



Home Office

**Border &
Immigration Agency**

HIGHLY SKILLED MIGRANTS UNDER THE POINTS BASED SYSTEM

STATEMENT OF INTENT

CONTENTS

MINISTERIAL FOREWORD FROM LIAM BYRNE MP	3
INTRODUCTION	4
PRINCIPLES	4
HOW THE HIGHLY SKILLED TIER WILL WORK	6
COMMENTS ON THIS DOCUMENT	7
ANNEX A: THE HIGHLY SKILLED TIER AT A GLANCE	8
ANNEX B: ENTERING THE UK IN A HIGHLY SKILLED SUB-CATEGORY	10
ANNEX C: EXTENDING A STAY IN THE UK IN A HIGHLY SKILLED SUB-CATEGORY	14
ANNEX D: SWITCHING WHILE IN THE UK INTO OR OUT OF A HIGHLY SKILLED SUB-CATEGORY	16
ANNEX E: TRANSITIONAL ARRANGEMENTS	17

MINISTERIAL FOREWORD FROM LIAM BYRNE MP



Migration that is effectively controlled and managed brings to Britain the skills and talents, assets and ideas we need to stay one of the world's leading nations. But our system must change if it is to be fit for the future. Over the next year, the

government will bring in the biggest shake-up of the immigration system in its history.

These changes will include:

- Implementing a firmer, faster and fairer Australian-style points system. The new system will be simpler and more transparent; ensuring that only those migrants Britain needs can come to work or study in the UK.
- Creating a Unified Border Force by bringing together the Border and Immigration Agency, Customs and UK Visas. The new agency will provide tougher policing at ports and airports with a highly visible, uniformed presence, counting all migrants in and out of the UK.
- Introducing compulsory identity cards for foreign nationals, meaning that we will know who is here and what they are entitled to do.

We will launch the points system in the first quarter of 2008, beginning with Highly Skilled migrants and sponsor registration. In this Statement of Intent we set out how the points system will work for Highly Skilled migrants, showing how points will be awarded and the robust checks that will be made on applications.

We know that migrants contribute to our economy, putting far more into the treasury purse than they take out; that they have contributed to 15%-20% the UK's growth in 2001-2005; and that they contributed around £6 billion to output growth in 2006. Highly Skilled migrants are key contributors to these benefits, filling crucial roles in financial and public services, education and health, ICT and business and helping to maintain the UK's position as a global leader in these fields and others.

Following the success of the existing Highly Skilled Migrant Programme, the purpose of the Highly Skilled tier of the points system is to attract the most talented migrants who have the most to contribute economically. The points pass mark for the Highly Skilled tier of the points system will be informed by the work of the Migration Advisory Committee on economic needs and that of the Migration Impacts Forum on the social effects of migration.

We are publishing this document now so that those affected by these proposals can prepare for them and people should have the opportunity to comment on them. Statements of Intent about skilled, temporary and student migrants will follow next year.

A handwritten signature in black ink that reads "Liam Byrne".

Liam Byrne MP
Minister for Nationality,
Citizenship and Immigration

SUMMARY

Introduction

1. In 2006, following an extensive public consultation, we published¹ proposals to modernise and strengthen our immigration system by bringing in an Australian-style points system comprising five tiers:
 - Tier 1** Highly skilled individuals to contribute to growth and productivity.
 - Tier 2** Skilled workers with a job offer to fill gaps in the UK labour force.
 - Tier 3** Low skilled workers to fill specific temporary labour shortages.
 - Tier 4** Students.
 - Tier 5** Youth mobility and temporary workers: people coming to the UK to satisfy primarily non-economic objectives.
2. This Statement of Intent is one of a series of Statements to be published before each points system tier is implemented. It explains how the Highly Skilled tier will work. The Statement reflects our current thinking which could change before the tier begins to be implemented in the first quarter of 2008, or at any point afterwards. The Highly Skilled tier will be the first part of the points system to be implemented.
3. Comprehensive guidance will be available before each points system tier is implemented and Regulatory and Equality Impact Assessments will be published when the changes to the Immigration Rules are laid before Parliament.

Principles

4. The Highly Skilled tier is about boosting the UK's economy by attracting and retaining the "brightest and best" as workers or businesspeople. The requirements for both entry to and staying on in the UK will be set at levels commensurate with that objective. We will keep those requirements under review, with the help of the Migration Advisory Committee and the Migration Impacts Forum to ensure the points system is effectively controlling migration in Britain's national interest.
5. The Highly Skilled tier, which subsumes the current Highly Skilled Migrants Programme, will benefit the UK economy by attracting and retaining people who will increase the skills and knowledge base of the UK. Highly Skilled migrants will be free to seek employment anywhere in the UK, which will widen the pool of highly skilled individuals available to employers, whilst maintaining the flexibility of the UK labour market. Greater clarity over the requirements for entry in each sub-category will increase the predictability of the scheme, ensure consistency in entry decision making and reduce the number of unsuccessful applications, whilst increasing the security of the points system.
6. Post Study Work will boost the UK's attractiveness as a place to study, bringing benefits to our educational establishments. It will do this by offering international graduates from UK institutions access to a staying on scheme that will be one of the most attractive in the world.
7. We will not ask applicants in the Highly Skilled tier to have sponsors, unlike in other points

1 A Points-Based System: Making Migration Work for Britain (March 2006)

system tiers. This will make it easy for employers to take on such migrants, without having to issue certificates of sponsorship.

8. We will, however, make robust checks when prospective migrants apply to ensure that they are genuinely entitled to the points they claim, and that those who may have previously abused the immigration system are excluded.
9. The points system will dramatically simplify the immigration system. We will be removing eight existing immigration categories when the Highly Skilled tier is introduced:

Highly Skilled Migrant Programme
Investors
Self Employed Lawyers
Businesspersons
Writers, Composers and Artists
International Graduates Scheme
Innovators
Fresh talent: Working in Scotland Scheme

10. The Highly Skilled tier will embrace:

General

For migrants who wish to find highly skilled employment in the UK².

Entrepreneurs

For those investing in the UK by setting up or taking over, and being actively involved in the running of, a business.

Investors

For high net worth individuals making a substantial financial investment in the UK.

Post-Study Work

This category aims to retain the most able

international graduates who have studied in the UK. It will also enhance the UK's overall offer to international students.

Post Study Work will be part of the Highly Skilled tier because successful applicants will be free to seek employment without having a sponsor. But, unlike the other Highly Skilled sub-categories, it is there only to provide a bridge to highly skilled or skilled work. People with Post Study Work leave will be expected to switch into another part of the points system as soon as they are able to do so.

To encourage people to switch, leave will be fixed at 2 years maximum, it will not be possible to apply for further leave and time spent in the sub-category will not count towards the threshold for being eligible to apply for settlement.

11. Highly skilled applicants will need to show they have enough points to qualify to enter or remain in the UK. Points will be earned against three sets of objective criteria:
 - a. Criteria specific to each sub-category (pass-mark 75).
 - b. Competence in English Language. Requiring migrants to speak English is a key part of the Government's immigration policy. It improves migrants' labour market outcomes and participation in the workplace, and assists with integration and social cohesion. As a result we think it is right that all skilled migrants coming to the UK should meet specific English language requirements. For Tier 1, in particular, we think it is right to require a high level of English. (pass-mark 10).

2 Skilled migrants will be able to apply under Tier 2 of the points system subject to having a sponsor.

- c. Maintenance. It is important that migrants are able to support themselves and their dependants as they do not have access to state benefits. We want to guarantee that migrants have sufficient funds to support themselves and any dependants from the point at which they enter the UK until they begin earning or receiving an income. The test is based on the latest cost of living figures provided in the annual British Council publication “Studying and Living in the United Kingdom” (pass-mark 10)³.
12. Applicants will have to reach the pass-mark for each of the above in order to gain entry, and continue to stay when their right to stay is renewed after three years.
 13. We will continue to exclude applicants who may gain sufficient points but where other reasons, such as previous immigration abuses, mean they should be refused.
- How the Highly Skilled tier will work**
14. There will be a single application process, whether in or outside the UK. There will also be a single application fee for principal applicants. We will set fees for the points system by balancing the need to recover the full cost of providing our services while maintaining the global competitiveness of the UK.
 15. Applicants will provide documentary evidence (to be specified in guidance available before implementation) to support their claim for points. This evidence will be rigorously checked. Points will not be awarded if we have reasonable grounds to doubt the evidence is genuine and,
 - having taken reasonable steps to verify its authenticity, have been unable to do so.
 16. Section 4 of the Immigration and Asylum Act 2006 removes the full right of appeal for those applying from abroad to come to the UK under the points system. The legislation will take effect as each points system tier is implemented, with transitional arrangements to ensure that applicants do not lose the right of appeal until each tier is fully implemented. Appeal rights will be abolished in all Highly Skilled sub-categories, except where the appeal is brought on Human Rights or Race Discrimination grounds. Applicants will be able to seek one Administrative Review per application if they feel an error has been made in their decision.
 17. There will be no Administrative Review for in-country applicants who will keep any existing rights of appeal though, in accordance with section 19 of the UK Borders Act, they will not generally be able to submit new evidence in their appeals.
 18. Rights of appeal will remain for non-points system categories both in and outside the UK.
 19. There will be three ways of applying under the points system:
 - a. Entering the UK in a Highly Skilled sub-category (detail in Annex B);
 - b. Extending a stay in the UK in a Highly Skilled sub-category (detail in Annex C); and
 - c. Switching while in the UK into or out of a Highly Skilled sub-category (detail in Annex D).

³ The figures are £400 per month start up costs (for those coming in from outside the UK), plus £800 funds per month, plus 2/3 of the funds required by the principal applicant for the first dependant and 1/3 for each subsequent dependant. As a general rule, 3 months funds will be required from people coming into the UK and 1 month's for people who are switching into a points system sub-category.

20. Successful applicants entering the UK will be issued with biometric visas. This will mean we know exactly who they are and what they are entitled to do.
21. Successful applicants will be able to bring dependants (children, spouses, civil partners, same sex partners, and unmarried partners) into the UK if they can prove to us that they can maintain them. Dependants of migrants in the Highly Skilled tier will be able to seek employment but they will not be able to switch into any points system tier other than as a dependant of a successful applicant to switch. If dependants subsequently wish to apply to be in the UK in their own right, they will need to leave the UK in order to apply. This is in line with our policy to export our border controls.
22. Successful applicants entering the UK in, or switching into, the Highly Skilled General, Investors or Entrepreneurs sub-categories will be granted three years' leave. Successful applicants for the Post Study Work sub-category will receive a single, non-renewable, grant of leave for two years.
23. Subsequent grants of leave in the Highly Skilled General, Investors or Entrepreneurs sub-categories will be for two years. It will not be possible to apply for an extension of stay in Post Study Work.
24. Time spent in any Highly Skilled sub-category except Post-Study Work will count towards the period the person needs to be here for before being eligible to apply for settlement in the Highly Skilled or Skilled tiers (currently 5 years).
25. Transitional arrangements will be put in place to handle the transfer from old to new systems.
26. The Annexes which follow provide more details:
 - Annex A:** The Highly Skilled tier at a glance - summary architecture
 - Annex B:** Entering the UK in a Highly Skilled sub-category
 - Annex C:** Extending a stay in the UK in a Highly Skilled sub-category
 - Annex D:** Switching while in the UK into or out of a Highly Skilled sub-category
 - Annex E:** Transitional arrangements

Comments on this document

27. This is not a consultation document. It is aimed at ensuring that those affected by the changes set out here are able to prepare for them in good time. We consulted fully leading up to the publication of the Command Paper "A Points based System: Making Migration work for Britain" in March 2006. But if you have comments on it, you may send them to tier1soi@homeoffice.gsi.gov.uk

Or by post to:

Tier 1 Statement of Intent
 C/o 11th Floor
 Apollo House
 36 Wellesley Road
 Croydon CR9 3RR

ANNEX A: THE HIGHLY SKILLED TIER AT A GLANCE

	Entry to the UK			
	Specific criteria	English	Maintenance	General Grounds
General	Qualifications Previous Earnings Age UK Experience	✓	✓	✓
Entrepreneurs	£200,000 held in a regulated financial institution and disposable in the UK.	✓	✓	✓
Investors	£1 million held in a regulated financial institution and disposable in the UK.	Exempt	Exempt	✓
Post Study Work				
	Eligible qualification Eligible UK institution Obtained while holding Student (Tier 4) leave or as a dependant Apply within 12 months of obtaining the qualification	Deemed to meet.	✓	✓

Extending the period of stay, having already had leave in the sub-category	Permitted switching		Dependants	Leave
	Source categories	Receiving categories		
Same sub-category specific criteria as entry. No need to pass English and Maintenance tests again.	All Highly Skilled sub-categories Work Permits (Tier 2) Students (Tier 4) Post Graduate Doctors and Dentists	All Highly Skilled sub-categories except Post Study Work. Work Permits (Tier 2).	✓	3+2
Investment in business made; registration (e.g. with HMRC) within 3 months of entry; actively engaged in the business; creation of 2 full time equivalent posts for at least 12 m. No need to pass English and Maintenance tests again.	All Highly Skilled sub-categories Work Permits (Tier 2) Students (Tier 4)		✓	
£750,000 invested as permitted within 3 months of entry, the investment maintained throughout the period of leave. English and Maintenance exemptions apply.			✓	
N/A	All highly Skilled sub-categories Students (Tier 4)	All Highly skilled sub-categories	✓	2

ANNEX B: ENTERING THE UK IN A HIGHLY SKILLED SUB-CATEGORY

Highly Skilled tier, General sub-category

Specific criteria (pass mark = 75)

The criteria specific to this sub-category will be those that have been in force since 5 December 2006 for the Highly Skilled Migrant Programme, except that there will no longer be an MBA provision⁴.

Criteria specific to the sub-category: pass mark = 75							
Qualifications		Previous Earnings ⁵ (£s per annum)		Age		Other	
Bachelor's	30	16,000 - 17,999	5	under 28	20	If Previous Earnings or Qualifications have been gained in the UK	5
Master's	35	18,000 - 19,999	10	28 or 29	10		
PhD	50	20,000 - 22,999	15	30 or 31	5		
		23,000 - 25,999	20				
		26,000 - 28,999	25				
		29,000 - 31,999	30				
		32,000 - 34,999	35				
		35,000 - 39,999	40				
		40,000+	45				

4 Under the current HSMP, 75 points are automatically awarded for an MBA from the top 50 business schools worldwide. We expect people of this calibre to gain sufficient points without a specific concession.

5 Points for this attribute are calculated as follows: non-sterling currency is converted to Sterling; the Sterling figure is then converted to points taking account of the relative difference in the level of earnings between countries.

English Language (pass-mark = 10)

Applicants will need to prove their competence in English language by proving they:

- Have passed a test in English equivalent to level C1 of the Council of Europe’s Common European Framework for Language Learning (equivalent to a grade C or above at GCSE), **or**
- Come from a majority English speaking country⁶, **or**
- Have taken a degree taught in English (verified using National Academic Recognition Information Centre⁷ data).

Maintenance (pass-mark = 10)

	Start up costs	Funds	Total sum
Initial applicants, out of country	£400	£2,400	£2,800
The first dependant would require 2/3 of the Funds of the main applicant; each subsequent dependant would require 1/3.			

Highly Skilled tier, Entrepreneurs sub-category

Specific criteria (pass mark = 75)

The criteria combine the requirements of the current Businesspersons and Innovators routes by permitting investment through as well as investment using a migrant’s own money.

Criteria specific to the sub-category: pass mark = 75		
1	Has access to £200,000,	25
2	Held in a regulated financial institution,	25
3	And disposable in the United Kingdom.	25

Migrants in this category will be unable to seek employment and must take over, join, or establish a UK business as will be defined in guidance.

English language (pass mark = 10)

Applicants will need to prove their competence in English language by proving they:

- Have passed a test in English equivalent to level C1 of the Council of Europe’s Common European Framework for Language Learning (equivalent to a grade C or above at GCSE), **or**
- Come from a majority English speaking country, **or**
- Have taken a degree taught in English (verified using NARIC).

Maintenance (pass-mark = 10)

	Start up costs	Funds	Total sum
Initial applicants, out of country	£400	£2,400	£2,800
The first dependant would require 2/3 of the Funds of the main applicant; each subsequent dependant would require 1/3.			

6 Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the USA.

7 NARIC is the UK’s official source of accurate research and intelligence on foreign academic/vocational qualifications. Their primary service is providing equivalency statements for qualifications from overseas.

Highly Skilled tier, Investors sub-category

Specific criteria (pass mark = 75)

Criteria specific to the sub-category: pass mark = 75		
1	Has money of their own held in a regulated financial institution and disposable in the United Kingdom amounting to no less than £1 million; or	75
2	a. Owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million; and b. has money under their control held in a regulated financial institution and disposable in the United Kingdom amounting to no less than £1 million, which may include money loaned to them provided that it was loaned by a financial institution regulated by the Financial Services Authority.	75

Migrants in this category will be permitted to work should they wish, unless they gained leave under the Investors category in the Immigration Rules before the Highly Skilled categories are implemented.

English language

Investors will be exempt because they should not need to work and consequently there will not be the same necessity to be able to speak English at the outset. If an Investor switches into another category or applies for settlement they will need to satisfy the appropriate English tests.

Maintenance

Investors will by definition be extremely wealthy so a separate maintenance test is not necessary for them.

Highly skilled Tier, Post Study Work sub-category

This sub-category will provide a transitional route enabling high-calibre graduates from eligible UK

institutions – in whatever subject - to transfer into Work Permits (Tier 2 when implemented) and other Highly Skilled categories. It will subsume the International Graduates' Scheme and the Fresh Talent: Working in Scotland Scheme.

Specific criteria (pass mark = 75)

Criteria specific to the sub-category: pass mark = 75	
Has successfully obtained either: • A UK recognised degree at bachelor's level; or • A UK recognised degree at postgraduate level; or • A UK postgraduate certificate or diploma; or • An HND from a Scottish institution.	20
At a UK institution that is either : • A UK recognised or listed body; or • On the Tier 4 sponsors register (once implemented).	20
Obtained the qualification whilst in the UK with: • Student (Tier 4 once introduced) Leave; or • As a dependant of someone with valid leave in an immigration category permitting the bringing in of dependants.	20
Made the application within 12 months of obtaining the eligible qualification.	15

English language

Post Study Work applicants who meet the pass-mark for the specific criteria will be deemed to meet the English requirement.

Maintenance (pass-mark = 10)

	Start up costs	Funds	Total sum
Initial applicants, out of country	£400	£2,400	£2,800
The first dependant would require 2/3 of the Funds of the main applicant; each subsequent dependant would require 1/3.			

We expect that the majority of Post Study Work migrants will switch from the Student (or Tier 4) category in-country, in which case the maintenance test will be £800 for funds only plus additional funds for any dependants.

ANNEX C: EXTENDING A STAY IN THE UK IN A HIGHLY SKILLED SUB-CATEGORY

Migrants in all Highly Skilled sub-categories except Post Study Work will be able to apply to extend their leave. To do so, they will need to pass the test that is in force at the time they apply. This could be different to the test that was in place when the applicant first came to the UK.

Highly skilled tier, General sub-category

Specific criteria (pass mark = 75)

The specific criteria will be those that have been in force since 5 December 2006 for the Highly Skilled Migrant Programme.

The extension test will use the same criteria as those for initial entry (see Annex B), except that:

- a. Points for age awarded on entry will be carried forward under the extension test. Separate provision will be made to accommodate those who are applying under the extension test from pre-points system categories and who have not previously been awarded points for age under the Highly Skilled: General sub-category; and
- b. The migrant will have to demonstrate earnings in UK since their arrival in order to be awarded points for UK Experience.

English language

There will be no need to provide further evidence if the applicant has already proved once before they had the required level for the sub-category.

Maintenance

There will be no need to provide further evidence if the applicant is extending in the category in which their current leave is expiring.

Highly Skilled tier, Entrepreneurs sub-category

Specific criteria (pass mark = 75)

The extension test differs from the one that applicants need to pass to come to the UK. Applicants will need to ensure they are aware of the requirements of the further leave test before they come to the UK.

Criteria specific to the sub-category: pass mark = 75		
1	Has invested, or had invested on their behalf, not less than £200,000 in cash directly into one or more businesses in the United Kingdom. The investment should not include the value of any residential accommodation or property development; or property management; and should not be in the form of a director's loan, unless it is unsecured and is in favour of the business (third party creditors).	20
2	Within 3 months of entering the category, the migrant must either have: a registered as self-employed with HMRC; or b registered a new business in which the applicant is the director; or c registered as a director of an existing business.	20
3	The migrant is engaged in business activity at the time of their application for further leave.	15
4	a. Where they have established new businesses, an aggregate of 2 new full time equivalent paid posts had been created for at least 2 persons settled in the United Kingdom across the businesses for at least 12 months each; or b. Where they have taken over or joined existing businesses, their services and investment have resulted in a net increase in the employment provided by the businesses to persons settled here to the extent of creating an aggregate of at least 2 new full time equivalent jobs across the businesses for at least 12 months each.	20

The restriction on accessing the labour market will remain a condition of any extension of leave.

English language

There will be no need to provide further evidence if the applicant has already proved once before they had the required level for the sub-category.

Maintenance

There will be no need to provide further evidence if the applicant is extending in the category in which their current leave is expiring.

Highly Skilled tier, Investors sub-category

Specific criteria (pass mark = 75)

Criteria specific to the sub-category: pass mark = 75			
1	a	Has money of their own under control in the United Kingdom amounting to no less than £1 million; or	30
	b	i. Owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million; and ii. has money under their control in the United Kingdom amounting to no less than £1 million, which may include money loaned to them provided that it was loaned by a financial institution regulated by the Financial Services Authority.	30
2		Invested not less than £750,000 of his capital in the UK by way of UK Government Bonds, share capital or loan capital in active and trading UK registered companies (other than those principally engaged in property investment and excluding investment by the applicant by way of deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits).	30
3		Made that investment within 3 months of gaining permission to enter the category and maintained the investment for the full period of Leave.	15

English language

Investors will be exempt because they will not be required to work and consequently there will not be the same necessity to be able to speak English. If an Investor switches into another category or applies for settlement they will need to satisfy the appropriate English tests.

Maintenance

Investors will by definition be extremely wealthy so a separate maintenance test is not necessary for them.

Highly Skilled tier, Post Study Work

It will not be possible to apply for further leave in this category, as is appropriate for a bridging sub-category.

ANNEX D: SWITCHING WHILE IN THE UK INTO OR OUT OF A HIGHLY SKILLED SUB-CATEGORY

Switching (where migrants move while in the UK from one immigration category to another, meeting the initial entry requirements for the new category) into or out of Tier 1 categories will only be permitted as follows:

Source categories (where a person is now)	Receiving categories (where they can go)
All Highly Skilled sub-categories	All other Highly Skilled categories except Post Study Work Work Permits (Tier 2 once implemented)
Post Study Work	All other Highly Skilled categories Work Permits (Tier 2 once implemented) Students (Tier 4 once implemented)
Students (Tier 4 once implemented)	All other Highly Skilled sub-categories
Work Permits (Tier 2 once implemented)	All Highly Skilled sub-categories except Post Study Work
Postgraduate Doctors and Dentists	Highly Skilled: General

People with leave as Working Holidaymakers, or to take the PLAB test or on Clinical Attachment will not be able to switch into any Highly Skilled sub-category. Switching into any Highly Skilled sub-category will not be permitted from Tier 3 and Tier 5 once they are implemented.

Students who have received sponsorship from an overseas Government, or who have an international scholarship, will need to obtain the consent of their sponsoring Government or organisation on the first occasion they apply to switch.

The maintenance test will apply as summarised below:

Category	Start up costs (£)	Funds (£)	Total sum (£)
General			
People switching from other Tier 1 categories, Tier 2 and Tier 4 (and predecessor categories) in-country. If no points are gained for previous earnings (will apply mainly to people switching from Tier 4).	0	800	800
Entrepreneurs			
People switching from other Tier 1 categories, Tier 2 and Tier 4 (and predecessor categories) in-country.	0	800	800
Investors			
	No test		
Post Study Work			
People switching from T4 and student leave (the only categories from which switching is permitted)	0	800	800

ANNEX E: TRANSITIONAL ARRANGEMENTS

Applications in the system when Highly Skilled sub-categories are introduced will be assessed under the Rules in force on the date of application.

Migrants with leave in any category being removed will be able to stay in the UK until their leave expires, as is usual when there is a change to immigration arrangements⁸. But we can expect that there will be some people who may lose out because they will at that point be unable to pass new extension tests or switch to another migration category.

We will therefore put in place transitional arrangements to minimise the impact on these people. A separate announcement, with more detail, will be made when new transitional arrangements become available. They will not be available until that announcement has been made.

Transitional arrangements for people already in the UK with leave in each of the existing categories being removed are summarised below.

Category	Arrangements
Highly Skilled Migrant Programme	<p>Extensions The Highly Skilled: General criteria have been used by the Highly Skilled Migrant Programme (HSMP) since last December. The HSMP transitional arrangements will continue when the Highly Skilled: General sub-category replaces HSMP.</p> <p>Settlement We will introduce a new provision enabling people who have had leave in HSMP to be able to count that time towards the threshold for being able to apply for settlement from Work Permits (Tier 2). HSMP leave will count towards the threshold for being able to apply for settlement from the Highly Skilled: General sub-category.</p>
Categories	Arrangements
Self Employed Lawyers Writers, Composers, Artists	<p>Extensions People with leave in these categories will be able to apply for an extension before the categories are removed. Successful applicants under these transitional arrangements will be granted a period of leave to take them up to the threshold for being eligible to apply for settlement. They will then have to satisfy the settlement requirements in place at that time.</p> <p>Settlement Leave in these categories will count towards the threshold for being able to apply for settlement from the Highly Skilled: General sub-category or Work Permits (Tier 2).</p>
Category	Arrangements
Innovators	<p>Extensions People with Innovators leave will be able to apply for an extension before the category is removed. Successful applicants under these transitional arrangements will be granted a period of leave to take them up to the threshold for being eligible to apply for settlement. They will then have to satisfy the settlement requirements in place at that time.</p> <p>Settlement Leave in this category will count towards the threshold for being able to apply for settlement from the Highly Skilled: Entrepreneur sub-category.</p>

⁸ Subject to continuing to meet the requirements of their leave. Leave can be curtailed in accordance with Para 323 of the immigration rules.

Category	Arrangements
Investors	<p>Extensions No transitional arrangements will be required as the extension tests are broadly the same for the current and proposed Investors sub-category.</p> <p>Settlement Anyone who has had leave in this category will be able to count that time towards the threshold for being able to apply for settlement from the Highly Skilled: Investors sub-category.</p>
Category	Arrangements
Businesspersons	<p>Extensions No transitional arrangements will be required as the extension tests are broadly the same for the current Businesspersons and proposed Entrepreneurs sub-category.</p> <p>Settlement Anyone who has had leave in this category will be able to count that time towards the threshold for being able to apply for settlement from the Highly Skilled: Entrepreneurs sub-category.</p>
Category	Arrangements
International Graduates Scheme	Graduates with valid leave under IGS or its predecessor, the Science and Engineering Graduates Scheme, (SEGS) when Post Study Work is implemented will be able to complete that leave and may apply for a one-off extension in Post Study Work up to a total of 2 years of IGS/SEGS and Post Study Work leave combined.
Category	Arrangements
Fresh Talent: Working in Scotland Scheme	No transitional arrangements needed.

