



Home Office

# Administrative review

Version 12.0

# Contents

Contents.....	2
About this guidance.....	3
Contacts .....	3
Publication.....	3
Changes from last version of this guidance .....	3
Key facts: in country administrative review.....	5
Key facts: administrative review at the border.....	10
Key facts: overseas administrative review.....	13
Validation requirements.....	16
Fee and payment exemptions.....	25
Rejecting a request for administrative review on CID .....	28
Decisions which are eligible for administrative review .....	30
Decisions which are not eligible for administrative review .....	33
Claimed errors which may be raised in administrative review .....	37
Requests which cannot be made using administrative review .....	43
How to consider an administrative review application.....	44
Considering the request .....	44
Suspended or revoked sponsor licence.....	51
Administrative review decisions .....	55
Administrative review: change the decision.....	57
Administrative review: maintain the decision.....	59
Administrative review: maintain the decision and correct errors.....	61
Administrative review CID outcomes .....	63
Refunds.....	66
Liability for removal.....	68
Applicant's status after submitting a request for administrative review .....	69
Withdrawing an application for administrative review .....	73
Reconsiderations, appeals and judicial reviews.....	75

# About this guidance

This guidance tells caseworkers how to validate, consider and decide applications for administrative review in the UK or overseas of decisions made under the Immigration Rules. It also covers validation of administrative review applications relating to border decisions.

This guidance relates to Rules 34L – 34Y in [part 1](#) of, and [appendix AR](#) to, the Immigration Rules.

Administrative review will consider whether an 'eligible decision' is wrong because of a case working error and, if it is, correct that error.

Administrative review is only available where an eligible decision has been made. For more information, see [Decisions which are eligible for administrative review](#).

An application for administrative review must be made in line with the validation requirements set out in [part 1 of the Immigration Rules](#). For more information, see [Validation requirements](#).

For guidance on how to consider applications for administrative review of border decisions, see Administrative review: dealing with applications.

The safeguard and promote child welfare page tells you about your duty to safeguard and promote the welfare of children and tells you where to find more information.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or think that the guidance has factual errors then you can email the appeals policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms team.

## Publication

Below is information on when this version of the guidance was published:

- Version **12.0**
- published for Home Office staff on **03 September 2021**

## Changes from last version of this guidance

The guidance has been updated as follows:

- to reflect the decisions that have a right of administrative review
- to reflect that from 6 April 2021 there is a fee for administrative reviews of entry clearance decisions
- to update references to Part 9 of the Rules
- other general housekeeping

## **Related content**

[Contents](#)

# Key facts: in country administrative review

This page provides some key facts relating to in country administrative review in UK.

## Who has the right to apply for an administrative review?

A person who makes an application on or after the relevant date and has received an 'eligible decision' may apply for an administrative review.

Eligible decisions are those made on:

- in country Tier 4 applications made on or after 20 October 2014 by either a main applicant or dependant
- in country Tiers 1, 2 or 5 applications made on or after 2 March 2015 by either a main applicant or dependant, including indefinite leave to remain applications under those routes
- in country applications where the decision was made on or after 6 April 2015, unless the applicant applied as a visitor or made a protection or human rights claim
- in country applications made on or after 6 April 2015 for leave to remain made by a Turkish national or their family member pursuant to the UK's obligations under Article 41 of the Additional Protocol to the European Community Association Agreement (ECAA) with Turkey, and under Article 6(1) of Decision 1/80 of the Association Council established by that agreement.
- in country applications made on or after 5 October 2020 at 09:00 for permission to stay under Appendix ST: Student as a student or their dependent partner/child
- in country applications made on or after 5 October 2020 at 09:00 for permission to stay under Appendix CS: Child Student as a child student or the parent of a child student
- in country applications made on or after 1 December 2020 for permission to stay as:
  - a student or their dependent partner/child under Appendix Student
  - a child student under Appendix Child Student
  - the parent of a child student under Appendix Parent of a Child Student
  - a skilled worker or their dependent partner/child under Appendix Skilled Worker
  - an intra-company routes worker or their dependent partner/child under Appendix Intra-Company Routes
  - a Minister of Religion or their dependent partner/child under Appendix T2 Minister of Religion
  - a Sportsperson or their dependent partner/child under Appendix T2 Sportsperson
  - a Representative of an overseas business or their dependent partner/child under Appendix Representative of an Overseas Business
  - or

- a person with UK ancestry or their dependent partner/child under Appendix UK Ancestry
- a person on the global talent route or their dependent partner/child under Appendix Global Talent
- a person on the start-up route or their dependent partner/child under Appendix Start-up
- an innovator or their dependent partner/child under Appendix Innovator
- a seasonal worker under Appendix T5 (Temporary Worker) Seasonal Worker
- a youth mobility worker under Appendix T5 (Temporary Worker) Youth Mobility Scheme
- a religious worker or their dependent partner/child under Appendix T5 (Temporary Worker) Religious Worker
- a charity worker or their dependent partner/child under Appendix T5 (Temporary Worker) Charity Worker
- a creative or sporting worker or their dependent partner/child under Appendix T5 (Temporary Worker) Creative or Sporting Worker
- an international agreement worker or their dependent partner/child under Appendix T5 (Temporary Worker) International Agreement Worker
- a government authorised exchange worker or their dependent partner/child under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route
- in country applications made on or after 31 January 2021 for permission to stay under Appendix Hong Kong British National (Overseas) as a Hong Kong British National (Overseas) or their dependent partner, BN(O) household child, BN(O) household member, or adult dependent relative
- in country applications made on or after 6 May 2021 for permission to stay as domestic worker in a private household or their partner/dependent child under Appendix Domestic Worker in a Private Household or a domestic worker victim of modern slavery under Appendix Domestic Worker Victim of Modern Slavery
- in country applications made on or after 9:00 on 1 July 2021 as a graduate or their partner/dependent child under Appendix Graduate

and for which the outcome is that the application is either:

- refused
- approved and a review is requested of the period or conditions of leave granted

### **How will the applicant know they have a right to apply for an administrative review?**

If the Home Office has refused an application, the decision notice will tell the applicant if they can apply for administrative review.

If the applicant thinks the Home Office has granted the wrong period or conditions of immigration leave they can apply for an administrative review.

### **How to apply for an administrative review**

Applicants should apply online using the form at [Ask for a visa administrative review](#).

### **Who can the applicant contact if they have technical problems with the online administrative review form?**

They must email the appeals policy team.

This email address must only be used for enquiries about technical problems with the online administrative review form. General enquiries about immigration matters will not be answered.

### **What fee is payable for an administrative review?**

There is a fee of £80 for an administrative review.

### **Refunds and length of time for a refund to be given**

The fee is only refunded if the:

- application for administrative review is rejected as invalid
- decision on the review is to grant leave, this includes cases where the outcome of an administrative review is that the original grant of leave was issued for the wrong period, or subject to the wrong conditions

The fee will not be refunded if the outcome of the administrative review is that the original decision is upheld.

The fee should normally be refunded within 3 weeks of the date of decision.

### **What does an administrative review do?**

It will allow the applicant to raise any permitted case work error (defined in [appendix AR](#) of the Immigration Rules) that they think has been made on the application and, if an error has been made, have it corrected.

### **Will the person conducting the administrative review be the same person who made the initial decision?**

No. The administrative review will be carried out by a different person on an independent team.

### **What is the time limit for applying for administrative review in country?**

It is 14 calendar days from the date the applicant receives the decision notice or biometric residence permit (BRP) (7 calendar days if they are detained).

### **Will immigration leave continue while the administrative review is being carried out?**

If the applicant made an in time application, and has applied within the time limit for administrative review of the decision on that application, they continue to have immigration leave until they are served with notice of decision of the administrative review or they withdraw their application for administrative review.

**Can applicants who applied in country before administrative review was introduced also request an administrative review?**

No. Applicants who made an application before the relevant time limit for the route they are applying under cannot request an administrative review.

**Can applicants apply for administrative review and make a new application for entry clearance, leave to enter or leave to remain at the same time?**

No. If an applicant makes an administrative review application and then makes a new application for entry clearance, leave to enter or leave to remain, the administrative review application will be treated as withdrawn.

If an applicant makes a new application for entry clearance, leave to enter or leave to remain and then makes an administrative review application in respect of a previous decision, the administrative review application will be rejected.

**What happens if the administrative review is unsuccessful?**

The applicant must leave the UK after they receive the administrative review decision if they do not have immigration leave.

**Will the applicant need to go through the biometric enrolment process again if the administrative review results in an outcome that requires a new BRP to be produced?**

No.

**What will happen to any immigration health surcharge (IHS) paid while an administrative review could be made?**

If an IHS has been paid and the application was refused with a right of administrative review, the IHS will not be refunded during the period when an:

- in time administrative review may be made
- administrative review is under consideration

If an IHS has been paid and the application for leave was granted but for a shorter period than applied for, the IHS will be refunded for the period of leave which was not granted. Consequently, if the applicant makes an administrative review application and is granted an extra period of leave as a result, they must then pay the extra IHS. The Home Office will contact the applicant to request the IHS payment.



**Related content**  
[Contents](#)

# Key facts: administrative review at the border

This page provides some key facts relating to administrative review at the border.

## **Who has the right to apply for an administrative review at the border?**

An applicant who has received an 'eligible decision' may apply for an administrative review.

For applicants at the UK border, eligible decisions are decisions made on or after 6 April 2015 to cancel leave to enter or remain which was in force with the result that the applicant has no leave to enter or remain, due to:

- change of circumstances
- false representations
- failure to disclose material facts

If the decision was made before 6 April 2015, it is not possible to apply for administrative review of the decision.

## **How will the applicant know they have a right to apply for an administrative review?**

If a Border Force officer has cancelled a person's leave to enter or remain at the border, the decision notice will tell the applicant if they can apply for administrative review.

## **How to apply for an administrative review**

The applicant should apply online using the form at [Ask for a visa administrative review](#).

## **Who can the applicant contact if they have technical problems with the online administrative review form?**

They must e-mail the administrative review team.

This email address must only be used for enquiries about technical problems with the online administrative review form. General enquires about immigration matters will not be answered.

## **Fee payable for administrative review**

There is a fee of £80 for an administrative review.

## **Refunds and length of time for a refund to be given**

The fee is only refunded if the:

- application for administrative review is rejected as invalid
- decision on the review is to withdraw the cancellation and grant leave to enter

The fee will not be refunded if the outcome of the administrative review is that the original decision is upheld.

The fee should normally be refunded within 3 weeks of the date of decision.

### **What does an administrative review do?**

It will allow the applicant to raise any permitted case work error (defined in [appendix AR](#) of the Immigration Rules) that they think has been made on the application and, if an error has been made, have it corrected.

### **Will the person conducting the administrative review be the same person who made the initial decision?**

No. The administrative review will be carried out by a different person.

### **What is the time limit for applying for administrative review of a decision at the border?**

14 calendar days from the date the applicant receives the decision notice, if the application must be made while the person is in the UK.

Where the applicant is in immigration detention on the date they receive their decision notice, they have 7 calendar days from that date to apply for an administrative review.

The application must be made from overseas if the decision was made at the juxtaposed controls in:

- Paris
- Brussels
- Dunkirk
- Coquelles
- Calais
- Lille

In this case the time limit is 28 calendar days from the date the applicant receives the decision notice.

### **Will immigration leave continue while the administrative review is being carried out?**

No. The applicant will be granted temporary admission if they are allowed to enter the UK to make an administrative review application.

**Can applicants whose leave was cancelled before administrative review was introduced also request an administrative review?**

No. Applicants whose leave was cancelled at the border before 6 April 2015 do not have a right of administrative review.

**Can applicants apply for administrative review and make a new application for entry clearance, leave to enter or leave to remain at the same time?**

No. If an applicant makes an administrative review application and then makes a new application for entry clearance, leave to enter or leave to remain, the administrative review application will be treated as withdrawn.

If an applicant makes a new application for entry clearance, leave to enter or leave to remain and then makes an administrative review application in respect of a previous decision, the administrative review application will be rejected.

**What happens if the administrative review is unsuccessful?**

The applicant must leave the UK after they receive the administrative review decision if they do not have immigration leave.

**Related content**

[Contents](#)

# Key facts: overseas administrative review

This page provides some key facts relating to overseas administrative review

## Who has the right to apply for an administrative review overseas?

A person who has received an 'eligible decision' on an entry clearance application may apply for an administrative review.

For applicants overseas, an eligible decision is a decision to refuse an application for entry clearance made on or after 6 April 2015, unless the application is:

- as a short term student made under part 3 of the Immigration Rules
- under Appendix EU (Family Permit)
- as a visitor
- a human rights claim

## How will the applicant know they have a right to apply for an administrative review?

If the entry clearance officer has refused an application, the decision notice will tell the applicant if they can apply for administrative review and how to apply.

## How to apply for an administrative review

The applicant should apply online using the form at [Ask for a visa administrative review](#). Where an offline application is permitted the applicant should use the specified paper application form.

## Fee payable for administrative review

There is a fee of £80 for an administrative review.

## Refunds and length of time for a refund to be given

The fee is only refunded if the:

- application for administrative review is rejected as invalid
- decision to refuse entry clearance is withdrawn because of a caseworking error in the original decision

The fee will not be refunded if the outcome of the administrative review is that the original decision is upheld.

The fee will not be refunded if the original decision is withdrawn on the basis of evidence that was not held by the Home Office on the date of the original decision.

The fee should normally be refunded within 3 weeks of the date of decision.

**What does an administrative review do?**

It will allow the applicant to raise any permitted case work error (defined in [appendix AR](#) of the Immigration Rules) that they think has been made on the application and, if an error has been made, have it corrected.

**Will the person conducting the administrative review be the same person who made the initial decision?**

No. The administrative review will be carried out by a different person.

**What is the time limit for applying for administrative review?**

For entry clearance decisions, 28 calendar days from the date the applicant receives the decision notice.

**Can applicants who applied overseas before administrative review was put into the Immigration Rules for overseas decisions also request an administrative review?**

Only if they had a right of administrative review under the policy before 6 April 2015. Their decision notice will tell them if they have a right of administrative review and how to apply for one.

**Can applicants apply for administrative review and make a new application for entry clearance, leave to enter or leave to remain at the same time?**

No. If an applicant makes an administrative review application and then makes a new application for entry clearance, leave to enter or leave to remain, the administrative review application will be treated as withdrawn.

If an applicant makes a new application for entry clearance, leave to enter or leave to remain and then makes an administrative review application in respect of a previous decision, the administrative review application will be rejected.

**What happens if the administrative review is unsuccessful?**

If the administrative review is unsuccessful it will mean the entry clearance will not be granted.

**Will the applicant need to go through the biometric enrolment process again if the administrative review results in an outcome that requires a visa to be issued?**

No.

**What will happen to any immigration health surcharge (IHS) paid while an administrative review could be made?**

If an IHS has been paid and the application was refused with a right of administrative review, the IHS will not be refunded during the period when an:

- in time administrative review may be made
- administrative review is under consideration

If an IHS has been paid and the application was approved, but for a shorter period than applied for, the IHS will be refunded for the years of leave which were not granted. If the migrant makes an administrative review application and is granted an extra period of leave as a result, they must then pay the extra IHS. The Home Office will contact the migrant to request the IHS payment.

### **Related content**

[Contents](#)

# Validation requirements

The requirements for an administrative review application to be valid are set out in [paragraphs 34M – 34Y in Part 1 of the Immigration Rules](#). You must check that the application meets all the requirements and if it does not you must reject it as invalid.

## Paragraph 34M

This specifies that any administrative review application must meet the requirements set out in paragraphs 34N to 34S of the Rules. Applications which do not meet these requirements are invalid and must be rejected. The requirements are listed in paragraphs 34N – 34S.

## Paragraph 34N(1) to (2): only one application

An applicant is normally only allowed one administrative review for each eligible decision that falls within the scope of the Immigration Rules and this policy. A second or further application must be rejected.

The exception to this (set out in paragraph 34N(2) of the Immigration Rules) is where, following an administrative review, the Home Office maintains its refusal of leave decision but on additional or different grounds. This is the outcome defined in paragraph AR2.2(d) of [Appendix AR](#) of the Immigration Rules.

In those circumstances, the individual will be entitled to a further administrative review in relation to the new grounds.

For in country cases, you must check the relevant caseworking database to make sure this is the first review or the applicant is entitled to a second review following the decision on the first review. Unless 34N(2) applies you must reject any other second administrative review application under paragraph 34M with reference to 34N(1) of the Immigration Rules.

The following administrative review CID outcome shows when a migrant could ask for another review of the same decision:

- AR Decision Maintained – Condition code ‘Errors Found in original refusal’

The following administrative review CID outcomes show when a migrant could ask for an administrative review of the new decision, because this would be the first review in respect of that decision:

- AR Decision Overturned – Condition code ‘AR Decision Overturned - Grant Leave’
- AR Decision Overturned – Condition code ‘AR Decision Overturned - Refuse Leave’
- AR Decision Overturned – Condition code ‘AR Error in Grant of Leave’



The following administrative review Atlas outcome shows when a migrant could ask for another review of the same decision:

- AR Decision Maintained – Errors Found

The following administrative review Atlas outcomes show when a migrant could ask for an administrative review of the new decision, because this would be the first review in respect of that decision:

- AR Decision Overturned –Grant Leave’
- AR Decision Overturned –Refuse Leave’
- AR Decision Overturned –AR Error in Grant of Leave

The applicant may also submit a second administrative review application if the first one was rejected as invalid and there is still time to make an application before the deadline set out in [paragraph 34R](#).

### **Paragraph 34N(3): waiver form previously signed**

You must reject an administrative review application in respect of an eligible decision if the applicant has previously signed an ‘administrative review waiver form’ relating to that decision.

An applicant may complete and sign an administrative review waiver form in line with paragraph AR2.10(a) of appendix AR. This is a form which a person may use to declare that although they may make an administrative review application of a decision, they will not do so. By completing and signing the waiver form, they are confirming that they will not apply for an administrative review of the decision.

You must check the relevant caseworking database and, if applicable, the case file to make sure that no signed waiver form has been received by the Home Office.

### **Paragraph 34N(4): new application made**

You must reject an administrative review application in respect of an eligible decision if the applicant has made a new application for entry clearance, leave to enter or leave to remain after receiving the notice of the eligible decision.

You must check the relevant caseworking database and, if the applicant is or may be overseas, the Central Reference System (CRS) to see if a new application has been made. You must take care to check that the date of any application is after the date on which the applicant is regarded as having received notice of the eligible decision.

For more information about when notices of eligible decisions are regarded as having been received, see [paragraph 34R: time limit](#).

### **Paragraph 34O: how the application must be made**

- With one exception, a valid application for administrative review can only be made by completing the relevant online application process in accordance with paragraph 34U of the Immigration Rules. The exception is that if the application for review relates to an application that was validly made offline, it can be made either online under paragraph 34U or by using and submitting the specified application form in accordance with paragraph 34V or 34VA of the Immigration Rules.

You must reject an application made by any other method, such as by letter or email, under paragraph 34M with reference to 34O of the Immigration Rules.

### **Paragraph 34U: online applications**

Under the online application process:

- the specified fee must be paid online unless an exemption applies
- all mandatory sections of the online application must be completed as specified in the form and guidance notes to the form

If these requirements are not met, you must reject the application under paragraph 34M of the Immigration Rules with reference to 34U.

The Immigration Rules also state that documents specified as mandatory on the online application or in the related guidance must be submitted either online or by post. If the application is valid and the applicant has indicated that they want to send additional evidence on the form but has not provided any documents, you must request any documents that the applicant is allowed to provide under paragraph AR2.4 of Appendix AR of the Immigration Rules and you need to review the case in the light of those documents (if provided).

### **Paragraphs 34V and 34VA: offline applications**

If the application for review relates to an application that was validly made offline, it can be made either online under paragraph 34U or offline in compliance with either paragraph 34V (in country and at the border) or 34VA (entry clearance).

Applicants who cannot use the online form should be directed to [the assisted digital service](#) in the first instance.

Where an offline application is permitted, it may be made by post or courier (and, in overseas cases, hand, fax or email) using the specified paper application form. Administrative review applications cannot be made without using either the specified form or the online application process.

If an applicant asks you how to request a paper administrative review application form, you must tell them to send their request by email to the Administrative Review Team.

This email address must only be used for enquiries about the administrative review process and not for general enquiries about immigration matters.

If an applicant requests a paper form using the admin review enquiries mailbox, you must send a copy of the paper form if they cannot use the online form. You must encourage applicants to use the online form if possible and find out what help they would need to be able to use the online form.

Where an application is made by post or courier (or overseas by hand, fax or email):

- it must be made on the specified application form
- the specified fee must be paid
- all sections designated as mandatory in the form itself or related guidance notes must be completed as specified
- the form must be signed by the applicant or the applicant's representative. If the applicant is under the age of 18, the form may be signed by the applicant's parent or legal guardian on the applicant's behalf
- the application must be accompanied by any documents specified as mandatory in the application form or related guidance notes
- the application must be sent to the address specified on the form (or, overseas, the specified fax number if fax is available)

If any of these requirements are not met, you must reject the application under paragraph 34M of the Immigration Rules with reference to 34V or 34VA as appropriate. State in the notice of rejection which sub-paragraph or paragraphs of 34V or 34VA were not met.

### **Paragraph 34P: eligible decision**

The application must be about an 'eligible decision'. For guidance on what is an eligible decision, see:

- [Decisions which are eligible for administrative review](#)
- [Decisions which are not eligible for administrative review](#)

You must check the relevant casework database (Atlas or CID for in country cases and CRS for overseas cases) to find out what the person applied for and when, which will determine whether the decision is eligible for review.

You must not accept a request for administrative review that is not about an 'eligible decision'. You must reject applications about any other type of decision under paragraph 34M with reference to 34P of the Immigration Rules.

### **Paragraph 34Q: where application must be made**

#### **In country and border decisions**

If the administrative review is about a decision on an in country application or a decision made to cancel leave at the border, the administrative review application must be made while the applicant is in the UK. The exception is when the decision

was made at the juxtaposed controls in Paris, Brussels, Dunkirk, Coquelles, Calais and Lille.

You must confirm the application was made whilst the migrant was in the UK by checking:

- the relevant caseworking database
- the applicant's stated home address

The applicant will be considered to be outside the UK if they provided an overseas residential address on their application form. The applicant must provide the address at which they are living on the application form. They cannot provide the address of another person such as a friend or relative. If they do, they will have failed to complete a mandatory section of the form and you must reject the application on that basis.

If the applicant has provided a UK address but there is other evidence that suggests the person has left the UK, you must ask the applicant further questions to find out whether they:

- applied for administrative review while they were in the UK
- left the UK after making the application for administrative review, which would have the effect of [withdrawing](#) it

If the applicant made the application for administrative review after they left the UK, you must reject it under paragraph 34M with reference to 34Q of the Immigration Rules.

### **Entry clearance decisions**

If the administrative review is about a decision on an application for entry clearance, the administrative review application must be made while the applicant is outside the UK. If you have evidence that the applicant made the administrative review application from within the UK, you must reject it under paragraph 34M with reference to 34Q of the Immigration Rules.

### **Paragraph 34R: time limit**

An in country request for administrative review of an eligible in country or border decision must be made within 14 calendar days after the date on which the person received the decision, for migrants who are not detained, or for those in immigration detention, 7 calendar days after the date on which they received the decision.

If the request is about a decision made overseas or at the juxtaposed controls in Paris, Brussels, Dunkirk, Coquelles, Calais and Lille, the application must be made within 28 calendar days after the date on which the person received the decision.

The first day of the period during which the person must apply is the first day after the migrant received the decision. For example, if the migrant received the decision on 7 June, the first day when calculating the deadline is 8 June.

Where the applicant is entitled to apply for review of a previous administrative review decision, the time limit is calculated from when they were served with the administrative review decision.

### **When was the decision served?**

Decisions on immigration applications which are eligible for administrative review are served in accordance with [article 8ZA of the Immigration \(Leave to Enter and Remain\) Order 2000](#). Article 8ZA sets out when such decisions are deemed to be served (received by the applicant).

Administrative review decisions are served in accordance with [appendix SN](#) of the Immigration Rules. Appendix SN sets out when such decisions are deemed to be served (received).

If the eligible decision is sent by post to an address in the UK, it is regarded as having been received on the second working day after the day on which it was posted, unless there is evidence to prove it was received on a different date.

If the eligible decision is sent by courier to an address in the UK, it is regarded as having been received on the day on which it was delivered unless there is evidence to prove it was received on a different date. The delivery date is the date on which the person signed for the package.

If the eligible decision is sent by post to an address outside the UK, it is regarded as having been received 28 calendar days after the day on which it was posted, unless there is evidence to prove it was received on a different date.

If the eligible decision is sent by email, it is regarded as having been received on the day on which it was sent, unless there is evidence to prove it was received on a different date.

If the migrant claims they received the in country or overseas decision on a later date, it is their responsibility to show when it was actually received.

An in country request for administrative review of an eligible decision to grant leave must be made within 14 calendar days after the date when the applicant received their biometric residence permit (BRP, also referred to as a biometric immigration document or BID). BRPs are delivered by courier and must be signed for by the applicant. The first day of the 14 calendar day period is the day after the date on which the applicant signed for the BRP. For example, if the BRP was signed for on 11 June, the first day of the 14 calendar day period is 12 June.

When the eligible decision was sent by a tracked postal delivery service and the administrative review appears to have been made after the time limit has expired, you must check the date on which it was delivered using the 'track and trace'

service. You must not reject the application if it was made with the permitted timescale based on the recorded date of delivery. You must request evidence from the applicant about the actual date of receipt if the 'track and trace' record is unavailable.

Applications submitted after the deadline has expired must normally be rejected. The only exception to this is where the Secretary of State is satisfied that it would be unjust not to waive the time limit and the application was made as soon as reasonably practicable.

The migrant may need to provide evidence to demonstrate why the Secretary of State should decide that it would be unjust not to accept the out of time administrative review application.

For example, if the migrant was prevented from making an in time application because they were admitted to hospital as an emergency admission for immediate treatment and a period of recuperation, a letter from the consultant will verify the dates of admission and discharge and the nature of the emergency treatment. In this case the migrant must make the application as soon as they are well enough to do so. It would not be acceptable to further delay making the application.

The time limit will not be waived if there is no compelling reason why it was not possible to make an in time application. For example, the following would not be acceptable reasons. The applicant:

- forgot about the deadline
- had problems with their computer or internet connection
- wanted to discuss their case with an advisor who wasn't available
- had a minor illness for a few days during the 14 or 7 day period
- had to care for a sick child who was off school with a mild illness for a few days during the 14 or 7 day period

In such cases the Secretary of State is unlikely to be satisfied that it would be unjust not to waive the time limit.

If any of these requirements are not met, you must reject the application under paragraph 34M with reference to 34R of the Immigration Rules.

### **Paragraph 34S: dependants**

An applicant can only include a dependant in their administrative review request if that person was a dependant on the original immigration application that led to the eligible decision.

A dependent child who is now aged over 18 but was legitimately included in the application that is the subject of the administrative review, or was legitimately included but has reached the age of 18 since the date of that application, may be included in the administrative review application.

If the applicant includes a dependant, who was not on the original application, you must reject the application for the dependant under paragraph 34M with reference to [paragraph 34S of the Immigration Rules](#). You must not reject the rest of the application unless it is also invalid for other reasons.

A dependant 'on the application which resulted in the eligible decision' means a person who was named as a dependant on the paper or online application form used by the main applicant. This includes PBS applications for a main applicant and dependants which are submitted online as a linked family group on the same day.

If the dependant made an application in their own right using a separate application form, for example as a PBS dependant who applies separately on a different date to the main applicant, the dependant is applying as a main applicant. The dependant must therefore apply for administrative review separately as a main applicant.

Any other dependants, such as children of a lead dependant, who applied on the same day as the dependant can also be included in this separate administrative review application. They must apply as a separate group even if the main applicant is also applying for administrative review on the decision on their own application.

## **Representatives**

An applicant may change their representative, or appoint one for the first time, when they make an administrative review application. There is a section on the application form to allow them to provide information about any representative who they choose to appoint. Before you accept the change of representative, you must check:

- they have given the Home Office written authorisation for the representative to act on their behalf
- any new representative the applicant nominates is qualified to provide immigration services in the UK. This will usually mean they are either:
  - regulated by the Office of the Immigration Services Commissioner (OISC)
  - a solicitor or barrister

However, there may be other circumstances in which a person can provide immigration services. Caseworkers in doubt about whether a person is entitled to act as a representative can contact appeals policy.

If you accept a change of representative, you must update the relevant database (Atlas, CID or CRS) with the new contact details.

If you reject the requested change of representative because you have not received the required authorisation or the representative is not appropriately regulated, you must write to the applicant and their proposed representative informing them you cannot correspond with the new representative about the application.

Rejecting the change of representative is not a reason for rejecting the administrative review application.

**Related content**

[Contents](#)

**Related external links**

[Appendix AR](#)

[Immigration Rules – part 1](#)

[Ask for a visa administrative review](#)



# Fee and payment exemptions

## Administrative review fee

An applicant who applies for an administrative review of an eligible decision must pay a fee of £80. There is no additional fee for reviewing the decision in relation to any dependants of that person who were legitimately included in the original application.

## Payment exemptions

An applicant will be exempt from paying the administrative review fee if they:

- were exempt from paying for their original application or the fee for their original application was waived, that is, the application was accepted without a fee
- previously applied for administrative review in relation to a decision on the same original application, and the outcome of the review (and any subsequent reviews) was that the original decision was maintained, but for different or additional reasons to those specified in the original decision

You must not reject an administrative review application for non-payment of the fee if the applicant was exempt from paying it.

## Fee waiver due to exceptional circumstances

The fee may also be waived if the applicant is able to demonstrate that, as a result of exceptional circumstances, they are unable to pay the fee. If a person wishes to apply for this waiver, they must explain the reasons for their claim on the administrative review application form.

You must carefully assess any application for a fee waiver due to exceptional circumstances. It will rarely be appropriate to grant such a waiver. In most cases it will be assumed that:

- if the applicant paid the fee for the original application, they will be able to pay the administrative review fee (or have someone pay it for them)
- any applicant who met a maintenance or accommodation requirement in the original application will be able to pay the fee for administrative review

You must consider applications for fee waivers due to exceptional circumstances on a case by case basis and on their own individual merits. Base your initial assessment on the information provided on the administrative review form. If you judge that the waiver application may succeed, you can request further evidence from the applicant about their financial circumstances to support their claim.

The type of evidence required will be dependent on the applicant's personal circumstances. For example, you may need:

- details of income, savings, or capital
- notices threatening legal action due to non-payment of bills or housing costs
- any other information that you think is appropriate to explain why the applicant cannot pay the fee or have the fee paid for them because of exceptional circumstances

To grant a fee waiver you must be satisfied that the:

- applicant cannot pay the fee and there is no one such as a family member, friend or sponsor who can pay it for them
- inability to pay the fee is due to exceptional circumstances
- existence of the circumstances claimed has been proved
- the circumstances are short-term and will not affect the applicant's ability to maintain and accommodate themselves, if this is a requirement of the category of the Immigration Rules under which the application was made

An example of an exceptional circumstance would be where the applicant was the victim of financial fraud which prevented them from accessing their funds. They were unable to resolve the issue because the Home Office had retained documents needed by the bank, such as passports, because their leave had expired while the application was outstanding. Acceptable evidence of this may include police reports and letters from their bank.

If the claim did not meet the high threshold for a fee waiver, you must:

- tell the applicant that the request for a fee waiver has been refused
- ask them to pay the fee within 10 working days of the day of the payment request

You must do this by writing to the applicant, using template ARN.0001A on DocGen or 'Administrative Review Further Actions Fee Reminder' on Atlas, asking them to complete the online administrative review application form again and pay the fee online. You must explain in the notice why the fee waiver request was refused. If the applicant fails to pay the fee online by the end of this period, you must reject the application for non-payment of the fee.

If the applicant's claim for a fee waiver meets the high threshold, you must accept the application without a fee and process it as normal.

In all cases you must fully record your consideration and reasons on the relevant caseworking database or in file notes.

If you reject the claim for a fee waiver and the applicant does not respond to the payment request within 10 working days, you must reject the application. You must explain to the applicant in the notice of rejection why their claim has not been accepted. You must state why the fee waiver request was refused and that the applicant failed to respond in time to the payment request.

## **Refunds**

If the outcome of the administrative review is that the decision on the original application is withdrawn and leave is granted, the Home Office will refund the fee. This includes reviews of granted cases where the outcome of an administrative review is that the original grant of leave was issued for the wrong period, or subject to the wrong conditions.

The fee will also be refunded if the administrative review application is rejected as invalid.

## **Related content**

[Contents](#)

## **Related external links**

[The Immigration and Nationality \(Fees\) Order 2016](#)

[The Immigration and Nationality \(Fees\) Regulations 2016](#)

# Rejecting a request for administrative review on CID

This page explains the process for in country caseworkers and Border Force officers to follow when they reject an invalid request for administrative review.

Entry clearance managers processing overseas administrative review requests must follow local processes when they reject invalid requests in line with the Immigration Rules.

## Rejecting a request for administrative review

If your initial checks confirm you cannot accept the request for administrative review because it is invalid, you must:

1. Produce and complete the standard ARN.0001 'Administrative Review Rejection' notice, using DocGen, and send it to the applicant or their representative if they have one.
2. Explain in the notice that you cannot consider the administrative review request, state the reason for rejection and that the fee will be refunded, if one was paid.
3. Update CID to show the date the application for administrative review was received and the date on which it was rejected, the reason for rejection and the paragraph or paragraphs of the Immigration Rules under which it is being rejected.
4. Where applicable, initiate the refund process by completing the ICD.3463 template and sending it to the charging operations team.
5. Retain any valuable documents when required by the 'Retention of valuable documents' policy.

The table below lists the CID outcomes to use when recording the rejection.

Outcome	Usage	Comments
AR Received	Every attempted initial AR that we receive	All AR applications must be recorded on the system as soon as possible as they are a barrier to removal
AR Validated	When the caseworker has considered whether the application is valid	This outcome does not mean that the administrative review is valid. It is used to record the date on which validation took place.
AR Rejected	When the AR is invalid for any reason	The reasons for rejection must be recorded in CID notes.

Outcome	Usage	Comments
AR Completed	Where the AR process is complete. For rejected applications, this will be where the application was rejected and the timescale for making an in time application has expired.	<p>You must also enter the correct 'Stats category' in CID. This is either:</p> <ul style="list-style-type: none"> <li>• AR Completed - S120 issued</li> <li>• AR Completed - S120 not issued</li> </ul> <p>You must always issue a S120 notice where the migrant's leave has expired. You must not issue a S120 notice if the migrant still has valid leave.</p>
Further AR Received	Every attempted second or subsequent AR that we receive	Having another outcome for further AR requests enables these to be recorded in MI.

**Related content**

[Contents](#)

# Decisions which are eligible for administrative review

Where an 'eligible decision' as specified in Appendix AR of the Immigration Rules has been made, an administrative review may be brought. Individuals who will no longer have a right of appeal as a result of changes to the appeals system may be able to have their 'eligible decision' reviewed under the administrative review process.

## In country

Eligible decisions are those made on:

- in country Tier 4 applications made on or after 20 October 2014 by either a main applicant or dependant
- in country Tiers 1, 2 or 5 applications made on or after 2 March 2015 by either a main applicant or dependant, including indefinite leave to remain applications under those routes
- in country applications where the decision was made on or after 6 April 2015, unless the applicant applied as a visitor or made a protection or human rights claim
- in country applications made on or after 6 April 2015 for leave to remain made by a Turkish national or their family member pursuant to the UK's obligations under Article 41 of the Additional Protocol to the European Community Association Agreement (ECAA) with Turkey, and under Article 6(1) of Decision 1/80 of the Association Council established by that agreement.
- in country applications made on or after 5 October 2020 at 09:00 for permission to stay under Appendix ST: Student as a student or their dependent partner/child
- in country applications made on or after 5 October 2020 at 09:00 for permission to stay under Appendix CS: Child Student as a child student or the parent of a child student
- in country applications made on or after 1 December 2020 for permission to stay as:
  - a student or their dependent partner/child under Appendix Student
  - a child student under Appendix Child Student
  - the parent of a child student under Appendix Parent of a Child Student
  - a skilled worker or their dependent partner/child under Appendix Skilled Worker
  - an intra-company routes worker or their dependent partner/child under Appendix Intra-Company Routes
  - a Minister of Religion or their dependent partner/child under Appendix T2 Minister of Religion
  - a Sportsperson or their dependent partner/child under Appendix T2 Sportsperson
  - a Representative of an overseas business or their dependent partner/child under Appendix Representative of an Overseas Business; or

- a person with UK ancestry or their dependent partner/child under Appendix UK Ancestry
- a person on the global talent route or their dependent partner/child under Appendix Global Talent
- a person on the start-up route or their dependent partner/child under Appendix Start-up
- an innovator or their dependent partner/child under Appendix Innovator
- a seasonal worker under Appendix T5 (Temporary Worker) Seasonal Worker
- a youth mobility worker under Appendix T5 (Temporary Worker) Youth Mobility Scheme
- a religious worker or their dependent partner/child under Appendix T5 (Temporary Worker) Religious Worker
- a charity worker or their dependent partner/child under Appendix T5 (Temporary Worker) Charity Worker
- a creative or sporting worker or their dependent partner/child under Appendix T5 (Temporary Worker) Creative or Sporting Worker
- an international agreement worker or their dependent partner/child under Appendix T5 (Temporary Worker) International Agreement Worker
- a government authorised exchange worker or their dependent partner/child under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route
- in country applications made on or after 31 January 2021 for permission to stay under Appendix Hong Kong British National (Overseas) as a Hong Kong British National (Overseas) or their dependent partner, BN(O) household child, BN(O) household member, or adult dependent relative
- in country applications made on or after 6 May 2021 for permission to stay as domestic worker in a private household or their partner/dependent child under Appendix Domestic Worker in a Private Household or a domestic worker victim of modern slavery under Appendix Domestic Worker Victim of Modern Slavery
- In country applications made on or after 9:00 on 1 July 2021 as a graduate or their partner/dependent child under Appendix Graduate

and for which the outcome is that the application is either:

- refused
- approved and a review is requested of the period or conditions of leave granted

### **At the border**

For applicants at the UK border, eligible decisions are decisions made on or after 6 April to cancel leave to enter or remain which was in force with the result that the applicant has no leave to enter or remain, due to:

- change of circumstances
- false representations
- failure to disclose material facts

This includes decisions to cancel leave to enter or remain which is in force as a visitor for the reasons set out above.

## **Overseas**

For applicants overseas, an eligible decision is a decision to refuse an application for entry clearance made on or after 6 April 2015, unless the application is:

- under Appendix EU (Family Permit)
- as a visitor
- a human rights claim

## **Claimed errors which won't change the overall decision**

Administrative review can be raised if either:

- the alleged error could have made a difference to the original decision
- the alleged error could have an unfair impact on the applicant's future applications, for example because they may now be refused on general grounds.

For example, an application was refused both because:

- required evidence was missing
- some evidence sent with the application was found to be forged

The applicant may accept that some documents were missing and therefore that the refusal was correct overall. However, they may still wish to request administrative review if they can show that the documents were genuine, even though this would not change the decision on the original application. This is because future applications from the migrant may be refused on general grounds because false representations were made in a previous application.

For more information see the general grounds for refusal guidance.

## **Related content**

[Contents](#)

Points-based system evidential flexibility

## **Related external links**

[Immigration Act 2014](#)

[Administrative Review – Statement of Intent](#)



# Decisions which are not eligible for administrative review

Administrative review is not available for decisions made on:

- applications under the points-based system made before the date on which administrative review commenced for that route
- applications under Appendix EU (Family Permit)
- applications as a visitor
- protection claims
- human rights claims
- applications for leave to remain outside the Immigration Rules
- transfer of conditions (TOC), no time limit (NTL) or replacement biometric immigration document applications

Administrative review for those applying under the EU Settlement Scheme, for S2 Healthcare Visitors and service providers from Switzerland are provided for separately under [Appendix AR\(EU\)](#).

## In country application types where decisions are not eligible for administrative review

Decisions on in country human rights and protection claims which are not eligible decisions are specified in paragraph AR3.2(c) of Appendix AR of the Immigration Rules and are listed in the following table:

Type of application	Section of rules	Paragraph
Partner or child of a member of HM Forces	Part 7	276U and 276AA
Partner or child of a member of HM Forces, where the sponsor is a foreign or Commonwealth member of HM Forces and has at least 4 years' reckonable service in HM Forces at the date of application	Part 7	276AD and 276AG
Long residence (indefinite leave to remain)	Part 7	276B
Private life	Part 7	276ADE(1) or 276DE
Family members under part 8 of the Rules where the sponsor is present and settled in the UK (unless the application is made under paragraphs 319AA	Part 8	A277 to 319Y. Excluding paragraphs 284, 287, 295D, 295G and 319AA to 319J

Type of application	Section of rules	Paragraph
to 319J of these Rules, or under paragraph 284, 287, 295D or 295G where the sponsor was granted settlement as a Points Based System Migrant) or has refugee or humanitarian protection status in the UK		
Asylum	Part 11	326A to 352H
Partner or child of a member of HM Forces where the sponsor is a British Citizen or has at least 4 years' reckonable service in HM Forces at the date of application	Appendix Armed Forces	Part 4 or Part 7
Family members under Appendix FM, but not where an application is made under section BPILR (bereavement) or section DVILR (domestic violence)	Appendix FM	All sections except BPILR and DVILR

For more information see [Part AR1 of Appendix AR of the Immigration Rules](#).

### **Border decisions which are not eligible for administrative review**

Administrative review is not available for decisions made:

- before 6 April 2015
- to cancel leave to enter or remain or refuse entry on any basis other than the grounds set out in paragraph AR4.2, which are:
  - change of circumstances
  - leave obtained by false representation
  - failure to disclose material facts

### **Overseas application types where decisions are not eligible for administrative review**

Administrative review under appendix AR of the Immigration Rules is not available for decisions made:

- before 6 April 2015
- on applications under Appendix EU (Family Permit)
- on applications as a visitor
- on human rights claims

Overseas human rights claims which are not eligible decisions are those specified in paragraph AR5.2(a)(i)-(vi) of Appendix AR of the Immigration Rules and are listed in the following table:

<b>Type of application</b>	<b>Section of rules</b>	<b>Paragraph</b>
Partner or child of a member of HM Forces	Part 7	276U and 276AA
Partner or child of a member of HM Forces, where the sponsor is a foreign or Commonwealth member of HM Forces and has at least 4 years' reckonable service in HM Forces at the date of application	Part 7	276AD and 276AG
Family members under part 8 of the Rules where the sponsor is present and settled in the UK (unless the application is made under paragraphs 319AA to 319J of these Rules, or under paragraph 284, 287, 295D or 295G where the sponsor was granted settlement as a Points Based System Migrant) or has refugee or humanitarian protection status in the UK	Part 8	A277 to 319Y. Excluding paragraphs 284, 287, 295D, 295G and 319AA to 319J
Partner or child of a member of HM Forces where the sponsor is a British Citizen or has at least 4 years' reckonable service in HM Forces at the date of application	Appendix Armed Forces	Part 4 or Part 7
Family members under Appendix FM, but not where an application is made under section BPILR (bereavement) or section DVILR (domestic violence)	Appendix FM	All sections except BPILR and DVILR

## **Curtailment**

If a migrant's leave was curtailed on or after 6 April 2015 (or where leave was curtailed before 6 April and the amended appeals provisions introduced by the Immigration Act 2014 applied to the migrant), the curtailment decision does not attract a right of either:

- administrative review
- appeal

For more information on curtailment see the guidance on curtailment.

### **Related content**

[Contents](#)

### **Related external links**

[Immigration Rules Part 6A](#)

[Immigration Rules Part 8](#)

# Claimed errors which may be raised in administrative review

Administrative review will only consider the following claimed case working errors, which are specified in AR2.11(a)-(d) and AR2.12 of Appendix AR of the Immigration Rules:

- the original decision was incorrect (paragraph AR2.11(a)) and was a decision to refuse or cancel entry clearance or leave to enter or remain under paragraph 9.7.1, 9.7.2, 9.7.3, 9.8.1, 9.8.2 or 9.8.3 of Part 9 of the Rules (false representations, false document or information, failure to disclose material facts or previous breach of conditions)
- the original decision to refuse an application on the basis that the date of application was beyond any time limit in these Rules was incorrect (paragraph AR2.11(b))
- the original decision maker otherwise applied the Immigration Rules incorrectly (paragraph AR2.11(c))
- the original decision maker failed to apply the Secretary of State's relevant published policy and guidance in relation to the application (paragraph AR2.11(d))
- there has been an error in calculating the correct period or conditions of immigration leave either held or to be granted (paragraph AR2.12)

For more information about general grounds for refusal under Part 9, see General grounds for refusal.

For more information about overstayers, see Applications from overstayers (non family routes).

For more information about evidential flexibility, see Points-based system evidential flexibility.

The following table gives some examples of case working errors that may be raised in an administrative review of an application made under the Immigration Rules:

Caseworking error	Example scenario	Can the reviewer request relevant new evidence?
Where the original decision maker's decision to refuse an application under paragraph 9.7.1 on the basis that the supporting documents were not	The migrant has submitted internet bank statements which appear to have been stamped in a branch to authenticate them. The statements were verified and the issuing bank stated that they were false. The migrant has evidence from the	Yes - only to prove that the documents are genuine.

<b>Caseworking error</b>	<b>Example scenario</b>	<b>Can the reviewer request relevant new evidence?</b>
genuine was incorrect – paragraph AR2.11(a)(i).	bank that states the verification was done incorrectly and the statements are genuine.	
Where the original decision maker has incorrectly refused an application on the basis that it was made after leave expired – paragraph AR2.11(b).	The original decision maker uses the date on which the application was input as the date of application rather than the date the application was posted.	Yes – only to prove the date on which the application was submitted.
Where the original decision maker’s decision not to request specified documents under paragraph 245AA of these Rules (points-based system evidential flexibility) was incorrect – paragraph AR2.11(c).	The original decision maker considered a points-based system application. One bank statement was missing from a series and should have been requested under the evidential flexibility policy (paragraph 245AA of the Immigration Rules). The application was refused without asking for it.	Yes – only to provide the evidence which should have been requested under the evidential flexibility policy (paragraph 245AA of the Immigration Rules)
Where the original decision maker applied the wrong Immigration Rules – paragraph AR2.11(d).	The caseworker applies the rules for students rather than child students.	No
Where the original decision maker applied the Immigration Rules incorrectly – paragraph AR2.11(d).	The caseworker refuses the application because a resident labour market test has not been carried out but the applicant’s occupation is exempt from this requirement.	No
Where the original decision maker incorrectly added up the points to be awarded under the Immigration Rules – paragraph AR2.11(d).	The migrant submitted a master’s degree certificate but the original decision maker only awarded the appropriate points for a bachelor’s degree.	No

<b>Caseworking error</b>	<b>Example scenario</b>	<b>Can the reviewer request relevant new evidence?</b>
Where the original decision maker has not considered all the evidence that was submitted as evidenced in the eligible decision – paragraph AR2.11(d).	Where the original decision maker has overlooked a piece of evidence such as a qualification certificate or a bank statement.  For example, where 2 sets of bank statements have been submitted but the original decision maker only considered one and therefore refused the application on maintenance grounds.	No
Where the original decision maker has considered some or all of the evidence submitted incorrectly as evidenced in the eligible decision – paragraph AR2.11(d).	Where the migrant has submitted multiple sets of bank statements and the amounts have been added up incorrectly by the original decision maker, resulting in a decision to refuse on the grounds of insufficient funds.	No
Where the eligible decision to refuse an application on the basis that the supporting documents did not meet the requirements of the Immigration Rules was incorrect– paragraph AR2.11(d).	The migrant must provide original documents. The original decision maker considered the documents provided to be copies. The documents were in fact original.	No
For an application made while the applicant is in the UK, there has been an error in calculating the correct period or conditions of immigration leave either held or to be granted – paragraph AR2.12.	Incorrectly calculating the period of leave granted, for example granting 2 years of leave when the migrant was entitled be granted for 3 years leave. Incorrectly imposing a requirement to register with the police when the migrant is not from a police registration nationality.	No
Where the original decision maker failed to apply the Secretary of State’s relevant published policy and guidance – paragraph AR2.11(e).	The migrant’s original sponsor loses their licence while the application is under consideration. The original decision maker fails to correctly apply the policy to allow	No

<b>Caseworking error</b>	<b>Example scenario</b>	<b>Can the reviewer request relevant new evidence?</b>
	the migrant 60 days to find a new sponsor and vary their application.	
Where the original decision maker's decision to cancel a visitor's leave to enter at the border under paragraph 9.23.1 on the basis that there had been a change in their circumstances is incorrect – paragraph AR2.11(d).	The migrant was granted entry clearance as a general visitor. When interviewed at the border, the visitor stated that they had since decided to undertake a short English language course in the UK in addition to their tourist activities, and had enrolled on a course of study lasting 20 days. Their leave was cancelled on the basis of a change of circumstances but a short course of incidental study is in fact permissible.	No
Where the original decision maker's decision to cancel a visitor's leave to enter at the border under paragraph 9.7.3 on the basis that false representations had been made is incorrect – paragraph AR2.11(a)(iii).	The migrant was granted entry clearance as a general visitor. When they applied, they stated on the application form that their parents and siblings were in the UK. When interviewed at the border, the visitor's leave was cancelled on the basis that that they failed to declare the relatives in the UK.	Yes – only to prove that false representations had not been made.

The following table gives some examples of case working errors that may be raised in an administrative review of an application made under the Turkish European Community Association Agreement (ECAA) provisions:

<b>Caseworking error</b>	<b>Example scenario</b>	<b>Can new evidence be provided?</b>
Where the original decision maker's decision to refuse a Turkish ECAA application on grounds of deception was incorrect – paragraph AR2.11(a)(iv).	The migrant has submitted wage slips as evidence of previous employment but they were verified as false by the employer. The migrant has evidence that the verification was done incorrectly and the wage slips are genuine.	Yes - only to prove that the deception did not take place.
Where the original decision maker applied the wrong	The caseworker applies the current Immigration Rules	No



Caseworking error	Example scenario	Can new evidence be provided?
Immigration Rules – paragraph AR2.11(d).	instead of the Turkish ECAA worker provisions.	
Where the original decision maker applied the 1973 Immigration Rules incorrectly – paragraph AR2.11(d).	The caseworker refuses the application because they believe there is a set amount of money the applicant must earn while working when there is no such specific amount detailed in the 1973 Rules.	No
For an application made while the applicant is in the UK, there has been an error in calculating the correct period or conditions of immigration leave either held or to be granted – paragraph AR2.12.	Calculating the period of leave granted incorrectly, for example granting leave to expire on a calendar day that does not exist such as 31 June or entering the incorrect year by mistake.	No
Where the original decision maker has considered some or all of the evidence submitted incorrectly, as evidenced in the eligible decision – paragraph AR2.11(d).	Where the original decision-maker has overlooked a piece of evidence such as a set of payslips and so was wrong in calculating the length of the applicant’s employment. As a result the application is incorrectly refused on the basis that the Turkish worker has not completed the set period of work (for example a year on initial application).	Yes – only to prove what evidence was originally submitted.
Where the eligible decision to refuse an application on the basis that the supporting documents did not meet the requirements of the 1973 Immigration Rules was incorrect – paragraph AR2.11(d).	Where the applicant has submitted multiple sets of bank statements showing wages being paid in and the time period of employment has been added up incorrectly.	No
Where the eligible decision to refuse an application on the basis that the supporting documents did	The applicant must provide original documents. The caseworker considered the documents provided to be	No

Caseworking error	Example scenario	Can new evidence be provided?
not meet the requirements of the 1973 Immigration Rules was incorrect – paragraph AR2.11(d).	copies. The documents were in fact original.	
Where the original decision maker has incorrectly refused an application on the basis that it was made after leave expired – paragraph AR2.11(b).	The caseworker uses the date on which the application was input on CID as the date of application rather than the date the application was posted.	Yes – only to prove the date on which the application was submitted.
Where the original decision maker failed to apply the Secretary of State’s relevant published policy and guidance – paragraph AR2.11(e).	The caseworker fails to correctly apply the policy relating to breaches of conditions in ECAA cases even though the breach was not material to the applicant’s ability to meet the ECAA requirements.	No

## Related content

[Contents](#)

## Related external links

[Appendix AR](#)

[Immigration Rules Part 6A](#)

[Immigration Rules Part 8](#)

[Immigration Rules Part 9](#)

# Requests which cannot be made using administrative review

The Home Office will consider any claimed errors in the original decision that the applicant is permitted to raise in their administrative review.

The administrative review cannot be used to apply for leave on another basis. The Home Office will not consider any human rights or asylum grounds that are raised in the application. This is in accordance with paragraph AR2.6 of [Appendix AR](#) of the Immigration Rules.

## Seeking leave on another basis

Applicants cannot use an application for administrative review of an eligible decision to apply for leave on another basis, for example to claim that they should be granted leave under a different route under the points-based system. If they attempt to do so, you must tell the applicant, in the rejection or decision notice, to make the appropriate application for leave in the manner specified.

## Human rights or protection claims

A human rights or protection claim made in an administrative review application will not be considered. If the administrative review maintains the decision the applicant will be served with a notice under section 120 of the 2002 Act which will provide an opportunity to make any human rights or protection claim.

.

If any of the above are the only grounds raised in the administrative review, but the review relates to an eligible decision, you must accept the application if it is otherwise valid and maintain the original decision.

You must only reject the application if it does not meet one or more of the [validation requirements](#).

## Related content

[Contents](#)

## Related external links

[EEA and Swiss nationals: free movement rights](#)

# How to consider an administrative review application

This section explains the process for considering administrative review applications.

Border Force officers must follow the guidance on administrative review contained in the Border Force administrative review guidance when they consider requests.

Entry clearance managers processing overseas administrative review requests must also follow their local processes for making checks, requesting evidence, recording the decision and issuing notices when considering invalid requests in line with the Immigration Rules.

## Ensuring that the review is independent

Administrative reviews will be carried out by a separate team that is independent from the team who made the original decision. This will make sure there is independence and transparency in the review process.

If you are given an administrative review case to consider and you were the original decision maker or reviewer, you must refer the case to your manager so it can be re-allocated to another caseworker.

You must never carry out an administrative review of a decision on a case that you:

- originally considered
- were involved in considering
- previously reviewed

## Initial checks

Before you consider a request for administrative review, you must check that the case has been correctly [validated](#) and is valid.

## Considering the request

You must:

- for in country applications, normally only consider the specific aspects of the decision the applicant or representative challenges in their administrative review request: if it becomes clear during your review that that the original decision contained errors which the applicant or representative has not identified, you must also correct those errors
- for entry clearance and border decisions, conduct a full reconsideration of the decision
- carefully consider all the claimed errors raised in the application and address each of them in the decision

- request additional information if the applicant is allowed to provide it and you need it to conduct the review
- not consider any new evidence or information, unless it impacts upon the decision under review and the applicant is allowed to provide new evidence under paragraph AR2.4 of Appendix AR of the Immigration Rules
- consider whether correcting the casework error would change the outcome of the original decision (whether or not the outcome of the administrative review is that the reasons for the original decision are withdrawn)

## **Evidence and information**

Additional evidence may only be considered if it:

- proves that the applicant has not practiced deception in the current application, for example by proving that documents provided with the application were genuine (following refusal or cancellation under paragraph 9.7.1, 9.7.2 or 9.7.3 of the Immigration Rules)
- proves that there had not been a change of circumstances when leave was cancelled at the border for this reason (following cancellation of leave under paragraph 9.23.1 of the Immigration Rules)
- proves that the original decision maker has incorrectly refused an application on the basis that it was made beyond any time limit specified in the Immigration Rules
- should have been requested under paragraph 245AA of the Immigration Rules (points-based system evidential flexibility)

Additional evidence cannot be considered in cases where the applicant's leave was cancelled at the border due to a change in their circumstances, under paragraph 9.8.1, 9.8.2 or 9.8.3 of the Immigration Rules.

## **Requesting further information**

If you need to request additional information or evidence to assess an error and the migrant is allowed to provide additional evidence, you must write to the applicant and request it. If you are conducting an in country review, you must use the ICD.0006: 'Request Documents & Information General' template on CID or the 'Evidential Flexibility Template' on Atlas.

You must request the evidence if the applicant claims that one of the 4 errors listed above, in the 'Evidence and information' section, has been made and they state they have additional evidence. You must edit the template as appropriate and state that you are giving the applicant 7 working days from the date of the request to respond if you need additional evidence.

You must allow an extra 2 days for the letter to pass through internal mail, in case the applicant replies by post. If the applicant does not respond within this timescale you must make a decision based on the evidence available unless there are exceptional reasons why the deadline should be extended.

An example of an exceptional reason is where the applicant can show that it would not be possible to get the evidence before the deadline because it has to be obtained or posted from overseas and will not arrive in time.

### **Ineligible evidence**

You must not consider ineligible evidence under any circumstances. Ineligible evidence is any evidence that the applicant is not allowed to provide under paragraph AR2.4 of Appendix AR.

### **Reviewing credibility refusals**

When considering an application for administrative review on the basis that the original caseworker made a caseworking error when assessing the credibility of the applicant, the correct test to apply is whether it is more likely than not, based on the evidence and facts available, that the original decision maker made the right decision that the applicant is not credible.

For example, when considering whether an applicant is a 'genuine student', the original caseworker has to decide, based on the evidence provided and any interview conducted, whether the applicant is a genuine student. To review a decision to refuse on credibility grounds, you must check whether the original caseworker made an error in reaching the decision that the applicant was not genuine.

You must decide whether any errors were made in following the relevant [rules](#) and guidance, based on:

- the information supplied with the application
- any interview undertaken
- the caseworker's reasoning in their case notes and decision notice

You must then consider whether, based on those factors and that information, it is more likely than not that the original caseworker made the right decision. However, you must limit yourself to following the original casework steps and considering whether, on the basis of the evidence before the original caseworker, the decision to refuse on credibility grounds was correct. You should not, for example, make a fresh decision about whether to invite the applicant to attend an interview. You are considering whether the correct rules and process were used and whether the decision was more likely than not to be correct, not remaking the decision.

If you find that the original decision maker followed the rules and guidance correctly and that it is more likely than not that the rules and guidance were applied correctly, you must maintain this refusal reason.

If you find that the original decision maker followed the correct rules and guidance but it is more likely than not that errors were made in applying them, such that the wrong conclusion was reached, you must withdraw this refusal reason. If the application meets all the other requirements of the Immigration Rules, you must overturn the refusal decision and grant leave.

If you find that the original decision maker followed the correct rules and guidance but made errors in applying them such that the original decision to refuse on that basis was correct but the reasons given in the decision notice were defective, you must maintain the refusal for this reason but explain the reasons for the decision correctly in the administrative review decision notice. As the applicant will not have been refused for these reasons before, they are entitled to a second administrative review of the decision.

### **Reviewing genuine vacancy refusals**

A review request may claim that the original decision maker made an incorrect decision to refuse an application on the ground that a genuine vacancy did not exist.

The correct test to apply when assessing the decision that a genuine vacancy does not exist is whether it is more likely than not that the original caseworker's conclusion that the vacancy is not genuine is correct.

You must follow through the steps the original caseworker took in reaching the decision. The reasoning should be set out in the case notes and refusal notice in terms of the factors considered and what, if any, information was requested.

Based on the information supplied with the application and the caseworker's reasoning in their case notes and decision notice, you must decide whether any errors were made in following the relevant rules and guidance. You must then consider whether, based on those factors and that information, it is more likely than not that the original caseworker's decision to conclude that the vacancy is not genuine is correct. You must limit yourself to following the original casework steps and considering whether it is more likely than not that the original decision was correct. You should not make a fresh decision about whether to request additional information from the migrant or their sponsor. You are considering whether the correct rules and process were used and whether the decision was correct, not remaking the decision.

If you find that the original decision maker followed the rules and guidance correctly and that it is more likely than not that the rules and guidance were applied correctly, you must maintain this refusal reason.

If you find that the original decision maker followed the correct rules and guidance but it is more likely than not that errors were made in applying them, such that the wrong conclusion was reached, you must withdraw this refusal reason. If the application meets all the other requirements of the Immigration Rules, you must overturn the refusal decision and grant leave.

If you find that the original decision maker followed the correct rules and guidance but made errors in applying such that the original decision to refuse on that basis was correct but the reasons given in the decision notice were defective, you must maintain the refusal for this reason but explain the reasons for the decision correctly in the administrative review decision notice. As the applicant will not have been

refused for these reasons before, they are entitled to a second administrative review of the decision.

### **Change of circumstances**

As defined in paragraph AR2.1 of Appendix AR, administrative review is the review of an eligible decision to decide whether the decision is wrong due to a case working error. The review is concerned with the facts and circumstances of the case as it was on the date of the original decision.

If there has been a change of circumstances which may affect whether the original decision should now be maintained, you must:

- not consider the new circumstances when you review the decision to determine whether there has been a case-working error
- review the original decision in accordance with the administrative review rules and guidance

If the result of your review is to withdraw the original decision (the outcome defined in paragraph AR2.2(a) of Appendix AR), the new circumstances can be taken into account when the decision is remade. This will be a new decision and will have a fresh right of administrative review.

### **Referring cases back to the original decision making team**

If you withdraw an incorrect decision, you should normally correct the error and issue a new decision. However, the role of the administrative review team is to identify and correct casework errors, not to act as the original decision maker. In some cases you must refer the application back to the original decision making team to casework after you have withdrawn the incorrect decision. These are cases where:

- the case was considered under the 'single fatal flaw' process and you have withdrawn the single refusal reason – the rest of the case must now be considered by the original decision maker
- there has been a change of circumstances such that the whole case needs reconsidering when the decision is remade
- the applicant may need to be interviewed before remaking the decision, for example to assess their credibility or the genuineness of a vacancy – it is not possible to interview applicants as part of the administrative review process as this is an original decision making function
- the original decision maker's failure to obtain further evidence amounted to a casework error and the administrative review team cannot obtain the evidence because it requires liaison with other agencies, which is outside the team's remit

Changes of circumstance which require referral back to the original decision making team include:



- cases where the person sought to change their certificate of sponsorship while the application was under consideration and this was not correctly addressed by the original decision maker by inviting the applicant to vary their application
- some student cases where the person's sponsor has lost its licence after the case was decided – see [Suspended or revoked sponsor licence](#)

If you need to refer a case back to the original decision making team after withdrawing a decision, you must:

- contact the team to arrange for the case to be sent back to them
- send the applicant an ARN.0004 decision notice (CID) or an 'Administrative Review General Changed Decision (ARN.0004)' notice (Atlas) to tell them that their administrative review has been successful and why, that the decision has been withdrawn and will be remade by the original decision making team
- arrange for the administrative review fee to be refunded because the review has succeeded

### **Suspended or revoked sponsor licences**

If you are considering a valid administrative review application and find that the sponsor licence has been suspended or revoked since the original decision was made, you must also follow the [Suspended or revoked sponsor licence' guidance](#) for these cases.

### **Immigration Skills Charge (ISC)**

If the applicant claims that their application has been incorrectly refused on the basis that their sponsor did not pay the ISC or paid the wrong amount, you must check that the:

- sponsor was correctly identified as having to pay the ISC and did not meet one of the specified exemptions
- sponsor was required to pay the full or reduced ISC based on the company size or charitable status
- number of years for which the ISC must be paid was calculated correctly based on the work start and end dates entered on the certificate of sponsorship
- original decision maker was correct in finding that the ISC was not paid or not paid in full

For guidance on when sponsors are required to pay the ISC, and how to check if a payment has been made, see: Immigration Skills Charge guidance.

The applicant's sponsor cannot correct a failure to pay the ISC or an underpayment after the application has been decided. You must not accept any offers to pay the ISC which are made in the administrative review application.

If an ISC has been paid, it will be refunded when the application is refused and either:

- administrative review is not requested
- the decision to refuse is maintained at administrative review

If the applicant is entitled to apply for a second administrative review, the ISC will not be refunded until the second and any subsequent administrative review have been completed and the refusal maintained.

You do not need to take any action to request a refund of the ISC.

### **Curtailment**

If you maintain the refusal and the applicant still has existing leave and no longer qualifies for it, or there is evidence that they have breached the conditions of their leave, refer the case to the Manchester curtailment team to consider curtailing their leave. Do this by emailing the curtailment team with the details of the case.

### **Related content**

[Contents](#)

# Suspended or revoked sponsor licence

If you are considering a valid administrative review application and find that the sponsor licence has been suspended or revoked since the original decision was made, you must consider the case as below.

## **Sponsor licence suspended**

Consider the administrative review as normal.

If you uphold the decision, issue a decision on the administrative review as normal.

If you find that a refusal decision is incorrect and leave should have been granted, you must rectify the error and issue a new decision.

The [‘Licence suspended or revoked – review outcome’](#) table gives more details of the possible outcomes of the review and what you must do in each case.

## **Sponsor licence revoked**

Consider the administrative review as normal.

If you uphold the decision, issue a decision on the administrative review as normal.

Withdraw the incorrect decision if you find that either:

- a refusal decision is incorrect and leave should have been granted
- a grant is incorrect and different length or conditions of leave should have been issued

You must remake the decision and refuse the application because the applicant’s former sponsor is no longer able to sponsor the migrant.

The [‘Licence suspended or revoked – review outcome’](#) table gives more details of the possible outcomes of the review and what you must do in each case.

## **For incorrectly refused in country student cases only**

You must write to the migrant to tell them the outcome of the administrative review is that the decision is withdrawn because it contained errors and that the application has been referred back to the original casework team to be re-decided if both the:

- original refusal is overturned
- application could be granted but for the fact that the Confirmation of Acceptance for Studies (CAS) relating to the application has become invalid following revocation of the sponsor licence

The original casework team will then write to the applicant giving them 60 days to find a new sponsor and vary their application before re-deciding it.

This does not apply if there are other grounds for refusing the application (including where the applicant has not been a genuine student at their institution or has participated in the practices that may have contributed to their Tier 4 sponsor's licence being revoked).

For more information, see:

- Student route caseworker guidance
- [Student sponsor guidance](#)

### Licence suspended or revoked – review outcome

Original outcome	Was the original decision correct?	Review outcome if licence suspended	Review outcome if licence revoked
<b>Application approved – in country only</b>	<b>Yes</b>	Maintain decision. No refund	Maintain decision. No refund.  Refer case to curtailment team to consider curtailment of leave.
<b>Application approved – in country only</b>	<b>No.</b> Errors in grant of leave found on review.	Correct decision, issue new BRP. Issue refund.	Notify migrant that there were errors in the original decision. Issue refund but do not issue new BRP.  Withdraw original decision and remake it in the light of the revocation.  For in country Tier 4 migrants who qualify under the concessionary policy set out above, withdraw original decision and notify migrant that it contained errors and the

Original outcome	Was the original decision correct?	Review outcome if licence suspended	Review outcome if licence revoked
			application has been referred back to the original caseworking team. The original caseworking team must give the applicant 60 days to vary their application before re-deciding it.
<b>Application refused</b>	<b>Yes</b>	Maintain refusal decision. No refund.	Maintain refusal decision. No refund.
<b>Application refused</b>	<b>No.</b> Errors found – no new refusal reasons found.	Maintain refusal decision. Remove incorrect refusal reasons. No refund.	Maintain refusal decision. Remove incorrect refusal reasons. No refund.  Do not withdraw and remake decision.
<b>Application refused</b>	<b>No.</b> Errors found – new refusal reasons that were originally missed.	Maintain refusal decision. Add new refusal reasons to updated decision notice. No refund.	Maintain refusal decision. Add new refusal reasons to updated decision notice. No refund.  Do not withdraw and remake decision.
<b>Application refused</b>	<b>No.</b> Errors found – application should have been approved.	In country: Correct decision. Issue new BRP. Issue refund.  Overseas: put case on hold until a final decision has been taken on the sponsor's licence.	Notify migrant that there were errors in the original decision. Do not issue approval or BRP.  Withdraw original decision and remake it in the light of the revocation.

Original outcome	Was the original decision correct?	Review outcome if licence suspended	Review outcome if licence revoked
			<p>For in country Tier 4 migrants who qualify under the concessionary policy set out above, withdraw original decision and notify migrant that it contained errors and the application has been referred back to the original caseworking team. The original caseworking team must give the applicant 60 days to vary their application before re-deciding it.</p>

**Related content**

[Contents](#)

# Administrative review decisions

This section tells you what to do once you have reconsidered an in country immigration decision following a valid administrative review application.

Border Force officers must follow the guidance on administrative review contained in the Border Force operations manual when deciding requests.

Entry clearance managers processing overseas administrative review requests must follow local processes for making checks, recording the decision and issuing decision notices when deciding valid requests in line with the Immigration Rules.

## Recording details of the review decision

It is important that you ensure the date the application is validated and the date the decision is made are recorded on the relevant caseworking database.

This makes sure there is a clear audit trail so that the applicant will not get a second administrative review unless they are entitled to one, and any future legal challenges to the decision or the administrative review can be defended.

## Handling of case papers

You must keep a copy of the administrative review application form and any relevant case papers (such as letters responding to information requests) on file or as an electronic copy. If you are using Atlas, a copy of the application form will be automatically kept on Atlas.

If the applicant still has valid leave when they receive the administrative review decision, for example where the administrative review is about a decision to grant leave, or the outcome of the review is to grant leave, you must return any documents including the passport to them with the decision notice.

You must not return any valuable documents to the applicant if their leave has already expired or will end when the administrative review is no longer pending and they are liable to be removed. These documents must be retained and handled in line with the retention of valuable documents guidance or refer to the safeguarding valuable documents guidance.

You must keep the documents to assist the Immigration, Compliance and Enforcement (ICE) Team in enforcement activity.

## The administrative review decision notice

You must inform the migrant, or their legal representative (if they have one) of the outcome of the review in writing, using the correct decision notice templates. For more information on what notices to produce, see links below:

- [administrative review: change the decision](#)

- [administrative review: maintain the decision](#)
- [administrative review: maintain the decision and correct errors](#)

The content of your decision notice may form part of any following judicial review that challenges the decision. It is important that your decision notice is:

- clear
- concise
- responds to all points the applicant or their representative raise in the application for administrative review

For more information on judicial reviews, see [Reconsiderations, Appeals and Judicial Reviews](#).

**Related content**  
[Contents](#)



# Administrative review: change the decision

If you have considered an administrative review request and found an error in the original decision that changes the decision, you must withdraw the decision. Therefore the migrant is entitled to a refund of the administrative review fee.

The error may either be in relation to the decision to refuse leave, or the decision in relation to the grant of leave.

You must normally correct the error after withdrawing the original decision. For guidance on cases which you must instead refer back to the original team, see: [Referring cases back to the original decision making team](#).

## **Change an original refusal decision to a grant**

If you withdraw and remake the original decision because it was incorrect and the application should have been granted, you must grant leave that is appropriate to the original application. The start date of the leave granted is the date you withdraw the incorrect previous decision and make a new decision.

If the migrant made an in time application and their leave has now expired, they will be covered by [section 3C leave](#), so there is no break in the continuity of the migrant's leave.

For more information on section 3C leave and administrative review see the guidance, see: [Applicant's status after submitting a request for administrative review](#).

You must issue the appropriate approval notice and an ARN.0004 'Administrative Review Changed Decision' notice, from DocGen.

---

**Official sensitive: start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

### **Rectifying errors on granted decisions**

If the administrative review is about an approved application, such as the period of leave granted or condition code, you must rectify any errors you identify.

If you find that the original application should have been refused when considering whether leave has been granted in error, you must withdraw the decision and issue a new decision. The migrant will have a right of administrative review against the new decision.

If the approval decision was correct but the type or length of leave granted was incorrect, you must issue a new biometric residence permit stating the correct conditions of leave.

You must issue updated approval notices and an ARN.0004 'Administrative Review Changed Decision' notice using DocGen or an administrative review General Changed Decision (ARN.00004) template on Atlas.

You must also refer the case to the Manchester curtailment team for curtailment consideration if the applicant's circumstances have changed so that they no longer qualify for their leave, for example if a student has stopped studying. Do this by emailing the curtailment team with the details about the case.

For more information see the guidance on curtailment.

### **Related content**

[Contents](#)

# Administrative review: maintain the decision

If you maintain the original decision because no errors were made, you must tell the applicant or representative of the outcome in writing.

This applies both where the original application was either:

- refused
- approved and the applicant asked for a review of the type or length of leave granted

You must use one of the following DocGen decision notice templates:

- ARN.0003 'Administrative Review Maintain Decision' – to maintain refusal
- ARN.0003X 'Administrative Review Maintain Decision' – to maintain original grant of leave

or one of the following Atlas templates:

- 'Administrative Review General Decision Maintained (ARN.0003)' – to maintain refusal
- 'Administrative Review General Grant Decision Maintained (ARN.0003X)' – to maintain original grant of leave

You must explain in the decision notice why the decision was correct, addressing each claimed error raised in the administrative review application.

You do not need to produce a new immigration decision notice if you do not find any errors and maintain the original decision. You must not give the applicant a further right of administrative review. This is because the administrative review decision is not a new immigration decision on the original application and therefore does not generate a new right of administrative review or a right of appeal.

The applicant cannot request a second review or ask for the decision to be reconsidered.

If the applicant's leave has expired and they are still in the UK you must include a section 120 notice to the applicant in the decision notice. This is a notice to the applicant to say they must now tell the Home Office about any other reasons why they should be allowed to remain in the UK.

Applicants will normally be expected to respond to such a notice by either making arrangements to leave or making a further charged application.

**Related content**

[Contents](#)

# Administrative review: maintain the decision and correct errors

If you consider a refusal decision and find some errors in the reasons for the decision, but decide the original decision was correct you must maintain the original refusal of the application.

There are 3 possible outcomes if you find errors.

## Outcome 1

You may find that the overall decision was correct where:

- some of the original reasons for refusal were incorrect
- the other original refusal reasons were correct

In this case you must withdraw the incorrect refusal reasons by issuing a new notice with the incorrect reasons removed, but maintain the original decision.

## Outcome 2

You may find that the overall decision was correct where:

- some of the original reasons for refusal were incorrect
- the other original refusal reasons were correct
- there are other refusal reasons which should have been included in the original decision

In this case you must withdraw the incorrect refusal reasons. You must make and serve a new decision using the correct original refusal reasons and the new reasons.

## Outcome 3

You may find that the overall decision was correct where:

- all of the original reasons for refusal were incorrect
- there are other refusal reasons which should have been included in the original decision

In this case you must withdraw the incorrect refusal reasons. You must make and serve a new decision using the new correct refusal reasons.

## The decision notices

If you maintain the original decision with errors corrected, you must tell the applicant or representative of the outcome in writing, using the ARN.0004 'Administrative

Review Changed Decision' template on DocGen or an 'Admin Review General Changed Decision (ARN.0004) template on Atlas.

You must explain why the overall decision was correct, addressing each claimed error that was raised in the administrative review application.

The applicant is entitled to a second administrative review of the decision if any new refusal reasons have been added. This is because they have not previously had a chance to challenge those reasons.

You must make sure the new decision notice correctly states whether there is a right of administrative review. The applicant is only entitled to apply for a second administrative review if the outcome of the previous administrative review is that there are new or additional refusal reasons.

The applicant is not entitled to a refund of the administrative review fee but will not be charged for the second administrative review.

If the applicant's leave has expired and they are still in the UK you must include a section 120 notice to the applicant in the decision notice. This is a notice to the applicant to say they must now tell the Home Office about any other reasons why they should be allowed to remain in the UK. Applicants will normally be expected to respond to such a notice by either making arrangements to leave or making a further charged application.

#### **Related content**

[Contents](#)

# Administrative review CID outcomes

This table sets out the various outcomes on CID for in country administrative review.

Outcome	When used	Comments	Refund fee?	Can make unpaid second AR?
<b>AR Received</b>	Every attempted initial AR that we receive	All AR applications must be recorded on the system as soon as they are received as they are a barrier to removal	N/A	N/A
<b>AR Not Requested</b>	Where the migrant does not raise an AR within the required 14 or 7 calendar day timescale	The migrant could subsequently submit an out of time AR and claim exceptional circumstances.	N/A	N/A
<b>AR Validated</b>	When the caseworker has considered whether the application is valid	This outcome does not mean that the administrative review is valid. It is used to record the date on which validation took place.	N/A	N/A
<b>AR Rejected</b>	When the AR is invalid for any reason	Used for all rejections	Yes	No
<b>AR Withdrawn</b>	When the AR is withdrawn for any reason	Could be withdrawn by request from migrant, because they request their passport for travel or because they travel outside UK	No	No
<b>AR Decision Maintained</b>	<b>No errors found</b>	No new immigration decision issued.	No	No

Outcome	When used	Comments	Refund fee?	Can make unpaid second AR?
<b>AR Decision Maintained</b>	<b>Refusal reason withdrawn</b>	No new immigration decision issued.	No	No
<b>AR Decision Maintained</b>	<b>Errors found in original refusal</b>	No new immigration decision issued.	No	Yes
<b>AR Decision Overturned</b>	<b>AR Decision Overturned - Grant Leave</b> (when a refusal is overturned and leave granted)	The caseworker or immigration officer (IO) would then have to enter a new immigration decision from the standard list.	Yes	No
<b>AR Decision Overturned</b>	<b>AR Decision Overturned - Refuse Leave</b> (when a grant is overturned and a refusal decision issued)	The caseworker or immigration officer (IO) would then have to enter a new immigration decision from the standard list.	Yes	No
<b>AR Decision Overturned</b>	<b>AR Error in Grant of Leave</b> (where leave is granted with different expiry date/conditions of leave)	The caseworker or immigration officer (IO) would then have to enter a new immigration decision from the standard list.	Yes	No
<b>AR Completed</b>	You must also enter the correct 'Stats category' in CID. This is either: <ul style="list-style-type: none"> <li>• AR Completed - S120 issued</li> <li>• AR Completed - S120 not issued</li> </ul> <p>You must always issue a S120 notice where the migrant's leave has expired. You must not issue a</p>	Signals the end of the AR process	N/A	N/A



Outcome	When used	Comments	Refund fee?	Can make unpaid second AR?
	S120 notice if the migrant still has valid leave.			
<b>Further AR Received</b>	Every attempted second or subsequent AR that we receive		N/A	N/A

**Related content**

[Contents](#)

# Refunds

## When to refund

The application fee must be refunded to the applicant if the:

- application is invalid and is rejected
- eligible decision is withdrawn and leave granted to correct an error identified by the administrative review, in accordance with paragraph AR2.2(a) of Appendix AR – this includes both cases where the review is about:
  - a refusal
  - the type or period of leave granted
- eligible decision is withdrawn and the case sent back to the original decision making team to re-decide
- eligible decision is withdrawn and an application which was granted is now refused

If the applicant is eligible for a refund and the case is on CID you must start the refund process by completing the ICD.3463 refund request template in CID and then send the completed refund request template to the charging operations team. If the case is on Atlas you should follow the relevant processes in Atlas to process a refund.

Applicants can submit a new paid administrative review request if the administrative review:

- succeeds, you grant leave but the migrant believes there was an error in the type or length of leave granted
- results in a decision to grant leave being overturned and a refusal issued

In these cases the administrative review request will be the first one in respect of the new decision rather than a second administrative review request of the original decision, which has been withdrawn.

## When not to refund

The fee cannot be refunded if the result of the review is that the decision is maintained in accordance with paragraph AR2.2(b),(c) or (d) of Appendix AR.

Applicants can submit a second unpaid administrative review request if you have added new reasons to the decision, and the migrant believes there is an error in these new reasons.

The CID outcome that shows the applicant is entitled to request a second unpaid administrative review is:

- AR Decision Maintained – with the CID Stats Category 'Errors found in original refusal'

Applicants cannot submit a second administrative review request if there were no errors in the original decision or no new reasons are added to the decision.

**Related content**

[Contents](#)

# Liability for removal

Individuals whose leave has expired before they make an application for leave to remain are overstayers. Normally overstayers are liable for removal action.

If an overstayer has made a valid administrative review application, they must not be removed from the UK until the administrative review has been completed.

Paragraph AR2.9 of Appendix AR states that the Home Office will not seek to remove an applicant from the UK while a valid application for administrative review is pending. This is to provide the applicant with the same protection from removal as if they had appealed the decision.

Once the administrative review process is concluded, you must restart removal action unless you have granted leave or referred the case back for further consideration.

## **Related content**

[Contents](#)

# Applicant's status after submitting a request for administrative review

An in country applicant's leave may be extended under section 3C if they make a request for administrative review.

## Section 3C leave

Section 3C of the Immigration Act 1971, as amended by the Immigration Act 2014, extends an applicant's leave in the UK if it expires while they are waiting for a decision on their immigration application.

Applicants who are covered by 3C leave and then apply in time for administrative review of an eligible decision have their leave further extended during the period when they are waiting for a decision on the review.

An applicant's leave is extended under section 3C if both the following apply:

- applicant makes a valid application for an extension of stay before their leave expires (an 'in time application')
- applicant's leave expires before the application is decided or withdrawn

Section 3C extends the applicant's leave and any conditions attached to it:

- until the application is decided or withdrawn (under section 3C(2)(a))
- for the period the applicant can make an in time, in country appeal (under section 3C(2)(b))
- for the period whilst any appeal is pending (if the applicant is in the UK) (under section 3C(2)(c))
- for the period whilst any administrative review of the decision either:
  - could be brought (if the applicant is in the UK) (under section 3C(2)(d)(i))
  - is pending (if the applicant is in the UK) (under section 3C(2)(d)(ii))

For further information on this see the guidance on 3C leave.

## In time administrative review applications

An applicant's leave is extended under section 3C if they meet all the following requirements:

- they make a valid application for further leave before their current leave expires
- their leave expires before the application is decided
- the application is refused
- they are eligible to make an application for administrative review of the refusal decision
- they make an application for administrative review before the time limit for making such an application expires (14 calendar days from the date they

receive the decision notice or Biometric Residence Permit or 7 calendar days if detained)

If the applicant meets the above requirements, their leave is further extended under section 3C while their administrative review is pending.

An administrative review is pending until one of the following occurs:

- the time limit for applying for administrative review expires without such an application being made
- the application is rejected as invalid because it does not meet the requirements of paragraph 34M to 34Y of the Immigration Rules
- the application is withdrawn in accordance with paragraph 34X
- the decision notice stating the outcome of the review is served on the migrant
- an administrative review waiver form is signed and submitted
- a fresh application for entry clearance, leave to enter or leave to remain is made

### **No administrative review application made**

If an applicant whose leave is extended under section 3C does not apply for administrative review following receipt of an eligible refusal decision, their 3C leave ends on the last day on which they could have made an in time administrative review application. For information on the deadlines for making an in time application, see: [Validation requirements](#).

### **Rejected applications**

An invalid application does not extend leave under section 3C. If an applicant whose leave is extended under section 3C makes an in time administrative review application which is rejected as invalid, their leave ends on the last day on which an in time [valid administrative review](#) application could have been made.

If the review request is rejected before the last day on which an in time application for administrative review may be brought, and the applicant makes a second in time application for administrative review that is valid, 3C leave continues while that application is pending.

### **Out of time administrative review applications**

Leave extended under section 3C will expire on the last day on which an in time administrative review application could be made where all the following apply:

- applicant makes an original application for further leave that was in time
- applicant's leave expires before the application is decided
- leave extended under section 3C until time limit for making an administrative review application expires
- applicant makes an out of time administrative review application

- the Home Office accepts the administrative review as valid because it would be unjust not to consider the application

An applicant will not have leave during the period when an out of time administrative review application is being considered.

### **Out of time initial applications**

Leave is not extended under section 3C while the review is outstanding if all the following apply:

- the applicant made their initial application out of time
- the application is refused
- the applicant applies in time for administrative review of the decision

This is because their leave had already expired before they made the application so there was no leave to extend.

Such an applicant is an overstayer but will not be removed while the administrative review application is pending. This does not mean the applicant has permission to stay or any entitlement to work. For further information, see: [Liability for removal](#).

### **Second review requests**

If, as a result of the first administrative review, an applicant is entitled a second administrative review and submits one in time, their 3C leave will continue while the review is pending, as described above.

### **Administrative review of approved applications**

If an applicant applies for administrative review of the period or type of leave granted following an approved application, this will not in itself change the grant of leave. The applicant continues to have the length and conditions of leave that were granted. The length or type of leave granted will only be changed if the review is successful and a new grant decision is issued.

If the applicant's leave expires while they are awaiting the result of the review, their leave is not extended under section 3C while the review is pending.

### **Effect of fresh application**

If an applicant has made an application for administrative review which is pending, the administrative review application ceases to be pending if the applicant makes an application for entry clearance, leave to enter or leave to remain. The application for administrative review ceases to be pending because the effect of making the fresh application is to withdraw the administrative review. The application for administrative review is treated as withdrawn under paragraph 34X(4) of the Immigration Rules.

Administrative review also ceases to be pending if the applicant has not yet applied for administrative review of an eligible decision and all the following apply:

- the time limit to apply for administrative review of the eligible decision has not yet expired
- the applicant's leave was extended under section 3C because the valid application which led to the eligible decision was made in time
- the applicant makes an application for entry clearance, leave to enter or leave to remain

The application for administrative review stops being pending under paragraph AR2.10(b) of appendix AR.

In both the above cases, the date on which administrative review stops being pending is the day before the new application is made. For example, if the applicant submits the new application on 22 July, their administrative review ceases to be pending on 21 July.

For more information on when an administrative review is withdrawn, see: [Withdrawing an application for administrative review](#).

If the applicant's leave was extended under section 3C, the day on which the administrative review stops being pending is the last day of their section 3C leave. The new application is therefore made out of time on the first day after the applicant's leave expired and does not further extend 3C leave.

### **Administrative review waiver form**

A person whose leave is cancelled at the border and has a right to apply for administrative review of the decision may wish to be removed immediately. The right to apply for administrative review is a barrier to removal so the person may choose to remove this barrier by waiving their right to an administrative review. They do this by signing an 'administrative review waiver form'.

Under paragraph AR2.10(a) of appendix AR, administrative review is no longer pending when the waiver form has been signed.

If a person has signed an administrative review waiver form, they cannot then make an administrative review application. You must reject any such application because the right to seek administrative review has been waived.

An applicant cannot use the administrative review waiver form if they have already made an administrative review application. They must [withdraw the application](#) if they no longer wish to continue it.

### **Related content**

[Contents](#)



# Withdrawing an application for administrative review

The [Immigration Rules](#) specify 4 ways an administrative review application can be withdrawn or treated as withdrawn:

- if the application may only be brought from within the UK and the applicant asks for their passport back so they can travel outside the UK - paragraph 34X(1)
- if the applicant travels outside the UK - paragraph 34X(2)
- at the request of the applicant - paragraph 34X(3)
- if the applicant makes an application for entry clearance, leave to enter or leave to remain - paragraph 34X(4)

## Requesting the passport for travel

An administrative review application which may only be brought from within the UK and is pending will be treated as withdrawn if the applicant requests the return of their passport for the purpose of travel outside the UK. If the applicant made an in time application, section 3C leave ends on the date the application is withdrawn.

## Travelling outside the UK

An administrative review application which may only be brought from within the UK and which is pending will also be treated as withdrawn if the applicant leaves the UK. The date the withdrawal takes effect is the date on which the applicant leaves. Section 3C leave will also end on this date. You may find out that an applicant has left the UK if for example:

- they notify you of a new overseas address
- a Border Force officer stops them when they attempt to re-enter the UK and contacts you to ask about the applicant's immigration status

An applicant who has withdrawn their application for administrative review by leaving the UK must not be allowed to re-enter for the purpose of resuming the administrative review.

## Requests to withdraw the administrative review

A request to withdraw an administrative review application must be made in writing by email to the Home Office at the address provided on the visas and immigration pages of the gov.uk website, which is the email address for the administrative review team. The application will be treated as withdrawn on the date the request is received.

A migrant may wish to withdraw their administrative review application if they realise they made a mistake and the original decision was correct. They may instead wish to

make a fresh application for leave. They cannot submit a fresh application while the administrative review is pending if they are covered by section 3C leave.

### **Making a fresh application**

An administrative review application which is pending will be treated as withdrawn if the applicant makes an application for leave to enter or leave to remain. There is no need to email a request to withdraw the administrative review to the Home Office, as set out above. The application for administrative review will be treated as withdrawn automatically.

You must check CID and, if the applicant is or may be overseas, CRS to see if a new application has been made while the administrative review is pending. If it has, you must treat the administrative review application as withdrawn.

### **How to process the withdrawal of an administrative review**

You must record and process the withdrawal on the relevant caseworking database as soon as possible.

You must tell the applicant or representative in writing that the application for review has been withdrawn, using the ARN.0002 'Administrative Review Withdrawal' template on DocGen or the 'Administrative Review General Withdrawal (ARN.0002)' template on Atlas for in country cases.

If the applicant's leave has expired and they are still in the UK you must include a section 120 notice to the applicant in the notice confirming that the review request has been withdrawn. A section 120 notice is a notice to the applicant to say they must now tell the Home Office about any other reasons why they should be allowed to remain in the UK. Applicants will normally be expected to respond to such a notice by either making arrangements to leave or making a further charged application.

If a migrant in the UK is requesting the return of their passport for travel, they must collect it at the airport from which they are leaving the UK. You must provide them with details of the [voluntary departure team](#).

### **Related content**

[Contents](#)

# Reconsiderations, appeals and judicial reviews

## Reconsiderations

An applicant who has a right of administrative review against an immigration decision must make an administrative review application to request any reconsideration of the decision on their application.

You must not accept any other type of reconsideration request about the decision either before, during or after the administrative review has taken place. This includes any request from sponsors to review decisions or perform 'error correction' outside the administrative review rules and process.

For more information on reconsiderations and how to reject a reconsideration request, see the reconsiderations policy.

## Appeals

If an applicant has a right of appeal, they will not be eligible to submit a request for administrative review of the same decision. You must reject any application for administrative review about a decision where there is a right of appeal.

If an applicant has a right to request an administrative review of an eligible decision under Appendix AR, they will not be entitled to an immigration appeal against that decision. If they try to appeal a decision at the tribunal when there is no right of appeal, the Home Office will argue that the appeal must be rejected because the tribunal has no jurisdiction (legal authority) to hear it.

For more information see Invalid appeals.

## Judicial review

If an applicant submits both a request for administrative review and sends a PAP or commences JR proceedings against the decision at the same time, you must process the administrative review, provided it meets the [validation requirements](#).

If the administrative review finds that the decision was correct and the PAP or JR is still outstanding, you must add the outcome to the response to the PAP or the grounds of defence in the JR.

If the outcome of the administrative review is that the decision is overturned and leave granted, the team handling the JR will seek to settle the JR on that basis.

The migrant may seek JR of the outcome of the administrative review. It is therefore important that the decision notice fully and clearly addresses all issues raised in the administrative review request. This will assist the team responding to the JR.

If the JR seeks to challenge the administrative review policy rather than an individual decision, you must notify the appeals policy team in case they need to provide advice on the JR.

For more information about judicial reviews, see the [Judicial review guidance](#).

### **Related content**

[Contents](#)