

**HJT SUMMARY OF [STATEMENT OF CHANGES TO THE IMMIGRATION RULES
HC1154](#), 15 JUNE 2018***Contents*

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IMPLEMENTATION AND SUMMARIES OF MAIN CHANGES

Implementation

Applicable to *all* decisions from 6 July 2018, even where application was made before that date, are the following (marked throughout the Keeling schedule in **yellow**)

7.2	suitability requirements in S-LTR 1.2-1.8 are mandatory by S-LTR1.1 which had previously been left out
8.1 and 8.2	transitional Part 8 applications considered under Appendix FM <i>not</i> to be considered under EX1 (i.e. if EX is applied, 10 year route would re-start settlement period)
11.1	New provisions implementing the Dubs amendment for unaccompanied children
A14 to A17	Tier 2(General) CoS rules are relaxed
A21 to A25	Tier 2 (General) limits and allocations lifted
ECAA1.	New ILR provisions for Turkish business people
FM1. to FM4.	Clarifications that use of EX1 can only lead to 10 year route grants, and that EX1 can exempt partners and parents from the English requirement even where met at A1 in a previous application
FM-SE1.&2	Deletion of tax credit in relation to dividends

All the other changes will apply only to decisions *on applications made on or after* 6 July 2018.

The [explanatory memorandum](#) outlines the main changes as follows:

The purposes of the main changes are to:

- Make provision for returning residents, including those affected by Windrush.
- Create a route for Afghan locally engaged staff to apply for settlement in the UK and to extend the ex-gratia redundancy scheme by six years, to include those made redundant on or after 1 May 2006.
- Create a new settlement route for Turkish ECAA business persons, workers and their family members.
- Create a new form of leave for people, transferred to the UK under the Dubs amendment, who do not qualify for international protection.
- Exempt all doctors and all nurses from the annual Tier 2 (General) limit.
- Create new provisions in the Tier 1 (Exceptional Talent) category.

The [UKVI website page announcing HC1154](#) goes into more detail on the changes.

KEELING SCHEDULE

CHANGES TO THE INTRODUCTION

Intro1. – Intro3. Replace ~~Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council~~ with Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students

New definitions for state-funded schools or academies, non-maintained special schools and independent schools, replace the old definitions

CHANGES TO PART 1 – leave to enter or stay in the UK

1.1-1.13 – changes to paras 18 and 19 on returning residents

18. A person ~~seeking leave to enter the United Kingdom as a returning resident~~ may resume their residence in the UK ~~be admitted for settlement~~ provided the Immigration Officer is satisfied that the person concerned:

- (i) had indefinite leave to enter or remain in the United Kingdom when he last left; and
- (ii) has not been away from the United Kingdom for more than 2 years; and
- (iii) did not receive assistance from public funds towards the cost of leaving the United Kingdom; and
- (iv) now seeks admission for the purpose of settlement.

18A. Those who qualify ~~for admission to the United Kingdom as returning residents to resume their residence~~ in accordance with paragraph 18 do not need a visa to enter the UK.

19. A person who does not benefit from the preceding paragraph by reason only of having been ~~away from the United Kingdom too long may nevertheless be admitted as a returning resident~~ absent from the United Kingdom for more than two consecutive years, must have applied for, and been granted indefinite leave to enter by way of entry clearance if ~~, for example, he has lived here for most of his life~~ he can demonstrate he has strong ties to the United Kingdom and intends to make the United Kingdom his permanent home.

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

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

1.14-1.16 changes to para 24 on entry clearance – corrections of grammatical mistakes, corrections do not alter the meaning or effect of paras

1.17 change to para 39E – exceptions for overstayers – rewording to clarify further applications are not permitted

39E. This paragraph applies where:

- (1) the application was made within 14 days of the applicant's leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in-time; or

(2) the application was made:

- (a) following the refusal of a previous application for leave which was made in-time ~~or to which sub-paragraph (1) applied~~; and
- (b) ...

CHANGES TO PART 3 – persons seeking to enter or remain in the UK for studies

3.1-3.4 changes to para A57 – short-term students

Introduction

...

A57B. In paragraphs A57A to A57H:

... (c) An accredited institution must be:

... (iii) the holder of a valid and satisfactory full institutional inspection, review or audit by one of the following bodies: Bridge Schools Inspectorate; Estyn; Education Scotland; ~~Higher Education Funding Council for England (HEFCE)~~ the Office for Students; ...

...

A57D. Applicants for entry clearance or leave to enter the UK as a short-term student for up to and including 6 months must meet the requirements in A57C and all of the following requirements:

(a) Either; (i) ...or

(ii) is enrolled on a course of study abroad equivalent to at least degree level study in the UK and has been accepted by a UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the ~~Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council~~ Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students to undertake research or be taught...

...; or

(iii) is enrolled on a course of study abroad equivalent to at least degree level study in the UK, where they are studying medicine, veterinary medicine and science, or dentistry as their principal course of study, and has been accepted by a UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the ~~Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council~~ Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students to undertake electives relevant to their course of study provided these are unpaid, and involve no treatment of patients;

...

A57E. Applicants for entry clearance or leave to enter the UK as a short-term student for up to and including 11 months must meet the requirements in A57C (with the exception of A57C(xii)) and all of the following requirements:

...

A57F.

~~(a) Entry clearance or leave to enter the UK as a short-term student will be granted for a period not exceeding 6 months where paragraph A57D applies;~~

(a) Where paragraph A57D applies, entry clearance or leave to enter the UK as a short-term student will be granted for a period not exceeding 6 months, and where the applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires, subject to the condition set out in Part 15 of these Rules.

CHANGES TO PART 4 – work experience

4.1-4.2 changes to paras 123 and 126 replace 'have' with 'has' – *correction of grammatical mistake, correction does not alter the meaning or effect of paras (which is unclear as it relates to deleted paras)*

CHANGES TO PART 5 – working in the UK**5.1-5.2 changes to para 128A – ILR general requirements for Part 5**

128A. The following rules apply to all requirements for indefinite leave to remain in Part 5:

(a) references to a “continuous period” of 5 years or 4 years “lawfully in the UK” mean, subject to paragraph (aa), residence in the United Kingdom for an unbroken period with valid leave, and for these purposes a period shall be considered unbroken where:

~~(i) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s); and~~

(i) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that:

(1) any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s) and that their employer, if there was one, agreed to the absence(s) for that purpose; and

(2) for any absences from the UK during periods of leave granted under the Rules in place before 11 January 2018, the applicant must not have been absent from the UK for more than 180 days during each consecutive 12 month period, ending on the same date of the year as the date of the application for indefinite leave to remain.

~~(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that:~~

~~(1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted, that period and any period pending the applicant’s re-entry into the United Kingdom shall be disregarded; and~~

~~(2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, the period spent outside the United Kingdom with continuing leave and any period pending the applicant’s re-entry into the United Kingdom shall be disregarded; and~~

(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that:

(1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted, (2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, or

(3) where, on or after 24 November 2016, the applicant makes a further application for entry clearance within 14 days of the applicant’s leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application for indefinite leave to remain, why the application could not be made during the currency of continuing limited leave, or

(4) where a successful application for entry clearance is made following the refusal of a previous application to which (2) or (3) otherwise applies, and the application was made within 14 days of that refusal (or the expiry of the time-limit for making an in-time application for administrative review, or any administrative review or appeal being concluded, withdrawn or abandoned or lapsing), that period spent without existing leave, pending the applicant’s reentry into the United Kingdom, shall be disregarded; and

5.3-5.5 & 5.10 changes to paras 145, 159B, 187 and 198(a)(i) replace ‘have’ with ‘has’ – correction of grammatical mistake, no change to meaning or effect of paras

5.6-5.8, 5.11 and 5.12 changes to paras 196A(iii)(1), 196D(iv)(1), 197(vii)(1), 198A(ii)(1) and 199(iii)(1) replace 'ot' with 'to' – *correction of spelling mistake, no change to meaning or effect of paras*

5.9 change to para 198

198. (a) A person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be given leave to enter or remain ... provided that:

i) ...; or

~~ii) in the case of an application for limited leave to remain, he was not last granted:~~

~~(1) entry clearance or leave as a visitor, short-term student or short-term student (child),~~

~~(2) temporary admission, or~~

~~(3) temporary release,~~

~~and is able to satisfy the Secretary of State that each of the requirements of paragraph 197~~

~~(i)-(vi) and (viii) is met.~~

(ii) in the case of an application for limited leave to remain, he was not last granted

(1) entry clearance or leave as a visitor, short-term student or short term student (child),

(2) temporary admission,

(3) temporary release, or

(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted.

and is able to satisfy the Secretary of State that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met.

CHANGES TO PART 6A – the points-based system

6A.1 replacement throughout Appendix A of ~~Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council~~ with Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students

6A.2-6A.3 change to para 245AAA(a)(i) and (ii) – calculation of absences for ILR

245AAA.General requirements for indefinite leave to remain

The following rules apply to all requirements for indefinite leave to remain in Part 6A and Appendix A:

(a) References to a “continuous period” “lawfully in the UK” means, subject to paragraph (e), residence in the UK for an unbroken period with valid leave, and for these purposes a period shall be considered unbroken where:

~~(i) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s) and that their Sponsor, if there was one, agreed to the absence(s) for that purpose;~~

(i) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that:

(1) any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s) and that their Sponsor, if there was one, agreed to the absence(s) for that purpose; and

(2) for any absences from the UK during periods of leave granted under the Rules in place before 11 January 2018, the applicant must not have been absent from the UK for more than 180 days during each consecutive 12 month period, ending on the same date of the year as the date of the application for indefinite leave to remain.

~~(ii) the applicant has existing limited leave to enter or remain upon their departure and return except that:~~

~~(1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted, that period and any period pending the applicant's re-entry into the United Kingdom shall be disregarded; and~~

~~(2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, the period spent outside the UK with continuing leave and any period pending the applicant's re-entry into the United Kingdom shall be disregarded; and~~

(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that:

(1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted,

(2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, or

(3) where, on or after 24 November 2016, the applicant makes a further application for entry clearance within 14 days of the applicant's leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application for indefinite leave to remain, why the application could not be made during the currency of continuing limited leave, or

(4) where a successful application for entry clearance is made following the refusal of a previous application to which (2) or (3) otherwise applies, and the application was made within 14 days of that refusal (or the expiry of the time-limit for making an in-time application for administrative review, or any administrative review or appeal being concluded, withdrawn or abandoned or lapsing), that period spent without existing leave, pending the applicant's reentry into the United Kingdom, shall be disregarded; and.

6A.4 – deletion of 245C-245CD-SE *deletion of all remaining Tier 1 General rules*

6A.5 - Tier 2 (ICT) After paragraph 245GF-SD C(b) insert new sub para (c)

C. Where the applicant is not being paid the appropriate rate in Appendix J due to maternity, paternity, shared parental or adoption leave:

(a) Payslips must be:...

(b) Bank or building society statements must be:...

(c) The applicant must provide the following evidence to confirm periods of maternity, paternity, shared parental or adoption leave:

(i) An original full birth certificate or original full certificate of adoption (as appropriate), which must show that the applicant is one of the parent(s) or adoptive parent(s) of a child for whom the leave was taken; or

(ii) If the documents above are unavailable, a full explanation as to why they cannot be provided, and at least one of the following specified documents, which must be from an official source and be Page 10 of 51 independently verifiable:

(1) relevant official adoption papers issued by the relevant authority,

(2) any relevant medical documents, or

(3) a relevant extract from a register of birth which is accompanied by an original letter from the issuing authority.

6A.6 and 6A.7 - Tier 2 entry clearance and leave to remain *insertion clarifying that 'ownership of more than 10% of its shares' (in paras 245HB(l)(small letter 'l') & 245HD(o)) is to mean 'directly or indirectly'*

6A.8, 6A.11, 6A.15, 6A.17, 6A.21, and 6A.25 changes to Tier 4 (General) and (Child) rules:

replace: ~~an Academy or a school maintained by a local authority~~ with: **a state funded school – except for voluntary grammar schools with boarding in Northern Ireland – and academies**

Same replacement (singular or plural wording, as appropriate, as follows:

6A.8 in para 245ZT

6A.11 in para 245ZW(c)(vi)

6A.15 in para 245ZY(c)(vi),

6A.17 in para 245ZZ

6A.21 in para 245ZZB(c)(vi)

6A.25 in para 245ZZD(c)(vi)

6A.9 and 6A.13 change to Tier 4 (General) – for subjects of study for which App 6 provides that the Foreign Office needs to provide clearance, this will now be necessary even for short (6 month-) periods of study or research. :

In paragraph 245ZV(da)(iii) and 245ZX(ea)(iii), respectively delete ~~“in excess of 6 months”~~

6A.10 & 6A.14 Tier 4 (General) – added sub para on permitted study in ‘conditions of grant’ paras for entry clearance and leave to remain

6A.10 after paragraph 245ZW(c)(iv)(2)(b)6.b

6A.14 after paragraph 245ZY(c)(iv)(2)(b)6.b

i.e. after end of last sub para of (2) – identical – insert:

and

(2A) study on a study abroad programme at a partner institution of the applicant’s existing sponsor, which is an integral and assessed part of the course for which the Confirmation of Acceptance for Studies was assigned (regardless of when it is added to the course),

6A.12, 6A.16, 6A.22, 6A.26 Tier 4 (General) and (Child) in the following rules, after “Points Based System which becomes an Academy or a”, replace ~~school maintained by a local authority~~, with **state funded school.**

Same replacement in all of the following paras:

6A.12 in para 245ZW(c)(vi)

6A.16 in para 245ZY(c)(vi)

6A.22 in para 245ZZB(c)(vi)

6A.26 in para 245ZZD(c)(vi)

6A.18 Tier 4(Child) in para 245ZZB(c)(iv)(3), substitute “,” for “.”. *no effect, typo correction*

6A.19 and 6A.23 & 6A.20 and 6A.24 Tier 4 (Child) deletions from para on permitted employment in paras on grants of entry clearance (245ZZB) and leave to remain (245ZZD)

6A.16 delete para 245ZZB(c)(iv)(4).

6A.23 delete para 245ZZD(c)(iv)(4).

6A.20 in para 245ZZB(c)(iv) after “vacancy” delete “other than a vacancy as a sabbatical officer”.

6A.24 In paragraph 245ZZD(c) (iv) after “vacancy” delete “other than a vacancy as a sabbatical officer”.

Identical sub paras – the deletions look as follows:

(iv) no employment whilst the migrant is aged 16 or over except:

(1) -(3) ...

~~(4) employment as a Student Union Sabbatical Officer for up to 2 years provided the post is elective and is at the institution which is the applicant’s sponsor, or they must be elected to a National Union of Students (NUS) position~~

provided that the migrant is not self-employed or engaged in business activity, or employed as a Doctor in Training, a professional sportsperson (including a sports coach) or an entertainer, and provided that the migrant’s employment would not fill a permanent full time vacancy ~~other than a vacancy as a sabbatical officer~~.

CHANGES TO PART 7 – other categories

7.1 LTE as child of retired person of independent means In paragraph 275(a)(i), delete ~~that~~, – correction of grammatical mistake, does not alter effect of para

7.2 Applies to all decisions made on or after 6 July 2018 Private Life Suitability In paragraph 276ADE(1)(i) replace ~~S-LTR.1.2 to S-LTR.2.3~~. with **SLTR.1.1 to S-LTR.2.2**. – S-LTR.1.1. makes the suitability requirements in S-LTR 1.2-1.8 mandatory, i.e. applicants ‘will’ be refused if any of these apply. S-LTR.2.3 was previously deleted so this part of the change has no effect.

7.3 in para 276S, delete one of the double full stops - typo correction, no effect

7.4 change to LTR for relevant Afghan citizens – replace definition para 276BB1(iv)-(vi) as follows:
Limited leave to enter the United Kingdom as a relevant Afghan citizen ...

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

- (i) is in Afghanistan;
- (ii) is an Afghan citizen;
- (iii) is aged 18 years or over;
- ~~(iv) was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office or the Department for International Development;~~
- ~~(v) was made redundant on or after 19 December 2012; and~~
- ~~(vi) the Ministry of Defence, the Foreign and Commonwealth Office, or the Department for International Development has determined should qualify for the resettlement redundancy package as described in the written Ministerial statement of the Secretary of State for Defence dated 4th June 2013.~~
- (iv) if applying on the basis of redundancy:
 - a) was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office or the Department for International Development;
 - b) was made redundant on or after 1 May 2006; and
 - c) the Ministry of Defence, the Foreign and Commonwealth Office, or the Department for International Development has determined should qualify for relocation under the ex-gratia redundancy package; or
- (v) is or was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office or the Department for International Development for any period since 2001; and has been determined by the Secretary of State as being in need of relocation to the United Kingdom under the published intimidation policy.

7.5 New ILR provisions for ‘relevant Afghan citizens’ – newly created ILR to follow on from LTR paras for [relevant Afghan citizens](#) 276BA1-end of 276BS1 – refer to [statement of changes](#) for full text

CHANGES TO PART 8 – family members

8.1 & 8.2 Apply to all decisions made on or after 6 July 2018 changes to Transitional provisions and interaction between Part 8, Appendix FM and Appendix FM-SE

A277B. Where the Secretary of State is considering an application for limited leave to remain or indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant, from a victim of domestic violence or from a bereaved spouse, civil partner, unmarried partner or same sex partner) and where the application does not meet the requirements for indefinite leave to remain (where the application is for indefinite leave to remain) or limited leave to remain under Part 8 in force at the date of decision:

- (a) the application will also be considered under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d), R-LTRC.1.1.(a), (b) and (d) ~~and EX.1.~~ of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules;

A277C. Subject to paragraphs A277 to A280B, paragraph 276A0 and paragraph GEN.1.9. of Appendix FM of these rules, where the Secretary of State deems it appropriate, the Secretary of State will consider any application to which the provisions of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules do not already apply, under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d), R-LTRC.1.1.(a), (b)

and (d) ~~and EX.4.~~ of Appendix FM (family life) and paragraph 276ADE(1) (private life) of these rules. If the applicant meets the requirements for leave under those provisions (except the requirement for a valid application), the applicant will be granted leave under paragraph D-LTRP.1.2., D-LTRPT.1.2. or D-LTRC.1.1. of Appendix FM or under paragraph 276BE(1) of these rules.

8.3 KOLL to apply to ILR for adopted children where already turned 18

311. The requirements to be met in the case of a child seeking indefinite leave to remain in the United Kingdom as the adopted child of a parent or parents present and settled in the United Kingdom are that he:

(i) is seeking to remain with an adoptive parent or parents in one of the following circumstances:

...

(ii) has limited leave to enter or remain in the United Kingdom, and

(a) is under the age of 18; or

~~(b) was given leave to enter or remain with a view to settlement under paragraph 315 or paragraph 316B; and~~

(b) if aged 18 or over, was given leave to enter or remain with a view to settlement under paragraph 315 or paragraph 316B and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL; and”.

8.4 ILR for adopted child of settled parent added provision for LTR instead of ILR where over 18s fail to meet KoLL

313. Indefinite leave to enter the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the adopted child of a parent or parents present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 311 is met.

If an applicant aged 18 or over does not meet the requirements of paragraph 311 only because the applicant does not meet the requirement in paragraph 311(ii)(b) to have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL, the applicant may be granted limited leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds.

8.5 In paragraph 316E typo correction, no effect

8.6 and 8.7 changes to EC/LTR requirements for partner of a PBS migrant

319C (i) Where the relevant Points Based System Migrant is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the United Kingdom as a Tier 4 (General) Student either:

(i) the relevant Points Based System Migrant must be a government sponsored student who is applying for, or who has been granted, entry clearance or leave to remain to undertake a full-time course of study longer than six months;

(ii) the relevant Points Based System Migrant must:

(1) be applying for, or have been granted entry clearance or leave to remain in order to undertake a full-time course of study at post-graduate level that is ~~42~~ 9 months or longer in duration; and

(2) be sponsored by a sponsor who is a UK recognised body or a body in receipt of funding as a higher education institution from either:

~~(a) the Department for Employment and Learning in Northern Ireland;~~

~~(b) the Higher Education Funding Council for England;~~

~~(c) the Higher Education Funding Council for Wales; or~~

~~(d) the Scottish Funding Council;~~

(b) the Office for Students;

(c) the Higher Education Funding Council for Wales;

(d) the Scottish Funding Council; or

(e) any other provider registered with the Office for Students

8.8 conditions of grant partner of PBS migrant In paragraph 319D(b)(iv)(1), in both places it occurs, for “12” substitute “9”.

319D ... (b) Entry clearance and leave to remain under this route will be subject to the following conditions: (i)-(iii)...

(iv) if the Relevant Points Based System Migrant is a Tier 4 (General) Student and the Partner meets the requirements of paragraphs 319C(i)(iv)(1),(2) and (3) and:

(1) the Relevant Points Based System Migrant is a Tier 4 (General) Student applying for leave for less than ~~12~~ 9 months, no employment, except where the relevant Points Based System Migrant is applying for, or has been granted leave to remain to continue studying the same course for which they have previously been granted leave of ~~12~~ 9 months or more as a Tier 4 (General) Student

8.9 and 8.10 changes to child of a PBS migrant 2 replacements, see below

319H (i) Where the relevant Points Based System Migrant is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the United Kingdom as a Tier 4 (General) Student either:

(i) the relevant Points Based System Migrant must be a government sponsored student who is applying for, or who has been granted, entry clearance or leave to remain to undertake a full-time course of study longer than six months;

(ii) the relevant Points Based System Migrant must:

(1) be applying for, or have been granted entry clearance or leave to remain in order to undertake a full-time course of study at post-graduate level that is ~~12~~ 9 months or longer in duration; and

(2) be sponsored by a sponsor who is a UK recognised body or a body in receipt of funding as a higher education institution from either:

(a) the Department for Employment and Learning in Northern Ireland;

~~(b) the Higher Education Funding Council for England;~~

~~(c) the Higher Education Funding Council for Wales; or~~

~~(d) the Scottish Funding Council”;~~

(b) the Office for Students;

(c) the Higher Education Funding Council for Wales;

(d) the Scottish Funding Council; or

(e) any other provider registered with the Office for Students”.

8.11 conditions of grant child of PBS migrant In paragraph 319I(b)(iii)(1), in both places it occurs, for “12” substitute “9”.

319I. Period and conditions of grant

(a) Entry clearance and leave to remain will be granted for:...

(b) Entry clearance and leave to remain under this route will be subject to the following conditions:

(i) no recourse to public funds,

(ii) registration with the police, if this is required under paragraph 326 of these Rules, and

(iii) if the Relevant Points Based System Migrant is a Tier 4 (General) Student and the Child meets the requirements of paragraphs 319H(i)(iv)(1), (2) and (3) or 319H(j) and:

(1) the Relevant Points Based System Migrant is a Tier 4 (General) Student applying for leave for less than ~~12~~ 9 months, no employment, except where the relevant Points Based System Migrant is applying for, or has been granted leave to remain to continue studying the same course for which they have previously been granted leave of ~~12~~ 9 months or more as a Tier 4 (General) Student, or

8.12 clarification LTR for child of a relative of someone with LTR ‘clearance for entry’ is intended to mean ‘entry clearance’ in para 319XA

CHANGES TO PART 9 – general grounds for refusal

9.1- 9.3 changes below

320(7BB) for the purposes of calculating the period of overstaying in paragraph 320(7B)(i), the following will be disregarded: (a) ...

(b) overstaying in relation to which paragraph 39E of the Immigration Rules (concerning out of time applications made on or after 24 November 2016) applied, together with any period of overstaying pending the determination of **such application or** any related appeal or administrative review;

323AA Prohibited changes to employment for Tier 2 Migrants and Tier 5 Migrants

The following are prohibited changes, unless a further application for leave to remain is granted which expressly permits the changes:

(za) ...

(a) The migrant is absent from work without pay for four weeks or more in total, according to his/her normal working pattern (whether over a single period or more than one period), during any calendar year (1 January to 31 December), unless the absence from work is due solely to:

- (i) maternity leave,
- (ii) paternity leave,
- (iii) shared parental leave;
- (iv) adoption leave, ~~or~~
- (v) long term sick leave of one calendar month or more during any one period, **or**
- (vi) **assisting with a national or international humanitarian or environmental crisis overseas, providing their Sponsor agreed to the absence(s) for that purpose."**

CHANGES TO PART 11 – asylum

11.1 Apply to *all* decisions made on or after 6 July 2018 New paras implementing Dubs Amendment s67 Immigration Act 2016 for relocation and support of 480 unaccompanied children. Insertion of new paras to 352ZF-352ZS (refer directly to [statement of changes](#) for full text)

CHANGES TO PART 15 – condition to hold an academic technology approval scheme clearance certificate

15.1 removal of lower time limit for ATAS clearance certificate *now applies to courses up to 6 months as well*

417. Where these Rules refer to leave to enter or remain in the United Kingdom being granted to an individual, subject to the conditions set out in this Part 15, such condition is as set out in (i) and (ii) below: (i) no study which is:.... Or (c) a period of study or research ~~in excess of 6 months~~ in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of these Rules at an institution of higher education where this forms part of an overseas postgraduate qualification

CHANGES TO APPENDIX A - points needed for attributes for applicants in tiers 1, 2, 4 and 5 of the points-based system

A1. All of [Appendix A](#) Replace all occurrences of ~~Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council~~ with **Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students**

A2. and A3. Tier 1 ([Exceptional Talent](#)) attributes *NB the change to para 5. is in respect of removal of restrictions on Croatian nationals on 30 June 2018 who henceforth become 'EEA nationals'*

Tier 1 (Exceptional Talent) Limit

4. (a) ... (b) The Tier 1 (Exceptional Talent) Limit is 2,000 endorsements in total per year (beginning on 6 April and ending on 5 April) of which 1,000 endorsements are unallocated while 1,000 endorsements will be allocated to the Designated Competent Bodies as follows: (i)-(iv) ...

(v) 200 endorsements to ~~Tech City UK~~ Tech Nation for the purpose of endorsing applicants with exceptional talent in the field of digital technology.

5. (a)-(e) ... (f) The number of allocated endorsements available to each Designated Competent Body to endorse Tier 1 (Exceptional Talent) applicants in a particular period, or the remaining balance of unallocated endorsements in the Tier 1 (Exceptional Talent) Limit (as appropriate), will be reduced by one for:

~~(i) each applicant that body endorses in that period for the purposes of applying to be deemed a highly skilled person under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013; and~~

(ii) each applicant that body endorses in that period for the purpose of applying for entry clearance, leave to enter or leave to remain in the Isle of Man.

A4. deletion of whole part relating to Tier 1 (General) i.e. paras 7 to 34-SD, including Tables 2 and 3 as route is now closed

A5. change to Tier 1 (Entrepreneur) – available money: specified documents In paragraph 41(a)(vii), for “the declaration(s) from the third party or parties mentioned in (vi) and letters from financial institutions mentioned in (viii)”, substitute “”.

41. (a) If all or part of the money has not yet been invested in the applicant’s business, the applicant must provide all of the specified documents set out in the relevant row of Table 4A below. If the applicant is claiming points for available money from more than one source, the applicant must provide the specified documents for each row which applies.

...

(vii) A letter (or letters) from one or more legal representatives, who are not the applicant or the third party, which confirm(s) that ~~the declaration(s) from the third party or parties mentioned in (vi) and letters from financial institutions mentioned in (viii)~~ all letters and declarations in (ii)-(vi) and (viii) (where required) contain the genuine signatures of the required signatories. The letter(s) must clearly show the registration or authority of the legal representative to practise legally in the country where the third party or the money is.

A6. change to Tier 1(Entrepreneur) – investment: specified documents – replace as follows

45. The applicant must provide their business accounts and accompanying evidence of their investment, which must meet the following requirements:

(a)-(b)...

(c) the audited or unaudited accounts must show the investment in money made directly in the business by:

(i)-(ii) ,,or

~~(iii) a third party other than those in (ii), and the accounts must be accompanied by a letter from the Department for International Trade, confirming that the investment was made as a result of the applicant securing the investment;~~

(iii) a third party other than those in (ii), and the accounts must either:

(1) confirm that the investment was made as a result of the applicant’s activity, or

(2) be accompanied by a letter from the Department for International Trade, confirming that the investment was made as a result of the applicant’s activity;

A7. To A11. changes to Tier 1 (Investor) – qualifying investments (Table 8A to Table 9B): notes

65. Investment excludes investment by the applicant by way of:... (f) Leveraged investment funds, except where the leverage in question is the security against the loan referred to in ~~paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9~~ paragraph (b) in Table 8B or row 1 of Table 9B (as appropriate), and paragraph 61A(i)-(iii) apply.

65C(c)(i) (c) In the case of an application where one of Tables 8A, 8B, 9A or 9B applies:

~~(i) The applicant may withdraw interest and dividend payments generated by the qualifying investments from the portfolio;~~

(i) The applicant may withdraw interest accrued and dividends declared after the date on which the applicant purchased the qualifying investments in the portfolio;”.

65-SD. The following specified documents must be provided as evidence of investment:

(a) The applicant must provide a series of investment portfolio reports, certified as correct by a UK regulated financial institution, which must:

(i)-(ix) ...

(x) include the date that the portfolio was certified by the financial institution; ~~and~~

(xi) state that the institution will confirm the content of the reports to the Home Office on request ~~and~~

(xii) confirmation that the portfolio is unencumbered and has no loans secured against it; and

(xiii) confirmation that none of the investments being relied on are prohibited by paragraph 65(a) to (f).

A12. and A13. Changes to Tier 2 (Intra-Company Transfer) – certificate of sponsorship

74B. No points will be awarded for a Certificate of Sponsorship unless:

(a) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on:

(i) the list of occupations shown in Table 2 of the codes of practice in Appendix J, or

(ii) one of the following creative sector occupations skilled to Regulated Qualifications Framework level 4 or above:

(1) 3411 Artists,

(2) 3412 Authors, writers and translators,

(3) 3413 Actors, entertainers and presenters,

(4) 3414 Dancers and choreographers, or

(5) 3422 Product, clothing and related designers, ~~or~~

~~(b) (i) the applicant is applying for leave to remain,~~

~~(ii) the applicant previously had leave as a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 13 June 2012, and has not since been granted leave to remain in any other route, or entry clearance or leave to enter in any route, and~~

~~(iii) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations shown in Table 3 of the codes of practice in Appendix J.~~

A14. to A17. Applies to **all decisions made on or after 6 July 2018 changes to Tier 2 (General) – certificate of sponsorship**

77B. The only Certificates of Sponsorship to be allocated to Sponsors for applicants to be Sponsored as Tier 2 (General) Migrants are:

(a) Certificates of Sponsorship to be assigned to applicants as a Tier 2 (General) Migrant, as allocated to Sponsors under the Tier 2 (General) limit, which is set out in paragraphs 80 to 84A below.

(b) Certificates of Sponsorship to be assigned to specified applicants ~~for leave to remain~~ as a Tier 2 (General) Migrant, as set out in paragraph 77D of Appendix A;

~~(c) Certificates of Sponsorship to be assigned to an applicant to do a job for which the gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 79 of this Appendix) is £159,600 (or £155,300, if the recruitment took place before 6 April 2017) or higher, and~~

~~(d) Certificates of Sponsorship to be assigned to an applicant to work in support of a posting from an overseas firm to the Sponsor in connection with the relocation of a high-value business to the UK or a significant new inward investment project, where:~~

~~(i) the sponsor was registered in the UK with Companies House no earlier than three years before the date the Certificate of Sponsorship was assigned,~~

~~(ii) the sponsor is the registered branch or wholly owned subsidiary of a business which has its headquarters and principal place of business outside the United Kingdom,~~

~~(iii) the relocation or inward investment involves new capital expenditure of £27 million or the creation of at least 21 new UK jobs,~~

~~and the Sponsor is able to provide evidence of this, if required. For this purpose, working in support of an inward investment project does not include the supply of services to a third party client.~~

77D. No points will be awarded for a Certificate of Sponsorship unless:

- (a) ...
- (b) in the case of a Certificate of Sponsorship which was not allocated to the Sponsor under the Tier 2 (General) limit:
 - (i)...(iii) ... (1) ... (3) ~~-, or~~
 - (iv) the number supplied links to a Certificate of Sponsorship Checking Service entry which shows that the applicant is being sponsored to work in the occupation code “2211 Medical Practitioners” or “2231 Nurses”.

A18. & A19. further changes to T2(Gen) CoS

77E. No points will be awarded for a Certificate of Sponsorship unless: (a)-(c)...

- ~~(d) (i) the applicant is applying for leave to remain,~~
- ~~(ii) the applicant previously had leave as a Tier 2 (General) Migrant under the Rules in place before 13 June 2012, and has not since been granted leave to remain in any other route, or entry clearance or leave to enter in any route, and~~
- ~~(iii) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations shown in Table 3 of the codes of practice in Appendix J, or~~

77K. No points will be awarded for a Certificate of Sponsorship if the Certificate of Sponsorship Checking Service entry records that the applicant is being sponsored in the occupation code “2231 Nurses” or ~~“2231 Midwives”~~ “2232 Midwives” unless:...

A20. change to **Tier 2 (General) – job offer passes Resident Labour Market Test** in paragraph 78(e) and Tables 11B and 11C, in each place it occurs, before “Universal Jobmatch” insert, “**Find a Job,**”.

A21. – A23. Apply to **all** decisions made on or after 6 July 2018 changes to **Tier 2 (General) limit** deletion in the fourth row of Table 11D of **2231 Nurses**

81B. In order for the Sponsor’s application to be awarded points for a job in a shortage occupation, the job must, at the time the application for a Certificate of Sponsorship is decided, appear on the the shortage occupation list in Appendix K, and contracted working hours must be for at least 30 hours a week. Furthermore, if the shortage occupation list in Appendix K, indicates that the job appears on the ‘Scotland only’ shortage occupation list, the job must be for employment in Scotland. ~~If the job is in the occupation code “2231 Nurses”, the sponsor must also certify that it has met the requirements of the resident labour market test, as set out in paragraph 78 of this Appendix.~~

81H. No points will be awarded for a Certificate of Sponsorship if the Secretary of State has reasonable grounds to believe that:

- (a)-(b)
- (c) the requirements set out in paragraph 77K of this Appendix will not be satisfied if ~~the occupation code is “2231 Nurses” or “2231 Midwives”~~ the occupation code is “2232 Midwives”

A24. & A25 Apply to **all** decisions made on or after 6 July 2018 **Tier 2 (General) limit – monthly allocations** deletion of references to Croatian nationals as restrictions are lifted on 30 June 2018

83. In paragraphs 83A to 84A below:

- (a) “number of applications” means the number of applications by Sponsors for a Certificate of Sponsorship under the Tier 2 (General) limit in a single monthly application period.
- (b) “monthly allocation” means the provisional monthly allocation set out in paragraph 82A(iii), adjusted according to the processes set out in these paragraphs following the assigning of Certificates of Sponsorship under the Tier 2 (General) limit, ~~or to Croatian nationals as set out in (c) below, in the previous monthly period.~~
- ~~(c) (i) Subject to (ii) and (iii) below, each monthly allocation will be reduced by the number of Certificates of Sponsorship assigned by Tier 2 (General) Sponsors to Croatian nationals in the previous monthly allocation period. (ii) Paragraph (i) does not apply to the first monthly allocation under the Tier 2 (General) limit for 6 April to 5 April each year, to which the application period of 6 March to 5 April relates, or to Certificates of Sponsorship assigned by Tier 2 (General) Sponsors to Croatian nationals before 1 July 2013.~~

A26.&A27. changes to Tier 4 (General) – attributes

120. Points will only be awarded for a Confirmation of Acceptance for Studies (even if all the requirements in paragraphs 116 to 119 above are met) if the course in respect of which it is issued meets each of the following requirements:

- (a) The course must meet one of the following minimum academic requirements:
- i.-vi. ...; or
 - vii. the course must be a recognised Foundation Programme for postgraduate doctors or dentists ~~or~~
 - viii. where the course is being delivered under a partnership between a higher education institution and a research institute, the course must be accredited at Regulated Qualifications Framework (RQF) level 7 or above, or accredited at Level 11 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority.

A28.-A30. changes to Tier 4 (General) – specified documents

120-SD. Where paragraphs 118 to 120 of this Appendix refer to specified documents, those specified documents are as follows:

- (a) In the case of evidence relating to previous qualifications, the applicant must provide, for each qualification, ~~either~~:
- (i) The original certificate(s) of qualification...
 - (ii) The transcript of results...
 - (iia) The print out of qualification or transcript results from the awarding body's online checking service which clearly shows:
 - (1) the applicant's name,
 - (2) the title of the award,
 - (3) the date of the award, and
 - (4) the name of the awarding body,
- (b) In the case of evidence of the applicant's nationality, the specified documents are ...
- (c) Where the applicant has provided print outs as evidence of previous qualifications, the Home Office reserves the right to request the original certificate of qualification or the transcript of results. The application will be refused if the specified documents are not provided in accordance with the request made.”.

A31. changes to Tier 4 (Child) – specified documents replace as follows

~~125-SD. Where paragraph 125 of this Appendix refers to specified documents evidence relating to previous qualifications, those specified documents are:~~

- ~~(i) The original certificate(s) of qualification, which clearly shows:~~
- ~~(1) the applicant's name,~~
 - ~~(2) the title of the award,~~
 - ~~(3) the date of the award, and~~
 - ~~(4) the name of the awarding institution;~~
- ~~(ii) The original transcript of results, which clearly shows:~~
- ~~(1) the applicant's name,~~
 - ~~(2) the name of the academic institution,~~
 - ~~(3) their course title, and~~
 - ~~(4) confirmation of the award;~~

125-SD.(a) Where paragraph 125A of this Appendix refers to specified documents relating to previous qualifications, those specified documents are:

- (i) The original certificate(s) of qualification, which clearly shows:
- (1) the applicant's name,
 - (2) the title of the award,
 - (3) the date of the award, and
 - (4) the name of the awarding institution;
- (ii) The original transcript of results, which clearly shows:
- (1) the applicant's name,
 - (2) the name of the academic institution,
 - (3) the course title, and
 - (4) confirmation of the award;
- or

(iii) The print out of qualification or transcript results from the awarding body's online checking service which clearly shows:

- (1) the applicant's name,
- (2) the title of the award,
- (3) the date of the award, and
- (4) the name of the awarding body;

(b) Where the applicant has provided print outs as evidence of previous qualifications, the Home Office reserves the right to request the original certificate of qualification or the transcript of results. The application will be refused if the specified documents are not provided in accordance with the request made.”.

CREATE NEW APPENDIX ECAA

ECAA1 Apply to **all** decisions made on or after 6 July 2018 March 2018 decision that the standstill clause does not apply to ILR for ECAA (Ankara Agreement) business persons. These rules now make provision. Refer directly to [statement of changes](#) for full text.

CHANGES TO APPENDIX FM – family members

FM1. Applies to **all** decisions made on or after 6 July 2018 After paragraph GEN.1.15. insert: GEN.1.16. Where an application or claim raising Article 8 is considered under Appendix FM and EX.1. applies, the requirements of paragraphs RLTRP.1.1(c) and R-LTRPT.1.1.(c) are not met.

FM2. and FM4. Apply to **all** decisions made on or after 6 July 2018 Application of EX1 to English language requirement for partners and parents where in a previous application only had CEFR level A1 add after E-LTRP.4.1A.(d), E-LTRPT.5.1A.(d) unless paragraph EX.1. applies.

FM3. Applies to **all** decisions made on or after 6 July 2018 replace ~~E-EEC.2.4~~ with E-ECC.2.4 *typo correction only*

CHANGES TO APPENDIX FM-SE – family members – specified evidence

FM-SE1 and FM-SE2 Apply to **all** decisions made on or after 6 July 2018 deletion of ~~and tax credit~~ in relation to dividends in paras 9(d)(i) and 10(b)(ii)

CHANGES TO APPENDIX H – applicants who are subject to different documentary requirements under tier 4 of the points based system

H1. Replace whole appendix refer to [SoC](#)- list now includes visa nationals (added are Bahrain, Cambodia, China, Dominican Republic, Indonesia, Kuwait, The Maldives, Mexico, Serbia, Thailand). The only deletion is Oman; applicability is widened to those applying from country of residence as well as nationality

CHANGES TO APPENDIX KOLL – knowledge of language and life

KOLL1., KOLL2. and KOLL3. – in 2.3, para 3.3 (ii) and para 4.15(a) replace as follows: ~~Learndirect limited~~ with **by an educational institution or other person approved for this purpose by the Secretary of State**

CHANGES TO APPENDIX L - tier 1 (exceptional talent) competent body criteria

L1.- L5. changes to [Criteria for endorsement by The Royal Society, The Royal Academy of Engineering or The British Academy](#) – paras 1 & 2 and changes to Table in para 1: replace (~~world leader~~) with (leader in relevant field); replace “(~~potential world leader~~) (potential leader in relevant field)” ; replace ~~world leader~~ with leader For table see [SoC](#)

1. To be considered for endorsement, the applicant must demonstrate that they either:

- (a) hold a specific peer-reviewed Research Councils UK, Wellcome Trust, British Heart Foundation, Cancer Research UK or UK National Academies research fellowship, as defined as eligible and named on the accelerated list published by The Royal Society, The Royal Academy of Engineering or The British Academy;
- (b) have been appointed to eligible senior academic or research positions at UK Higher Education Institutions (HEI) or specific research institutes as defined as eligible and named on the accelerated list published by The Royal Society, The Royal Academy of Engineering or The British Academy;
- (c) satisfy all of the mandatory “Exceptional Talent ~~(world leader)~~ (leader in relevant field)” criteria, and at least one of the qualifying criteria, in the table below; or
- (d) satisfy all of the “Exceptional Promise (potential world leader)” criteria in the table below.

~~2. (a) No further documents are required to be considered for endorsement under paragraph 1(a), providing the applicant confirms the details of their fellowship in their application~~

2. (a) To be considered for endorsement under paragraph 1(a), the applicant must provide written confirmation of the award from the funding body. The confirmation must be dated and confirm the following:

- (i) the applicant’s name;
- (ii) that the applicant has been awarded a fellowship defined by The Royal Society, The Royal Academy of Engineering or The British Academy.”.

L6. Replace in para 2(c)(ii) ~~their claim to be a world leader or a potential world leader~~ with their claim to be a leader or a potential leader”.

L7. Replace in table in 4(d) ~~world leader~~ with leader and leader in relevant field

L8. – L13 Changes to Criteria for endorsement by Arts Council England

~~5. The applicant must either:~~

~~(a) be established as, or demonstrate potential to become, a world-leading artist or an internationally recognised expert within the fields of arts and culture, encompassing dance, music, theatre, combined arts, literature and visual arts (including museums and galleries); or~~

~~(b) be established as a world-leading artist or an internationally recognised expert within the film, television, animation, post-production and visual effects industry.~~

5. The applicant must either:

(a) be established (if applying under the Exceptional Talent criteria) as, or demonstrate potential (if applying under the Exceptional Promise criteria) to become, a leading artist or an internationally recognised expert within the fields of arts and culture, encompassing dance, music, theatre, combined arts, literature and visual arts (including museums and galleries), as assessed by Arts Council England; or

(b) be established as a leading artist or an internationally recognised expert within the film, television, animation, postproduction and visual effects industry, as assessed by the Producers Alliance for Cinema and Television (PACT); or

(c) be established (if applying under the Exceptional Talent criteria) as, or demonstrate potential (if applying under the Exception Promise criteria) to become, an internationally recognised expert in their field within the fashion industry through the operation of leading designer fashion businesses (encompassing relevant technical), as assessed by the British Fashion Council.”.

~~6. The applicant must:~~

~~(a) be professionally engaged in producing work of outstanding quality which has been published (other than exclusively in newspapers or magazines), performed, presented, distributed or exhibited internationally;~~

~~(b) show recent (within the last 5 years) and regular activity of being engaged professionally as a practitioner in their field;~~

~~(c) show a substantial (if applying under the Exceptional Talent criteria) or developing (if applying under the Exceptional Promise criteria) track record in at least two countries, one of which can be their country of residence.~~

Arts and culture applicants – assessment by Arts Council England

6. If the applicant's field is within arts and culture, they must:

- (a) be professionally engaged in producing work of outstanding quality which has been published (other than exclusively in newspapers or magazines), performed, presented, distributed or exhibited internationally;
- (b) show recent (within the last 5 years) and regular activity of being engaged professionally as a practitioner in their field; and
- (c) show a substantial track record in more than one country (if applying under Exceptional Talent criteria) or a developing track record in one or more countries (if applying under Exceptional Promise criteria).

~~7. If the applicant's field is within arts and culture, they must provide the evidence specified in the table below to demonstrate that their work is of exceptional quality and has national or international recognition. This evidence must consist of no more than 10 documents in total, and must be submitted as paper-based documents in hard copy with the application. Evidence cannot include other objects, Digital Versatile Discs (DVDs) or Compact Discs (CDs), digital files or web links. (If an applicant wishes to use the content of a webpage as one of their 10 permitted supporting documents, they must provide a printed copy of the page which clearly shows the Uniform Resource Locator (URL) for the page.)~~

~~A document in this context is defined as a single article, review, letter, etc. If more than the permitted ten documents are submitted, only the first ten documents listed will be considered; additional evidence in excess of the permitted ten documents will be disregarded.~~

7. If the applicant's field is within arts and culture, they must provide the evidence specified in the table below.

Arts Council England will conduct independent assessment as to whether the evidence provided appropriately and adequately supports the applicant's claim that they meet the relevant requirements.

This evidence must consist of no more than 10 documents in total, and must be submitted as paper-based documents in hard copy with the application. Evidence cannot include other objects, Digital Versatile Discs (DVDs) or Compact Discs (CDs), digital files or documents that only show web links. (If an applicant wishes to use the content of a webpage as one of their 10 permitted supporting documents, they must provide a printed copy of the page which clearly shows the Uniform Resource Locator (URL) for the page.)

A document in this context is defined as a single piece of evidence (article, review, letter, etc). If more than the permitted ten pieces of evidence are submitted, only the first ten listed will be considered and the additional evidence will be disregarded.

~~8. If the applicant's field is within the film, television, animation, post-production and visual effects industry, they must:~~

~~(a) have won, or within the last five years from the year of application, have received a nomination for:~~

- ~~(i) an Academy Award,~~
- ~~(ii) a British Academy of Film and Television Arts (BAFTA) award (Film, Television, Television Crafts, Cymru, Scotland, Games awards only),~~
- ~~(iii) a Golden Globe, or~~
- ~~(iv) an Emmy award~~

~~and provide:~~

~~(1) full details of the production nomination or award, including category and year of nomination or award,~~

~~(2) evidence of the applicant's involvement if the nomination or award was as part of a group, and~~

- ~~(3) evidence of the credit the applicant received for the nomination or award;~~
~~or~~
~~(b) have, within the last five years from the year of application, made a significant and direct contribution to winning or being nominated for:~~
~~(i) an Academy Award,~~
~~(ii) a British Academy of Film and Television Arts (BAFTA) award (Film, Television, Television Crafts, Cymru, Scotland, Games awards only),~~
~~(iii) a Golden Globe, or~~
~~(iv) an Emmy award~~
~~and provide evidence from the named person on the award(s) or nomination(s) which demonstrates that the applicant has significantly influenced or directly resulted in the award or nomination to the named person; or~~
~~(c) demonstrate notable industry recognition by providing evidence of:~~
~~(i) international distribution sales and recognition, and~~
~~(ii) having achieved one of the following combinations:~~
~~(1) won a minimum of two,~~
~~(2) won one, and, within the last five years before the date of application, have been nominated for one other, or~~
~~(3) within the last five years before the date of application, have been nominated for a minimum of three, of the following Notable Industry Recognition Awards:~~

See [rules](#) for lengthy list

Film and television applicants – assessment by PACT

8. If the applicant's field is within the film, television, animation, postproduction and visual effects industry, they must:

- (a) have won, or within the last 10 years from the year of application, have received a nomination for one of the following awards:
- (i) an Academy Award,
 - (ii) a British Academy of Film and Television Arts (BAFTA) award (Film, Television, Television Crafts, Cymru, Scotland, Games awards only),
 - (iii) a Golden Globe, or
 - (iv) an Emmy award or
- (b) have, within the last 10 years from the year of application, made a significant and direct contribution to winning or being nominated for one of the awards mentioned in paragraph 8(a) above;
- or
- (ba) have within the last 15 years achieved a minimum of two nominations for one of the awards mentioned in paragraph 8(a) above;
- or
- (c) demonstrate notable industry recognition by providing evidence of:
- (i) international distribution sales and recognition, and
 - (ii) having achieved one of the following combinations:
 - (1) won a minimum of two,
 - (2) won one, and, within the last six years before the date of application, have been nominated for one other,
 - (3) within the last six years before the date of application, have been nominated for a minimum of three, or
 - (4) within the last three years before the date of application, made a significant and direct contribution to winning two, or being nominated for a minimum of three,
- of the following Notable Industry Recognition Awards:
- See [SoC](#) for lengthy table

L14. After paragraph 8, insert:

“8A. To demonstrate they meet the requirements in paragraph 8, for each award applicants must provide:

- (a) full details of the production nomination or award, including category and year of nomination or award;
- (b) evidence of the applicant’s involvement if the nomination or award was as part of a group;
- (c) evidence of the credit the applicant received for the nomination or award; and
- (d) if applying under paragraph 8(b) or 8(c)(ii)(4), evidence of their significant and direct contribution to the win or nomination.

Fashion applicants – assessment by the British Fashion Council

New section paras 8A-8D – refer to [SoC](#) for full section

L15.L18. changes to requirements for all applicants for endorsement by Arts Council England

All Applicants for endorsement by Arts Council England

9. The applicant must provide letters of endorsement ~~as specified in the table~~ as specified in the relevant table below, which must:

- ~~(a) be written on headed paper, dated, and signed by the author who must be a senior member of the organisation such as a member of the senior management team or board, the Chief Executive, Artistic Director, Principal or Chair;~~ “(a) be written on headed paper, dated, and signed by the author who must be a senior member of the organisation (i) for arts and culture or film and television applicants, such as a member of the senior management team or board, the Chief Executive, Artistic Director, Principal or Chair; (ii) for fashion industry applicants, such the Chief Executive, Chief Operating Officer, Creative Director, Buying Director, Fashion Director/Editor or, for Exceptional Promise applicants who have commercialised their graduating collections only, a Head of Course.”.
- (b) include details of the author’s credentials (for example, a Curriculum Vitae or résumé) and how they know the applicant (whether through personal relationship or reputation);
- (c) detail the applicant’s achievements in their specialist field and how in the opinion of the author they have demonstrated that they are, or have the potential to become, a ~~world leader~~ leader in their field;
- (d) describe how the applicant would benefit from living in the UK and the contribution they could make to cultural life in the UK, including details of any future professional engagements in the UK that the author is aware of;
- (e) include full contact details of the author including personal email address and direct telephone number so that personal contact can be made by Arts Council England, [PACT](#) or the British Fashion Council if required; and
- (f) be written specifically for the purpose of supporting the application, not as a general all-purpose reference letter.

L19. Replace table following 9.(f)

~~Letters of endorsement for exceptional talent and exceptional promise~~

~~The applicant must provide 3 letters of endorsement (as described in paragraph 9 above).~~

~~The first letter must be from a UK based arts or cultural organisation, institution or company which is well established nationally and/or internationally and widely acknowledged as possessing expertise in its field.~~

~~The second letter must be from another arts or cultural organisation, institution or company which is well established nationally and/or internationally and widely acknowledged as possessing expertise in its field. This second organisation may be UK or overseas based.~~

~~The third letter may be either from a third arts or cultural organisation, institution or company (UK or overseas based) which is well established nationally and/or internationally and widely acknowledged as possessing expertise in its field or from an eminent individual with internationally recognised expertise in the applicant’s specialist field.~~

Letters of endorsement for arts and culture or film and television applicants
The applicant must provide 3 letters of endorsement all of which must meet the specific requirements in paragraph 9 above, including:

The first letter must be from a UK based arts or cultural organisation, institution or company which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field.

The second letter must be from another arts or cultural organisation, institution or company which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field. This second organisation may be UK or overseas based.

The third letter may be either from a third arts or cultural organisation, institution or company (UK or overseas based) which is well-established nationally and/or internationally and widely acknowledged as possessing expertise in its field or from an eminent individual with internationally recognised expertise in the applicant's specialist field.

Letters of endorsement for fashion industry applicants

The applicant must provide 3 letters of endorsement all of which must meet the specific requirements in paragraph 9 above, from established organisations, institutions or companies with a national or international reputation and recognised expertise in fashion. If applying under Exceptional Talent criteria, at least one of these letters must be from a UK organisation. Acceptable organisations would be those which are well established nationally or internationally, work with many international designers and industry experts each year and are widely acknowledged as possessing expertise in fashion.

L20. changes to Criteria for endorsement by Tech City UK Tech Nation

L21. In the table in paragraph 10 replace

~~Have made significant technical, commercial, or entrepreneurial contributions in the digital technology sector as either a founder or entrepreneur of a digital technology company~~ with
Have made significant technical, commercial, or entrepreneurial contributions in the digital technology sector as either a founder, entrepreneur or employee of a digital technology company".

replace ~~a world leading talent in the digital technology sector~~ with a leading talent in the digital technology sector

L23. In paragraph 11(e) replace ~~mandatory~~ with **key**

L24.& L25. Additional para 13.(b)(iv)

13. (a)...(b) When assessing applicants Tech City UK will take into consideration the following:

(i) The applicant's track record/career history (including their international standing, the significance of their work and the impact of their activity in a company or as an individual);

(ii) The strength of the supporting statements in the letter of personal recommendation, and evidence in relation to qualifying criteria; ~~and~~

(iii) The expected benefits of the applicant's presence in the UK in terms of the contribution to the UK digital technology sector; ~~and~~

(iv) **Factors including but not limited to, the applicant's academic track record and salary level if employed, the company the applicant is being hired by if an employee, the amount of money raised if an entrepreneur.**

CHANGES TO APPENDIX N - approved tier 5 government authorised exchange schemes

N1. -N2. replacement of a scheme category deletion of row in table starting “Sponsored Scientific Researcher Initiative” and replacement with new row UK research and Innovation – Science, Research and Academia

CHANGES TO APPENDIX V - visitors

V1. *Typo correction, no effect*

V2. Addition in Appendix 1 to Appendix V, in the definition of an “accredited institution” , under (c) the holder of institutional inspection from...add **the Office for Students**

V3., V4., V5., V6. and V7. changes to ‘[exceptions to the list of visa nationals](#)’ in App 2 to App V

Obtaining an Electronic Visa Waiver Document

7 To obtain an EVW, a person mentioned in paragraph 5 of this Appendix must provide the required biographic and travel information at the website established by the UK Government at <https://www.electronic-visa-waiver.service.gov.uk/> **7AEVW Documents are issued to the applicant in electronic form.**

Electronic Visa Waiver Document validity requirements

A8 The biographic details on the EVW Document must match those of the holder’s passport. Where such details do not match, the EVW Document is not valid. However, the following errors are permissible and will not invalidate the EVW Document:

- a) where an apostrophe, space or hyphen is present in the holder’s name on their EVW Document but is not present in the holder’s name on their passport, or;
- b) where an apostrophe, space or hyphen is present in the holder’s name on their passport but is not present in the holder’s name on their EVW Document.

...

~~11 When the EVW Document is issued it must be printed in a legible form and in English.~~

11 When the EVW Document is issued, the holder must be able to present it:

- a) in a clear, legible format;
- b) in English, and;
- c) electronically or in printed form.

How an Electronic Visa Waiver Document must be used

...

~~15 The EVW Document must be surrendered to an Immigration Officer upon request.~~

15 Where the holder has presented a printed copy of the EVW Document, it must be surrendered to an Immigration Officer upon request.

16 The holder must travel on the flight, train or ship specified on the EVW Document unless

18 ~~or 19 applies.~~

V8. Clarification that Transit visitors are excluded from visitors who are permitted to undertake activities in paras 3-27

1 ~~All visitors~~ **Standard, Marriage/Civil Partnership and Permitted Paid Engagement** visitors are permitted to undertake the activities listed in paragraphs 3 – 27 of this Appendix provided they meet the requirements at V 4.5- V 4.8. Visitors coming to the UK under the ADS agreement may only do activities in paragraph 3 of this appendix. Permitted Paid Engagement visitors may not undertake the activity in paragraph 28 of this Appendix. Visitors coming to the UK as a transit visitor may only do the activities in paragraph 28 of this Appendix.