



# GMS Flash Alert

## Immigration Edition

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# United Kingdom - 17 July 2023 Statement of Changes Summary

On 17 July 2023, a new Statement of Changes to the U.K. Immigration Rules was released with a number of changes including clarifications on restrictions to student visas, enhancements to the EU Settlement Scheme, and updates to the Shortage Occupation List.<sup>1</sup> The Statement of Changes amendments will be incorporated into the updated Immigration Rules on the specified implementation dates for the various changes.

The changes follow recent announcements about the impending visa and Immigration Health Surcharge (IHS) fee increases, the release of data by the Office for National Statistics (ONS) on 25 May 2023 indicating that net migration to the U.K. has increased by 606,000 in 2022 (which is an increase of 164,000 on 2021's total),<sup>2</sup> and announcements about restrictions to the Immigration Rules relating to international students.<sup>3</sup> (For prior coverage, see *GMS Flash Alerts* [2023-144](#) (18 July 2023) and [2023-119](#) (9 June 2023).)

The changes reflect the pressure on the U.K. government to reduce net migration due to political demands, whilst addressing the mounting challenges relating to funding for public sector workers.

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## WHY THIS MATTERS

Employers need to be aware of, and consult with their immigration counsel on, changes needed to update their policies and processes. For example, restrictions relating to international students should be assessed promptly as these will have an immediate impact on any current immigration activity relating to ongoing graduate recruitment programmes as the changes for international students took effect 17 July 2023.

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## Further Details

The changes across various visa categories are summarised below.

### Student Visas

- As of 17 July 2023, international students will not be able to switch in-country into the sponsored worker route until they have completed the course for which their visa was issued. However, it should be noted that international students who are undertaking a course at degree-level or above can apply to switch into a sponsored worker route if the employment start date as specified on the Certificate of Sponsorship is after the course completion date.
- International students undertaking a PhD degree can switch to a sponsored worker route after completion of 24 months of study in the U.K. (previously this was 12 months).
- The ability for international students to apply for permission to stay as a dependent in a work route has been removed unless certain conditions are met.
- If an international student's course start is on or after 1 January 2024, he/she will not be permitted to sponsor his/her dependents unless the course is a PhD; other doctoral qualification or a research-based higher degree. Dependents who are already in the U.K. will be able to extend their leave.

### EU Settlement Scheme (EUSS)

- Individuals with pre-settled status should not lose residence rights even if they have not applied for or secured settled status.
- From September 2023, individuals with pre-settled status under the EUSS will automatically have their status extended by two years before it expires if they have not obtained settled status.
  - The process will be automated and reflected in an individual's digital status; he/she will be notified directly of the extension.
  - This change will help ensure that an individual does not lose his/her status if he/she does not apply to switch from pre-settled into settled status.
- The Home Office intends to take steps to automatically convert as many eligible pre-settled-status holders to settled status once they are eligible for it without them needing to make an application.
  - The process to achieve this objective has not yet been fully outlined.
  - During 2024, automated checks of pre-settled status will establish continuous residence in the U.K. and safeguards will be put in place to make sure settled status is not wrongly granted.
- Changes have been made to the way in which reasonable grounds for late applications to the EUSS are considered.
- The EUSS/EU Family Permit routes for family members of qualifying British citizens or primary caregivers of a British citizen will close to new applicants as of 8 August 2023.

- These routes enabled family members of qualifying British citizens on their return to the U.K. after exercising free movement rights in the European Economic Area or Switzerland (“Surinder Singh” cases) or primary caregivers of British citizens (“Zambrano” cases) to secure residence rights in the United Kingdom.
- Those individuals who already hold status (or have a pending application, appeal or administrative review) under these routes or who are still entitled to apply via a relevant EUSS family permit can continue to reside and work in the United Kingdom.

### Changes to the Shortage Occupation List (SOL)

- The U.K. government has accepted recommendations made by the Migration Advisory Committee for inclusions and changes to the SOL (for prior coverage of MAC, see [GMS Flash Alert 2020-020](#), 31 January 2021). This includes the addition of some construction and fishing industry occupations to the SOL. Foreign nationals applying under these occupations will also benefit from lower visa application fees, and salary thresholds.

### Other Changes

- A new “genuineness” requirement has been introduced for the skilled worker, global business mobility, and scale-up routes. All applicants will be required to demonstrate that they genuinely intend to undertake the role for which sponsorship is being obtained, and there is no intention to breach the conditions of their stay.
- The application deadline for the Ukraine Extension Scheme has been extended for a further 6 months to 16 May 2024. Ukrainian nationals and their family members who obtain permission to enter or stay between 18 March 2022 and 16 November 2023, can apply to the Ukraine Extension Scheme and obtain 36 months’ permission to stay in the United Kingdom.
- There has been a pause in the *Nationality and Borders Act 2022*’s two-tier refugee system based on mode of arrival.

## KPMG INSIGHTS

Employers should be sharing immigration updates including those relating to visa fee increases as announced on 13 July 2023 with key stakeholder groups to manage expectations and allow for business planning and effective budgeting. Further, employers should consider whether they need to “future-proof” their policies and processes so that they are sufficiently agile and flexible to withstand the challenges of an ever-changing immigration landscape.

## FOOTNOTES:

- 1 See [HC 1496 – Statement of Changes in Immigration Rules \(17 July 2023\)](#).

2 Office for National Statistics, "[Long-term international migration, provisional: year ending December 2022](#)" (25 May 2023).

3 U.K. government news story from the Home Office and Department for Education, "[Changes to student visa route will reduce net migration](#)" (23 May 2023).

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## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or the following professional with the KPMG International member firm in the United Kingdom:



**Nadia Idries**

**Director & Solicitor**

Tel. + 44 (0) 7840 845983

[Nadia.idries@kpmg.co.uk](mailto:Nadia.idries@kpmg.co.uk)

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