

# STATEMENT OF CHANGES IN IMMIGRATION RULES

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

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*Ordered by the House of Commons to be printed  
4 March 2021*

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*(This document is accompanied by an Explanatory Memorandum)*

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## **<sup>1</sup>STATEMENT OF CHANGES IN IMMIGRATION RULES**

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

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

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

## **Implementation**

The following paragraph will take effect on 1 April 2021. However, if an application for entry clearance, leave to enter or leave to remain has been made before 1 April 2021, the application will be decided in accordance with the Immigration Rules in force on 31 March 2021:

- 7.1

The following paragraphs shall take effect on 6 April 2021:

- INTRO9
- 1.1
- APP EU1 to APP EU8, APP EU10 to APP EU13, APP EU15 to APP EU29, APP EU31, APP EU32, APP EU34, APP EU35, APP EU38, APP EU39 and APP EU42 to APP EU44
- APP EU(FP)1 to APP EU(FP)5, APP EU(FP)7 to APP EU(FP)9, APP EU(FP)11 to APP EU(FP)19, APP EU(FP)24 and APP EU(FP)26
- APP PFFL1
- APP SW10, APP SW19, APP SW22 and APP SW23
- SO3
- APP GT3, APP GT4 and APP GT13 to APP GT15
- APP SU1
- APP INN1
- APP ECAA1 and APP ECAA2
- APP ECAAS1 to APP ECAAS20
- APP AR1

The following paragraphs shall take effect on 5 May 2021:

- 9.3
- APP GT1, APP GT2, APP GT5 to APP GT12.
- APP GTP1

The following paragraphs shall take effect on 6 May 2021. However, if an application

for entry clearance, leave to enter, leave to remain or administrative review has been made before 6 May 2021, the application will be decided in accordance with the Immigration Rules in force on 5 May 2021:

- INTRO8
- 5.1
- APP AR2 and APP AR4
- APP ODW1
- APP DW1
- APP DWMS1
- APP DWS1

The following paragraphs shall take effect at 0900 on 21 May 2021. However, if an application for entry clearance, leave to enter or leave to remain has been made before 0900 on 21 May 2021, the application will be decided in accordance with the Immigration Rules in force before 0900 on 21 May 2021:

- APP V9
- APP SW3 to APP SW5
- APP IC2 and APP IC4
- GAE1 and GAE2
- IA1 and IA2
- ATAS1

The following paragraphs shall take effect at 0900 on 1 July 2021. However, if an application for entry clearance, leave to enter, leave to remain or administrative review has been made before 0900 on 1 July 2021, the application will be decided in accordance with the Immigration Rules in force before 0900 on 1 July 2021:

- INTRO4 and INTRO6
- APP AR3
- APP SW11 and APP SW13
- APP ST1, APP ST3 to APP ST6 and APP ST8 to APP ST13
- APP GR1

The following paragraphs shall take effect on 1 July 2021:

- APP EU9, APP EU14, APP EU30, APP EU33, APP EU36, APP EU37, APP EU40 and APP EU41
- APP EU(FP)6, APP EU(FP)10, APP EU(FP)20 to APP EU(FP)23 and APP EU(FP)25

The remaining changes in this statement shall take effect on 6 April 2021. However, if an application for entry clearance, leave to enter or leave to remain has been made before 6 April 2021, the application will be decided in accordance with the Immigration Rules in force on 5 April 2021.

## **Review**

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

The report must in particular:

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

“Review period” means:

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

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

“Relevant Rule” means an Immigration Rule which:

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

## **Changes to Introduction**

INTRO1. In paragraph 6.2, for the definition of “Commonwealth citizen”, substitute:

““**Commonwealth citizen**” means:

- (a) a British Overseas Territories citizen, a British National (Overseas), a British Overseas citizen or a British subject; or
- (b) a citizen of a country listed in Schedule 3 to the British Nationality Act 1981”.

- INTRO2. In paragraph 6.2, for the definition of “Course of study”, substitute:
- “**“Course of study”** means the course for which a Confirmation of Acceptance for Studies was assigned, or a new course with the person’s current student sponsor which they were permitted to study without applying for further permission on the Student route.”.
- INTRO3. In paragraph 6.2, after the definition of “Government Authorised Exchange Worker”, insert:
- “**“Graduate”** means a person who has, or had, permission as a Graduate under Appendix Graduate of these Rules.”.
- INTRO4. In paragraph 6.2, for the definition of “Successfully completed”, substitute:
- “**“Successfully completed”** means the Student or Child Student has completed their course and been assessed by their sponsor, and has been or will be awarded, a qualification that is:
- (a) for the course of study for which their Confirmation of Acceptance for Studies was assigned; or
  - (b) a degree at either UK Bachelor’s degree level or UK postgraduate degree level, as part of an integrated programme for which their Confirmation of Acceptance for Studies was assigned; or
  - (c) for the course of study with their student sponsor to which they were allowed to change without applying for further permission on the Student route.”.
- INTRO5. In paragraph 6.2, after the definition of “UK NARIC”, insert:
- “**“UK postgraduate degree”** means:
- (a) a programme of study or research which leads to an award, by or on behalf of a university, college or another body which is authorised by a Royal Charter, an Act of Parliament, the Privy Council or the Office for Students to grant degrees, of a qualification designated by the awarding institution to be of master’s degree level or above; or
  - (b) a programme of study or research, which leads to a recognised award for the purposes of section 214(2)(c) of the Education Reform Act 1988, of a qualification designated by the awarding institution to be of master’s degree level or above.”.
- INTRO6. In paragraph 6.2., for the definition of “**Recreational Course**”, after



“leisure purposes” insert: “, other than English Language training.”.

INTRO7. In paragraph 6.2, delete “**“Tier 1 (Post-Study Work) migrant”** means a person who was granted leave under paragraphs 245F to 245FE of the rules in force before 6 April 2012.”.

INTRO8. In paragraph 6.2, insert:

**““Overseas Domestic Worker”** means a person who has, or had, permission under Appendix Overseas Domestic Worker, or as a domestic worker in a private household under paragraph 159A of the rules in force before 6 May 2021.

**“Domestic Worker in a Private Household”** means a person who has, or had, permission under Appendix Domestic Worker in a Private Household, or as a domestic worker in a private household under paragraph 159EA of the rules in force before 6 May 2021.

**“Domestic Worker who is a Victim of Modern Slavery”** means a person who has, or had, permission under Appendix Domestic Worker Victim of Modern Slavery, or as a domestic worker who is a victim of slavery or human trafficking under paragraph 159J of the rules in force before 6 May 2021.”.

INTRO9. In paragraph 6.2, for the definition of “Consecutive engagements” substitute:

**““Consecutive engagements”** means where:

- (a) the applicant is being sponsored for more than one engagement in the UK as a Creative or Sporting Worker regardless of whether the applicant has engagements outside the UK that take place between those engagements in the UK; and
- (b) the applicant will be sponsored by more than one sponsor for those engagements,
- (c) each sponsor has issued a Certificate of Sponsorship on the Creative or Sporting Worker route for the relevant engagement, or engagements; and
- (d) there is no more than 14 days between each individual engagement in the UK, and for the purposes of calculating that 14-day period, time spent by the applicant outside the UK (including the dates of their departure from and return to the UK) will not be counted towards this period.”.

## **Changes to Part 1**

1.1. Delete paragraph 30A.

1.2. In paragraph 34VA(2)(d), delete “and”.

1.3. In paragraph 34VA(2)(e), for “.”, substitute:

“; and

(f) any specified fee in connection with the application must be paid in accordance with the method specified in the application form, separate payment form or related guidance notes (as applicable).”.

1.4. In paragraph 39E(3), for “.”, substitute “;or”.

1.5. After Paragraph 39E(3) insert:

“(4) where the applicant has, or had, permission on the Hong Kong BN(O) route, the period of overstaying was between 1 July 2020 and 31 January 2021.”.

### **Changes to Part 5**

5.1. Delete paragraph 159.

### **Changes to Part 7**

7.1. For paragraph 276BB1(v), substitute:

“(v) if applying on the basis of the Relocations and Assistance Scheme:

- a) is or was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development or the Foreign, Commonwealth and Development Office for any period since 2001; and
- b) submits an application on or after 1 April 2021; and
- c) qualifies under one of the following categories:
  - i) imminent risk to life;
  - ii) eligible for relocation;
  - iii) special cases; and
- d) if applying under (ii) above, is or was employed in an exposed, meaningful or enabling role that made a substantive, material difference to the delivery of the UK mission in Afghanistan and without which operations would have been adversely affected;
- e) and has been determined by the Secretary of State as being in need of relocation to the UK;”.

### **Changes to Part 8**

8.1. In sub-paragraphs 298A(a) and (c), for “322(1C)(iii) or (iv)” substitute “9.4.3. of Part 9 of these Rules”.

8.2. For paragraph 319B(a), substitute:

“(a) any person wishing to enter as the Partner of a relevant Points Based System Migrant Worker must on arrival in the UK have a valid entry clearance for entry under this route.”.

8.3. Delete paragraph 319B(b).

### **Changes to Part 9**

9.1. For paragraph 9.21.1. substitute:

“Permission to stay may be refused where the decision maker is satisfied that a person has been rough sleeping in the UK and has repeatedly refused offers of suitable support and has engaged in persistent anti-social behaviour.”.

9.2. For paragraph 9.21.2. substitute:

“Where the decision maker is satisfied that a person has been rough sleeping in the UK and has repeatedly refused offers of suitable support, and has engaged in persistent anti-social behaviour, any permission held by the person may be cancelled.”.

9.3. After paragraph 9.25.2 insert:

“9.25.3. Entry clearance or permission held under the Global Talent route may be cancelled where the prize named in Appendix Global Talent: Prestigious Prizes which they used to qualify, has been withdrawn.”.

9.4. For paragraph 9.31.3(c), substitute:

“(c) the person is a Skilled Worker and would, after the change to the job, score 70 points in the same option in the table in paragraph SW 4.2 as the option in which they scored points when obtaining their most recent grant of permission.”.

### **Changes to Appendix AR**

APP AR1. In AR2.11, for sub-paragraph (a)(iv), substitute:

“(iv) cancel leave to enter or remain which is in force under paragraph A3.2(b) of Annex 3 to Appendix EU or paragraph A3.4(b) of Annex 3 to Appendix EU (Family Permit) of these Rules; or”.

APP AR2. After AR3.2(g), insert:

“(h) A decision on an application where the application was made on or after 6 May 2021 for permission to stay as:

- (i) a Domestic Worker in a Private Household under Appendix Domestic Worker in a Private Household; or
- (ii) the dependant partner or dependant child of a Domestic Worker in a Private Household under Appendix Domestic Worker in a Private Household; or
- (iii) a Domestic Worker Victim of Modern Slavery under Appendix Domestic Worker Victim of Modern Slavery.”.

APP AR3. After new paragraph AR3.2(h), insert:

“(i) A decision on an application where the application was made on or after 0900 on 1 July 2021 for permission to stay as either:

- (i) a Graduate under Appendix Graduate; or
- (ii) the dependant partner or dependant child of a Graduate under Appendix Graduate.”.

APP AR4. After AR5.2(e), insert:

“(f) An eligible decision is also a refusal of an application for entry clearance made on or after 6 May 2021 as:

- (i) an Overseas Domestic Worker under Appendix Overseas Domestic Worker.”.

### **Changes to Appendix AR (EU)**

APP AR(EU)1. For paragraph AR(EU)A1., substitute,

“An application for administrative review of an eligible decision made under Appendix EU, Appendix EU (Family Permit), Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland may only be made in accordance with this Appendix. Appendix AR does not apply to such applications.”.

### **Changes to Appendix C**

- C1. Delete paragraphs 1B (a)(i)(1) to (3), 1B(b)(i)(1) to (3), 1B(c)(i)(1) to (3) and from the heading “Tier 2 Migrants” to the end of the Appendix.
- C2. In paragraph 1B for “Relevant Points-Based System Migrant” each time it occurs substitute “Tier 1 (Entrepreneur) Migrant”.

### **Changes to Appendix ECAA: Extension of stay**

APP ECAA1. For ECAA 6.1., substitute:

“If the applicant meets the ECAA worker requirement and meets the requirement in ECAA 3.1.(a), and 3.1.(b) but does not meet the requirement in ECAA 3.1.(c), they will be granted permission to stay for up to 12 months.”.

APP ECAA2. In paragraph ECAA 6.2., for “ECAA 3.1.(b)”, substitute “ECAA 3.1.(c)”.

### **Changes to Appendix ECAA Settlement**

APP ECAAS1. In paragraph ECAA 2.2. (a) insert “an” before “ECAA business person”.

APP ECAAS2. For the title of paragraph ECAA 3.2., substitute “Indefinite leave to remain as an ECAA worker”.

APP ECAAS3. For the title of paragraph ECAA 3.3., substitute “Refusal of indefinite leave to remain as an ECAA worker”.

APP ECAAS4. In paragraph ECAA 3.3. delete “Turkish”.

APP ECAAS5. For paragraph ECAA 4.1. delete ‘(e) the business upon which the applicant replies meets the requirements of paragraph ECAA 4.2’ :

APP ECAAS6. In paragraph ECAA 4.2.(a), insert “an” and delete “a” before “ECAA business person”.

APP ECAAS7. For the title of paragraph ECAA 4.5., substitute “Indefinite leave to remain as an ECAA business person”.

APP ECAAS8. For the title of paragraph ECAA 4.6., substitute “Refusal of indefinite leave to remain as an ECAA business person”.

APP ECAAS9. In paragraph ECAA 5.1.(f), insert “child” after “if the applicant is a”.

APP ECAAS10. In paragraph ECAA 5.1.(i) at the end, for “;” substitute “.”.

APP ECAAS11. For the title of paragraph ECAA 5.2., substitute “Indefinite leave to remain as the child of an ECAA worker or ECAA business person”.

APP ECAAS12. For the title of paragraph ECAA 5.3., substitute “Refusal of indefinite leave to remain as the child of an ECAA worker or ECAA business person”.

- APP ECAAS13. For paragraph ECAA 5.3., substitute “Indefinite leave to remain as the child of an ECAA worker or ECAA business person is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 5.1. are met.”.
- APP ECAAS14. For paragraph ECAA 6.3.(d), substitute “not have been absent from the UK for more than 180 days during any 12 month period, subject to the exceptions at ECAA 2.”.
- APP ECAAS15. For the title of paragraph ECAA 6.4., substitute “Indefinite leave to remain as the partner of an ECAA worker”.
- APP ECAAS16. For the title of paragraph ECAA 6.5., substitute “Refusal of indefinite leave to remain as the spouse, civil partner or unmarried partner of an ECAA worker”.
- APP ECAAS17. For paragraph ECAA 6.5., substitute “Indefinite leave to remain for the family member of an ECAA worker is to be refused if the Secretary of State is not satisfied that each of the requirements of ECAA 6.1. are met.”.
- APP ECAAS18. For the title of paragraph ECAA 7.2., substitute “Granting further leave to remain as the partner of an ECAA worker or ECAA business person”.
- APP ECAAS19. For the title of paragraph ECAA 7.3., substitute “Refusal of further leave to remain as an ECAA worker or ECAA business person”.
- APP ECAAS20. For paragraph ECAA 7.3., substitute “Leave to remain for family members of an ECAA worker or ECAA business person is to be refused if the Secretary of State is not satisfied that each of the requirements of ECAA 7.1. are met.”.

### **Changes to Appendix EU**

- APP EU1. For paragraph EU5., substitute:
- “EU5. Paragraphs 18 to 19A of the Immigration Rules (returning residents) do not apply to indefinite leave to enter or remain granted under this Appendix. A person granted such leave may resume their residence in the UK where, having been absent from **the UK and Islands**, that leave has not lapsed under article 13 of the Immigration (Leave to Enter and Remain) Order 2000.”.
- APP EU2. For sub-paragraph (2) of paragraph EU7., substitute:

“(2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside under the **EEA Regulations** (or under the equivalent provision in **the Islands**), on which basis the document, card or other evidence was issued, by virtue of the revocation of those Regulations (or equivalent provision in the Islands).”.

APP EU3. In paragraph EU11., in sub-paragraph (b)(i)(aa) of condition 7 in the table, for “**the Islands**” substitute “the Islands”.

APP EU4. In paragraph EU11., for sub-paragraph (b)(i)(bb) of condition 7 in the table, substitute:

“(bb) (in the case of an **Irish citizen** who has not made a valid application under this Appendix) would be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix if they made such an application before 1 July 2021; or”.

APP EU5. In paragraph EU11., for sub-paragraph (b)(ii)(bb) of condition 7 in the table, substitute:

“(bb) sub-paragraph (b)(ii)(aa) (where the relevant EEA citizen is an Irish citizen); or”.

APP EU6. In paragraph EU15., for sub-paragraph (2), substitute:

“(2) An application made under this Appendix will be refused on grounds of suitability where the applicant’s presence in the UK is not conducive to the public good because of conduct committed after the specified date.

(3) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:

(a) The applicant is subject to an **Islands deportation order**;

or

(b) The applicant is subject to an **Islands exclusion decision**.”.

APP EU7. For paragraph EU16., substitute:

“EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Secretary of State is satisfied that:

(a) It is proportionate to refuse the application where, in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(b) It is proportionate to refuse the application where the applicant is subject to a removal decision under the EEA Regulations on the grounds of their non-exercise or misuse of rights, and the date of application under this Appendix is before 1 July 2021; or

(c)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Has previously been refused admission to the UK in accordance with regulation 12(1)(a) of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020; or

(cc) Had indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.1. or A3.2.(a) of Annex 3 to this Appendix or under paragraph A3.3. or A3.4.(a) of Annex 3 to Appendix EU (Family Permit); and

(ii) The refusal of the application is justified either:

(aa) In respect of the applicant's conduct committed before the specified date, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of



permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(c) of Appendix EU to the Immigration Rules”), and it is proportionate to refuse the application; or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good; or

(d) It is proportionate to refuse the application where the applicant is a **relevant excluded person** because of their conduct committed before the specified date and the Secretary of State is satisfied that the decision to refuse the application is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(d) of Appendix EU to the Immigration Rules”); or

(e) The applicant is a relevant excluded person because of conduct committed after the specified date.”.

APP EU8. In paragraph EU17., for “no longer has effect in respect of the applicant” substitute “revoked”.

APP EU9. In Annex 1, for sub-paragraph (a) of the definition of ‘continuous qualifying period’ in the table, substitute:

“(a) which, unless the person is a joining family member of a relevant sponsor or is a **specified relevant person of Northern Ireland**, began before the specified date; and”.

APP EU10. In Annex 1, after sub-paragraph (b)(i)(dd) of the definition of ‘continuous qualifying period’ in the table, insert:

“(ee) any period of absence due directly to an order or decision to which sub-paragraph (b)(iii) below refers, where that order or decision has been set aside or revoked; or”.

APP EU11. In Annex 1, for sub-paragraph (b)(ii) of the definition of ‘continuous qualifying period’ in the table, substitute:

“(ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands, unless the conviction which led to it has been overturned; or”.

APP EU12. In Annex 1, in sub-paragraph (b)(iii) of the definition of ‘continuous qualifying period’ in the table, for “any of the following, unless it has been set aside or no longer has effect in respect of the person:” substitute “any of the following in respect of the person, unless it has been set aside or revoked:”.

APP EU13. In Annex 1, for sub-paragraph (c)(ii) of the definition of ‘continuous qualifying period’ in the table, substitute:

“(ii)(aa) the person acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or, where there are reasonable grounds for the person’s failure to meet the deadline applicable to them in the entry for ‘required date’ in this table, would have acquired such a right had the EEA Regulations not been revoked), or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man; or

(bb) the period relates to:

(aaa) a relevant EEA citizen, where, in relation to that EEA citizen, the applicant relies:

- (i) for all or part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph EU11 of this Appendix refers (or, as the case may be, for part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph EU12 refers) on having been a family member of a relevant EEA citizen; or
- (ii) on being or having been a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, provided (in any case) the period relating to that relevant EEA citizen continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant EEA citizen instead) either, as the case may be, throughout the period the applicant relies on in (i) as having been a family member of a relevant EEA citizen or, as relied on in (ii), until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant

EEA citizen; or  
 (bbb) a relevant sponsor, where, in relation to that relevant sponsor, the applicant relies for all or part of the period to which sub-paragraph (b) of condition 1 in the table in paragraph EU11A of this Appendix refers on having been (or, as the case may be, relies for all or part of the period to which sub-paragraph (b)(ii) of the condition in the table in paragraph EU14A refers on being) a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, provided (in either case) the period relating to that relevant sponsor continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant sponsor instead) until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor; or”.

APP EU14. In Annex 1, in the first sub-paragraph (b) of the definition of ‘dependent relative’ in the table, after “and their relevant document is issued on that basis after the specified date” insert:

“(or where the person relies as their relevant document, as described in sub-paragraph (a)(iv) of that entry in this table, on an EU Settlement Scheme Family Permit granted to them under Appendix EU (Family Permit) to these Rules as a ‘dependent relative of a specified relevant person of Northern Ireland’, as defined in Annex 1 to that Appendix)”.

APP EU15. In Annex 1, for the entry for ‘deportation order’ in the table, substitute:

“

deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act in respect of:</p> <p>(i) conduct committed after the specified date; or</p> <p>(ii) conduct committed by the person before the specified date, where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read</p>
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	<p>“who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”); or</p> <p>(c) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 15(1)(b) of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020</p> <p>in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007</p>
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”.

APP EU16. In Annex 1, in the entry for ‘EEA citizen’, after “a person who is” insert “(and, throughout any continuous qualifying period relied upon, was):”.

APP EU17. In Annex 1, for the entry for ‘EEA Regulations’ in the table, substitute:

“

EEA Regulations	<p>(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2016 (as they have effect immediately before that date); or</p> <p>(b) (where relevant to something done after the specified date and before 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020); or</p> <p>(c) (where relevant to something done on or after 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before they were revoked and, where the context requires it, on the basis that those Regulations had not been revoked)</p>
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”.

APP EU18. In Annex 1, in sub-paragraph (b) of the definition of ‘exclusion decision’ in the table, after “conduct committed” insert “by the person”.

APP EU19. In Annex 1, in sub-paragraph (a)(v) of the definition of ‘family member of a qualifying British citizen’ in the table, for “born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became” substitute “born thereafter, was adopted thereafter in accordance with a relevant

adoption decision or thereafter became”.

- APP EU20. In Annex 1, in sub-paragraph (a)(vi) of the definition of ‘family member of a qualifying British citizen’ in the table, for “born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became” substitute “born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became”.
- APP EU21. In Annex 1, in sub-paragraph (a)(vii) of the definition of ‘family member of a qualifying British citizen’ in the table, for “born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became” substitute “born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became”.
- APP EU22. In Annex 1, in sub-paragraph (c) of the definition of ‘frontier worker’ in the table, for “regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020” substitute “the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020”.
- APP EU23. In Annex 1, in sub-paragraph (d) of the definition of ‘frontier worker’ in the table, for “regulations of the type to which sub-paragraph (c) above refers” substitute “the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020, and is not subject to a relevant restriction decision as defined by regulation 2 of those Regulations”.
- APP EU24. In Annex 1, in sub-paragraph (b) of the definition of ‘Islands deportation order’ in the table, after “conduct committed” insert “by the person”.
- APP EU25. In Annex 1, in sub-paragraph (b) of the definition of ‘Islands exclusion decision’ in the table, after “conduct committed” insert “by the person”.
- APP EU26. In Annex 1, below sub-paragraph (c) of the definition of ‘qualifying British citizen’ in the table, insert:
- “in addition, for the avoidance of doubt, for the purposes of sub-paragraph (b) above, service as a member of HM Forces (as defined in the Armed Forces Act 2006) in a country listed in sub-paragraph (a)(i) of the entry for ‘EEA citizen’ in this table may satisfy the conditions of being a “worker” for the purposes of the EEA Regulations”.
- APP EU27. In Annex 1, in sub-paragraph (a) of the definition of ‘relevant document’ in the table, for “(in the case, where the applicant is a durable partner, of a family permit)” substitute “(in the case, where the

applicant is not a dependent relative, of a family permit)”.

- APP EU28. In Annex 1, in sub-paragraph (c) of the definition of ‘relevant document’ in the table, for “(subject to sub-paragraph (d) below)” substitute “(subject to sub-paragraphs (d) and (e) below)”.
- APP EU29. In Annex 1, after sub-paragraph (d) of the definition of ‘relevant document’ in the table, insert:
- “; and  
(e) the relevant document may have expired, where:
- (i) it is a family permit (as described in sub-paragraph (a)(i)(aa) above) or an equivalent document or other evidence issued by the Islands (as described in sub-paragraph (a)(ii) above); and
  - (ii) it expired after the specified date and before the required date; and
  - (iii) the applicant arrived in the UK before 1 July 2021 and (unless they are a durable partner or dependent relative) after the specified date”.
- APP EU30. In Annex 1, for sub-paragraph (e)(i) of the definition of ‘relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is before 1 July 2021)’ in the table, substitute:
- “(i) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; or”.
- APP EU31. In Annex 1, in sub-paragraph (b)(i) of the definition of ‘relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)’ in the table, for “an Irish citizen” substitute “an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table)”.
- APP EU32. In Annex 1, in sub-paragraph (b)(ii) of the definition of ‘relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)’ in the table, for “the Irish citizen” substitute “the EEA citizen”.
- APP EU33. In Annex 1, for sub-paragraph (e)(ii)(aa) of the definition of ‘relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)’ in the table, substitute:

“(aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; and”.

APP EU34. In Annex 1, below sub-paragraph (g) of the definition of ‘relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)’ in the table, insert:

“in addition, notwithstanding what is said above, in relation to sub-paragraphs (a) to (f) above, it will suffice that the relevant EEA citizen is (or, as the case may be, for the relevant period was) resident in the UK and Islands for a continuous qualifying period which began before the specified date where the applicant:

- (a)(i) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and
- (ii) has completed a continuous qualifying period of five years under condition 3 in the table in paragraph EU11 of this Appendix; or
- (b)(i) is a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and
- (ii) otherwise meets the eligibility requirements for limited leave to enter or remain under condition 1 in the table in paragraph EU14 of this Appendix; or
- (c) relies on meeting condition 1, 2 or 6 in the table in paragraph EU11 of this Appendix”.

APP EU35. In Annex 1, in sub-paragraph (d) of the definition of ‘relevant naturalised British citizen’ in the table, after “this Appendix” insert “and in conditions 2 and 3 in the table in paragraph EU11A”.

APP EU36. In Annex 1, for sub-paragraph (a)(iv)(aa) of the definition of ‘relevant sponsor’ in the table, substitute:

“(aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; or”.

APP EU37. In Annex 1, for sub-paragraph (b)(v)(aa) of the definition of ‘relevant sponsor’ in the table, substitute:

“(aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; and”.

APP EU38. In Annex 1, in the definition of ‘relevant sponsor’ in the table, for the provision beginning “in addition” substitute:

“in addition:

(a) save for the purposes of condition 3 in the table in paragraph EU11A of this Appendix and of sub-paragraphs (a) and (b) of the entry for ‘family member who has retained the right of residence’ in this table, the relevant sponsor has not died; and

(b) notwithstanding what is said above, where the date of application by a joining family member of a relevant sponsor is on or after 1 July 2021, it will suffice that the relevant sponsor is or (as the case may be) was resident in the UK and Islands for a continuous qualifying period which began before the specified date where the applicant:

(i) on the basis of events which occurred during the period to which sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) of the entry for ‘required date’ in this table refers, relies on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, or has limited leave to enter or remain granted on that basis under paragraph EU3A of this Appendix; or

(ii) relies on meeting condition 3 in the table in paragraph EU11A of this Appendix; or

(iii)(aa) has limited leave to enter or remain granted under paragraph EU3A of this Appendix; and

(bb) would have been eligible for indefinite leave to enter or remain under condition 1, 2 or 3 in the table in paragraph EU11A of this Appendix, had they made a further valid application under this Appendix (subsequently to that which led to the grant of leave to which sub-paragraph (b)(iii)(aa) immediately above refers) before the indefinite or limited leave to enter or remain granted under paragraph EU2 or (as the case may be) EU3 to their relevant sponsor lapsed or was cancelled, curtailed, revoked or invalidated (or would have done so or been so, where the first sub-paragraph (b)(ii) above or sub-paragraph (b)(iii), (b)(iv)(bb)(bbb), (b)(iv)(bb)(ddd), (b)(v) or (b)(vi) above applies); for the purposes of this provision, the reference to continuous qualifying period in this sub-paragraph (b) will be treated as a relevant reference for the purposes of sub-paragraph (c)(v) of the entry for ‘continuous qualifying period’ in this table, where sub-paragraph (c)(i), (c)(ii), (c)(iii) or (c)(iv) of that entry does not apply”.

APP EU39. In Annex 1, for the entry for ‘required date’ in the table, substitute:

“

required date	(a) where the applicant does not have indefinite leave to
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	<p>enter or remain or limited leave to enter or remain granted under this Appendix):</p> <p>(i) (where sub-paragraph (a)(ii), (a)(iii) or (a)(iv) below does not apply) the date of application is:</p> <p>(aa) before 1 July 2021; or</p> <p>(bb) (where the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(i)(aa) above) on or after 1 July 2021; or</p> <p>(ii) (in the case of a joining family member of a relevant sponsor and that joining family member arrived in the UK on or after 1 April 2021, and where sub-paragraph (a)(iii) below does not apply, or that joining family member is a child born in the UK on or after 1 April 2021 or adopted in the UK on or after that date in accordance with a relevant adoption decision, or on or after 1 April 2021 became a child in the UK within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) the date of application is:</p> <p>(aa) within three months of the date on which they arrived in the UK (or, as the case may be, of the date on which they were born in the UK, adopted in the UK or became a child in the UK within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or</p> <p>(bb) (where the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(ii)(aa) above) after that deadline; or</p> <p>(iii) (in the case of a joining family member of a relevant sponsor as described in sub-paragraph (b) of that entry in this table and that joining family member arrived in the UK on or after 1 April 2021) the date of application is:</p> <p>(aa) within three months of the date on which they arrived in the UK, and before 1 January 2026; or</p> <p>(bb) (where the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(iii)(aa) above) after that deadline; or</p> <p>(iv) (in the case of a family member of a qualifying British</p>
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	<p>citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) the date of application is:</p> <p>(aa) before 2300 GMT on 29 March 2022; or</p> <p>(bb) (where the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(iv)(aa) above) after 2300 GMT on 29 March 2022; or</p> <p>(v) (in the case of an applicant who has limited leave to enter or remain granted under another part of these Rules or outside the Immigration Rules, which has not lapsed or been cancelled, curtailed or invalidated, and the date of expiry of that leave is on or after 1 July 2021, which, notwithstanding the deadline in sub-paragraph (a)(i)(aa) above, the Secretary of State will deem to be reasonable grounds for the person’s failure to meet that deadline), the date of application is:</p> <p>(aa) before the date of expiry of that leave; or</p> <p>(bb) (where the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(v)(aa) above) after the date of expiry of that leave; or</p> <p>(vi) (in the case of an applicant who ceases to be exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971 on or after 1 July 2021, which, notwithstanding the deadline applicable under sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above, the Secretary of State will deem to be reasonable grounds for the person’s failure to meet that deadline), the date of application is:</p> <p>(aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or</p> <p>(bb) (where the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(vi)(aa) above) after that deadline; or</p> <p>(b) where the applicant has limited leave to enter or remain granted under this Appendix, which has not lapsed or been cancelled, curtailed or invalidated, the date of application is:</p>
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	<p>(i) before the date of expiry of that leave; or</p> <p>(ii) (where the Secretary of State is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (b)(i) above) after the date of expiry of that leave</p> <p>in addition, for the avoidance of doubt, paragraph 39E of these Rules does not apply to applications made under this Appendix</p>
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APP EU40. In Annex, in the entry for ‘required evidence of family relationship’ in the table, in sub-paragraph (b)(i)(dd)(ccc) of the provision beginning “in addition”, for “(where they are a British citizen and an Irish citizen)” substitute “(where they are a British citizen and an Irish citizen, and are not relied on by the applicant as being a specified relevant person of Northern Ireland)”.

APP EU41. In Annex 1, after the entry for ‘specified relevant document’ in the table, insert:

“

specified relevant person of Northern Ireland	<p>(a) the person is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table; and</p> <p>(b) the applicant is a non-EEA citizen; and</p> <p>(c)(i)(aa) the applicant is a joining family member of a relevant sponsor where the person is their relevant sponsor; and</p> <p>(bb) the applicant has satisfied the Secretary of State by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the UK before the specified date while the applicant remained outside the UK; or</p> <p>(ii)(aa) the applicant is a dependent relative and the person is their sponsoring person (in the entry for ‘dependent relative’ in this table); and</p> <p>(bb) the applicant relies, as their relevant document as the dependent relative of their sponsoring person (as described in sub-paragraph (a)(iv) of the entry for ‘relevant document’ in this table), on an EU Settlement Scheme Family Permit granted to them under Appendix EU (Family Permit) to these Rules as a ‘dependent relative of a specified relevant person of Northern</p>
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APP EU42. In Annex 1, in sub-paragraph (b) of the entry for ‘supervening event’ in the table, for “any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person:” substitute “any of the following events has occurred in respect of the person, unless it has been set aside or revoked:”.

APP EU43. In Annex 1, in the entry for ‘visitor’ in the table, for “a person granted leave under paragraphs 40-56Z, 75A-M or 82-87 of the rules in force before 24 April 2015 or Appendix V on or after 24 April 2015 or Appendix V: Visitor after 9am on 1 December 2020, unless:” substitute:

“a person granted leave under paragraphs 40-56Z, 75A-M or 82-87 of the rules in force before 24 April 2015 or Appendix V on or after 24 April 2015 or Appendix V: Visitor after 9am on 1 December 2020, or a person to whom article 4 or 6 of the Immigration (Control of Entry through Republic of Ireland) Order 1972 applies, unless (in either case):”.

APP EU44. For Annex 3, substitute:

**“Annex 3 – Cancellation, curtailment and revocation of leave to enter or remain**

A3.1. A person’s indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix must be cancelled on or before their arrival in the UK where the person’s presence in the UK is not conducive to the public good because of conduct committed after the specified date.

A3.2. A person’s indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

(a) The cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain or who would be granted indefinite leave to enter or remain if they made a valid application under this Appendix”; and for “an EEA decision” read “a decision under paragraph A3.2.(a) of Annex 3 to Appendix EU to the Immigration Rules”); or

(b) The cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix.

A3.3. A person's limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where they cease to meet the requirements of this Appendix.

A3.4. A person's limited leave to enter or remain granted under this Appendix may be curtailed where the Secretary of State is satisfied that it is proportionate to curtail that leave where:

(a) Curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix; or

(b) Curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience; or

(c) The person ceases to meet the requirements of this Appendix.

A3.5. A person's indefinite leave to enter or remain granted under this Appendix may be revoked where the Secretary of State is satisfied that it is proportionate to revoke that leave where:

(a) The person is liable to deportation, but cannot be deported for legal reasons; or

(b) The indefinite leave to enter or remain was obtained by deception.”.

### **Changes to Appendix EU (Family Permit)**

APP EU(FP)1. In paragraph FP6., in sub-paragraph (3)(c)(ii), after “stolen” insert “or has expired”.

APP EU(FP)2. For paragraph FP7., substitute:

“FP7. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

(a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or

(b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(2) An application made under this Appendix will be refused on grounds of suitability where the applicant’s presence in the UK is not conducive to the public good because of conduct committed after the specified date.

(3) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:

(a) The applicant is subject to an **Islands deportation order**; or

(b) The applicant is subject to an **Islands exclusion decision**.

(4) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the entry clearance officer is satisfied that:

(a) It is proportionate to refuse the application where, in relation to the application and whether or not to the applicant’s knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix; or

(b)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Has previously been refused admission to the UK in accordance with regulation 12(1)(a) of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020; or

(cc) Had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU to these Rules (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.3. or A3.4.(a) of Annex 3 to this Appendix or under paragraph A3.1. or A3.2.(a) of Annex 3 to Appendix EU; and

(ii) The refusal of the application is justified either:

(aa) In respect of the applicant's conduct committed before the **specified date**, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "with a right of permanent residence under regulation 15" and "has a right of permanent residence under regulation 15" read "who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph FP7(4)(b) of Appendix EU (Family Permit) to the Immigration Rules"), and it is proportionate to refuse the application; or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

(5) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this

Appendix, has been set aside or revoked.”.

APP EU(FP)3. For paragraph FP9., substitute:

“FP9. (1) Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

(2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside under the EEA Regulations (or under the equivalent provision in **the Islands**), on which basis the document, card or other evidence was issued, by virtue of the revocation of those Regulations (or equivalent provision in the Islands).”.

APP EU(FP)4. In Annex 1, in sub-paragraph (d) of the entry for ‘civil partnership of convenience’ in the table, for “**the Islands**” substitute “the Islands”.

APP EU(FP)5. In Annex 1, for the entry for ‘date of application’ in the table, substitute:

“

date of application	the date on which the relevant on-line application form is submitted on-line under the required application process
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”.

APP EU(FP)6. In Annex 1, after the entry for ‘dependent relative of a qualifying British citizen’ in the table, insert:

“

dependent relative of a specified relevant person of Northern Ireland	<p>the person:</p> <p>(a)(i) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of a <b>specified relevant person of Northern Ireland</b> or of their spouse or civil partner; and</p> <p>(ii) is a dependant of a specified relevant person of Northern Ireland or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds; or</p> <p>(b) is a person who is subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a specified relevant person of Northern Ireland (substituting</p>
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	<p>‘specified relevant person of Northern Ireland’ for ‘qualifying British citizen’ in the entry for ‘person who is subject to a non-adoptive legal guardianship order’ in this table); or</p> <p>(c) is a person under the age of 18 years who:</p> <ul style="list-style-type: none"> <li>(i) is the direct descendant of the durable partner of a specified relevant person of Northern Ireland; or</li> <li>(ii) has been adopted by the durable partner of a specified relevant person of Northern Ireland, in accordance with a relevant adoption decision</li> </ul> <p>in addition, ‘spouse or civil partner’ means the person described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table</p>
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”.

APP EU(FP)7. In Annex 1, for the entry for ‘deportation order’ in the table, substitute:

“

deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act in respect of:</p> <ul style="list-style-type: none"> <li>(i) conduct committed after the specified date; or</li> <li>(ii) conduct committed by the person before the specified date where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”); or</li> </ul> <p>(c) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 15(1)(b) of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020</p> <p>in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007</p>
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”.

APP EU(FP)8. In Annex 1, for the entry for ‘EEA Regulations’ in the table, substitute:

“

EEA Regulations	<p>(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2016 (as they have effect immediately before that date); or</p> <p>(b) (where relevant to something done after the specified date and before 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020); or</p> <p>(c) (where relevant to something done on or after 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before they were revoked and, where the context requires it, on the basis that those Regulations had not been revoked)</p>
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”.

APP EU(FP)9. In Annex 1, in sub-paragraph (b) of the definition of ‘exclusion decision’ in the table, after “conduct committed” insert “by the person”.

APP EU(FP)10. In Annex 1, after sub-paragraph (f) of the definition of ‘family member of a relevant EEA citizen’ in the table, insert:

“; or

(g) the **dependent relative of a specified relevant person of Northern Ireland**”.

APP EU(FP)11. In Annex 1, in sub-paragraph (c) of the definition of ‘frontier worker’ in the table, for “regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020” substitute “the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020”.

APP EU(FP)12. In Annex 1, in sub-paragraph (d) of the definition of ‘frontier worker’ in the table, for “regulations of the type to which sub-paragraph (c) above refers” substitute “the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020, and is not subject to a relevant restriction decision as defined by regulation 2 of those Regulations”.

APP EU(FP)13. In Annex 1, in sub-paragraph (b) of the definition of ‘Islands deportation order’ in the table, after “conduct committed” insert “by

the person”.

APP EU(FP)14. In Annex 1, in sub-paragraph (b) of the definition of ‘Islands exclusion decision’ in the table, after “conduct committed” insert “by the person”.

APP EU(FP)15. In Annex 1, in sub-paragraph (d) of the definition of ‘person exempt from immigration control’ in the table, for “required evidence of qualification” substitute “**required evidence of qualification**”.

APP EU(FP)16. In Annex 1, for the entry for ‘qualifying British citizen’ in the table, substitute:

“

qualifying British citizen	<p>a British citizen who:</p> <p>(a)(i) (where sub-paragraph (a)(ii) below does not apply) will be returning to the UK with the applicant before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the British citizen’s failure to meet that deadline); or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) will be returning to the UK with the applicant and the entry clearance officer is satisfied that there are reasonable grounds why the British citizen did not do so before the specified date; and</p> <p>(b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer, with the applicant being treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer):</p> <p style="padding-left: 40px;">(i) before the specified date; and</p> <p style="padding-left: 40px;">(ii) at the date of application</p> <p>in addition, for the avoidance of doubt, for the purposes of sub-paragraph (b) above, service as a member of HM Forces (as defined in the Armed Forces Act 2006) in a country listed in sub-paragraph (a) of the entry for ‘specified EEA citizen’ in this table may satisfy the conditions of being a “worker” for the purposes of the EEA Regulations</p>
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”.

APP EU(FP)17. In Annex 1, in sub-paragraph (c) of the definition of ‘relevant document’ in the table, before “it has not expired” insert “(in relation to an application for an EU Settlement Scheme Family

Permit)”.

- APP EU(FP)18. In Annex 1, in sub-paragraph (a)(iii) of the definition of ‘relevant EEA citizen (where the date of application under this Appendix is before 1 July 2021)’ in the table, for “**required evidence of qualification**” substitute “required evidence of qualification”.
- APP EU(FP)19. In Annex 1, after sub-paragraph (a)(iii) of the definition of ‘relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)’ in the table, insert:
- “(iv) the applicant satisfies the entry clearance officer by relevant information and evidence provided with the application (including their valid passport or valid national identity card as an EEA citizen, which is the original document and not a copy) meets sub-paragraph (a)(i) of the definition of ‘relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)’ in Annex 1 to Appendix EU to these Rules, such that the applicant is a ‘family member of a relevant EEA citizen’ (as defined in Annex 1 to Appendix EU); or”.
- APP EU(FP)20. In Annex 1, after sub-paragraph (f) of the definition of ‘required evidence of family relationship’ in the table, insert:
- “; or  
(g) a dependent relative of a specified relevant person of Northern Ireland – evidence which satisfies the entry clearance officer that the family relationship and (in sub-paragraph (a)(ii) of the entry for ‘dependent relative of a specified relevant person of Northern Ireland’ in this table) the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application”.
- APP EU(FP)21. In Annex 1, in sub-paragraph (c) of the definition of ‘required evidence of qualification’ in the table, for “**required evidence of being a relevant person of Northern Ireland**, and” substitute “**required evidence of being a relevant person of Northern Ireland** and (where the relevant EEA citizen is relied on by the applicant as being a specified relevant person of Northern Ireland) information or evidence which satisfies the entry clearance officer that the requirements of that entry in this table are met, and (in all cases)”.
- APP EU(FP)22. In Annex 1, in sub-paragraph (c)(i)(cc) of the definition of ‘required evidence of qualification’ in the table, for “(where they are a British citizen and an Irish citizen)” substitute “(where they are a British

citizen and an Irish citizen, and are not relied on by the applicant as being a specified relevant person of Northern Ireland)”.

APP EU(FP)23. In Annex 1, at the end of sub-paragraph (b) of the definition of ‘required proof of identity and nationality’ in the table, insert:

“  
,

unless (in the case of (a) or (b)) the entry clearance officer agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons”.

APP EU(FP)24. In Annex 1, in the definition of ‘required proof of identity and nationality’ in the table, for “in addition, ‘valid’ here means that the document is genuine” substitute “in addition, ‘valid’ here means that, at the date of application, the document is genuine”.

APP EU(FP)25. In Annex 1, after the entry for ‘specified EEA citizen’ in the table, insert:

“

specified relevant person of Northern Ireland	(a) the person is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table; and (b) the applicant is a non-EEA citizen; and (c)(i)(aa) the applicant meets the definition of ‘joining family member of a relevant sponsor’ in Annex 1 to Appendix EU to these Rules where the person is their relevant sponsor; and (bb) the applicant has satisfied the entry clearance officer by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the UK before the specified date while the applicant remained outside the UK; or (ii)(aa) the applicant is a dependent relative of a specified relevant person of Northern Ireland; and (bb) the person: (i) is outside the UK; or (ii) is in the UK and has been so for a period not exceeding three months; or (iii) is in the UK and (were they an “EEA national” in accordance with regulation 2(1) of the EEA Regulations) they would be residing in the UK in accordance with the EEA Regulations (or, where the date of application under this Appendix is on or after 1 July 2021, they were residing in the UK in accordance with the EEA
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APP EU(FP)26. For Annex 3, substitute:

**“Annex 3 – Cancellation and curtailment of leave to enter**

A3.1. A person’s entry clearance granted under this Appendix must be revoked where the person’s presence in the UK is not conducive to the public good because of conduct committed after the specified date.

A3.2. A person’s entry clearance granted under this Appendix may be revoked where the entry clearance officer is satisfied that it is proportionate to revoke that entry clearance where:

(a) In respect of their conduct committed before the specified date, the person is subject to an exclusion decision, an exclusion order or an Islands exclusion decision; or

(b) The revocation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant’s knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(c) Since it was granted, there has been a change in circumstances that is, or would have been, relevant to that person’s eligibility for that entry clearance, such that their entry clearance ought to be revoked.

A3.3. A person’s leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix must be cancelled where, because of conduct committed after the specified date, the person’s presence in the UK is not conducive to the public good.

A3.4. A person’s leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix may be cancelled where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

(a) The cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that for “a right of permanent residence under regulation 15” read “indefinite leave to enter or remain or who would be granted indefinite leave to enter or remain if they made a valid

application under Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph A3.4.(a) of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules”); or

(b) The cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant’s knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(c) Since the entry clearance under this Appendix was granted, there has been a change in circumstances that is, or would have been, relevant to that person’s eligibility for that entry clearance, such that their leave to enter ought to be cancelled.

A3.5. A person’s leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix may be curtailed where the Secretary of State is satisfied that it is proportionate to curtail that leave where:

(a) Curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant’s knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(b) Curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience.”.

### **Changes to Appendix FM**

FM1. In paragraph E-ILRPT.1.3.(1B), after (a) add:

“(b) paragraph EX.1. must apply.”.

### **Changes to Appendix FM-SE**

FM-SE1. For paragraph 27 substitute:

“27. The evidence required of passing an English language test in speaking and listening (at a minimum of level A1 or A2 (as the case may be) of the Common European Framework of Reference for

Languages) with a provider approved by the Secretary of State, where the applicant relies on that pass to meet an English language requirement, is confirmation on the on-line verification system operated by an approved English language test provider and at an approved Secure English Language Test centre that:

- (i) the applicant has passed such a test; and
- (ii) that test was an English language test in speaking and listening which is approved by the Secretary of State and was taken no more than two years before the date of application and at a test centre approved by the Secretary of State as a Secure English Language Test Centre or if they have already shown they met the requirement in this manner at the level required for their current application, in a previous successful application for entry clearance or permission to stay.”.

FM-SE2. For paragraph 32D(d), substitute:

“(d) past its validity date (if a validity date is required), provided that it is at or above the requisite level of the Common European Framework of Reference for Languages and when the subsequent application is made the award to the applicant does not fall within the circumstances set out in paragraph 32B of this Appendix.”.

#### **Changes to Appendix V: Visitor**

APP V1. In paragraph V 4.2.(c), after “route” insert “as set out in Appendix Visitor: Permitted Activities and at V 13.3”.

APP V2. In paragraph V 4.4.(d), after “civil partnership visit” insert “or are a relevant national as defined in section 62 of the Immigration Act 2014”.

APP V3. For paragraph V 4.6. substitute:

“V 4.6. The visitor must not receive payment from a UK source for any activities undertaken in the UK, except for the following:

- (a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or
- (b) international drivers undertaking activities permitted under PA 9.2.; or
- (c) prize money; or
- (d) billing a UK client for their time in the UK, where the applicant’s overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas (payment must be lower than the amount of the applicant’s salary); or



- (e) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or
- (f) paid performances at a permit free festival as listed in Appendix Visitor: Permit Free Festivals, where the applicant is an artist, entertainer or musician; or
- (g) Permitted Paid Engagements, where the requirements of V 13.1. to V 13.3. are met.”.

APP V4. For paragraph V 7.2. to V 7.3. substitute:

“V 7.2. The applicant must have arranged their private medical treatment before they travel to the UK, and must provide either:

- (a) a letter from their doctor or consultant in the UK detailing:
  - (i) the medical condition requiring consultation or treatment; and
  - (ii) the estimated costs and likely duration of any treatment, which must be of a finite duration; and
  - (iii) where the consultation or treatment will take place; or
- (b) if the applicant intends to receive NHS treatment under a reciprocal healthcare arrangement between the UK and another country, an authorisation form issued by the government of that country.

V 7.3. If the applicant is applying for an 11-month entry clearance for the purposes of private medical treatment they must also:

- (a) provide either:
  - (i) evidence from their doctor or consultant in the UK that the proposed treatment is likely to exceed 6 months, but not more than 11 months; or
  - (ii) if the applicant intends to receive NHS treatment under a reciprocal healthcare arrangement between the UK and another country, an authorisation form issued by the government of that country which clearly states that the proposed treatment is likely to exceed 6 months, but not more than 11 months; and
- (b) provide a valid medical certificate if paragraph A39 and Appendix T of these rules apply.”.

APP V5. For paragraphs V 9.1. to V 9.2., substitute:

“V 9.1 Where the applicant is seeking to come to the UK to study, they must have been accepted onto a course of study that:

- (a) lasts no longer than six months; and
- (b) is to be provided by an accredited institution that is not a state funded school or academy.

V 9.2. Where the applicant is seeking to come to the UK to undertake research or be taught about research (research tuition) at a UK institution for up to six months, they must:

- (a) be aged 16 or over on the date of application; and
- (b) be enrolled on a course of study abroad equivalent to at least degree level study in the UK; and
- (c) provide confirmation from the UK course provider that the research or research tuition is part of or relevant to the course of study they are enrolled on overseas and that they will not be employed at the UK institution.

V 9.3. Where the applicant is seeking to come to the UK for up to six months to undertake electives relevant to a course of study abroad, they must:

- (a) be aged 16 or over in the date of application; and
- (b) be enrolled on a course of study abroad equivalent to at least degree level study in the UK; and
- (c) be studying medicine, veterinary medicine and science, or dentistry as their principle course of study; and
- (d) provide confirmation from the UK higher education provider that the electives are unpaid and involve no treatment of patients.”.

APP V6. In paragraph V 12.2., for “Unless the applicant is a “relevant national” as defined in section 62 of the Immigration Act 2014, they”, substitute “The applicant”.

APP V7. For paragraphs V 15.1. to V 15.5. substitute:

“V 15.1. Where the applicant is applying for permission to stay as a visitor for the purpose of receiving private medical treatment they must also:

- (a) satisfy the decision maker that the costs of any medical treatment already received have been met; and
- (b) provide either:
  - (i) a letter from a registered medical practitioner, at a private practice or NHS hospital, who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council, detailing the medical condition requiring further treatment; or
  - (ii) if the applicant intends to continue to receive NHS treatment under a reciprocal healthcare arrangement between the UK and another country, an authorisation form issued by the government of that country which authorises further treatment.

V 15.2. Where the applicant applying for permission to stay is an academic visitor (or the accompanying partner or child of such an academic) the academic must:

- (a) continue to intend to do one (or more) of the activities at Appendix Visitor: Permitted Activities at PA 11.2; and
- (b) be highly qualified within their own field of expertise; and
- (c) have been working in that field at an academic institution or institution of higher education overseas prior to their arrival in the UK.

V 15.3. Where an applicant is applying for permission to stay as a visitor to resit the Professional and Linguistic Assessment Board Test, they must provide written confirmation of this from the General Medical Council.

V 15.4. Where the applicant is applying for permission to stay as a visitor and they are an overseas graduate of a medical, dental or nursing school intending to undertake an unpaid clinical attachment or dental observer post, they must have been successful in the Professional and Linguistic Assessment Board test.”.

APP V8. In paragraph V 17.1.(c) for “PA 17.1. to PA 17.3.” substitute “PA 17.”.

APP V9. In paragraph V17.1. after sub-paragraph (c) insert:

“(d) study or research as part of a permitted activity is subject to the ATAS condition in Appendix ATAS.”.

### **Changes to Appendix Visitor: Permitted Activities**

APP PA1. In paragraph PA 1.(b) for “PA 17.1. to PA 17.3.” substitute “PA 17.”.

APP PA2. In paragraph PA 1.(c) for “PA 17.1. to PA 17.3.” substitute “PA 17.”.

APP PA3. For paragraph PA 7. substitute:

“PA 7. An employee of a foreign manufacturer or supplier may install, dismantle, repair, service or advise on equipment, computer software or hardware, where the manufacturer or supplier has a contract of purchase or supply or lease with a UK company or organisation.”.

APP PA4. For paragraphs PA 9. to PA 9.2. substitute:

“PA 9.1. Individuals employed outside the UK may visit the UK to take part in the following activities in relation to their employment

overseas:

- (a) a translator and/or interpreter may translate and/or interpret in the UK as an employee of an enterprise located overseas; or
- (b) personal assistants and bodyguards may support an overseas business person in carrying out permitted activities, provided they will attend the same event(s) as the business person and are employed by them outside the UK. They must not be providing personal care or domestic work for the business person; or
- (c) a tour group courier, contracted to a company with its headquarters outside the UK, who is entering and departing the UK with a tour group organised by their company; or
- (d) a journalist, correspondent, producer or cameraman gathering information for an overseas publication, programme or film; or
- (e) archaeologists taking part in a one-off archaeological excavation; or
- (f) a professor from an overseas academic institution accompanying students to the UK as part of a study abroad programme, may provide a small amount of teaching to the students at the host organisation (however this must not amount to filling a permanent teaching role for that institution); or
- (g) market researchers and analysts may conduct market research or analysis for an enterprise located outside the UK.

PA 9.2. Drivers on a genuine international route between the UK and a country outside the UK may:

- (a) deliver or collect goods or passengers from a country outside the UK to the UK; and
- (b) undertake cabotage operations.

PA 9.3. Drivers under PA 9.2. must be employed or contracted to an operator registered in a country outside the UK or be a self-employed operator and driver based outside the UK and the operator must hold an International Operators Licence or be operating on an own account basis.”.

APP PA5. For paragraphs PA 17.1 to PA 17.3 substitute:  
“PA 17. A visitor may study for up to six months providing the requirements of V 9.1. to V 9.3. are met.”.

#### **Changes to Appendix Visitor: Visa national list**

VN1. For all instances of “formally”, substitute “formerly”.

#### **Changes to Appendix Visitor: Permit Free Festival List**

APP PFFL1. For PFF 1. substitute:

“An artist, entertainer or musician visiting the UK to perform at one or more of the following permit free festivals may receive payment to do so:

- (a) Aldeburgh Festival
- (b) Barbican Festivals – Live from the Barbican
- (c) Belfast International Arts Festival
- (d) Billingham International Folklore Festival of World Dance
- (e) Boomtown Festival
- (f) Brass
- (g) Breakin’ Convention
- (h) Brighton Festival
- (i) Brighton Fringe
- (j) Brouhaha international
- (k) BST Hyde Park
- (l) Cambridge Folk Festival
- (m) Camp Bestival
- (n) Celtic Connections
- (o) Cheltenham Festivals (Jazz, Science, Music & Literature Festivals)
- (p) Cornwall International Male Choral Festival
- (q) Dance Umbrella
- (r) Download
- (s) Edinburgh Festival Fringe
- (t) Edinburgh International Book Festival
- (u) Edinburgh International Festival
- (v) Edinburgh International Jazz and Blues Festival
- (w) Freedom Festival
- (x) Garsington Opera
- (y) Glasgow International Jazz Festival
- (z) Glastonbury Festival
- (aa) Glyndebourne
- (bb) Greenbelt
- (cc) Green Man
- (dd) Greenwich and Docklands International Festival
- (ee) Harrogate International Festivals
- (ff) Hay Festival
- (gg) Huddersfield Contemporary Music Festival
- (hh) Isle of Wight Festival
- (ii) Latitude
- (jj) Leeds Festival
- (kk) Llangollen International Musical Eisteddfod
- (ll) London International Festival of Theatre (LIFT)
- (mm) London Jazz Festival (EFG)
- (nn) Love Supreme

- (oo) Manchester International Festival
- (pp) Meltdown (Southbank Centre)
- (qq) Norfolk & Norwich Festival
- (rr) Out There Festival
- (ss) Parklife
- (tt) Reading Festival
- (uu) Shubbak
- (vv) Snape Proms
- (ww) Southbank Centre Festivals
- (xx) The Royal Edinburgh Military Tattoo
- (yy) The Warehouse Project
- (zz) Wireless Festival
- (aaa) WOMAD
- (bbb) WWE Live”.

### **Changes to Appendix Student**

- APP ST1. In the first introductory paragraph, delete “or on the Doctorate Extension Scheme”.
- APP ST2. In paragraph ST7.5, after “the cost of”, for “accommodation” substitute “any accommodation provided by the sponsor”.
- APP ST3. In paragraph ST 8.1 (b), after “their graduation” delete:
- ““; or  
(c) to enable the applicant to stay in the UK on the Doctorate Extension Scheme and the Confirmation of Acceptance for Studies has been assigned by a higher education provider with a track record of compliance and issued within 60 days of the expected end date of a course leading to the award of a PhD to the applicant”.
- APP ST4. In paragraph ST12.3(a), in the table, delete the entire row which refers to the Doctorate Extension Scheme.
- APP ST5. In paragraph ST12.3(b), in the table, delete the entire row which refers to the Doctorate Extension Scheme.
- APP ST6. For paragraph ST 14.1, substitute:
- “ST 14.1. An applicant who has, or previously had, permission as a Student and is applying for permission to stay as a Student must have successfully completed the course of study for which they were last granted permission as a Student, or one of the following applies:  
(a) one of the exceptions in ST 14.4.; or  
(b) they are applying to progress to a higher level course as specified in ST 14.3.(a) or (b).; or

- (c) they have successfully completed the course of study with their sponsor where the change of course was allowed without applying for further permission on the Student route.”.

APP ST7. After paragraph ST 14.3(c)(iv)(b), insert:

“

- (c) the applicant has left an integrated master’s or PhD programme having successfully completed the course leading to the award of the lower level qualification which formed a part of that programme.”.

APP ST8. In paragraph ST 14.4(g) delete “under the Doctorate Extension Scheme or”.

APP ST9. Delete paragraph ST 18.1 and ST 18.2 including the heading “Doctorate Extension Scheme requirement”.

APP ST10. Delete paragraph ST 23.1(o).

APP ST11. In paragraph ST 25.3, delete “Permission to stay on the doctorate extension scheme will be granted for 12 months from the expected end date of the course shown on the Confirmation of Acceptance for Studies.”.

APP ST12. Delete paragraph ST 26.4.

APP ST13. For paragraph ST 26.5, substitute:

“A Student is not allowed to do any of the following:

- (a) be self-employed or engage in business activity unless ST 26.8 applies; or
- (b) work as a professional sportsperson (including as a sports coach); or
- (c) work as an entertainer; or
- (d) work in a position which would fill a permanent full-time vacancy unless ST 26.6 applies.”.

APP ST14. After ST 34.4, insert:

“ST 33.5. Unless the applicant is applying at the same time as the Student and ST 22.1. applies, the applicant must show that they have the required funds as specified in Appendix Finance.”.

#### **Changes to Appendix Short-term Student (English language)**

APP STS1. In the introduction paragraph, for “Visitors” substitute “Visitor”.

APP STS2. In STS 1.1., after “must apply online”, insert “the”.

APP STS3. Delete paragraph STS 8.2.

### **Changes to Appendix Parent of a Child Student**

APP PC1. For paragraph PC 7.5., substitute:

“The applicant or their partner must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.”.

APP PC2. After paragraph PC 7.5., add,

“PC 7.6. The applicant may rely on funds held in the account of a partner who is outside the UK in addition to the account holders listed in FIN 5.1(a).”.

### **Insertion of new Appendix Graduate**

APP GR1. After Appendix Parent of a Child Student, insert new appendix “Graduate”:

#### **“Appendix Graduate**

*This route is for a Student in the UK who wants to work, or look for work, following the successful completion of an eligible course of study at UK bachelor’s degree-level or above. The study must have been with a higher education provider with a track record of compliance.*

*The Graduate route is an unsponsored route.*

*Individuals who already have permission as a dependant of a Student who is applying on this route can also apply to extend their permission as a dependant on this route; other types of dependants are not permitted on this route.*

*The Graduate route is not a route to settlement.*

#### **Validation requirements for a Graduate**

GR 1.1. A person applying for permission to stay as a Graduate must apply online on the gov.uk website on the specified form “Graduate”.

GR 1.2. An application for permission as a Graduate must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document



which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK.

GR 1.3. The applicant must have, or have last had, permission as a Student.

GR 1.4. The applicant must not have been previously granted permission under the Doctorate Extension Scheme or as a Graduate.

GR 1.5. If the applicant has in the 12 months before the date of application been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

GR 1.6. An application which does not meet all the validity requirements for a Graduate is invalid and may be rejected and not considered.

### **Suitability requirements for a Graduate**

GR 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GR 2.2. The applicant must not be:

- (a) in the UK in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a Graduate**

#### **Points requirement**

GR 3.1 The applicant must be awarded a total of 70 points based on the table below.

Points type	Relevant requirements to be met	Number of points
Successful course completion	<ul style="list-style-type: none"><li>• Successful completion requirement</li><li>• Qualification requirement</li><li>• Study in the UK requirement</li></ul>	70

#### **Successful completion requirement**

GR 4.1. The applicant must have last been sponsored by a Student sponsor which is a higher education provider with a track record of compliance on the date of application.

GR 4.2. The applicant must have successfully completed the course of study which was undertaken during their last grant of permission to study on the Student route (where the applicant was allowed to change their course of study without applying for further permission as a Student, this requirement only applies to the course to which they changed).

GR 4.3. The student sponsor must have notified the Home Office, by the date of

application, that the applicant has successfully completed the course of study in GR 4.2.

### **Qualification requirement**

GR 5.1. The applicant will meet the qualification requirement if they have successfully completed a course of study for which they have been or will be awarded a UK bachelor's degree, a UK postgraduate degree, or successfully completed a relevant qualification listed in GR 5.2.

GR 5.2 A relevant qualification is one of the following:

- (a) a law conversion course validated by the Joint Academic Stage Board in England and Wales; or
- (b) the Legal Practice Course in England and Wales, the Solicitors Course in Northern Ireland, or a Diploma in Professional Legal Practice in Scotland; or
- (c) the Bar Practice Course in England and Wales, or the Bar Course in Northern Ireland; or
- (d) a foundation programme in Medicine or Dentistry; or
- (e) a Postgraduate Certificate in Education (PGCE) or Postgraduate Diploma in Education (PGDE); or
- (f) a professional course requiring study at UK bachelor's degree level or above in a profession with reserved activities that is regulated by UK law or UK public authority.

GR 5.3. If the name of the applicant's course of study was changed by the Student sponsor, but the course content remained the same, or if an integral and assessed work placement or permitted study abroad programme was added, this will not prevent the applicant being able to meet the qualification requirement.

GR 5.4 The qualification must have been gained during the last grant of permission to study as a Student, or in the period of permission immediately before the applicant's last grant of permission, if the last grant of permission was to undertake a role as a Student Union Sabbatical Officer.

### **Study in the UK requirement**

GR 6.1. The applicant must have studied in the UK for a minimum period of the course for which they were last granted permission to study on the Student route (the relevant period), as in the table below.

<b>Total length of course</b>	<b>Relevant period of Student permission granted during which all study took place in the UK (apart from permitted study abroad programmes)</b>
12 months or less	Full duration of course
Longer than 12 months	At least 12 months

GR 6.2. Where distance learning took place overseas between 24 January 2020 and 27 September 2021, this will not prevent the applicant meeting the requirement to

spend the relevant period at GR 6.1. studying in the UK if:

- (a) they began their course in 2020 and entered the UK on or before 21 June 2021 and complete that course of study in the UK with permission as a Student; or
- (b) they began their course in 2021 and entered the UK before 27 September 2021 and complete that course of study in the UK with permission as a Student.

GR 6.3. Any period of distance learning between 24 January 2020 and 27 September 2021 as part of a course of study lasting longer than 12 months whilst the applicant held permission as a Student, will not prevent the applicant from meeting the requirement to spend the relevant period at GR 6.1. studying in the UK.

### **Decision on application as a Graduate**

GR 7.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Graduate are met the application will be granted, otherwise the application will be refused.

GR 7.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a Graduate**

GR 8.1. The applicant will be granted the period of permission as set out in the table below dependent on how they met the qualification requirement.

<b>Type of Qualification</b>	<b>Period granted from date of decision</b>
PhD or other doctoral qualification	3 years
All other qualifications	2 years

GR 8.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted, apart from work as a professional sports person; and
- (c) study is permitted, except study with an education provider which is a Student sponsor, and which would meet the approved qualification and level of study requirements of the Student route which are set out in Appendix Student; and
- (d) study is subject to the ATAS condition in Appendix ATAS; and
- (e) if Part 10 applies the person will be required to register with the police.

### **Dependants of a Graduate**

### **Validity requirements for a dependent partner or dependent child of a Graduate**

GR 9.1. A person applying for permission to stay as a partner or child of a Graduate must apply on the specified form on the gov.uk website as follows:

Either (as applicable):

- Dependant partner
- Dependant child

GR 9.2. An application for permission to stay as a partner or child of a Graduate must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

GR 9.3. If the applicant has in the 12 months before the date of application been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

GR 9.4. The applicant must be in the UK on the date of application and must:

- (a) have, or have last been granted, permission as a dependant partner of a Student and that Student is applying for, or has now been granted, permission to stay in the Graduate route; or
- (b) have, or have last been granted, permission as a dependant child of either a Student or dependant partner of the Student and that Student is applying for, or has now been granted, permission to stay in the Graduate route; or
- (c) be a child born in the UK during the last grant of Student permission of a Student and that Student is applying for, or has now been granted, permission to stay in the Graduate route.

GR 9.5. An application which does not meet the validity requirements for a partner or child on the Graduate route is invalid and may be rejected and not considered.

#### **Suitability requirements for a dependent partner or dependent child of a Graduate**

GR 10.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GR 10.2. The applicant must not be:

- (a) in the UK in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

#### **Eligibility requirements for a dependent partner or dependent child of a Graduate**

#### **Relationship requirement for dependent partner of a Graduate**

GR 11.1. The relationship between the applicant and their partner must be genuine and subsisting.

GR 11.2. The applicant and their partner must intend to live together throughout the applicant's stay in the UK.

GR 11.3. The applicant must not intend to stay in the UK beyond any permission granted to their partner.

### **Relationship requirement for dependent child of a Graduate**

GR 12.1. The applicant must be a child of a parent who has, or is at the same time being granted permission as:

- (a) a Graduate; or
- (b) the partner of a Graduate.

GR 12.2. Each of the applicant's parents must either be applying at the same time as the applicant, or have permission to be in the UK (other than as a visitor) unless:

- (a) the parent with permission as a Student or Graduate or as the partner of a Student or Graduate is the sole surviving parent; or
- (b) the parent with permission as a Student or Graduate or as the partner of a Student or Graduate has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to stay with the parent who is applying for permission as a Graduate or as partner of a Graduate.

GR 12.3. If the applicant is a child who is born in the UK to a Student or Graduate, or their partner the applicant must provide a full UK birth certificate showing the names of both parents.

### **Care requirement for dependent child of a Graduate**

GR 13.1. If the applicant is aged under 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK which must comply with relevant UK legislation and regulations.

### **Age requirement for a dependent child of a Graduate**

GR 14.1. The child must be under the age of 18 at the date of application, unless they were last granted permission as a dependent child of a parent (P) who has or is applying for permission to stay as a Graduate or a dependent partner of a Graduate (regardless of the route under which the parent (P) had permission at the time the child's last permission was granted).

GR 14.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

### **Decision on application for a dependent partner or dependent child of a Graduate**

GR 15.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner or dependent child of a Graduate are met, the application will be granted, otherwise the application will be refused.

GR 15.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR.

### **Period and conditions of grant for a dependent partner or dependent child of a Graduate**

GR 16.1. A dependent partner will be granted permission which ends on the same date as the Graduate partner's permission.

GR 16.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

GR 16.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted except as a professional sports person (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS (if the study will commence when the person is aged over 18); and
- (d) if Part 10 applies the person will be required to register with the police.”.

### **Changes to Appendix Skilled Worker**

APP SW1. In paragraph SW 1.2, for “:” substitute “.”.

APP SW2. For the table in paragraph SW 4.2, substitute:

“

<b>Option</b>	<b>Tradeable points requirements for each option</b>	<b>Relevant rules</b>	<b>Points</b>
A	The applicant's salary equals or exceeds all of the following: <ul style="list-style-type: none"> <li>• £25,600 per year;</li> <li>• £10.10 per hour; and</li> <li>• the going rate for the occupation code.</li> </ul>	SW 8.1. to SW 8.5. and SW 14.1. to SW 14.6.	20
B	Educational qualification: PhD in a subject relevant to the job and the applicant's salary equals or exceeds all of the following: <ul style="list-style-type: none"> <li>• £23,040 per year;</li> <li>• £10.10 per hour; and</li> <li>• 90% of the going rate for the occupation code.</li> </ul> In this entry, 10 points will be awarded for the educational qualification and 10 points will be awarded for the applicant's salary.	SW 9.1. to SW 9.10. and SW 14.1. to SW 14.6.	20

Option	Tradeable points requirements for each option	Relevant rules	Points
C	Educational qualification: PhD in a STEM subject relevant to the job and the applicant's salary equals or exceeds all of the following: <ul style="list-style-type: none"> <li>• £20,480 per year;</li> <li>• £10.10 per hour; and</li> <li>• 80% of the going rate for the occupation code.</li> </ul>	SW 10.1. to SW 10.6. and SW 14.1. to SW 14.6.	20
D	Job in a shortage occupation and the applicant's salary equals or exceeds all of the following: <ul style="list-style-type: none"> <li>• £20,480 per year;</li> <li>• £10.10 per hour; and</li> <li>• 80% of the going rate for the occupation code.</li> </ul>	SW 11.1. to SW 11.6. and SW 14.1. to SW 14.6.	20
E	Applicant is a new entrant to the labour market and their salary equals or exceeds all of the following: <ul style="list-style-type: none"> <li>• £20,480 per year;</li> <li>• £10.10 per hour; and</li> <li>• 70% of the going rate for the occupation code.</li> </ul>	SW 12.1. to SW 12.7. and SW 14.1. to SW 14.6.	20
F	Job in a listed health or education occupation and the applicant's salary equals or exceeds both: <ul style="list-style-type: none"> <li>• £20,480 per year; and</li> <li>• the going rate for the occupation code.</li> </ul> An applicant with a job in a listed health or education occupation can only be awarded tradeable points from option F.	SW 13.1. to SW 13.7. and SW 14.1 to SW 14.6.	20

”.

APP SW3. At the end of paragraph SW 5.1(e), for “.”, substitute:

“; and

(f) confirm whether or not the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies.”.

APP SW4. After paragraph SW 6.3, insert:

“SW 6.3A. If the ATAS requirement in Appendix ATAS applies, the applicant must provide a valid ATAS certificate.”.

APP SW5. In paragraph SW 6.4, for “SW 6.3”, substitute “SW 6.3A”.

APP SW6. For paragraph SW 8.2, substitute:

“SW 8.2. The salary for the job for which the applicant is being sponsored must equal or exceed all of the following:

(a) £25,600 per year; and

- (b) £10.10 per hour; and
- (c) the going rate for the occupation code.”.

APP SW7. For paragraph SW 9.6, substitute:

“SW 9.6. The salary for the job the applicant is being sponsored for must equal or exceed all of the following:

- (a) £23,040 per year; and
- (b) £10.10 per hour; and
- (c) 90% of the going rate for the occupation code.”.

APP SW8. For paragraph SW 10.3, substitute:

“SW 10.3. The salary for the job the applicant is being sponsored for must equal or exceed all of the following:

- (a) £20,480 per year; and
- (b) £10.10 per hour; and
- (c) 80% of the going rate for the occupation code.”.

APP SW9. For paragraph SW 11.3, substitute:

“SW 11.3. The salary for the job the applicant is being sponsored for must equal or exceed all of the following:

- (a) £20,480 per year; and
- (b) £10.10 per hour; and
- (c) 80% of the going rate for the occupation code.”.

APP SW10. For paragraph SW 12.2(f)(i), substitute:

“(i) the applicant’s most recent permission, other than as a visitor, was as a Student; and”.

APP SW11. At the end of paragraph SW 12.2(f)(iv), for “.”, substitute:

“, or

(g) the applicant’s most recent permission, other than as a visitor, was as a Graduate, and that permission is either current or expired less than 2 years before the date of application.”.

APP SW12. In paragraph SW 12.2(f)(ii), for “that permission expired”, substitute “that permission is either current or expired”.

APP SW13. In paragraph SW 12.3, for “as a Skilled Worker and/or Tier 2 Migrant”, substitute “as a Skilled Worker, Graduate and/or Tier 2 Migrant.”.



APP SW14. For paragraph SW 12.4, substitute:

“SW 12.4. The salary for the job the applicant is being sponsored for must equal or exceed all of the following:

- (a) £20,480 per year; and
- (b) £10.10 per hour; and
- (c) 70% of the going rate for the occupation code.”.

APP SW15. In each of paragraphs SW 4.2, SW 8.3, SW 9.7, SW 10.4, SW 11.4, SW 12.5 and SW 24.4(a), for “SW 14.5” substitute “SW 14.6” in each place it occurs.

APP SW16. At the start of paragraph SW 14.4, for “Going rates will be pro-rated”, substitute “Going rates will be pro-rated, and the £10.10 per hour salary requirement will be calculated,”.

APP SW17. In paragraph SW 14.4(d), after “the going rate”, insert “and the £10.10 per hour salary requirement”.

APP SW18. In the opening text of paragraph SW 14.5, for “and the applicant was last granted permission as a Tier 2 (General) Migrant”, substitute “the applicant was granted permission as a Tier 2 (General) Migrant and has had continuous permission as a Skilled Worker ever since,”.

APP SW19. At the end of paragraph SW 14.5(b), for “.”, substitute:

“; and

(c) if the applicant was sponsored to work in one of the occupation codes in the table below at the time they applied for their last permission as a Tier 2 (General) Migrant and has continued to be sponsored in that occupation code ever since (whether as a Tier 2 (General) Migrant and/or as a Skilled Worker), and the date of application is before 1 December 2026, the going rates in the table below apply, instead of the going rates listed in Table 1 of Appendix Skilled Occupations. These going rates are based on a 40-hour working week and must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant’s sponsor:

<b>Occupation code</b>	<b>Going rate – option A</b>	<b>90% of going rate – option B</b>	<b>80% of going rate – options C and D</b>	<b>70% of going rate – option E</b>
2113 Physical scientists	£29,000 (£13.94 per hour)	£26,100 (£12.55 per hour)	£23,200 (£11.15 per hour)	£20,300 (£9.76 per hour)
2119 Natural and social science professionals not elsewhere classified	£29,000 (£13.94 per hour)	£26,100 (£12.55 per hour)	£23,200 (£11.15 per hour)	£20,300 (£9.76 per hour)

2311 Higher education teaching professionals	£33,000 (£15.87 per hour)	£29,700 (£14.28 per hour)	£26,400 (£12.69 per hour)	£23,100 (£11.11 per hour)
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”.

APP SW20. After paragraph SW 14.5, insert:

“SW 14.6. If the applicant was granted permission as a Skilled Worker under the Rules in place before 6 April 2021, and has had continuous permission as a Skilled Worker since then, the £10.10 per hour salary requirement does not apply, but all other salary requirements continue to apply.”.

APP SW21. In paragraph SW 16.1, format the list so all entries appear as bullet points.

APP SW22. In row C of the table in paragraph SW 24.3, for “At least the going rate”, substitute:

“At least the going rate in the table at paragraph SW 14.5(c), if the applicant has continued to be sponsored in that occupation code ever since.

At least the going rate in Appendix Skilled Occupations, in other cases.”.

APP SW23. In paragraph SW 39.3, for “the relationship requirement in SW 30.1 to SW 30.5.”, substitute “the relationship requirement in SW 29.2 to SW 29.4.”.

### **Changes to Appendix Intra-Company Routes**

APP IC1. For paragraph IC 1.6., substitute:

“IC 1.6. An application which does not meet all the validity requirements for the Intra-Company routes is invalid and may be rejected and not considered.”.

APP IC2. At the end of paragraph IC 5.1(e), for “.”, substitute:

“; and  
(f) confirm whether the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies.”.

APP IC3. In paragraph IC 5.7.(b), after “the sponsor group for” insert “a cumulative period of at least”.

APP IC4. After paragraph IC 6.3, insert:

“IC 6.3A. If the ATAS requirement in Appendix ATAS applies, the applicant must provide a valid ATAS certificate.”.

APP IC5. After paragraph IC 11.3., insert:

**“Transitional arrangements for maximum length of assignments on the Intra-Company Transfer route**

IC 11.4. If the following conditions are met, IC 11.1 to IC 11.3 do not apply and there is no maximum period of permission:

- (a) the application is as an Intra-Company Transfer; and
- (b) the applicant was previously granted leave as a Tier 2 (Intra-Company Transfer) Migrant under the rules in force before 6 April 2011 or as a Work Permit Holder; and
- (c) the applicant has not been granted entry clearance on any route since they were granted the leave referred to in (b).”.

APP IC6. After paragraph IC 13.4., insert:

**“Transitional arrangements for period of grant on the Intra-Company Transfer route**

IC 13.5. If the conditions in IC 13.6. are met, IC 13.2 does not apply, and permission will be granted for a period which is the shortest of the following:

- (a) 5 years after the start date of the job detailed in the Certificate of Sponsorship; or
- (b) 14 days after the end date of the job detailed in the Certificate of Sponsorship.

IC 13.6. The conditions referred to in IC 13.5. are:

- (a) the application is as an Intra-Company Transfer; and
- (b) the applicant was previously granted leave as a Tier 2 (Intra-Company Transfer) Migrant under the rules in force before 6 April 2011 or as a Work Permit Holder; and
- (c) the applicant has not been granted entry clearance on any route since they were granted the leave referred to in (b).”.

**Changes to Appendix Skilled Occupations**

SO1. At the end of Table 1, insert new row:

“

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
9119 Fishing and other elementary agriculture occupations not elsewhere classified – <b>ONLY</b> the listed job titles are eligible in this occupation code and <b>ONLY</b> where the job requires the worker to have at least 3 years' full-time experience in using their skills. This experience must not have been gained through working illegally.	<ul style="list-style-type: none"> <li>• Vent chick sexer</li> <li>• Deckhand on large fishing vessel (9 metres and above)</li> </ul>	£17,100 (£8.43 per hour)	£15,390 (£7.59 per hour)	£13,680 (£6.75 per hour)	£11,970 (£5.90 per hour)	No	No

”.

SO2. In Table 2, in the row including occupation code “2211 Medical practitioners”, for “NHS Employers Pay and Conditions Circular (M&D) 1/2020”, substitute “The relevant rate in the current NHS Employers Pay and Conditions Circular (M&D)”.

SO3. In Table 2, in the row including occupation code “2215 Dental practitioners”, for “NHS Agenda for Change 2020/21”, substitute “The relevant rate in the current NHS Employers Pay and Conditions Circular (M&D)”.

SO4. In Table 5, for the row including occupation code “9119 Fishing and other elementary agriculture occupations not elsewhere classified”, substitute:

“

Occupation code	Related job titles
9119 Fishing and other elementary agriculture occupations not elsewhere classified – all jobs not listed in Table 1	<ul style="list-style-type: none"> <li>• Horticultural worker</li> <li>• Labourer (landscape gardening)</li> <li>• Mushroom picker</li> <li>• Nursery worker</li> </ul>

”.

## Changes to Appendix Shortage Occupation List

SOL1. In Table 1, insert the following new rows so all rows appear in the table in numerical order by occupation code:

“

Occupation code and any further criteria	Shortage occupation in			
	England	Scotland	Wales	Northern Ireland
1181 Health services and public health managers and directors – <b>all jobs</b>	Yes	Yes	Yes	Yes
1242 Residential, day and domiciliary care managers and proprietors – <b>all jobs</b>	Yes	Yes	Yes	Yes
3111 Laboratory technicians – <b>all jobs</b>	Yes	Yes	Yes	Yes
6146 Senior care workers – <b>all jobs</b>	Yes	Yes	Yes	Yes

”.

SOL2. In Table 1, in the row including occupation code “5215 Welding trades”, after “experience”, insert “. This experience must not have been gained through working illegally.”.

SOL3. In Table 1, delete the row including occupation code “5434 Chefs”.

SOL4. In Table 2, insert the following new rows so all rows appear in the table in numerical order by occupation code:

“

Occupation code and any further criteria	Shortage occupation in			
	England	Scotland	Wales	Northern Ireland
2213 Pharmacists – <b>all jobs</b>	Yes	Yes	Yes	Yes
2219 Health professionals not elsewhere classified – <b>all jobs</b>	Yes	Yes	Yes	Yes
2221 Physiotherapists – <b>all jobs</b>	Yes	Yes	Yes	Yes
6141 Nursing auxiliaries and assistants – <b>all jobs</b>	Yes	Yes	Yes	Yes

”.

SOL5. In Table 2, in the row including occupation code “2314 Secondary education teaching professionals”, for “Mandarin”, substitute “modern foreign languages”.

## Changes to Appendix Representative of an Overseas Business

APP ROB1. In paragraph ROB 7.1., for “recourse” substitute “access”.

APP ROB2. In the title before paragraph ROB 18.1., delete “language and”.

APP ROB3. In paragraph ROB 27.1., for “recourse” substitute “access”.

### **Changes to Appendix Global Talent**

APP GT1. In the introduction, for “There is a two-part application process.”, substitute “For most individuals there is a two-part application process.”.

APP GT2. In the introduction, after “A person can make the application for endorsement before making the application for permission, or they can make both applications at the same time.”, insert:

“Alternatively, a person who has been awarded a prestigious prize listed in Appendix Global Talent: Prestigious Prizes is considered as showing exceptional talent and is therefore not required to apply for an endorsement.”.

APP GT3. In paragraph GTE 7.4.(b) in “provide evidence of at least 2 of the following” delete “at least”.

APP GT4. For GTE 8.3(b) substitute:

“(b) direct or lead:

(i) an individual or team research project or programme of work; or

(ii) an individual or team innovation project or programme of work.”.

APP GT5. For GT 1.2(d) to (f), substitute:

“(d)the applicant must have been issued with an endorsement letter by a Home Office approved endorsing body or have been awarded a prize listed in Appendix Global Talent: Prestigious Prizes; and

(e)if applying for the first grant of permission on the Global Talent route using an endorsement letter, the date of application must be no more than 3 months after the date on the endorsement letter; and

(f) the applicant’s endorsement or prize must not have been withdrawn.”.

APP GT6. For the table in GT 4.1 substitute:

<b>Requirement</b>	<b>Points available</b>
--------------------	-------------------------

An applicant making an initial application not relying on an endorsement: <ul style="list-style-type: none"> <li>• has been awarded a prize listed in Appendix Global Talent: Prestigious Prizes.</li> </ul>	70
An applicant making an initial application relying on an endorsement: <ul style="list-style-type: none"> <li>• has been issued with an endorsement letter by an endorsing body; and</li> <li>• the date of application is no more than 3 months after the date on the endorsement letter; and</li> <li>• the endorsement has not been withdrawn by the endorsing body.</li> </ul>	70
An applicant applying for an extension of their permission: <ul style="list-style-type: none"> <li>• has met the earned money requirement; and</li> <li>• if they were granted their initial application using an endorsement, has not had their endorsement withdrawn by the endorsing body.</li> </ul>	70
Total number of points required in each case	70

”.

APP GT7. For GT 4.2, substitute:

“GT 4.1A. Applicants relying on a prize in Appendix Global Talent: Prestigious Prizes to score points must meet both of the following requirements:

- (a) they must be the named recipient of the prize (prizes given to an organisation or group the applicant is associated with are not acceptable); and
- (b) the prize issued by the relevant body must not have been withdrawn.

GT 4.2. Applicants relying on an endorsement to score points must meet both of the following requirements:

- (a) the endorsement issued by the endorsing body must not have been withdrawn; and
- (b) the endorsing body must continue to be approved by the Home Office on the date of decision.”.

APP GT8. In paragraph GT 4.3, after “if the requirements in”, insert “GT4.1A or”.

APP GT9. For GT5.1, substitute:

“GT 5.1. An applicant who has, or last had, permission on the Global Talent route and is applying for an extension of permission must meet the following requirements:

- (a) the applicant must have earned money in the UK during their last period of permission in either:
  - (i) a field related to the subject matter of their prize if they were granted their initial application using a prize listed in Appendix Global Talent: Prestigious

- Prizes; or
- (ii) the field in which they were previously endorsed in the Global Talent route if they were granted their initial application using an endorsement; and
- (b) if the applicant was granted their initial application using an endorsement:
  - (i) the endorsement letter issued by a Home Office approved endorsing body must not have been withdrawn; and
  - (ii) the endorsing body must continue to be approved by the Home Office on the date of decision.”.

APP GT10. For GT 8.2.(e) substitute:

“(e) the applicant’s endorsement or prize listed in Appendix Global Talent: Prestigious Prizes must not have been withdrawn.”.

APP GT11. For GT 10.1. and GT 10.2. substitute:

“GT 10.1. If the applicant was granted their initial application using an endorsement, the endorsement must not have been withdrawn by the endorsing body.

GT 10.2. The applicant must have earned money in the UK during their last period of permission in the field in either:

- (a) a field related to the subject matter of their prize if they were granted for their initial application using a prize listed in Appendix Global Talent: Prestigious Prizes; or
- (b) the field in which they were previously endorsed in the Global Talent route if they were granted their initial application using an endorsement.”.

APP GT12. In para GT 11.1. for “.” substitute:

“; or

- (c) they were granted their initial application using a prize listed in Appendix Global Talent: Prestigious Prizes.”.

APP GT13. In para GT 11.3 for “The qualifying period must consist of time with continuous permission” substitute “The continuous period must consist of time with permission”.

APP GT14. Delete paragraph GT 16.4.

APP GT15. In paragraph GT.24 delete “temporary”.



## Insertion of New Appendix Global Talent: Prestigious Prizes

APP GTP1. After Appendix Global Talent, insert new appendix “Global Talent: Prestigious Prizes”:

“

### **“Appendix Global Talent: Prestigious Prizes**

Applicants who hold one of the following prestigious prizes are eligible to apply for a Global Talent visa without the need to obtain an endorsement. These prizes have been identified by the Global Talent endorsing bodies as demonstrating exceptional talent.

<b>Qualifying Prize</b>	<b>Name of Awarding Body</b>
Academy Awards - Actor in a Leading Role	Academy of Motion Picture Arts and Sciences
Academy Awards – Actress in a Leading Role	Academy of Motion Picture Arts and Sciences
Academy Awards - Cinematography	Academy of Motion Picture Arts and Sciences
Academy Awards – Directing	Academy of Motion Picture Arts and Sciences
Academy Awards - Writing (Adapted Screenplay)	Academy of Motion Picture Arts and Sciences
Academy Awards - Writing (Original Screenplay)	Academy of Motion Picture Arts and Sciences
ACM Prize in Computing	Association for Computing Machinery (ACM)
BAFTA - Best Film Actor	British Academy of Film and Televisions Arts
BAFTA - Best Film Actress	British Academy of Film and Televisions Arts
BAFTA - Film Director	British Academy of Film and Televisions Arts
Balzan Prize	International Balzan Prize Foundation
Bessie - Outstanding Performer	The New York Dance and Performance Awards (The Bessie Awards)
Brit Awards - International Female	British Phonographic Industry
Brit Awards - International Male	British Phonographic Industry
Charles Stark Draper Prize for Engineering	US National Academy of Engineering
Critics Circle Award - Best Male	Critics’ Circle National Dance Awards
Critics Circle Award - Best Female	Critics’ Circle National Dance Awards
Dorothy and Lillian Gish Prize	JP Morgan Chase
Fields Medal	International Mathematical Union
Fashion Award – Accessories Designer of the Year	The Fashion Awards – British Fashion Council
Fashion Award – Designer of the Year	The Fashion Awards – British Fashion Council
Fashion Award – Outstanding Achievement	The Fashion Awards – British Fashion Council
Fyssen Internation Prize	Fondation Fyssen
Golden Globes - Best Actor in a Motion Picture	Hollywood Foreign Press Association
Golden Globes - Best Actor in a TV Motion	Hollywood Foreign Press Association

Picture	
Golden Globes - Best Actor Musical/Comedy	Hollywood Foreign Press Association
Golden Globes - Best Actress in a Motion Picture	Hollywood Foreign Press Association
Golden Globes - Best Actress in a TV Motion Picture	Hollywood Foreign Press Association
Golden Globes - Best Actress Musical/Comedy	Hollywood Foreign Press Association
Golden Globes - Best Director of a Motion Picture	Hollywood Foreign Press Association
Golden Globes - Best Screenplay of a Motion Picture	Hollywood Foreign Press Association
Golden Globes - Best TV Actor Drama	Hollywood Foreign Press Association
Golden Globes - Best TV Actor Musical/Comedy	Hollywood Foreign Press Association
Golden Globes - Best TV Actress Drama	Hollywood Foreign Press Association
Golden Globes - Best TV Actress Musical/Comedy	Hollywood Foreign Press Association
Golden Globes - Carol Burnett Award	Hollywood Foreign Press Association
Golden Globes - Cecil B. deMille Award	Hollywood Foreign Press Association
Grammy Award - Lifetime Achievement Award	The Recording Academy
Holberg Prize	Holberg Committee
Hugo Boss Prize	Guggenheim Foundation
ICMA - Artist of the year	International Classical Music Awards
ICMA - Lifetime Achievement Award	International Classical Music Awards
Millennium Technology Prize	Technology Academy Finland
MOBO - Best International Act	MOBO Organisation
Nobel Prize - Chemistry	The Royal Swedish Academy of Sciences
Nobel Prize - Economic Science	The Royal Swedish Academy of Sciences
Nobel Prize - Literature	The Swedish Academy
Nobel Prize - Physics	The Royal Swedish Academy of Sciences
Nobel Prize - Medicine	Nobel Assembly at Karolinska Institutet
Olivier Award - Best Play Author	Society of London Theatre
Olivier Award - Best Actor	Society of London Theatre
Olivier Award – Best Actress	Society of London Theatre
Olivier Award – Outstanding Achievement in Dance	Society of London Theatre
Olivier Award – Best Director	Society of London Theatre
Olivier Award – Outstanding Achievement in Opera	Society of London Theatre
Olivier Award – Outstanding Achievement in Music	Society of London Theatre
Olivier Award – Best Theatre Choreographer	Society of London Theatre

Pritzker Prize	Hyatt Foundation
Queen Elizabeth Prize for Engineering	The Queen Elizabeth Prize for Engineering Foundation
Royal Gold Medal	Royal Institute of British Architects
Tony Award – Best Play Author	The American Theatre Wing and The Broadway League
Tony Award - Best Performance by an Actor in a Leading Role in a Play	The American Theatre Wing and The Broadway League
Tony Award - Best Performance by an Actress in a Leading Role in a Play	The American Theatre Wing and The Broadway League
Tony Award - Best Performance by an Actor in a Leading Role in a Musical	The American Theatre Wing and The Broadway League
Tony Award - Best Performance by an Actress in a Leading Role in a Musical	The American Theatre Wing and The Broadway League
Tony Award – Best Direction of a Play	The American Theatre Wing and The Broadway League
Tony Award– Best Direction of a Musical	The American Theatre Wing and The Broadway League
Tony Award - Best Choreography	The American Theatre Wing and The Broadway League
Tony Award - Special Tony Award for Lifetime Achievement in the Theatre	The American Theatre Wing and The Broadway League
Turing Award	Association for Computing Machinery (ACM)
Wihuri Sibelius Prize	Wihuri Foundation
WOMEX – Artist Award	World Music Expo Award (WOMEX)

”.

### **Changes to Appendix Start-up**

APP SU1. Delete paragraph SU 13.4.

### **Changes to Appendix Innovator**

APP INN1. In paragraph INN 6.1 (b) delete “.” and insert:

“, (c) the applicant is either the sole founder or an instrumental member of the founding team.”.

### **Insertion of new Appendix Overseas Domestic Worker**

APP ODW1. After “Appendix Innovator”, insert new “Appendix Overseas Domestic Worker”:

### **“Appendix Overseas Domestic Worker**

*This route is for an Overseas Domestic Worker who is seeking to come to the UK to work for up to a maximum of 6 months as a domestic worker with their current employer.*

*Dependants are not permitted on this route.*

### **Validity requirements for an Overseas Domestic Worker**

ODW 1.1. A person applying for entry clearance as an Overseas Domestic Worker must apply on the gov.uk website on the Domestic worker in a private household visa form.

ODW 1.2. An application for entry clearance on the Overseas Domestic Worker route must meet all the following requirements:

- (a) the applicant must be outside the UK on the date of application; and
- (b) any fee must have been paid; and
- (c) the applicant must have provided any required biometrics; and
- (d) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

ODW 1.4. An application which does not meet all the validity requirements for an Overseas Domestic Worker is invalid and may be rejected and not considered.

### **Suitability requirements for an Overseas Domestic Worker**

ODW 2.1. The applicant must not fall for refusal under Part 9: Grounds for Refusal.

### **Eligibility requirements for an Overseas Domestic Worker**

#### **Entry requirement for an Overseas Domestic Worker**

ODW 3.1. A person seeking to come to the UK as an Overseas Domestic Worker must apply for and obtain entry clearance as an Overseas Domestic Worker before they arrive in the UK.

#### **Age requirement for an Overseas Domestic Worker**

ODW 4.1. The applicant must be aged 19 or over on the date of application.

#### **Employment requirement for an Overseas Domestic Worker**

ODW 5.1. A person applying for entry clearance as an Overseas Domestic Worker must have been employed as a domestic worker and living with the employer or in a property that the employer uses as a home for themselves on a regular basis, for 12 months or more immediately before the date of application.

ODW 5.2. The applicant must provide a letter from their employer confirming all of the following:

- (a) their employment as a domestic worker; and
- (b) that it meets the requirements set out in ODW 5.1; and

(c)that the employment is ongoing.

ODW 5.3. The applicant must show they meet the employment requirement by providing one or more of the following:

- (a) pay slips or bank statements showing payment of salary; or
- (b) confirmation of tax paid; or
- (c) confirmation of health insurance paid; or
- (d) a contract of employment; or
- (e) a work visa, residence permit or equivalent passport endorsement from the country in which the domestic worker has been employed by the employer; or
- (f) a visa or equivalent passport endorsement to confirm the applicant has travelled with their employer.

ODW 5.4. The applicant must have agreed in writing, the terms and conditions of their employment in the UK and must provide evidence, in the form set out in Appendix Domestic Worker Statement.

ODW 5.5. The applicant's conditions of employment must ensure they will be paid at least the UK National Minimum Wage throughout their employment in the UK.

ODW 5.6. The decision maker must be satisfied that the applicant intends to work for the employer whilst the employer is in the UK and intends to travel in the company of one of the following:

- (a) their British employer, or that employer's British spouse, civil partner or child under the age of 18, where the employer's usual place of residence is outside the UK and where those individuals do not intend to remain in the UK beyond six months; or
- (b) a British employer's foreign national spouse, civil partner or child under the age of 18, where those individuals do not intend to remain in the UK beyond six months; or
- (c) a foreign national employer or the employer's spouse, civil partner or child under the age of 18, where those individuals are seeking, or have been granted, permission under Appendix V: Visitor, except where that permission is to undertake activities listed in Appendix V: Visitor at V 9.

ODW 5.7. The decision maker must be satisfied of all of the following:

- (a)that the applicant will leave the UK at the end of six months in the UK or at the same time as their employer, whichever is the earlier; and
- (b)will not live for extended periods in the UK through frequent or successive visits; and
- (c)will not make the UK their main home.

### **Financial requirement for an Overseas Domestic Worker**

ODW 6.1. The decision maker must be satisfied that the applicant can and will adequately maintain and accommodate themselves without recourse to public funds.

## **Decision on application as an Overseas Domestic Worker**

ODW 7.1. If the decision maker is satisfied that all the suitability and eligibility requirements for an Overseas Domestic Worker are met, the application will be granted, otherwise the application will be refused.

ODW 7.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

## **Period of grant and conditions of permission as an Overseas Domestic Worker**

ODW 8.1. The applicant will be granted entry clearance for a period of 6 months.

ODW 8.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) no work except as an Overseas Domestic Worker or a domestic worker in a private household.

ODW 8.3. The applicant is permitted to change employer, without notifying the Home Office, within the validity of their permission as an Overseas Domestic Worker.

”.

## **Insertion of New Insert Appendix Domestic Worker in a Private Household**

APP DW1. After “Appendix Overseas Domestic Worker”, insert new “Appendix Domestic Worker in a Private Household”:

### **“Appendix Domestic Workers in a Private Household**

*This route is for a domestic worker in a private household, who first entered the UK under the Rules in place before 6 April 2012 and wishes to extend their permission to stay.*

*The applicant must be in the UK.*

*This is a route to settlement.*

*Dependants are permitted on this route.*

## **Validity requirements for Domestic Worker in a Private Household**

DW 1.1. A person applying for permission to stay as a Domestic Worker in a Private Household must apply on the gov.uk website on the specified form FLR(IR).

DW 1.2. An application for permission to stay as a Domestic Worker in a Private Household must meet all the following requirements:

- (a) the applicant must be in the UK on the date of application; and
- (b) any fee and Immigration Health Charge must have been paid; and
- (c) the applicant must have provided any required biometrics; and
- (d) the applicant must have provided a valid passport or other travel document which satisfactorily establishes their identity and nationality.

DW 1.3. An application which does not meet all the validity requirements for a Domestic Worker in a Private Household is invalid and may be rejected and not considered.

### **Suitability requirements for a Domestic Worker in a Private Household**

DW 2.1. The applicant must not fall for refusal under Part 9: Grounds for Refusal.

DW 2.2. The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

### **Eligibility requirements for a Domestic Worker in a Private Household**

DW 3.1. The applicant must have entered the UK with valid entry clearance as a Domestic Worker in a Private Household under the Rules in place before 6 April 2012.

DW 3.2 The applicant must have been continuously employed in the UK as a Domestic Worker in a Private Household since they entered the UK on this route.

DW 3.3. The applicant must be employed for at least 30 hours per week in a private household under the same roof as the employer or in the same household as the employer for the duration of their employment.

DW 3.4. The applicant must have agreed in writing, the terms and conditions of their employment in the UK and must provide evidence, in the form set out in Appendix Domestic Worker Statement, which must be fully completed and signed by both parties.

DW 3.5. The decision maker must be satisfied that the applicant's conditions of employment mean that they will be paid at least the UK National Minimum Wage throughout their employment in the UK.

DW 3.6. The applicant must not intend to take any form of employment except as a Domestic Worker in a Private Household.

### **Financial requirement for Domestic Worker in a Private Household**

DW 4.1. The decision maker must be satisfied that the applicant can and will adequately maintain and accommodate themselves, and any dependants in the UK or

applying for entry clearance, without recourse to public funds.

DW 4.1. Funds must be shown as specified in Appendix Finance.

### **Decision on application for a Domestic Worker in a Private Household**

DW 5.1. If the decision maker is satisfied that all of the suitability and eligibility requirements for permission to stay as a Domestic Worker in a Private Household are met the application will be granted, otherwise the application will be refused.

DW 5.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period of grant and conditions for a Domestic Worker in a Private Household**

DW 6.1 The applicant will be granted permission to stay for 12 months.

DW 6.2. Where the application is decided before the current permission expires, the extension of stay granted may be for a period of 12 months plus the time remaining before the current permission expires (for example, if the application is decided on March 31st and the current permission does not expire until April 30th, an additional period of one month will be granted).

DW 6.3 The grant will be subject to the following conditions:

- (a) no access to public funds; and
- (b) no work except as a domestic worker in a private household; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS.

DW 6.4. The applicant is permitted to change employer, without notifying the Home Office, within the validity of their permission as a Domestic Worker in a Private Household.

### **Settlement for a Domestic Worker in a Private Household**

#### **Validity requirements for settlement as a Domestic Worker in a Private Household**

DW 7.1. A person applying for settlement as a Domestic Worker in a Private Household must apply on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

DW 7.2. An application for settlement as a Domestic Worker in a Private Household must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and



(d) the applicant must be in the UK on the date of application.

DW 7.3. The applicant must have, or have last been granted, permission as a Domestic Worker in a Private Household.

DW 7.4. An application which does not meet all of the validity requirements for settlement as a Domestic Worker in a Private Household is invalid and may be rejected and not considered.

### **Suitability requirements for settlement as a Domestic Worker in a Private Household**

DW 8.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

DW 8.2. The applicant must not be in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded.

### **Eligibility requirements for settlement as a Domestic Worker in a Private Household**

#### **Qualifying period for settlement as a Domestic Worker in a Private Household**

DW 9.1. The applicant must have entered the UK with a valid entry clearance as a Domestic Worker in a Private Household under the Rules in place before 6 April 2012.

DW 9.2. The applicant must have spent a continuous period of 5 years lawfully in the UK as a Domestic Worker in a Private Household under the Rules in place before 6 April 2012.

DW 9.3 The applicant must not have worked in the UK except as a Domestic Worker in a Private Household.

DW 9.4. The applicant must continue to be required by their employer for employment as a Domestic Worker in a Private Household.

### **Continuous residence requirement for settlement as a Domestic Worker in a Private Household**

DW 10.1. The applicant must meet the continuous residence requirement as specified in Appendix Continuous residence during the qualifying period in DW 9.2.

### **English language requirement for settlement as a Domestic Worker in a Private Household**

DW 11.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking

and listening to at least level B1.

DW 11.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Knowledge of life in the UK requirement for settlement as a Domestic Worker in a Private Household**

DW 12.1. The applicant must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.

### **Decision on an application for settlement as a Domestic Worker in a Private Household**

DW 13.1. If the decision maker is satisfied that all the suitability and eligibility requirements for settlement as a Domestic Worker in a Private Household are met, the applicant will be granted settlement, otherwise the application will be refused.

DW 13.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Dependants of a Domestic Worker in a Private Household**

#### **Validity requirements for a dependant partner or dependant child of a Domestic Worker in a Private Household route**

DW 14.1. A person applying for entry clearance or permission to stay as a dependant partner or dependant child of a Domestic Worker in a Private Household must apply on gov.uk on the specified form Application to extend stay in the UK: FLR (IR).

DW 14.2. An application for entry clearance or permission to stay as a dependant partner or a dependant child of a Domestic Worker in a Private Household must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

DW 14.3. If the applicant is applying as a dependant partner, they must be aged 18 or over on the date of application.

DW 14.4. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term student

DW 14.5. An application which does not meet all of the validity requirements for a

dependant partner or dependent child of a Domestic Worker in a Private Household is invalid and may be rejected and not considered.

**Suitability requirements for a dependant partner or dependent child on the Domestic Worker in a Private Household route.**

DW 15.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

DW 15.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

**Eligibility requirements for a dependant partner or dependant child of a Domestic Worker in a Private Household**

**Entry requirements for a dependant partner or dependant child of a Domestic Worker in a Private Household**

DW 16.1. A person seeking to come to the UK as a partner or child of a Domestic Worker in a Private Household must apply for and obtain entry clearance as a partner or child of a Domestic Worker in a Private Household before they arrive in the UK.

DW 16.2. A person applying for entry clearance as a dependant partner or dependant child of a Domestic Worker in a Private Household must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

**Relationship requirement for a dependant partner of a Domestic Worker in a Private Household**

DW 17.1. The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission as a Domestic Worker in a Private Household; or
- (b) P is, at the same time, applying for (and is granted) permission as a Domestic Worker in a Private Household; or
- (c) P is settled or has become a British citizen, providing P had permission on the Domestic Worker in a Private Household route when they settled, and the applicant had permission as P's partner at that time.

DW 17.2. If the applicant and their Domestic Worker in a Private Household partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or their Domestic Worker in a

Private Household partner with another person must have permanently broken down; and  
(c) the applicant and their Domestic Worker in a Private Household partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

DW 17.3. The relationship between the applicant and their Domestic Worker in a Private Household partner must be genuine and subsisting.

DW 17.4. The applicant and their Domestic Worker in a Private Household partner must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependant child of a Domestic Worker in a Private Household**

DW 18.1. The applicant must be the child of a parent (P) where one of the following applies:

- (a) P has permission on the Domestic Worker in a Private Household route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Domestic Worker in a Private Household route; or
- (c) P is settled or has become a British Citizen, providing P had permission on the Domestic Worker in a Private Household route when they settled, and the applicant had permission as P's child at that time.

DW 18.2. The applicant's parents must each be either applying at the same time as the applicant or have permission to be in the UK (other than as a visitor) unless:

- (a) the parent with permission as a Domestic Worker in a Private Household or as the partner of a Domestic Worker in a Private Household is the sole surviving parent; or
- (b) the parent with permission as a Domestic Worker in a Private Household or as the partner of a Domestic Worker in a Private Household has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission on the Domestic Worker in a Private Household route.

DW 18.3. If the applicant is a child born in the UK to a person on the Domestic Worker in a Private Household route or their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

**Age requirement for a dependent child of a Domestic Worker in a Private Household**

DW 19.1. If the applicant is aged under 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

DW 19.2. The applicant must be under the age of 18 on the date of application, unless they were last granted permission as the dependant child of their parent or parents.

DW 19.3. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

**Financial requirement for a dependant partner or a dependant child of a Domestic Worker in a Private Household**

DW 20.1 The decision maker must be satisfied that there will be adequate maintenance and accommodation for the applicant, the person on the Domestic Worker in a Private Household route, and any other dependants in the UK, without recourse to public funds.

**Decision on application for a dependant partner or a dependant child of a Domestic Worker in a Private Household**

DW 21.1 If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependant partner or a dependant child of a Domestic Worker in a Private Household the application will be granted, otherwise the application will be refused.

DW 21.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Period and conditions of grant for a dependant partner or a dependant child of a Domestic Worker in a Private Household**

DW 22.1. A partner will be granted:

- (a) permission which ends on the same date as their partner's permission as a Domestic Worker in a Private Household; or
- (b) 2 years' permission if the Domestic Worker in a Private Household was (or is being) granted settlement as a Domestic Worker in a Private Household.

DW 22.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 30 months.

DW 22.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for employment as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

## **Settlement as a dependant partner or a dependant child of a Domestic Worker in a Private Household**

### **Validity requirements for settlement as a dependant partner or a dependant child of a Domestic Worker in a Private Household**

DW 23.1. A person applying for settlement as a dependant partner or child of a Domestic Worker in a Private Household must apply online on the gov.uk website on the specified form SET (O).

DW 23.2. An application for settlement as a dependant partner or child of a Domestic Worker in a Private Household must meet all the following requirements:

- a) any fee must have been paid; and
- b) the applicant must have provided any required biometrics; and
- c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- d) the applicant must be in the UK on the date of application.

DW 23.3. The applicant must have, or have last been granted, permission as a dependant partner or child of a Domestic Worker in a Private Household.

DW 23.4. An application which does not meet all of the validity requirements for settlement for a dependant partner or child of a Domestic Worker in a Private Household is invalid and may be rejected and not considered.

### **Suitability requirements for a dependant partner or a dependant child of a Domestic Worker in a Private Household**

DW 24.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

DW 24.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a dependant partner or a dependant child of a Domestic Worker in a Private Household**

### **Relationship requirements for a dependant partner or a dependant child of a Domestic Worker in a Private Household**

DW 25.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the Domestic Worker in a Private Household route; or
- (b) P is settled or has become a British citizen, providing P had permission on the Domestic Worker in a Private Household route when they settled, and the applicant had permission as P's partner or child at that time.

DW 25.2. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in DW 25.1. is the applicant's sole surviving parent; or
- (b) the person (P) in DW 25.1. has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

**Care requirement for settlement as a dependant child of a Domestic Worker in a Private Household**

DW 26.1. If the child is aged under 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for settlement by a dependant child of a Domestic Worker in a Private Household**

DW 27.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependant child of their parent or parents.

DW 27.2. If the child is aged 16 or over at the date of application, they must not be leading an independent life.

**Qualifying period requirement for settlement as a dependant partner of a Domestic Worker in a Private Household route**

DW 28.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a dependant partner of the person (P) in DW 25.1.

**Continuous residence requirement for settlement by a dependant partner of a Domestic Worker in a Private Household**

DW 29.1. The applicant must meet the continuous resident requirement as set out in Appendix Continuous Residence during the period in DW 29.1.

**English language requirement for settlement by a dependant partner or dependent child of a domestic worker in a Private Household**

DW 30.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening of at least level B1.

DW 30.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Knowledge of life in the UK requirement for settlement by a dependant partner or dependant child of a Domestic Worker in a Private Household**

DW 31.1. If the applicant is aged 18 or over at the date of application, they must meet the Knowledge of Life in the UK requirement as specified Appendix KOL UK.

### **Decision on an application for settlement as a dependant partner or dependant child of a Domestic Worker in a Private Household**

DW 32.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependant partner or dependant child of a Domestic Worker in a Private Household, the applicant will be granted settlement, otherwise the application will be refused.

DW 32.2 If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

”.

### **Insertion of New Insert Appendix Domestic Worker Victim of Modern Slavery**

APP DWMS1. After “Appendix Domestic Worker in a Private Household”, insert new “Appendix Domestic Worker who is a Victim of Modern Slavery”:

#### **“Appendix Domestic Worker who is a Victim of Modern Slavery**

*This route is for a victim of modern slavery who entered the UK as an Overseas Domestic Worker, a Domestic Worker in a Private Household, or as a private servant in a diplomatic household, having held entry clearance in the T5 (Temporary Work) – International Agreement category.*

*The maximum period of grant on this route is 2 years.*

*This is not a route to settlement.*

#### **Validity requirements for a Domestic Worker who is a Victim of Modern Slavery**

DWMS 1.1. A person applying for permission to stay as a Domestic Worker who is a Victim of Modern Slavery must apply on the gov.uk website on the specified form FLR(IR).

DWMS 1.2. An application for permission to stay as a Domestic Worker who is a victim of Modern Slavery must meet all the following requirements:

- (a) the applicant must be in the UK on the date of application; and
- (b) any fees must have been paid; and
- (c) the applicant must have provided any required biometrics; and
- (d) the applicant must have provided a valid passport or other travel document which satisfactorily establishes their identity and nationality.

DWMS 1.3 An application which does not meet all the validity requirements route is invalid and may be rejected and not considered.

#### **Suitability requirements for Domestic Worker who is a Victim of Modern**



## **Slavery**

DWMS 2.1. The applicant must not fall for refusal under Part 9: Grounds for Refusal.

DWMS 2.2. Any relevant period of overstaying to which paragraph 39E of these Rules applies will be disregarded.

### **Eligibility requirements for Domestic Workers who is a Victim of Modern Slavery**

DWMS 3.1. A person applying for permission to stay as a Domestic Worker who is a Victim of Modern Slavery must have, or have last been granted, permission on one of the following routes:

- (a) Overseas Domestic Worker; or
- (b) Temporary Worker – International Agreement, as a private servant in a diplomatic household; or
- (c) Domestic Worker in a Private Household; or
- (d) outside these Rules having been referred into the National Referral Mechanism (NRM) and be in receipt of a positive Conclusive Grounds (CG) decision.

DWMS 3.2. The applicant must have been referred into the National Referral Mechanism and be in receipt of a positive Conclusive Grounds decision.

DWMS 3.3. The application:

- (a) must have been made within 28 days of the applicant being notified of the decision at DWMS 3.2.; or
- (b) where the applicant has an outstanding application for permission to stay (or a grant of leave is being considered) on the date that the decision at DWMS 3.2. is notified to the applicant, the application for permission to stay as a Domestic Worker who is a Victim of Modern Slavery must be made within 28 days of the applicant being notified of the outcome of that application or consideration; or
- (c) if the applicant is a person who falls within DWMS 3.1(d), must be made before the applicant's current permission ends.

### **Decision on application as a domestic worker victim of modern slavery**

DWMS 4.1. If the decision maker is satisfied that all of the suitability and eligibility requirements are met the application will be granted, otherwise the application will be refused.

DWMS 4.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period of grant and conditions of permission for Domestic Workers who are Victims of Modern Slavery**

DWMS 5.1. The applicant will be granted permission to stay for whichever is the shorter of:

- (a) two years; or
- (b) where the applicant already holds permission to stay outside the Rules, having been referred into the National Referral Mechanism and in receipt of a positive Conclusive Grounds decision, permission will be granted for a period which ensures that the total, combined, duration of permission will not exceed 2 years.

DWMS 5.2. The grant will be subject to the following conditions:

- (a) no access to public funds; and
- (b) work is permitted as:
  - (i) a domestic worker in a private household; or
  - (ii) as a private servant in a diplomatic household working only in the household of the employer recorded in a Certificate of Sponsorship in the T5 (Temporary Worker) International Agreement Worker category; and
- (c) supplementary employment is permitted, only as a domestic worker in a private household; and
- (d) study is permitted, subject to the ATAS condition in Appendix ATAS.

”.

#### **Insertion of New Insert Appendix Domestic Worker Statement**

APP DWS1. After “Appendix Domestic Worker who is a Victim of Modern Slavery”, insert new “Appendix Domestic Workers Statement”:

#### **“Appendix Domestic Worker Statement**

**Two copies of this form must be completed and signed by the employer and the worker and submitted with the entry clearance application or with the permission to stay application as required by ODW 3.5, DW 3.5 and IA 8.8 of the Immigration Rules.**

<b>Name &amp; address of Employee</b>
[insert details]
<b>Name &amp; address of Employer</b>
[insert details]
<b>Commencement of Employment &amp; Termination</b>

[If for an indefinite term]

[The Employee's employment with the Employer commence[s OR d] on [insert date], and will continue unless or until terminated in accordance with the provisions of this agreement.]

[If for a fixed term]

[The Employee's employment with the Employer shall [commence OR be deemed to have commenced] on [insert date] and shall continue, subject to the remaining terms of this agreement, until it terminates on [insert date] without the need for notice unless previously terminated by either party giving the other not less than [insert number\*] weeks/months' notice in writing.]

\* Note: the notice to be given by the Employer must not be less than the statutory minimum period of notice to be given by employers, which is as follows:

during the first two years' continuous employment, one week's notice; and  
after that, one additional week for each year of service, up to a maximum of twelve weeks' notice.  
No employment with a previous employer counts as part of a period of continuous employment. OR  
The Employee's employment with [insert name of previous employer] forms part of a continuous period of employment which began on [insert date].

#### Job Title

The Employee is employed as [insert job title] and their duties are set out below:

[insert Employee's duties]

#### Status of employment

The Employer declares that the employee is not an au pair and terms of employment do not fall within the definition of paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time).

Note: Paragraph 57 of the National Minimum Wage Regulations 2015 provides an exemption from the national minimum wage for employees who are treated as members of the employer's family. The UK's Immigration Rules require that you must declare that the person accompanying you as a domestic worker is an employee and the work they will carry out does not fall under this part of the Regulations. This means that you must pay them at least the national minimum wage while they're working for you in the UK.

#### Employee's Place of Work

The Employee's place of work is [insert location].

[If this is where the Employer resides, then the following information should be provided]:

Total number of rooms;  
Total number of bedrooms;  
The names and ages of all household members and domestic staff (adults and minors) residing in the house.

[If the Employee's place of work is different to the Employer's residence, the Employer is to provide an explanation, including details of where the Employee will be working and who lives at that address]

#### Employee's Hours of Work

The Employee's normal hours of work are [insert number] hours per week, to be worked during the hours of [insert time] to [insert time] on [insert days] with a daily [paid OR unpaid] lunch break of [insert amount].

[The Employee is not required to work overtime]

OR

[The Employee is required to be available to work overtime, whenever needed by the Employer at weekends, on public holidays or at other times outside their normal hours of work.]

OR

[The Employee may, if they wish, make themselves available to work overtime outside their normal hours of work.]

OR

[The Employee may be required to work overtime if and when the Employer deems it to be necessary.]

[If the Employee works overtime, then complete the following paragraph]

[The Employee's entitlement to pay for working overtime is as follows:

[insert details of overtime pay]

#### Pay

The Employee's [salary is OR wages are] £[enter figure] per [hour OR week OR month OR year] payable to the Employee at [weekly OR monthly] intervals in arrears on[or about] the [insert day i.e. Friday OR last working day OR insert date i.e. 25th] of each [week OR month].

The Employer agrees that the salary OR wages meet the requirements of the National Minimum Wage Act 1998 and any Regulations made under it, and that they will continue to meet such requirements throughout the period of employment.

#### Holiday

The Employee will be entitled to [enter number –under the Working Time Regulations 1998, this must be at least 20 days for full – time employees, pro rata for part – time employees] days' paid

holiday in each holiday year, which runs from [enter date, e.g. 1 January] to [enter date, e.g. 31 December], in addition to bank and public holidays. If the Employee's employment starts or finishes part way through the holiday year, their holiday entitlement during that year shall be calculated on a pro-rata basis.

The Employee must take all of their entitlement in the holiday year in which it accrues and carrying forward holiday is not permitted unless [either agreed in advance by the Employer or where] the law allows holiday to be carried forward.

On the termination of the Employee's employment, they will be paid in lieu of accrued but untaken holiday entitlement. The Employee will be required to pay the Employer for holiday taken in excess of their accrued entitlement on termination.

### Sickness

If the Employee is absent from work for any reason, they, or someone on their behalf, must inform the Employer by no later than [insert time] on the first day of absence. On the Employee's return to work, they will be required to complete a self-certification form, which they should complete, sign and return within [insert number e.g. two days] of their return to work. If the Employee's absence from work is due to sickness or injury and continues for a period exceeding seven consecutive days, they should provide the Employer with a Statement of Fitness for Work ('fit note') from their doctor as soon as possible after the seventh day of absence and weekly after that.

[[IF sick pay:] In the event of absence from work due to illness or injury, the Employee will be eligible to receive an amount equivalent to their salary OR wages for the first [insert number] weeks of absence. Such payments will include any entitlement to any statutory sick pay due in accordance with applicable legislation in force at the time of the absence.

OR

[If Statutory Sick Pay only:] There is no pay for any absence due to illness or injury, other than statutory sick pay if the Employee is eligible. For the purpose of statutory sick pay, the Employee's 'qualifying days' are [insert the [Employee's normal working days]].

### Recruitment, transportation, and other fees

The Employer shall not recoup from the Employee, through payroll deductions or any other means, the fees they have paid to a third party recruiter or recruitment agency, or their authorised representative(s) for services related to hiring and retaining the Employee.

The Employer agrees to pay the Employee's transportation costs for the journey from their place of current residence to the place of work in the United Kingdom, namely from \_\_\_\_\_(country of current residence) to \_\_\_\_\_(place of work in United Kingdom) as well as the return journey from \_\_\_\_\_(place of work in United Kingdom) to \_\_\_\_\_(country of current residence).

The Employer agrees to pay in advance on behalf of the Employee any visa application fees and any other fees (including any immigration health surcharge) that may be payable by the Employee in order to obtain a visa to travel to the United Kingdom with their Employer or to join the Employer in

the UK.

It is the Employer's obligation and responsibility to pay for the transportation costs, any visa application fees and any other fees (including any immigration health surcharge) that may be payable by the Employee in order to obtain a visa to travel to the United Kingdom with their Employer or to join the Employer in the UK, and such costs and fees cannot be passed on to the Employee through payroll deductions or any other means (for example, the Employee must not pay the transportation or the visa fees on behalf of the Employer to be reimbursed at a later date). Under no circumstances are transportation costs or the fees described above recoverable by the Employer from the Employee.

#### Accommodation

The Employer shall provide the Employee with suitable furnished accommodation for their exclusive use. Suitable accommodation is housing or a hotel room that meets UK building requirements and health and safety standards. This includes a private unit or a room with a lock and which therein provides living and sleeping facilities intended for human habitation with no visible or structural repairs required.

The Employer agrees to provide the Employee with [meals] [delete if not applicable], [and] an adequate, properly heated, and ventilated room with natural light. The door of the room shall be equipped with a lock and a safety bolt from within the room and the Employee will be provided with the corresponding key.

The Employer shall provide the Employee with independent access to the residence (for example, house keys, security code) where the Employee resides.

The Employer agrees to provide the Employee with (check if applicable):

Private bathroom

Telephone (charge of £            per month or no charge except for long-distance calls)

Radio (in their room)

Television (in their room)

Internet access ( charge of £            per month or            no charge)

Other, specify:

[Description of Employee's room and furnishings]

#### Healthcare

Either:

- “1. The Employer agrees to provide comprehensive sickness insurance cover for the Employee in the United Kingdom at no cost to the Employee.
2. The Employer agrees not to deduct money from the Employee’s salary OR wages for this purpose.
3. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.”

or, if the Employee has remained (or will remain as a result of their application for entry clearance or permission to stay being granted) in the UK as either a domestic worker in a private household or a private servant in a diplomatic household for a period exceeding 6 months:

- “1. The Employer agrees not to deduct money from the Employee’s salary OR wages for the purpose of meeting the cost of comprehensive sickness insurance cover.
2. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.

#### Passport

The Employer agrees that the Employee will retain custody of their passport at all times other than when it is required by a third party for official purposes such as applying for a visa.

#### Termination and Notice Period

[To only be used when the employment is for an indefinite term]

The prior written notice required by the Employee to terminate their employment shall be as follows:

[insert details]

The prior written notice required by the Employer to terminate the Employee’s employment shall be as follows:

[insert details]

Note: this must not be less than the statutory minimum period of notice to be given by employers, which is as follows:

during the first two years’ continuous employment, one week’s notice; and  
after that, one additional week for each year of service, up to a maximum of twelve weeks' notice.

#### Grievances and Disciplinary Rules and Procedure

If the Employee has a grievance regarding their employment, they should in the first instance speak to their Employer. If the grievance is not then resolved to the Employee’s satisfaction, the Employee should refer to the grievance procedure, which may be obtained from the Employer.

The disciplinary rules and procedure applicable to the Employee are [attached OR to be found in [specify place]]. If the Employee is dissatisfied with any disciplinary decision taken in relation to them, they should refer to the disciplinary procedure, which may be obtained from the Employer. Note: the Employer's grievance procedure and disciplinary rules and procedure must comply with the ACAS statutory Code of Practice on discipline and grievance.

#### Pensions

[The Employee is entitled to become a member of the [insert name] Pension Scheme, or such other registered pension scheme as has been set up by the Employer, subject to satisfying certain eligibility criteria and subject to the rules of such scheme as amended from time to time. Full details of the scheme are available from the Employer.

OR

[There is no pension scheme in force in relation to the Employee's employment.]

A contracting-out certificate is [not] in force in respect of the Employee's employment.

#### Governing Law & Jurisdiction

This agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this agreement or its subject matter or formation (including non-contractual disputes or claims).

#### Signature of Employer

I accept the terms and conditions of this employment contract.

Given name as stated on passport (print):

Surname as stated on passport (print):

Employer's Signature:

Date (DD/MM/YYYY):

#### Signature of Employee

I accept the terms and conditions of this employment contract.

Given name as stated on passport (print):



Surname as stated on passport (print):

EMPLOYEE'S Signature:

Date (DD/MM/YYYY)

”.

### **Changes to Appendix T5 (Temporary Worker) Seasonal Worker**

APP SAW1. For paragraph SAW 4.1, substitute:

“The Certificate of Sponsorship must have been issued by a sponsor which:

- (a) has an endorsement from the Department for Environment, Food and Rural Affairs in relation to the Seasonal Worker route; and
- (b) is licensed by the Gangmasters and Labour Abuse Authority; and
- (c) is listed as A-rated on the Home Office's published register of licensed sponsors; and
- (d) is still approved as a sponsor on the date on which the application is decided.”.

APP SAW2. For paragraph SAW 4.4, substitute:

“The Certificate of Sponsorship must state the role is in the edible horticulture sector, which means those growing:

- (a) Protected Vegetables – those grown in glasshouse systems; or
- (b) Field Vegetables – those grown outdoors, including vegetables, herbs, leafy salads and potatoes; or
- (c) Soft Fruit – those grown outdoors or under cover e.g. in glasshouses or polytunnels. Includes strawberries, raspberries, blackcurrants, blueberries and all ribes and rubus species; or
- (d) Top Fruit (Orchard Fruit) - trees that bear fruit e.g. apples, plums, cherries, apricots; or
- (e) Vine and Bines – both twining or climbing flexible stems of certain plants, e.g. hops is a bine, and grapes is a vine; or
- (f) Mushrooms – typically covers *Agaricus bisporus* species but can also include more exotic species (typically grown indoors).”.

APP SAW3. For paragraph SAW 7.2, substitute:

“The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work permitted only in the role the applicant is being sponsored for; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies, the applicant will be required to register with the police.”.

### **Changes to Appendix T5 (Temporary Worker) Youth Mobility Scheme**

APP YMS1. For sub-paragraph YMS 1.2 (d), substitute:

“if the applicant is a national or a citizen of a country, or the rightful holder of a passport issued by a territory, without Deemed Sponsorship Status as set out in Appendix Youth Mobility Scheme: eligible nationals, they must provide evidence of sponsorship that has been issued to them no more than 6 months before the date of the application.”.

APP YMS2. For paragraphs YMS 5.1 to YMS 5.4, substitute:

“YMS 5.1. If the applicant is a national or citizen of a country, or the rightful holder of a passport issued by a territory, without Deemed Sponsorship Status as set out in Appendix Youth Mobility Scheme: eligible nationals, they must provide evidence of sponsorship and must apply from that country or territory.

YMS 5.2. If the applicant is a national or citizen of a country, or the rightful holder of a passport issued by a territory, that has Deemed Sponsorship Status as set out in Appendix Youth Mobility Scheme: eligible nationals, the applicant’s passport must be provided as evidence of sponsorship and the application may be made at any post worldwide which accepts such applications.

YMS 5.3. Where the applicant is a national or citizen of a country, or the rightful holder of a passport issued by a territory, whose annual allocation of places available under this route is subject to invitation to apply arrangements as set out in Appendix Youth Mobility Scheme: eligible nationals, the applicant must have been:

- (a) issued with an invitation to apply; and
- (b) have made their application within the period of time specified on the invitation.

YMS 5.4. The number of places allocated to nationals or citizens of the same country, or rightful holders of a passport issued by the same territory, must not have exceeded the annual total allocation of places for that country or territory as set out in Appendix Youth Mobility Scheme: eligible nationals.”.

APP YMS3. After paragraph YMS 5.4, insert:

“YMS 5.5 Where the applicant is a British Overseas Citizen, British Overseas Territories Citizen or British National (Overseas), YMS 5.1 to YMS 5.4 do not apply.”.

### **Changes to Appendix Youth Mobility Scheme: eligible nationals**

YMSEN1. For “Appendix Youth Mobility Scheme: eligible nationals”, substitute:

“

### **Immigration Rules Appendix Youth Mobility Scheme: eligible nationals**

#### **Countries and territories participating in the Youth Mobility Scheme and annual allocation of places for 2021.**

1. The countries and territories with Deemed Sponsorship Status, and the total allocation of places available for use by nationals or citizens of those countries and rightful holders of a passport issued by those territories in 2021, are as follows:
  - Australia - 30,000 places
  - New Zealand - 13,000 places
  - Canada - 6,000 places
  - Japan - 1,500 places
  - Monaco - 1,000 places
  - Taiwan - 1,000 places
  - Hong Kong - 1,000 places
  - Republic of Korea - 1,000 places.
2. The countries and territories without Deemed Sponsorship Status, and the total allocation of places available for use by nationals or citizens of those countries and rightful holders of a passport issued by those territories in 2021, are as follows:
  - San Marino - 1,000 places.

### **Invitation to apply arrangements**

3. The Home Office will apply invitation to apply arrangements when allocating the places available for use by nationals or citizens of the following countries and rightful holders of passports issued by the following territories, with Deemed Sponsorship Status:

- Japan
- Taiwan
- Hong Kong
- Republic of Korea.

4. Under these arrangements:

- (a) a prospective applicant must submit an expression of interest in applying for entry clearance under the Youth Mobility Scheme relevant allocation (an expression of interest) in accordance with the process published by the Home Office; and
- (b) no more than one expression of interest per person will be accepted by the Home Office during each period in which they may be submitted; and
- (c) the Home Office will:
  - (i) select at random those to whom an invitation to apply for entry clearance under the Youth Mobility Scheme relevant allocation is to be issued from the pool of those who have submitted an expression of interest; and
  - (ii) keep a record of those individuals to whom an invitation to apply is issued; and
- (d) the Home Office may:
  - (i) place a time limit on the period during which an expression of interest is to be submitted; and
  - (ii) determine the number of invitations to apply that may be issued in any calendar month, except that where the number of expressions of interest received in a calendar year exceeds the allocations specified above, the total number of invitations to apply in a calendar year shall not be less than the annual allocations specified above; and
  - (iii) place a time limit on the validity of an invitation to apply.

5. Annual total allocation of places arrangements: In order to ensure the continuity of the scheme, in the event that available places cannot be agreed for the purpose of annual renewal, either 1,000 or 50% of the previous year's places, or whichever is the greater, will automatically carry over into the next year.

”.

**Changes to Appendix T5 (Temporary Worker) Creative or Sporting Worker**

APP CSP1. For paragraph CSP 4.8, substitute:

“If the Certificate of Sponsorship records that the applicant is being sponsored for more than one engagement by the same sponsor, there must be no more than 14 days between each individual engagement. Time spent by the applicant outside the UK (including the dates of

their departure from and return to the UK) will not be counted towards this period.”.

### **Changes to Appendix T5 (Temporary Worker) International Agreement Worker**

APP IA1. After paragraph IA 4.1 (b), insert:

“IA 4.1A The Certificate of Sponsorship must confirm whether the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies.”.

APP IA2. After paragraph IA 5.1, insert:

#### **“ATAS requirement for the International Agreement route**

IA 5.1A. A person seeking to come to the UK on the International Agreement route must, if the ATAS requirement in Appendix ATAS applies, provide a valid ATAS certificate.”.

APP IA3. In paragraph IA 9.7., for “EU-CARIFORUM” substitute:

“CARIFORUM-UK”.

APP IA4. In paragraph IA 9.9., for “EU-CARIFORUM” substitute:

“CARIFORUM-UK”.

### **Changes to Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route**

APP GAE1. After paragraph GAE 3.2, insert:

#### **“ATAS requirement for the Government Authorised Exchange route**

GAE 3.2.A. A person seeking to come to the UK on the Government Authorised Exchange route must, if the ATAS requirement in Appendix ATAS applies, provide a valid ATAS certificate.”.

APP GAE2. In paragraph GAE 5.4 (c), for “.”, substitute:

“; and

(d) whether the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies.”.

## **Changes to Appendix Hong Kong British National (Overseas)**

APP HK1. For paragraph HK 6.1., substitute:

“If the applicant is applying for permission to stay and has been living in the UK for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

APP HK2. For paragraph HK 6.2., substitute:

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant can adequately maintain and accommodate themselves without recourse to public funds for at least 6 months.”.

APP HK3. For paragraph HK 14.1., substitute:

“If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

APP HK4. For paragraph HK 14.2., substitute:

“If the applicant is applying for entry clearance or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant or the BN(O) Status Holder are able to maintain and accommodate the applicant adequately in the UK without recourse to public funds for at least 6 months.”.

APP HK5. For paragraph HK 16.1., substitute:

“The applicant must intend to live with a parent who has permission on the BN(O) status holder route during their stay in the UK, unless

they can demonstrate a valid reason why they should not live with that parent.”.

APP HK6. For paragraph HK 27.1., substitute:

“If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

APP HK7. For paragraph HK 27.2., substitute:

“If the applicant is applying for entry clearance, or is applying for permission to stay and they have been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, or a person who is being granted permission on the BN(O) Status Holder route at the same time as the applicant, is able to, and will, maintain and accommodate the applicant adequately in the UK without recourse to public funds for at least 6 months.”.

APP HK8. For paragraph HK 36.1., substitute:

“If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

APP HK9. For paragraph HK 36.2., substitute:

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, the BN(O) Household Member or a person being granted permission on the BN(O) Status Holder route at the same time as the applicant is being granted permission, is able to maintain and accommodate the applicant adequately in the UK without recourse to public funds for at least 6 months.”.

APP HK10. For paragraph HK 38.1., substitute:

“The applicant must intend to live with a parent who has permission on the BN(O) Household Member route during their stay in the UK, unless they can demonstrate a valid reason why they should not live with that parent.”.

APP HK11. For paragraph HK 40.1., substitute:

“If the applicant is applying for permission to stay and has been living in the UK for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

APP HK12. For paragraph HK 40.2., substitute:

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK with permission for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Household Member, their partner or a person who is being granted permission on the BN(O) Status Holder route at the same time as the applicant is being granted permission, is able to and will maintain and accommodate the applicant adequately in the UK without recourse to public funds for at least six months.”.

APP HK13. For paragraph HK 50.1., substitute:

“If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

APP HK14. For paragraph HK 50.2., substitute:

“If the BN(O) Adult Dependent Relative is applying for entry clearance, or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong



Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Status Holder or their partner is able to and will maintain and accommodate the BN(O) Adult Dependent Relative adequately in the UK without recourse to public funds for at least 6 months.”.

APP HK15. For the table in paragraph HK 55.1., substitute:

“

Applicant	Specified form
– All applicants	• Set (O) form

”.

APP HK16. For paragraph HK 62.1., substitute:

“The applicant must have spent a continuous period of 5 years with permission in the UK on a route under which a person can settle, of which the most recent grant of permission must have been on the Hong Kong BN(O) route.”.

APP HK17. For paragraph HK 63.1., substitute:

“The applicant must meet the continuous residence requirement as specified in Appendix Continuous Residence during the period in HK 62.1.”.

APP HK18. After paragraph HK 64.2., insert:

**“Variation of no access to public funds condition**

HK 65.1 A person in the UK with permission on the Hong Kong BN(O) route may have that permission varied to remove a no access to public funds condition where they have provided the decision-maker with:

(a) satisfactory evidence that the applicant is destitute or at imminent risk of destitution as defined in section 95 of the Immigration and Asylum Act 1999; or

(b) satisfactory evidence that there are particularly compelling reasons relating to the welfare of a child of a parent in receipt of a very low income or the applicant is facing exceptional financial circumstances relating to a very low income.”.

**Changes to Appendix ATAS**

ATAS1. For “Appendix ATAS”, substitute:

## **“Appendix ATAS: Academic Technology Approval Scheme (ATAS)”**

*ATAS seeks to prevent the transfer of information, knowledge or technology which could develop, advance or support an Advanced Conventional Military Technology (ACMT) and Weapons of Mass Destruction (WMD) programme or their means of delivery.*

*The ATAS requirement means the applicant must obtain a valid ATAS certificate, issued by the Counter-Proliferation and Arms Control Centre, and to provide it with an application on Student, Skilled Worker, ICT, T5 International Agreement and Government Authorised Exchange routes to study or work as a researcher in any of the specified subjects listed in this Appendix.*

*The ATAS condition means that someone must obtain a valid ATAS certificate prior to commencing study or research in any of the specified subjects or fields of research.*

*A person is subject to the ATAS condition if they have been granted permission which allows study or work subject to the ATAS condition.*

*A person is exempt from the ATAS requirement and ATAS condition if they are a national of one of the countries listed in this Appendix.*

### **ATAS requirement**

ATAS 1.1. An applicant (who is not a national of a country listed at ATAS 3.1.) requires a valid ATAS certificate if the course of study for which the Confirmation of Acceptance for Studies was assigned is a subject set out at ATAS 4.1. which:

- (a) leads to a master’s degree; or
- (b) leads to a PhD; or
- (c) leads to another postgraduate qualification; or
- (d) is a period of study or research which is part of an overseas postgraduate qualification.

ATAS 1.2. An applicant (who is not a national of a country listed at ATAS 3.1.) requires a valid ATAS certificate if they are applying in a work route which requires a Certificate of Sponsorship, that Certificate of Sponsorship is issued by a work sponsor that is also a licensed student sponsor, and the role set out in the Certificate of Sponsorship:

- (a) is in one of the following occupation codes:
  - 2111 Chemical scientists
  - 2112 Biological scientists and biochemists
  - 2113 Physical scientists
  - 2114 Social and humanities scientists

- 2119 Natural and social science professionals not elsewhere classified
- 2150 Research and development managers
- 2122 Mechanical engineers
- 2123 Electrical engineers
- 2124 Electronics engineers
- 2127 Production and process engineers
- 2129 Engineering professionals not elsewhere classified
- 2311 Higher education teaching professionals;
- 3111 Laboratory technicians
- 3112 Electrical and electronics technicians
- 3113 Engineering technicians
- 3114 Building and civil engineering technicians
- 5235 Aircraft maintenance and related trades

(b) includes an element of research at PhD level or above; and

(c) that field of research is a subject set out at ATAS 4.1

ATAS 1.3. The applicant must provide a print-out of the valid ATAS certificate for the course of study or research role to show that the ATAS requirement is met.

### **ATAS condition**

ATAS 2.1. The ATAS condition means the person (who is not a national of a country listed at ATAS 3.1), must have a valid ATAS certificate before commencing study (unless they are a student continuing a course of study and they have made, or intend to make within the required time period, an application required by ATAS 2.2) or research in a subject listed at ATAS 4.1 which:

- (a) leads to a UK postgraduate degree; or
- (b) leads to another postgraduate qualification; or
- (c) is a period of study which is part of an overseas postgraduate qualification; or
- (d) is research as part of a course of postgraduate study, employment or academic activity at a licensed student sponsor.

ATAS 2.2. A Student who intends to continue study on a course of study which is subject to the ATAS requirement must apply for a new ATAS certificate where:

- (a) the completion date of the course of study has changed and will be delayed by more than 3 months; or
- (b) the course contents or research proposal of the course of study change,

and the application for a new certificate must be made within 28 days of the

change in (a) or (b) above being known to the Student.

**Nationals who are exempt from the ATAS requirement and condition**

ATAS 3.1. A person does not need to meet the ATAS requirement, and will not be subject to the ATAS condition, if they are a national of any of the following countries:

Australia  
Austria  
Belgium  
Bulgaria  
Canada  
Croatia  
Republic of Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Ireland  
Italy  
Japan  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Netherlands  
New Zealand  
Norway  
Poland  
Portugal  
Republic of Korea  
Romania  
Singapore  
Slovakia  
Slovenia  
Spain  
Sweden  
Switzerland  
United States of America

## **Academic Subjects relevant to ATAS**

ATAS 4.1. The ATAS requirement and ATAS condition apply to the following subjects:

(a) research, or doctorates or master's by research in:

### **Subjects allied to Medicine:**

CAH codes:

CAH02-02-01 - Pharmacology

CAH02-02-02 - Toxicology

CAH02-02-03 - Pharmacy

CAH10-01-06 - Bioengineering, Medical and Biomedical Engineering

CAH02-05-03 - Others in subjects allied to Medicine

### **Biological Sciences:**

CAH codes:

CAH03-01-02 - Biology (non-specific)

CAH03-01-03 - Ecology and Environmental Biology

CAH03-01-06 - Zoology

CAH03-01-04 - Microbiology and Cell Science

CAH03-01-05 - Plant Sciences

CAH10-03-05 - Biotechnology

CAH03-01-07 - Genetics

CAH02-05-03 - Biomedical Sciences (non-specific)

CAH03-01-08 - Molecular Biology, Biophysics and Biochemistry

CAH03-01-01 - Biosciences (non-specific)

CAH03-01-10 - Others in Biological Sciences

### **Veterinary Sciences, Agriculture and related subjects:**

CAH codes:

CAH05-01-02 - Others in Veterinary Sciences

CAH06-01-02 - Agricultural sciences

### **Physical Sciences:**

CAH codes:

CAH07-02-01 - Chemistry

CAH10-03-07 - Materials Science

CAH07-01-01 - Physics

CAH07-01-02 - Astronomy

CAH26-01-05 - Others in Geographical Studies

CAH07-04-01 - Physical Sciences (non-specific)

CAH07-04-03 - Sciences (non-specific)

CAH07-04-04 - Natural Sciences (non-specific)

### **Mathematical and Computer Sciences:**

CAH codes:

CAH09-01-01 - Mathematics  
CAH09-01-02 - Operational Research  
CAH11-01-01 - Computer Science  
CAH11-01-02 - Information Technology  
CAH11-01-03 - Information Systems  
CAH11-01-04 - Software Engineering  
CAH11-01-05 - Artificial Intelligence

**Engineering:**

CAH codes:  
CAH10-01-01 - Engineering (non-specific)  
CAH10-01-07 - Civil Engineering  
CAH10-01-02 - Mechanical Engineering  
CAH10-01-04 - Aeronautical and Aerospace Engineering  
CAH10-01-05 - Naval Architecture  
CAH10-01-08 - Electrical and Electronic Engineering  
CAH10-01-09 - Chemical, Process and Energy Engineering

**Technologies:**

CAH codes:  
CAH10-03-03 - Polymers and Textiles  
CAH10-03-01 - Minerals Technology  
CAH10-03-02 - Materials Technology  
CAH10-03-04 - Maritime Technology

(b) taught master's in:

CAH codes:  
CAH10-03-07 - Materials Science  
CAH07-01-01 - Physics (including Nuclear Physics)  
CAH10-01-02 - Mechanical Engineering  
CAH10-01-04 - Aeronautical and Aerospace Engineering  
CAH10-01-09 - Chemical, Process and Energy Engineering  
CAH10-03-01 - Minerals Technology  
CAH10-03-02 - Materials Technology”.

**Changes to Appendix English Language**

APP EL1. Replace Appendix English Language with:

**“Appendix English Language**

*This Appendix sets out how the English language requirement is met.*

*It applies only to applications under Appendix Student, Appendix Skilled Worker, Appendix Representatives of an Overseas Business, Appendix T2 Minister of Religion, Appendix T2 Sportsperson, Appendix UK Ancestry, Appendix Global*

*Talent, Appendix Start-up, Appendix Innovator, Appendix T5 (Temporary Worker) International Agreement Worker , Appendix Domestic Worker in a Private Household, and Appendix Hong Kong British National (Overseas).*

*The route sets out whether the English language requirement must be met and at what level.*

### **Exemption**

EL 1.1. An applicant for settlement is exempt from the English language requirement if at the date of application:

- (a) they are aged 65 or over; or
- (b) they are aged under 18; or
- (c) they have a disability (physical or mental condition) which prevents them from meeting the requirement.

### **How the requirement is met**

EL 2.1. The English language requirement is met if any of the requirements in EL 3 to EL 6 are met.

EL 2.2. The English language requirement is also met by a person applying for entry clearance or permission to stay as a Student if any of the requirements in EL 7.1. to EL 8.4. are met.

EL 2.3. The English language requirement is also met by a person applying for entry clearance or permission to stay as a Skilled Worker route if:

- (a) the requirements in EL 7.1. and EL 7.2. are met: or
- (b) the requirement in EL 9.1. is met.

EL 2.4. The English language requirement is also met by a person applying for entry clearance or permission to stay on the Start-up or Innovator routes if the requirements in EL 7.1 and EL 7.2. are met.

EL 2.5. The English language requirement is also met by a dependent partner or dependent child applying for settlement if they meet the requirements in paragraph 3.2. of Appendix KOLL.

### **Met in a previous application**

EL 3.1. An applicant will meet the English language requirement if they have already shown they met the requirement, at the level required for their current application, in a previous successful application for entry clearance or permission to stay.

### **Majority English speaking country**

EL 4.1. An applicant will meet the English language requirement if they are a

national of any of the following majority-English-speaking countries:

Antigua and Barbuda  
Australia  
The Bahamas  
Barbados  
Belize  
Canada  
Dominica  
Grenada  
Guyana  
Jamaica  
Malta  
New Zealand  
St Kitts and Nevis  
St Lucia  
St Vincent and the Grenadines  
Trinidad and Tobago  
United States of America

### **Academic qualification**

EL 5.1. An applicant will meet the English language requirement if they have an academic qualification which meets one of the requirements at EL 5.2. and is proven by the required evidence under EL 5.3. or EL 5.4.

EL 5.2. The requirements are that the applicant has:

- (a) a bachelor's degree, master's degree or doctorate awarded in the UK; or
- (b) a degree or degree-level qualification taught in a university or college in a majority- English-speaking country listed in EL 4.1. (except Canada), or Ireland, which meets or exceeds the recognised standard of a bachelor's degree, master's degree or doctorate awarded in the UK; or
- (c) a degree or degree level qualification which meets, or exceeds, the recognised standard of a UK bachelor's degree; master's degree or doctorate and was taught or researched in English.

EL 5.3. The requirement at EL 5.2. must be proven by one of:

- (a) a certificate from the awarding body; or
- (b) a transcript issued by the university or college that awarded the qualification; or
- (c) an official letter from the university or college that awarded the qualification containing information equivalent to a degree certificate.

EL 5.4. If the qualification was awarded by a body from outside the UK, the requirement at EL 5.2. must, in addition to the requirement at EL 5.3, be proven by confirmation from UK NARIC that the qualification meets the requirements at EL 5.2(b) or EL 5.2(c).



## **English language test**

EL 6.1. An applicant will meet the English language requirement if they have provided a valid digital reference number from an approved provider showing they have passed an approved English language test to the required level in the two years before the date of application.

The list of approved tests and providers, updated from time to time, can be found at <https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt#approved-test-providers-and-approved-tests>.

## **GCSE or A Level English**

EL 7.1. An applicant applying for entry clearance or permission to stay under Appendix Student, Appendix Skilled Worker, Appendix Start-up or Appendix Innovator will meet the English language requirement if they have a GCSE, A level, Scottish National Qualification at level 4 or 5 or, Scottish Higher or Advanced Higher, in English (language or literature), that was awarded:

- (a) by an Ofqual (or SQA, Qualifications Wales or CCEA) regulated awarding body; and
- (b) following education undertaken in a UK based school which began while they were aged under 18.

EL 7.2. The requirement at EL 7.1. must be proven by either:

- (a) a certificate from the awarding body: or
- (b) an official transcript issued by the awarding body.

## **Additional ways Students can meet the English language requirement**

EL 8.1. An applicant under Appendix Student will meet the English language requirement if they are applying for a course of study at degree level or above and are sponsored by a higher education provider with a track record of compliance who states on the Confirmation of Acceptance for Studies that they have assessed the applicant's English language ability and how they have assessed it.

EL 8.2. Where an assessment under EL 8.1. has been carried out the Confirmation of Acceptance for Studies entry must confirm that the applicant has a knowledge of English equivalent to level B2, or above, of the Council of Europe's Common European Framework for Language Learning in all 4 components (reading, writing, speaking and listening) or that the requirement at ST 15.3. is met.

EL 8.3. An applicant under Appendix Student will meet the English language requirement if they have taken an approved English test and been exempted from a component of that test by the test provider due to a disability, and the student sponsor has confirmed that they are satisfied the English language ability of the applicant is sufficient to undertake the course of study.

EL 8.4. An applicant under Appendix Student will meet the English language requirement if they are applying for a short-term study abroad programme of up to six months and both:

- (a) the study abroad programme is part of a course of study at degree level or above at an overseas higher education institution in the United States of America; and
- (b) UK NARIC confirm that the course of study overseas will lead to an academic (not a professional or vocational) qualification at UK bachelor's degree level or above.

### **Professional regulation for Skilled Workers**

EL 9.1. An applicant applying for entry clearance or permission to stay under Appendix Skilled Worker will meet the English language requirement if they are being sponsored to work as a doctor, dentist, nurse, midwife or veterinarian, and have passed an English Language assessment which is accepted by the relevant regulated professional body as a requirement for registration.”.

### **Changes to Appendix Finance**

FIN1. For the paragraph in the overview beginning with “This Appendix applies to applications under these routes:”, substitute:

“This Appendix applies to applications under these routes: Appendix Student, Appendix Short-term Student, Appendix Child Student, Appendix Parent of a Child Student, Appendix Skilled Worker, Appendix Intra-company routes, Appendix Representative of an Overseas Business, Appendix Global Talent, Appendix Start-up, Appendix Innovator, Appendix T2 Minister of Religion, Appendix T2 Sports person, Appendix UK Ancestry, Appendix T5 (Temporary Worker) Seasonal Worker, Appendix T5 (Temporary Worker) Youth Mobility Scheme, Appendix T5 (Temporary Worker) Creative Workers and Sports person, Appendix T5 (Temporary Worker) Religious Worker, Appendix T5 (Temporary Worker) Charity Workers, Appendix T5 (Temporary Worker) International Agreement Workers, Appendix T5 (Temporary Worker) Government Authorised Exchange Workers, Appendix Domestic Worker in a Private Household, Appendix Overseas Domestic Worker, and Appendix Hong Kong British National (Overseas).”.

FIN2. For the heading “**Evidence of financial sponsorship for students**” substitute, “**Evidence of financial sponsorship or student loans for students**”.

### **Changes to Appendix KOL UK**

KOL UK1. For the paragraph in the overview beginning with “It applies only to applications under:”, substitute:

“It applies only to applications under Appendix Student, Appendix

Skilled Worker, Appendix Representatives of an Overseas Business, Appendix T2 Minister of Religion, Appendix T2 Sports person, Appendix UK Ancestry, Appendix Global Talent, Appendix Innovator, Appendix T5 (Temporary Worker) International Agreement Worker, Appendix Domestic Worker in a Private Household, and Appendix Hong Kong British National (Overseas).”.

### **Changes to Appendix Continuous Residence**

App CR1. For the paragraph in the overview beginning with “It applies only to applications under:”, substitute:

“It applies only to applications under Appendix Skilled Worker, Appendix Representative of an Overseas Business, Appendix Global Talent, Appendix Innovator, Appendix T2 Minister of Religion, Appendix T2 Sports person, Appendix UK Ancestry, Appendix Domestic Worker in a Private Household, Appendix T5 (Temporary Worker) International Agreement Worker, and Appendix Hong Kong British National (Overseas).”.

App CR2. After paragraph CR 3.1., insert:

“CR 3.2. Where a dependant partner was absent during a period of permission granted before 11 January 2018, that period of absence will not be counted towards the 180-day limit when calculating the dependant applicant’s continuous residence period if the person on whom they were dependant (the main applicant) was on one of the following routes:

- (a) Tier 1; or
- (b) Tier 2; or
- (c) Tier 5 (Temporary Worker); or
- (d) Global Talent; or
- (e) Start Up; or
- (f) Innovator.”.

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