

EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 5 AUGUST 2025 (CP 1373)

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 The Secretary of State for the Home Department 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.

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>

- 4.1 The changes being made concern changes relating to setting out how the UK/European Applicant Transfer Scheme will operate.

Where does the legislation extend to, and apply?

- 4.2 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.
- 4.3 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?

- 5.1 One of the Government's top priorities is to increase border security and dismantle Organised Crime Groups who facilitate dangerous small boat journeys across the Channel. To this end, the UK has signed a Treaty with the French Republic which provides for both readmission of those people crossing the channel to the UK in small boats back to France and a safe reciprocal mechanism for individuals in France with appropriate documentation to be transferred to the UK.
- 5.2 This is a temporary pilot which seeks to test innovative approaches to undermine the Organised Crime Group model that facilitates the irregular movements of migrants across Europe to the UK and to secure Europe's external border. The pilot seeks to prevent small boat crossings and save lives of vulnerable migrants.
- 5.3 As part of this pilot, the UK is establishing the UK/European Applicant Transfer Scheme. Through this Scheme the Secretary of State will transfer a limited number of people from France to the UK. The total number of people to be transferred to the UK will match the number of people who are removed from the UK under the pilot arrangement.
- 5.4 Appendix UK/European Applicant Transfer Scheme is being added to the Rules. It sets out: who is eligible for this Scheme, how they must apply for it, and the requirements they must meet before their application may be granted. The Rules also set out the circumstances under which permission may be cancelled.
- 5.5 The Scheme will open for a time-limited application window and is restricted to those in France at the time. The Scheme allows for adults and family groups of parents and children from all nationalities (bar a national of an EEA Member State or to those who enjoy free movement rights as a family member of an EEA national) to express an interest in coming to the UK. Those whose application is approved and who meet security checks will be able to come to the UK for 3 months to consider how to regularise their stay in the UK.
- 5.6 The UK and France will jointly monitor the effectiveness of this pilot and adapt the processes in response throughout the duration to respond to changes in migrant behaviour and to test effectiveness.

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.³
- 6.3 These changes will be implemented on the date on which the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the prevention of dangerous journeys is ratified 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 of Changes 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.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

- 9.1 There is no economic impact assessment for this instrument as it is secondary legislation and there are no direct impacts on businesses.
- 9.2 Under this Scheme there will be costs to government which include:
- Bringing people into the UK such as processing people in France, issuing visas and transporting to the UK. Once in the UK, if people claim asylum, they will be processed, supported and accommodated through the asylum system.

³ <https://www.gov.uk/guidance/immigration-rules>

- Returning people to France using Immigration Enforcement case workers, logistics, detention and escorting.
 - The use of residential holding rooms at Manston, travel to France and provisions for people to be able to access the UK justice system in France.
- 9.3 Under this pilot there will be savings to the asylum support budget from not processing the asylum claims of those sent to France. There will be further savings from avoided enforcement and removal activity and small boat crossings could be prevented.
- 9.4 There is no, or no significant, impact on business, charities or voluntary bodies.
- 9.5 The legislation does not impact small or micro businesses.
- 9.6 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 UK and France will jointly monitor the effectiveness of this pilot and adapt the processes in response throughout the duration to respond to changes in migrant behaviour and to test effectiveness.
- 10.2 As a novel pilot, the Home Office will undertake an evaluation, involving both process and impact evaluation strands, with an emphasis on understanding process-related activities, viability of the pilot process, implications for Home Office operations and deterrence from wider small boat crossing. This process will help to inform understanding of the value of the pilot itself, monitor migrant case outcomes and any future roll out of the scheme.
- 10.3 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.
- 10.4 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 The changes relating to the UK/European Applicant Transfer Scheme will come into effect on the date on which the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the prevention of dangerous journeys enters into force and

therefore depart from the convention that changes to the Immigration Rules come into force no earlier than 21 days after being laid in Parliament.

- 11.2 The justification for this breach stems from the necessity to keep the details of the route classified until operational. If details of the route were released as part of the legislative process prior to operationalisation of the route this would give Organised Criminal Groups the opportunity to adapt and alter their methods.
- 11.3 If we comply with the 21-day rule, we create a three-week window which would likely lead to an increase in small boat crossings undertaken to avoid removal under the scheme. To apply under these Rules, an applicant must be in France. There is the possibility of creating an unnecessary draw to France for those who believe that they would be eligible for the scheme. To limit the risk of people travelling across Europe and into France ahead of the Rules coming into force, there can be no prior communication and publication of this scheme.
- 11.4 As a result of the need to prevent the dangerous journeys and save the lives of those who are most at risk, it is necessary to breach the 21-day rule.

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”).
- 13.2 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.