

## EXPLANATORY MEMORANDUM TO

### THE STATEMENT OF CHANGES IN IMMIGRATION RULES PRESENTED TO PARLIAMENT ON 10 SEPTEMBER 2024 (HC 217)

#### 1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.
- 1.2 This Explanatory Memorandum contains information for the Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments.

#### 2. Declaration

- 2.1 Seema Malhotra MP, Minister for Migration and Citizenship at the Home Office, confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Sam Worby, Head of Simplification and Systems Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

#### 3. Contact

- 3.1. Specific written queries relating to this Statement of Changes should be directed to Robert Hayes-Walters at [StateofChanges@homeoffice.gov.uk](mailto:StateofChanges@homeoffice.gov.uk). Please note that this mailbox is only for parliamentary use in relation to specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.
- 3.2. More general queries should be directed to the Home Office as per the ‘Contact UKVI’ section on the visas and immigration pages of GOV.UK website.<sup>1</sup>
- 3.3. A copy of this Statement of Changes can be found on the visa and immigration pages of the GOV.UK website.<sup>2</sup>

### **Part One: Explanation, and context, of the Instrument**

#### 4. Overview of the Instrument

##### *What does the legislation do?*

- 4.1 This instrument amends the Immigration Rules, made under the provisions of section 1(4) and section 3(2) of the Immigration Act 1971, that are used to regulate people’s entry to, and stay in, the United Kingdom.
- 4.2 The changes being made concern changes relating to:

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<sup>1</sup> Available at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

<sup>2</sup> Available at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

### Imposition of a Visa regime on Jordan

- The changes will impose a Visa regime on Jordan.
- We are applying a visa regime to a nationality which has been assessed as requiring it. This means we will be able to assess an individual against the requirements of the Immigration Rules prior to them traveling to visit or transit the UK. As a result, it also means where we are not satisfied that an individual meets these requirements, we are able to refuse their application for a visit visa.

### Implementation of the UK Electronic Travel Authorisation (ETA) scheme

- Appendix Electronic Travel Authorisation sets out the detailed provisions relating to eligibility for an ETA, including who is subject to the ETA requirement. A change is being made which will extend the requirement to obtain an ETA to all nationalities who can currently travel to the UK without a visa and set out the date from which the requirement applies.

### End Diplomatic Visa Waivers and introduce a “Diplomatic Visa Arrangement” (DVA) Visitor visa

- A new Diplomatic Visa Arrangement visa route, which will replace Diplomatic Visa Waivers with select visa national countries, will provide a bespoke visitor visa for select diplomatic passport holders supported by a Note Verbale by their sending government. The route aims to support and better facilitate official travel to the UK but will also enable DVA visitors to undertake a range of standard visitor activities.

### Introduction of the VIP Delegate Visa

- This change implements a long-term solution for a capped number of delegates accompanying heads of state and government ministers visiting the UK on official government business, by introducing a new route and product: the VIP Delegate Visa. The upper limit for the number of applicants eligible for this route will be set at 20 for heads of state delegations and 10 for ministerial delegations. Applicants eligible for the product will be expected to submit a light touch application form, along with providing biographical information and a facial image. This legislation will not introduce an application fee and there will be no requirement for applicants to submit fingerprints.

### Appendix Bereaved Partner and Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997

- Changes are being made to Appendix Bereaved Partner and Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997, to allow bereaved partners and their dependents to benefit from a fee waiver if they are destitute.

- 4.3 This instrument also makes minor changes to other policy areas, detailed in paragraphs 5.24 to 5.49 of section 5 of this Explanatory Memorandum.

*Where does the legislation extend to, and apply?*

- 4.4 The extent of this Statement of Changes in Immigration Rules (that is, the jurisdiction(s) which the statement forms part of the law of) is all of the United Kingdom.
- 4.5 The territorial application of this Statement of Changes in Immigration Rules (that is, where the statement produces a practical effect) is all of the United Kingdom.

## **5. Policy Context**

*What is being done and why?*

### **Imposition of a Visa regime on Jordan**

- 5.1 By applying a visa regime, we are able to assess those travelling to visit or transit the UK, in advance of arrival, against the requirements of the Immigration Rules. This means we can refuse an application for a visit visa where we are not satisfied that they meet those requirements.
- 5.2 Following the lifting of the visa regime in February 2024, there has been a significant increase in Jordanian nationals who have travelled to the UK for purposes that are not permitted under the visit and Electronic Travel Authorisation (ETA) provisions, such as to live, work or claim asylum in the UK. The latest available published statistics demonstrate this trend with refusals of entry at the border rising from 10 in 2023 to 22 in the first quarter (January to March) of 2024 and 463 in the most recent quarter (April to June) of 2024. The number of asylum claims made by Jordanian nationals in the UK rose from 17 in the final quarter (October to December) of 2023 to 77 in the first quarter (January to March) 2024, and 261 in the most recent published quarter (April to June 2024). In addition, there has been an increase in Jordanian nationals using an ETA to transit through the UK and subsequently claim asylum in Ireland. Statistics published by the Ireland International Protection Office show that in May, June and July 2024, Jordanian nationals were the second highest nationality for asylum claims made in Ireland with 1552 asylum claims in 2024. Until April 2024 Jordanian nationals did not feature in the top 5 nationalities applying for international protection in Ireland. A visa imposition will support the integrity and effective functioning of the Common Travel Area.
- 5.3 The imposition of the visa regime will include a transition period for Jordanian nationals to travel to the UK without a visa where they hold a valid ETA and confirmed travel booking prior to the imposition. This period will commence at the same time as the visa regime is imposed and run until 28 days after the imposition date. During this period, Jordanian nationals who hold both a confirmed travel booking to the UK for travel within the 28-day transition period at the time of imposition, and who hold a valid ETA before the time of the imposition, and where arrival in the UK is no later than 28 days after the imposition, will not be required to obtain a visit visa before travel. Those who do not meet these conditions during the transition period will require a visa. Jordanian nationals who hold confirmed bookings for travel to the UK on a date after the transition period ends will need to obtain a visa

in advance of travel. Amending the date of travel on a confirmed booking to an earlier date that falls within the transition period would still require the person to have a visa and they would not be permitted to travel on their ETA.

- 5.4 Consequential to these changes, Appendix Electronic Travel Authorisation will be amended. Firstly, to remove Jordan from the nationalities eligible for an ETA. Secondly, to give effect to the transition period for Jordanian nationals who had obtained an ETA and booked travel to the UK prior to the imposition.
- 5.5 This transition period will prevent operational difficulties, general unfairness, and ensure that people who arranged travel having applied for and been granted an ETA before this announcement do not lose money. The length of the period (28 days) has been chosen to give those affected enough time to apply for and receive a visa. The current service-level agreement for processing times for visit visas is 21 working days.
- 5.6 The visa imposition will also be accompanied by amendments to the Immigration (Passenger Transit Visa) Order 2014, to ensure that Jordanian nationals will also require a direct airside transit visa (DATV) when conducting airside transit travel. Airside transit passengers are those who do not need to change airports and do not need to pass through the UK border. If these amendments are not made, Jordanian nationals will be able to travel to the UK purporting to have booked onward travel and instead claim asylum, thus circumventing the visa requirement. It would also continue to enable Jordanian nationals to transit through the UK with the intention of travelling to another country to claim asylum.

#### **Implementation of the UK Electronic Travel Authorisation (ETA) scheme**

- 5.7 The Electronic Travel Authorisation (ETA) scheme applies to nationals who do not require a visa and do not have any other UK immigration status in the UK. The ETA scheme will therefore allow us to close the current gap in advance permissions. The ETA scheme will, for the first time, give us a comprehensive understanding of those travelling to the UK. It enhances our ability to screen travellers and prevent the travel of those who pose a risk upstream, making the UK safer.
- 5.8 Appendix Electronic Travel Authorisation sets out the detailed provisions relating to eligibility for an ETA, including who is subject to the ETA requirement. A change is being made which will extend the requirement to obtain an ETA to all nationalities who can currently travel to the UK without a visa and set out the date from which the requirement applies.
- 5.9 At present, Appendix Electronic Travel Authorisation stipulates that an ETA must be granted/cannot be cancelled where an individual, aged 18 or over, has overstayed their permission but has left voluntarily, not at the expense (directly or indirectly) of the Secretary of State. This does not allow for any consideration of the circumstances and duration of an overstay, as would be made under the criteria applied to visitors under part 9 of the Immigration Rules. Changes are being made to amend the suitability criteria relating to overstayers, which will bring ETAs in line with the current approach to visitors under part 9 which is applied across other routes.
- 5.10 Changes are also being made to specify that the passport provided in the application process must be a national passport and establish a nationality eligible for an ETA.

This will bring the ETA rules in line with the visa requirements detailed at Immigration Rules Appendix Visitor: Visa national list. The visa requirements specify that people travelling on any document other than a national passport require a visa.

5.11 Finally, the ETA suitability criteria are being expanded to include two additional suitability grounds:

- Firstly, those that have previously been refused a visit visa or permission to enter as a visitor will be refused an ETA, unless a visit visa has been granted subsequent to the refusal or a valid permission was held and not cancelled as a result of the refusal. These changes will enable us to consider suitability for an ETA based on whether an applicant has previously failed to satisfy UK immigration rules, namely an application for entry clearance or permission to enter requirements as a Visitor. This will mean that those who were previously deemed to not be a genuine visitor will not be able obtain an ETA to travel to the UK. Instead, such applicants would have to obtain a visa which provides the Home Office with the opportunity to undertake a thorough consideration and upstream assessment of the visitor conditions.
- Secondly, this change will allow for refusal where the applicant has previously had an ETA cancelled for reasons not relating to suitability. Without the power to subsequently refuse an ETA in these circumstances, an individual could be refused at the UK border and have their ETA cancelled, to then re-apply for an ETA and board another service back to the UK to seek re-entry on the basis they have a valid ETA, in a further attempt to circumvent the immigration framework. These changes will ensure those who have their ETA cancelled and are refused at the border are not eligible for an ETA and are instead directed to apply for a visa and ensure they meet the entry requirements upstream.

### **Insertion of Appendix ETA National List**

5.12 Appendix Electronic Travel Authorisation sets out the detailed provisions relating to eligibility for an ETA. This change will insert an additional Appendix following Appendix Electronic Travel Authorisation, to set out the remaining rollout for all non-visa nationalities to be onboarded onto the ETA scheme.

### **End Diplomatic Visa Waivers and introduce a “Diplomatic Visa Arrangement” (DVA) Visitor visa**

5.13 As part of the transformation of the border and immigration system, everyone wishing to travel to the UK (except British and Irish citizens) will be required to seek permission in advance of travel to the UK. This will include diplomatic passport holders from non-visa national countries, who will be required to apply for an Electronic Travel Authorisation prior to travel. Individuals who are exempt from immigration control do not require visas though they are encouraged to apply for exempt vignettes prior to travel.<sup>3</sup>

5.14 Diplomatic Visa Waivers (DVW) allow diplomatic passport holders from some visa national countries to visit the UK without obtaining a visitor visa in advance of travel,

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<sup>3</sup> Available at <https://www.gov.uk/government/publications/chapter-14-section-1-persons-exempt-from-control>

which runs contrary to wider border transformational aims. The UK has not entered into any new DVW arrangements since 2015 and we are therefore replacing existing DVW by introducing a new type of visitor visa for these select diplomatic passport holders as part of this transformation.

- 5.15 The new DVA visas will provide a bespoke visitor visa for select diplomatic passport holders. The route aims to support and better facilitate official travel to the UK but will also enable DVA visitors to undertake a range of standard visitor activities.
- 5.16 DVA visa applications must be supported by the government of the applicant's nationality through the inclusion of the applicant's name in a Note Verbale provided by their government to the UK. The applicant must complete a DVA visitor visa light-touch application form, which does not incur a fee. There is no requirement to provide fingerprint biometrics. Applicants will normally be issued a two-year multi-entry visit visa, with a maximum stay of six months on each visit. Applicants must be over 18 years old.
- 5.17 Replacement of DVW with DVA visas will mean that diplomatic passport holders from the visa national countries listed at V.15A.4, which previously benefited from DVW, will continue to have access the UK thereby facilitating diplomatic travel , under an arrangement which is consistent with the requirement to seek permission prior to travelling to the UK.
- 5.18 There will be a three-week transition period between the introduction of DVA and the withdrawal of DVW to ensure that those applying for DVA visas have sufficient time to obtain a visa prior to the withdrawal of DVW. There are six months prior to implementation of these provisions to enable the countries which currently have DVW to prepare for the transition.

### **Introduction of the VIP Delegate Visa**

- 5.19 The Immigration (Exemption from Control) Order 1972 ('the Order') provides that members of foreign governments on official business and their families are exempt from immigration control and do not require entry clearance. The State Immunity Act 1978 ('the Act') affords Diplomatic Privileges Act 1964 protections on sovereigns or other heads of state, members of their family forming part of their household, and their private servants. This exempts them from immigration control, so they do not require entry clearance. These individuals are typically accompanied by broader delegations, including advisers, officials or support staff. These individuals are not afforded exempt status by either the Order or the Act. Nonetheless, such delegations are essential for facilitating inbound diplomatic exchanges in the UK's national interest. We have also identified instances where the statutory exempt policy has not been applied consistently to these delegations.
- 5.20 With the move towards a borders and immigration system where everyone, except those exempted from immigration control by statute, requires permission to travel before travelling to the UK, the Home Office has identified a need to introduce an immigration product which: (i) provides absolute clarity on the immigration requirements for delegations accompanying heads of state and government ministers; and (ii) provides a mechanism for implementing permission to travel for this cohort, whilst not disproportionately impacting the scope for diplomatic exchanges in the UK's national interest.

- 5.21 To deliver these requirements, a new product for a capped number of delegates is being introduced: the VIP Delegate Visa. The caps, outlined in Section 4.2, will be set at 20 individuals for heads of state delegations and 10 individuals for ministerial delegations. Applicants will be required to apply for this new product, providing biographical information and a facial image, in line with interim requirements and will be assessed under the Immigration Rules. However, fees and fingerprints will continue to be waived for this capped cohort, and they will now be in receipt of a VIP Delegate Visa product rather than a Visit Visa or an Exempt Vignette.

### **Appendix Bereaved Partner and Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997**

- 5.22 Changes are being made in response to issues raised during litigation, to Appendix Bereaved Partner and Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997, to allow bereaved partners (a spouse, civil partner, or unmarried partner, who has previously been recognised as a partner under Part 8, Appendix FM, Appendix EU, Appendix HM Armed Forces, or Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997 of these Rules) and their dependants to benefit from a fee waiver if they are destitute.
- 5.23 Currently, a bereaved partner who has no other route to stay must leave the UK if they cannot afford the fee. So, the provision of a fee waiver to those who are destitute will allow them to settle in the UK at the time they are most vulnerable.

### **Other Minor Changes**

#### Changes to the EU Settlement Scheme (EUSS)

- 5.24 The EUSS enables EU, other European Economic Area (EEA) and Swiss citizens living in the UK before the end of the transition period on 31 December 2020, and their family members, to obtain the UK immigration status they need to continue living in the UK.
- 5.25 In accordance with the Citizens' Rights Agreements, the changes in respect of the Immigration Rules for the EUSS in Appendix EU are as follows:
- To refer to the scope for the Secretary of State to automatically convert pre-settled status under the EUSS to settled status (indefinite leave to enter or remain under Appendix EU) where the person qualifies for this and without the need for them to make a further valid application.
  - To apply the procedural provisions in Annex 2 to the consideration of whether a person granted limited leave to enter or remain under Appendix EU continues to meet eligibility requirements.
  - To enable a child applying to the EUSS who was resident in the UK before the end of the transition period, and has turned 21 years of age since then, to rely on the fact that they were aged under 21 at the end of the transition period and therefore have to meet no requirement as to dependency on their parent(s).

- To enable an EEA or Swiss citizen applying to the EUSS as a family member who has retained the right of residence, following the death or divorce of the relevant EEA or Swiss citizen who was resident in the UK before the end of the transition period, to meet simpler criteria.
- To require a joining family member to apply to the EUSS within three months of their first (not latest) arrival in the UK since the end of the transition period (or later where there are reasonable grounds for their delay).
- To enable limited leave to enter or remain granted under the EUSS (also referred to as pre-settled status) to be curtailed (subject to a right of appeal) for helping a person after the end of the transition period to obtain, or to attempt to obtain, EUSS leave or an EUSS family permit fraudulently.

### Appendix Student

- 5.26 There is a maintenance requirement for student applicants to demonstrate they have funds to support themselves for each month of their course (up to nine months). This level of funds for international students to demonstrate was originally matched with the maintenance loans available for home students, but the maintenance requirement for international students has not been updated since 2020.
- 5.27 This change increases the maintenance requirement for international students to match the maintenance loans available for home students for the 2024-25 academic year. We will ensure it aligns with home students' maintenance loans in future.<sup>4</sup>
- 5.28 We have also updated the maximum amount for the accommodation offset in line with the changes to the maintenance requirement. The accommodation offset allows students to demonstrate less maintenance funds if they have paid a deposit for their accommodation in the UK.

### Appendix Child Staying with or Joining a Non-Parent Relative (Appendix CNP)

- 5.29 Changes are being made to simplify existing requirements to provide greater clarity to applicants and decision makers.
- 5.30 The changes also implement two policy changes:
- Introduce a new family relationship eligibility requirement which says that the sponsor must be a close relative. Close relative is already defined within the Immigration Rules, and includes, for example, a grandparent, sibling, stepparent or aunt and uncle. Where an application does not meet this new requirement, or any other eligibility requirements, the decision-maker will consider whether a refusal would breach Article 8 (right to private and family life) under the European Convention of Human Rights (ECHR) because it would result in unjustifiably harsh consequences for the applicant or their family; and
  - Update the settlement validity requirements so that applicants (under 18 and over 18) can obtain settlement at the same time as their sponsor. This

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<sup>4</sup> Available at <https://www.gov.uk/student-finance/new-fulltime-students>

addresses a current gap within the Appendix CNP Rules which mean that some individuals might be left without leave as they cannot obtain settlement (at the same time as their sponsor applies) but can only obtain permission to stay under CNP (as the Rules say they will be granted leave in line with their sponsor, whose leave is expiring).

- 5.31 As a result of these changes, there are necessary consequential changes required, which include a change to Refugee Family Reunion validity requirements amendments to Appendix FM SE (Family Members – Specified Evidence), paragraph 9.2.1 within Part 9: grounds for refusal, and paragraph 1(1)(d) of the Fees Regulations.

Changes to Appendix HM Armed Forces, Appendix International Armed Forces and International Civilian Employees, Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997.

- 5.32 With the introduction of “Appendix Gurkha and Hong Kong Military Unit Veteran discharged before 1 June 1997” in 2023, along with “Appendix HM Armed Forces” and “HM International Armed Forces and International Civilian Employees” in April 2024, the transitional Armed Forces Rules in Part 7 became redundant and are being removed.
- 5.33 A new eligibility criterion is being added to Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997 to allow an adult dependent relative to be granted where a decision maker is satisfied that not doing so would be a breach of Article 8 of the European Convention of Human Rights. Decisions under this paragraph will be subject to a right of appeal therefore Home Office have amended provisions relating to which decisions under this Appendix attract administrative review. Appendix HM Armed Forces amendments clarify who can sponsor family dependants under the Appendix and enable a child who has completed less than the required 60 month qualifying period, to settle when their parent does.
- 5.34 The remaining changes to Appendix HM Armed Forces and Appendix International Armed Forces and International Civilian Employees are corrections of a paragraph number and reference to the correct Appendix KOL and cross-referencing to Appendix KOLL.

Appendix Continuous Residence

- 5.35 Appendix Continuous Residence applies a cross-cutting set of rules to ensure that those applying for settlement have been continuously resident in the UK during their qualifying period. Any absence from the UK must be for no more than the period allowed or for a permitted reason. Applicants must not break their continuous and lawful residence, subject to certain exceptions where a break in continuous lawful residence is disregarded. Changes are being made to Appendix Continuous Residence to:
- improve clarity concerning the transitional arrangements for applicants applying under Appendix Long Residence contained in CR 2.2A and under Appendix HM Armed Forces contained in CR 2.6.

- improve clarity by bringing together all rules on the exceptions which will not break continuous residence where an applicant does not currently, or did not, have permission.
- clarify that, where an applicant was in the UK without permission in the period from 1 to 31 August 2020 and where the applicant had permission immediately before then, the period without permission will count towards continuous residence.
- apply Appendix Continuous Residence to applications under Appendix ECAA Settlement.

#### Appendix Finance

- 5.36 The Home Office converts foreign currencies into pound sterling using the exchange rate on [www.oanda.com](http://www.oanda.com) for the date of the application. However, there are some circumstances where this is not possible. Mongolian Tugriks are no longer supported on Oanda and are being added to the list of currencies for which the FCDO Consular rate of exchange is to be used instead.
- 5.37 Mongolian Tugriks will now join Syrian Pounds (which are also unavailable on OANDA) and Iranian Rials, which are subject to a significant discrepancy between the conversion rates on OANDA and the rate of exchange genuinely available to members of the public (for example, through a bureau de change). This change makes a provision that, in such circumstances, the exchange rate to be used is the monthly FCDO Consular rates of exchange for the date of the application.

#### Appendix ECAA (Settlement)

- 5.38 The European Communities Association Agreement (ECAA) was an agreement between Turkey and various members of what would become the European Union which granted certain limited rights to Turkish nationals who worked or set up a business in the host state. Appendix ECAA Settlement provides for Turkish workers and business persons, and their family members, to obtain indefinite leave to remain where they meet certain conditions. Appendix ECAA Settlement is being replaced by a new version which applies Appendix Continuous Residence to applications made under Appendix ECAA Settlement and makes other minor changes for clarification, including deletion of redundant paragraphs.

#### Changes to Appendix Hong Kong British National (Overseas) (BN(O))

- 5.39 Minor amendments are being made to the validity, relationship and period and conditions of grant requirements for family members to make clear who certain family members must apply with to be eligible under the BN(O) route, and to make clear that a family member's eligibility is conditional on their sponsor's application being successful.

#### Appendix Skilled Worker, Appendix Skilled Occupations and Appendix Immigration Salary list

- 5.40 The updates made in HC 590 to occupation codes and going salary rates contained a number of data/drafting errors, which are being corrected.

- 5.41 In order to avoid leaving children of care workers already in the UK in a position where they are unable to make extension applications and to comply with safeguarding objectives, two further allowances are being added to the immigration rules for dependants of care workers under the Skilled Worker route. This does not alter the overall position that these workers cannot bring dependants to the UK, nor can their dependent children switch from other routes if there is another parent who can reasonably care for them overseas.

#### Changes to Appendix Sports Governing Bodies

- 5.42 Updates to rename British Canoeing as “British Canoeing (trading as Paddle UK)” and to update the relevant territories for Auto-Cycle Union.

#### Changes to Appendix Government Authorised Exchange schemes

- 5.43 Updates to rename the BNSC Satellite KHTT Programme.

#### Changes to Appendix Temporary Work – Creative Worker

- 5.44 An update is being made to request information on expenses paid to workers by other organisations and people as well as the sponsor.

#### Changes to Appendix Temporary Work – International Agreement

- 5.45 An update to delete information from the introduction that is no longer relevant.

#### Changes to Appendix ATAS: Academic Technology Approval Scheme (ATAS)

- 5.46 An update to correct the names of immigration routes.

#### Part 9

- 5.47 Minor changes are being made in Part 9 to confirm that:
- Applicants who are under 18 are not subject to the previous breaches of the Immigration Rules 9.8.1 to 9.8.8.
  - The Medical grounds of refusal at 9.16.1 and 9.16.2. additionally apply to Entry Clearance decisions as well as applications for Permission to Enter.

#### Appendix Administrative Review

- 5.48 Minor changes are being made in Appendix Administrative Review to:
- Add Appendix Gurkha and Hong Kong military service veteran discharged before 1 July 1997 (except where the applicant is an Adult Dependant Relative and meets all eligibility requirements) to the list of routes eligible for administrative review.
  - Confirm validity requirements are applicable to grant of permission to stay, not entry clearance grants.

- 5.49 The Statement of Changes also introduces minor drafting changes to improve clarity and ensure consistency of wording within the various routes and to correct incorrect paragraph references and minor drafting errors.

## **6. Legislative and Legal Context**

### *How has the law changed?*

- 6.1 The Immigration Rules, as laid before Parliament by the Secretary of State, constitute a statement of practice to be followed in the administration of the Immigration Act 1971 for regulating the entry into, and stay of, persons in the United Kingdom.
- 6.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules. This can be found on the GOV.UK website, where all the Statements of Changes in Immigration Rules issued since May 1994 are published.<sup>5</sup>
- 6.3 The changes will be implemented on various dates from 10 September 2024 as detailed in the implementation section of the accompanying Statement of Changes.

### *Why was this approach taken to change the law?*

- 6.4 This is the only possible approach to make the necessary changes.

## **7. Consultation**

### *Summary of consultation outcome and methodology*

#### Changes relating to the UK Electronic Travel Authorisation (ETA) scheme

- 7.1 The introduction of an Electronic Travel Authorisation (ETA) scheme, to identify and block the entry of those who present a threat to the UK, was subject to consultation between March 2020 to 6 May 2021. Since then, the legislative provisions to implement the ETA scheme have been made in line with the consultation exercise and the requirement to obtain an ETA has been implemented accordingly. Further consultation has not been considered necessary because the policy intent is consistent with that set out in the earlier consultation.<sup>6</sup>
- 7.2 The other changes in this Statement have not been the subject of a formal public consultation, as this would be disproportionate given the nature of the changes.

## **8. Applicable Guidance**

- 8.1 Guidance relating to these Rules changes will be updated and placed on the GOV.UK website when these changes take effect.
- 8.2 It is our established standard practice to only publish guidance updates when Rules changes take effect to mitigate the high risk of users referring to the wrong version.

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<sup>5</sup> <https://www.gov.uk/guidance/immigration-rules>

<sup>6</sup> [New Plan for Immigration - GOV.UK \(www.gov.uk\)](#)

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

#### **Changes relating to the Imposition of a Visa regime on Jordan**

- 9.1 These changes are likely to have a meaningful impact on the public sector.
- 9.2 The number of Jordanian asylum claims increased from 17 in October to December 2023 to 77 in January to March 2024 and 261 in April to June 2024. The escalating risk of ongoing misuse of the ETA system could, if left unchecked, represent significant further cost to the public sector due to the increase in asylum claims.
- 9.3 As a result of a visa imposition on nationals of Jordan, there may be an impact on the number of genuine visitors from Jordan coming to the UK due to the requirement to obtain a visa before travel. This is a return to the previous entry requirement for Jordan, in force prior to February 2024.
- 9.4 These changes are therefore likely to represent a meaningful indirect impact on business, charities or voluntary bodies. The ONS estimated that in 2023, on average, nationals from Jordan arriving by air spent £2,401 per visit to the UK (calculated when Jordanian nationals were required to apply for a visa). Any reduction in spending resulting from a reduction in visitors to the UK is likely to represent a cost to business through a reduction in revenue.

#### **Changes relating to the Implementation of the UK Electronic Travel Authorisation (ETA) scheme**

- 9.5 An Economic Impact Assessment of the ETA scheme was published on 6 June 2023.<sup>7</sup>
- 9.6 While not immaterial, in the context of the significant economic impact of the ETA scheme as a whole, these ETA changes, as detailed in section 5, are unlikely to have a substantive economic impact, and so an additional Impact Assessment for these changes was disproportionate given the changes will have no substantive economic impact.

#### **Insertion of Appendix: ETA National list**

- 9.7 An Economic Impact Assessment of the ETA scheme was published on 6 June 2023, which details the rollout of the ETA scheme to all non-visa nationals and the potential economic impact of this.<sup>8</sup>

#### **Appendix Child Staying with or Joining a Non-Parent Relative (Appendix CNP)**

- 9.8 Based on the information available, the requirements for an Impact Assessment (IA) are not met because of the current low volumes on the route. Performance, Reporting and Analysis Unit (PRAU) data from 2019 to 2024, suggests that there was an

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<sup>7</sup> Available at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1160-9-march-2023>

<sup>8</sup> Available at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1160-9-march-2023>

average of 200 annual CNP entry clearance applications. There has also been 0 permission to stay and settlement applications submitted under Appendix CNP to date. Considering these low volumes, the impact is estimated to be low, and an IA is not deemed to be required for these policy changes.

- 9.9 For all other changes there is no, or no significant, impact on business, charities or voluntary bodies.
- 9.10 For all other changes the legislation does not impact small or micro businesses.
- 9.11 These changes have no, or no significant, impact on the public sector.

## **10. Monitoring and review**

### *What is the approach to monitoring and reviewing this legislation?*

- 10.1 The approach to the monitoring of these changes is to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added to by the changes in this Statement, and lay a report before Parliament within five years of 6 April 2017, and within every five years after that. Following each review, the Secretary of State will decide whether the relevant Immigration Rules should remain unchanged or be revoked or amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.
- 10.2 A statutory review clause is included in the instrument.

## **Part Three: Statements and Matters of Particular Interest to Parliament**

### **11. Matters of special interest to Parliament**

#### Imposition of a Visa regime on Jordan

- 11.1 The changes to impose a visit visa regime on Jordan will come into effect at 1500 BST on 10 September 2024, and therefore depart from the usual convention that changes to the Immigration Rules come into force no earlier than 21 days after their being laid in Parliament.
- 11.2 Controlling migration and tackling illegal migration are Home Office priorities. After deciding to impose a visit or transit visa requirement, it is necessary and reasonable to implement this as quickly as possible. The rationale for breaching the 21-day rule is that prior notification of implementation of a visa requirement could trigger a substantial increase in Jordanian nationals impacted by this change travelling to the UK pre-imposition and the potential to place an unpredictable and unmanageable strain upon the UK's migration and borders system. This action continues to respect our international obligations.
- 11.3 Immediate implementation of a visa requirement is being accompanied by a 28-day transition period to prevent general unfairness and to mitigate the risk that people who arranged travel to the UK having applied for and been granted an Electronic Travel Authorisation prior to imposition suffer a financial loss. Additionally, this period prevents serious operational difficulties. This approach has been successful on

previous occasions and the Government is clear that implementing changes in this way is necessary and proportionate to protect the UK immigration system from abuse.

11.4 For all other changes there are no matters of interest.

## **12. European Convention on Human Rights**

12.1 As this Statement of Changes in Immigration Rules is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **13. The relevant European Union Acts**

13.1 This instrument is not being made under the European Union (Withdrawal) Act 2018 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”). It does, however, relate to the withdrawal of the United Kingdom from the European Union because it supports further implementation of the EUSS.

13.2 For all other changes, this instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

## **14. Consolidation**

14.1 The Government has committed to the consolidation of the Rules as part of its response to the Law Commission recommendations on simplifying the Immigration Rules.