

EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 9 DECEMBER 2025 (HC 1491)

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 Mike Tapp 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:

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>

- Introduction of a Visit Visa requirement for Nauru
- Closure of the Service Providers from Switzerland route
- Changes relating to the EU Settlement Scheme

4.3 This instrument also makes minor changes to other policy areas, detailed in paragraphs 5.16 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 Visit Visa requirement for Nauru

- 5.1 The changes will introduce a visit visa requirement for nationals of Nauru, which means that these nationals will need to apply for and obtain a visa prior to visiting the UK. Linked to this, Nauru will be removed from the list of countries whose nationals are eligible to apply for an Electronic Travel Authorisation (ETA). By applying a visit visa requirement and removing eligibility to enter the UK with an ETA, those travelling to visit the UK can be assessed against the requirements of the Immigration Rules in advance of arrival in the UK. This means that their visit visa application will be refused where it is assessed that they do not meet those requirements or issued where it is concluded that they do.
- 5.2 The decision to introduce a visit visa requirement for Nauru has been driven by the country's decision to introduce a new Citizenship by Investment programme. This programme permits persons to acquire citizenship solely for making a one-off payment to Nauru, and without requiring that person to have any wider relationship or prior residency with the country of Nauru.
- 5.3 The practice of granting Citizenship for Investment is inherently high-risk. Where programmes are poorly designed, expert bodies such as the Financial Action Task Force and Organisation of Economic Cooperation and Development have documented their vulnerability to exploitation by criminal actors, including for facilitating fugitive flight.
- 5.4 It is our assessment that the design of Nauru's Citizenship by Investment programme is particularly vulnerable to misuse. In its present design, it poses an unsustainable risk of being exploited by criminal actors or individuals seeking to circumvent UK immigration controls without genuine intent to comply with UK law.

- 5.5 A core concern is that Nauru has outsourced both the design and casework of its Citizenship by Investment programme to a private firm, which is controlled by a one hundred percent shareholding by a Citizenship by Investment marketing agency, as listed on the New Zealand Companies Register. This agency is not only authorised to submit applicants to the programme but is also financially incentivised. According to the programme legislation, an Agent Fee is payable by the programme to the authorised agent of \$25,000 US dollars for successful applications, per accepted client. This creates at the very least a clear appearance of a conflict of interest.
- 5.6 The UK's view is that this arrangement and the conflicted position fundamentally compromises the credibility of any due diligence or assurance claimed by that private firm.
- 5.7 We do not believe this arrangement can operate without rapidly escalating the level of risk to the UK border. Therefore, the Government considers it necessary to take action through this rules change.
- 5.8 The introduction of the visa requirement will include a transition period for nationals of Nauru 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 six weeks after the introduction date: 15:00 GMT on 9 December 2025. During this period, nationals of Nauru who hold a confirmed travel booking at the time of the introduction and an ETA, for travel to the UK within the six-week transition period, will not be required to obtain a visit visa before travel. Applications for an ETA for nationals of Nauru will close at 15:00 GMT on 20 January 2026. 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.
- 5.9 This transition period is designed to prevent operational difficulties, general unfairness, and ensure that people who arranged travel before this announcement do not lose money. The length of the period (six weeks) has been chosen to give those affected enough time to apply for and receive a visa. The current customer service standard processing time for applicants to receive a decision and, if issued, a visitor visa, is three weeks.³
- 5.10 The introduction of a visa requirement will be accompanied by amendments to the Immigration (Passenger Transit Visa) Order 2014, to ensure that nationals of Nauru will require a direct airside transit visa (DATV) when conducting airside transit travel (unless they fall within one of the exceptions set out in Article 4 of the Order). Airside transit passengers are those who do not need to change airports and do not need to pass through the UK border when changing to a connecting flight. If these amendments are not made, nationals of Nauru will be able to travel to the UK purporting to have booked onward travel. This could render the visit visa introduction ineffective as individuals of concern seeking to enter the UK using Nauruan passports could still travel to the UK visa-free. This loophole would mean that these individuals could continue to abuse our borders and enter the UK for nefarious activities.

Closure of the Service Providers from Switzerland route

³ Available at <https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk>

- 5.11 The Service Providers from Switzerland (SPS) route (in Appendix Service Providers from Switzerland) will close on 31 December 2025 and then be deleted from the Immigration Rules on 1 January 2026. Any pending application for entry clearance or administrative review in respect of that route will then be rejected as invalid.
- 5.12 The route was created in December 2020 in accordance with the UK-Switzerland Citizens' Rights Agreement. This required that UK and Swiss companies be allowed to continue to service contracts with their respective clients in Switzerland or the UK, where the contract was signed and commenced before the end of the post-EU exit transition period on 31 December 2020. This was intended to be a transitional arrangement ceasing on 31 December 2025, unless the UK and Switzerland agreed to extend it by a further five years. With alternative routes in place for UK businesses to provide services in Switzerland (and vice versa), the UK and Switzerland have agreed that such an extension is not required and the SPS route will therefore close on 31 December 2025. Under the existing rules for the route, any visa issued under it will expire on that date where it has not already done so.

Changes relating to the EU Settlement Scheme (EUSS)

- 5.13 The EUSS enables EU, other European Economic Area (EEA) 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, consistently with the Citizens' Rights Agreements. The EUSS travel permit enables an EUSS status holder to travel to the UK where they need a travel document and do not otherwise have one.

Appendix EU – aligning cancellation and curtailment grounds

- 5.14 The changes for the EUSS (in Appendix EU) will align the grounds for cancelling pre-settled status under the EUSS on or before the holder's arrival in the UK with those for curtailing it in-country, so that, where proportionate and subject to a right of appeal, this can be done where it is more likely than not, that, after the end of the transition period, they have assisted another person fraudulently to obtain, or to attempt to obtain, entry clearance to, or leave to enter or remain in, the UK.

Appendix EU (Family Permit) – expanding the scope of the EU Settlement Scheme travel permit

- 5.15 The changes for the EUSS travel permit (in Appendix EU (Family Permit)) will enable all EUSS status holders to obtain an EUSS travel permit where they are unable to update their UK Visas and Immigration account, for example with the details of a new travel document, from outside the UK.

Other Minor Changes

Minor technical change to improve clarity regarding Unaccompanied Asylum Seeking Children leave

- 5.16 Unaccompanied Asylum Seeking Children (UASC) leave is a form of limited leave that is given to unaccompanied asylum seeking-children who do not qualify for refugee status or humanitarian protection but cannot be safely returned to their

country of origin due to the absence of adequate reception arrangements. A minor change is being made to the UASC leave rules, more particularly Paragraph 352ZC(b), to make clearer that UASC Leave is not considered unless a person is refused refugee status and humanitarian protection. This is not a policy change but a minor technical amendment to clarify the effect of the paragraph in the rules.

Consequential amendments to Family and Private Life Routes following the introduction of Part Suitability.

5.17 The Immigration Rules changes (HC 1333) laid before Parliament on 14 October 2025, included a change to replace Part 9 with Part Suitability. This came into effect on 11 November 2025. Due to this change, consequential changes were made to the following Appendix:

- Appendix Family Member
- Appendix Private Life
- Appendix Adult Dependent Relative
- Appendix Settlement Family Life

5.18 It has since been identified that further amendments are needed to the consequential changes included in HC 1333. This latest change will correct this, and the relevant Appendix have been updated accordingly.

Changes relating to Appendix ECAA Settlement

5.19 This is a minor technical change to reinstate a missing requirement that, to be eligible for settlement, European Communities Association Agreement (ECAA) business persons need to demonstrate that they have been able to support any family members with them without recourse to public funds to which they are not entitled. This was inadvertently deleted, from what was then Appendix ECAA, from 31 December 2020 by Statement of Changes HC 813.

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.

Other drafting changes

5.21 The Statement of Changes also introduces minor drafting changes to correct incorrect paragraph references and minor 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.⁴
- 6.3 The changes will be implemented on various dates from 9 December 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 Although there is a degree of impact as a result of the changes being made, a full Impact Assessment has not been prepared for the change listed below because the level and effects of the changes do not meet the threshold for producing an Impact Assessment or Economic Note:

Introduction of a Visit Visa requirement for Nauru

- 9.2 While introduction of a visit visa requirement could weaken bilateral trade, economic impact on the UK is anticipated to be very small. It is unlikely that a visa requirement for Nauru will have an observable impact on the UK economy. The UK's total trade with Nauru has not exceeded £1 million per quarter since Q3 2023, with Nauru currently ranking as the UK's 223rd largest trading partner in the four quarters to the end of Q1 2025. The majority of our trade (almost 100%) is services imports.
- 9.3 Travel by Nauru nationals to the UK has seen less than 50 visits in the past 12 months, indicating very limited scope for impact on UK tourism.
- 9.4 This is balanced against the risk of substantial costs to UK public finances if the risks associated to a poorly designed CBI programme were to trigger anticipated border and national security risks to the UK.

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

All other changes

- 9.5 A full Impact Assessment has not been prepared for the other changes in this instrument because the level and effects of the changes do not meet the threshold for doing so.

Impact on businesses, charities and voluntary bodies

- 9.6 There is no, or no significant, impact on business, charities or voluntary bodies.
- 9.7 The legislation does not impact small or micro businesses.
- 9.8 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

Introduction of a Visit Visa requirement for Nauru

- 11.1 The changes to introduce a visit visa requirement on nationals of Nauru will come into effect at 1500 GMT on 9 December 2025 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 reducing 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 to protect the UK's border and national security. Given the nature of the risk associated with the Nauru CBI programme, delaying implementation would potentially give notice to beneficiaries of the Nauru CBI programme who may pose a risk to the UK's border or national security. Providing notice could enable potentially high harm individuals to travel during the 21 days to the UK to circumvent the effect of this rules change. This action continues to respect our international obligations.
- 11.3 Immediate implementation of a visa requirement is accompanied by a six week transition period to prevent general unfairness and to mitigate the risk that people who

arranged travel to the UK prior to the introduction of the visa requirement 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.