



**Law  
Commission**  
Reforming the law

# SIMPLIFICATION OF THE IMMIGRATION RULES

---

A quick-read summary of our report



---

## THE SIMPLIFICATION OF THE IMMIGRATION RULES PROJECT

The Law Commission was asked to review the Immigration Rules to identify ways in which they could be redrafted to make them simpler and more accessible. This is a quick-read summary of our report: a more detailed summary and the report itself are on our website.

We have not considered making the Rules different because it is the government's job to decide on immigration policy. We are trying to make them easier to use.

---

**Tom Bingham, *The Rule of Law*: The law “must be accessible and so far as possible intelligible, clear and predictable”.**

---

The Immigration Rules say who can come in and who can stay in the UK for those who are subject to immigration control. This means that the Rules affect millions of people every year. But everyone agrees that the way they are drafted makes them far too difficult to follow.

It's a basic principle of the rule of law that people should be able to understand what the law requires them to do. If the Immigration Rules are easier to understand it will be easier for people applying for leave to know what they have to put in their application and whether it is likely to be granted. It will also help Home Office officials to understand the Rules and apply them correctly when they decide cases. This could mean that fewer appeals and judicial reviews will be necessary. Having a simpler and more accessible immigration system will make people in the UK and abroad more confident about how the UK's immigration system works.

---

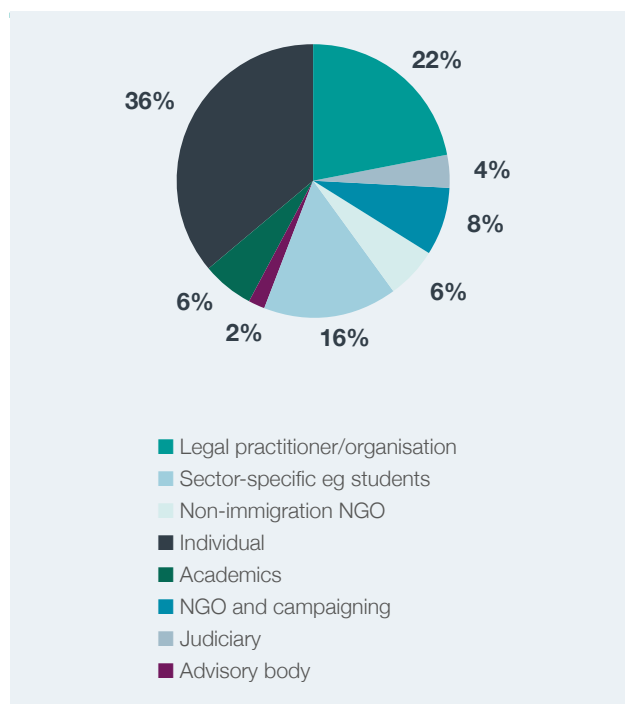
**Law Society of Scotland: “It is telling when senior judges of some of the highest courts in the UK admit difficulties in interpreting and applying the relevant legislation. That does not leave much hope for those without any formal legal training, including migrants (whose first language might not always be English).”**

---



## OUR CONSULTATION

We wanted people to tell us about their experience of using the Immigration Rules and what they thought had made them so complicated. We also wanted to know what people thought about the ideas we had for putting this right. So in January 2019 we published a consultation paper and started a series of meetings. We heard from a wide variety of people including people who had applied for leave under the Rules, support groups, immigration advisers, lawyers, judges, higher education providers and campaigning groups. This helped us to understand the problems better and decide whether our ideas were good ones.



In total 50 individual people and organisations responded in writing. Others gave us ideas during meetings. Our report summarises what we were told and sets out the recommendations that we have decided to make.

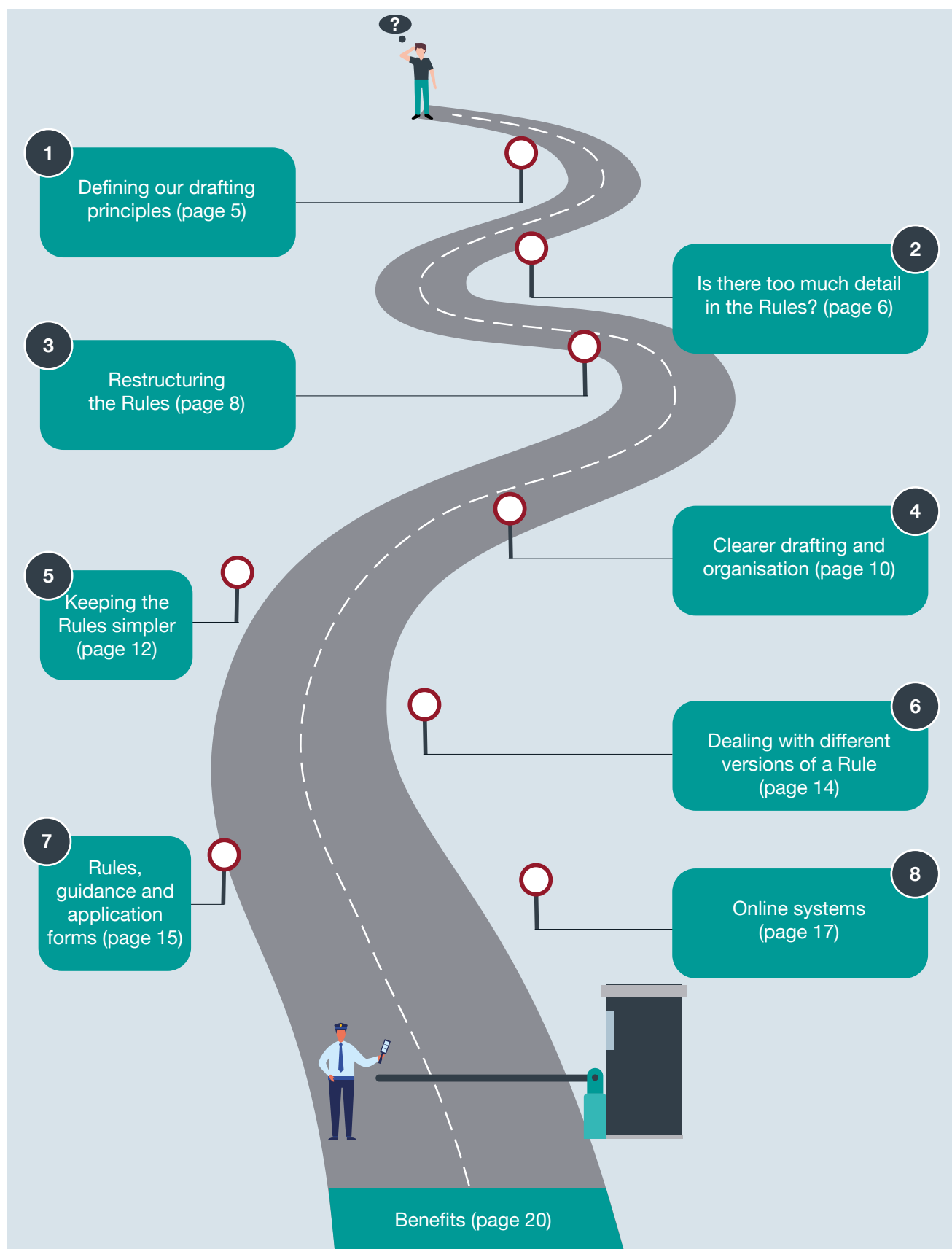
The full version of the final report can be found at [www.lawcom.gov.uk/project/simplifying-the-immigration-rules](http://www.lawcom.gov.uk/project/simplifying-the-immigration-rules)

Our consultation paper can be found at [www.lawcom.gov.uk/project/simplifying-the-immigration-rules](http://www.lawcom.gov.uk/project/simplifying-the-immigration-rules)

The full text of consultation responses and a table consolidating all responses to each Consultation Question can be found at [www.lawcom.gov.uk/project/simplifying-the-immigration-rules](http://www.lawcom.gov.uk/project/simplifying-the-immigration-rules)



Our report sets out a road map for the simplification project.



# SECTION 1:

## DEFINING OUR DRAFTING PRINCIPLES

Everyone agreed that the Immigration Rules need a complete overhaul. We have defined some principles that should be followed when the Rules are redrafted. In particular, we consider that the Rules should be designed so that you do not need to be a lawyer or an immigration expert to understand them.

---

**Coram Children’s Legal Centre and Let Us Learn:**  
“Many of our service users, who are some of the most vulnerable members of society (care leavers, destitute families and homeless young people) are having to make applications with limited or no legal support. It is therefore essential that the Immigration Rules are accessible and understandable.”

---

**Migration Advisory Committee:**  
“Stakeholders consistently inform us that the complicated Rules are a hindrance to their ability to recruit through the Tier 2 visa system.”

---

---

**Amnesty International UK:**  
“Accessibility to non-expert users is both a good end in itself and likely to ensure accessibility to others including legal advisers and decision-makers.”

---

We recommend that the following principles should underpin the redrafting of the Immigration Rules:

1. suitability for the non-expert user
2. comprehensiveness
3. accuracy
4. clarity and accessibility
5. consistency
6. durability (a resilient structure that accommodates amendments)
7. capacity for presentation in a digital form

It was emphasised to us that people applying for leave look at a lot of different sources of information when they fill in an application form. These include Home Office guidance as well as the application forms themselves.

We were told that just making the Rules easier to understand would not solve all the problems people have in knowing what they must do or whether their application is likely to be granted. Because of this we have decided that our principles need to be applied to guidance and application forms as well.

# SECTION 2: IS THERE TOO MUCH DETAIL IN THE RULES?

We found that one of the things that has made the Immigration Rules more complicated is the policy of setting out very detailed requirements, particularly about the evidence (things like bank statements etc.) that must be sent in with an application. We looked at a section of the Rules that has been amended a lot and thought that this approach leads to a need to make frequent amendments which add more detail, making the Rules more and more detailed. There's an example of this in the box below.

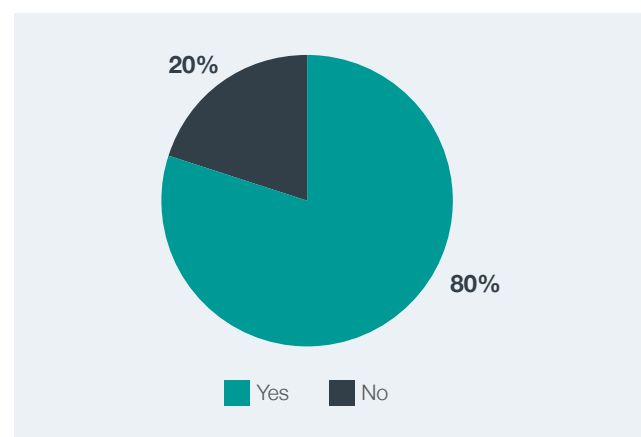
Detail begets detail: amendments to sources of income and evidential requirements in paragraph 10 of Appendix FM-SE

The original text of the rule is in standard font. Each subsequent amendment is coded by reference to the year of the amendment. We highlight 2012 amendments in green;<sup>†</sup> 2013 in pink<sup>‡</sup>; 2015 in orange.\* In addition, we strike through text which has been substituted.

- (e) To evidence a pension:
- (i) Official documentation from:
- (1) HMRG <sup>†</sup>The Department for Work and Pensions<sup>†</sup> (in respect of the Basic State Pension and the Additional or Second State Pension)  
<sup>‡</sup>or other government department or agency, including the Veterans Agency;<sup>‡</sup>
  - (2) An overseas pension authority; or
  - (3) A pension company,  
confirming pension entitlement and amount \*(and, where applicable, reflecting any funds withdrawn from the pension account or fund)\*.
- (ii) At least one <sup>†</sup>monthly<sup>†</sup> personal bank statement <sup>†</sup>in the 12-month period prior to the date of application<sup>†</sup> showing payment of the pension into the person's account.

But detailed Rules also protect applicants by making it clear what is required and reducing the risk of different caseworkers coming to different decisions.

**We asked people if they believed that the Immigration Rules should be less prescriptive as to evidential requirements.**



We were told very clearly that only the detail in the lists of evidence which must be sent in with an application should be reduced. It was emphasised to us that reducing detail in other areas of the Rules should not be done without safeguards to ensure high quality and consistent decision-making.

We have recommended that the Home Office should consider adding an open-ended category of evidence at the end of a list of requirements in suitable areas. This could ask for "any other document which establishes..." Alternatively, a tiered approach to evidence could be adopted. This would set out what evidence is preferred, what would be acceptable and what will not be accepted.

---

**Law Society of England and Wales: “Prescription can provide a necessary degree of protection for applicants against arbitrary and poor decision-making, especially where independent appeal rights have been stripped away.”**

---

---

**Jonathan Collinson and Gemma Manning, University of Huddersfield: “Discretionary decision-making by the executive must be accompanied by judicial oversight. As well as being a fundamental constitutional principle, it has a practical effect of ensuring good administration of the Immigration Rules at first instance by the decision-maker.”**

---

A list of evidential requirements would begin with all the specific items which an applicant could be certain would satisfy the caseworker that the requirement has been met. For applicants who did not have one of these pieces of evidence, an open-ended category would allow them to send in alternative evidence. The caseworker would have to decide whether that evidence was good enough to show that the requirement had been met. We think that clear written reasons should be given where a particular piece of evidence has not been accepted.

It is for the government to decide, as a matter of policy, which areas of the Rules might benefit this more flexible approach to evidence. We suggest that they look at individual areas of the Rules and avoid a “one size fits all” approach. We also think that caseworkers will need training to adjust to this new approach to evidence. This will help them to take a consistent approach as to what documents will be accepted.

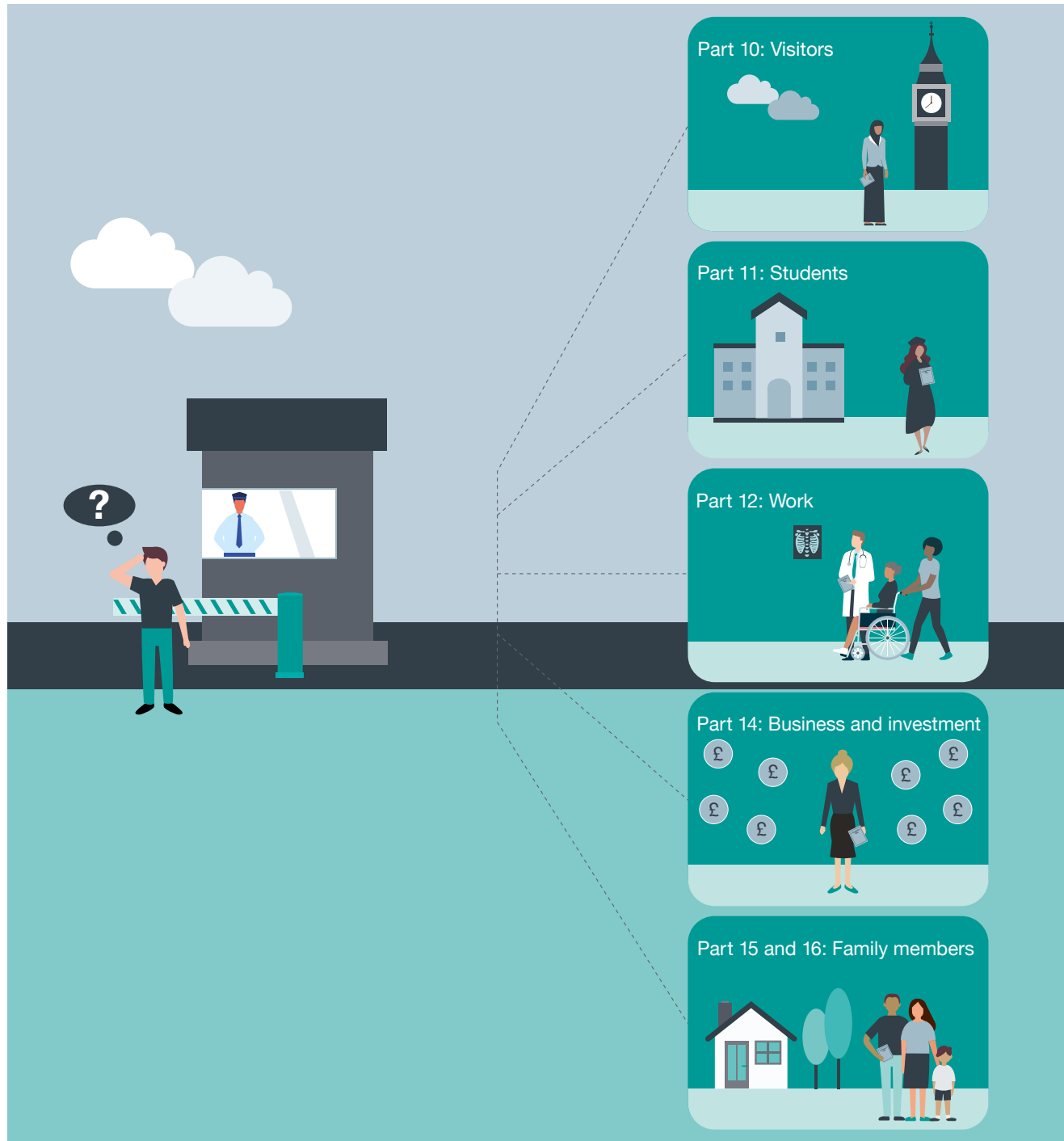
Our preference is to include open-ended lists in the Rules rather than in guidance.





# SECTION 3: RESTRUCTURING THE RULES

## A. RECOMMENDED DIVISION OF MATERIAL



We recommend a clearer division of material and an audit of those parts of the Immigration Rules which are repeated at different points using slightly different wording. The purpose of the audit will be to work out where differences in wording are not

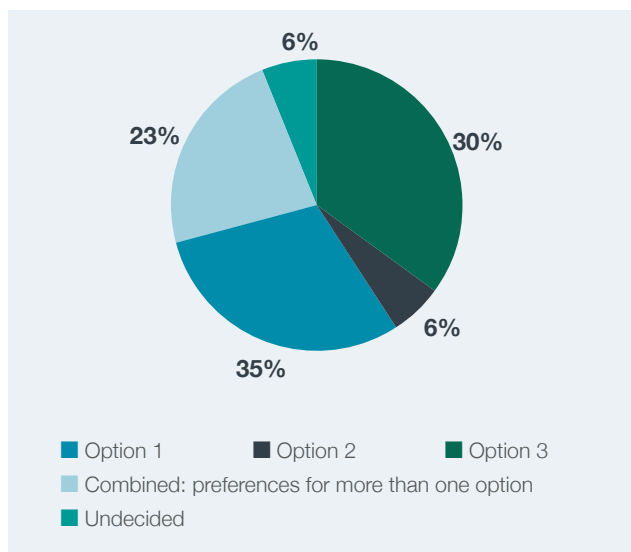
necessary. Identification of a clearer core of common requirements will help drafters to decide which of the possible structural approaches to the presentation of the Rules will work best.



## B. OPTIONS FOR PRESENTATION OF THE RULES

We identified three options for presentation of the Immigration Rules:

1. A statement of a single set of Rules.
2. Separate statements for different categories of migrants in booklet form.
3. A statement of a single set of Rules laid in Parliament and then re-worked to make booklets that are made available online.



We did not get one clear preference in responses to our consultation. There were pros and cons to each approach.

In the end, we ruled out the second option of making separate sets of Rules for different categories. This risks bringing back confusion if inconsistencies develop between the different statements when the Rules change.

We decided that the best option was to have a single set of Rules laid in Parliament and re-worked at the same time into online booklets for each category of application. This would offer the advantages of both approaches and minimise the disadvantages. We think that one experienced team of officials should be in charge of creating the booklets.

We also looked ahead to a time when technology can direct an applicant to the Rules relevant to their application. Once this is possible, booklets will no longer be needed.

We recommend that the Immigration Rules be made and laid in Parliament as a single set of Rules. We also recommend that, pending the development of technology that directs an applicant to the Rules relevant to their application, the Rules are reworked editorially so as to produce booklets for each category of application.

**Coram Children's Legal Centre and Let Us Learn:** "From a direct applicant's perspective, it is considerably more straightforward to identify (or be provided with) one 'booklet' which contains all the Rules relevant to their application. Leaving it to applicants to cross-reference which parts of the Immigration Rules apply to their case can be overwhelming, and will increase the risk that they miss relevant provisions."

**Immigration Law Practitioners' Association:** The results of an internal members' survey showed that: "The most popular form of Rules remains a single set of Rules... a single set of Rules with an appropriate set of hyperlinks placed online can serve to ensure that applicants are guided to the relevant parts."

# SECTION 4: CLEARER DRAFTING AND ORGANISATION

Once the overall structure of the Immigration Rules is settled, the next step is to decide the best approach to internal organisation and drafting.

## Bar Council: Cross-referencing creates “an almost impenetrable level of complexity.”

Paragraph 277C is a good example of the use of cross-referencing in the Rules:

### Paragraph 277C, Part 8 (Family members) of the Immigration Rules

Subject to paragraphs A277 to A280B, paragraph 276A0 and paragraph GEN.1.9. of Appendix FM of these Rules, where the Secretary of State deems it appropriate, the Secretary of State will consider any application to which the provisions of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these Rules do not already apply, under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life) and paragraph 276ADE(1) (private life) of these Rules. If the applicant meets the requirements for leave under those provisions (except the requirement for a valid application), the applicant will be granted leave under paragraph D-LTRP.1.2. or D-LTRPT.1.2. of Appendix FM or under paragraph 276BE(1) of these Rules.

The specimen redrafts provided in our consultation paper illustrate our recommended approach to drafting. For example:

### Specimen redraft of provisions in Appendix FM (Family members) relating to partners

- 12.9.1 The applicant must be in the UK with valid leave to remain as a partner under this Part (except that, where paragraph \*\*\* of these Rules applies, any current period of overstaying will be disregarded).
- 12.9.2 The applicant must satisfy the requirements of [Appendix KoLL: Knowledge of language and life] of these Rules.
- 12.9.3 Subject to paragraphs 12.9.4 to 12.9.8, the applicant must, at the date of application, have completed a continuous period of at least 60 months in the UK with:
  - (a) leave to enter granted on the basis of entry clearance as a partner; or
  - (b) limited leave to remain as a partner; or
  - (c) a combination of (a) and (b).

We have made a series of recommendations for the improvement of internal organisation and drafting, including principles to be applied in drafting titles and subheadings, the use of tables of contents, a new three-level numbering system with a scheme for subsequent insertions, self-standing paragraphs which avoid cross-referencing, signposting and the use of a guide to drafting style and technique in order to provide clarity.

---

**UK Council for International Student Affairs: “We very much hope that someone in the Home Office will have responsibility for ensuring that any guide which is adopted is applied at all times and that this is enforced before publication, including testing of hyperlinks.”**

---



# SECTION 5: KEEPING THE RULES SIMPLER

It is inevitable that there will be changes to the Immigration Rules over time. There is a risk that the structure, drafting and organisation we have recommended will start to break down. We recommend ways to prevent this happening.

## A. REVIEW COMMITTEE



We also recommend an online forum for receiving and responding to user feedback. This would speed up the resolution of problems where the Immigration Rules are not working well, and make responses accessible to other users. It would also help the Home Office to learn from what went wrong.

---

**Professor Thom Brooks, University of Durham:** “I strongly endorse the launch of some form of informal review mechanism ... that is purely advisory and meets on an on-going basis. The focus on simplicity, accessibility and coherence of the Rules and their interaction with extrinsic guidance would be a useful and productive remit.”

---

Consultation and review can help to control complexity and promote consistency. We recommend the formation of an informal advisory committee to review the drafting of the Immigration Rules from the perspective of the principles we have identified. The committee should also review the interaction between the Rules and guidance. The committee would have no role in reviewing immigration policy.

---

**Institute for Government:** A review committee “would help to ensure that Immigration Rules do not become unworkable again.”

---



---

## B. EXPLAINING THE EFFECT OF CHANGES

The effect of changes to the Immigration Rules can be difficult to understand. These difficulties are made worse when changes are numerous and frequent.

We recommend the presentation of changes to the Immigration Rules in the form of Keeling schedules. This would set out the text of the current Rule with the amendments inserted and highlighted. The schedules would look a bit like the illustration of changes to the Rules we used in Section 2 of this summary.

We also recommend that an alert should appear in the online version of the Rules to draw attention to changes in the pipeline. This should link to the Keeling schedule and tell people when the change will happen.

The explanatory memorandum which is published together with the changes should give just enough information, in simple language, to tell people what the effect of the change will be.

## C. FREQUENCY OF CHANGES

We also recommend that the Home Office follow a policy that there should be, at most, two major changes to the Immigration Rules per year.

---

### Destination for Education:

“The constant changes make it difficult for applicants to keep up to date and also means that the adequate scrutiny, discussion and debate does not always happen leaving there an increased chance of errors or mistakes that then later have to be corrected with further statement of changes.”

---

### Migrant Voice: “Laws/rules

are meant to be fair, clear and predictable to enable people to order their lives accordingly. When Immigration Rules are changed frequently they undermine all these core principles of legislation or a judicious governance system. Frequent or arbitrary/unpredictable changes can be similar to changing rules on people mid-game.”

---



# SECTION 6: DEALING WITH DIFFERENT VERSIONS OF A RULE

As changes are made, it can be difficult to work out which version of a Rule applies to an application. It can also be hard to know when you need to look for a relevant earlier version and how to find it.

## “EFFECTIVE FROM” DATES

We think that it would help people to understand when a new Rule applies if the date it takes effect is given in the online version of the Immigration Rules. We also think that there should be an explanation alongside the Rule explaining whether the new Rule applies to decisions or to applications, or applies any other formula for how it will take effect.

## ARCHIVING

It is sometimes important to be able to search an archive for earlier versions of the Immigration Rules. This may be the case for people with long and complex immigration histories, or for those who made an application a long time ago and are still waiting for a decision. The current archiving system, which provides links to all previous versions of the Rules, is helpful when someone knows that a Rule has been changed. But it is not able to tell the applicant that there was a previous version of a Rule.

We think that a short-term improvement would be to label each version of the Rules with a link to the statement of changes which introduced it. The link should have enough information to allow people to see at a glance exactly which parts of the Rules have been changed.

As a longer-term solution, we recommend that the Home Office investigates more sophisticated ways to search the archives. We think that an online search facility could be developed which allows a search of versions of a Rule by keying in a date. Alternatively, the Immigration Rules could be presented online in annotated form. This would give the kind of information currently provided by legislation.gov.uk.

This page shows an example of a “key in date” search facility. The timeline at the top shows the dates on which new versions came into force.

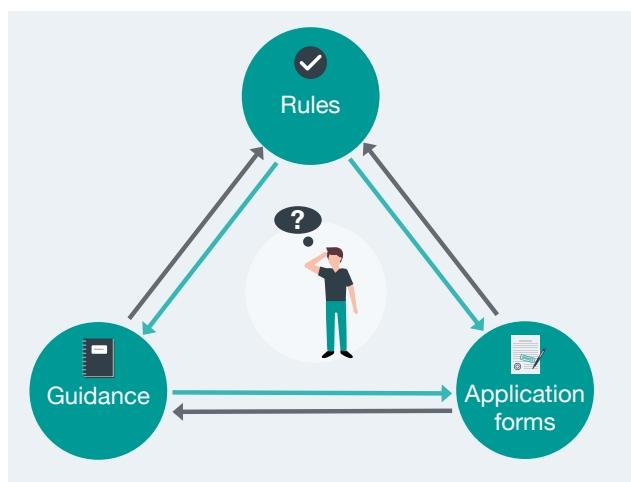
The screenshot shows the FCA website interface. At the top, there's a navigation bar with links like 'Home', 'FCA Handbook', 'What's New', 'Instruments', 'Forms', and 'Guides'. Below this, a breadcrumb trail reads 'Home >> FCA Handbook >> CASS >> CASS 1 >> CASS 1.2 General application: who? what?'. The main content area features a 'Table of Contents' sidebar on the left with options like 'Latest', 'Browse by topics', and 'Show timeline'. The central part of the page displays a timeline titled 'Changes over time for: CASS 1.2 General application: who? what?'. The timeline shows dates: 14-01, 2014-04-01, 2014-07-01, 2015-06-01, and 2018-10-01. A 'Point in time' selector is set to '2019-12-03'. Below the timeline, the text 'CASS 1.2 General application: who? what?' is followed by a detailed explanation of the rule's scope and application, including references to CASS 1.2.1, 1.2.2, 1.2.3, and 1.2.4.

Annotated presentation gives links to previous versions of the Rules, and in addition shows clearly the places where the Rules have been changed and the dates the changes came into effect.

**Upper Tribunal (Immigration and Asylum Chamber) judges:**  
“The online version of the Rules gives the reader no indication that there might have been an earlier version: the Rules simply contain the version in force at the time of reading.”

# SECTION 7: RULES, GUIDANCE AND APPLICATION FORMS

The Immigration Rules are part of a wider system which includes guidance and application forms. People told us that guidance and application forms can cause the same kind of confusion as the Rules.



## GUIDANCE

We recommend that guidance should be simplified. The aim should be to reduce guidance on any topic into a single document to be used by both decision-makers and applicants. There should be an easy-to-find list of all guidance relevant to an immigration category, using titles which explain clearly what the document is about. Guidance should explain how the Rules will be applied, rather than repeating them, and give examples and use flow charts to help people to understand how their application will be decided.

In the same way as the Rules, guidance may become confusing as it changes over time. We think that one team of officials should work to keep guidance simple, up-to-date and straightforward to use.

**Destination for Education:**  
“The diverse range of guidance, the different formats and locations combine to add to the complexity of the Rules rather than to provide clarity and assistance, the main aim of guidance.”

## APPLICATION FORMS

People told us that it can be hard to know which application form to use and where to find it. They thought this was the cause of many errors by applicants.

We recommend steps to improve the accessibility of application forms. These include giving clearer information as to how to find and fill out the correct form. Forms need to be given names which show what kind of application they are used for, and there needs to be a form for every kind of application.

Rules and guidance should link to the appropriate application form. Users should test the system regularly.

---

Professor Thom Brooks,  
University of Durham:  
“Application forms are far from  
user friendly. They have the  
look (and probably the history)  
of piecemeal reconstruction  
via different committees  
without a sense-check of the  
overall form. There should be  
consistency in their structure  
across all forms.”

---

---

Robert Parkin (10 King’s Bench  
Walk): “It is often very unclear  
which form is supposed to be  
used... The titles of the forms  
or the categories used refer  
only loosely to the categories  
of application under the Rules.”

---

We also think that people need to know when to  
expect changes to guidance and forms.

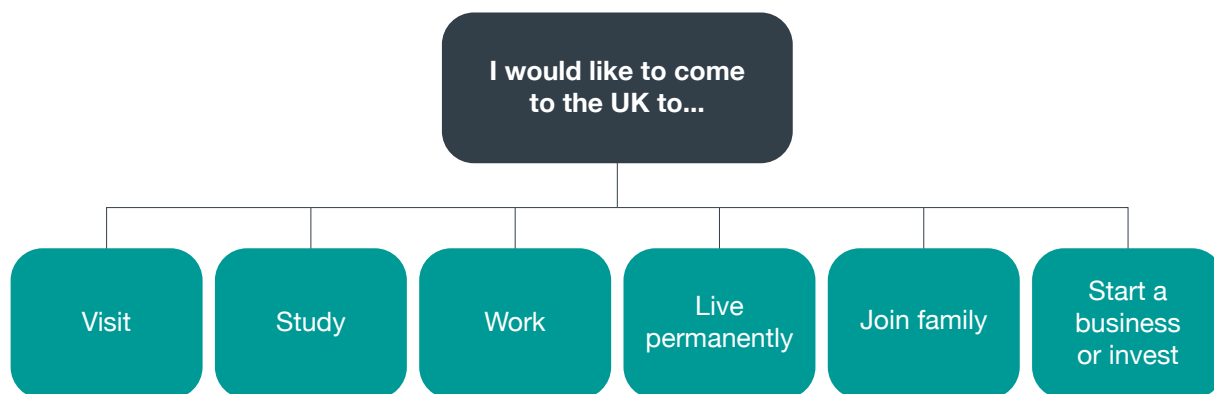
We recommend that changes to guidance  
and forms should be limited to a maximum  
of two changes per year, at the same time  
as changes to the Rules. Old versions  
should be archived.





# SECTION 8: ACCESSIBILITY AND ONLINE SYSTEMS

## ONLINE PRESENTATION OF THE RULES



Online presentation of the Immigration Rules offers the possibility of a clearer route map to direct people to the parts of the Rules they need. Rules can be displayed in smaller portions on the screen, and hyperlinks or sidebars allow easier navigation between requirements. Hover boxes can give quick access to definitions.

Most people agreed with us that, through hyperlinks, a single set of Rules could be as easily navigated as a booklet.

**We recommend that the Home Office work towards producing a single set of Rules that function as effectively online as booklets through the use of hyperlinks.**

The design of the system needs to focus on the user. Hyperlinks need to be checked regularly, and to open into a new tab. People need to be helped to find the provisions which are relevant to them. Indexes should connect all the sections relevant to a category, and techniques should be used to distinguish different routes of application. The system needs to be tested regularly by users.

## INTERFACE BETWEEN THE RULES AND GUIDANCE

**We recommend the use of hyperlinks to link guidance to the Rules. Together with our recommendations for simplifying guidance and improving the accessibility of application forms, we think that this will make the whole system more accessible.**

## ONLINE APPLICATION PROCESS

We were told about many current issues with the online application process and in-person appointment system. Some of these were teething problems arising from the roll-out of the new online system. Some were more fundamental problems.

People really liked some aspects of the new system, such as the facility to upload copy documents instead of providing originals. In general, people recognised that an online application process could work in a simpler and more efficient way.

---

It was clear that many immediate technical issues could be resolved if there were quick, freely available points of contact within the Home Office. We suggest that, in the longer term, a live chat facility could be the most effective and efficient approach.

More fundamental concerns were expressed about the needs of those who were unable to access the internet. Older people, those who do not speak English, or those applying from countries where internet access is limited were identified as most at risk of being excluded by the system. We agree that there is a need to provide effective support for those who have difficulty in using online services.

---

**Islington Law Centre: “We would resist a shift to a wholly online system. Many of our clients have very limited or no access to computers.”**

---

#### **ONLINE APPLICATION FORMS**

Many people told us that there is a need for free text boxes in application forms. We agree that applicants need to be able to explain themselves where the form does not allow them to answer a question accurately.

We were also told that it is important to be able to view the whole of the application form before completing it. The online forms do not allow this because they channel applicants to different questions based on the answers they provide.

**We recommend that the applicant should be given an overview of the application form prior to completion.**

---

**Let Us Learn campaigner: “Some people might just start completing the form and say, ‘I don’t have this information I can’t go forward’ so they give up at that point if they don’t have a caseworker or a lawyer.”**

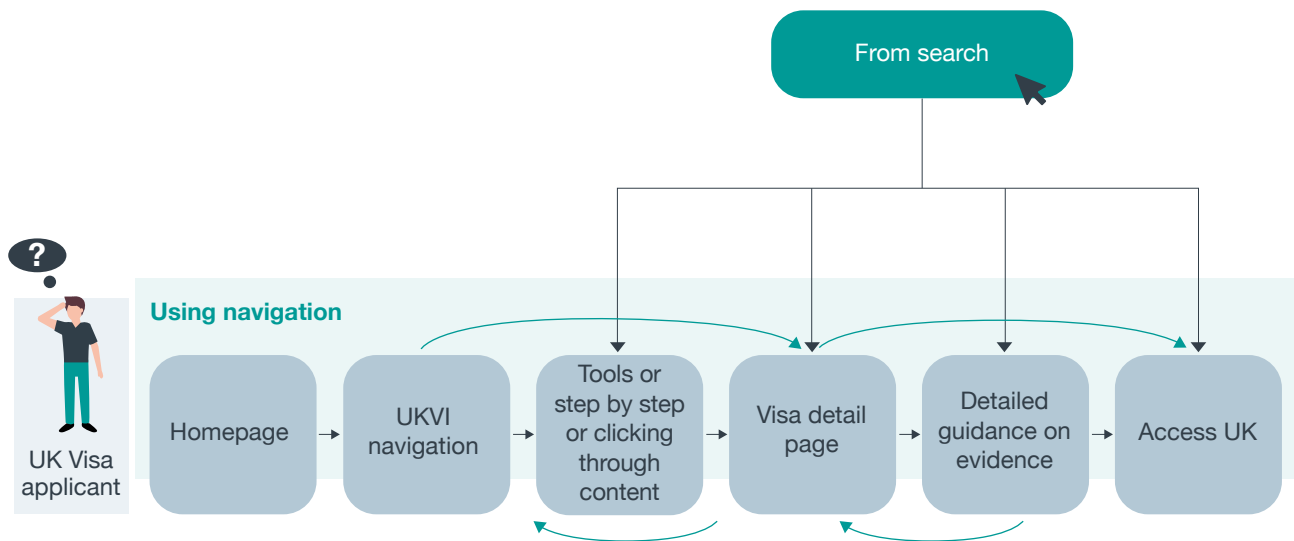
---

**Joint Council for the Welfare of Immigrants: “A form that is too tailored may prevent an applicant from ever realising what other information he or she could have provided or whether there was an alternative route which may have been open.”**

---



## FUTURE TECHNOLOGY



- Smarter digital platforms are needed from the moment an applicant enters the system. The current online journey tries to steer applicants towards the information they need but it can be frustrating. People can get stuck in a loop, either failing to get past a step, missing a step, or returning to a previous one.
- Smart forms could one day merge all the steps in the application process. They could channel the applicant into the requirements best suited to their needs, providing a “mini booklet” of relevant Rules and guidance. The screen would show an application form tailored to the applicant, prompting them to attach evidence and alerting them if something is missing.
- When we asked if people agreed that technology could help in this way, most agreed, but some people highlighted risks. The main concern was that “smart forms” could push applicants into a particular route when there was another available which might be more appropriate.

# SECTION 9: BENEFITS OF SIMPLIFICATION

The impact assessment which accompanies our report projects savings of almost £70 million over the next ten years.

---

**Incorporated Society of Musicians:** “The Incorporated Society of Musicians believes that the complexity of the Immigration Rules and guidance increases the number of mistakes made by applicants.”

---

---

**Migrant Voice:** “We agree... that simplification of the Rules would mean the law/ rules are clearer to applicants and thus they are less likely to make mistakes in their applications... Getting most applications right the first time for both the applicant and the decision-maker should lead to saved costs on both sides.”

---

## **Benefits to Home Office caseworkers**

- Less time looking up Rules
- Less time on applications where the applicant hasn't understood the Rules
- Fewer mistakes by caseworkers
- Less time adapting to changes in the Rules
- Less time responding to applicant queries

## **Benefits to applicants and their representatives**

- Easier to get the application right
- Not getting rejected because of a mistake
- Not having to waste money applying again
- Not as much anxiety
- Reduced costs for institutions such as universities and colleges who help international staff and students

## **Benefits to internal review systems, courts and tribunals**

- Reduced numbers of internal administrative reviews, appeals and judicial reviews arising from mistakes
- Reduced judicial reading and writing time
- Reduced costs to the Home Office of preparing for hearings

## **Benefits to the public**

- Improved public confidence in the system
- Improved reputation of the immigration system
- Enhanced appeal of the UK as a destination for students and others who benefit the economy









Find out more at [design102.co.uk](https://design102.co.uk)  
**Design that makes a difference**

