

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 the Agreements.

Legislation Monitoring Report	
Title	Statement of changes to the Immigration Rules: HC 836, 24 June 2025
Date Legislation considered by the IMA	30 June 2025
Date Legislation in force	16 July 2025 – for the purposes of changes considered in this report.
Potential Right(s) Affected	Residence
What does the legislation do?	<p>The Immigration Rules (“the Rules”) are statements by the Secretary of State as to how she will exercise her power to regulate immigration.</p> <p>The Statement of Changes in Immigration Rules (“SoC”) makes several changes to the Rules, not all of which are relevant to the EU Settlement Scheme (“EUSS”).</p>

The detailed rules for the EUSS are contained in [Appendix EU](#).

The EUSS enables EU, EEA EFTA and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and their relevant family members, to obtain UK immigration status (either pre-settled status or settled status) to live in the UK.

Of relevance to the EUSS and the work of the IMA are the changes to the rules for pre-settled status holders on the continuous qualifying period of residence in the UK required to remain eligible for that status and to qualify for settled status.

The [Explanatory Memorandum](#) to the SoC explains that the purpose of the changes is to simplify the rules, following feedback from stakeholders concerning confusion on the part of pre-settled status holders, which may have led some to inadvertently break their continuous residence in the UK.

To remain eligible for pre-settled status and to qualify for settled status, pre-settled status holders must maintain their 'continuous residence' in the UK.

	<p>As explained in the Explanatory Memorandum to the SoC, <i>“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.</i></p> <p>Changes have been made to Appendix EU, which will apply to any applications to convert from pre-settled to settled status decided on or after 16 July 2025 and in due course to the automated conversion process. The changes enable a pre-settled status holder (where that leave has not lapsed or been cancelled, curtailed or invalidated) 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.</p> <p>The IMA has published a factsheet which provides further information as to the changes.</p>
<p>Comments</p>	<p>The changes to the rules represent a change to domestic law, which is more generous than the position under the Withdrawal Agreements.</p> <p>Whilst the IMA welcomes the change, it is continuing to discuss the following with Home Office officials: –</p>

1. The position of pre-settled status holders in the UK whose leave had automatically lapsed before 21 May 2024. This was when changes were made to legislation to provide that pre-settled status could only lapse after more than five consecutive years' absence from the UK and Islands rather than more than two.
2. How any plans regarding the curtailment of pre-settled status of those who have ceased to qualify for it will interact with the changes.

Citizens who are experiencing difficulties in exercising their rights are encouraged to report a complaint through the [IMA Portal](#).

Further information about the IMA and guidance on how to report complaints can also be found on the [Website](#).