



Home Office

Simplifying the Immigration Rules: a response

A response to the Law Commission's
report and recommendations on
Simplification of the Immigration Rules

March 2020



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Ministerial Foreword



On the 19 February 2020 the Prime Minister and Home Secretary announced that by January 2021, we will deliver Britain's new, global points-based immigration system. This will welcome the most talented people from around the world and restore public trust in our immigration system. The new global immigration system will prioritise the skills people have to offer and how they will contribute to the UK's economy, not where they come from.

The foundations of that new system are the Immigration Rules, and I am pleased today to publish our response to the Law Commission's report and recommendations on simplifying the Immigration Rules.

I am extremely grateful to the Law Commission for their detailed and constructive work. The report and recommendations are timely. The first recommendation from the Law Commission is that we should overhaul the Immigration Rules, consolidating and streamlining, based on the principles they have identified. I am pleased to announce that we accept this recommendation. Our aim is to complete this overhaul by January 2021.

For far too long, users have struggled to understand the confusing and complex Immigration Rules. They create barriers for employers who want to bring skilled workers to the UK; to colleges who want to encourage international students to come to the UK, and to the brightest and best migrants from around the world who want to make a contribution to the UK. I will ensure that we cut through the complexity and make the Rules clear, consistent and accessible, to encourage those who have the skills or talent to benefit the UK, and to crack down on illegal migration and remove those who abuse our hospitality by committing criminal offences.

Simplification of the Rules is essential to the delivery of an effective immigration system. I am determined that, in delivering simplified Rules now, we will also put in place the systemic changes needed to ensure we will not be in this position again.

In line with the Law Commission's recommendations, I have already established a Simplification of the Rules Review Committee to look at the drafting and structure of the Rules. The Committee will ensure the simplification principles put in place now continue to apply in future, whilst providing ongoing support to continuously improve and adapt the Rules in our changing world.

This is part of a wider multi-year programme of change, led by the Home Office, to transform the operation of the border and immigration system.

The Policy Statement on the new, global points-based immigration system, the Immigration and Social Security Co-ordination (EU Withdrawal) Bill which will end free movement, and the simplification of the Immigration Rules will deliver the biggest shake-up of the immigration system in a generation.

Kevin Foster MP, Minister for Future Borders and Immigration

Simplifying the Rules

As part of their 13th programme of law reform, the Law Commission set up a project on Simplification of the Immigration Rules. The project started in December 2017. The Law Commission conducted a range of meetings with the Home Office and with stakeholders and on 21 January 2019 published a Consultation paper. That publication was followed by a period of public consultation which ended in April 2019. The Law Commission published their final report and recommendations on Simplification of the Immigration Rules on 14 January 2020.¹

The Law Commission analysed the causes of complexity in the Rules and explored how the drafting and structure of the Rules could be improved. They looked at ways to make the Rules easier to maintain in future and reviewed the Rules in the context of the guidance and forms with which users of the system must also interact.

The Law Commission made 41 recommendations for change. We accept 24 of the recommendations, and partially accept the other 17 recommendations. A partial acceptance reflects either we agree with the ambition of the recommendations but need to explore what is deliverable in practice, for example around digital presentation of the Rules, guidance and forms, or we have taken on board the Law Commission's recommendations but developed them further, for example around the structure.

We have already begun the process of reviewing, simplifying and consolidating the Rules, based on the principles they identify. Our responses to each recommendation are listed in **Annex A**.

Our aim is for consolidated and simplified Rules to be in force from January 2021. They will provide the foundation for a global points-based immigration system that is fair, firm, effective and humane.

The Rules will be:

- consolidated and simplified
- restructured so that they are easy to use and understand
- drafted in plain English

As we simplify the Rules we will look at how we strike the right balance between prescription and discretion, in line with the Law Commission's recommendations on evidence.

We will put in place mechanisms to make Rules changes more transparent, and we will improve the digital publication of Rules online.

We want to ensure that these principles are maintained in the future. To assist with this, we have established a Simplification of the Rules Review Committee, as recommended by the Law Commission, to keep under review the drafting and structure of the Rules. The Terms of Reference of the Committee are at **Annex B**.

¹ <https://www.lawcom.gov.uk/project/simplifying-the-immigration-rules/>

We are exploring how the digital publication of the Rules can be improved so that it is easy to find the current version and to understand changes that have been made.

In line with the Law Commission's recommendations we are also exploring how the information on the gov.uk website and on application forms can be improved. We know that some individuals do not read the Rules, but look instead at other information about the immigration system, for example, on the gov.uk website, or Home Office guidance. The right information can sometimes be difficult for users to find, or confusing where there is no accessible single source of truth. The Rules set out the routes and the requirements which applicants need to meet. Simplification of Rules is the cornerstone of a wider set of changes that will deliver:

- a better experience of the immigration pages on the gov.uk website;
- clearer and shorter guidance that is easier to find;
- simpler application forms;
- and plain English decision letters that tell users what they need to know.

We will of course aim to create Rules that are clear enough to be understood by non-specialists, with the requirements set out clearly in one place, and links to sources of further information. We don't expect migrants, businesses or colleges to have to read the Rules – but we will make it so they can.

How simplification will make a difference

The Rules underpin most users' experience of the UK immigration system. Our aim is that simplified Immigration Rules will change the experience of those coming to, or seeking to stay in, the UK.

- **Navigating the immigration system**

Example: Ana wants to come to the UK to work and needs to find the route that's right for her.

NOW

Ana looks for different work options on the gov.uk website, however the names are not clear (what does "Tier" mean and how is it relevant to her?). She reads the information and opens many links to guidance, but does not understand the differences between the work routes so she does not know which route best meets her needs. She can see that not every type of work route is covered in detail on the website, but the linked Home Office guidance is extremely detailed, and she does not understand how it applies to her. She looks at the Immigration Rules but there are many references to work, most of which seem to have been repealed, so she cannot find which route is best for her.

AFTER SIMPLIFICATION

Ana looks at the gov.uk website. The different work routes are easy to identify with clear names relating to their purpose and information explaining the differences between them. Ana can easily understand the options. If she checks the Immigration Rules, she will find a clear structure that lists the different routes in an intuitive way. She can find the best work route for her.

- **Understanding the requirements**

Example: Sami wants to understand the requirements to come to the UK as a skilled worker so that he can ensure he has the evidence he needs to make a successful application.

NOW

Sami looks for information on requirements on the gov.uk website and finds information about working in the UK. It doesn't cover everything he needs to know. For example, the website says he needs to show he will be paid 'an appropriate salary' for their job, but he doesn't know where to look to find out what is 'appropriate'. He has to look at the very detailed Home Office guidance or at the Immigration Rules. He finds there is a lot of information and additional requirements to read through. He tries to cross reference and realises there are requirements for making an application and grounds for refusal he did not know about initially. He is not confident he has found everything he needs to know because the structure of the Rules is complex.

AFTER SIMPLIFICATION

Sami looks at the gov.uk website. There is helpful general guidance but there are also links to more detailed guidance on specific subjects. He looks at the Rules, which explain in plain English:

- how to make a valid application
- the suitability requirements he needs to meet as a skilled worker
- the eligibility requirements he needs to meet as a skilled worker

Sami is confident he meets the requirements to make a successful application.

- **Finding the right application form**

Example: Ruby wants to make an application to stay in the UK. She knows what route she wants, but does not know which application form to use.

NOW

Ruby searches online and finds several possible application forms which might fit her circumstances, but some of the names are unclear, including acronyms she does not understand (what does FLR stand for?). She thinks she has found the right form but while she is completing it, she realises the questions don't seem to fit her circumstances. She is worried that she is applying on the wrong form but can't identify the right form. If she applies on the wrong form her application will be rejected and will not be considered.

AFTER SIMPLIFICATION

Ruby looks at the Rules and sees that each route states what the relevant form is for that route.

- **Providing the right evidence**

Example: Dan is not sure how best to prove he meets the financial requirements for his route.

NOW

Dan starts completing the online application. The application form sets out a list of documents he should provide to prove his finances, but it is not straightforward, and Dan doesn't have the exact documents listed. He has something else that he thinks is equivalent, but he can't find out whether it is acceptable. He is concerned that if he sends the wrong evidence his application will be refused, although he knows he has the necessary funds.

AFTER SIMPLIFICATION

Dan looks at the gov.uk website and finds specific guidance on how to prove he can meet the financial requirement. It explains what the best evidence is and he sees that in some cases his earnings can be checked directly with HMRC. If that is not possible on his route, he learns he can provide alternative evidence. There is information on what to do if he does not have certain documents. Dan knows he can send the evidence he has, and that the decision maker has discretion to consider different types of evidence as long as Dan can show that he has the necessary funds.

- **Understanding the decision**

Example: Ema has received her decision but does not understand why her application has been refused.

NOW

Ema has read the decision letter. It refers to the Rules and various paragraphs and numbers, but she does not understand what the paragraphs mean. The drafting is technical and hard to understand and includes cross references to other Rules. The

letter says she can request an Administrative Review if she thinks there has been a case work error, and although she thinks she does qualify under the Rules, she cannot explain what error has been made.

AFTER SIMPLIFICATION

Ema receives a decision written in plain English which will clearly set out which requirements she has not met. She does not need to read the Rules to understand the decision but there is a helpful guide on the website which explains how to use the Rules.

- **Understanding changes to the Rules**

Example: Ole was granted leave on the work route which is coming to an end. He would like to stay in the UK and he has been offered a different job with another employer. He wants to know if he can accept that job.

NOW

Ole looks on the gov.uk website to see if he can extend his leave. He sees in the news that the Government has announced a change to the policy on who can work in the UK. He does not know if this will affect him so he looks at the most recent Statement of Changes to the Rules, but he can't understand the changes as there is a technical list of amendments to current Rules.

AFTER SIMPLIFICATION

Ole finds updated guidance on the effect of changes to the Rules and the Statement of Changes which are written in plain English and there is a document showing what the amended Rules look like. Ole can understand what is changing and how it affects him.

- **Understanding rights and responsibilities**

Example: Maya has been granted leave as a student and wants to know if she can do part-time work during the holidays.

NOW

Maya had no plans to work when she initially applied for leave so did not check whether she was entitled to work. She looks at the Rules and finds some "Notes" which seems to be relevant but set out different conditions based on factors which she is unsure apply to her.

AFTER SIMPLIFICATION

Maya receives a clear decision which sets out the conditions attached to her leave in plain English. The conditions attached to each route are now clearly set out in the Rules. Maya knows what she can do in compliance with the law.

Delivering consolidated and simplified Rules

We are:

- reviewing the current Rules for each route
- removing inconsistent, overlapping and redundant provisions
- reviewing cross-cutting themes to clarify and consolidate where possible
- considering the right balance between prescription and discretion
- drafting new Rules in plain English and putting them into a simplified structure.

An illustrative simplified structure and some redrafted Rules are set out at **Annex C**. We will work with the Simplification of the Rules Review Committee to test and revise the structure and drafting over the next few months.

The approach taken to common provisions, for example the general grounds for refusal, is still being developed and policies may change.

We want to test in future drafts for discussion whether we can have route-specific definitions at the end of each route, and common definitions at the end of the Rules. We will also explore hyperlinks and other ways of highlighting definitions as part of this work.

The illustrative Rules on English language provide an example of how cross-cutting Rules on evidence could work in simplified Rules. We have also included some examples of how we could link to guidance but again we will test this with users.

The illustrative structure is not exactly the same as the one published by the Law Commission, although it broadly follows their approach. We have, for now, used initial letters to indicate routes or themes, to provide more flexibility with the numbering within routes, but this is subject to review.

We have taken a different approach to sub-headings using them more extensively than the Law Commission recommended. We think subheadings are important to consistently structured drafting and help orient non-expert users.

We have also included a short overview at the beginning of each route. This is not a Rule, it is an explanation of the purpose of the route. Again, the intention is to help users navigate the Rules and find the route that best suits their circumstances.

Ensuring complexity doesn't return

In their report, the Law Commission paint a picture of how the Rules have created a vicious circle. Attempts to deliver transparency, coupled with prescription and a complex structure of cross-referenced Rules and appendices, has led to increasingly detailed Rules to try to cater for every new scenario. We want to ensure that once the Rules are consolidated and simplified, we do not repeat this pattern.

We will publish a guide to drafting the Rules so the improvements we will make are sustained in future.

We will seek views from the Simplification of the Rules Review Committee on drafting and structure to ensure we not only maintain best practice, but that we continue to improve and adapt to a changing world, include better use of technology. The interaction between Rules, guidance and forms will be clear and consistent.

The frequency of policy change was raised as an additional cause of complexity. It is important that UK has a robust and fair immigration system. We live in a fast-changing world and the Rules and policies need to reflect and respond to that. We recognise that frequent Rules changes can confuse users and create uncertainty. We will continue to provide some predictability, with two main changes each year coming into force in April and October. However, we will need to be able to continue to make changes at other times.

We think the Law Commission's recommendations on how Rules changes should be presented will help to make them more transparent and will help users better understand their effect.

We will keep all of these options, and choices, under review as we continue our work.

Annex A: The Law Commission's recommendations and our responses

Recommendation 1.

We recommend that the Immigration Rules be overhauled.

Accepted. Our aim is for simplified and consolidated Rules to be in force from January 2021.

Recommendation 2.

We recommend that the following principles should underpin the redrafting of the Immigration Rules:

- (1) suitability for the non-expert user;
- (2) comprehensiveness;
- (3) accuracy;
- (4) clarity and accessibility;
- (5) consistency;
- (6) durability (a resilient structure that accommodates amendments); and
- (7) capacity for presentation in a digital form.

Accepted. We will apply these principles to redrafting the Immigration Rules.

Recommendation 3.

We recommend that the Secretary of State considers the introduction of a less prescriptive approach to evidential requirements, in the form of non-exhaustive lists, in areas of the Immigration Rules which he or she considers appropriate.

Recommendation 4.

We recommend that in those instances where prescription is reduced, lists of evidential requirements should specify evidence which will be accepted, together with a category or categories of less specifically defined evidence which the decision-maker would consider with a view to deciding whether the underlying requirement of the Immigration Rules is satisfied.

Accepted. We are reviewing the evidential requirements in the Rules to identify where there is scope for a less prescriptive approach. We note that some of the responses to consultation identified a desire for certainty and we aim to strike the right balance between certainty and discretion, and we will seek to maximise the benefits of technology to prove requirements.

Recommendation 5.

We recommend the division of the subject matter of the Immigration Rules in accordance with the list of subject-matter set out in appendix 4 to this report.

Partially accepted. We have included an illustrative structure at Annex C. There are some changes to the approach recommended by the Law Commission, to include additional routes and reflect our evolving approach to cross-cutting themes. We will work with the Simplification of the Rules Review Committee to review and revise the structure.

Recommendation 6.

We recommend that the Home Office should conduct an audit of provisions in the Immigration Rules that cover similar subject-matter with a view to identifying inconsistencies of wording and deciding whether any difference of effect is intended.

Recommendation 7.

We recommend that a statement of a single set of Immigration Rules and subsequent changes to them should be laid in Parliament and made available on paper and online.

Accepted. We aim to deliver consolidated and simplified Rules from January 2021. We currently publish the Rules online on the Visa and Immigration pages of the gov.uk website. We recognise that the format used is not easy to navigate and we will explore options for presenting them in a more user-friendly way. We will also publish the Rules on paper in the usual way.

Recommendation 8.

We recommend that, pending the identification of technology that directs an applicant to Rules relevant to their application, the Rules should be reworked editorially by a team of experienced officials and checked to ensure legal and policy compliance by a suitably qualified person conversant with the subject-matter so as to produce booklets for each category of application which are also made available on paper and online.

Partially accepted. The Rules will be reworked editorially by experienced officials, who will work with policy leads and lawyers to ensure that they are accurate and consistent with the current law and policy.

We will continue to explore the idea of a booklet for each category of application. We note the three options set out by the Law Commission in their consultation, and the differing views of consultees on those options. We think that the booklet approach, alongside the consolidated Rules, may cause confusion and risks material becoming inconsistent. If the Rules can be presented in a way which delivers the benefits of a booklet, but avoids the risks and need for increased resource, this may be preferable. We will work with the Simplification of Rules Review Committee to explore the options.

Recommendation 9.

We recommend that any difference in wording and effect between Immigration Rules covering the same subject-matter should be highlighted in guidance and the reason for it explained.

Accepted. In consolidating and simplifying the Rules we will remove any inconsistent and/or unnecessary repetitions. We will clearly set out in guidance when there are differences in wording and effect between Rules covering the same subject matter and the reason for it.

Recommendation 10.

We recommend that:

- (1) definitions should be grouped into a definitions section, either in a single set of Immigration Rules or in booklets, in which defined terms are presented in alphabetical order;
- (2) if the terms are defined in a booklet, only terms which are used in that booklet should be included;
- (3) terms defined in the definitions provision should be identified as such by a symbol, such as #, when they appear in the text of the Rules; and
- (4) in the online version of the Rules, hyperlinks to the definitions section or, technology permitting, hover boxes should be provided where a defined term is used.

Partially accepted. We agree that a single set of definitions is the right starting point. We want to explore whether route-specific definitions are more accessible if contained in the relevant part. We agree that hyperlinks should be used for online definitions. In the illustrative Rules in Annex C we have marked definitions with italics and we will explore how we can make better use of technology to make definitions more accessible.

Recommendation 11.

We recommend that the following principles should be applied to titles and subheadings in the Immigration Rules:

- (1) there should be one title, not a title and a subtitle;
- (2) the titles given in the Index and the Rules should be consistent;
- (3) titles and subheadings should give as full an explanation of the contents as possible, consistently with keeping them reasonably short;
- (4) titles and subheadings should not run into a second line unless necessary in the interests of clarity; and
- (5) titles and subheadings should avoid initials and acronyms.

Recommendation 12.

We recommend that subheadings should be used in the Immigration Rules only where necessary in the interests of clarity and understanding.

Accepted. We accept we need to improve the use of titles and sub-headings, which are currently neither consistently drafted nor always clear. We agree we should avoid using acronyms or initials in headings. We want to ensure those who use the Rules can navigate through the content. Our illustrative Rules in Annex C include additional sub-headings as an aid to structure (for drafters) and to navigation (for users). We will review this approach with the Simplification of the Rules Review Committee.

Recommendation 13.

We recommend that a table of contents should be placed at the beginning of each Part of the Immigration Rules.

Partially accepted. We agree tables of contents are important to navigate the Rules and we will consider where best to place them once we have decided on the new structure.

Recommendation 14.

We recommend the following numbering system for the Immigration Rules:

- (1) paragraphs should be numbered in a numerical sequence;
- (2) the numbering should re-start in each Part;
- (3) it should be possible to identify from the numbering system the Part within which a paragraph falls, the use of multilevel numbering commencing with the Part number;
- (4) the numbering system should descend to three levels (1.1.1 and so on) with the middle number identifying a section within a Part; and
- (5) letters should be used for sub-paragraphs and lower-case Roman numerals for sub-subparagraphs.

Recommendation 15.

We recommend that:

- (1) Appendices to the Immigration Rules should be numbered in a numerical sequence;
- (2) in the online version of the Rules, references to Appendices should be in the form of hyperlinks; and
- (3) to the extent that booklets are produced, these should also use hyperlinks to refer to Appendices.

Recommendation 16.

We recommend that text inserted into the Immigration Rules should be numbered in accordance with the following system:

- (1) new sections or paragraphs inserted at the beginning of a Part or section should have a number preceded by a letter, starting with "A" (A1, B1, C1 and so on); a section or paragraph inserted before "A1" should be "ZA1"; for example, 1.A1.1 or 1.1.A1;
- (2) new lettered sub-paragraphs, inserted before a sub-paragraph (a), should be (za), (zb) and so on, and paragraphs inserted before (za) should be (zza), (zzb) and so on;
- (3) where text is added to the end of existing text at the same level, the numbering should continue in sequence;
- (4) new whole sections or paragraphs inserted between existing sections or paragraphs should be numbered as follows:
 - (a) new numbering inserted between 1 and 2 should be 1A, 1B, 1C and so on; for example, 1.1A.1 or 1.1.1A;
 - (b) new numbering inserted between 1A and 1B should be 1AA, 1AB, 1AC and so on;
 - (c) new numbering inserted between 1 and 1A should be 1ZA, 1ZB, 1ZC and so on (and not 1AA and so on); and
 - (d) new provisions inserted between 1A and 1AA should be 1AZA, 1AZB, 1AZC and so on;
- (5) a lower level identifier should not be added unless necessary; and
- (6) after Z or z, the sequence Z1, Z2, Z3 and so on or z1, z2, z3 and so on should be used.

Accepted. We have sought to draft our illustrative Rules in Annex C applying recommendations 14 to 16.

Recommendation 17.

We recommend that definitions should not be used in the Immigration Rules as a vehicle for importing requirements.

Accepted.

Recommendation 18.

We recommend that, where possible, paragraphs of the Immigration Rules:

- (1) should be self-standing, avoiding cross-reference to other paragraphs unless strictly necessary; and
- (2) should state directly what they intend to achieve.

Accepted.

Recommendation 19.

We recommend that appropriate and consistent signposting to other portions of the Rules and relevant extrinsic material should be used in the Immigration Rules.

Accepted. We will consider carefully how best to reflect this when we publish the Rules online. We have provided some examples of how this approach could work in the illustrative Rules in Annex C.

Recommendation 20.

We recommend that repetition within portions of the Immigration Rules should be adopted where desirable in the interests of clarity.

Accepted.

Recommendation 21.

We recommend the adoption of the drafting guide set out in appendix 6 to this report.

Accepted. We agree with the principles of the drafting guide set out in appendix 6. We will ensure that, as we learn from the drafting process, and informed by the Simplification of the Rules Review Committee, we keep this guidance under review.

Recommendation 22.

We recommend that:

- (1) the Home Office should convene at regular intervals a committee to review the drafting of the Immigration Rules in line with the principles that we recommend in this Report;
- (2) the committee should review the interaction between the Rules and guidance;
- (3) the committee should be advisory only; and
- (4) the terms of reference of the committee should exclude consideration or review of immigration policy.

Accepted. We have set out the terms of Reference of the Simplification of the Rules Review Committee in Annex B.

Recommendation 23.

We recommend that the Home Office should design a more structured process for receiving and responding to user feedback to speed up rectification of problems identified in the Immigration Rules, make responses accessible to other users, and create an internal mechanism to relay learning to teams.

Accepted.

Recommendation 24.

We recommend that:

- (1) where appropriate, statements of changes to Immigration Rules should set out the affected portion of the text in its amended form in the style of an informal Keeling schedule;
- (2) an alert should appear in the online version of the current Rules to draw attention to pending changes, with a link to the Keeling schedule and an indication of the date when the change would come into effect; and
- (3) explanatory memoranda should contain sufficient detail to convey the intended effect of a proposed amendment to the Rules in language accessible to a non-expert user.

Partially accepted. We will explore ways in which we can use alerts to inform users of any updates to the Rules when they are amended and published online. Explanatory memoranda are always provided when a new Statement of Changes to the Rules are laid in Parliament. These set out the policy and intended effect of the Rule change in detail. We will ensure they are in plain English so they can generally be understood by a non-expert user.

Recommendation 25.

We recommend that the Home Office should follow a policy that there should be, at most, two major changes to the Immigration Rules per year, unless there is an urgent need for additional change.

Accepted: Currently we plan for two Statement of Changes each year to come into force in April and October. We will continue to make additional Statements of Changes when there is an urgent need to do so, for example, to respond to a court judgment or to deliver urgent policy change.

Recommendation 26.

We recommend that:

- (1) a statement of the date from which a Rule has effect should be provided in the online version of the Immigration Rules, explaining whether the commencement date relates to decisions or applications or applies any alternative formula; and
- (2) the indication should be provided in such a way that it appears on the printed copy if a Rule is downloaded and printed.

Accepted. We will explore how the commencement date can be more clearly indicated in the Rules.

Recommendation 27.

We recommend that improvements to the system for archiving previous versions of the Immigration Rules should be made, with consideration given to adopting either an online archive search facility which allows a search of versions of a Rule by keying in a date, or the presentation of the Rules in an annotated form which provides links to previous versions of the Rules.

Recommendation 28.

As an interim solution, as a way of improving the existing archive, we recommend that a link to the statement of changes which introduced the version of the Immigration Rules should be included in each archived version of the Rules. The link should refer to the relevant paragraph numbers and categories of leave affected by the changes.

Partially accepted. We agree that improvements need to be made to the archiving of the Rules online and will explore how to link archived material to the new version of the Rules once we publish them.

Recommendation 29.

We recommend that Appendix F (Archived Immigration Rules) and paragraphs 276DI to 276AI in Part 7 (Other categories) should be omitted from the redrafted Immigration Rules.

Accepted.

Recommendation 30.

We recommend that an exercise of simplification of guidance should be undertaken in tandem with the simplification of the Immigration Rules.

Recommendation 31.

We recommend that the aim of the exercise to simplify guidance should be to rationalise the number of guidance documents with a view to reducing the guidance on any topic into a single document incorporating guidance both for caseworkers and applicants.

Recommendation 32.

We recommend that an index should be created listing the guidance documents relevant for each immigration category and giving each document a clear and informative title. This index should be located in one place and clearly conspicuous to a user of the Immigration Rules. It should be accompanied by an explanation for non-expert users as to the difference in the status of the Rules and guidance.

Recommendation 33.

We recommend that guidance should not repeat the Immigration Rules, but instead serve to illustrate how the Rules will be applied. Consideration should be given to the use of illustrative worked examples and flow charts to aid understanding.

Recommendation 34.

We recommend that where a new version of a guidance document is published, changes from previous versions of guidance should be highlighted to make it easier to see what has changed.

Recommendation 35.

We recommend that an archive of guidance should be created with links to previous versions of the guidance and an indication of the period during which a particular guidance document operated.

Recommendation 36.

We recommend that a system of coordinated oversight of the content of guidance should be introduced.

Recommendation 37.

We recommend that consideration should be given to the adoption of a practice of limiting the frequency of publication of guidance so as to coincide with the publication of statements of changes to the Immigration Rules.

Partially accepted. Our priority is to ensure that guidance is accurate and clear and describes how the Rules work. We will continue to rationalise guidance and remove duplicate and out of date guidance.

We will consider the Law Commission's suggestions to provide an index of guidance linked to the Rules. We agree that each document should be given a clear and informative title.

We already have an established process where we illustrate in guidance where changes from the last version are set out. We will consider the Law Commission's suggestions to improve the way we archive our guidance and make sure that is accessible online in the future.

We also agree that as best practice we should limit the frequency of publication of guidance so that we only issue new guidance when we amend the Immigration Rules. However, there will, on occasion, be the need to issue new guidance where no change to the Rule is necessary, for example to respond to a court judgment or where users have indicated that guidance is unclear and we need to clarify.

Recommendation 38.

We recommend that the Home Office should give consideration to the following steps with a view to improving the accessibility of application forms:

- (1) a review of the titles of application forms with a view to making them clear and informative;
- (2) clear and non-technical guidance on selecting and completing application forms, which is distinguished from policy guidance;
- (3) links from the Immigration Rules and guidance to the appropriate application form;
- (4) a review of the coverage of application forms, with a view to providing an appropriate form for any application;
- (5) a timetable for the updating of applications forms, to coincide with major Rule changes;
- (6) an archive of superseded application forms; and
- (7) user testing of application forms and of the interaction between forms, Rules and guidance.

Partially accepted. As we update our application forms, we will review the current titles aiming to simplify them alongside the Rules. We will continue to ensure that all routes are covered but we are not convinced it is cost effective to provide a separate form for each route, when the same outcome can be achieved with the use of logic and guidance.

The online application forms already incorporate guidance on how to complete the form. We will continue to look for opportunities to improve this as we update our forms. We will also explore how we link the Rules and guidance to the application forms.

We already update application forms in line with Rules changes, but we do not want to limit changes to those points, as we consider user feedback and make improvements on a continuous basis.

We will explore whether an archive of application forms is possible and whether it would be helpful.

User testing is an intrinsic part of developing digital forms built to Government Digital Service guidelines, which ensure compliance with standards on usability and accessibility.

Recommendation 39.

We recommend that the Home Office should work towards producing a single set of Immigration Rules that function as effectively online as booklets through the use of hyperlinks. To the extent that booklets are produced, they should also include hyperlinks as an aid to navigation.

Accepted.

Recommendation 40.

We recommend the use of hyperlinks to link guidance to the Immigration Rules in the online presentation of the Rules. Where Rules are produced in booklet form, these should provide links to the guidance relevant to the immigration category dealt with by the booklet.

Accepted.

Recommendation 41.

We recommend that provision should be made for a facility to view an application form prior to completion, either through provision for a printable version of the form or a facility to navigate through the form online in a version which the system would not allow to be submitted. The wording on this version of the form should indicate where the need to answer a question depends on the terms of a previous answer.

Partially accepted. We note that it would be helpful to be able to view an application form before completion. We will explore how this could be delivered and whether there are other options which would enable users to understand what questions they will be asked.

Annex B: Terms of Reference for the Simplification review committee

Simplification of the Immigration Rules: Review Committee

Background

The Home Office is committed to delivering a consolidated and simplified set of Immigration Rules by early 2021, which take into account the Law Commission's recommendations in their Report on Simplification of the Immigration Rules published on 14 January.

The Law Commission also recommended that:

- (1) the Home Office should convene at regular intervals a committee to review the drafting of the Immigration Rules in line with the principle that we recommend in this Report:
 - (2) the committee should review the interaction between the Rules and guidance:
 - (3) the committee should be advisory only: and
 - (4) the terms of reference of the committee should exclude consideration or review of immigration policy.
- (Recommendation 22).

Purpose

1. The Simplification of the Immigration Rules Review Committee (the "Committee") will consider the simplicity, accessibility and coherence of the Rules. In particular, it will consider:
 - a) the structure of the Rules;
 - b) the drafting of the Rules;
 - c) the interaction between Rules and guidance;
 - d) the presentation online of Rules and guidance.
2. The Committee will not consider or review immigration policy.

Committee Meetings

3. The frequency of the Committee meetings will be determined by the Chair in light of the Simplification of the Rules workplan.
4. The Committee will normally meet in central London on Home Office premises and dial in facilities will be available.
5. The membership of the Committee will be as set out in paragraph 8 below. Other persons may attend by invitation on an ad hoc basis as agreed by the Committee.

6. The Simplification of the Rules Taskforce (SORT) will provide the secretariat for Committee meetings. This will include arranging and minuting meetings and distributing any relevant documents for discussion.

Confidentiality of papers

7. The Committee will hold discussions in an open and transparent way. Papers will be circulated at least 7 calendar days in advance of each meeting. Papers should be treated as confidential and not shared externally except as agreed with the Chair of the Committee. In exceptional cases, sensitive documents may be circulated at the meeting for discussion and will need to be returned at the end of the meeting.

Membership

8. The membership of the Committee will be:

Home Office and OGD
Chair – Head of Legal Strategy Team, BICS Policy and International Directorate
Representatives from SORT, and UKVI
Government Digital Service
External Stakeholders (invited)
Law Society of England and Wales
Law Society of Scotland
Law Society of Northern Ireland
Bar Council of England and Wales
Faculty of Advocates, Scotland
Bar of Northern Ireland
Immigration Law Practitioners Association
UK Council for International Student Affairs
Coram Children’s Legal Centre
Citizens Advice Bureau

Annex C: Illustrative Structure: Immigration Rules

This is an illustrative structure. It may change as we develop our work on simplification. Parts included as illustrative Rules are highlighted. Guidance and defined words are in italics. Headings are in bold.

Illustrative Structure

How to use these Rules guide

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- Withdrawal of an application
- Varying an application

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- **suitability** requirements
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- requirements for **dependants**
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- Start-up/Innovator
- Investor
- Highly skilled

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- Minister of Religion
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Visitor in Transit

This route is for those visa nationals (see Part X) travelling by air who want to transit the UK on route to another country outside the common travel area and will enter the UK for up to 48 hours by crossing the UK Border.

Travellers in transit who do not intend to enter the UK may need a Direct Airside Transit Visa (DATV) under the Immigration (Passenger Transit Visa) Order 2014.

Validity requirements for a Visitor in Transit

VT.1.1. An applicant who is a *visa national* must apply for and obtain *permission* to enter the UK as a Visitor in Transit before arrival in the UK.

VT.1.2. An application for *permission* to enter the UK as a Visitor in Transit route must meet all the following requirements:

- (a) the application must have been made on the form 'Visitor in Transit'; and
- (b) the applicant must have, if required, paid the relevant *fee*; and
- (c) the applicant must have, if required, provided their *biometrics*; and
- (d) the applicant must have provided a valid passport or other document which satisfactorily establishes their identity and nationality.

[Link to guidance on proof of identity and nationality](#)

Suitability requirements for Visitor in Transit

VT.2.1. The suitability requirements for a Visitor in Transit are...

Eligibility requirements for Visitor in Transit

The applicant must meet all the eligibility requirements in VT.3. and VT.4.

Travel requirement

VT.3. The decision maker must be satisfied that:

- (a) the applicant's main purpose is to transit through the UK to a country outside the *common travel area*; and
- (b) the route the applicant is taking is a reasonable route; and
- (c) the applicant genuinely intends to leave the UK within 48 hours of their arrival in the UK; and
- (d) the applicant will be granted entry to their country of destination, and any other countries they are transiting on their way there.

Intentions requirement

VT.4. The decision maker must be satisfied that the applicant does not intend to access public funds, receive medical treatment, or work or study in the UK.

Decision

VT.5. If the decision maker is satisfied that all the suitability and eligibility requirements are met the application will be granted, otherwise the application will be refused.

Conditions

VT.6. The applicant will be granted temporary *permission* to enter the UK for up to 48 hours, subject to the following conditions:

- (a) work (including self-employment and voluntary work) is prohibited; and
- (b) study is prohibited; and
- (c) access to public funds is prohibited.

Parent of a child Student

This route is for a parent of a Child Student aged between 4 and 11. It is to enable the parent to come to, or stay in, the UK to care for their child. Only one parent of the child student can come to, or stay in, the UK under this route at any one time. The parent may be accompanied or joined by their other children aged under five.

Validity requirements for Parent of a Child Student

PC.1.1. An applicant seeking to come to the UK as the Parent of a Child Student must have obtained *permission* to do so before their arrival in the UK.

PC.1.2. An applicant who is in the UK at the date of application must have, or have last been granted, *permission* to come to or stay in the UK as the Parent of a Child Student.

PC.1.3. An application for *permission* to enter or remain in the UK as the Parent of a Child Student must meet all the following requirements:

- (a) the application must be made on the form 'Parent of a Child Student'; and
- (b) the applicant must have, if required, paid the relevant *fee* and the *Immigration Health Charge*; and
- (c) the applicant must have, if required, provided their *biometrics*; and
- (d) the applicant must have provided a valid passport or other document which satisfactorily establishes their identity and nationality.

[Link to guidance on proof of identity and nationality](#)

PC.1.4. At the date of application, the applicant must be aged 18 or over.

PC.1.5. An application which does not meet the validity requirements above is invalid and may be rejected and not considered.

Suitability requirements for the Parent of a Child Student

PC.2.1. The suitability requirements for the Parent of a Child Student are ...

Eligibility requirements for Parent of a Child Student

The applicant must meet all the eligibility requirements in PC.3. to PC.5.

Relationship requirement

PC.3.1. The applicant must be the *parent* of a *child* who has been granted, or is applying for, *permission* as a Child Student.

[Link to guidance on how to prove a relationship](#)

PC.3.2. The applicant must be solely responsible for the care of the Child Student while the applicant is in the UK.

PC.3.3. The Child Student's other *parent* must not be in the UK or applying for *permission* to come to the UK.

Child student requirement

PC.4. The applicant's *child* must:

- (a) be aged between 4 and 11 years at the date of application; and
- (b) have permission, or be applying for permission, under the Child Student route in these Rules.

Financial requirements

PC.5.1. The decision maker must be satisfied that the applicant can and will adequately maintain and accommodate themselves, the Child Student, and any other dependants in the UK, without recourse to public funds.

PC.5.2. The applicant must have funds of £1,535 for each month of their intended stay in the UK, or total funds of £13,815, whichever is the lower.

PC.5.3. The applicant must not be seeking to make the UK their main home.

PC.5.4. The applicant must have sufficient funds, excluding the funds at PC.5.2. and any funds required under PC.10., to maintain their main home outside the UK.

PC.5.5. The applicant must not intend to access public funds, work or study in the UK.

[Link to guidance on how to prove the financial requirement.](#)

Dependents of a Parent of a child Student

Validity requirements for a dependant of a Parent of a Child Student

PC.6.1. The validity requirements PC.1.1. and PC.1.3. apply to a dependant of a Parent of a Child Student.

PC.6.2. An applicant who is in the UK at the date of application must have, or have last been granted, *permission* to enter or remain in the UK as the dependant of a Parent of a Child Student.

PC.6.3. The applicant must be aged under five at the date of application.

PC.6.4. An application which does not meet the validity requirements for dependants above is invalid and may be rejected and not considered.

Suitability requirements for a dependant of a Parent of a Child Student

PC.7. The suitability requirements for a dependant of a Parent of a Child Student are...

Eligibility requirements for a dependant of a Parent of a Child Student

The applicant must meet all the eligibility requirements in PC.8. to PC.10.

Relationship requirement

PC.8. The applicant must be the *child* of a person who has, or is seeking *permission* as, a Parent of a Child Student.

[Link to guidance on how to prove a relationship](#)

Care requirement

PC.9.1. The decision maker must be satisfied that during their stay in the UK the *child* will live with their parent who has been granted permission as a Parent of a Child Student.

PC.9.2. Both parents must have given *permission* for the *child* to come to and stay in the UK, unless:

- (a) the *parent* with *permission* as the Parent of a Child Student is the sole surviving *parent*, or
- (b) the *parent* with *permission* as the Parent of a Child Student has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child *permission* to enter and stay in the UK with the *parent* who has *permission* as the Parent of a Child Student.

Financial requirement

PC.10. The Parent of a Child Student must, in addition to the financial requirements in PC.5., have funds of £615 for each month of proposed stay of each dependant child in the UK (excluding the Child Student), or a total of £5,535 for each dependant child, whichever is lower.

[Link to guidance on how to prove the financial requirement](#)

Decision

PC.11.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met the application will be granted, otherwise the application will be refused.

PC.11.2. If the application is refused a request can be made for an Administrative Review.

Conditions

PC.12.1. The Parent of a Child Student will be granted temporary *permission* for a period which ends when the Child Student ceases to qualify as a Child Student.

PC.12.2. The child dependant will be granted temporary *permission* for a period which will end at the same time as the Parent of a Child Student's *permission*, or when the dependant reaches the age of five, whichever happens first.

PC.12.2. The *permission* will be granted subject to the following conditions:

- (a) work (including self-employment and voluntary work) is prohibited; and
- (b) study is prohibited; and
- (c) access to public funds is prohibited.

UK Ancestry

The UK Ancestry route allows Commonwealth citizens aged 17 or over, who have a grandparent who was born in the UK or Islands to come to the UK to work. The partner and children of a person with permission on this route can apply as dependants on this route.

Validity requirements for UK Ancestry route

UKA.1.1. An applicant seeking to come to the UK on the UK Ancestry route must have applied for and obtained *permission* to do so before their arrival in the UK.

UKA.1.2. An applicant who is in the UK at the date of application must have, or have last been granted, *permission* to enter or remain in the UK on the UK Ancestry route.

UKA.1.3. An application for *permission* to come to or stay in the UK on the UK Ancestry route must meet all of the following requirements:

- (a) the application must be made on the form 'UK Ancestry'; and
- (b) the applicant must have, if required, paid the relevant *fee* and the *Immigration Health Charge*; and
- (c) the applicant must have, if required, provided their *biometrics*; and
- (d) the applicant must have provided a valid passport or other document which satisfactorily establishes their identity and nationality.

UKA.1.4. The applicant must be a *Commonwealth citizen*.

[Link to the guidance on proof of identity and nationality](#)

UKA.1.5. At the date of application the applicant must be aged 17 or over.

UKA.1.6. An application which does not meet the validity requirements above. is invalid and may be rejected and not considered.

Suitability requirements for UK Ancestry

UKA.2.1. The suitability requirements for the UK Ancestry route are...

Eligibility requirements for UK Ancestry

The applicant must meet all the eligibility requirements in UKA.3. to UKA.5.

Grandparent born in the UK or Islands

UKA.3. The decision maker must be satisfied that one of the applicant's *grandparents* was born in the UK or *Islands*.

[Link to the guidance on how to prove a relationship](#)

Financial requirement

UKA.4. The decision maker must be satisfied that the applicant can and will adequately maintain and accommodate themselves, and any dependants in the UK, without recourse to public funds.

[Link to the guidance on how to prove the financial requirement](#)

Work requirement

UKA.5. The decision maker must be satisfied that the applicant is either:

- (a) outside the UK and able to work and genuinely intend to seek and take employment in the UK; or
- (b) in the UK on the UK Ancestry route and is in employment or is self-employed; or
- (c) in the UK on the UK Ancestry route and has a firm offer of employment or a credible business plan.

Dependents on UK Ancestry route

Validity requirements for a dependant on the UK Ancestry route

UKA.6.1. The validity requirements for a dependant on the UK Ancestry route are UKA.1.1. and UKA.1.3.

UKA.6.2. An application which does not meet the validity requirements for dependants above is invalid and may be rejected and not considered.

Suitability requirements for a dependant on the UK Ancestry route

UKA.7. The suitability requirements for a dependant on the UK Ancestry route are...

Eligibility requirements for a dependant partner on the UK Ancestry route

The applicant must meet all the eligibility requirements in UKA.9. to UKA.11.

Relationship requirement

UKA.9.1. The applicant must be the *partner* of a person who has *permission* on the UK Ancestry route.

UKA.9.2. The relationship must be genuine and subsisting.

UKA.9.3. The applicant and their partner must intend to live together during their stay in the UK.

[Link to the guidance on how to prove relationships](#)

Financial requirements

UKA.10. The decision maker must be satisfied that the applicant and their partner can and will maintain and accommodate themselves, and any dependants in the UK, without recourse to public funds.

[Link to the guidance on how to prove the financial requirement](#)

Immigration status requirements

UKA.11. If the applicant is in the UK at the date of application they must have *permission*, and that *permission* must not be as a:

- (a) visitor; or
- (b) short-term student; or
- (c) child student.

Eligibility requirements for a dependant child on the UK Ancestry route

The applicant must meet all the eligibility requirements in UKA.12. to UKA.15.

Relationship requirement

UKA.12. The applicant must be the child of a person who has, or is seeking, *permission* on the UK Ancestry route.

[Link to the guidance on how to prove relationships](#)

Age-related requirement

UKA.13. The applicant must be under the age of 18 at the date of application, or they must:

- (a) have *permission*, or have last had *permission*, as the dependant child of a person on the UK Ancestry route; and
- (b) not be married or in a *civil partnership*; and
- (c) continue to be part of the family unit and must not be living an independent life.

Care requirement

UKA.14.1. The decision maker must be satisfied that the child will live with a *parent* who has *permission* on the UK Ancestry route during their stay in the UK.

UKA.14.2. Both parents must have given *permission* for the child to come to, or stay in, the UK, unless:

- (a) the *parent* with *permission* on the UK Ancestry route is the sole surviving *parent*,
or
- (b) the *parent* with *permission* on the UK Ancestry route has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child *permission* to come to, or stay in, the UK with the *parent* who has *permission* on the UK Ancestry route.

Financial requirement

UKA.15. The decision maker must be satisfied that the child dependant can and will be adequately maintained and accommodated without recourse to public funds.

[Link to the guidance on how to prove the financial requirement](#)

Decision

UKA.16.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met the application will be granted, otherwise the application will be refused.

UKA.16.2. If the application is refused a request can be made for an Administrative Review.

Conditions

UKA.17.1. The applicant will be granted temporary *permission* for up to five years.

UKA.17.2. The *permission* will be granted subject to all the following conditions:

- (a) work (including self-employment and voluntary work) is permitted; and
- (b) study is permitted, *subject to the ATAS requirement*; and
- (c) access to public funds is prohibited; and
- (d) if the applicant meets the criteria in [Police Registration] they will be required to register with the police.

Settlement

UKA.18.1. Once a person has spent five years in the UK [with *permission* on the UK Ancestry route] they may be eligible for Settlement.

Adoption: Hague Convention

This route is to allow a child from overseas who is to be adopted under the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption to come to the UK. Once the child has been adopted they will either be a British Citizen or need to obtain permission to stay on another route.

Validity requirements for the Adoption: Hague Convention route

AHC.1.1. An applicant seeking to come to the UK on the Adoption: Hague Convention route must have obtained *permission* to do so before their arrival in the UK.

AHC.1.2. An application for *permission* to enter or remain in the UK on the Adoption: Hague Convention route must meet all the following requirements:

- (a) the application must be made on the form 'Family Life'; and
- (b) the applicant must have, if required, paid the relevant *fee*; and
- (c) the applicant must have, if required, provided their *biometrics*; and
- (d) the applicant must have provided a valid passport or other document which satisfactorily establishes their identity and nationality.

[Link to the guidance on proof of identity and nationality](#)

AHC.1.3. At the date of application, the applicant must be under the age of 18.

AHC.1.4. An application which does not meet all the validity requirements above is invalid and may be rejected and not considered.

Suitability requirements for Adoption: Hague Convention

AHC.2.1. The suitability requirements for Adoption: Hague Convention are ...

Eligibility requirements for Adoption: Hague Convention

The applicant must meet all the eligibility requirements in AHC.3. and AHC.4.

Adoption requirement

AHC.3.1. The applicant must be seeking to enter the UK for the purpose of adoption.

AHC. 3.2. The *prospective adoptive parent* or, if it is a joint adoption, both *prospective adoptive parents*, must be *habitually resident* in the UK.

AHC.3.3. The adoption must be the subject of an agreement made under *Article 17(c) of the Hague Convention*.

Financial requirement

AHC.4. The decision maker must be satisfied that the applicant can and will be maintained and accommodated by the *prospective adoptive parent*, or parents, without recourse to public funds and in accommodation which they own or occupy exclusively.

Decision

AHC.5. If the decision maker is satisfied that all the suitability and eligibility requirements are met the application will be granted, otherwise the application will be refused.

Conditions

AHC.6.1. An applicant will be granted temporary *permission to enter or remain* for up to 24 months.

AHC.6.2. The *permission* will be granted subject to the following condition:
access to public funds is prohibited.

Statelessness

This route is for a person who is stateless, which means they are not considered as a national by any State under the operation of its law, and they are not admissible to any other country.

Dependants of a Stateless person can apply under [Family Life]

Validity requirements for Stateless route

S.1.1. An application for *permission* to remain in the UK as a Stateless person must meet all the following validity requirements:

- (a) the applicant must be in the UK; and
- (b) the application must be made on form 'Stateless'; and
- (c) the applicant must have, if required, provided their *biometrics*;

S.1.2. If the applicant is under the age of 18 at the date of application, their *parent* or *legal guardian* must have provided written consent to the application.

S.1.3. An application which does not meet all the validity requirements above is invalid and may be rejected and not considered.

Suitability requirements for Stateless route

S.2.1. The suitability requirements for the Stateless route are that the applicant is not excluded under S.3.

Exclusion under Statelessness Convention

S.3.1. The applicant is excluded if there are serious grounds for considering that the applicant:

- (a) has committed a *crime against peace*, a *war crime*, or a *crime against humanity*, as defined in the international instruments drawn up to make provisions in respect of such crimes; or
- (b) has committed a serious non-political crime outside the UK prior to their arrival in the UK; or
- (c) is guilty of acts contrary to the purposes and principles of the United Nations.

S.3.2. The applicant is excluded if there are reasonable grounds for considering that the applicant is a danger to the security of the UK.

S.3.3. The applicant is excluded if, having been convicted by a final judgment of a particularly serious crime, the applicant constitutes a danger to the community of the UK.

S.3.4. The applicant is excluded if the applicant is receiving protection or assistance from organs or agencies of the United Nations, other than the United Nations High Commissioner for Refugees.

S.3.5. The applicant is excluded if the applicant is recognised by the competent authorities of a country in which they were formerly resident as having the rights and obligations which are attached to the possession of the nationality of that country.

Eligibility requirements for Stateless route

The applicant must meet all the eligibility requirements in S.4.

S.4.1. The decision maker must be satisfied that the applicant is stateless.

S.4.2. The decision maker must be satisfied that the applicant has obtained and submitted all reasonably available evidence to demonstrate they:

- (a) are not a national of any State or *admissible* to any country; and
- (b) have sought and failed to obtain, or re-establish, nationality with the appropriate authorities of the *relevant countries*; and
- (c) have sought and failed to establish a right to admission as a permanent resident, or a status leading to permanent residence, to a country in which they were formerly resident, or any other country.

S.4.3. If the applicant is a child born in the UK, the decision maker must be satisfied that their *parent* or *legal guardian* has taken all reasonable steps to register the child's birth with the appropriate authorities of the *relevant countries*, but have failed.

Decision

S.5.1. If the decision maker is satisfied that the eligibility and suitability requirements are met the application will be granted, otherwise the application will be refused.

S.5.2. If the application is refused a request can be made for an Administrative Review.

Conditions

S.6.1. An application will be granted temporary *permission* to remain for up to five years, subject to the following conditions:

- (a) if the applicant meets the criteria in [Police Registration] they will be required to register with the police.

Dependants of a Stateless person

S.7.1. The *partner* and *dependant child* of a Stateless Person can apply for permission under [Family Life].

Settlement

S.8.1. Once a person has spent five years in the UK with *permission* on the Stateless route they may be eligible for Settlement under [Settlement].

Transfer of Refugee Status

This route is for a person who has been lawfully resident in the UK for more than two years and who has been recognised as a refugee by a State which has ratified the 1980 European Agreement on Transfer of Responsibility for Refugees.

Following the transfer of refugee status, dependants of the refugee can make an application for family reunion under [Family Life].

Validity requirements for Transfer of Refugee Status

TR.1.1. An application for *permission* to remain in the UK as a refugee under the Transfer of Refugee Status route must meet all the following requirements:

- (a) the applicant must be in the UK; and
- (b) the application must be made on form 'Transfer of Refugee Status'; and
- (c) the applicant must have, if required, provided their *biometrics*; and
- (d) the applicant must have been granted refugee status by a country that has ratified the *European Agreement on the Transfer of Responsibility for Refugees (EATRR)*, as listed in TR.1.3; and
- (e) the applicant must have provided a valid passport or other document which satisfactorily establishes their identity and nationality.

TR.1.2. If the applicant is under the age of 18, their *parent* or *legal guardian* must have provided written consent to the application.

TR.1.3. The countries that have ratified the EATRR are Denmark, Finland, Italy, the Netherlands, Norway, Poland, Romania, Spain, Sweden and Switzerland.

TR.1.4. An application which does not meet all the validity requirements above is invalid and may be rejected and not considered.

Suitability requirements for Transfer of Refugee Status

TR.2.1. The suitability requirements for Transfer of Refugee Status are that the applicant is not excluded under TR.3.

Exclusion from Transfer of Refugee Status

TR3.1. The applicant is excluded if there are serious grounds for considering that the applicant;

- (a) has committed a *crime against peace*, a *war crime*, or a *crime against humanity*, as defined in the international instruments drawn up to make provisions in respect of such crimes; or
- (b) has committed a serious non-political crime outside the UK prior to their arrival in the UK; or
- (c) is guilty of acts contrary to the purposes and principles of the United Nations.

Criminality

TR.3.2. The applicant is excluded if there are reasonable grounds for considering that the applicant is a danger to the security of the UK.

TR.3.3. The applicant is excluded if, having been convicted by a final judgment of a particularly serious crime, the applicant constitutes a danger to the community of the UK.

Eligibility requirements for Transfer of Refugee Status

The applicant must meet all the eligibility requirements in TR.5. and TR.6

Immigration Requirement

TR.5.1. The applicant must either:

- (a) have been *continuously and lawfully resident* in the UK for at least two years at the date of application; or
- (b) have *permanent residence* in the UK or *permission* for a period exceeding the validity of their refugee travel document.

TR.5.2. For the purpose of TR.5.1. continuous and lawful residence does not include:

- (a) any period spent in the UK without *permission*; or
- (b) any period spent waiting for an immigration decision, or an appeal against an immigration decision, if the applicant's appeal is ultimately dismissed; or
- (c) any period spent in prison or detention following conviction for an offence; or
- (d) any period of temporary *permission* granted for the purpose of study or for medical treatment.

[Link to the guidance on continuous residence.](#)

Change of Circumstances since refugee status granted

TR.6.1. Since having been recognised as a refugee the applicant must not:

- (a) have voluntarily re-availed themselves of the protection of their country of nationality; or
- (b) having lost their nationality, voluntarily re-acquired it; or
- (c) have acquired a new nationality, and now enjoy the protection of the country of their new nationality; or
- (d) have voluntarily re-established themselves in the country which they left or outside of which they remained owing to a fear of persecution; or
- (e) be able, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, to continue to refuse to avail themselves of the protection of their country of nationality; or
- (f) be able, as a stateless person with no nationality, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, to return to their country of former habitual residence.

TR.6.2. In considering whether TR.6.1.(e) or TR.6.1.(f), apply, the decision maker must have regard to whether the change of circumstances is of such a significant and non-temporary nature that the applicant's fear of persecution can no longer be regarded as well-founded.

Decision

TR.7.1. If the decision maker is satisfied that the eligibility and suitability requirements are met the application will be granted, otherwise the application will be refused.

TR.7.2. If the application is refused a request can be made for an Administrative Review.

Conditions

TR.8.1. An application will be granted temporary *permission* to remain as a refugee for up to five years, subject to the following conditions:

- (a) if the applicant meets the criteria in [Police Registration] they will be required to register with the police.

TR.8.2. Where the applicant has already been granted permanent residence in the UK, no further *permission* will be granted, but the applicant can apply to the UK for a refugee travel document.

Dependants of a refugee

TR.9. Dependants of a refugee whose status is transferred to the UK can apply under [Family Life].

Settlement

TR.10. Once a person has spent five years in the UK with *permission* [as a Refugee] they may be eligible for Settlement.

English Language Requirement

The English language requirement is met if either the applicant is exempt under EL.1., or any of the requirements in EL.2. to EL.5. are met.

Exemption

EL.1. An applicant is exempt from the English language requirement if at the date of application:

- (a) they are aged 65 or over; or
- (b) they are under 18; or
- (c) they have a disability (physical or mental condition) which prevents them from meeting the requirement.

Met in a previous application

EL.2. An applicant will meet the English language requirement if they have already shown they met the requirement at the level required for their current application, in a previous successful application for immigration *permission*.

Majority English speaking country

EL.3. An applicant will meet the English language requirement if they are a national of any of the following majority-English-speaking countries:

- 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
- United States of America

[Link to the guidance on how to prove identity and nationality.](#)

Academic qualification

EL.4.1. An applicant will meet the English language requirement if they have an academic qualification which meets one of the requirements at EL.4.2. and is proven by the required evidence under EL.4.3 or EL.4.4.

EL.4.2. The requirements are that the applicant has:

- (a) a *Bachelor's degree*, *Master's degree* or *PhD* awarded in the UK; or

- (b) a degree or degree-level qualification taught in a university or college in a majority-English-speaking country listed in EL.3. (except Canada) which meets or exceeds the recognised standard of a *Bachelor's degree*, *Master's degree* or *PhD* awarded in the UK; or
- (c) a *degree* or *degree level* qualification which meets, or exceeds, the recognised standard of a *UK Bachelor's degree*; *Master's degree* or *PhD* and was taught or researched in English.

EL.4.3. The requirement at EL.4.2. must be proven by either:

- (a) a certificate from the awarding body: or
- (b) a transcript issued by the university or college that awarded the qualification; or
- (c) an official letter from the university or college that awarded the qualification containing information equivalent to a degree certificate.

EL.4.4. If the qualification was awarded by a body from outside the UK, the requirement at EL.4.2. must, in addition to the requirement at EL.4.3., be proven by confirmation from UK NARIC that the qualification meets the requirements at EL4.2.(b) or EL.4.2.(c).

Information on UK NARIC can be found at www.naric.org.uk/naric/

English language test

EL.5.1. An applicant will meet the English language requirement if they have provided a valid digital reference number from an approved provider showing they have passed an approved English language test to the required level.

The list of approved tests and providers can be found at www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests

Knowledge of Life in the UK requirement

The Knowledge of Life in the UK requirement is met if either the applicant is exempt under KOL.1. or the requirements in KOL.2. are met.

Exemption

KOL.1. An applicant is exempt from the Knowledge of Life in the UK requirement if at the date of application:

- (a) they are aged 65 or over; or
- (b) they are under 18; or
- (c) they have a disability (physical or mental condition) which prevents them from meeting the requirement.

KOL.2. An applicant has met the Knowledge of Life in the UK requirement if they have either:

- (a) provided a valid digital reference number from an educational institution or other person approved for this purpose by the Secretary of State showing they have passed the Life in the UK test; or
- (b) if they are resident in the Isle of Man, provided a valid digital reference number from an educational institution or other person approved for this purpose by the Lieutenant Governor showing they have passed the Isle of Man's Life in the UK test; or
- (c) if they are resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, provided a valid digital reference number from an educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey showing they have passed the "Citizenship Test".

Information on the Life in the UK test can be found at: www.gov.uk/life-in-the-uk-test

