

Statement of Changes in Immigration Rules 7 December 2017

Changes to electronic entry clearance:

The Home Office proposes to commence issuing entry clearance in electronic format. Individuals holding entry clearance in electronic form will be checked by an Immigration Officer electronically on arrival.

Changes to visitors:

Visitors who hold a marriage or civil partnership visa will be able to transit the UK without the need to obtain a separate transit visa.

Visitors will no longer be able to undertake short study courses at an academy or school maintained by a local authority.

Changes to Tier 1

Tier 1 Exceptional Talent:

The Home Office is doubling the number of places available to 2,000 to leading figures and individuals who show promise in technology, science, art and creative industries. The 2,000 visas will be made available to individuals who are recognised as existing global leaders or promising future leaders in the digital technology, science, arts and creative sectors.

Tier 1 Entrepreneur:

The “Attributes” requirements for this category in Appendix A of the Immigration Rules are being rewritten to make them clearer and easier to follow. There are also consequential minor changes to this category.

Tier 1 Investor:

Minor technical changes are being made in relation to evidence of investments with National Savings and Investment (NS&I).

Investors who entered the category before 6 November 2014 may rely on the un-mortgaged portion of their main home.

Changes to Tier 2

Tier 2 General:

Students may apply to switch to Tier 2 General as soon as they have completed their courses rather than waiting for their results.

The Resident Labour Market Test is not required for posts held by researcher applicants who are recipients of supernumerary research Awards and Fellowships, and for established research team members sponsored by either a Higher Education Institution or a Research Council.

Nurses will be able to be sponsored under Tier 2 General if they are undertaking an approved programme with a view to returning to practice.

A provision that is currently set out in the Sponsor Guidance is being incorporated in the Immigration Rules, which restricts how far a migrant's start date may be put back before it becomes a prohibited change. The restriction now applies only to Tier 2 (General) Migrants, and only to any changes to start date which occur after leave has been granted.

Tier 2 Intra Company Transfer (ICT):

The definition of the Long-Term Staff sub-category is being amended, to reflect the closure of the Short Term Staff sub-category on 6 April 2017.

Changes to indefinite leave to remain in work categories:

The requirement to have had absences from the UK of no more than 180 days per year in order to qualify for settlement, which currently applies only to main applicants, is being extended to partners of. To ensure that this requirement does not have retrospective effect, only absences from the UK during periods of leave granted under the rules in place from 11 January 2018 will count towards the 180 days.

Tier 2 Migrants are no longer required to have been continuously employed throughout the qualifying period to be eligible for settlement.

Minor changes are being made to provide clarification, to remove duplication and inconsistencies relating to:

How the end date of the qualifying period for settlement is ascertained.

How the maximum 180 days of absence from the UK per year are counted for the purpose of a settlement application.

How time lawfully spent in the Isle of Man or Channel Islands in equivalent immigration routes can be counted towards time spent in the UK for the purpose of a settlement application.