HOME OFFICE

Changes to the Immigration Rules

The Minister of State for Borders and Immigration (Mr. Phil Woolas):

Armed Forces

I am making a change to the Immigration Rules, laid before the House today, to change marriage visa age policy so that the age requirement is lowered to 18 for serving members of the armed forces and their partners. This recognises the role of partners in supporting those on the frontline. I believe that it is important that we give the armed forces special consideration to reflect the unique circumstances in which they operate.

Points Based System

Other changes I am making to the Immigration Rules today implement recommendations made by the Migration Advisory Committee (MAC) to change Tier 1 and Tier 2 of the Points-Based System.

The Points-Based System continues to provide a flexible means to better identify and attract those migrants who have the most to contribute to the UK, whilst enforcing our effective border controls against those with less to offer. Tier 1 is for the most highly skilled workers, and Tier 2 for other skilled workers who have a job offer from a UK employer licensed to sponsor migrants.

The Migration Advisory Committee (MAC) provides the Government with independent, evidence-based advice on the economic case for managed migration. The MAC published its recommendations for Tier 2 on 19 August 2009, and its recommendations for Tier 1 on 4 December 2009. In arriving at them, it considered evidence from hundreds of organisations. The Government has also engaged with a wide range of employers, trade unions and other organisations to ensure that the changes we make meet their needs and control migration in the best interests of the UK as a whole.

I can announce today that the Government is accepting all but two of the MAC’s recommended changes to Tier 1. The Statement of Changes to the Immigration Rules laid before the House today includes new points tables for both tiers, a simpler route for very highly skilled workers without Master’s degrees, greater flexibility for short-term transfers by multinational companies, and more protection against such transfers being used to fill long-term vacancies that should go to resident workers.

We have disagreed with the Committee in the awarding of points for professional qualifications held in addition to academic qualifications. We consider the approach would be complex, confusing for applicants and difficult to administer, and that operationally it would be very
difficult to assess which combinations should attract particular points. So the Government has not accepted the recommendation at this time.

Further, the MAC recommended that the Government commissions detailed analysis of the economic returns to studying at particular institutions and for particular degree subjects. The Department for Business, Innovation and Skills (BIS) has already commissioned research which will shed more light on international students’ experience of the Post Study Work route, the jobs they take on and whether or not the availability of Post Study leave to remain was decisive in them choosing to study in the UK. The Government has therefore decided that any further consideration of this recommendation should await the outcome of that research.

The UK Border Agency is also publishing a Statement of Policy for sponsors to ensure they have as much detail as possible about the Government’s response to the MAC’s recommendations, including those which do not require legislative action to implement.

Today’s Rules changes also make relatively minor changes to other parts of the Points Based System. Under Tier 4, we are making a number of changes that will support the introduction of the new Highly Trusted Sponsor category from 6 April. We are also amending the Rules to permit sponsored researchers, who are part-way through research projects at our higher education institutions, to make an application to extend their leave under the Government Authorised Exchange sub-category of Tier 5.

**ESOL/Knowledge of Life**

We are also making some changes to the requirements concerning English language qualifications for migrants seeking indefinite leave to remain in the UK. It is important that immigrants seeking permanent residence in the UK have some understanding of one of the native languages of this country (English, Welsh or Scottish Gaelic) and of life in the United Kingdom. This will help to ensure that they integrate more easily into the British way of life.

I have today laid changes to the Immigration Rules which will ensure that all applicants relying on qualifications in English for Speakers of Other Languages will study at accredited colleges; ensuring the quality of provision and preventing the possibilities of abuse of the provisions and exploitation of migrants. I have also clarified the progression which migrants are required to demonstrate before applying for permanent residence. Additional technical changes bring the Rules into line with current terminology for the relevant qualifications.

Equivalent amendments are also being made to the Regulations governing applications for Naturalisation as British Citizens.

**Protection/Asylum Rules**

We are also making some relatively minor changes to the Immigration Rules on asylum in order to clarify existing practice and procedure in the UK. These changes will have the effect of preventing asylum applicants from claiming humanitarian protection where there are serious reasons for considering that they have engaged in undesirable behaviour as set out in the Rules.

We have also clarified interview procedures for unaccompanied asylum seeking children and have removed an unnecessary requirement for an asylum seeker to be asked to sign the interview record after their asylum interview to verify its contents. We have done this because we are satisfied that there are other procedures in place to safeguard the process.
Tier 5 Youth Mobility Scheme

I am pleased to announce that we will be adding Monaco to the Youth Mobility Scheme.