

This report is only concerned with the compatibility or otherwise of the legislation with Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement. It does not consider the merits more generally of the policy contained in the legislation and does not consider the lawfulness of the legislation beyond its compatibility with those Agreements.

Legislation Monitoring Report

Title	Statement of changes to the Immigration Rules: HC 733, 12 March 2025
Date Legislation Considered by IMA	24 July 2025
Date Legislation in Force	9 April 2025 – for the purposes of the changes considered in this report.
Potential Right(s) Affected	Residence
What does the legislation do?	<p>The Immigration Rules are statements by the Secretary of State as to how she will exercise her power to regulate immigration.</p> <p>The report only considers those key changes that fall within the remit of the IMA.</p> <p>Changes are being made to Appendix EU, Appendix EU (Family Permit) and Appendix AR (EU).</p> <p>Appendix EU contains the provisions relevant to the EU Settlement Scheme (EUSS), under which residence status conferring rights under the Withdrawal Agreements can be obtained by eligible citizens and relevant family members.</p>

Appendix EU (Family Permit) governs applications by relevant family members who wish to travel to the UK to join their family member.

Appendix AR (EU) governs the administrative review of decisions under the EUSS. An administrative review is an internal mechanism whereby the Home Office reviews a previous decision. From 5 October 2023, administrative review has not been available for an EUSS decision made on or after that date. From 4 April 2024, scope to apply out-of-time for an administrative review of a relevant EUSS decision taken by 5 October 2023 was also removed. Valid applications for an administrative review made before 5 October 2023 (or those accepted out-of-time before 4 April 2024) are still being considered.

The main changes relevant to the work of the IMA are as follows:

- To enable a non-EEA national applicant to the EUSS to use a UK-issued biometric residence card or permit which has expired by up to 18 months as proof of their identity and nationality and, where they use such a biometric residence card, not require them to re-enrol their fingerprint biometrics.
- To confirm that, under the EU law public policy test applicable under the Withdrawal Agreements to suitability decisions based on an applicant's conduct before the end of the transition period, the threshold of 'serious grounds' of public policy or public security is to be met where they have (or are eligible for) indefinite leave to enter or remain under Appendix EU and not under other parts of the Immigration Rules.
- To enable an EUSS or EUSS family permit application to be refused on suitability grounds, without a deportation or exclusion order being in place, where the applicant's conduct.

	<p>before the end of the transition period meets the relevant EU law public policy test applicable under the Withdrawal Agreements.</p> <ul style="list-style-type: none">• To confirm that a person who became an EU, other EEA, or Swiss citizen after 31.12.2020 cannot sponsor an EUSS family permit application.• To confirm that a person with a pending administrative review of an EUSS decision, who has not left the UK or who has been granted entry to the UK (except on immigration bail), will not be removed from the UK.
Comments	<p>The IMA does not raise any issues of concern at this stage.</p> <p>Any citizen experiencing difficulties in exercising their rights is encouraged to report a complaint through the IMA Portal.</p> <p>The IMA also encourages any EUSS applicant, who has experienced any difficulties travelling to the UK, to tell us about their experiences via our dedicated inbox at travel@ima-citizensrights.org.uk</p> <p>Further information about the IMA and guidance on how to report complaints can also be found on the Website.</p>