

**EXPLANATORY MEMORANDUM TO**  
**THE STATEMENT OF CHANGES IN IMMIGRATION RULES**  
**PRESENTED TO PARLIAMENT ON 26 NOVEMBER 2024 (HC 334)**

**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 Secondary Legislation Scrutiny Committee.

**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 Dr 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>

### Introduction of a Visa requirement on Colombia

- These changes will introduce a visa requirement on Colombia.
- We are applying a visa requirement 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.
- A consequential change is being made to Appendix ETA National List that will remove Colombia from the list of countries that will be able to apply for an Electronic Travel Authorisation (ETA) from 27 November 2024 for travel to the UK on or after 8 January 2025. This is due to the introduction of the visa requirement for Colombian nationals which will be implemented from 26 November 2024.

### Changes relating to the Ukraine Schemes

- The change will enable Ukrainian nationals and their eligible family members in the UK with permission to stay under the Ukraine Schemes, to apply for an additional 18 months' permission to stay in the UK under the new Ukraine Permission Extension Scheme. Changes are also being made to close the existing Ukraine Extension Scheme at 09:00 GMT on 4 February 2025 when the new Ukraine Permission Extension Scheme opens. In addition, changes to the Homes for Ukraine Sponsorship rules will end the use of open-ended permission to travel (PTT) Letters that enable travel to the UK by deferring biometrics till arrival in lieu of entry clearance.

### Changes to the Long Residence route

- The change will make clear that time spent in the UK with permission under the Ukraine Schemes cannot be used toward the qualifying period for a Long Residence application. This brings the Rules in step with the already established policy position that permission to stay in the UK under the Ukraine Schemes does not provide a route to settlement in the UK.

4.3 This instrument also makes minor changes to other policy areas, detailed in paragraphs 5.20 and 5.21 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?*

#### **Introduction of a Visa requirement on Colombia**

- 5.1 By applying a visitor visa requirement, we are able to assess those travelling to visit the UK in advance of arrival against the requirements of the Immigration Rules. This means that we can refuse an application for a visit visa where we are not satisfied that they meet those requirements, or issue a visa where we conclude that they do.
- 5.2 UK visa requirements are kept under review. Following the lifting of the visa requirement in November 2022, there has been a significant and sustained increase in Colombian nationals who have travelled to the UK for purposes that are not permitted under the Immigration Rules for Visitors, such as to live, work or claim asylum in the UK.
- 5.3 The latest available published statistics demonstrate this trend with the number of asylum claims rising from 2, 4 and 7 in the first 3 quarters in 2022, to 105 in quarter 4 of 2022. There were 211, 176, 173 and 294 asylum claims in the 4 quarters of 2023, and there have been 227 and 241 asylum claims in the first 2 quarters of 2024. This compares to 19 asylum claims in 2019, 11 in 2020 and 6 in 2021. There have been more asylum claims per quarter in 2023 and 2024 than in the entire 10 years preceding the visa lift.
- 5.4 There has also been an increase in Colombian passengers refused entry at the border, from 24, 42 and 35 refusals in the first 3 quarters of 2022, to 78 in the 2022 quarter 4. There were 98, 113, 118 and 233 refusals in the 4 quarters of 2023 and 149 and 136 in the first 2 quarters of 2024. This compares with 40, 46, 44 and 32 in the 4 quarters of 2019 (refusals during the period where there were travel restrictions due to Covid were 38 in 2020 and 29 in 2021).
- 5.5 The introduction of the visa requirement will include a transition period for Colombian nationals to travel to the UK without a visa where they hold a confirmed travel booking made prior to the introduction. This period will commence at the same time as the visa requirement is introduced and run until 28 days after the introduction date: 15:00 GMT on 24 December 2024. During this period, Colombian nationals who hold a confirmed travel booking at the time of introduction for travel to the UK within the 28-day transition period, will not be required to obtain a visit visa before travel. Colombian 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. This transition period will prevent operational difficulties, general unfairness, and ensure that people who arranged travel 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 customer service standard processing time for visitor visas is three weeks.
- 5.6 The visa introduction will also be accompanied by amendments to the Immigration (Passenger Transit Visa) Order 2014, to ensure that Colombian 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, Colombian 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 Colombian nationals to transit through the UK with the intention of travelling to another country to claim asylum.

### **Changes to Appendix ETA National List**

- 5.7 Appendix ETA National List sets out the remaining rollout for all non-visa nationalities to be onboarded onto the Electronic Travel Authorisation scheme. A consequential change is being made that will remove Colombia from the list of countries that will be able to apply for an Electronic Travel Authorisation (ETA) from 27 November 2024 for travel to the UK on or after 8 January 2025. This is due to the introduction of the visa requirement for Colombian nationals which will be implemented from 26 November 2024. Colombian nationals will not be eligible to apply for an ETA.

### **Changes relating to the Ukraine Schemes**

#### Ukraine Permission Extension (UPE) scheme opening

- 5.8 The intention to open a new UPE was announced on 18 February 2024 with a commitment to launch in early 2025. UPE will allow Ukrainian nationals (and eligible family members) living in the UK with existing Ukraine Scheme permission, to apply for further permission to remain in the UK for an additional 18 months, with the same rights and entitlements to access work, benefits, healthcare, and education as they currently have.<sup>3</sup>
- 5.9 Individuals may also be eligible if they previously held permission to remain under a Ukraine scheme and now hold another type of permission to remain in the UK.
- 5.10 A child born in the UK to a Ukrainian national parent who holds Ukraine scheme permission will be eligible to apply for their own permission to remain in the UK through the Ukraine Permission Extension Scheme, which will replace the UES for that purpose. There is no change in policy to the way UK born children will be considered under UPE as compared with UES. As under UES, they will receive a grant of permission that is aligned with that of their parent who holds Ukraine scheme leave. If both parents hold Ukraine scheme leave, they will be aligned to the parent with the latest permission expiry date.
- 5.11 The new Ukraine Permission Extension (UPE) Scheme will open at 09:00 GMT on 4 February 2025.

#### Ukraine Extension Scheme (UES) closure

- 5.12 This change is being made to streamline and simplify the in-country Ukraine routes to one single scheme. UES is currently only open to UK-born children of a Ukrainian national Ukraine scheme permission holder to allow them to regularise their stay in the UK. Keeping UES open for these UK born children (post its closure to all other

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<sup>3</sup> Available at <https://www.gov.uk/government/news/government-extends-stay-for-ukrainians-in-the-uk>

cohorts on 16 May 2024) was to ensure provision was made for them whilst UPE was being developed.

- 5.13 When UPE opens, there will be no reason to maintain a separate route. Confusion is likely to arise if UES were to remain open alongside UPE with two schemes of very similar names. UES will consequently be closed when UPE opens, and such UK-born children will instead be able to apply to regularise their stay through making an application to UPE. Any UES applications that are pending at the point of that route's closure will be decided in accordance with the UES requirements.
- 5.14 UK born children of a Ukrainian national parent who holds Ukraine scheme permission, who are applying to UPE will receive the same grant of permission as they would have done under UES, and corresponding rights and entitlements, that they would have done previously through UES.
- 5.15 The existing Ukraine Extension Scheme will close at 09:00 GMT on 4 February 2025.

#### Ending use of open-ended permission to travel (PTT) letters

- 5.16 Some Ukrainians granted under the Ukraine schemes have been issued with permission to travel (PTT) letters in lieu of permission, as part of an exceptional, bespoke concession in response to the full-scale invasion of Ukraine, to allow individuals seeking sanctuary in the UK to travel quickly to safety. PTT letters were always intended to be used as part of the immediate response; it was never the intention that this temporary concession would be in place indefinitely. Therefore, these documents are being retired from use to ensure fairness with new applicants who are issued a Ukraine scheme visa.
- 5.17 Once 90 days' notice has been provided to individuals issued with a PTT letter who have not travelled to the UK, and changes to the Homes for Ukraine Scheme Entry Requirements have been implemented on 13 February 2025, PTT letters presented without any accompanying permission will no longer be valid for travel to, or entry into, the UK. Any Ukrainian issued with a PTT letter but not permission who later decides they wish to come to the UK should submit a new application to the Homes for Ukraine scheme.

#### Changes to the Long Residence route

- 5.18 We have always been clear that permission to stay in the UK under the Ukraine Schemes does not provide a route to settlement in the UK. Any permission under the Schemes has been granted on this principle. The aim of the Ukraine schemes is to provide temporary sanctuary for Ukrainians while the conflict in Ukraine continues. This reflects the express wishes of the Ukrainian government, who have been clear that they need their citizens to return to Ukraine to help recovery efforts, once it is safe to do so.
- 5.19 To reflect this longstanding position, we are updating the eligibility requirements for the 'Long Residence' route. This route enables individuals to combine time spent in the UK with valid permission to remain under a variety of different routes, toward an overall 10-year residence period. The changes we are making to the long residence rules will make explicit that, in line with the pre-existing policy position, permission to stay in the UK under the Ukraine Schemes, including the new UPE, cannot be used

toward the qualifying period requirement needed to qualify for permission to stay or settlement under the ‘Long Residence’ route. This change brings the Rules in step with the already established policy position.

## **Other Minor Changes**

### Changes to align drafting across the Immigration Rules

- 5.20 Minor changes are being made to align the drafting across the Immigration Rules. These are not policy changes and are minor presentational changes that are intended to provide greater transparency, clarity, and consistency.
- 5.21 The Statement of Changes also introduces minor drafting changes 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>4</sup>
- 6.3 The changes will be implemented on various dates from 26 November 2024 as detailed in the implementation section of the accompanying Statement of Changes. For the changes that introduce a Visa requirement on Colombia, due to safeguarding the operation of the UK’s immigration system, those changes will come into effect at 15:00 GMT on 26 November 2024. The changes regarding Administrative Review will come into effect on 6 January 2025 and 4 February 2025, the changes to open the Ukraine Permission Extension and close the Ukraine Extension Scheme will come into effect on 4 February 2025 and, the changes to end the use of open-ended Permission to Travel letters will come into effect on 13 February 2025. All other changes will come into effect on 18 December 2024.

### *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 to the Ukraine Scheme

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<sup>4</sup> <https://www.gov.uk/guidance/immigration-rules>

- 7.1 Although we have not formally consulted stakeholders, governmental or voluntary and community sector organisations on the proposed changes, we have maintained continuing engagement with these stakeholders to ensure they remain up to date and informed of the options the department considered on the future of the schemes.
- 7.2 Throughout these discussions, we have maintained a clear position on the continued support to be offered to Ukrainians in the UK with permission granted under Appendix Ukraine Scheme, whilst still reflecting the ongoing stance of the Ukrainian government, regarding the temporary nature of the permission granted to Ukrainians. It remains the department's view, and that of the Ukrainian government, that the return of their citizens to Ukraine when it is safe to do so is a key objective to support reconstruction and redevelopment. This is consistent with our providing at the same time an appropriate route (the Homes for Ukraine Sponsorship Scheme) for Ukrainian nationals who continue to need an avenue to seek sanctuary in the UK.
- 7.3 We have maintained regular contact with officials in the Devolved Administrations to ensure they remain abreast of progress, and the key benefits and entitlements the UPE will offer. We will continue to engage with the Devolved Administrations once the Rules are laid to work through any detail specific to their regions.
- 7.4 The Crown Dependencies (Jersey/Guernsey/Isle of Man) have also been engaged throughout the development of the scheme to ensure they are aware of the UK's plans and able to respond accordingly.
- 7.5 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 practice to only publish guidance updates when Rules changes take effect to mitigate the high risk of users referring to the wrong version.

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

### **9. Impact Assessment**

#### Introduction of a Visa requirement on Colombia

- 9.1 Whilst the changes are likely to have a meaningful impact on the public sector, an Impact Assessment is not required as the overall impact is not considered to be significant.
- 9.2 The number of asylum claims have increased from 19 asylum claims in 2019, 11 in 2020 and 6 in 2021 to 294, 227 and 241 in the 3 most recent published quarters. High volumes of asylum claims, if left unchecked, can represent significant cost to the public sector, though overall costs for this population would be a small proportion of overall asylum costs.

- 9.3 As a result of a visa imposition on nationals of Colombia, there may be an impact on the number of genuine visitors coming from Colombia to the UK due to the requirement to obtain a visa before travel. This is a return to the previous entry requirement for Colombia, in force prior to November 2022.
- 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 Colombia arriving by air spent £984 per visit to the UK. 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 to the Ukraine Scheme

- 9.5 An Impact Assessment has been prepared and will be published alongside the Statement of Changes to the Immigration Rules, and the accompanying Explanatory Memorandum.<sup>5</sup>
- 9.6 The Impact Assessment sets out that 100,000 to 200,000 people are estimated to apply for Ukraine Permission to Extend (UPE) by 2027/28 who would otherwise have had to apply for a separate visa, apply for asylum or leave the UK.
- 9.7 This change is likely to have a significant impact on the public sector. The most significant estimated impact reflects a benefit of avoided support and accommodation costs for those who may otherwise have claimed asylum or humanitarian protection in the absence of the UPE. The Impact Assessment estimates that around 19% of those estimated to apply for the UPE, equivalent to up to 40,000 people, may have, in the absence of the scheme, incurred support and accommodation costs estimated at up to around £77,000 per person.
- 9.8 A smaller, but significant, wider impact on the public sector is the impact on tax receipts and public expenditure as additional people, who would have left or claimed asylum in the absence of the UPE, remain and work in the UK and have access to public funds.
- 9.9 This change is unlikely to result in significant impacts affecting businesses, charities or voluntary bodies. The Impact Assessment sets out the relatively small cost for Immigration Lawyers and Advisors to familiarise themselves with these changes, and the relatively small savings for businesses who may otherwise have needed to sponsor, or replace, those who are able to remain and work in the UK on the UPE.

#### All other changes

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

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<sup>5</sup> Available at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

## **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**

### Introduction of a Visa requirement on Colombia

- 11.1 The changes to impose a visit visa regime on Colombia will come into effect at 15:00 GMT on 26 November 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 irregular 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 Colombian 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 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 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.