

EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 24 JUNE 2025 (HC 836)

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

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. 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.¹
- 3.3. A copy of this Statement of Changes can be found on the visa and immigration pages of the GOV.UK website.²

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:
- Appendix International Armed Forces and International Civilian Employees
 - Appendix Long Residence

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

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

- Appendix Continuous Residence
- Appendix Private Life
- EU Settlement Scheme (EUSS): Changes to the continuous qualifying period definition
- Part 9: Changes to make refusals of applications or cancellation of permission mandatory for people excluded from asylum or humanitarian protection or non-refoulement.

4.3 This instrument also makes minor changes to other policy areas, detailed in paragraphs 5.20 and 5.30 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?

Changes to Appendix International Armed Forces and International Civilian Employees

- 5.1 The Immigration Rules for International Civilian Employees are being updated to give effect to a request from the Ministry of Defence to enable a group of approximately 50 US Department of Energy federal employees and civilian sub-contractors to come to the UK to work on US military equipment, to be recognised as civilian employees of an International Force. Due to the nature of their work, the Rules are required to enable entry to the UK within 24 hours of an incident.
- 5.2 Currently, the Immigration Rules, as laid out in Appendix International Armed Forces and International Civilian Employees, do not provide for US Department of Energy federal employees or sub-contractors and this cohort. The provisions for other civilian employees, which require entry clearance prior to travel to the UK, take up to two working days (when a super priority application service is used), so these updated provisions enable travel with permission to enter granted by a Border Force Officer on arrival, subject to the Rules being met.

Changes to Appendix Long Residence

- 5.3 The qualifying period requirements are being changed to clarify that time spent as a British citizen is considered lawful presence, except where that British citizenship has subsequently been deprived. A person who has been deprived of their British

citizenship, for example because it was obtained by deception, should not be able to count that time as lawful presence for the purposes of long residence.

Changes to Appendix Continuous Residence

- 5.4 The Rules are being changed to remove an inconsistency that currently exists for long residence applications.
- 5.5 We will, in future, treat time with permission in the Crown Dependencies (the Isle of Man, Jersey and Guernsey), on a route equivalent to those in the UK, as lawful presence in the UK.
- 5.6 This change improves consistency and simplicity in the immigration system..

Changes to Appendix Private Life

- 5.7 A concession introduced in October 2021 allowed settlement for young adults who had five years' lawful permission in the UK and who met, or had previously met, the half-life test under the private life rules. The half-life test is where a person is aged between 18 and 25 at the date of application, arrived in the UK before the age of 18, and has spent at least half of their life continuously in the UK. That concession was then incorporated into the Rules in Spring 2022 when Appendix Private Life was introduced.
- 5.8 The changes now being made allow young people granted permission in the UK on the basis of their family or private life before 20 June 2022 to settle under the five-year private life rules if they meet the half-life test at date of application or met it in a previous application. This aligns with the concession and ensures that applicants who would have benefited from the concession are not disadvantaged.
- 5.9 Changes are also being made to allow children who have lived in the UK for seven years to qualify for settlement after five years. This cohort were not part of the concession, but a seven-year qualifying child who applied as part of a family group would always have been granted under the family rules and cannot currently qualify under the private life rules for settlement after five years. Irrespective of whether granted under the family or private life rules, the rationale for introducing a shorter five-year route to settlement for children applies to this cohort. To prevent this group accessing the five-year route is not in the spirit of the private life rules, and disadvantages children in comparison to young adults.
- 5.10 A change is being made to align the continuous residence requirements for children born in the UK who are applying for settlement, with those for children who were not born in the UK applying for permission to stay.

EU Settlement Scheme (EUSS): Changes to the continuous qualifying period definition

- 5.11 The EUSS enables EU, other European Economic Area and Swiss citizens living in the UK before the end of the post-EU exit transition period at 11pm on 31 December 2020, and their family members, to obtain the immigration status they need to continue living in the UK.

- 5.12 Under the EUSS, an applicant who meets the requirements in Appendix EU is granted settled status (indefinite leave to enter or remain), generally where they have been continuously resident in the UK for five years, or otherwise pre-settled status (five years' limited leave to enter or remain). Those who are granted pre-settled status can apply for settled status as soon as they are eligible for it.
- 5.13 In January 2025, the Home Office introduced a new process to, where possible, automatically convert eligible pre-settled status holders to settled status, without the need for them to make a further EUSS application. Where EU citizens and their family members are concerned, this helps to ensure that the person's immigration status aligns with their rights under the Withdrawal Agreement. This process is reflected in paragraph EU4 of Appendix EU, as amended, from 8 October 2024, by Statement of Changes HC 217, to which paragraph 5.25 of its Explanatory Memorandum referred.³
- 5.14 A pre-settled status holder must maintain their continuous residence in the UK in order to qualify for settled status. Currently, 'continuous residence' generally means that they have not been absent from the UK for more than six months in total in any given 12-month period. There are some exceptions to this, such as a single period of absence of up to 12 months for an important reason, as well as some exceptions for absences related to COVID-19.
- 5.15 However, stakeholders have highlighted some confusion on the part of pre-settled status holders regarding permitted absences from the UK, which may have led some to inadvertently break their continuous residence in the UK (and thereby cease to be eligible for settled status) by exceeding the permitted absence(s) from the UK. To simplify the assessment of continuous residence, these changes enable a pre-settled status holder to be granted settled status where they have been resident in the UK for at least 30 months in total in the most recent 60-month period. This can be any 30 months within that 60-month period.
- 5.16 These changes will apply under the automated process referred to above, as well as where a pre-settled status holder applies for settled status. The evidence of UK residence on which an EUSS applicant can rely will remain as set out in published guidance.⁴

Part 9: Changes to make refusals of applications or cancellation of permission mandatory for people excluded from asylum or humanitarian protection or non-refoulement.

- 5.17 The Home Office policy is that foreign nationals who are excluded from asylum or humanitarian protection or non-refoulement due to their conduct are not welcome in the UK and will be deported or administratively removed, unless to do so would breach the UK's obligations under the European Convention on Human Rights (ECHR) or the Refugee Convention. Restricted leave is a form of leave outside the Immigration Rules that may be granted to a foreign national where to remove the person from the UK would breach the UK's ECHR obligations. It is granted for a temporary period until such time, removal is possible. The amendments to Part 9 will

³ https://assets.publishing.service.gov.uk/media/66df2410b1a8879e4432823b/E03196141_-_HC_217_-_EXPLANATORY_MEMORANDUM_Print_Ready_.pdf

⁴ <https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

ensure that people excluded from protection are not granted permission in other immigration categories.

- 5.18 These changes will amend Part 9.5.1 of the Immigration Rules to make it mandatory to refuse an application for entry clearance, permission to enter or permission to stay to a person who are excluded from asylum or humanitarian protection or non-refoulement. It will also amend the reference in Part 9.5.1 in relation to paragraph 339AA to limit it to those excluded from being a refugee in accordance with Article 1F.
- 5.19 These changes will also amend Part 9.5.2 of the Immigration Rules to make it mandatory to cancel an entry clearance or permission held by a person who was excluded from asylum or humanitarian protection or non-refoulement. It will also amend the reference in Part 9.5.2 in relation to paragraph 339AA to limit it to those excluded from being a refugee in accordance with Article 1F.

Other Minor Changes

Sponsoring under the family Immigration Rules

- 5.20 This change will correct a drafting error in the family Immigration Rules in Appendix Adult Dependent Relative and Appendix FM, so that a sponsor with limited leave under the EU Settlement Scheme, based on their residence in the UK before the end of the post-EU exit transition period at 11pm on 31 December 2020, must also have been a European Economic Area or Swiss national by that date.

Correction to the relationship requirements for dependent partners in Appendix Student and Appendix Graduate

- 5.21 This change will correct an omission in the wording of the relationship requirement for the dependent partner of a Graduate, and to ensure consistency with new drafting in the Student route.
- 5.22 The current drafting of this requirement does not consider whether the main Graduate application has been successful or is pending. Unlike other Points-Based System routes, there is no explicit provision in the student or Graduate routes to refuse dependant partners where the main applicant's application has been refused. This change will correct this oversight and align the relationship requirement for dependent partner of a Graduate and the Student route with that of the other Points-Based System routes.

Appendix FM-SE: Family members, Specified evidence – changes to which previous English Language test certificates can be used as evidence

- 5.23 This amendment will ensure consistency between the Immigration Rules and the caseworker guidance regarding the use of a previous English language test certificate in support of a leave to enter or remain application under Part 8 or Appendix FM.
- 5.24 This amendment will bring the Rules in line with the caseworker guidance and provide for the use of a previous English language test certificate where the Home Office has already accepted it as part of a successful previous application in any category.

Electronic Travel Authorisations – amendment to validity requirements

- 5.25 Electronic travel authorisations (ETAs) were first introduced by the Home Office in 2023. They require visitors from countries who would not ordinarily require a visa for a short visit to the UK to obtain an advance permission to travel here. This is to strengthen the UK border by screening travellers upstream, and to stop those who pose a threat from travelling to the UK.
- 5.26 This change adds an additional reason for which an ETA applicant can seek permission to enter the UK. It will make clear that an ETA is required for local journeys being made from the Republic of Ireland to the UK by passengers whose nationality appears in the ETA national list (found elsewhere in the Rules).
- 5.27 Non-visa nationals who enter the UK from Ireland across the land border are not required to seek permission when doing so. Presently, they benefit from ‘deemed’ automatic leave, under article 4 of the Immigration (Control of Entry through Republic of Ireland) Order 1972.
- 5.28 This change is being made to confirm in the Rules that such passengers travelling from the Republic of Ireland, who do not hold any pre-existing leave to enter or remain in the UK, must obtain an ETA when crossing the border. This will bring clarity to passengers making such a journey and is in keeping with the Government’s long-standing position that people travelling to the UK from Ireland must do so in line with the UK’s immigration laws.

Changes to align drafting across the Immigration Rules

- 5.29 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.

Other drafting changes

- 5.30 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.⁵

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

- 6.3 These changes will be implemented on various dates from 16 July 2025 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

- 7.1 The specific 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

- 9.1 A full Impact Assessment has not been prepared for this instrument because the level of impact and/or type of change being made does not warrant doing so.

Impact on businesses, charities and voluntary bodies

- 9.2 For these changes there is no, or no significant, impact on business, charities or voluntary bodies.
- 9.3 For these changes the legislation does not impact small or micro businesses.
- 9.4 For these changes there is 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 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

- 11.1 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.