

EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 4 SEPTEMBER 2025 (HC 1298)

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. 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>

- 4.2 The changes being made suspend new applications made via Appendix Family Reunion and amend Appendix FM to allow applications from a partner and child of a person with protection status.

Where does the legislation extend to, and apply?

- 4.3 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.
- 4.4 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?

Appendix Family Reunion: suspension of new applications

- 5.1 The refugee family reunion route places further pressures on public services and local authorities, due to the lack of requirements for sponsors to be able to support their family members before they enter the UK. As the Government set out in the Immigration White Paper, we intend to reform our approach across the whole system to bring greater fairness to the rules relating to the ability for a partner or child to join or stay with a person with protection status in the UK.
- 5.2 Given the immediate pressures that result from family reunion, we are therefore introducing a temporary pause to Appendix Family Reunion (Sponsors with Protection), as we undertake a full review and reform of the current family rules to ensure we have a fair and properly balanced system.
- 5.3 Extant applications will continue to be considered under the Appendix Family Reunion (Sponsors with Protection) rules in place prior to the commencement of the suspension.

Changes to Appendix FM to allow applications from a partner and child of a person with protection status

- 5.4 Appendix FM has been amended to allow applications from a partner and dependent child of a person with protection status in the UK. In line with other applications under Appendix FM, a person will need to pay the fee or obtain a fee waiver and meet the core requirements of the route (for example English language and financial requirements).
- 5.5 The Appendix FM rules require the parent of a dependent child to have a sole responsibility where the child is not accompanying or joining both parents in the UK, which is different than the approach under Appendix Family Reunion. The policy intention is to ensure that where both parents have parental responsibility for a child, the child remains with the parents to ensure the UK is not brought into custody battles and a child is not brought to the UK against the wishes of the other parent. However, where an applicant is unable to demonstrate sole responsibility under Appendix FM,

the child will still be granted permission if there are serious and compelling family circumstances that make exclusion of the child undesirable.

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 The changes will come into effect at 1500 BST on 4 September 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 An Economic Note (EN) for the change will be published alongside the Explanatory Memorandum and Statement of Changes on the Gov.uk website.⁴
- 9.2 The rules are being changed due to the increase in asylum and family reunion cases, and evidence of consequential pressure on public services including housing. The analysis infers a link between asylum grants and family reunion, and the consequences thereof. The suspension of new applications seeks to alleviate current public sector impacts as a result of the current family reunion rules.

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

⁴ <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

Impact on businesses, charities and voluntary bodies

- 9.3 There is no, or no significant, impact on business, charities or voluntary bodies outside of that covered in the EN.
- 9.4 The legislation does not impact small or micro businesses outside of that covered in the EN.
- 9.5 There is no, or no significant impact on the public sector outside of that covered in the EN.

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 To avoid a surge in applications as a result of this suspension, we are breaching the 21 day convention on implementation for Appendix Family Reunion and implementing these changes at 1500 on Thursday 4 September 2025. To maintain a 21 day convention would continue to risk overwhelming public services and local authorities by a surge of new applications and consequential arrivals – which in the context of current applications in the asylum system and recent quarterly family reunion statistics is a rational course of action.
- 11.2 We are introducing consequential changes to Appendix FM on the same date. We are also breaching the 21 day convention on implementation for Appendix FM to ensure the Immigration Rules remain compatible with our obligations under Article 8 of the ECHR. If we were to comply with the convention, dependant partners and children of those with protection status would have no route for making a claim during the 21 day convention period.

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.

