

STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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A copy of this Statement of Changes can be found on the visas and immigration pages of the gov.UK website at www.gov.uk/government/collections/immigration-rules-statement-of-changes

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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 her 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 (HC329), 30 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), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 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 (HC523), 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 (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), and 16 March 2015 (HC1116).

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

Implementation

The changes set out in paragraphs 6A.15 to 6A.21 and 6A.51 to 6A.54 of this statement shall take effect from 14 July 2015.

The changes set out in paragraphs 6A.1 to 6A.10, 6A.12, 6A.32 to 6A.33, C1 to C13, C15 to C16, C20, C22 to C23, C25 to C27, C29 to C31, C33 to C35, C37 to C38, and E1 to E7 of this statement shall take effect from 12 November 2015. However, if an application has been made for entry clearance or leave to enter or remain before 12 November 2015 and has not been decided before that date, the application will be decided in accordance with the Rules in force on 11 November 2015.

All other changes set out in this statement shall take effect from 3 August 2015. The changes at paragraphs 1.2 to 1.4 and AR1 to AR12 shall apply to the conduct of administrative review for all applications for entry clearance, leave to enter or remain where the application for administrative review is submitted on or after 3 August 2015. In all other respects and subject to the provisions above, other than in respect of the changes set out in paragraphs 7.1 to 7.3, 8.1 to 8.7, FM1 to FM11 and FM-SE1 to FM-SE16, if an application has been made for entry clearance or leave to enter or remain before 3 August 2015 and has not been decided before that date, the application will be decided in accordance with the Rules in force on 2 August 2015.

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 2012; 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 the Introduction

- I1. In Immigration Rules: Introduction, paragraph 6 amend the definition of A "UK recognised body" to:

“A **"UK recognised body"** is an institution that has been granted degree awarding powers by either a Royal Charter, an Act of Parliament or the Privy Council. For the purposes of these Rules we will consider the Foundation Programme Office, Health Education South London and the Health Education Yorkshire and Humber as equivalent to UK recognised bodies.”.

- I2. In Immigration Rules: Introduction, paragraph 6, after the definition for “UK recognised body” add the following definition:

“Embedded College offering Pathway Courses” means a sponsor recognised by the Home Office as a private provider, usually part of a network and operating within or near to the premises of a higher education institution, delivering pathway courses which prepare students for entry to higher education programmes at that a higher education institution. This does not include pre-sessional courses. The higher education institution must be a UK recognised body, or a body in receipt of public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council.

- I3. In Immigration Rules: Introduction, paragraph 6, after the definition for “foundation degree” add the following definition:

“Pathway Course” means a course which prepares a student for progression to another course at a specific UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council. It does not include a pre-sessional course.

- I4. In Immigration Rules: Introduction, paragraph 6, after the definition for “UK listed body” add the following definition:

“Academy” means an institution defined by and established under the Academies Act 2010, as amended. This includes academy schools, 16-19 academies and alternative provision academies.

15. In Immigration Rules: Introduction, paragraph 6, after the definition for “UK listed body” add the following definition:

An “**Independent School**” means a school which is:

- (a) a school in England and Wales at which full time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) and which is not a) a school maintained by a local education authority, or b) a special school not so maintained;
- (b) a school in Scotland at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school’; or
- (c) a school in Northern Ireland that has been registered with the Department of Education; and
- (d) is not an Academy.

Changes to Part 1

- 1.1. Delete paragraph 19A and replace with:

“19A. Sub paragraphs (ii) and (iii) of paragraph 18 shall not apply where a person who has indefinite leave to enter or remain in the United Kingdom accompanies on an overseas posting, a spouse, civil partner, unmarried partner or same-sex partner who is:

- (i) a member of HM Forces serving overseas;
- (ii) a permanent member of HM Diplomatic Service;
- (iii) a comparable United Kingdom based staff member of the British Council;
- (iv) a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom; or
- (v) a Home Office employee.”

- 1.2. After paragraph 34N(2), insert:

“(3) An application for administrative review of an eligible decision may not be made if the applicant has previously signed an administrative review

waiver form in respect of the eligible decision, in accordance with paragraph AR2.10 of Appendix AR of these Rules.

(4) If, after receiving notice of the eligible decision, an application for entry clearance, leave to enter or leave to remain is made during the time within which an application for administrative review may be brought within paragraph 34R (including any possibility of an administrative review out-of-time under paragraph 34R(3)), an application for administrative review of the eligible decision may not be made.”

1.3. Delete paragraph 34R(4) and substitute:

“(4) For the purposes of this paragraph, the notice of the eligible decision, notice of the outcome of the previous administrative review or biometric immigration document is deemed to have been received, unless the contrary is shown:

(a) where it is sent by post to an address in the UK, on the second working day after the day on which it was posted;

(b) where it is sent by courier to an address in the UK, on the day on which it was delivered;

(c) where it is sent by post to an address outside the UK, on the twenty-eighth day after the day on which it was posted;

(d) where it is sent by email, on the day on which it was sent.”

1.4. After paragraph 34X(3), insert:

“(4) An application for administrative review which has not been determined will be treated as withdrawn if the applicant makes an application for entry clearance, leave to enter or leave to remain.”

1.5. In paragraph A39, for “listed in Appendix T Part 2” substitute “approved by the Secretary of State for these purposes, as listed on the Gov.uk website,”.

Changes to Part 6A

6A.1. In Part 6A, paragraph 245DD(e)(xxi) delete “as a Tier 4 Migrant” and insert:

“as a Tier 4 (General) Student and, in respect of such leave, is or was last sponsored by:

(1) a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

- (2) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom; or
- (3) an Embedded College offering Pathway Courses.”.

6A.2. In Part 6A delete paragraph 245DD(e)(xxii), and substitute:

245DD(e)(xxii) “as a Tier 4 (Child) Student, or”.

6A.3. In Part 6A after paragraph 245DD(e)(xxii) insert:

245DD(e)(xxiii) “a visitor who has been undertaking permitted activities as a prospective entrepreneur.”.

6A.4. In Part 6A, paragraph 245ED(c)(xv) after “as a Tier 2 Migrant,” delete “or”.

6A.5. In Part 6A, paragraph 245ED(c)(xvi) delete “as a Tier 4 Migrant” and insert:

“as a Tier 4 (General) Student and, in respect of such leave, is or was last sponsored by:

- (1) a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or
- (2) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom; or
- (3) an Embedded College offering Pathway Courses, or”.

6A.6. In Part 6A after paragraph 245ED(c)(xvi), insert:

245ED(c)(xvii) “as a Tier 4 (Child) Student.”.

6A.7. In Part 6A, paragraph 245FB(e)(i) after “as a Tier 4 Migrant” insert:

“and, in respect of such leave, is or was last sponsored by:

- (1) a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or
- (2) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom”.

6A.8. In Part 6A, after 245HD(b)(ii)(1) after “a Tier 4 Migrant” insert:

“and, in respect of such leave, is or was last sponsored by:

- (1) a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or
 - (2) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom”.
- 6A.9. In Part 6A, paragraph 245HD(d)(ii), after “The applicant” insert “(other than an applicant under b(ii)(1) above)”.
- 6A.10. In Part 6A, after 245ZQ(b)(vi) after “a Tier 4 (General) Migrant” insert:
“who, in respect of such leave, is or was last sponsored by:
- (1) a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or
 - (2) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom”.
- 6A.11. In Part 6A paragraph 245ZT, after “UK” insert “at an institution that is not an Academy or a school maintained by a local authority”.
- 6A.12. In Part 6A, paragraph 245ZV(g) delete “3” and substitute “2”.
- 6A.13. In Part 6A, paragraph 245ZV(ga)(i) delete “Recognised Body” and insert “UK recognised body”.
- 6A.14. In Part 6A, paragraph 245ZV(ga)(ii) delete “Recognised Body” and insert “UK recognised body”.
- 6A.15. In Part 6A, paragraph 245ZW(b), in the first row of the table, after “1 month” insert “before the course starts or 7 days before the intended date of travel, whichever is later”.
- 6A.16. In Part 6A, paragraph 245ZW(b), in the second row of the table, after “1 month” insert “before the course starts or 7 days before the intended date of travel, whichever is later”.
- 6A.17. In Part 6A, paragraph 245ZW(b), in the third row of the table, after “1 month” insert “before the course starts or 7 days before the intended date of travel, whichever is later”.
- 6A.18. In Part 6A, paragraph 245ZW(b), in the fourth row of the table, after “7 days” insert “before the course starts”.
- 6A.19. In Part 6A, paragraph 245ZW(b), in the fifth row of the table, after “1 month” insert “before the course starts or 7 days before the intended date of travel, whichever is later”.

6A.20. In Part 6A, paragraph 245ZW(b)(i), delete “If the grant of entry clearance is made less than 1 month or, in the case of a course of less than 6 months that is not a pre-sessional course, less than 7 days before the start of the course, entry clearance will be granted with immediate effect.” and substitute “If the grant of entry clearance is made less than 7 days before the intended date of travel, entry clearance will be granted with immediate effect.”.

6A.21. In Part 6A, after paragraph 245ZW(b)(i), insert:

“(aii) The intended date of travel is the date recorded by the applicant either through the relevant online application process or in the specified application form for Tier 4 (General) Students, as their intended date for travel to the UK.”.

6A.22. In Part 6A, paragraph 245ZW (b)(iii) replace “disregarded” with “included”

6A.23. In Part 6A, paragraph 245ZW(c)(iii)(1)(a) delete “Recognised Body” and insert “UK recognised body”.

6A.24. In Part 6A, paragraph 245ZW(c)(iii)(1)(b) delete “Study Abroad Programme” and substitute “study abroad programme”.

6A.25. In Part 6A, delete paragraph 245ZW(c)(iii)(3) and substitute “DELETED”.

6A.26. In Part 6A, paragraph 245ZW(c)(iii)(4)(ii)(a) delete “Recognised Body” and insert “UK recognised body”.

6A.27. In Part 6A, paragraph 245ZW(c)(iii)(6) delete “postgraduate doctor or dentist” and insert “Postgraduate Doctor or Dentist”.

6A.28. In Part 6A, paragraph 245ZW(c)(iii)(7) delete “Recognised Body” and insert “UK recognised body”.

6A.29. In Part 6A paragraph 245ZW(c)(iii)(8), delete “UK Border Agency” and substitute “Home Office”.

6A.30. In Part 6A, paragraph 245ZW(c)(iii)(8)(b) delete “Recognised Body” and insert “UK recognised body”.

6A.31. In Part 6A after paragraph 245ZW(c)(v), insert:

245ZW(c)(vi) “no study at Academies or schools maintained by a local authority.”.

6A.32. In Part 6A, delete paragraph 245ZX(b)(i) and insert:

(i) as a Tier 4 (General) Student, and, in respect of such leave, is or was last sponsored by:

(1) a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(2) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom; or

(3) an Embedded College offering Pathway Courses.

- 6A.33. In Part 6A, paragraph 245ZX(h) delete “3” and substitute “2”.
- 6A.34. In Part 6A, paragraph 245ZX(ha)(i) delete “Recognised Body” and insert “UK recognised body”.
- 6A.35. In Part 6A, paragraph 245ZX(ha)(ii) delete “Recognised Body” and insert “UK recognised body”.
- 6A.36. In Part 6A, paragraph 245ZX(n)(ii) after “the applicant must” insert “have leave to remain as a Tier 4 (General) Student and must”.
- 6A.37. In Part 6A, paragraph 245ZX(n)(iii) delete “Recognised Body” and inset “UK recognised body”.
- 6A.38. In Part 6A, paragraph 245ZY(b)(iii), delete “disregarded” and substitute “included”.
- 6A.39. In Part 6A, paragraph 245ZY(c)(iii)(1)(a) delete “Recognised Body” and insert “UK recognised body”.
- 6A.40. In Part 6A, paragraph 245ZY(c)(iii)(2) delete “Recognised Body” and insert “UK recognised body”.
- 6A.41. In Part 6A, delete paragraph 245ZY(c)(iii)(3) and substitute “DELETED”.
- 6A.42. In Part 6A, paragraph 245ZY(c)(iii)(4)(ii)(a) delete “Recognised Body” and insert “UK recognised body”.
- 6A.43. In Part 6A, paragraph 245ZY(c)(iii)(4)(ii)(b) delete “Study Abroad Programme” and insert “study abroad programme”.
- 6A.44. In Part 6A, paragraph 245ZY(c)(iii)(6) delete “postgraduate doctor or dentist” and insert “Postgraduate Doctor or Dentist”.
- 6A.45. In Part 6A, paragraph 245ZY(c)(iii)(7) delete “Recognised Body” and insert “UK recognised body”.
- 6A.46. In Part 6A, paragraph 245ZY(c)(iii)(8) delete “Recognised Body” and insert “UK recognised body”.
- 6A.47. In Part 6A, paragraph 245ZY(c)(iii)(9) delete “Recognised Body” and insert “UK recognised body”.
- 6A.48. In Part 6A after paragraph 245ZY(c)(v), insert:
245ZY(c)(vi) “no study at Academies or schools maintained by a local authority.”.
- 6A.49. In Part 6A paragraph 245ZZ, after “UK” insert “at an Independent School. Academies and schools maintained by a local authority are not permitted to sponsor students under this route.”.
- 6A.50. In Part 6A paragraph 245ZZA(i), after “met” insert “.”.
- 6A.51. In Part 6A, paragraph 245ZZB(a)(i), after “1 month before the course starts” insert “or 7 days before the intended date of travel, whichever is later”.

- 6A.52. In Part 6A, paragraph 245ZZB(a), after (iii) insert “The intended date of travel is the date recorded by the applicant, either through the relevant online application process or in the specified application form for Tier 4 (Child) Students, as their intended date for travel to the UK.”.
- 6A.53. In Part 6A, paragraph 245ZZB(b)(i), after “1 month before the course starts” insert “or 7 days before the intended date of travel, whichever is later”.
- 6A.54. In Part 6A, paragraph 245ZZB(b), after (iii) insert “The intended date of travel is the date recorded by the applicant, either through the relevant online application process or in the specified application form for Tier 4 (Child) Students, as their intended date for travel to the UK.”.
- 6A.55. In Part 6A at the end of paragraph 245ZZB(c)(iv)(3), insert “,”.
- 6A.56. In Part 6A paragraph 245ZZB(c)(v)(2)(b), delete “either:” and substitute “at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned.”.
- 6A.57. In Part 6A delete paragraph 245ZZB(c)(v)(2)(b)(1).
- 6A.58. In Part 6A delete paragraph 245ZZB(c)(v)(2)(b)(2).
- 6A.59. In Part 6A delete paragraph 245ZZB(c)(v)(2)(b)(3).
- 6A.60. In Part 6A after paragraph 245 ZZB(c)(v), insert “(vi) no study at Academies or schools maintained by a local authority.”.
- 6A.61. In Part 6A paragraph 245ZZD(c)(v)(2)(b), delete “either:” and substitute “at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned.”.
- 6A.62. In Part 6A delete paragraph 245ZZD(c)(v)(2)(b)(1).
- 6A.63. In Part 6A delete paragraph 245ZZD(c)(v)(2)(b)(2).
- 6A.64. In Part 6A delete paragraph 245ZZD(c)(v)(2)(b)(3).
- 6A.65. In Part 6A after paragraph 245ZZD(c)(v), insert “ (vi) no study at Academies or schools maintained by a local authority.”.
- 6A.66. In Part 6A paragraph 245ZZE(ii)(4), delete “UK Border Agency” and substitute “Home Office”.

Changes to Part 7

- 7.1. After paragraph 276A03 insert:

“276A04. Where a person who has made an application for indefinite leave to remain under this Part does not meet the requirements for indefinite leave to remain but falls to be granted limited leave to remain under this Part on the basis of long residence or private life in the UK, or outside the rules on Article 8 grounds:

- (a) The Secretary of State will treat that application for indefinite leave to remain as an application for limited leave to remain;

- (b) The Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015; and
- (c) If there is such a requirement and that requirement is not met, the application for limited leave to remain will be invalid and the Secretary of State will not refund any application fee paid in respect of the application for indefinite leave to remain.”.

- 7.2. In paragraph 276A2 after “paragraph 276A1 is met” insert “(but see paragraph 276A04)”.
- 7.3. In paragraph 276DG before “the applicant may be granted” (in the full-out words) insert “subject to compliance with any requirement notified under paragraph 276A04(b),”.

Changes to Part 8

- 8.1. In paragraph A277A, after sub-paragraph (b), before “further limited leave to remain” (in the full-out words) insert “subject to compliance with any requirement notified under paragraph A277D(b),”.
- 8.2. In paragraph A277A(c) after “the applicant will” insert “(subject to compliance with any requirement notified under paragraph A277D(b))”.
- 8.3. In paragraph A277B after “Relevant Points Based System Migrant” insert “, from a victim of domestic violence or from a bereaved spouse, civil partner, unmarried partner or same sex partner”.
- 8.4. In paragraph A277B(b) after “the applicant will” insert “(subject to compliance with any requirement notified under paragraph A277D(b))”.
- 8.5. In paragraph A277B delete sub-paragraph (d).
- 8.6. After paragraph A277C insert:

“A277D. Where, pursuant to paragraphs A277A to A277C, a person who has made an application for indefinite leave to remain to which Part 8 of these rules continues to apply does not meet the requirements for indefinite leave to remain but falls to be granted limited leave to remain under Part 8, paragraphs 276ADE(1) to 276DH or Appendix FM, or outside the rules on Article 8 grounds:

- (a) The Secretary of State will treat that application for indefinite leave to remain as an application for limited leave to remain;
- (b) The Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015; and

- (c) If there is such a requirement and that requirement is not met, the application for limited leave to remain will be invalid and the Secretary of State will not refund any application fee paid in respect of the application for indefinite leave to remain.”.
- 8.7. In paragraph A280(d)(vi) after “settled person who” substitute “was” for “is” and after “HM Forces” delete “who” and insert “when the spouse, civil partner, unmarried partner or same sex partner”. After “295B(c)” delete “who” and insert “where the applicant”.
- 8.8. In Part 8, paragraph 319C(i)(ii)(2) delete “Recognised Body” and insert “UK recognised body”.
- 8.9. In Part 8, paragraph 319H(h)(i)(ii)(2) delete “Recognised Body” and insert “UK recognised body”.

Changes to Appendix A

- A1. In Appendix A, table 10, insert “25” in the ‘Points’ column of the first row.
- A2. In Appendix A, paragraph 116(h) delete “Recognised Body” and insert “UK recognised body”.
- A3. In Appendix A, paragraph 118(b)(i) delete “Recognised Body” and insert “UK recognised body”.
- A4. In Appendix A, paragraph 118(b)(ii) delete “Recognised Body” and insert “UK recognised body”.
- A5. In Appendix A, paragraph 120(b)(i) delete “Recognised Body” and insert “UK recognised body”.
- A6. In Appendix A, paragraph 120(cb)(7) after “covered by a formal legal agreement between a UK” delete “-”.
- A7. In Appendix A, paragraph 120(cb)(7) after “An authorised signatory for institutional agreements within the” insert “UK”.
- A8. In Appendix A, paragraph 120(cb)(7) after “The agreement must confirm the” insert “UK”.
- A9. In Appendix A, paragraph 120(cb)(7) after “It must also state that the” insert “UK”.

A10. In Appendix A, paragraph 120(f)(ii)(a) delete “Recognised Body” and insert “UK recognised body”.

A11. In Appendix A, delete paragraph 120A(a) and insert:

“(a) Points will only be awarded for a valid Confirmation of Acceptance for Studies (even if all the requirements in paragraphs 116 to 120-SD above are met) if the sponsor has confirmed that the course for which the Confirmation of Acceptance for Studies has been assigned represents academic progress, as defined in (b) below, from previous study undertaken during the last period of leave as a Tier 4 (General) Student or as a Student where the applicant has had such leave, except where:

(i) the applicant is re-sitting examinations or repeating modules in accordance with paragraph 119 above,

(ii) the applicant is applying for leave to remain to complete the PhD or other doctoral qualification for which the Confirmation of Acceptance for Studies relating to the study undertaken during the last period of leave as a Tier 4 (General) Student or as a Student was assigned, or

(iii) the applicant is making a first application to move to a new institution to complete a course commenced at a Tier 4 sponsor that has had its licence revoked.

(b) For a course to represent academic progress from previous study the course must be above the level of the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student, unless:

(i) the course is taught by a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council which is also the sponsor;

(ii) the sponsor has Tier 4 Sponsor status; and

(iii) the sponsor confirms that:

(1) the course is related to the previous course for which the applicant was granted leave as a Tier 4 (General) Student, meaning that it is either connected to the previous course, part of the same subject group, or involves deeper specialisation; or

(2) the previous course and the new course in combination support the applicant’s genuine career aspirations.”.

A12. In Appendix A delete paragraph 124(a) and substitute with:
“124(a) it was issued by an Independent School.”.

- A13. In Appendix A paragraph 124(e), delete “institution” and substitute “Independent School”.
- A14. In Appendix A paragraph 124(f), delete “institution” and substitute “Independent School”.
- A15. In Appendix A paragraph 124(f), delete “Sponsor Licence” and substitute “sponsor licence”.
- A16. In Appendix A at the end of paragraph 124(f), delete “and”.
- A17. In Appendix A paragraph 126(b), after “(NQF),” insert “and must not be a foundation course intended to prepare the student for entry to a higher education institution”.
- A18. In Appendix A paragraph 126(d), delete “independent school” and substitute “Independent School”.
- A19. In Appendix A at the start of paragraph 126(e), delete “is” and substitute “be”.
- A20. In Appendix A paragraph 126(e)(i), delete “by an independent school” and substitute “by an Independent School”, and delete “at an independent school” and substitute “at an Independent School”.
- A21. In Appendix A paragraph 126(e)(ii), delete “independent school” and substitute “Independent School”.
- A22. In Appendix A paragraph 126(e)(iii), delete “independent school” and substitute “Independent School”.

Changes to Appendix AR

- AR1. In Appendix AR, in paragraph AR2.4, after the words “paragraph AR2.11(a)”, delete “, and” and substitute “ or”.
- AR2. In Appendix AR, in paragraph AR2.5, after the words “paragraph AR2.11(a)”, delete “, and” and substitute “ or”.
- AR3. In Appendix AR, in paragraph AR2.9(a), delete “34R(2)” and substitute “34R(3)”.
- AR4. In Appendix AR, delete paragraph AR2.10 and substitute:
“AR2.10 Administrative review is not *pending* when:

- (a) an administrative review waiver form has been signed by an individual in respect of whom an *eligible decision* has been made. An administrative review waiver form is a form where the person can declare that although they can make an application in accordance with paragraphs 34M to 34Y of these Rules, they will not do so;
- (b) administrative review has previously been *pending* and the individual in respect of whom the *eligible decision* has been made submits a fresh application for entry clearance, leave to enter or leave to remain. In this case the day prior to the day on which the fresh application is submitted is the last day on which administrative review is *pending*.”

AR5. In Appendix AR, delete paragraph AR2.11 and substitute:

“AR2.11 For the purposes of these Rules, a *case working error* is:

- (a) Where the *original decision maker’s* decision to:
 - (i) refuse an application on the basis of paragraph 320(7A), 320(7B) or 322(1A) of these Rules; or
 - (ii) cancel leave to enter or remain which is in force under paragraph 321A(2) of these Rules; or
 - (iii) cancel leave to enter or remain which is in force under paragraph V9.2 or V9.4 of Appendix V of these Rules,
was incorrect;
- (b) Where the *original decision maker’s* decision to refuse an application on the basis that the date of application was beyond any time limit in these Rules was incorrect;
- (c) Where the *original decision maker* otherwise applied the Immigration Rules incorrectly; or
- (d) Where the original decision maker failed to apply the Secretary of State’s relevant published policy and guidance in relation to the application.”

AR6. In Appendix AR, in paragraph AR3.2 delete “Subject to paragraph AR3.4, an” and insert “An”.

AR7. In Appendix AR, in paragraph AR3.2(a), after “A decision on an application” insert “where the application was”.

AR8. In Appendix AR, in paragraph AR3.2(b), after “A decision on an application” insert “where the application was”.

- AR9. In Appendix AR, in paragraph AR3.2(c), after “A decision” insert “made on or after 6th April 2015” and, after “on an application for leave to remain made under these Rules”, delete “on or after 6th April 2015”.
- AR10. In Appendix AR, in paragraph AR3.2(d), after “A decision” insert “made on or after 6th April 2015” and, after “on an application”, delete “made on or after 6th April 2015”.
- AR11. In Appendix AR, delete paragraph AR3.4.
- AR12. In Appendix AR, in paragraph AR5.2, delete sub-paragraph (iv) and renumber sub-paragraphs (v) and (vi) as (iv) and (v) respectively.

Changes to Appendix C

- C1. In Appendix C in the table in paragraph 11 under Criterion after “If studying in” delete “inner”.
- C2. In Appendix C in the table in paragraph 11 under the title “If studying in London” insert:
- “(i)Where the applicant is applying for leave to remain on the doctorate extension scheme, the applicant must have £1,265 for each month remaining of the course up to a maximum of two months”.
- C3. In Appendix C in the table in paragraph 11 under the title “If studying in London” delete “(i) Where the applicant does not have an established presence in the United Kingdom” and substitute:
- “(ii) In all other circumstances”.
- C4. In Appendix C in the table in paragraph 11 (i) under the title “If studying in London” delete “£1,020” and substitute “£1,265”.
- C5. In Appendix C in the table in paragraph 11 under the title “If studying in London” delete paragraph (ii).
- C6. In Appendix C in the table in paragraph 11 under Criterion after “If studying” delete “in outer” and substitute “outside”.
- C7. In Appendix C in the table in paragraph 11 under the title “If studying outside London” and insert:

“(iii) Where the applicant is applying for leave to remain on the doctorate extension scheme, the applicant must have £1,015 for each month remaining of the course up to a maximum of two months”.

- C8. In Appendix C in the table in paragraph 11 (i) under the title “If studying outside London” delete “Where the applicant does not have an established presence in the United Kingdom” and substitute:
- “(iv) In all other circumstances”.
- C9. In Appendix C in the table in paragraph 11 under the title “If studying outside London” delete paragraph (ii).
- C10. In Appendix C at the end of paragraph 12 delete “in inner London” and substitute “within the area comprising the City of London and the Former Metropolitan Police District (as defined in paragraph 12AA below)”.
- C11. In Appendix C paragraph 12 delete all references to “in inner London” and substitute “in London”.
- C12. In Appendix C paragraph 12 delete “the institution, or branch of the institution, at which the applicant will be studying is situated in any of the London boroughs of Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham Southwark, Tower Hamlets, Wandsworth, or Westminster” and substitute “studying at the University of London, or institutions wholly or partly within the area comprising the City of London and the Former Metropolitan Police District (as defined in paragraph 12AA below)”.
- C13. In Appendix C after paragraph 12 insert:
- 12AA. “Former Metropolitan Police District” means:
- (i) London, excluding the City of London, the Inner Temple and the Middle Temple;
- (ii) in the county of Essex, in the district of Epping Forest— the area of the former urban district of Chigwell, the parish of Waltham Abbey;
- (iii) in the county of Hertfordshire— in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere, in the district of Welwyn Hatfield, the parish of Northaw; and
- (iv) in the county of Surrey— in the borough of Elmbridge, the area of the former urban district of Esher, the boroughs of Epsom and Ewell and

Spelthorne, in the district of Reigate and Banstead, the area of the former urban district of Banstead.

- C14. In Appendix C paragraph 13(iii), delete “Independent school” and substitute “Independent School”.
- C15. In Appendix C paragraph 13A delete “£1,020” and substitute “£1,265”.
- C16. In Appendix C delete paragraph 14 and substitute “DELETED”.
- C17. In Appendix C paragraph 16(b), delete “office” and substitute “Office”.
- C18. In Appendix C in the table in paragraph 16, delete the title “Where the child is (or will be) studying at a residential independent school” and substitute “Where the child is (or will be) studying at a residential Independent School”.
- C19. In Appendix C in the table in paragraph 16, delete the title “Where the child is (or will be) studying at a non-residential independent school and is in a private foster care arrangement (see notes below) or staying with and cared for by a close relative (see notes below):” and substitute “Where the child is (or will be) studying at a non-residential Independent School and is in a private foster care arrangement (see notes below) or staying with and cared for by a close relative (see notes below):”.
- C20. In Appendix C in the table in paragraph 16 under the title “Where the child is (or will be) studying at a non-residential Independent School and is in a private foster care arrangement (see notes below) or staying with and cared for by a close relative (see notes below)” delete “£560” and substitute “£570”.
- C21. In Appendix C in the table in paragraph 16, delete the title “Where the child is (or will be) studying at a non-residential independent school, is under the age of 12 and is (or will be) accompanied by a parent,” and substitute “Where the child is (or will be) studying at a non-residential Independent School, is under the age of 12 and is (or will be) accompanied by a parent:”.
- C22. In Appendix C in the table in paragraph 16 under the title “Where the child is (or will be) studying at a non-residential Independent School, is under the age of 12 and is (or will be) accompanied by a parent” in the first bullet delete “£1,535” and substitute “£1,560”.
- C23. In Appendix C in the table in paragraph 16 under the title “Where the child is (or will be) studying at a non-residential Independent School, is under the age of 12 and is (or will be) accompanied by a parent” in the second bullet delete “£1,535” and substitute “£1,560” and delete “£615” and substitute “£625”.

- C24. In Appendix C in the table in paragraph 16 after “Where the child is aged 16 or 17 years old and is living independently and studying” insert “at a non-residential Independent School”.
- C25. In Appendix C in the table in paragraph 16 after “Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School” after “in” delete “inner”.
- C26. In Appendix C in the table in paragraph 16 under the title “Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School in London” delete “£920” and substitute with “£1,265”.
- C27. In Appendix C in the table in paragraph 16 under the title “Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School in London” delete paragraph ii).
- C28. In Appendix C in the table in paragraph 16 after “Where the child is aged 16 or 17 years old and is living independently and studying” insert “at a non-residential Independent School”.
- C29. In Appendix C in the table in paragraph 16 after “Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School” delete “in outer” and substitute “outside”.
- C30. In Appendix C in the table in paragraph 16 under the title “Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School in outer London” delete “£715” and substitute with “£1,015”.
- C31. In Appendix C in the table in paragraph 16 under the title “Where the child is aged 16 or 17 years old and is living independently and studying at a non-residential Independent School in outer London” delete paragraph iv).
- C32. In Appendix C paragraph 19(b)(iii), delete “UK Border Agency” and substitute “Home Office”.
- C33. In Appendix C paragraph 19A (a) delete “inner” and delete “the institution, or branch of the institution, at which the applicant will be studying is situated in any of the London boroughs of Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham Southwark, Tower Hamlets, Wandsworth, or Westminster” and substitute “studying at the University of London, or institutions wholly or partly within the area comprising the City of London and the former Metropolitan Police District (as defined in paragraph 12AA above)”.

- C34. In Appendix C at the end of paragraph 19A (b) delete “in inner London” and substitute “within the area comprising the City of London and the former Metropolitan Police District (as defined in paragraph 12AA above)”.
- C35. In Appendix C paragraph 19A (b) delete all references to “inner London” and substitute “in London”.
- C36. In Appendix C paragraph 21(iii), delete “independent school” and substitute “Independent School”.
- C37. In Appendix C paragraph 21A delete “£1,020” and substitute “£1,265”.
- C38. In Appendix C delete paragraph 22 and substitute “DELETED”.

Changes to Appendix E

- E1. In Appendix E paragraph (ba)(i) (1) delete “inner”.
- E2. In Appendix E paragraph (ba)(i) (1) delete “£615” and substitute “£845”.
- E3. In Appendix E paragraph (ba)(i) (1) delete “£5,535” and substitute “nine months”.
- E4. In Appendix E paragraph (ba)(i) (2) delete “inner”.
- E5. In Appendix E paragraph (ba) (i) (2) after London insert “(as defined in paragraph 12 of Appendix C)”.
- E6. In Appendix E paragraph (ba)(i) (2) delete “£460” and substitute “£680”.
- E7. In Appendix E paragraph (ba)(i) (2) delete “£4,140” and substitute “nine months”.
- E8. In Appendix E paragraph (ia) delete “UK Border Agency” and substitute “Home Office”.

Changes to Appendix FM

- FM1. In Appendix FM after paragraph GEN.1.14. insert:

“GEN.1.15. Where, pursuant to paragraph D-ILRP.1.2., D-ILRP.1.3., D-ILRPT.1.2. or D-ILRPT.1.3., a person who has made an application for indefinite leave to remain under this Appendix does not meet the requirements for indefinite leave to remain but falls to be granted limited leave to remain under those provisions or paragraphs 276ADE(1) to 276DH, or outside the rules on Article 8 grounds:

- (a) The Secretary of State will treat that application for indefinite leave to remain as an application for limited leave to remain;

- (b) The Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015; and
 - (c) If there is such a requirement and that requirement is not met, the application for limited leave to remain will be invalid and the Secretary of State will not refund any application fee paid in respect of the application for indefinite leave to remain.”
- FM2. In Appendix FM in paragraph R-LTRP.1.1.(d)(ii) after “E-LTRP.2.1.” insert “-2.2.”.
- FM3. In Appendix FM in paragraph E-LTRP.2.2.(a) after “unless” insert “the applicant has been so for a continuous period of more than 6 months at the date of application and”.
- FM4. In Appendix FM in paragraph D-ILRP.1.2. before “the applicant will be granted” (in the full-out words) insert “subject to compliance with any requirement notified under paragraph GEN.1.15.(b),”.
- FM5. In Appendix FM in paragraph D-ILRP.1.3. after “Where they do,” insert “and subject to compliance with any requirement notified under paragraph GEN.1.15.(b),”.
- FM6. In Appendix FM in paragraph E-ECPT.2.4.(a)(ii) for “access rights to the child” substitute “direct access (in person) to the child, as agreed with the parent or carer with whom the child normally lives or as ordered by a court in the UK”.
- FM7. In Appendix FM in paragraph R-LTRPT.1.1.(d)(ii) after “E-LTRPT.3.1.” insert “-3.2.”.
- FM8. In Appendix FM in paragraph E-LTRPT.2.4.(a)(ii) for “access rights to the child” substitute “direct access (in person) to the child, as agreed with the parent or carer with whom the child normally lives or as ordered by a court in the UK”.
- FM9. In Appendix FM in paragraph E-LTRPT.3.2.(a) after “unless” insert “the applicant has been so for a continuous period of more than 6 months at the date of application and”.
- FM10. In Appendix FM in paragraph D-ILRPT.1.2. before “the applicant will be granted” (in the full-out words) insert “subject to compliance with any requirement notified under paragraph GEN.1.15.(b),”.
- FM11. In Appendix FM in paragraph D-ILRPT.1.3. after “Where they do,” insert “and subject to compliance with any requirement notified under paragraph GEN.1.15.(b),”.

Changes to Appendix FM-SE

- FM-SE1. In Appendix FM-SE after paragraph 2(d) insert:
- “(e) Where a person appointed as a non-executive director of a limited company based in the UK, which is not a company of the type specified in paragraph 9(a), is paid a fee instead of a salary, this income may be treated and evidenced as though it were income received for employment in that capacity.”.
- FM-SE2. In Appendix FM-SE in paragraph 9 for “paragraph 9(b)-(d)” substitute “paragraph 9(b)-(e)”.
- FM-SE3. In Appendix FM-SE at the end of paragraph 9 insert:
- “(e) For the purposes of paragraph 19(a), evidence of ongoing employment as a director of the company or of ongoing receipt of dividend income from the company must be provided. This evidence may include payslips (or dividend vouchers) and personal bank statements showing that, in the period since the latest 12-month period covered by the Company Tax Return CT600, the person’s salary as a director of the company (or dividend income from the company) was paid into an account in the name of the person or in the name of the person and their partner jointly. Alternative evidence may include evidence of ongoing payment of business rates, business-related insurance premiums or employer National Insurance contributions in relation to the company.”.
- FM-SE4. In Appendix FM-SE in paragraph 10(a)(ii) after “for” insert “or from”.
- FM-SE5. In Appendix FM-SE in paragraph 10(b)(iii) after “for” insert “or from”.
- FM-SE6. In Appendix FM-SE in paragraph 10(c)(i) after “for” insert “or from”.
- FM-SE7. In Appendix FM-SE in paragraph 10(d)(ii) after “for” insert “or from”.
- FM-SE8. In Appendix FM-SE in paragraph 10(e)(i) after “pension entitlement and amount” insert “(and, where applicable, reflecting any funds withdrawn from the pension account or fund)”.
- FM-SE9. In Appendix FM-SE in paragraph 10(f)(ii) after “for” insert “or from”.
- FM-SE10. In Appendix FM-SE in paragraph 10(ff)(ii) after “for” insert “or from”.
- FM-SE11. In Appendix FM-SE in paragraph 10(h)(ii) after “for” insert “or from”.
- FM-SE12. In Appendix FM-SE in paragraph 10(i)(ii) after “for” insert “or from”.
- FM-SE13. In Appendix FM-SE in paragraph 11A(c)(iv) after “investment account” insert “or pension account or fund”.

- FM-SE14. In Appendix FM-SE in paragraph 17 after “the partnership” insert “(including where this is in the form of a profit share)”.
- FM-SE15. In Appendix FM-SE in paragraph 32B for “may discount the document and the applicant must provide” substitute “may discount the test certificate or result and require the applicant to provide”.
- FM-SE16. In Appendix FM-SE in paragraph 32C for “made in respect of the test provider or test in question” substitute “made in respect of the test provider, test or test centre in question”.

Changes to Appendix N

- N1. In Appendix N, delete the entry for “International Student Internship Scheme (ISIS)” scheme, and replace with the amended entry below:

International Student Internship Scheme	This internship scheme will offer supernumerary work placements and sponsorship to Chinese-speaking students who have studied in the UK (switching from Tier 4 to Tier 5 GAE) or have studied at China 211/985 universities or other overseas top-ranked universities (applying in home country). Interns will spend time with UK businesses looking to expand their Chinese presence, improving trade links and knowledge transfer between the UK and China.	Denning Legal & Overseas Student Service Centre	Work experience programme Maximum 12 months	All UK
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”

- N2. In Appendix N, add the following new entry after the “US-UK Education Commission”

“

Wales Audit Office Exchange Programme	The scheme enables staff from other audit and inspection bodies to gain experience of audit and inspection processes in Wales and to share experience and good practice from an international perspective. Placements are for up to 12 months with WAO audit teams within a specific business area.	Wales Audit Office	Work experience programme Maximum 12 months	Wales
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Changes to Appendix T

T1. In Appendix T:

- (i) in the introductory wording to Part 1, for “listed in Part 2 of this Appendix” substitute “approved by the Secretary of State for these purposes, as listed on the Gov.uk website,”;
- (ii) delete the heading “Part 1 – APPLICABLE COUNTRIES”;
- (iii) delete Part 2.

Changes to Appendix V

V1. In Appendix V, paragraph V3.8, after “If the”, for “application” substitute “applicant”.

V2. In Appendix V, paragraph V3.10, in (e), before “was removed from the UK” insert “was deported from the UK or”.

V3. In Appendix V, paragraph V4.1, for “(e)” substitute “(d)” and for “(f)” substitute “(e)”.

V4. In Appendix V, paragraph V4.3, for sub-paragraph (b) substitute “(b) are not, or will not be, in breach of UK immigration laws at the time of decision or the visitor’s entry to the UK”

- V5. In Appendix V, paragraph V4.22, after “An academic applying for a 12 month *visit visa* (standard) must”, insert “intend to do one (or more) of the permitted activities set out in paragraph 12 of Appendix 3; and”.
- V6. In Appendix V, paragraph V7.5(c), for “by 23:59 hours on the day after the day when they arrived or within 48 hours after their arrival where they hold a transit visit visa” substitute: “within 48 hours after their arrival”.
- V7. In Appendix V, paragraph V8.11, after “undertake”, for “a” substitute “an unpaid”.
- V8. In paragraph 3 of Appendix 2 to Appendix V:
i) in sub-paragraph (f), for “.” substitute, “; or”;
ii) after sub-paragraph (f) insert new paragraph (g):

“(g) nationals of South Africa who hold diplomatic passports issued by South Africa.”.
- V9. In paragraph 19(e) of Appendix 3 to Appendix V, at the end, insert, after “particular”, “sport if they are an amateur in that”.
- V10. In paragraph 20 of Appendix 3 to Appendix V, for “, and are employed to work for them outside the UK” substitute “. Personal or technical staff of the sports person must be employed to work for the sports person outside the UK.”
- V11. In paragraph 1 of Appendix 5 to Appendix V, after “(vv) WOMAD”, insert “(ww) Llangollen International Musical Eisteddfod”.

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**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 13 JULY 2015 (HC 297)**

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. The purpose of these changes is to:

- Amend paragraph 19A which relates to returning residents, to include the spouse, civil partner, unmarried partner or same-sex partner of a Home Office employee serving overseas.
- Make changes and clarifications to the Immigration Rules relating to administrative review.
- Make minor changes and clarifications to the Immigration Rules on family and private life.
- Increase the maintenance requirements for Tier 4 (General) and Tier 4 (Child) students.
- Expand the area in which Tier 4 students have to demonstrate a higher maintenance requirement for London to include the University of London, or institutions wholly or partly within the area comprising the City of London and the former Metropolitan Police District.
- Apply the same maintenance requirements to all Tier 4 (General) students, regardless of whether they are already living in the UK, except Doctorate Extension Scheme students.
- Make all time spent in the UK as a Tier 4 student count towards Tier 4 time limits.
- Change the conditions for those given leave to enter or remain to study at publicly-funded further education colleges, to prohibit work.
- Prevent college students from extending their stay in Tier 4 or switching into any other points-based route in-country.
- Allow university students to extend their studies at the same academic level, but only if the course is linked to the previous course and the university confirms that the course supports the student's genuine career aspirations.
- Prevent Tier 4 (General) Students from spending longer than two years in the UK studying further education courses.
- Allow a Tier 4 visa to be issued in line with a student's intended date of travel.
- Require that Tier 4 (Child) Students be sponsored by Independent Schools only (which does not include Academies).
- Prevent Tier 4 (Child) Students granted leave after the changes come into force, and those already here not sponsored by an HEI in receipt of public funding from specified bodies, to switch into Tier 2 and Tier 1 (Graduate Entrepreneur).
- Prohibit Tier 4 Migrants from studying at Academies or schools maintained by a local authority.
- Update the list of Tier 5 Government Authorised Exchange schemes.
- Remove Part 2 of Appendix T and refer instead to the list of approved overseas screening providers published on the GOV.UK website.

- Make minor changes and clarifications to the Immigration Rules relating to visitors.
- Enable South African diplomatic passport holders to travel visa free to the UK as a visitor for official purposes, for tourism or for the purpose of “visit in transit”.
- Align the eligibility requirements for transit passengers who are non-visa nationals with visa nationals (other than those using the Transit Without Visa-Scheme) in relation to the maximum duration of stay that may be granted to them.

3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments

3.1. The Home Office regrets the usual 21 days’ notice will not be given before one of these changes takes effect. This change relates to the date on which entry clearance commences for those granted leave to enter as a Tier 4 Migrant. The changes set out in paragraphs 6A.15 to 6A.21 and 6A.51 to 6A.54 of the statement of changes shall take effect from 14 July 2015. This is in order that the maximum number of applicants should benefit from the change.

4. Legislative Context

4.1. The Immigration Rules, as laid before Parliament by the Home Secretary, 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.

4.2. This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules, which can be found under the visas and immigration pages of the GOV.UK website at www.gov.uk/government/collections/immigration-rules where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3. The changes set out in paragraphs 6A.15 to 6A.21 and 6A.51 to 6A.54 of this statement shall take effect from 14 July 2015.

4.4. The changes set out in paragraphs 6A.1 to 6A.10, 6A.12, 6A.32 to 6A.33, C1 to C13, C15 to C16, C20, C22 to C23, C25 to C27, C29 to C31, C33 to C35, C37 to C38, and E1 to E7 of this statement shall take effect from 12 November 2015. However, if an application has been made for entry clearance or leave to enter or remain before 12 November 2015 and has not been decided before that date, the application will be decided in accordance with the Rules in force on 11 November 2015.

4.5. All other changes set out in this statement shall take effect from 3 August 2015. The changes at paragraphs 1.2 to 1.4 and AR1 to AR12 shall apply to the conduct of administrative review for all applications for entry clearance, leave to enter or remain where the application for administrative review is submitted on or after 3 August 2015. In all other respects and subject to the provisions above, other than in respect of the changes set out in paragraphs 7.1 to 7.3, 8.1 to 8.7, FM1 to FM11 and

FM-SE1 to FM-SE16, if an application has been made for entry clearance or leave to enter or remain before 3 August 2015 and has not been decided before that date, the application will be decided in accordance with the Rules in force on 2 August 2015.

5. Territorial Extent and Application

5.1. This Statement of Changes applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy Background

What is being done and why

Changes relating to the definitions within the Introduction

7.1. The definition of ‘UK recognised body’ is being amended to reflect the transfer of the Tier 4 postgraduate doctor programme from the UK Foundation Programme Office to Health Education South London. We are also updating the reference to Health Education Yorkshire and Humber.

7.2. New definitions of ‘Pathway Course’, ‘Embedded College offering Pathway Courses’, ‘Independent School’ and ‘Academy’ are being included.

Changes relating to returning residents

7.3. We are amending paragraph 19A, to include the spouse, civil partner, unmarried partner or same-sex partner of a Home Office employee. This will ensure that when a Home Office employee is serving overseas, their spouse, civil partner, unmarried partner or same-sex partner will be able to accompany them and not lose their settled status after a 2 year absence. An equivalent provision already applies to partners of British diplomats or of employees of the Department for International Development or the British Council.

Changes relating to administrative review

7.4. Appendix AR of the Immigration Rules sets out the rules which are applicable to administrative review, including the decisions that are eligible for review. Amendments have been made to clarify some rules and make minor additions which have been identified as necessary during the early stages of the implementation of administrative review. These changes will come into force on 3 August for all applications for administrative review made on or after 3 August irrespective of when the application in respect of which administrative review is sought was made.

7.5. Some people in relation to whom an eligible in-country decision has been made prefer to make a fresh application for leave to remain rather than proceed with

an application for administrative review where they recognise that their original application was correctly decided. At present they are unable to make a fresh application for 14 days if their original application was made in time and their leave expired while the application was under consideration, because section 3C(1) of the 1971 Immigration Act extends their leave and section 3C(4) prevents an application for variation of leave being made during this period. Accordingly, if they wish to make a fresh application during the 14 day period that their leave is extended under section 3C, they must complete an administrative review waiver form in accordance with paragraph AR2.10. This is confusing for applicants and creates an administrative burden on the Home Office. To rectify this, paragraph AR2.10 has been amended to provide that administrative review is no longer pending if a person makes a fresh leave to remain application. This means that 3C leave ends and the person is able to make a fresh application without the need to submit the waiver form.

7.6. Persons who require but do not have leave to enter or remain are liable for removal under section 10 of the Immigration and Asylum Act 1999 (as amended by the Immigration Act 2014). In February 2015 (HC1025), paragraph AR3.4 was added to Appendix AR, as an exception to the definition of an eligible decision, to prevent spurious applications being used to create barriers to removal. It was not intended to deprive persons of the right of administrative review following an unsuccessful application if they are not currently subject to removal proceedings. It has also been found that administrative reviews can be processed quickly and do not present a significant barrier to removal in cases where spurious applications are made. Therefore the rule has been deleted.

7.7. Other minor amendments have been made to Appendix AR to:

- Make a minor change to paragraphs AR2.4 and AR2.5 to clarify that new evidence may be considered if it is submitted to demonstrate that either of the case working errors defined in AR2.11 (a) or (b) have been made. There was no intention to require that both errors must have been made before new evidence may be considered.
- Correct a cross-reference in paragraph AR2.9 to paragraph 34R(3). The current paragraph 34R(3) was re-numbered from 34R(2) in a previous immigration rules change (HC1025).
- Update the list of caseworking errors in paragraph AR2.11 to include cancellation of leave to enter or remain which is in force under paragraph V9.2 or V9.4 of Appendix V. This is to take account of the introduction of Appendix V into the Immigration Rules on 24 April 2015.
- Make minor clarifications to paragraph AR3.2(a) - (d) to make it clear whether the relevant date referred to in these rules is the date of application or date of decision.
- Delete sub-paragraph AR5.2(a)(iv) since it is not possible to apply for asylum from overseas.

7.8. Paragraphs 34L to 34Y of the Immigration Rules set out the requirements to make a valid application for administrative review. An addition has been made to paragraph 34N to provide that if a person has previously signed an administrative review waiver form (as defined in AR2.10 of Appendix AR of the Immigration Rules) in respect of an eligible decision, no subsequent application for administrative review

of that decision may be made and any such application will be treated as invalid. This provides clarity on how such applications will be treated.

7.9. Paragraph 34R now specifies the deemed date of receipt of a notice of eligible decision where the notice is sent by courier or email. Where the eligible decision is a decision to grant leave, the biometric immigration document (BID) which states the length and conditions of leave granted is sent by courier and must be signed for by the applicant upon delivery. The date on which the decision notice or BID is deemed to be received determines the deadline date to apply in time for administrative review of the decision. Therefore it is important to provide clarity on the Immigration Rules on this date.

7.10. Section 3C of the 1971 Immigration Act does not act to extend leave and prevent any fresh applications from being made while an administrative review is pending where a person has received an eligible decision:

- on an application which was made in the UK after the person's leave had expired,
- on an application which was made in the UK where the person still has extant leave at the time that the eligible decision was served,
- on an application which was made outside the UK, or
- made at the border.

Such a person could lodge both an application for administrative review and a fresh application. If a fresh application and an administrative review were to be submitted simultaneously this would create administrative complexity: it would be unclear which application should be decided first and what should happen in the event that both applications succeeded. Therefore an amendment has been made to paragraph 34X, inserting a sub-paragraph (4) to provide that while an administrative review application is awaiting determination, making a fresh application for entry clearance, leave to enter or leave to remain has the effect of withdrawing the administrative review. This change addresses the above issues because a person cannot now simultaneously make an administrative review application and at the same time, an application for entry clearance, leave to enter or leave to remain.

7.11. A corresponding amendment is made to paragraph 34N, inserting a sub-paragraph (4) to provide that if such a fresh application is made (during the period when application for administrative review may be brought), an application for administrative review may not be made. This prevents a person from circumventing the new paragraph 34X and having a simultaneous fresh application and administrative review by making the fresh application first.

Changes relating to the Immigration Rules on family and private life

7.12. The following minor changes and clarifications are being made to the Immigration Rules on family and private life in Parts 7 and 8 and Appendix FM and Appendix FM-SE:

- Providing that applicants under Part 8 who fail to meet the requirements for leave to remain or indefinite leave to remain as a victim of domestic violence or as a bereaved partner may request administrative review of the decision.
- Ensuring that the transitional arrangements between Part 8 and Appendix Armed Forces cater for the partner of a British or settled member of HM Forces whose sponsor is discharged before they have applied for indefinite leave to remain.
- Preventing those granted Temporary Admission or Temporary Release for a continuous period of six months or less from being able to make an application under Appendix FM, consistent with the approach taken to visitors and others granted leave of up to six months.
- Clarifying that direct access (in person) to a child is required for entry clearance or leave to remain as a parent under Appendix FM.
- Clarifying the basis on which an applicant can be required to pay the Immigration Health Charge before being granted limited leave to remain where an application for indefinite leave to remain fails to meet the requirements for that leave but falls to be granted limited leave instead.
- Changes to the permitted sources of income and the specified evidence required under Appendix FM-SE in respect of the minimum income threshold for sponsoring a partner and any dependent children:
 - Allowing the income of an equity partner, e.g. in a law firm, to include a share in the profits of the partnership and for this to be treated as employment income.
 - Clarifying the requirement, in respect of non-employment income, for personal bank statements to be provided for or from the 12-month period prior to the application depending on the extent of that period for which the income is relied upon.
 - Treating a fee paid to a person appointed as a non-executive director as though it were income from employment in that capacity.
 - Allowing reliance on cash savings withdrawn from a pension pot owned by the person for at least the period of six months prior to the date of application, and requiring the specified evidence from the pension provider of any ongoing pension income also relied upon to reflect the cash withdrawn.
 - Clarifying the evidence required to demonstrate ongoing employment as a director of, or ongoing dividend income from, a specified limited company.
- Referring in the specified evidence required under Appendix FM-SE in respect of the English language requirement for partners and parents to test results which may not be in documentary form, and to transitional arrangements for an approved test centre as well as for an approved test provider or test.

Changes to Tier 4 of the Points-Based System

Entry clearance start dates

7.13. When they are granted entry clearance, migrants are issued with a temporary vignette lasting 30 days. During this period, they must enter the UK and collect their Biometric Residence Permit. A change is being made to the Immigration Rules for Tier 4 Migrants to allow entry clearance to be granted from either one month before the course starts, or seven days before the intended date of travel, whichever is later.

This is to ensure that students wishing to travel to the UK close to or after their course start date can do so.

7.14. This change will take effect on 14 July, and will apply to all applications for entry clearance or leave to enter as a Tier 4 Migrant already made but not yet decided before that date. The 21-day rule is not being followed in this case to avoid a large number of migrants being disadvantaged by the current rule.

Maintenance Requirements

7.15. All Tier 4 students are required to show they hold adequate funds to pay their course fees and support themselves while they are in the UK. The following changes are being made to update these requirements, and ensure they accord with the Government's approach to English students:

- The maintenance requirement for Tier 4 (General) students to cover living costs is set at the same level as the combined maximum maintenance loan and grant available to English students living away from home. The Immigration Rules are being amended to reflect the new rates for students starting courses from September 2015.
- The Tier 4 (Child) rates for 16 and 17 year olds living independently are also being raised to the same level.
- The 'established presence' provision is being removed, so that all students must show they have sufficient funds to support themselves throughout the duration of their remaining study, or for up to nine months. This is to ensure that all migrants can demonstrate they can maintain and accommodate themselves for the full duration of their course, or up to nine months, whichever is shorter.
- The area in which Tier 4 students have to demonstrate a higher level of funds is being expanded to include the University of London or institutions wholly or partly within the area comprising the City of London and the Former Metropolitan Police District. This is to bring the definition into line with that used in the Education (Student Support) Regulation 2011 to determine the rates of support for English students.
- The maximum amount already paid for accommodation which can be offset against the maintenance requirements is also being increased in line with these changes.
- The requirements for Tier 4 dependants are being increased in line with the increases for main applicants.
- The maintenance requirements for Tier 4 (Child) students have been increased in line with inflation.

Time Limits

7.16. A change is being made to reduce the length of time a Tier 4 (General) Student may spend studying further education courses (courses at National Qualifications Framework levels 3-5 and equivalents) from three years to two. This brings the maximum length of time a Tier 4 (General) Student may spend on such courses into line with the length of time spent by most British students on such courses.

7.17. The rule which specifies that the periods of leave granted before and after a course are disregarded for the purposes of calculating whether a migrant has exceeded the limits on Tier 4 study is being amended to enable this additional time to be taken into account.

Removing work rights of students at publicly-funded further education colleges

7.18. This change will remove work rights from new students applying to study at publicly-funded further education colleges. Changes to work entitlements in 2011 recognised that non-compliance was lower among public further education college students than those at private colleges. Students at public further education colleges kept limited work rights (10 hours a week, and full-time outside term-time), while those at private colleges were prevented from working at all. Patterns of non-compliance in the student migration system have now changed, and there is an emerging trend of immigration abuse amongst publicly funded college students. This change will reduce the attractiveness of these provisions to those intending to abuse the immigration system by working rather than studying.

Preventing college students from extending their Tier 4 (General) visa or switching to other points-based routes

7.19. Tier 4 (General) Students at colleges are being prevented from extending their stay in Tier 4 or switching into any other points-based route, unless they are studying at a college recognised by the Home Office as an embedded college offering pathway programmes designed to prepare students for entry to a higher education course. This change is designed to encourage college students to leave the UK at the end of their course, in order to reduce net migration. Students at other colleges, who wish to go on to study in a UK university, may do so by applying for leave to enter from outside the UK.

Academic progression

7.20. The rules relating to academic progression are being clarified to make clear that students who wish to extend their Tier 4 (General) leave must be moving up a level on the National Qualifications Framework, unless their new course is related to their previous Tier 4 study, or the previous course and new course in combination support the applicant's genuine career aspirations. This is to ensure that Tier 4 sponsors are applying the exception to the academic progression requirement consistently, and that students cannot repeatedly extend their leave to study unrelated courses solely to prolong their stay in the UK. Applicants applying to complete a PhD or other doctoral qualification may continue to study at the same level.

Changes affecting Tier 4 (Child) students

7.21. Tier 4 is not intended to be used by Academies or schools maintained by a local authority. The existing Tier 4 Guidance for Sponsors, which sets out the framework for sponsoring students under Tier 4, makes this clear by preventing such schools from applying for a Tier 4 licence. The Immigration Rules are being amended to reflect this position, by allowing Tier 4 (Child) Students to be sponsored by Independent Schools only (which does not include Academies), and to prevent

Tier 4 Migrants from studying at Academies or schools maintained by a local authority.

7.22. In addition, the rules are being changed to make it clear that the Tier 4 (Child) route is intended for use by children attending Independent Schools, and not by those aged 16 or 17 coming to the UK for further education courses designed to prepare them for entry to higher education, such as degree pathway programmes. Applicants for such courses should use Tier 4 (General).

7.23. In addition, the rules are being changed to prevent new Tier 4 (Child) Students switching into Tier 2 (General), Tier 2 (MoR), Tier 2 (Sportsperson) and Tier 1 (Graduate Entrepreneur).

Changes relating to Tier 5 (Temporary Worker – Government Authorised Exchange)

7.24. Tier 5 of the Points-Based System caters for youth mobility and temporary workers coming for primarily non-economic purposes, and consists of two categories: Tier 5 (Youth Mobility Scheme) and Tier 5 (Temporary Workers). The Temporary Workers category consists of five sub-categories: Creative and Sporting, Charity Workers, Religious Workers, Government Authorised Exchange, and International Agreement. Applicants must have a Tier 5 Sponsor, which is usually their UK employer. The Government Authorised Exchange category enables people to come to the UK to share knowledge, skills and gain work experience through individual schemes which are administered by an overarching sponsor.

7.25. Under the Government Authorised Exchange category, we are making a minor amendment to the name of the “International Student Internship Scheme (ISIS)” to rename it, the “International Student Internship Scheme” administered by Denning Legal & Overseas Student Service Centre.

7.26. We are adding a new scheme, “Wales Audit Office Exchange programme”, administered by the Wales Audit Office. The purpose of the scheme is for international professionals to undertake work experience placements with a range of international audit and inspection bodies. The placements are intended to promote learning and sharing of good practice in respect of the delivery of audit and inspection, as well as the sharing of good practice on the performance and practices of public bodies internationally. As with all Government Authorised Exchange schemes, the activities that participants undertake continue to be strictly supernumerary and skilled at level 3, or above, on the UK’s National Qualifications Framework. National Minimum Wage legislation also applies.

Changes to the visit rules

7.27. We are making some minor changes to the visit rules to clarify the requirements and permitted activities for visitors and to include the Llangollen International Musical Eisteddfod in the list of Permit Free Festivals. We are also making a change to enable South African nationals who hold diplomatic passports issued by South Africa to travel to the UK visa free as a visitor for official purposes, for tourism or for the purpose of “visit in transit”.

7.28. The amendment to the eligibility requirements for transit passengers is being made so that the period within which a non-visa national must intend and is able to leave the UK by is extended to 48 hours and aligned with that of visa nationals (other than those using the Transit Without Visa Scheme).

8. Consultation

8.1. There was targeted consultation on the administrative review immigration rules as laid in October 2014. There has not been any further consultation since then.

8.2. The other changes in this Statement have not been subject to a formal public consultation, as this would be disproportionate given the nature of the changes.

9. Guidance

9.1. Guidance relating to these rules changes will be updated and placed on the GOV.UK website.

10. Impact

10.1. These changes to the immigration rules will have limited or no direct impact on business, charities, the public sector or voluntary bodies, such that an impact assessment is unnecessary.

11. Regulating small business

11.1. These changes will have limited or no direct impact on small businesses.

12. Monitoring and review

12.1. The review clauses at the beginning of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added by the changes in this Statement and lay a report before Parliament within five years of 6 April 2012 and within every five years after that. Following each review the Secretary of State will decide whether the relevant Immigration Rules should remain as they are, be revoked or be amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

13. Contact

13.1. 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>.

13.2. Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and 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.

13.3. 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>.