of Sponsorship (CoS), and to the validity requirements relating to a CoS in the Skilled Worker and Government Authorised Exchange routes. These changes reflect the new sponsorship IT system, under which CoS are valid for 90 days, rather than three months.

### Changes to settlement requirements in various work routes

- 5.71 Corrections are being made to definitions and settlement requirements relating to the following routes:
- Skilled Worker
  - T2 Minister of Religion
  - Representative of an Overseas Business
  - Global Talent
  - Innovator Founder
  - International Sportsperson
- 5.72 These clarify that the qualifying period for settlement as a lead applicant in these routes must consist of time spent in the UK as a lead applicant, not as a dependant (dependants may qualify for settlement separately, based on time spent in the UK as a dependant). This clarifies the policy position, following previous Statements of Changes, which had unintentionally made the drafting unclear.
- 5.73 Other minor drafting inconsistencies are also being corrected.

### Replacing outdated references to physical immigration documents

- 5.74 Due to the introduction of eVisas, the Home Office is phasing out issuing any physical proof of status and in 2024 stopped issuing biometric residence permits. Therefore, we are replacing references to issuing such physical products in the Rules with references to biometric immigration documents, which can be either physical or digital.

### Appendix Child Staying with or Joining a Non-Parent Relative (Protection) - simplification changes.

- 5.75 The current title ‘Appendix Child Staying with or Joining a Non-Parent Relative (Protection)’ is difficult for both applicants and decision makers, therefore the appendix title is being simplified to ‘Appendix Child Relative (Sponsors with Protection)’ to improve clarity.
- 5.76 Consequential changes are being made elsewhere in the Rules to reflect the appendix title change.

### Appendix Family Reunion (Protection) - simplification changes.

- 5.77 The minor changes update and further simplify this route, bringing it in line with changes being made across the Immigration Rules, and removing requirements which are duplicated within this Appendix.

### Changes to the Temporary Work routes and International Sportsperson

- Creative Worker
- 5.78 Changes have been made to the Creative Worker route to clarify that Creative Workers cannot be filling permanent roles.

- Charity Worker
- 5.79 Clarification that the provision of accommodation is not prohibited for applicants on the route.
- Government Authorised Exchange
- 5.80 Minor administrative changes and corrections.
- International Sportsperson
- 5.81 The addition of sports governing bodies for Brazilian Ji-Jitsu in the UK and volleyball in Northern Ireland, as well as an update to the name of the body approved for canoeing in Scotland.

#### Changes to align drafting across the Immigration Rules

- 5.82 Minor changes are being made to align the drafting across the Immigration Rules. These are not policy changes and are minor presentational changes that are intended to provide greater transparency, clarity, and consistency.

#### Other drafting changes

- 5.83 The Statement of Changes also introduces minor drafting changes to correct incorrect paragraph references and minor drafting errors.

## **6. Legislative and Legal Context**

### *How has the law changed?*

- 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.<sup>4</sup>
- 6.3 The changes will be implemented on various dates from 12 March 2025 as detailed in the implementation section of the accompanying Statement of Changes.
- 6.4 For the changes that introduce a Visa requirement on Trinidad and Tobago, due to safeguarding the operation of the UK's immigration system, those changes will come into effect at 15:00 GMT on 12 March 2025. The changes regarding the Permit Free Festival list, and exempting French School children from the ETA, will come into effect on 2 April 2025, changes to Appendix Child Student relating to Child Student safeguarding will come into effect on 29 May 2025, certain changes relating to Global Talent will come into effect on 4 August, and certain changes relating to the Ukraine schemes will come into effect on 5 and 13 August 2025. All other changes will come

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<sup>4</sup> <https://www.gov.uk/guidance/immigration-rules>

into effect on 9 April 2025 and are detailed in the implementation section of the Statement of Changes.

*Why was this approach taken to change the law?*

- 6.5 This is the only possible approach to make the necessary changes.

## **7. Consultation**

*Summary of consultation outcome and methodology*

Changes to the Ukraine Scheme

- 7.1 The specific 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.
- 7.2 More broadly, however, we engaged with key stakeholders, both cross governmental and from voluntary and community sector organisations prior to the launch of UPE on 4 February 2024 to ensure that the overarching requirements of the scheme, and its policy objectives, were clearly understood. Furthermore, we engaged with key stakeholders regarding the phased closure of biometric deferral processes on the Ukraine schemes around December 2023, when these application processes were closed to new applicants, and again in November 2024 regarding ending the use of permission to travel letters.

Skilled worker changes

- 7.3 Regarding the changes relating to care workers in the Skilled Worker route, the Home Office and Department of Health and Social Care have had extensive engagement with the sector through a range of stakeholder calls and in-person sessions. It has become clear that there are a number of care workers who have been displaced as a result of non-compliant sponsors losing their licence and these changes are aimed at helping those already in the UK who have been affected back into work within the care sector before new international workers are recruited.

Amendments to the list of public funds as set out in paragraph 6.2(b) of the Immigration Rules

- 7.4 Officials have engaged with Scottish Government colleagues to ensure common understanding of the need to amend the Immigration Rules to include these new benefits. Scottish Government colleagues have indicated that they understand that the four Social Security Scotland benefits will be added to the list of public funds given that they are equivalent to DWP administered benefits which are already included in the list of public funds.
- 7.5 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.

## **8. Applicable Guidance**

- 8.1 Guidance relating to these Rules changes will be updated and placed on the GOV.UK website when these changes take effect.

- 8.2 It is our practice to only publish guidance updates when Rules changes take effect to mitigate the high risk of users referring to the wrong version.

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

#### Introduction of a Visit Visa requirement on Trinidad and Tobago

- 9.1 While the changes are likely to have a meaningful impact on the public sector, the overall economic impact of the change does not meet the threshold to require a full Economic Impact Assessment.
- 9.2 High volumes of asylum claims, as set out at paragraph 5.4, if left unchecked, can represent significant cost to the public sector, though overall costs for this population would be a small proportion of overall asylum costs.
- 9.3 As a result of a visa introduction on nationals of Trinidad and Tobago, there may be an impact on the number of genuine visitors coming from Trinidad and Tobago to the UK due to the requirement to obtain a visa before travel.
- 9.4 These changes therefore may represent a meaningful indirect impact on business, charities or voluntary bodies. Any reduction in spending resulting from a reduction in visitors to the UK is likely to represent a cost to business through a reduction in revenue.

#### Changes to the Ukraine Scheme

- 9.5 An Impact Assessment was prepared for the Ukraine Permission Extension Scheme more broadly, and was published on 27 November 2024, following the laying in Parliament of the Statement of Changes to the Immigration Rules (HC 334), setting out the associated changes. No further meaningful economic impacts, beyond those set out in the already published impact assessment, have been identified as a result of these changes.<sup>5</sup>

#### All other changes

- 9.6 For all other changes there is no, or no significant, impact on business, charities or voluntary bodies.
- 9.7 For all other changes the legislation does not impact small or micro businesses.
- 9.8 For all other changes there is no, or no significant impact on the public sector.

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<sup>5</sup> Available at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-334-26-november-2024>



## **10. Monitoring and review**

### *What is the approach to monitoring and reviewing this legislation?*

- 10.1 The approach to the monitoring of these changes is to review the operation and effect of all 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 or be revoked or amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.
- 10.2 A statutory review clause is included in the instrument.

### **Part Three: Statements and Matters of Particular Interest to Parliament**

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

### Introduction of a Visit Visa requirement on Trinidad and Tobago

- 11.1 The changes to introduce a visit visa requirement on nationals of Trinidad and Tobago will come into effect at 15:00 GMT on 12 March 2025, and therefore depart from the usual convention that changes to the Immigration Rules come into force no earlier than 21 days after their being laid in Parliament.
- 11.2 Controlling migration and tackling irregular migration are Home Office priorities. After deciding to introduce a visit or transit visa requirement, it is necessary and reasonable to implement this as quickly as possible. The rationale for breaching the 21-day rule is that prior notification of implementation of a visa requirement could trigger a substantial increase in nationals of Trinidad and Tobago impacted by this change travelling to the UK prior to the visa requirement coming into effect, triggering an unpredictable and unmanageable strain upon the UK's migration and borders system. This action continues to respect our international obligations.
- 11.3 Immediate implementation of a visa requirement is being accompanied by a six week transition period to prevent general unfairness and to mitigate the risk that people who arranged travel to the UK prior to the introduction of the visa requirement suffer a financial loss. Additionally, this period prevents serious operational difficulties. This approach has been successful on previous occasions and the Government is clear that implementing changes in this way is necessary and proportionate to protect the UK immigration system from abuse.
- 11.4 For all other changes there are no matters of interest.

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

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

### **13. The relevant European Union Acts**

- 13.1 This instrument is not being made under the European Union (Withdrawal) Act 2018 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”). It does, however, relate to the withdrawal of the United Kingdom from the European Union because it supports further implementation of the EUSS.
- 13.2 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 2018.

### **14. Consolidation**

- 14.1 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.



