



Home Office

# Cancellation and Curtailment of permission

Version 1.0

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# About this guidance

This guidance tells caseworkers whether to cancel an individual's permission to enter or stay in the UK, or curtail leave where this applies, and when to consider using discretion. It is based on the Immigration Rules.

The guidance contains information about in-country cancellation decisions for:

- part 9 of the Immigration Rules
- appendices to the Immigration Rules (where there are cancellation or curtailment grounds)
- sham marriage cases
- marriage breakdown cases (ceasing to meet requirements of the rules)
- dependants
- points-based system cases

The guidance also contains information about in-country curtailment decisions for:

- EU Settlement Scheme and EU Settlement Scheme (Family Permit) cases

This guidance does not cover:

- Revocation of Indefinite Leave
- Revocation of Humanitarian Protection
- Revocation of Refugee Status

## Contacts

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

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 **1.0**
- published for Home Office staff on **06 October 2021**

## Changes from last version of this guidance

This guidance replaces the Curtailment guidance, previous versions of this guidance can be found in the guidance archive.

- title change from ‘Cancellation of entry clearance and permission’ to ‘Cancellation and Curtailment of permission’ to reflect that this guidance is focused on in-country cancellation and curtailment decisions
- revised section on EU Settlement Scheme and EU Settlement Scheme (Family Permit) cases
- deletion of the section on ‘Curtailing the leave of relevant Afghan citizens’. Specific guidance on this cohort is not required as, following the changes to [part 7 of the Immigration Rules](#) specifically to paragraphs 276BA1 to 276BS5, which took effect on 6 October 2021, Part 9 of the Immigration Rules now applies in the usual way to these individuals
- other minor changes as a result of Immigration Rules changes taking effect on 6 and 11 October 2021
- minor housekeeping changes

## **Related content**

[Contents](#)



# Cancellation: definitions, legal basis and powers

This page tells caseworkers about the legislation that allows them to cancel an individual's permission to enter or stay in the UK, also referred to as limited leave to enter or remain, or in the case of leave granted under Appendix EU, 'pre-settled status'. Appeal and administrative review rights are also outlined.

## Immigration Rules: definitions

The terms 'cancellation', 'permission to enter' and 'permission to stay' were introduced on 1 December 2020 in the changes to the [Immigration Rules](#) which took effect on 1 December 2020. See [paragraph 6.2 of the Immigration Rules](#) to access a list of definitions.

The term 'permission' has been used in this guidance and refers to 'permission to enter' and 'permission to stay' in the UK'. The guidance also refers to 'leave' or 'limited leave to enter or remain' where this is relevant to the referenced legislation.

'Permission to enter' has the same meaning as leave to enter under the Immigration Act 1971.

'Permission to stay' has the same meaning as leave to remain under the Immigration Act 1971 (and includes a variation of leave to enter or remain and an extension of leave to enter or remain).

The term 'cancellation' was introduced on 1 December 2020 and is now widely used in Part 9 of the Immigration Rules and replaces the term 'curtailment', although 'curtailment' is still used in some sections of the Immigration Rules, such as ['Appendix EU'](#). [Paragraph 6.2 of the Immigration Rules](#) provides the following definitions for 'cancellation' and 'curtailment':

'Cancellation' as referenced in part 9 of the [Immigration Rules](#), [Appendix S2 Healthcare Visitor](#) and [Appendix Service Providers from Switzerland](#) means cancellation, variation in duration, or curtailment, of entry clearance or permission, which can take effect immediately or at a specified future date and whether the person is in the UK or overseas. Use of the word "cancellation" does not change the statutory powers, and in particular does not imply any power to curtail indefinite permission in country; the only power to cancel such leave in country is the power to revoke contained in [section 76 of the Nationality, Immigration and Asylum Act 2002](#). See: [Cancellation: legislative sources](#).

'Curtailment' is referenced in relation to EU Settlement Scheme (EUSS) cases and in relation to the curtailment of a person's leave to enter or leave to remain, means cancelling or curtailing their leave, such that they will have a shorter period of leave remaining or no leave remaining.

## Cancellation: legislative sources

[Section 3\(3\)\(a\) of the Immigration Act 1971](#) gives the power to cancel an individual's limited leave to enter or remain, whether the leave was granted under the rules or outside them. This is because section 3(3)(a) gives the power to vary leave and cancelling leave is a variation of leave.

The [Immigration \(Leave to Enter and Remain\) Order 2000](#) gives the power to cancel non-lapsing indefinite or limited leave, or cancel limited leave, when an individual is outside the UK. The relevant provisions in the order are article 13(6) and (7).

Article 8ZA of the order sets out how you may serve a notice which does not attract a right of appeal, including where you may serve a notice to file.

[Section 76 of the Nationality, Immigration and Asylum Act 2002](#) gives the power to revoke indefinite leave to enter or remain when an individual:

- is liable to deportation but they cannot be deported for legal reasons
- obtained leave by deception
- ceases to be a refugee because of their own actions

[Section 10 of the Immigration and Asylum Act 1999](#) (as amended by the Immigration Act 2014) states that an individual, as well as any family members who meet certain conditions set out in section 10, is liable to be removed from the UK if the person requires leave to enter or remain in the UK but does not have it.

[Regulation 16 of the Immigration \(Biometric Registration\) Regulations 2008](#) sets out when the Secretary of State may require an individual (who is covered by the regulations) to surrender their biometric residence permit (BRP), including when an individual's leave to remain is to be varied or cancelled. Regulation 23 sets out the steps the Secretary of State may take if an individual fails to comply with a requirement of the regulations, including cancelling or varying an individual's leave to enter or remain.

[Section 4 of the Immigration Act 1971](#) requires that the power to vary leave under s3(3)(a) of that act must be exercised by notice in writing given to the person affected.

## Cancellation: appeal and administrative review rights

An individual does not have a right of appeal or administrative review in respect of a cancellation decision made on or after 6 April 2015. However, this does not apply where an individual comes under the EU Settlement Scheme or is an S2 Healthcare Visitor as these cohorts will have a right of appeal. For these cohorts, and additionally Service Providers from Switzerland, there will be a right to seek an administrative review where decisions are made at the border only. For more information, see section: [Cancellation and curtailment grounds: appendices and annexes.](#)

For cancellation decisions made on or after 6 April 2015, either:

- their permission to enter or stay in the UK expires with immediate effect
- they are left with a period of permission to enter or stay in the UK following cancellation

Save in the cases of the EU Settlement Scheme, S2 Healthcare Visitors and Service Providers from Switzerland, you must make sure that the cancellation decision letter does not state that the individual has a right of appeal or administrative review.

## Curtailment decisions before 6 April 2015

In the context of decisions made before 6 April 2015, the terms ‘curtailment’ and ‘curtailing leave to remain’ are used. The terms ‘cancellation’ and ‘permission to stay’ took effect from 1 December 2020.

An individual may have had a right of appeal against a decision to curtail their leave with immediate effect, if the decision to curtail leave was made before 6 April 2015.

You must check the appeals section of the version of the curtailment guidance that applied on the date the leave was curtailed. In particular, you need to check:

- whether an individual had a right of appeal
- how to implement an allowed curtailment appeal

The previous versions of the guidance are in Cancellation – archive.

### **Related content**

[Contents](#)

### **Related external links**

[Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013](#)  
[Immigration Rules](#)

# Immigration Rules: changes to Part 9 cancellation grounds

This page outlines the curtailment grounds prior to 1 December 2020 and the corresponding, or new cancellation grounds in the [Immigration Rules](#) which came into force on 1 December 2020. There is not a direct equivalent for each cancellation ground.

Cancellation grounds under part 9 of the Immigration Rules do not apply in EU Settlement Scheme, S2 Healthcare Visitor, or Service Providers from Switzerland cases. The grounds for curtailment, or cancellation, as referred to in the latter two cohorts, are contained within the relevant appendices. Part 9 of the Immigration Rules also does not apply, or applies only partially, to other types of case, see: [paragraph 9.1.1 of the Immigration Rules](#). See also: [Appendices where Part 9 cancellation grounds do not apply](#) and [Cancellation and Curtailment grounds: appendices and annexes](#) in this guidance.

## Page contents:

[Additional grounds for cancellation from 1 December 2020](#)

Curtailment grounds prior to 1 December 2020	Curtailment paragraph	Cancellation grounds after 1 December 2020	Cancellation paragraph
Making of false representations or failure to disclose material facts in relation to, or in support of an application for leave to enter or a previous variation of leave	322(2)	Making of false representations, submission of false documents or false information and failure to disclose relevant facts in relation to, or in support of an application	9.7.3
Making of false representations or failure to disclose any material fact for the purpose of obtaining a document from Secretary of State that indicates an individual has a right to reside in the UK	322(2A)	Making of false representations, submission of false documents or false information and failure to disclose relevant facts in relation to, or in support of an application	9.7.3
Failure to comply with conditions attached to a current or previous grant of leave to enter or remain	322(3)	Failure to comply with conditions of permission to enter or stay (includes permission extended under section 3C of the Immigration Act 1971)	9.8.8

<b>Curtailment grounds prior to 1 December 2020</b>	<b>Curtailment paragraph</b>	<b>Cancellation grounds after 1 December 2020</b>	<b>Cancellation paragraph</b>
Failure by the individual to maintain or accommodate himself and any dependants without recourse to public funds	322(4)	No direct equivalent but the following may apply:  Failure to comply with conditions of permission to enter or stay (includes permission extended under section 3C of the Immigration Act 1971)	9.8.8 (not a direct equivalent but may apply)
Undesirable to permit an individual to remain in the UK in light of their conduct, character, or associations, or the fact they represent a threat to national security	322(5)	The individual's presence in the UK is not conducive to the public good because of their conduct, character, associations or other reasons	9.3.2
Undesirable to permit an individual to enter or remain in the UK because their offending has caused serious harm or they are a persistent offender	322(5A)	The individual: (b) is a persistent offender; or (c) their offending has caused serious harm	9.4.2 (b) and (c)
Use of deception in seeking leave to remain or a variation of leave to remain	323(ia)	Use of deception in an application for permission to stay (applies only to permission under section 3C of the Immigration Act 1971)	9.7.4 (3C permission only)
The individual ceases to meet the requirements of the rules under which leave to enter or remain was granted	323(ii)	The individual ceases to meet the requirements of the rules under which entry clearance or permission was granted	9.23.1
The individual is the dependant, or is seeking leave to remain as the dependant, of an asylum application whose claim has been refused and whose leave has been curtailed	323(iii)	No direct equivalent but the following may apply:  The individual's entry clearance or permission was granted as a dependant of another person whose permission is, or has been, cancelled	9.24.1 (not a direct equivalent but may apply)

<b>Curtailment grounds prior to 1 December 2020</b>	<b>Curtailment paragraph</b>	<b>Cancellation grounds after 1 December 2020</b>	<b>Cancellation paragraph</b>
On any of the grounds set out in paragraphs 339A-339AC and paragraphs 339GA-339GD (Exclusion from asylum or humanitarian protection grounds)	323(iv)	Paragraph 339AA, 339AC, 339D or 339GB applies, or would apply but for the fact the individual has made a protection claim, or the protection claim was determined without reference to any matters described in those paragraphs	9.5.2
The individual has committed an offence within the first 6 months of being granted leave to enter and this resulted in a period of imprisonment	323(v)	No direct equivalent but the following may apply:  The individual: (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months; or (b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or an out-of-court disposal that is recorded on their criminal record	9.4.5 (not a direct equivalent but may apply)
The individual was granted their leave as the dependant of another person whose leave to enter or remain is being, or has been, curtailed	323(vi)	The individual's entry clearance or permission was granted as a dependant of another person whose permission is, or has been, cancelled	9.24.1
The individual fails to comply with a request under paragraph 39D (provide additional information and/or attend an interview)	323(vii)	The individual fails to comply with a reasonable requirement to: attend an interview, provide information or biometrics, to undergo a medical examination or provide a medical report	9.9.2

<b>Curtailment grounds prior to 1 December 2020</b>	<b>Curtailment paragraph</b>	<b>Cancellation grounds after 1 December 2020</b>	<b>Cancellation paragraph</b>
Tier 2 or Tier 5 migrant: The individual fails to commence, or ceases, or will cease, employment, training, or job shadowing they have been sponsored to do before the end date	323A(a)(i)	The individual does not start working for their sponsor, or they or their sponsor confirm that their employment, volunteering, training or job shadowing has ceased or will cease before the end date	9.27.1
Student or Child Student: The individual fails to commence studying with their sponsor, or the sponsor or person is withdrawn or excluded from course of studies, or the course of study has or will cease before the end date recorded, or the sponsor withdraws the individual's sponsorship	323A(a)(ii)	The Student or Child Student does not start their studies with their sponsor, or their course of study has ceased, or will cease before the end date recorded, or the start date for the course is delayed for more than 28 days, or they cease to study with their sponsor	9.26.1
Student or Child Student: The individual fails to commence studying with their sponsor, or the sponsor or person is withdrawn or excluded from course of studies, or the course of study has or will cease before the end date recorded, or the sponsor withdraws the individual's sponsorship	323A(a)(ii)	The individual's sponsorship or endorsement has been withdrawn (Student and Child Student)	9.25.1 9.25.2
The individual's sponsor ceases to have a sponsor licence or transfers the business the individual works at or is studying at to another person who fails to carry out any of the listed actions, or in the case of a Tier 2 or 5	323(A)(b)	The individual's sponsor does not have a sponsor licence, or their sponsor transfer the business for which the individual works, or at which they study, to another business or institution who fail to carry out one	9.28.1

<b>Curtailment grounds prior to 1 December 2020</b>	<b>Curtailment paragraph</b>	<b>Cancellation grounds after 1 December 2020</b>	<b>Cancellation paragraph</b>
migrant, if the employment an individual is being sponsored to do undergoes a prohibited change as specified in 323AA		or more of the listed actions	
Prohibited changes to employment for Tier 2 and Tier 5 Migrants	323AA	Worker does not start work or ceases their employment	9.27.1
Prohibited changes to employment for Tier 2 and Tier 5 Migrants	323AA	Change of employer	9.29.1
Prohibited changes to employment for Tier 2 and Tier 5 Migrants	323AA	Absence from employment	9.30.1
Prohibited changes to employment for Tier 2 and Tier 5 Migrants	323AA	Change of job or lower salary rate	9.31.1
The endorsing body withdraws its endorsement of a Tier 1 Exceptional Talent Migrant (the grounds specified in paragraph 323 also apply)	323B	An individual's sponsorship or endorsement has been withdrawn and they have entry clearance or permission on any one of the specified routes	9.25.1
The endorsing body loses its status as an endorsing institution for Tier 1 Graduate Entrepreneur Migrants, ceases to be a sponsor with student sponsor status or an A-rated sponsor, or the endorsing body withdraws its endorsement of an individual	323C	An individual's sponsorship or endorsement has been withdrawn and they have entry clearance or permission on any one of the specified routes	9.25.1
The endorsing body loses its status as an endorsing institution for Tier 1 Graduate Entrepreneur Migrants, ceases to be a sponsor	323C	The endorsing body ceases to hold the status for the route in which they were endorsed (Global Talent, Start-up or Innovator)	9.32.1



<b>Curtailment grounds prior to 1 December 2020</b>	<b>Curtailment paragraph</b>	<b>Cancellation grounds after 1 December 2020</b>	<b>Cancellation paragraph</b>
with student sponsor status or an A-rated sponsor, or the endorsing body withdraws its endorsement of an individual			

## **Additional cancellation grounds introduced on 1 December 2020**

Part 9 of the [Immigration Rules](#) introduced revised and additional grounds for cancellation of an individual's entry clearance or permission, which took effect on 1 December 2020. The following cancellation grounds do not correspond to any of the curtailment grounds which were in force under Part 9 of the Immigration Rules prior to 1 December 2020:

<b>Additional cancellation grounds introduced on 1 December 2020</b>	<b>Cancellation paragraph</b>
The Secretary of State has personally directed that the individual be excluded from the UK	9.2.2
The individual has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of 12 months or more	9.4.2(a)
The individual: (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months; or (b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or an out-of-court disposal that is recorded on their criminal record	9.4.5
It is more likely than not the individual is, or has been, involved in a sham marriage or sham civil partnership	9.6.2
The individual fails to produce a passport or other travel document which meets the requirements in paragraph 9.15.1 or 9.15.2	9.15.3
It is undesirable to grant entry to the individual for medical reasons (as advised by a medical inspector)	9.16.2
The individual has committed a customs breach (whether or not a criminal prosecution is pursued)	9.19.2

Additional cancellation grounds introduced on 1 December 2020	Cancellation paragraph
There has been such a change in circumstance since the initial grant	9.20.1
The individual's purpose in seeking entry is different from the purpose specified in their entry clearance	9.20.2

**Related content**

[Contents](#)

[Part 9 mandatory and discretionary cancellation grounds](#)

[Immigration Rules: Part 9 Grounds for Cancellation](#)

**Related external links**

[Immigration Act 1971](#)

[Immigration Rules](#)

[Statement of changes to the Immigration Rules: HC 813, 22 October 2020](#)

# Part 9 mandatory and discretionary cancellation grounds

This page outlines when it is mandatory (must) and when it is discretionary (can) for caseworkers to cancel an individual's entry clearance or permission to enter or stay in the UK under Part 9 of the Immigration Rules, from 1 December 2020.

## Application of Part 9: mandatory and discretionary cancellation

You must review and familiarise yourself with the wording used in Part 9 of the [Immigration Rules](#), to ensure you are applying the cancellation ground as it was intended, on either a mandatory or discretionary cancellation basis. A summary of the mandatory and discretionary grounds contained within Part 9 of the Immigration Rules are set out in the following tables.

### Entry clearance and permission: mandatory cancellation

When you must cancel	Cancellation paragraph
The Secretary of State has personally directed that the individual be excluded from the UK	9.2.2
The individual's presence in the UK is not conducive to the public good because of their conduct, character, associations or other reasons	9.3.2
The individual has: (a) been convicted of a criminal offence for which they have received a custodial sentence of 12 months or more; (b) is a persistent offender; or (c) their offending has caused serious harm	9.4.2

### Entry clearance and permission: discretionary cancellation

When you can cancel	Cancellation paragraph
The individual has committed an offence for which they have received a custodial sentence of less than 12 months imprisonment, or, a non-custodial sentence, or an out-of-court disposal	9.4.5
Exclusion from asylum or humanitarian protection grounds: paragraph 339AA, 339AC, 339D or 339GB applies, or would apply but for the fact the individual has made a protection claim, or the protection claim was	9.5.2

When you can cancel	Cancellation paragraph
determined without reference to any matters described in those paragraphs	
The individual is, or has been, involved in a sham marriage or sham civil partnership	9.6.2
Making of false representations, submission of false documents or false information and failure to disclose relevant facts in relation to, or in support of an application	9.7.3
Use of deception in an application for permission to stay	9.7.4
Failure to comply with conditions of permission to enter or stay	9.8.8
The individual fails to comply with a reasonable requirement to: attend an interview, provide information or biometrics, to undergo a medical examination or provide a medical report	9.9.2
The individual fails to produce a passport or other travel document which meets the requirements in paragraph 9.15.1 or 9.15.2	9.15.3
It is undesirable to grant entry to the individual for medical reasons (as advised by a medical inspector)	9.16.2
The individual has committed a customs breach (whether or not a criminal prosecution is pursued)	9.19.2
There has been such a change in circumstance since the initial grant	9.20.1
The individual's purpose in seeking entry is different from the purpose specified in their entry clearance	9.20.2
The individual ceases to meet the requirements of the rules under which entry clearance or permission was granted	9.23.1
The individual's entry clearance or permission was granted as a dependant of another person whose permission is, or has been, cancelled	9.24.1
An individual's sponsorship or endorsement has been withdrawn and they have entry clearance or permission on any one of the specified routes	9.25.1
A student's sponsorship has been withdrawn because the student does not have a knowledge of English equivalent to level B2 or above	9.25.2
The Student or Child Student does not start their studies with their sponsor, or their	9.26.1

<b>When you can cancel</b>	<b>Cancellation paragraph</b>
course of study has ceased, or will cease before the end date recorded, or the start date for the course is delayed for more than 28 days, or they cease to study with their sponsor	
Worker does not start work or ceases their employment	9.27.1
The individual's sponsor does not have a sponsor licence, or their sponsor transfer the business for which the individual works, or at which they study, to another business or institution who fail to carry out one or more of the listed actions	9.28.1
Change of employer	9.29.1
Absence from employment	9.30.1
Change of job or lower salary rate	9.31.1
The endorsing body ceases to hold the status for the route in which they were endorsed (Global Talent, Start-up or Innovator)	9.32.1

#### **Related content**

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#### **Related external links**

[Immigration Rules](#)

[Statement of changes to the Immigration Rules: HC 813, 22 October 2020](#)

# Immigration Rules: Part 9 Grounds for Cancellation

This page outlines the changes to Part 9 of the Immigration Rules which took effect on 1 December 2020, 6 and 11 October 2021, and the cancellation grounds by section and paragraph. Links are provided to detailed guidance on each cancellation ground.

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## Part 9 of the Immigration Rules

You must review and familiarise yourself with the wording used in ‘Part 9: grounds for refusal’ of the [Immigration Rules](#), to ensure you are applying the cancellation ground as it was intended, on either a mandatory or discretionary cancellation basis.

You must also note that changes were made to paragraphs 276BA1 to 276BS5, [part 7 of the Immigration Rules](#), which took effect on 6 October 2021. These changes relate to the cancellation of entry clearance and both limited and indefinite leave to enter or remain in the UK of relevant Afghan citizens, their partners or minor dependent children, as defined in Part 7 of the Immigration Rules, and mean that cancellation under Part 9 of the Immigration Rules applies to these individuals in the usual way. See: [Immigration Rules: definitions](#) in this guidance, for an explanation of the term ‘cancellation’.

The following information provides a summary of the in-country Part 9 cancellation grounds only. For further information on each cancellation ground you must review the linked piece of guidance which is relevant to the cancellation ground. See also: Grounds for refusal and cancellation (suitability) for a list of guidance on Part 9 of the Immigration Rules.

## Section 1: Application of Part 9

There are a number of appendices, paragraphs and parts in the Immigration Rules, to which Part 9 does not apply, or applies in part. See [paragraph 9.1.1. of the Immigration Rules](#). For more information, see: [Part 9 cancellation grounds: appendices and application](#) in this guidance.

## Section 2: Grounds for cancellation of entry clearance and permission

Section 2 of Part 9 of the [Immigration Rules](#) sets out the grounds for refusing, or cancelling, an individual’s entry clearance or permission to enter or stay in the UK.

The paragraphs below set out the cancellation grounds only. The linked guidance provides further detail on both grounds for refusal and cancellation.

## Exclusion or deportation order grounds

Paragraph 9.2.2 of the Immigration Rules applies to cancellation:

9.2.2. Entry clearance or permission held by a person must be cancelled where the Secretary of State has personally directed that the person be excluded from the UK.

Paragraph 9.2.2 of the Immigration Rules states that you must cancel an individual's entry clearance or permission if the rule applies, that is, it is mandatory for you to do so. See grounds for refusal and cancellation (suitability) for further information on exclusion or deportation order grounds.

## Non-conductive grounds

Paragraph 9.3.2 of the Immigration Rules applies to cancellation:

9.3.2. Entry clearance or permission held by a person must be cancelled where the person's presence in the UK is not conducive to the public good.

Paragraph 9.3.2 of the Immigration Rules states that you must cancel an individual's entry clearance or permission if the rule applies, that is, it is mandatory for you to do so. For further information on cancelling an individual's entry clearance or permission to enter or stay in the UK on non-conductive grounds, see: Suitability: non-conductive grounds for refusal or cancellation of entry clearance or permission.

## Criminality grounds

Paragraphs 9.4.2 and 9.4.5 of the Immigration Rules apply to cancellation under Criminality Grounds:

9.4.2. Entry clearance or permission held by a person must be cancelled where the person:

- (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of 12 months or more; or
- (b) is a persistent offender who shows a particular disregard for the law; or
- (c) has committed a criminal offence, or offences, which caused serious harm

Cancellation under paragraph 9.4.2 of the Immigration Rules is mandatory, whereas, the grounds for cancellation under paragraph 9.4.5 are discretionary, so you must consider all the circumstances in deciding whether to cancel an individual's permission in these circumstances:

9.4.5. Entry clearance or permission held by a person may be cancelled (where paragraph 9.4.2 does not apply) where the person:

- (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months; or

(b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record

In relation to paragraph 9.4.5. see also: [Cancellation decisions: case considerations and use of discretion.](#)

Before you consider cancellation under Criminality grounds, you must check whether you need to [refer the case to Foreign National Offender Returns Command](#) to make an enforcement decision.

For further information on cancelling an individual's entry clearance or permission to enter or stay in the UK on criminality grounds, see: grounds for refusal – criminality [guidance](#).

## Exclusion from asylum or humanitarian protection grounds

Paragraphs 9.5.2 of the Immigration Rules applies to cancellation:

9.5.2. Entry clearance or permission held by a person may be cancelled where the Secretary of State:

- (a) has at any time decided that paragraph 339AA (exclusion from Refugee Convention), 339AC (danger to the UK), 339D (exclusion from a grant of humanitarian protection) or 339GB (revocation of humanitarian protection on grounds of exclusion) of these rules applies to the applicant; or
- (b) has decided that paragraph 339AA, 339AC, 339D or 339GB of these rules would apply, but for the fact that the person has not made a protection claim in the UK, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB.

Cancellation under paragraph 9.5.2 is discretionary, so you must consider all the circumstances in deciding whether to cancel an individual's permission. See: [Cancellation decisions: case considerations and use of discretion](#). For further information on this cancellation ground, see: Suitability: Exclusion from Asylum or Humanitarian Protection.

## Involvement in a sham marriage or sham civil partnership grounds

Paragraph 9.6.2 of the Immigration Rules applies to cancellation:

9.6.2. Entry clearance or permission held by a person may be cancelled where the decision maker is satisfied that it is more likely than not the person is, or has been, involved in a sham marriage or sham civil partnership.



Sham marriages (or marriages of convenience) and sham civil partnerships are those where the marriage or civil partnership is contracted for immigration advantage by a couple who are not in a genuine relationship.

Cancellation under paragraph 9.6.2 is discretionary, so you must consider all the circumstances in deciding whether to cancel permission. See: [Cancellation decisions: case considerations and use of discretion](#).

For more information on the cancellation procedure in such cases, see: [Cancellation in sham marriage cases](#). See also: Suitability: sham marriage or civil partnership.

## False representations grounds

Paragraphs 9.7.3 and 9.7.4 of the Immigration Rules apply to cancellation:

9.7.3. Entry clearance or permission held by a person may be cancelled where, in relation to an application, or in order to obtain documents from the Secretary of State or a third party provided in support of the application:

- (a) false representations were made, or false documents or false information submitted (whether or not relevant to the application, and whether or not to the applicant's knowledge); or
- (b) relevant facts were not disclosed.

9.7.4. Permission extended under section 3C of the [Immigration Act 1971](#) may be cancelled where the decision maker can prove that it is more likely than not the applicant used deception in the application for permission to stay.

Cancellation under paragraphs 9.7.3 and 9.7.4 is discretionary, so you must consider all the circumstances in deciding whether to cancel permission. See: [Cancellation decisions: case considerations and use of discretion](#). See also: Suitability: false representations, deception, false documents, non-disclosure of relevant facts guidance for further information.

## Previous breach of immigration laws grounds

Paragraph 9.8.8 of the Immigration Rules applies to cancellation:

9.8.8. Permission (including permission extended under section 3C of the Immigration Act 1971) may be cancelled where the person has failed to comply with the conditions of their permission.

When you consider cancellation on these grounds the breach must be of sufficient gravity to warrant such action. You must not cancel leave when the breach is so minor that it would mean cancellation would be disproportionate.

Cancellation under paragraph 9.8.8 is discretionary, so you must consider all the circumstances in deciding whether to cancel permission. See: [Cancellation](#)

[decisions: case considerations and use of discretion](#). For further information, see guidance on: Suitability: previous breach of immigration laws.

## Failure to provide required information grounds

Paragraph 9.9.2 of the Immigration Rules applies to cancellation:

9.9.2. Any entry clearance or permission held by a person may be cancelled where the person fails without reasonable excuse to comply with a reasonable requirement to:

- (a) attend an interview; or
- (b) provide information; or
- (c) provide biometrics; or
- (d) undergo a medical examination; or
- (e) provide a medical report

[Paragraph 39D of the Immigration Rules](#) provides that you may ask an individual who has entry clearance or permission to stay in the UK to do either or both of the following:

- provide additional information and evidence to the Home Office within 28 calendar days of the date the request is sent
- attend an interview

This is to help you assess whether any of the grounds of cancellation of entry clearance or permission under Part 9 of the Immigration Rules apply.

Cancellation under paragraph 9.9.2 is discretionary, so you must consider all the circumstances in deciding whether to cancel permission. See also: [Cancellation decisions: case considerations and use of discretion](#).

See guidance on: Suitability: failure to provide information for further information.

## Section 5: Additional grounds for cancellation of entry clearance and permission

Section 5 of Part 9 of the [Immigration Rules](#) sets out additional grounds for cancelling an individual's entry clearance or permission to enter or stay in the UK. The grounds for cancellation in this section largely relate to persons obtaining entry clearance or permission to enter or stay under the work and study routes.

On 6 and 11 October 2021, changes to the Immigration Rules took effect. These changes are shown in the [Statement of Changes to the Immigration Rules](#), published on 10 September 2021. The changes include amendments to the names of the routes in this section, previously referred to as 'T2 Sports person' and 'T5 (Temporary Worker)'. These routes are now referred to as 'International Sports person' and 'Temporary Worker' respectively. 'International Sports person' includes people with permission on the predecessor sports routes: T2 Sports person, Tier 2 (Sports person), the sporting provisions of T5 (Temporary Worker) Creative or

Sporting Worker, or the sporting provisions of the Creative & Sporting sub-category of Tier 5 (Temporary Worker). Temporary Worker is defined in the Immigration Rules. To access a list of definitions for the routes referred to in this section, see [paragraph 6.2 of the Immigration Rules](#).

Each of the ten cancellation grounds under section 5 of Part 9 of the Immigration Rules are discretionary, so you must consider all the circumstances in deciding whether to cancel an individual's permission in these circumstances. See also: [Cancellation decisions: case considerations and use of discretion](#). If you decide to cancel an individual's entry clearance or permission under any of the following cancellation grounds and you need to decide the expiry date of their leave, see [Deciding the date of expiry for cancelled permission](#) for further information.

For more information on the cancellation grounds under section 5 of Part 9 of the Immigration Rules see: Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay.

## Ceasing to meet requirements of rules

Paragraph 9.23.1 of the Immigration Rules applies:

9.23.1. A person's entry clearance or permission may be cancelled if they cease to meet the requirements of the rules under which the entry clearance or permission was granted.

Specific examples of an individual ceasing to meet the requirements of the rules are contained in the Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay guidance. For more information on the process to follow when an individual no longer meets the requirements of the rules because their relationship has broken down, see: [Ceasing to meet rules requirements: relationship breakdown](#).

## Dependant grounds

Paragraph 9.24.1 of the Immigration Rules applies:

9.24.1. A person's entry clearance or permission may be cancelled where they are the dependant of another person whose permission is, or has been, cancelled.

There are various factors you must consider before cancelling a dependant's entry clearance or permission. See: [Cancelling the permission of dependants](#).

## Withdrawal of sponsorship or endorsement grounds

Paragraphs 9.25.1 and 9.25.2 of the Immigration Rules apply:

9.25.1. A person's entry clearance or permission may be cancelled where their sponsorship or endorsement has been withdrawn and they have entry clearance or permission on one of the following routes:

- (a) Student; or
- (b) Child Student; or
- (c) Skilled Worker; or
- (d) Intra-Company Transfer; or
- (e) Intra-Company Graduate Trainee; or
- (f) Representative of an Overseas Business; or
- (g) T2 Minister of Religion; or
- (h) International Sportsperson; or
- (i) Temporary Worker; or
- (j) Start-up; or
- (k) Innovator; or
- (l) Global Talent.

9.25.2. A Student's permission may be cancelled where the sponsor withdraws their sponsorship of the Student because, having completed a pre-sessional course, the student does not have a knowledge of English equivalent to level B2 or above of the Council of Europe's Common European Framework for Language Learning in all four components (reading, writing, speaking and listening).

## Student does not start course or ceases to study

Paragraph 9.26.1 of the Immigration Rules applies:

9.26.1. The entry clearance or permission of a Student or Child Student may be cancelled if:

- (a) they do not start their studies with their sponsor; or
- (b) they or their sponsor confirm that their course of study has ceased, or will cease before the end date recorded on the Certificate of Acceptance for Studies; or
- (c) the start date for the course is delayed for more than 28 days; or
- (d) they cease to study with their sponsor.

## Worker does not start work or ceases their employment

Paragraph 9.27.1 of the Immigration Rules applies:

9.27.1. The entry clearance or permission of a Skilled Worker, person on the Intra-Company routes, Representative of an Overseas Business, T2 Minister of Religion, International Sportsperson or Temporary Worker, may be cancelled if:

- (a) they do not start working for their sponsor; or
- (b) they or their sponsor confirm that their employment, volunteering, training or job shadowing has ceased or will cease before the end date recorded on the Certificate of Sponsorship; or
- (c) the start date for the job, as recorded in the Certificate of Sponsorship, is delayed by more than 28 days; or
- (d) they cease to work for their sponsor.

## Sponsor loses licence or transfers business

Paragraph 9.28.1 of the Immigration Rules applies:

9.28.1. Where a person has entry clearance or permission as a Student, Child Student, Skilled Worker, person on the Intra-Company routes, T2 Minister of Religion, International Sportsperson, or Temporary Worker, their entry clearance or permission may be cancelled if:

- (a) their sponsor does not have a sponsor licence; or
- (b) their sponsor transfers the business for which the person works, or at which they study, to another business or institution, and that business or institution:
  - (i) fails to apply for a sponsor licence; or
  - (ii) fails to apply for a sponsor licence within 28 days of the date of a transfer of their business or institution; or
  - (iii) applies for a sponsor licence but is refused; or
  - (iv) makes a successful application for a sponsor licence, but the sponsor licence granted is not in a category that would allow the sponsor to issue a Certificate of Sponsorship or Confirmation of Acceptance for Studies to the person.

## Change of employer

Paragraph 9.29.1 of the Immigration Rules applies:

9.29.1. Where a person has permission as a Skilled Worker, person on the Intra-Company routes, T2 Minister of Religion, International Sportsperson, or Temporary Worker, their permission may be cancelled where they have changed their employer, unless any of the following exceptions apply:

- (a) they are a person on the Government Authorised Exchange route, or a Seasonal Worker and the change of employer is authorised by the sponsor; or
- (b) they are working for a different sponsor unless the change of sponsor does not result in a change of employer, or the change in employer is covered by the [Transfer of Undertakings \(Protection of Employment\) Regulations 2006](#), equivalent statutory transfer schemes, or the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector; or
- (c) they have permission as an International Sportsperson, and all of the following apply:
  - (i) they are sponsored by a sports club; and
  - (ii) they are sponsored as a player and are being temporarily loaned to another sports club; and
  - (iii) player loans are specifically permitted in rules set down by the relevant sports governing body; and
  - (iv) their sponsor has made arrangements with the loan club to enable the sponsor to continue to meet its sponsor duties; and
  - (v) the player will return to working for the sponsor at the end of the loan.

When considering cancellation under paragraph 9.29.1, you must be satisfied that none of the exceptions apply before cancelling an individual's permission on any one of the listed routes.

## Absence from employment

Paragraph 9.30.1 of the Immigration Rules applies:

9.30.1. A person on the Skilled Worker, Intra-Company, Representative of an Overseas Business, T2 Minister of Religion, International Sportsperson or Temporary Worker routes who has been absent from work without pay, or on reduced pay, for more than 4 weeks during any calendar year may have their permission cancelled unless the reason for absence is one of the following:

- (a) statutory maternity leave, paternity leave, parental leave, or shared parental leave; or
- (b) statutory adoption leave; or
- (c) sick leave; or
- (d) assisting with a national or international humanitarian or environmental crisis, providing their sponsor agreed to the absence for that purpose; or
- (e) taking part in legally organised industrial action.

See section 'Unpaid Leave' in [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information](#), for more information on calculating an individual's absence from work.

As cancellation under paragraph 9.30.1 is discretionary, you must consider all the circumstances in deciding whether to cancel an individual's permission. See: [Cancellation decisions: case considerations and use of discretion](#). You must also give consideration to the health pandemic exception before you decide to cancel an individual's permission to stay under paragraph 9.30.1. See guidance on Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay.

## Change of job or lower salary rate

Paragraphs 9.31.1, 9.31.2 and 9.31.3 of the Immigration Rules apply:

9.31.1. A person on the Skilled Worker, Intra-Company, Representative of an Overseas Business, T2 Minister of Religion or Temporary Worker routes may have their permission cancelled where they have changed jobs, or they receive a lower salary rate (unless any of paragraphs 9.31.2. to 9.31.3. apply) if:

- (a) they are on an Intra-Company route or are a Skilled Worker and have changed to a different job in the same occupation code but the salary rate for the new job is lower than the salary rate for the old job as set out in the [Appendix Skilled Occupations](#)
- (b) they are a Skilled Worker and scored points for a job in a Shortage Occupation and the new job does not appear in [Appendix Shortage Occupation List](#)

(c) they have changed jobs and the new job has a different occupation code to that recorded by the Certificate of Sponsorship (unless paragraph 9.32.1. applies); or  
(d) the person no longer meets the salary requirement or going rate requirement for the job.

9.31.2. The following exception applies to paragraph 9.31.1. (c):

- (a) the person is sponsored to undertake a graduate training programme covering multiple roles within the organisation; and
- (b) the person is changing to a job with a different occupation code either as a part of that programme or when appointed to a permanent role with the sponsor at the end of that programme; and
- (c) their sponsor has notified the Home Office of the change of job and any change in salary.

9.31.3. The following exceptions apply to reduction in salary under paragraph 9.31.1:

- (a) a reduction in salary coincides with an absence from employment permitted under paragraph 9.30.1; or
- (b) the person is on an Intra-Company route and a reduction in salary coincides with working for the sponsor group while the person is not physically present in the UK; or
- (c) the person is a Skilled Worker and:
  - (i) if the person has permission under Appendix Skilled Worker, they would, after the change to the job, score 20 tradeable points in either the same option in the table in paragraph SW 4.2, or under paragraph SW 14.5(b), whichever they had scored points under when obtaining their most recent grant of permission; or
  - (ii) if the person has permission as a Tier 2 (General) Migrant, they would, after the change to the job, score 20 tradeable points under option A or F in the table in paragraph SW 4.2, or under paragraph SW 14.5(b), if they were to apply under Appendix Skilled Worker; or
  - (iii) if the person has permission as a Tier 2 (General) Migrant who was considered a new entrant in their application for that Tier 2 (General) permission, they would, after the change to the job, score 20 tradeable points under option E in the table in paragraph SW 4.2, if they were to apply under Appendix Skilled Worker.

As cancellation under paragraph 9.31.1 is discretionary, you must consider all the circumstances in deciding whether to cancel an individual's permission. See: [Cancellation decisions: case considerations and use of discretion](#). You must give consideration to the exceptions set out under 9.31.2 and 9.31.3, as well as the health pandemic exception before you decide to cancel an individual's permission to stay under paragraph 9.31.1. See guidance on Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay.

## Endorsing body no longer approved

Paragraph 9.32.1 of the Immigration Rules applies:

9.32.1. Where a person has entry clearance or permission on the Global Talent, Start-up or Innovator route their entry clearance or permission may be cancelled if their endorsing body ceases to hold that status for the route in which they were endorsed.

### **Related content**

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[Cancellation decisions: case considerations and use of discretion](#)

[Cancellation procedures in specific case types](#)

### **Related external links**

[Immigration Rules](#)

[Immigration Act 1971](#)

[Transfer of Undertakings \(Protection of Employment\) Regulations 2006](#)



# Part 9 cancellation grounds: appendices and application

This page outlines in which instances cancellation grounds under Part 9 of the Immigration Rules apply in part to various appendices, paragraphs or parts of the Immigration Rules and where they do not apply at all.

## Part 9 cancellation grounds: application to various Appendices

The following table sets out the list of appendices, paragraphs or parts of the [Immigration Rules](#) to which certain paragraphs of Part 9 of the Immigration Rules apply. Against each appendix, the list of cancellation paragraphs that apply to the named appendix are set out.

Appendix	Cancellation paragraphs that apply
Appendix FM	9.2.2. 9.3.2. 9.4.5. 9.9.2. 9.15.1. to 9.15.3. 9.16.2. 9.19.2. 9.20.1 9.23.1. 9.24.1. and paragraph 9.7.3. (false representations, etc. grounds) applies to permission to stay
Appendix Armed Forces	9.2.2. 9.3.2. 9.4.5. 9.7.3. 9.8.8. 9.9.2. 9.15.1. to 9.15.3. 9.16.2. 9.19.2. 9.20.1. 9.23.1. 9.24.1.
Paragraph 159I in Part 5	9.2.2. 9.3.2. 9.4.2. and 9.4.5. 9.7.3. 9.9.2. 9.16.2.

Appendix	Cancellation paragraphs that apply
	9.20.1. 9.23.1. 9.24.1.
Part 11 (Asylum)	Part 9 applies to paragraphs 352ZH to 352ZS and 352I to 352X
Applications for entry clearance or permission to stay granted by virtue of the ECAA Association Agreement, except that in relation to permission granted under the Agreement the specified paragraphs apply where the criminal offence or adverse conduct occurred after 11pm on 31 December 2020	9.2.2. 9.3.2. 9.4.2. and 9.4.5. 9.6.2. 9.7.3. 9.21.2
Applications for permission to stay under Appendix ECAA Extension of Stay, except that in relation to such permission the specified paragraphs apply where the criminal offence or adverse conduct occurred after 11pm on 31 December 2020	9.2.2. 9.3.2. 9.4.2. and 9.4.5. 9.7.3. 9.21.2

## Appendices where Part 9 cancellation grounds do not apply

There are appendices and parts of the Immigration Rules to which Part 9 does not apply in full but applies in part. See: [Part 9 cancellation grounds: application to various appendices](#) for further information.

Part 9 of the Immigration Rules does not apply to the following appendices:

- (a) Appendix EU; and
- (b) Appendix EU (Family Permit); and
- (c) Appendix S2 Healthcare Visitor; and
- (d) Appendix Service Providers from Switzerland.

Cancellation and curtailment grounds for these appendices are contained within the relevant appendix, or annex to the relevant appendix, of the [Immigration Rules](#). See: [Cancellation and curtailment grounds: appendices and annexes](#).

### Related content

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### Related external links

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# Cancellation and curtailment grounds: appendices and annexes

This page outlines the appendices to which Part 9 of the Immigration Rules does not apply and sets out the appendix and annex to the Immigration Rules containing in-country curtailment grounds for leave granted under Appendix EU and Appendix EU (FP), as well as the grounds for cancellation of entry clearance and permission under Appendix S2 Healthcare Visitors and Appendix Service Providers from Switzerland.

## Page contents:

[Appendix EU and Appendix EU \(Family Permit\): in-country curtailment](#)

[Appendix S2 Healthcare Visitor](#)

[Appendix Service Providers from Switzerland](#)

## Appendix EU and Appendix EU (Family Permit): in-country curtailment

From 1 October 2019, you may use certain grounds for considering the curtailment of limited leave to enter granted by virtue of having arrived in the UK with an entry clearance granted under [Appendix EU \(Family Permit\)](#) to the Immigration Rules or of limited leave to enter or remain (pre-settled status) under [Appendix EU](#) to the [Immigration Rules](#).

In the [statement of changes](#) to the Immigration Rules which was published on 22 October 2020, changes were made to part 9 (Grounds for Refusal). Part 9 no longer applies to Appendix EU and Appendix EU (Family Permit). These are cases where leave has either been obtained under the EU Settlement Scheme (EUSS), also referred to as Appendix EU, or where leave was granted by an EU Settlement Scheme Family Permit, also referred to as Appendix EU (Family Permit).

Annex 3 of Appendix EU and Appendix EU (Family Permit) apply in respect of in-country curtailment of leave to enter or remain granted to an individual under these appendices, which this section focuses on. Annex 3 of both appendices also contain cancellation grounds in respect of border, or out of country cancellation of leave, which are not covered in this guidance. For further information on these cancellation grounds see:

- Refusal and cancellation of permission to enter
- EEA nationals and their family members: EU Settlement Scheme
- EU Settlement Scheme: suitability requirements

The changes at Annex 3 under both Appendix EU and Appendix EU (Family Permit) took effect on 1 December 2020.

From 31 December 2020, persons subject to EUSS and EUSS (FP) in-country curtailment decisions, where curtailment is with immediate effect, must be given a right of appeal, see [Right of Appeal](#).

## Right of Appeal

Where a person has been granted pre-settled status under the EUSS and a decision is taken to curtail that leave (to vary that leave so that the person does not have leave to enter or remain in the United Kingdom), or to cancel that leave with immediate effect, there is a right of appeal against that decision.

For further information, see guidance on Rights of Appeal.

## Administrative review

Where a person is in the UK and has been granted pre-settled status or settled status under the EUSS and a decision is taken to curtail, cancel or revoke that leave there is no right to seek administrative review.

However, there will be a right of administrative review where a decision is made at the border to cancel leave granted under Appendix EU or to cancel leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit). For further information, see: Administrative review: EU Settlement Scheme.

For EUSS and EUSS (FP) curtailment decisions, this supersedes the guidance on [Cancellation: appeal and administrative review rights](#).

## Curtailment grounds applying to EUSS or EUSS FP leave

For all of the in-country curtailment grounds set out below, you, as the decision maker, must be satisfied that it is proportionate to curtail the individual's leave. You must consider each case on an individual basis.

The in-country curtailment grounds which apply to an individual who is granted limited leave to enter or remain under the EUSS or leave to enter granted by virtue of having arrived in the UK with an entry clearance granted under the EUSS FP are limited to those grounds which deal with:

- false or misleading information, representations or documents being submitted in an application whether or not this has been done with the applicant's knowledge
- false or misleading information being submitted to any person to obtain a document in support of the application whether or not this has been done with the applicant's knowledge
- in relation to the above grounds, the information, representation or documentation submitted was material to the decision to grant leave to enter or remain under Appendix EU or entry clearance under Appendix EU (FP)
- it is more likely than not that, after the 31 December 2020, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience

An example of when the false representations curtailment ground may be applied is where an individual has claimed to be an 'EEA citizen' or the 'family member of an EEA citizen' (as defined in Annex 3 to Appendix EU, or Annex 3 to Appendix EU (Family Permit)) when they were not.

In Appendix EU cases only, a third in-country curtailment ground also applies where:

- the individual [ceases to meet the requirements of the immigration rules](#) as set out in Appendix EU

When you consider curtailing an individual's leave to enter or remain on this ground, you must [exercise discretion](#). See also: [Consideration of curtailment of limited leave: EUSS and EUSS FP](#).

The following rules at Annex 3 of Appendix EU apply to curtailment of limited leave granted under Appendix EU:

- A3.4 (a)
- A3.4 (b)
- A3.4 (c)

The following rules at Annex 3 of Appendix EU (Family Permit) apply to curtailment of leave to enter granted by virtue of having arrived in the UK with an entry clearance granted under Appendix EU (Family Permit):

- A3.5 (a)
- A3.5 (b)

These are all discretionary grounds for curtailing an individual's leave to enter or remain in the UK.

For EUSS and EUSS FP cancellation grounds in border, or out of country cases, see:

- Refusal and cancellation of permission to enter
- EEA nationals and their family members: EU Settlement Scheme
- EU Settlement Scheme: suitability requirements

## Consideration of curtailment of limited leave: EUSS and EUSS FP

A principle of evidential flexibility applies to all decisions made under the EUSS and the EUSS FP. This enables you to exercise discretion in favour of the applicant where appropriate, but in doing so you must not overlook evidence of fraud or abuse. You must ensure that you are satisfied that it is proportionate to curtail an individual's EUSS, or EUSS FP leave, taking account of all the circumstances, facts and evidence available to you in the case.

## What to consider before referral to Status Review Unit (SRU)

Status Review Unit (SRU) are the team responsible for EUSS in-country curtailment decisions, with the exception of ICE teams, who can make EUSS curtailment decisions in the field. ICE teams do not need to make a referral to SRU.

Referrals for curtailment of EUSS leave should be made to the Status Review Unit, in line with the guidance in this section.

When you are considering whether to refer for curtailment of EUSS leave on the grounds that it is proportionate to curtail leave due to false or misleading information, representations or documents having been submitted in an application, or to any person to obtain a document in support of the application (whether or not to the applicant's knowledge), you must consider whether the false or misleading information, representation or documentation was material to the decision to grant the applicant that leave. If, regardless of the false or misleading information, representation or documentation the holder would otherwise be eligible for that leave, you must not refer for curtailment of EUSS leave.

When considering whether to refer for curtailment on the grounds that the individual ceases to meet the requirements of the immigration rules in Appendix EU, you should only make a referral to the Status Review Unit (SRU) where:

- an individual holds limited leave under the EUSS and there has been a breakdown in a family relationship to the extent that a marriage or civil partnership has been legally terminated (such as through divorce/dissolution)
- as a result of that divorce/dissolution the person no longer satisfies any of the eligibility criteria under Appendix EU

Under Appendix EU, it is not an eligibility requirement that a marriage or civil partnership be subsisting whilst a couple remain legally married. Curtailment decisions must not be made on the grounds that a spouse or civil partner has separated from their EEA citizen family member, if that marriage or civil partnership has not legally ended.

When considering referring such a case to SRU, you must assess whether the individual has retained a right of residence in the UK under Appendix EU, or whether they continue to satisfy any of the eligibility criteria in Appendix EU. Where the individual does meet the definition of a 'family member who has retained the right of residence (as defined in Appendix EU), or they continue to satisfy any of the eligibility criteria in Appendix EU, they will not have ceased to meet the requirements of the rules, so you do not need to refer to SRU. Where the individual does not meet the definition of a 'family member who has retained the right of residence', or any other eligibility criteria in Appendix EU then you may consider referral to SRU for curtailment of their leave where it is proportionate to do so.

Where there is evidence that a relationship is not genuine, for example where someone is a party to a sham marriage or sham civil partnership, and the sham related behaviour commenced after 11:00pm on 31 December 2020, you must make a referral to SRU for consideration of curtailment. Where a person or couple have

taken part, or attempted to take part, in a sham marriage or sham civil partnership you can consider the relevant conduct to have started when they are confirmed to have first acted to gain an immigration advantage through the relationship, for example, this may be when they confirmed their intention to marry or form a civil partnership. It does not have to be when a relationship began, or when a marriage or civil ceremony took place. See: 'Marriage Investigations: determining when relevant conduct commenced'.

The referring unit must first undertake any investigation necessary to satisfy themselves of a 'marriage of convenience' before referring the case to SRU. You must be able to provide disclosable evidence in order to substantiate the claimed sham marriage, as there will be a right of appeal.

If the sham marriage behaviour commenced before 23:00 GMT on 31 December 2020, you need to refer the case to Returns Preparation for deportation consideration under public policy or security grounds.

See also: Suitability: sham marriage or civil partnership guidance for further information.

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**Official – sensitive: start of section**

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

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

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**Official – sensitive: end of section**

## EUSS and EUSS (FP) in-country curtailment process for SRU and ICE teams

If you are a caseworker within the Status Review Unit, you must familiarise yourself with the full section of the guidance: [Appendix EU and Appendix EU \(Family Permit\): in-country curtailment](#).

If you are an ICE officer, you should also familiarise yourself with this section of the guidance: [Appendix EU and Appendix EU \(Family Permit\): in-country curtailment](#), but you do not need to review the section 'what you must consider before referral to the Status Review Unit' as you do not need to refer the case to the Status Review Unit. You will also not send a 'minded to curtail' notification letter. You must ensure you familiarise yourself with the: [Guidance for Immigration Enforcement in respect of EU, other EEA and Swiss citizens and their family members](#).

## Minded to curtail notification letter: EUSS and EUSS (FP) cases

This section does not apply to ICE teams.

When you (SRU), receive a referral for curtailment of EUSS leave you must give the individual prior notice by serving the 'minded to curtail' notification letter, with reasons explaining why curtailment is being considered and allowing them the opportunity to provide reasons as to why their limited leave should not be curtailed. The 'minded to curtail' notification letter should be used in all fraud cases to allow the individual the opportunity to respond to the allegations. In a marriage breakdown case, the 'minded to curtail' notification letter may be appropriate if you decide you need further information from the individual before making a decision on curtailment.

You should select the appropriate time period for the individual to respond to the 'minded to curtail' notice. This will differ according to whether the individual is in the UK or outside of the UK. If the individual receiving the 'minded to curtail' letter writes to you with a reasonable request for more time to provide information, you must exercise discretion and consider extending the time period, taking into consideration the circumstances and any evidence provided for this request.

After the deadline for submitting reasons has passed you must make a decision based on the information available.

## What to consider in making an in-country curtailment decision

This section applies to both SRU and ICE teams.

Where you are considering curtailment of EUSS or EUSS (FP) leave, you must be satisfied that it is proportionate to curtail that leave.

In considering curtailing EUSS and EUSS (FP) leave on the grounds of false or misleading information, representations or documents being submitted in an application, or in support of an application, you must consider whether the false or misleading information, representation or documentation was material to the decision to grant the applicant that leave. You must not curtail EUSS or EUSS (FP) leave if, regardless of the false or misleading information, representation or documentation the holder would otherwise be eligible for that leave.

For further general information about false representations, see: Suitability: false representations guidance.

When considering curtailment, you must assess whether the individual otherwise meets the requirements of Appendix EU. Where the individual does meet the definition of a 'family member who has retained the right of residence (as defined in Appendix EU), or they continue to satisfy any eligibility criteria in Appendix EU, they will not have ceased to meet the requirements of the rules, so you do not need to curtail their leave on this basis. Where the individual does not meet the definition of a 'family member who has retained the right of residence', or does not otherwise



satisfy the eligibility criteria in Appendix EU, then you may consider curtailment of the individual's leave where it is proportionate to do so.

If you receive a referral, or encounter a case where a person or couple have taken part, or attempted to take part, in a sham marriage or sham civil partnership you can consider the relevant conduct to have started when they are confirmed to have first acted to gain an immigration advantage through the relationship, for example, this may be when they confirmed their intention to marry or form a civil partnership. It does not have to be when a relationship began, or when a marriage or civil ceremony took place. See 'Marriage Investigations: determining when relevant conduct commenced'. If, in SRU, you are unsure whether the case should have been referred to your team, see: [what to consider before referral to Status Review Unit](#). For further information on both EUSS and non-EUSS sham marriage cases, see section in this guidance: [Cancellation in sham marriage cases](#).

In considering curtailing EUSS leave on the grounds of ceasing to meet the requirements of the immigration rules see [ceasing to meet rules requirements: relationship breakdown](#), but note that this applies only to the non-EU/EEA spouse or civil partner and that the relationship breakdown must be to the extent that the marriage or civil partnership has legally terminated (such as through divorce or dissolution).

All EUSS curtailment decisions must be for curtailment with immediate effect., Once a curtailment decision is taken on EUSS, or EUSS (FP) cases, the right of appeal will be triggered.

You must not automatically curtail an individual's leave in the above situations because these reasons for curtailment are discretionary. For this reason, it will be appropriate to consider any evidence and [exercise discretion](#).

Where you decide that curtailment is not appropriate, the continued eligibility of an individual with limited leave under the EUSS will be considered at the point the individual applies for settled status (indefinite leave to enter or remain). You should note, therefore, that consideration has been given to curtailment and the reason for this on the individual's record so that this can be part of any consideration for settled status.

Where you decide that curtailment is appropriate, you must use the dedicated EUSS curtailment templates to curtail an individual's EUSS leave. See: [Service of notices: EUSS and EUSS \(FP\) curtailment](#) for further information about the process and next steps.

## Service of notices: EUSS and EUSS (FP) curtailment

EUSS and EUSS (FP) curtailment decisions must be sent on dedicated templates which set out the right of appeal. These are:

- Curtailment of EUSS LLR
- Curtailment of EUSS (FP)

You must select the option which reflects the reason you are curtailing the individual's EUSS leave and ensure you demonstrate why you are satisfied curtailment is proportionate. The 'next steps' section sets out the individual's right of appeal. It also notifies the individual of their liability for removal. This differs from the wording on the notices of liability to removal (RED notices) as it informs the individual that they will not be removed from the United Kingdom during the period in which they can appeal, or if they have lodged an appeal, until it has been finally dismissed. An immigration bail option is included on the form, to be used by SRU only if it is decided that granting bail is appropriate. See: [bail and detention consideration](#).

## Post Decision Actions

### Casework system actions

Following service of an EUSS curtailment decision, you must update the casework system, by selecting the appropriate case type and case outcome.

### Case types: EUSS curtailment

You should choose from the following case types:

- Curtailment EUSS – Dependant
- Curtailment EUSS – Other
- Curtailment EUSS – Spouse/Partner

### Case outcomes: EUSS curtailment

You should choose from the following case outcomes:

- EUSS Curtail – Leave Remaining
- EUSS Curtail – With Immediate Effect
- EUSS Curtailment not Pursued – Compliant
- EUSS Curtailment not Pursue – Non-Compliant

If you are reinstating EUSS leave after it has been curtailed, you should select the following outcome:

- EUSS Leave Reinstated

### Bail and detention consideration

Following service of the curtailment decision notice and pending the outcome of any appeal, you (SRU and ICE) must make a decision as to whether bail or detention is appropriate in the individual's case. You must ensure you consult, and make your decision, in line with the guidance: Immigration Bail and Detention. You must assess each case on an individual basis. As a general principle when granting bail, you should consider imposing a requirement on the individual to keep the Home Office

notified of any change to their contact information. SRU should use the bail option on the dedicated templates and ICE teams should serve a Bail 201.

## Liability to Removal

When EUSS or EUSS (FP) leave is curtailed, the person is liable to removal as a person who requires but does not have leave to enter or remain in the UK.

The individual can appeal the decision to curtail their EUSS leave. They do not have to leave the UK and will not be removed while they could bring an appeal or while their appeal is in progress, save for those who have a certified appeal.

As a result, anyone who has their EUSS or EUSS (FP) leave curtailed, (except for those who have a certified appeal), will only become removable under [section 10\(1\) of the Immigration and Asylum Act 1999](#), once they become Appeal Rights Exhausted (ARE). This means where no appeal has been lodged within the time frame for bringing an appeal, or if an appeal was lodged, where it has been finally dismissed.

Returns Preparation will need to take a separate decision on the individual's removal from the UK. If the individual remains liable to removal, Returns Preparation should serve the individual with a RED.0004 notice of liability to removal. This notice contains a section 120 notice which gives the individual the opportunity to provide any reasons why they should be allowed to stay in the UK. Any such grounds must be considered and addressed prior to any removal action.

Further information on the EUSS can be found in European guidance.

## Appendix S2 Healthcare Visitor

In the [statement of changes](#) to the [Immigration Rules](#) which was published on 22 October 2020, changes were made to part 9 (Grounds for Refusal) of the Immigration Rules. Part 9 of the Immigration Rules does not apply to [Appendix S2 Healthcare Visitor](#). See also: S2 Healthcare Visitor guidance for further information.

Appendix S2 Healthcare Visitor to the Immigration Rules applies in respect of the cancellation of entry clearance, permission to enter or permission to stay, granted to an individual under this appendix. The changes at Appendix S2 Healthcare Visitor took effect on 1 December 2020.

The cancellation grounds for an S2 Healthcare Visitor are:

HV 11.1. An S2 Healthcare Visitor's entry clearance, permission to enter or permission to stay may be cancelled where the decision maker is satisfied that it is proportionate to cancel that entry clearance or permission where:

(a) the cancellation is justified on grounds of public policy, public security or public health, on the basis of the person's conduct on or before 11pm on 31 December 2020, in accordance with regulation 27 of the EEA Regulations, irrespective of

whether the EEA Regulations apply to that person (except that in applying this provision for an 186 “EEA decision” read “a decision under paragraph HV 11.1 of Appendix S2 Healthcare Visitor”); or

- (b) the cancellation is justified on the ground that it is conducive to the public good, on the basis of the person’s conduct after 11pm on 31 December 2020; or
- (c) the cancellation is justified on grounds that, in relation to an application made under this Appendix, and whether or not to the applicant’s knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application) and the information, representation or documentation was material to the decision to grant the applicant entry clearance, permission to enter or permission to stay under this Appendix; or
- (d) they cease to meet the requirements of Appendix S2 Healthcare Visitor; or
- (e) they have breached a condition of their permission as set out in HV 10.3. unless entry clearance or further permission was granted in the knowledge of the breach.

## Appeal and administrative review

S2 Healthcare Visitors have a right of appeal against a cancellation decision, but where a decision has been made to cancel their permission in-country, they do not have a right to seek an administrative review.

Where a decision is made at the border, there are grounds on which an S2 Healthcare Visitor has a right to seek an administrative review. For further information on the right of appeal and right to administrative review for an S2 Healthcare Visitor see: S2 Healthcare Visitor. See also: Rights of Appeal, Administrative Review: Appendix AR (EU) and Administrative Review guidance.

## Appendix Service Providers from Switzerland

In the statement of changes to the [Immigration Rules](#) which was published on 22 October 2020, changes were made to part 9 (Grounds for Refusal). Part 9 of the Immigration Rules does not apply to [Appendix Service Providers from Switzerland](#). See also: Service Providers from Switzerland guidance for more information.

Appendix Service Providers from Switzerland to the Immigration Rules applies in respect of the cancellation of entry clearance or permission, granted to an individual under this appendix. The changes at Appendix Service Providers from Switzerland took effect on 1 December 2020.

The cancellation grounds for those granted entry clearance or permission under Appendix Service Providers from Switzerland are:

SPS 9.1. A person’s entry clearance or permission as a Service Provider from Switzerland may be cancelled where the decision maker is satisfied that it is proportionate to do so where:

- (a) the cancellation is justified on grounds of public policy, public security or public health, on the basis of the person’s conduct on or before 11pm on 31 December

2020, in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that for an “EEA decision” read “a decision under paragraph SPS 9.1”); or

- (b) the cancellation is justified on the ground that it is conducive to the public good, on the basis of the person’s conduct after 11pm on 31 December 2020; or
- (c) the cancellation is justified on grounds that, in relation to an application made under this Appendix, and whether or not to the applicant’s knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application) and the information, representation or documentation was material to the decision to grant the application under this Appendix; or
- (d) the cancellation is justified on grounds that the person has breached a condition of their permission as set out in SPS 8.4. unless further permission was granted in the knowledge of the breach; or
- (e) the cancellation is justified on grounds that the applicant or the eligible company or employer ceases to satisfy the Service Requirement at SPS 4.1. to SPS 4.6. or the 90 day limitation requirement at SPS 5.1.; or
- (f) an agreement dealing with the movement of natural persons for the purposes of the supply of services in accordance with the parties’ rights and obligations under the General Agreement on Trade in Services of the World Trade Organisation is concluded and applied between the UK and Switzerland.

## Appeal and administrative review

Service Providers from Switzerland do not have a right of appeal and therefore do not have a right of appeal against a cancellation decision. Also, where a decision has been made to cancel their permission in-country, they do not have a right to seek an administrative review.

Where a decision is made at the border, there are grounds on which Service Providers from Switzerland have a right to seek an administrative review. Further information on administrative review can be located in: Service Providers from Switzerland guidance. See also: Rights of Appeal, Administrative Review: Appendix AR (EU) and Administrative Review guidance.

### Related content

[Contents](#)

[Immigration Rules: Part 9 Grounds for Cancellation](#)

[Part 9 cancellation grounds: appendices and application](#)

[Cancellation decisions: case considerations and use of discretion](#)

[Cancellation procedures in specific case types](#)

[Service of a cancellation decision](#)

### Related external links

[Immigration \(European Economic Area\) Regulations 2016](#)

# Cancellation decisions: case considerations and use of discretion

This page tells caseworkers the additional things they have to consider before cancelling an individual's permission to enter or stay in the UK.

## Page contents

[Requesting further information before cancelling](#)

[Use of discretion when considering cancellation](#)

[Curtailed discretionary leave and leave outside the rules](#)

[Deciding the date of expiry for cancelled permission](#)

Before you decide to cancel an individual's permission to enter or stay in the UK there may be other factors that you have to take into consideration before you make your final decision, for example:

- requesting further information before cancelling
- safety issues in contacting the UK settled spouse or partner
- discretionary leave and leave outside the rules:
  - if an individual is not having their leave curtailed immediately
  - they have less than 60 days remaining when an individual is outside the UK
- when not to cancel all of an individual's permission
- using discretion when considering cancellation

## Requesting further information before cancelling

### When to consider asking for further information

You should make a cancellation decision on the basis of the available information, providing that is sufficient to inform your decision. In the majority of cases, you will be able to make a decision after reviewing the available information but in some circumstances, it may be appropriate for you to ask an individual to provide additional information before making a cancellation decision. For further information on when to consider asking for further information see: Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay. See also: [Deciding the date of expiry for cancelled permission](#).

For further information on finding a suitable address and the order of preference in which addresses should be used, see: [Service of a cancellation decision](#).

You must note that an applicant may appoint a legal representative, or [change their legal representative](#), when they receive a request for further information.

## Use of discretion when considering cancellation

In cases where the reasons for cancellation are discretionary, you must not automatically cancel an individual's entry clearance or permission if there are reasons that suggest it may not be appropriate to do so.

It is the Secretary of State's responsibility to establish the reasons why an individual's entry clearance or permission is to be cancelled. You must establish the relevant facts and then carefully consider all an individual's relevant circumstances and the proven facts of the case before you make a final decision.

You must consider any other facts or evidence about the individual's circumstances, such as those recorded on CID, provided with an application or stored on a case file that is relevant to your decision.

In cases where you must consider discretion, you must record your consideration and the reasons for your decision on whether to exercise discretion in CID. You must also explain your decision on whether you exercised discretion in the decision letter, so an individual can see that you considered the circumstances of their case.

You must refer cases to a Higher Executive Officer (HEO) Senior Caseworker when either:

- you are unsure whether the evidence is good enough to justify cancellation
- there are exceptional circumstances, such as the case involving young children

## Exceptional or compassionate circumstances

Cancellation may still be appropriate where there are compassionate or exceptional circumstances. It may be appropriate to expect an individual to apply to regularise their stay in another category more appropriate to their circumstances.

For example, where an individual is unable to leave the UK due to pregnancy, serious illness or a serious medical condition, they should make an application for permission to stay in another category or for [leave outside the Immigration Rules](#) to regularise their stay if, in view of their condition, it would be reasonable to expect them to be able to make such an application.

## Pregnancy, serious illness or serious medical conditions

When you make a decision to cancel the permission of an individual who is pregnant (or has just given birth), has a serious illness or a serious medical condition, you must consider whether you should apply your discretion to allow them more than 60 days permission to stay in the UK.

There must be exceptional compassionate circumstances for you to apply discretion. The nature of the pregnancy, serious illness or serious medical condition must be such that it prevents an individual from:

- applying for further permission (if required)
- leaving the UK before the expiry of the 60 days permission to stay in the UK

Factors to include when you consider applying discretion:

- whether the pregnancy, serious illness medical condition mean that an individual is currently unfit to travel by air
- whether there are there any other methods of travel that an individual could realistically use
- how soon an individual will be able to travel
- in view of their circumstances, whether an individual could reasonably be expected to make an application for further permission to stay in a more appropriate immigration category

You may request further evidence, for example a letter from an appropriately qualified medical professional such as a National Health Service (NHS) consultant, if you need more information before you make a decision on whether to exercise discretion for this reason. You must ask your manager for advice if you are unsure about whether to request evidence.

Examples of exceptional compassionate circumstances could include:

- an individual who has been involved in a serious accident and is receiving critical care where making arrangements for their removal before they have recovered could result in risk to their life - an individual is too unwell to make an application for permission to stay in the UK
- an individual in a coma with a good prognosis of regaining consciousness and being able to travel or make a fresh application within the next few months
- where an individual is receiving treatment for a serious medical condition in the UK which prevents them from travelling or making a fresh application, and that treatment has a definitive end date in the next few months after which they could travel or make a fresh application

You would not normally exercise discretion in the following examples:

- where an individual has kidney failure, needs dialysis and wants to stay in the UK on the basis of receiving treatment for this condition
- where an individual has a long-term disability which they had when they came to the UK
- an individual is pregnant and unable to travel due to the late stage of the pregnancy, but is otherwise well and could reasonably be expected to make an application for permission to stay in the UK in a different immigration category

When you consider exercising discretion when cancelling an individual's permission to stay in the UK you must remember that being pregnant, having a serious illness or a serious medical condition does not generally stop somebody travelling but may require forward planning with travel operators.



You must cancel an individual's permission to stay in the UK if appropriate and the Home Office can make reasonable arrangements for an individual to leave despite their pregnancy, serious illness or serious medical condition. If you need further advice on what is considered reasonable in a specific case, you must discuss it with your manager.

## Pregnancy and post pregnancy

When you make a decision to cancel a pregnant individual's permission to stay in the UK, they may not be able to leave the UK before the expiry of 60 days permission to stay because:

- they are at a late stage in their pregnancy and no longer able to travel:
  - most airlines will allow women to fly up to 35 to 36 weeks into their pregnancy but some will not let pregnant passengers fly over 28 weeks without a letter from a registered doctor which confirms they are fit to fly
- they have just given birth and need time to recover before they are fit and able to travel

In these circumstances you must cancel permission to stay to the earliest period an individual is expected to be either fit to travel or to apply for further permission to stay.

For example, if an individual is pregnant it would not be appropriate for the new permission expiry date to fall during the period where they are unable to fly (36 weeks and over), unless it is reasonable for her to leave the UK by other means (rail or boat).

The International Air Transport Association (IATA) guidelines allow airlines to carry pregnant women past 32 weeks into the pregnancy but this may be different when the mother is carrying twins, multiple babies or where there are known complications.

You must consider the mother and baby's fitness to fly after the birth. There is no clear rule on how soon after giving birth a woman can travel. In general women who have a normal birth can travel one to 2 weeks after delivery and those who have had a caesarean section can travel 3 to 4 weeks after delivery.

If an individual claims to be unfit to travel beyond this period you must ask her to provide evidence from an appropriately qualified medical professional, such as an NHS consultant, to confirm this.

You must get authorisation from a senior caseworker before you use discretion in this way. When you have authorisation, the decision letter must set out the full reasons for your decision.

## Curtailment of discretionary leave and leave outside the rules

You can only curtail discretionary leave or leave outside the rules under [section 3\(3\)\(a\) of the 1971 Immigration Act](#) instead of under the Immigration Rules. You must not curtail discretionary leave or leave outside the rules using the general grounds set out under section 2 of [Part 9 of the Immigration Rules](#). This is because the leave was granted outside the rules (and therefore they do not apply).

For further information about discretionary leave, see Discretionary leave guidance.

For more information about leave outside the rules, see Leave outside the rules guidance.

When you curtail discretionary leave or leave outside the rules, you must use the wording shown in [Curtailment wording: discretionary leave or leave outside the rules](#) in the notice of decision.

You must make sure that the letter reflects the current policy on discretionary leave.

## Deciding the date of expiry for cancelled permission

### Circumstances for which you must consult a Senior Caseworker

You must refer an individual's case to a Senior Caseworker for review where any action is being taken outside of the 'ordinary' approach. The following list is not exhaustive but includes where:

- permission is being cancelled immediately but otherwise this would normally be to 60 days
- permission is being cancelled to more than 60 days
- there are safeguarding issues
- the case is high profile
- there is a risk of domestic violence

### Cancellation of permission with immediate effect

You must cancel permission to enter or stay in the UK with immediate effect if:

- cancellation is mandatory under paragraphs 9.2.2, 9.3.2, 9.4.2 of the [Immigration Rules](#) where an individual has:
  - been excluded from the UK
  - their presence in the UK is not conducive to the public good
  - they have been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of 12 months
  - they are a persistent offender

- they have committed a criminal offence or offences which caused serious harm

With the exception of the mandatory cancellation grounds in Part 9 of the Immigration Rules outlined above, where cancellation must be with immediate effect, the remaining cancellation grounds under Part 9 of the Immigration Rules are discretionary. See: [Part 9 mandatory and discretionary cancellation grounds](#) for further information.

In discretionary cancellation cases where you would normally cancel permission with immediate effect, you may cancel so that an individual has permission to stay in the UK remaining if there are circumstances which mean that it is not appropriate to cancel with immediate effect. For more information on such circumstances, see [use of discretion when considering cancellation](#).

You must take care to use the correct cancellation decision letter template. For more information on the correct template to use, see [Cancellation: case specific letter template wording](#).

You must note that this particular section does not refer to curtailment or cancellation under Appendix EU, Appendix EU (FP), Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland. For further information on curtailment or cancellation under these appendices, see: [Cancellation and curtailment grounds: appendices and annexes](#).

## Cancellation with immediate effect on discretionary grounds

The following list is not exhaustive, but for discretionary cancellation grounds, immediate cancellation will normally be appropriate where:

- an individual has been knowingly involved in the reason for cancellation, such as cases where:
  - a PBS individual was knowingly involved in the actions that resulted in their sponsor losing their licence
  - there is evidence that an individual has fraudulently obtained their permission to enter or stay in the UK and this was material to the decision to grant their permission
  - an individual has been involved in a sham marriage or civil partnership
- the level of non-compliance merits immediate cancellation, such as cases where:
  - an individual sponsored on a PBS route who has been dismissed by their employer or excluded by their academic sponsor for gross misconduct which is serious enough to mean that they should not be granted 60 days permission to switch to another sponsor
  - an individual sponsored on a PBS route whose sponsor ceased trading more than 60 days ago has not switched to another sponsor
- an individual poses a significant risk to a member or members of the public which means that immediate cancellation is appropriate, such as:

- breakdown of relationship cases where there is evidence that the settled spouse has been a victim of domestic violence

If, having considered all the relevant circumstances, you decide to cancel, you should normally cancel permission with immediate effect in such cases, unless there are circumstances which mean that permission should be cancelled so that an individual has a period of permission to stay in the UK remaining (normally 60 days, see [Cancelling permission: points-based system: 60 days permission remaining](#)).

You must take care to use the correct cancellation decision letter template. For more information on the correct template to use, see [Cancellation decisions: case specific letter template wording](#).

## Discretionary cancellation: reasons outside an individual's control

In cases where cancellation is discretionary, if your decision is to cancel an individual's permission but either:

- the reasons why permission is being cancelled are outside the individual's control
- it is not clear that an individual has failed to comply with the conditions of their permission

It will normally be appropriate to leave an individual with 60 days permission to stay in the UK. This will allow them either to make an application for further permission to stay or make arrangements to leave the UK. For example:

- when a college decides not to run, or withdraws, a course
- if a sponsor loses their licence and an individual was not knowingly involved in the actions that resulted in their sponsor losing their licence
- in breakdown of relationship cases where there is no evidence that the settled spouse has been the victim of domestic violence

## Cancellation: individual has a period of permission remaining

Cancellation cannot be used to extend permission to enter or stay in the UK beyond the current date the permission is due to expire, see: [Patel \(Tier 4 – no '60-day extension'\) India \[2011\] UKUT 00187 \(IAC\)](#).

You must never cancel permission and give a new expiry date for the permission that extends an individual's permission beyond the original expiry date of their permission.

It follows that if you intend to cancel permission to 60 days you must only do so if an individual will have more than 60 days permission remaining on the date that they will receive the decision.

The same principle applies if you are considering cancelling permission so that an individual has more than 60 days permission remaining. For example, if you are deciding to cancel permission to 90 days an individual must have more than 90 days permission remaining on the date that they will receive the decision.

## Cancellation: points-based system: 60 days permission remaining

You must consider cancelling permission to 60 days if an individual granted on a points-based system (PBS) route has ceased work or study, unless you decide it is appropriate to cancel permission with immediate effect (for one or more of the reasons set out above) or to a different date.

If you are cancelling an individual's permission because their employment, volunteering, training or job shadowing will end before the date recorded on the certificate of sponsorship, you must cancel their permission to the new end date plus any wrap-up period that was originally allowed.

## Cancelling permission: student or child student

If you are cancelling a student or child student's permission because their studies will end earlier than originally expected, you must cancel their permission to the new end date for the studies plus any wrap up period that was originally allowed. For example, if an individual was originally granted permission until the end date of employment plus 14 days, you must cancel permission to expire 14 days after the new end date of employment.

If you are cancelling a student's permission because they have successfully completed their course early, you should normally cancel permission so that the individual is left with the same wrap-up period of permission after the new course end date as the period they were originally granted based on their original course end date. For example, if a student was originally granted permission with a wrap-up period that would have expired 4 months after the end date of their studies, you should normally cancel their permission such that they have 4 months permission remaining after the new end date of their studies.

## Cancellation: individual has over 60 days permission remaining

You can cancel permission so an individual has more than 60 days permission to stay in the UK remaining, but you should only normally do so if there are exceptional compassionate circumstances that mean:

- an individual would be in a vulnerable position if you cancelled their permission to stay in the UK to 60 days or with immediate effect
- more time is needed so as to protect the welfare of a child affected by the decision under section 55 of the [Nationality, Immigration and Asylum Act 2002](#):
  - for example, an individual has a dependant child and permission should be cancelled to a different date to allow the child to complete a course of medical treatment or academic exams before departing

- an individual is pregnant, seriously ill or has a serious medical condition which means they are unable to either:
  - apply for further permission (if required)
  - leave the UK before the expiry of their 60 days permission - for more information on this, see [use of discretion when considering cancellation](#)
- an individual is pregnant and she is unable to leave the UK before the expiry of her 60 days permission, because she either:
  - is at a late stage in her pregnancy and no longer able to travel
  - has just given birth and needs to recover before she is fit and able to travel, for more information on this, see [use of discretion when considering cancellation](#)

You must get authorisation from a senior caseworker before you use discretion in this way. When you have authorisation, you must set out the full reasons for your decision in the decision letter.

## Calculating the new date of expiry for permission cancelled to 60 days (or other period)

For more information on calculating the new date of expiry for permission cancelled to 60 days (or other period) see: Suitability: section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay.

### Related content

[Contents](#)

[Cancellation procedures in specific case types](#)

[Service of a cancellation decision](#)

Safeguard and promote child welfare

### Related external links

[Immigration Act 1971](#)

[Nationality, Immigration and Asylum Act 2002](#)

# Cancellation procedures: casework system actions

This page tells caseworkers the required casework system actions when cancelling an individual's permission to enter or stay in the UK.

When you consider cancelling an individual's permission, you must:

- create a new CID case to show you are considering cancelling permission:
  - if you decide to cancel, you must add to the notes the reason for cancelling, what action is recommended and the case ID from the refusal case - this helps link up the refusal and cancellation cases
  - if you decide not to cancel you must add your reasons why to the notes
  - if you require further information before you make a decision, note what you are asking for, why you are asking for it and the deadline given for a response, to CID notes
- check whether there is an outstanding application for permission to stay in the UK which is undecided:
  - if there is, you must liaise with the team considering the application for permission to stay in the UK - the application must be decided first because if permission is granted, cancellation may not be necessary - the team considering the application may also need to consider the cancellation grounds as part of their consideration, for example where there is evidence of adverse behaviour which mean the application should be considered for refusal on general grounds
- not use cancellation to end permission to stay which has been extended under section 3C of the 1971 Immigration Act, section 3C leave must be ended by deciding the application or the individual's appeal rights becoming exhausted, as applicable
- consider the case as soon as possible if there is evidence to suggest an individual is violent or their actions are a cause for concern - for example, it might be a case in which an individual has been convicted of an offence involving violence, but it does not meet the criteria for Foreign National Offender Returns Command to pursue deportation
- cancel an individual's permission with immediate effect, if the ground is mandatory, see: [Part 9 mandatory and discretionary cancellation grounds](#)
- write to an individual for clarification, if you do not have enough information to make the decision, set a reasonable deadline for an individual to respond (normally 10 days will be sufficient for straightforward requests for information an individual can easily access, although a longer deadline of 28 days may be appropriate if the information requested is extensive or harder to get) - for more information on this, see: [Requesting further information before cancelling](#)
- consider cancellation if, when requested, an individual does not reply within the deadline or does not send enough information to show either:
  - they continue to qualify for the permission they were granted
  - there are exceptional reasons why cancellation would be inappropriate
- discuss with managers when you are unsure if there is sufficient evidence

The higher executive officer (HEO) or senior executive officer (SEO) must note on CID the reason for any action taken when they endorse the decision.

For information on the processes and procedures to follow when cancelling permission in points-based system, sham marriage, marriage breakdown and dependants cases, see: [Cancellation procedures in specific case types](#).

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## Casework system information

This page tells caseworkers about the casework information which needs to be inputted onto the system once a cancellation decision has been made. For casework system information in EUSS curtailment cases, see: [Post Decision Actions](#).

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## Case types – cancellation

- Cancellation - Dependant
- Cancellation - Other
- Cancellation - Spouse/Partner

## PBS case types - Tier 1

- Curtailment Consideration - Tier 1 Entrepreneur
- Curtailment Consideration - Tier 1 Entrepreneur Dependant
- Curtailment Consideration - Tier 1 Exceptional Talent
- Curtailment Consideration - Tier 1 Exceptional Talent Dependant
- Curtailment Consideration - Tier 1 General
- Curtailment Consideration - Tier 1 General Dependant
- Curtailment Consideration - Tier 1 Graduate Entrepreneur
- Curtailment Consideration - Tier 1 Graduate Entrepreneur Dependant
- Curtailment Consideration - Tier 1 Investor
- Curtailment Consideration - Tier 1 Investor Dependant
- Curtailment Consideration - Tier 1 Post Study
- Curtailment Consideration - Tier 1 Post Study Dependant

## PBS case types - Tier 2

- Curtailment Consideration - Tier 2
- Curtailment Consideration - Tier 2 Dependant

## PBS case types - Tier 4

- Curtailment Consideration - Tier 4 Child
- Curtailment Consideration - Tier 4 General
- Curtailment Consideration - Tier 4 General Dependant

## PBS case types - Tier 5

- Curtailment Consideration - Tier 5
- Curtailment Consideration - Tier 5 Dependant

## Application raised date

If you are considering curtailment because an employer has sent a notification of premature end of employment (NPEE), you must enter the date that the Home Office received the NPEE. If this date was not recorded, you must enter the date you create the case on CID.

## Case outcome - cancellation

You must use one of the following outcomes:

- Cancelled - Leave Remaining
- Cancelled - With Immediate Effect
- Cancellation not pursued - Compliant
- Cancellation not pursued - Non Compliant

## Stats categories

If the case outcome is 'cancellation not pursued', you must select one of the following:

- Curtailment NP - Has Leave in Another Capacity
- Curtailment NP - Not Enough Leave
- Curtailment NP - Other Reasons
- Curtailment NP - Permission Not Granted by Settled Spouse/Partner
- Curtailment NP - Transferred to Another Sponsor
- Curtailment Not Pursued - Entry Clearance Refused CNPECR
- Curtailment Not Pursued - Leave Expired CNPLE
- Curtailment Not Pursued - Never applied for Entry Clearance CNPNEC

If the case outcome is to cancel leave, you must select one of the following:

- Curtail Leave - Breakdown of relationship
- Curtail Leave - Domestic Violence
- Curtail Leave - Main Applicant Left Country and No Longer Sponsors Dependant
- Curtail Leave - Non-Conducive Grounds
- Curtail Leave - Other Reasons

## PBS categories (excluding Tier 1)

- Curtail Leave - Ceased to attend study / work with Sponsor CLCA
- Curtail Leave - Failed to attend study / work with Sponsor CLFA
- Curtail Leave - Sponsor Ceases to have a Licence CLSPLR
- Curtail Leave - Studying / working with another sponsor without permission from UKBA CLSWP

PBS Tier 1 case types do not have the same 'stats categories' as other areas. There are no stats categories under the 'Curtailment Not Pursued' case outcome. Under the 'Curtail - No R.O.A.' case outcomes they have:

- T1 Curtail - Breach
- T1 Curtail - Failure to Disclose Material Facts
- T1 Curtail - Leave by Deception
- T1 Curtail - No Subsisting Marriage
- T1 Curtail - Non-Conducive Grounds
- T1 Curtail - Other Reasons
- T1 Curtail - Revocation

## Other CID fields

You must update CID case notes and make sure that the following fields in CID Key Document Tracking are completed for all cases:

- Document Type: Decision Letter
- Document Event Type: Despatched
- Despatch Method: appropriate served by post option, 'By Email' or 'Served on File'
- Despatch Address: 'Applicant' or 'No Known Address'

If there is no address available, or no document has been despatched because there is not enough leave to curtail, you must complete the fields with the following:

- Despatch Method: 'Served on File'
- Despatch Address: 'No Known Address'

### **Related content**

[Contents](#)

[Cancellation decisions: case considerations and use of discretion](#)

[Cancellation procedures in specific case types](#)

[Cancellation decisions: case specific letter template wording](#)

Transfer or refer a case

[Service of a cancellation decision](#)

### **Related external links**

[Immigration Act 1971](#)

# Cancellation procedures in specific case types

This page tells caseworkers about the cancellation processes and procedures in specific case types, including how to make referrals to the relevant caseworking team where required.

## Page contents

[Criminality grounds: referrals to Foreign National Offender Returns Command \(FNO RC\)](#)

[Cancellation in sham marriage cases](#)

[Ceasing to meet rules requirements: relationship breakdown](#)

[Cancellation in points-based system \(PBS\) cases](#)

[Cancelling the permission of dependants](#)

## Criminality grounds: referrals to Foreign National Offender Returns Command (FNO RC)

Before you consider cancellation under [Criminality grounds](#), you must check whether you need to refer the case to FNO RC to make an enforcement decision. For more information on referring a case to FNO RC, see the relevant section on: Foreign National Offender Returns.

There is more information on the [Immigration and Asylum Act 1999](#) and enforcement instructions on people liable to administrative removals under section 10.

## Cancellation in sham marriage cases

In a sham marriage case, the removal pathway is dependent on the immigration status of the person. Where there is no criminality, removal may be pursued by:

- deportation under the EEA regulations, as saved, on public policy or conducive grounds
- deportation under the Frontier Workers regulations on public policy grounds
- administrative removal under section 10 of the Immigration and Asylum Act 1999.

Where a person has been convicted of a sham marriage related offence, they may instead be considered for deportation outside of the routes listed above.

Whether you pursue deportation or administrative removal in a sham marriage case will depend on the circumstances of the case. You should refer to the Marriage Investigations guidance to determine which course of removal action is appropriate.

If deportation is being pursued, it is not necessary to cancel or curtail extant leave, as the deportation order invalidates any permission the person already holds.

Where administrative removal is being pursued on sham marriage grounds for an individual who holds leave granted under the EU Settlement Scheme, you must consider action to curtail EUSS limited leave under Annex 3 of [Appendix EU](#) to the Immigration Rules, using paragraph A3.4 (b) where the person was involved in a sham marriage, including facilitation, after 23:00 GMT on 31 December 2020. See section [Appendix EU and Appendix EU \(Family Permit\): in-country curtailment](#) in this guidance.

Where administrative removal is being pursued on sham marriage grounds for a Service provider from Switzerland, or a S2 Healthcare visitor, you must consider action to cancel limited permission on conducive grounds under the Immigration Rules under SPS 9.1.(b) of Appendix Service Providers from Switzerland, or paragraph HV 11.1.(b) Appendix S2 Healthcare Visitor. See [Appendix S2 Healthcare Visitors](#) and [Appendix Service Providers from Switzerland](#) in this guidance.

Where administrative removal is being pursued on sham marriage grounds for an individual who holds entry clearance or permission to stay in the UK which was granted to them through another route (outside of EUSS, Appendix FM, as a Service provider from Switzerland, or a S2 Healthcare visitor), the ground for cancellation on the basis that it is more likely than not the individual is, or has been, involved in a sham marriage or sham civil partnership is paragraph 9.6.2, under section 2 of [Part 9 to the Immigration Rules](#). See also: [involvement in a sham marriage or sham civil partnership grounds](#).

If you cancel permission on sham marriage grounds, cancellation should normally be with immediate effect rather than to 60 days or another period, as the individual has been responsible for the actions which justify the cancellation of their permission. For more information see: [Deciding the date of expiry for cancelled permission](#).

For further information on sham marriage cases see: Suitability: Sham marriage or civil partnership guidance.

## Fast track Immigration Compliance and Enforcement (ICE) team referral process

A process has been set up for ICE teams to refer individuals with permission to enter or stay in the UK for consideration of immediate cancellation where they have grounds to suspect individuals are involved in sham marriage.

**This fast-track process does not apply to curtailment or cancellation of leave which has been granted under Appendix Armed forces, Appendix EU, Appendix EU (family permit), Appendix S2 Healthcare Visitors or Appendix Service Providers from Switzerland.**

Some examples of when an individual was involved in a sham marriage are when they:

- are one of the parties who is getting married

- introduced the 2 parties who are getting married, knowing the marriage to be a sham
- acted as a witness to the sham marriage, knowing it to be a sham
- acted as a guest to make the sham marriage appear genuine, knowing it to be a sham

When you are allocated a case that has been referred from the ICE team, you must consider cancellation and make the decision on the same day as the referral, or the next day if this is not possible. You must tell your line manager as soon as possible if you think it will not be possible to meet this target.

The ICE team will send their information to the Tier 2 and 5 Cancellations mailbox, Evidence may include factors such as:

- the alleged partners gave inconsistent or contradictory responses when interviewed:
  - for example in reply to questions about how and when they met, their living arrangements or details of their alleged partner's occupation or family
- one or other alleged partner admits the marriage is a sham
- compelling circumstantial evidence:
  - for example, the alleged partners have no language in common
- other witness statements claim the marriage is genuine but provide information which contradicts the claims made by the alleged partners
- other witness statements which state the marriage is a sham
- supporting evidence from other Home Office systems such as casework information database (CID):
  - for example, an EEA national has sponsored other partners but claims to be single, or has flown into the UK recently but claims to live here before the date of their arrival
- evidence provided by the police following criminal investigations into facilitation networks

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## Making the decision

You must fully evaluate the evidence provided by the ICE team, and any other relevant evidence or information about the individual, before you reach a decision on whether or not to cancel the individual's permission. Like other cancellation decisions, it must be made on the balance of probabilities, see Coercive powers and definitions.

You must reflect in your case notes and decision letter that you have appropriately considered:

- all the available evidence
- the exercise of discretion

See: [Cancellation decisions: case considerations and use of discretion](#) for further information.

## **Ceasing to meet rules requirements: relationship breakdown**

In non-EUSS cases you must consider cancelling an individual's permission where it was granted on the basis of their relationship with a settled person under paragraph [9.23.1 of the Immigration Rules](#), if that relationship has broken down. In this case they no longer meet the requirements of the rules under which they were granted permission to enter or stay in the UK. See also [ceasing to meet the requirements of the rules](#) and guidance on Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay.

For further information on EUSS cases see: [Appendix EU and Appendix EU \(FP\): in-country curtailment](#).

### **Relationship breakdown: examples**

#### **When spouse or partner informs the Home Office of a breakdown**

A UK settled person contacts the Home Office with information that their spouse or partner, who arrived 4 months ago with a spouse visa, has left them. As the marriage or partnership no longer exists, and the individual has outstanding permission to stay, you must consider referring the case for cancellation.

#### **When the individual informs the Home Office of a breakdown**

An individual who has remaining permission to stay in the UK as a spouse or partner, contacts the Home Office with information that their relationship with their settled spouse or partner has ended. As the marriage or partnership no longer exists, and the individual has outstanding permission, you must consider referring it for cancellation.

#### **When there is evidence in an application that a marriage or partnership has broken down**

An illegal entrant is granted permission to stay in the UK on the basis that they are married to a UK settled person. After 2 years they apply for further leave as the partner of a different settled person and the application is refused because there is insufficient evidence that the relationship is genuine and subsisting.

There is evidence with the application that their marriage has broken down, so you must consider cancelling the remaining permission.

For more information on which teams to refer cancellation cases to, see [Referring breakdown of relationship cases for cancellation](#).

As the reasons for cancellation are discretionary, you must not automatically cancel an individual's permission if referred for cancellation. It may be appropriate to [exercise discretion](#).

## Notification of relationship breakdown: casework actions

### Acknowledgement of a referral from UK settled sponsor

If you are told by a spouse or partner that their relationship has broken down with the individual, you must:

1. Send 'cancellation acknowledgement and third party information' letter to the spouse or partner to acknowledge the referral, but do not disclose any information to them when you make a decision on the case.
2. Make sure the spouse or partner's contact details are updated on the casework system (for example mobile or email).
3. Update the case notes if you receive permission to use the information. See: [Deciding to cancel due to breakdown of a relationship](#).
4. Consider cancelling the individual's permission to 60 days, unless there are exceptional reasons to cancel permission with immediate effect.
5. Pass a copy of the information to your local intelligence team so that they can note any concerns and consider whether any further action is needed.

### UK settled person does not give permission to use information

Where a sponsor will not sign either full consent or the public statement, you must:

1. Mark their letter on the file as 'do not disclose'.
2. Enter the following wording on the casework system at both the top and the bottom of the case notes:
  - 'if the foreign national spouse or partner with permission to stay in the UK contacts the Home Office, they must not be told or given any indication that their UK settled spouse or partner has been in contact with the Home Office'
3. Update Home Office internal security systems with a warning that the UK settled spouse or partner has provided the information in confidence and that the individual must not be told or given any indication that their spouse or partner has been in contact with the Home Office.
4. Acknowledge the letter from the UK settled spouse or partner but do not disclose any information to them on the decision not to pursue cancellation, unless this has been agreed by a Senior Caseworker. See: [Requests from a spouse or partner for case updates and information](#).
5. Record 'cancellation not pursued' on the casework system.



## Referring breakdown of relationship cases for cancellation

If you decide it is appropriate to cancel an individual's permission to stay in the UK as their permission to stay was based on the fact that they were:

- a dependent on their partner's UK visa
- a spouse or partner on a 'family of a settled person' visa
- the partner of a British citizen, EEA national, 'settled' person with indefinite leave to remain, or someone with refugee status or humanitarian protection

and they have separated from or divorced their spouse or partner, you must refer their case to the Status Review Unit.

### Referring externally (outside the Home Office)

You can refer the individual's case to the Status Review Unit via email. You must send an email to [RelationshipBreakdown@homeoffice.gov.uk](mailto:RelationshipBreakdown@homeoffice.gov.uk) and include 'MARRIAGE BREAKDOWN' in the subject line.

If you do not have access to email, you can post a letter to:

UK Visas and Immigration  
MARRIAGE BREAKDOWN  
Status Review Unit  
7th Floor  
The Capital  
New Hall Place  
Liverpool  
L3 9PP

### Referring internally (inside the Home Office)

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## Individual has discretionary leave based on the relationship

If you think it is appropriate to cancel the non-settled spouse or partner's leave, you must refer the case to the team that granted the discretionary leave, or to temporary migration workflow, Sheffield, if that team no longer exists.

There is further guidance if an individual is applying for leave on the basis of domestic violence by their UK spouse or partner.

## Breakdown of relationship: initial casework system actions

When you receive a relationship breakdown case you must:

- check the casework system for:
  - any indication that domestic violence has taken place or that either party in the relationship is at risk of such violence
  - any concerns that were noted when permission was previously granted
  - any other relevant intelligence or information that has been received
- get a central reference system printout as soon as you receive the case
- request a new file from record services compliance unit (RSCU1) if one doesn't exist and you need one to store any paper documents such as letters
- search landing cards and transfer, or create a new case on the casework system and select 'Cancellation Consideration – Spouse/Partner'
- enter into case notes the date an individual's permission expires
- if there is an allegation that the UK settled spouse or partner has been the victim of domestic violence or threats, enter 'DV' on the casework system detailing the nature of the allegations
- put a standard minute on the casework system and internal Home Office security systems with the following wording:
  - 'marriage/partner breakdown notified – this information must not be disclosed to the foreign spouse or partner or used to support cancellation or other action without the UK settled spouse's or partner's written agreement.'
- for non-domestic violence cases, send an acknowledgement to the UK settled spouse or partner

You **must not** cancel if:

- permission is to be cancelled to 60 days but the individual has less than 60 days permission to enter or stay in the UK left, unless there are exceptional reasons why immediate cancellation is appropriate
- there is a reliable indication that the individual has been the victim of abuse or domestic violence at the hands of the UK spouse or partner

## Breakdown of relationship: cancellation considerations

### Decision to cancel due to a breakdown of a relationship

As the reasons for cancellation are discretionary, you must not automatically cancel an individual's permission if referred for cancellation. It may be appropriate to use discretion, see [case considerations and use of discretion](#) when considering cancellation.

You must cancel an individual's permission following the breakdown of a relationship to 60 days unless:

- they have less than 60 days permission remaining
- there are exceptional circumstances which mean it is appropriate to cancel permission with immediate effect

- there are exceptional reasons to exercise discretion when cancelling so that the individual has more than 60 days permission remaining, for example an individual is due to have essential hospital treatment in 60 days' time and requires an additional period to recover before they can travel

Exceptional circumstances that may justify immediate cancellation include either:

- allegations that the UK settled sponsor has been the victim of domestic violence
- the individual has a history of immigration abuse
- other cases involving serious non-compliance or risk

Where permission is to be cancelled with immediate effect the decision must be signed off by a senior caseworker.

For more information about when an individual has less than 60 days permission, see:

- [Deciding the date of expiry for cancelled permission](#)
- [Use of discretion when considering cancellation](#)

If you decide to cancel an individual's permission, you must:

- write to the UK settled partner to ask for their permission to use the information they have provided about the relationship breakdown using the 'cancellation further action – request to share sponsor information letter' as you will need a signed permission or public statement letter from the sponsor
- if it is appropriate you must include the optional paragraphs giving advice about:
  - contacting the police
  - obtaining an injunction
  - domestic violence helplines
  - contacting the forced marriage unit

If you receive a letter that gives you permission to use the information on the relationship breakdown you must:

- cancel the individual's permission using existing criteria and processes
- update the casework system and internal Home Office security systems
- not disclose any decisions on the case to the spouse or partner without discussing with a Senior Caseworker what, if any, information can be provided - see: [requests from a spouse or partner for case updates and information](#)

For information on what to do if you do not get the UK settled person's permission, see [UK settled person does not give permission to use information](#).

## Informing an individual of the decision not to cancel

If you decide not to cancel the individual's permission following a breakdown of their relationship, you must:

1. Create a note on the casework system explaining the reason for your decision.
2. Enter 'Cancellation Not Pursued' in the case outcome field on CID.
3. Send a 'cancellation not pursued' letter to the individual to notify them of the decision not to cancel their permission, where they have previously been sent a 'minded to cancel' letter.
4. Delete entry from the Home Office internal security systems where appropriate, for example reconciliation.

See also: [Requests from a spouse or partner for case updates and information](#).

## Requests from a spouse or partner for case updates and information

If you receive a request from a spouse or partner for case updates and information on the individual's cancellation decision, you must:

1. Discuss the case with a Senior Caseworker to agree what information can or cannot be provided on any action UKVI is taking.
2. Send a 'cancellation acknowledgement and third party information' letter to the sponsor.
3. Adapt the letter to cover the issues raised in the correspondence received following your conversation with a Senior Caseworker.
4. Delete the options about the police, seeking an injunction and domestic violence helplines where applicable and if there is no suggestion of domestic violence, forced marriage or threats.
5. Mark the letters from the UK spouse or partner 'do not disclose' if the UK settled spouse or partner has not given written permission for their disclosure.

## Domestic violence and forced marriage cases: relationship breakdown

### Allegations of domestic violence

If an individual has claimed to have been a victim of domestic violence from their UK settled partner or a member of their partner's family, it may not be appropriate to cancel the individual's permission to enter or stay in the UK.

You must check casework system records to establish if the individual's partner has claimed to be a victim of domestic violence and if they have applied for permission on this basis. If there are records of this on the casework system, you must refer the case to a senior caseworker and contact the team dealing with the application for permission.

If the individual has not applied for permission on the grounds of being a victim of domestic violence their permission may be cancelled to 60 days to allow them a reasonable period to apply for any permission which they are eligible for.

For information on the process to follow, see: [Informing an individual of the decision not to cancel.](#)

The allegation could concern a claim that the settled sponsor or the individual has been a victim of domestic violence.

If there is an allegation that the UK settled spouse or partner has been the victim of domestic violence or threats, you must:

- send a 'cancellation acknowledgement and third-party information' letter
- include advice about:
  - contacting the police
  - seeking an injunction
  - domestic violence help-lines
  - contacting the forced marriage unit

You must discuss the cancellation case with a senior caseworker in the following circumstances:

- if the UK settled person is still living at the same address as their estranged foreign spouse or partner, and you are concerned that they might be put at risk if the foreign spouse or partner reads the letter
- if there are concerns that the letter may be intercepted, how and where it will be safe for the Home Office to contact them, for example, mobile phone, email or work
- if the individual has threatened to use violence if their permission is cancelled, in such cases, you must warn the UK settled spouse or partner that you are going to cancel permission to stay in the UK before it is served
- if there is any indication at all of a forced marriage

If the senior caseworker is unable to resolve the issue, they may contact the appropriate operational policy team for advice.

If there is an allegation that the individual has been the victim of domestic violence or threats, you must:

- check the caseworking system to find out whether the individual has submitted an application as the victim of domestic violence (DV)
- if an application has been submitted to the Home Office, you must:
  - contact the relevant caseworking team who are dealing with the DV application
  - cease cancellation consideration against the individual partner
  - transfer ownership of the cancellation consideration to the team which is considering the DV application, the team considering the DV application will decide whether cancellation is appropriate if the application is refused

- add a minute to the caseworking system to record the above actions
- if the settled partner requests information, follow the guidance described in [requests from a spouse or partner for case updates and information](#)

You must consider whether, on the balance of probabilities, the evidence shows that the individual has been the victim of domestic violence.

You must bear in mind the difference between an allegation and evidence. For these purposes:

- an allegation - is a claim by an individual that domestic violence took place, for instance, a letter from an individual claiming that domestic violence took place, in the absence of any supporting evidence, is an allegation
- evidence - consists of verifiable facts and documentation that indicate that the allegation is true, for example:
  - a police report about attending a domestic incident that confirmed that domestic violence occurred
  - a court report showing that an individual was convicted of a domestic violence would be good forms of evidence

If there is an allegation that an individual spouse or partner has been the victim of domestic violence, you must follow the guidance on [allegations of domestic violence](#).

If there is evidence that an individual spouse or partner has been the victim of domestic violence, you must not:

- inform the UK settled spouse or partner of the outcome of the case

If an individual no longer meets the requirements under the rules and there is an allegation or evidence of domestic violence their leave should normally be cancelled to 60 days, under paragraph 9.23.1 of the [Immigration Rules](#). You must also tell an individual that appendix FM of the Immigration Rules provides a route for victims of domestic violence and they may wish to consider applying for further leave by that route.

## Allegations of forced marriage

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## Cancellation in points-based system (PBS) cases

This section tells caseworkers any specific casework system actions they need to take in points-based system cases when an individual's employment has ended prematurely. An outline of the cancellation grounds for individuals who have been granted entry clearance or permission under the points-based system is provided in this guidance at [Section 5: additional grounds for cancellation of entry clearance and permission](#). See also: Section 5 in [Part 9 of the Immigration Rules](#).

For a detailed outline of the cancellation grounds in section 5, Part 9 of the Immigration Rules, as well as cancellation considerations and wording for use in decision notices, see guidance: Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay.

## Premature end of employment or study: consider cancellation

If the sponsor informs the Home Office, using the sponsor management system (SMS), that an individual has stopped working for them or stopped study with their sponsor, you must:

- register the case on CID under case type 'Curtailment Consideration – T2 SW – [relevant category]' where employment has ended prematurely
- register the case on CID under case type 'Curtailment Consideration – Tier 4 general' where study has ended prematurely
- check on the internal database systems to see if they have been granted permission in another category

## Individual granted permission in another category

Note CID notes and person notes with:

‘(Name of sponsor) has notified us that OSN left employment/study (on date if given). OSN has since been granted permission as (insert details of new leave) therefore no further action required.’

## Individual has an outstanding immigration application

In this case, when you are considering the application you must also consider cancelling the existing permission if the new application is refused. If the application is granted, no further cancellation action will be required.

You must note CID notes and person notes with:

‘(Name of sponsor) has notified us that OSN left employment/study (on date if given). OSN has an outstanding application for further permission as (insert details of application) therefore no further action required until the application is decided. The caseworker considering the application must consider cancelling the existing permission if the new application is refused’.

## Individual not granted in another category: less than 60 days permission left

If the circumstances of the case mean you would cancel the permission to 60 days, you must note CID notes and person notes with:

‘(Name of sponsor) has notified us that OSN ceased employment/study on (date if known). OSN has less than 60 days permission to (enter/stay) therefore no further action is required.’

You must continue to consider cancellation if the circumstances of the case justify cancelling with immediate effect. For more information, see [Deciding the date of expiry for cancelled permission](#).

## Premature end of employment or study: cancellation process

You must consider cancellation unless:

- further permission has been granted, in this case, do not consider cancelling the permission as it has already been superseded by the new grant of permission
- an application for further permission has been submitted and not yet decided, in this case, the caseworker considering the application must also consider cancelling the existing permission if the new application is refused
- the migrant has less than 60 days permission remaining and you would cancel permission to 60 days

If an individual finishes their work placement or studies early due to pregnancy, serious ill health or a serious medical condition, you must take particular care when [deciding the date of expiry for cancelled permission](#).



If you are considering cancellation, you must go into the CID case to:

- make sure the following registration details are correct:
  - full name
  - title
  - family name
  - nationality
  - date of birth
  - place of birth
  - gender
  - address and dispatch details
  - representative (where applicable)

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**Official – sensitive: start of section**

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

**Official – sensitive: end of section**

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- make sure the passport details have been inputted if you have the passport
- make sure the notes confirm a higher executive officer (HEO) has authorised the cancellation, if not you must return the case to your line manager
- make sure the certificate of sponsorship (CoS) reference number is in the sponsoring organisation tab
- add the following to note text and person notes:
  - 'Applicant's permission as a (details) cancelled so as to expire on (date). (Letter template issued) Decision to be served (direct to applicant at last known address/via employer/via rep)'

For more information, see: [Cancellation procedures: casework system actions](#).

## Making the decision on CID

Complete the following fields:

- previous category: select the relevant category
- case cluster: type 1 if you have the passport, type 2 if you do not have the passport.
- expiry date: enter the date you are cancelling to, it must be:
  - 60 days from today's date, unless there are grounds to cancel with immediate effect or for a different duration
- case outcome: 'Cancel - No R.O.A.'
- condition code: leave blank, unless the case needs a biometric residence permit, which is a code '4'

Check all the CID details, then prepare a cancellation notice.

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**Official – sensitive: start of section**

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

**Official – sensitive: end of section**

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## **Cancelling the permission of dependants**

This section does not apply to EU Settlement Scheme (EUSS) cases. In these cases, each individual with EUSS leave has leave in their own right and if you are curtailing an individual's leave, the relevant test, including proportionality where relevant, will need to be met in respect of each individual. See: [Cancellation and curtailment grounds: appendices and annexes](#).

When you consider cancelling a main applicant's entry clearance or permission to enter or stay in the UK, you must also consider cancelling the permission of any dependants who were granted permission in line with the main applicant, under section 5, paragraph 9.24.1 of the [Immigration Rules](#). See [dependant grounds](#) and guidance on: Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay for further information.

It will normally only be in exceptional cases that you would decide not to cancel a dependant's permission when you cancel a main applicant's permission. An example might be where the dependant has recently become estranged from the main applicant and has submitted an application for permission to enter or stay in the UK in their own right. In this case you must wait for the new application to be decided before you make a decision about whether to cancel the dependant's permission. If possible, you must request that the new application be prioritised so you can make a decision on the dependant's case at the same time as for the main application.

If you cancel the dependant's permission in line with the main applicant's permission, you should normally cancel their permission to expire on the same date. For example, if you cancel the main applicant's permission to 60 days and you decide to cancel the dependant's permission, you should normally also cancel the dependant's permission to 60 days. You must serve the decisions for the dependants to the address provided for correspondence by the main applicant, unless the dependant has provided a different correspondence address, in which case you must use the dependant's correspondence address. For more information, see: [Service of a cancellation decision](#).

If there is evidence the relationship has broken down, such as a notification from the former partner, you must also consider whether the dependant's permission should be cancelled on that basis, if you do not cancel the permission under dependent grounds, paragraph 9.24.1 of the Immigration Rules. In this situation, it is still appropriate to cancel the dependant's permission even if the main applicant's permission was not cancelled or was reinstated. For more information about when

an individual no longer meets the requirement because their relationship has broken down, see: [Ceasing to meet rules requirements: relationship breakdown](#).

In cases where the dependant has been engaged in criminal activity, you must first consider whether you need to [make a referral to Foreign National Offender Returns Command](#) to make a decision on enforcement action.

As these grounds for cancellation are discretionary you must not automatically cancel an individual's permission for this reason. It may be appropriate to [exercise discretion](#).

## Cancelling the permission of a deceased individual's dependants

If you receive notification that an individual has died, you must not cancel the deceased migrant's entry clearance or permission to enter or stay in the UK, or send any letter addressed to that person.

You must handle such cases with sensitivity and respect, and with due regard to the needs of the deceased individual's family. You must allow a minimum period of one month after the date on which the individual died before you contact any dependants about the case.

Before you take any action, you must obtain evidence which confirms the main applicant has died to ensure that the notification is correct. You must telephone or write to the individual who notified you of the death to ask them to send you both the following:

- written notification
- certified copy of an individual's death certificate

If the Home Office holds the deceased applicant's passport you must also advise their family that the Home Office will return the passport (valid or expired) to the deceased individual's UK Embassy or High Commission to be cancelled and the family will receive a letter from us which confirms that. You do not need to request the passport if you do not have it.

If the individual has a biometric residence permit (BRP) which is not currently with the Home Office, you must request for it to be returned so it can be cancelled and destroyed.

Once you have confirmation of the death, you must record the individual's death on the casework system:

- if the case has been decided and the decision despatched, enter the case outcome 'Deceased' against their last grant of permission
- if the case has not been decided enter the case outcome 'Deceased' against their last grant of permission

- if the case has been decided but the decision notice has not yet been dispatched you must amend the outcome to 'Deceased'

If the deceased individual had dependants who were granted permission on the basis of their relationship with the individual, you must consider cancelling the dependant's permission.

You must be aware of the sensitive nature of such cases and treat the dependants compassionately when you consider the case and communicate with them.

When you decide whether cancellation is appropriate, you must consider:

- how much permission the dependant(s) have remaining - the longer the period of permission to stay they have remaining the more likely you are to cancel:
  - do not cancel their permission if it will expire before the date to which you would cancel it, for example, if you would cancel the individual's permission to expire in 90 days' time and their permission will expire in 85 days' time, it is unnecessary to cancel the permission
- whether it is appropriate to exercise discretion due to the compassionate nature of the case
- the best interests of any child who will be affected by the decision

In EUSS cases, you must also consider whether the individual continues to satisfy the eligibility criteria under Appendix EU, notwithstanding the death. See also:

[Cancellation and curtailment grounds: appendices and annexes.](#)

You must record your consideration and reasons for your decision in the CID case notes and fully explain your decision in the decision letter, including your consideration of the exercise of discretion and the best interests of any children affected by the decision, ensuring you use a sympathetic tone.

## Deciding the new permission expiry date

If you decide that cancellation is appropriate, you must consider whether to allow the individual longer than the usual 60 days to depart or make an application to vary their permission.

There may be grounds in individual cases to allow more time, but you must justify this in the case notes and decision letter.

You must consider the following factors when you decide the new permission expiry date:

- when the death occurred:
  - if it occurred recently it may be appropriate to cancel permission allowing more than 90 days to depart
- whether there are any exceptional circumstances in the case, for example:
  - a suspicious death or outstanding coroner investigation
  - the involvement of children or vulnerable individuals

- any other compassionate grounds that mean it would be appropriate to give more time

You must refer your decision to your higher executive officer (HEO) senior casework or team leader to approve before inputting your decision and sending out decision letters.

## Permission granted as a dependant of a UK national

You must consider cancelling the dependant's permission, taking into account the same factors as above.

Where an individual was granted permission to enter or stay in the UK in this category, they may if they wish apply for indefinite leave to remain (ILR) as the spouse, partner or child of a deceased person under [appendix FM of the Immigration Rules](#).

If you have the UK national's passport, you must send it to the UK Passport Office and ask for it to be cancelled and then returned to the individual's family members.

### Related content

[Contents](#)

[Immigration Rules: Part 9 Grounds for Cancellation](#)

[Cancellation and curtailment grounds: appendices and annexes](#)

[Cancellation decisions: case considerations and use of discretion](#)

[Cancellation procedures in specific case types](#)

[Cancellation decisions: case specific letter template wording](#)

[Service of a cancellation decision](#)

### Related external links

[Immigration and Asylum Act 1999](#)

[Immigration Rules](#)

# Service of a cancellation decision

This page tells caseworkers how to serve both non-appealable and appealable cancellation decisions to an individual.

## Service of a decision to cancel

Under section 4 of the [Immigration Act 1971](#), you must serve the decision to vary permission on the individual in writing. There is no right of appeal against any cancellation decision made on or after 6 April 2015, with the exception of curtailment decisions made under Appendix EU, Appendix EU (Family Permit) and cancellation decisions made under Appendix S2 Healthcare Visitor. See: [cancellation and curtailment grounds: appendices and annexes](#) for further information.

The Immigration (Leave to Enter and Remain) Order 2000 sets out the methods by which you may serve non-appealable decisions in writing. For more information on this legislation, see:

- [Immigration \(Leave to Enter and Remain\) Order 2000 \(see articles 8ZA and 8ZB\)](#)
- [Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013](#)

[The Immigration \(Notices\) Regulations 2003](#) sets out the methods by which you may serve appealable decisions in writing.

## Non-appealable decisions

For non-appealable decisions the notice cancelling permission may be:

- given by hand
- sent by fax
- sent by postal service to a postal address that an individual or the representative provided for correspondence
- sent electronically to an email address that an individual or the representative provided for correspondence
- sent by document exchange to a document exchange number or address
- sent by courier

Where an individual or representative has not provided a postal or email address for correspondence, or the notice sent to the correspondence address is returned as undelivered, you may send the notice:

- by postal service to the last known or usual place of either:
  - abode, study or business of the individual
  - business of the individual's representative
- electronically to the last known email address of either the:
  - individual, including at the individual's last known place of study or place of business

- individual's representative

## Appealable decisions

For appealable decisions the notice cancelling permission may be:

- given by hand
- sent by fax
- sent by postal service in which delivery or receipt is recorded to:
  - an address provided for correspondence by the person or their representative

Where no address for correspondence has been provided by the person, you may send the notice:

- by postal service in which delivery or receipt is recorded to either the last known or usual place of either:
  - abode, or place of business of the individual
  - place of business of the individual's representative

## Service of cancellation notices to applicants aged under 18

If you cancel the permission of an individual who is under 18 years of age and does not have a representative, you may serve the notice to a responsible adult, aged 18 or over, who is either the child's parent, legal guardian, or an individual who currently has responsibility for the child. This can include a member of staff at the child's school who has responsibility for the pastoral care of the child but does not include:

- immigration officers
- officials of the Secretary of State
- police officers
- prison officers or persons employed at a removal centre
- persons acting on behalf of an authorised person under the regulations, for example a private contractor

## Service of cancellation decisions to a UK address

Where you cannot give a notice to the individual in person and where the individual has elected to receive communication via post, you must where possible send communication to a UK postal address. You must not send to a UK postal address if records show the individual is not in the UK. The Home Office policy preference is to serve the decision to:

- a UK postal address, including to legal representatives if still acting for the individual, where this is possible, and evidence indicates the individual is in the UK

- for non-appealable decisions only, to an email address where this is possible, particularly where there is information or evidence which indicates the individual is outside the UK

You must send the decision notice for a decision to, in order of preference:

- the UK postal address or email address (email applies to non-appealable decisions only) an individual or their representative provided for correspondence (post to be sent by recorded delivery)
- the last known or usual postal address of an individual, their last known or usual place of study (study applies to non-appealable decisions only) or place of business, or the last known or usual place of business of an individual's representative (by recorded delivery) - this must not be the address of a points-based system (PBS) individual's sponsor, unless that is the correspondence address the individual previously provided
- for non-appealable decisions only, the last known or usual email address of the individual or the individual's representative (by recorded delivery) - this must not be the email address of a points-based system (PBS) individual's sponsor, unless it meets the criteria set out below

You must identify a suitable postal or email address by looking through relevant systems and databases, for example:

- CID/Atlas for in the UK application records and notes fields which may have further information
- CRS for out of country application records
- SMS notifications received from sponsors

In cases where the individual has used a representative to make their previous in country application, you must contact the representative to ask whether they still act for the individual. If they do, you must serve the decision to the representative. If they do not, you must record this fact on the casework system. You must not attempt to serve a decision to a former representative who is no longer acting for the individual.

You must make 2 attempts to serve a cancellation decision to a UK postal or email address (email applies to non-appealable decisions only), where available, before serving the decision to file. If only one address is available, you must make both attempts to serve to that address. If you attempt to serve to the individual's correspondence address and the notice is returned, you must make your second attempt to serve the notice by sending it to the individual's or representative's correspondence email address. If that is not available or is defective, use the last known or usual home address, place of study (study applies to non-appealable decisions only) or place of business, or their representative's business address, if one is recorded on the casework system. You must not attempt to serve to a place of study or place of business if it is known that the individual is no longer contactable there, for example because they have left their previous place of work.



If there is evidence that the individual or representative is still using the address, for example other Home Office letters are being successfully delivered there, you may exceptionally make an additional attempt to serve the notice to that address.

## Service of non-appealable cancellation decisions to an email address

In non-appealable cases only, where you have a recorded email address and particularly where records show the individual is not in the UK or previous attempts to serve the notice to a correspondence address have failed, you must where possible serve the notice to an email address that the individual or their legal representative provided for the purpose of correspondence with the Home Office.

You must not serve a decision via email if you have no current email address, you know an individual is no longer contactable at the recorded email address, for example because they have left the place of study or business, or where an individual has elected to receive communication via post. You must where possible serve the notice, in order of priority, to:

- an email address an individual provided for the purpose of correspondence
- an email address their legal representative provided for the purpose of correspondence
- the last known email address for the individual, including at the individual's last known place of study or place of business
- the last known email address of the individual's representative

You need to identify a suitable email address by looking through relevant systems and databases, including:

- CID/Atlas for in the UK application records and notes fields
- CRS for out of country application records
- SMS notifications received from sponsors

However, you must not use sponsor based email addresses, for example, migrant@sponsor.co.uk or migrant@sponsor.ac.uk if either:

- permission is cancelled following an SMS notification from the sponsor that they have withdrawn sponsorship from an individual who is no longer studying or working with them
- the sponsor has stopped trading

When serving a cancellation decision to an email address, you must always:

- use the wording provided in the letter templates for the covering email message and the notice of decision, see: Grounds for refusal and cancellation (suitability) to access guidance on cancellation grounds under Part 9 of the Immigration Rules and the appropriate wording to use in the templates:
- send the decision notice in a secure, write protected format (PDF), you must:
  - create the notice on the casework system

- then convert the notice to the PDF format
- send the decision with a 'delivery receipt' request
- record on the casework system:
  - the email address that you sent the notice
  - the date on which you sent it
- make sure the correct decision letter is attached to the email
- if you receive a delivery receipt, record the delivery receipt response on the casework system to confirm service

If you receive an automated response stating the email address was defective or the email was undeliverable, you must check you entered the correct email address.

If it was correct, make one further attempt to send the email. If your attempts to serve to the email address are unsuccessful or no email address has been provided for correspondence, you must try to serve the decision to the last known or usual postal address or email address of the individual or the individual's representative, where available. If these attempts are unsuccessful, you must serve the decision to their overseas correspondence address, if they have provided one. If there is no overseas address, they have not provided an overseas address and you have exhausted all other attempts to serve the decision to the individual via post and email, see [failure to serve the decision to a postal or email address](#) for next steps.

## Failure to serve the decision to a postal or email address

If no postal or email contact for correspondence have been provided and the individual has an employment or educational sponsor, you must contact the individual's previous or current sponsor to request the individual's contact details, but only if the sponsor is still operating and has a valid sponsor licence. You must not contact an individual's former spouse or partner for this information. You must ask the sponsor to respond within 10 days. You must request both postal and email addresses for the individual. If the sponsor provides postal contact details, you must send the notice to the individual's postal address by recorded delivery. If no postal address is available but the sponsor provides an email address for the individual, you must send the notice to that email address.

If, exceptionally, the individual has a fax or document exchange (DX) address, you must attempt service to the individual by those methods before serving to file, although it will be extremely rare that an individual would not have a postal address but would have a functioning fax or DX address.

If you cannot serve the decision notice, because no address is known or any attempt(s) to serve the notice by post or by email have failed, you must [serve the decision on file](#). You must record the reasons why the decision notice was served on file including what attempts you took to serve to an address and why they were unsuccessful. If the individual is subsequently located, you must give the individual a copy of the notice and details of when and how it was given.

## Service of a cancellation decision to the file

The power to serve cancellation decisions to file comes from either the [Immigration \(Leave to Enter and Remain\) Order 2000](#) (non-appealable decisions) or the [Immigration \(Notices\) Regulations 2003](#) (appealable decisions).

In both non-appealable and appealable decisions, you must only serve a notice of cancellation on file when:

- no address has been provided to write to and there is no last known address to serve the notice to the individual
- you are serving to a possible address provided by the spouse or partner, but are also serving on the file as the address may not be reliable
- the address they have provided is defective, false or known to be no longer in use
- the applicant does not have a representative
- for non-appealable decisions only, the above list also includes where there is no suitable email address to which you can serve the notice

You must also read the guidance on [service of cancellation decisions to a UK address](#) and [service of non-appealable cancellation decisions to an email address](#) if you have details of an email or an address.

To serve a cancellation decision to the file you must follow the procedures below:

1. Create a Home Office file if one does not already exist and you need to store paper documents such as returned correspondence as evidence of attempted service - if there are no paper documents to store you may serve electronically to the casework system record.
2. Note on the case file (if applicable) and on the casework system notes the circumstances and reasons why you could not serve the notice normally, in accordance with the requirements of the regulations and order.
3. Explain in the notes why you were unable to use any other known addresses for service, which will assist in defending any potential future legal challenge about whether service to file was effective.

Where you are serving to a paper file:

1. Sign and date the decision notice and place in a pouch at the bottom of the file.
2. Create a minute on the case file noting the decision's presence and location on file.
3. Update casework system notes that the decision has been served on file and the reasons why.
4. Ensure that your notes refer to the correct legislation under which the decision was served - for cancellation decisions that do not have a right of appeal, the correct legislation is the Immigration (Leave to Enter and Remain) Order 2000, for those that do have a right of appeal the correct legislation is the Immigration (Notices) Regulations 2003.

For more information on the wording to use, see: [Wording to use when serving a decision on file.](#)

When you serve a notice on file, it:

- ends the case, if applicable
- ends the individual's permission, if permission was cancelled with immediate effect
- starts the 60 day period during which the individual must apply to regularise their stay or depart, for decisions to cancel permission to 60 days

If you locate the individual after you, or another caseworker, have served the notice on file, you must as soon as possible:

- send an individual a copy of the notice
- send them all the papers that relate to the right of appeal, if applicable in the case of a pre 6 April 2015 cancellation decision with a right of appeal or a curtailment decision made under Appendix EU, Appendix EU (Family Permit) or a cancellation decision made under Appendix S2 Healthcare Visitor
- give them with details of when and how the notice was given

For more information on permission expiring during the decision process, see 3C and 3D leave.

For more information on the individual's appeal rights, see [Appeal and administrative review rights.](#)

## Passports, identity cards and valuable documents

If leave/permission has been given in a passport and the passport is available, you must endorse it with the following words:

'Leave/permission [delete as appropriate] cancelled so as to expire on [insert date of action or new expiry date]'

You must keep any valid biometric residence permits (BRP) securely. You must not destroy them in case any error correction request is successful.

If you have the individual's passport, BRP or other valuable documents and are retaining them, you must handle them in line with the retention of valuable documents guidance or refer to the safeguarding valuable documents guidance.

Valuable documents must be kept if:

- the individual has been assessed as a harm A case
- leave/permission is cancelled with immediate effect
- the individual now has no remaining leave/permission, for example, if leave/permission expired while cancellation was being considered

Make sure any documents you keep are securely stored according to the instructions on managing sensitive personal information.

You must update the casework system to show that documents are held and where they are stored.

You must include a covering letter with the decision letter to tell the individual their passport has been kept. For more information, see Removals documentation.

### **Related content**

[Contents](#)

[Cancellation: definitions, legal basis and powers](#)

[Immigration Rules: Part 9 Grounds for Cancellation](#)

[Cancellation and curtailment grounds: appendices and annexes](#)

[Cancellation procedures in specific case types](#)

[Cancellation decisions: case specific letter template wording](#)

### **Related external links**

[Immigration Act 1971](#)

[Immigration Rules](#)

[Immigration \(Leave to Enter and Remain\) Order 2000](#)

[Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013](#)

[The Immigration \(Notices\) Regulations 2003](#)

# Cancellation decisions: case specific letter template wording

This page tells caseworkers the suggested wording for the notice of decision they send to an individual when cancelling their permission or leave in specific circumstances.

## Page contents:

[Cancellation wording: grounds in Part 9 of the Immigration Rules](#)

[Cancellation wording: breakdown of a relationship](#)

[Curtailed wording: discretionary leave or leave outside the rules](#)

[Cancellation wording: serving a decision on file](#)

## Cancellation wording: grounds in Part 9 of the Immigration Rules

When you cancel an individual's permission to enter or stay in the UK on a cancellation ground under Part 9 of the Immigration Rules, you must use the appropriate wording, for the cancellation ground in your cancellation decision letter. See: Grounds for refusal and cancellation (suitability) to access the individual pieces of guidance related to either the relevant section, or paragraph, of [Part 9 of the Immigration Rules](#) which contain the associated cancellation wording, or, to access all of the cancellation paragraphs in one document, see: Cancellation paragraphs for decision letters.

See also: [Immigration Rules: Part 9 Grounds for Cancellation](#) for an outline of Part 9 in-country cancellation grounds and links to the relevant piece of guidance.

## Cancellation wording: breakdown of a relationship

For more information on what to do with a case when the relationship has broken down, see: [Ceasing to meet rules requirements: relationship breakdown](#).

Reason for cancellation	Wording to use
Use for all reasons when permission to enter or stay in the UK may be cancelled.	On [insert date] you were granted permission to [enter/stay in] the United Kingdom until [insert date] as a [insert details]/in order to[insert details]
Marriage break-up case.  Relates to paragraph 9.23.1 of the Immigration Rules (ceasing to meet requirements of the rules)	You entered the United Kingdom on [insert details] with a visa valid from [insert date] to [insert date], as the spouse of [insert name], an individual present and settled in the United Kingdom.  The decision has been made to cancel your permission so that it expires on the date shown at the end of this notice. In view of the fact that you and [insert spouse's name] are no longer living together as spouses, the Secretary of State is not

Reason for cancellation	Wording to use
	satisfied that you and [insert spouse's name] intend to live permanently with each other as spouses or that your marriage is subsisting. You accordingly no longer meet the requirements of the Immigration Rules under which your permission to enter was granted. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour.

## Curtailment wording: discretionary leave or leave outside the rules

When you curtail [discretionary leave or leave outside the rules](#), you must state in the decision letter that the leave is being curtailed under 'section 3(3)(a) of the Immigration Act 1971'. You must not state that the discretionary leave is being curtailed under the Immigration Rules. You must adapt the following wording to explain the decision in the decision notice:

On [insert date] you were granted leave to [enter/remain in] the UK until [insert date] as a [insert details]/in order to [insert details], but you have ceased to meet the requirements of the concession under which the leave to enter/remain was granted. The circumstances that justified your grant of leave to remain outside the Immigration Rules on a discretionary basis no longer apply because (insert reasons). It is not considered that the circumstances of your case are such that discretion should be exercised in your favour. The Secretary of State has therefore decided to curtail your leave to enter/remain in the UK so as to expire on [insert date].

For more information on the wording to use if you are serving the notice on file, see [Cancellation wording: serving a decision on file](#).

## Cancellation wording: serving a decision on file

Reason	Wording
Wording for file minutes when you have no address for the individual.  [estranged partner cases]	<b>Serving the decision on file</b>  [File reference number]  It is clear that [name of individual] no longer lives at the address of the UK settled sponsor and the latter has been unable to provide an address for their estranged spouse. There is also no record that [name of individual] has informed the Home Office either of his/her change of circumstances or change of address. The individual did not provide an email address for correspondence and as [name of individual]'s whereabouts are not known and we have no record of any representative acting for

Reason	Wording
	<p>him/her nor do we know the individual's last known or usual place of study or business [delete as appropriate], it has not been possible to serve the notice of decision to an address. The notice of decision has therefore been placed on file and is deemed to have been given in accordance with article 8ZA of the Immigration (Leave to Enter and Remain) Order 2000/article 7 [insert paragraph 2 reference] of the Immigration (Notices) Regulations 2003 [delete as appropriate].</p>
<p>When you have a possible address for an individual provided by UK settled spouse or partner.</p>	<p><b>Serving the decision on file</b></p> <p>[File reference number]</p> <p>It is clear that [name of individual] no longer lives at the previous marital address and he/she has not notified the Home Office of his/her current address. We have been informed that he/she may be living at [insert details]. My attempt to serve the decision there was unsuccessful. There is also no record that [name of individual] has informed the Home Office either of his/her change of circumstances or change of address. As [name of individual]'s whereabouts are not known and we have no record of any representative acting for him/her, nor do we know the individual's last known place of business or study or have an e-mail address [delete as appropriate], it has not been possible to serve the notice of decision to an address. The notice of decision has been placed on file and is deemed to have been given in accordance with article 8ZA(4) of the Immigration (Leave to Enter and Remain) Order 2000/article 7 [insert paragraph 2 reference] of the Immigration (Notices) Regulations 2003 [delete as appropriate].</p>
<p>Include the following paragraph in the reason for refusal letter (RFRL) when a decision has only been served on file (no address known).</p>	<p><b>Serving the decision on file</b></p> <p>In his/her letter of [insert date] Mr/ Ms [insert name] stated that you had left the marital home and that your present address was not known. Following the breakdown of your marriage and your departure from the marital home, you did not inform the Home Office of your change in circumstances or your change of address. Your whereabouts are not currently known and we have no record of any representative acting for you, nor do we know your last known place of business or e-mail address [delete as appropriate]. It was therefore not possible to serve you with the cancellation notice at the time of the decision. The notice of decision has been placed on file and is deemed to have been given in accordance with article 8ZA(4) of the Immigration (Leave to Enter and Remain) Order 2000/article 7 [insert</p>



Reason	Wording
	paragraph 2 reference] of the Immigration (Notices) Regulations 2003 [delete as appropriate].

### **Related content**

[Contents](#)

[Immigration Rules: Part 9 Grounds for Cancellation](#)

[Cancellation procedures in specific case types](#)

[Service of a cancellation decision](#)

### **Related external links**

[Immigration Act 1971](#)

[Immigration \(Leave to Enter and Remain\) Order 2000](#)

[The Immigration \(Notices\) Regulations 2003](#)

[Nationality, Immigration and Asylum Act 2002](#)

[Immigration and Asylum Act 1999](#)

# Actions following cancellation

This page tells caseworkers about the process to follow if they receive a cancellation error correction request from an individual, an individual's legal representative or sponsor.

## Cancellation error correction

### Process for making an error correction request

After an individual's permission has been cancelled, the following people may write to the Home Office to claim there was an error in the decision and request an error correction:

- the individual
- the individual's legal representative
- the individual's sponsor

Any error correction request must be made in writing, either by post or email to the team which made the original decision. These details can be found on the original decision letter.

The error correction request must:

- provide the individual's:
  - name
  - date of birth
  - nationality
  - any Home Office reference numbers
- clearly explain why they believe the decision was incorrect - for example, depending on the circumstances of the individual case, it must say which:
  - sponsor notification was incorrect (not considered, or incorrectly interpreted)
  - evidence was incorrect (not considered or incorrectly interpreted)
  - rules or policy were not applied or were incorrectly applied
- be sent within 14 calendar days of the deemed date of receiving the cancellation decision – the deemed date of receiving a decision sent by post to a UK address is 2 working days after the decision was posted, unless the individual can prove they received the decision on a later date

You should normally reject any error correction request which does not meet the above requirements without further consideration, however, you must consider whether it is appropriate to exercise discretion. For example, you may exceptionally accept a request if there are minor omissions in the information supplied and you can get it from elsewhere. For example, the Home Office reference number was not provided but you are able to identify the case from other information.

You must review a cancellation decision if you receive a claim that there was an error in the decision and the claim meets the above requirements. A cancellation decision will not normally be reviewed for a second time unless the previous review resulted in changed cancellation reasons.

If an individual asks you how to raise an issue with cancellation following an incorrect sponsor notification, they should be advised to ask their sponsor to raise any error correction requests relating to incorrect notifications. This will mean the request can be processed more quickly without the need for the Home Office to contact the sponsor to verify the claim.

Individuals cannot use the error correction process to challenge a sponsor's decision to withdraw sponsorship. Individuals must raise any such challenge direct with their former sponsor.

The fact that an individual disagrees with, or legally challenges, their former sponsor's decision to withdraw sponsorship is not a reason to stop or reverse a cancellation.

## Correspondence which is not an error correction request

Not all correspondence about a cancellation will be an error correction request. For example, an individual may write to complain about the retention of their documents or to state they intend to apply for judicial review of the decision. You must handle such correspondence according to the standard [How to make a complaint](#) procedures for complaints or litigation. There is also more information about Judicial reviews.

## Individual's status after sending an error correction request

If an individual sends a cancellation error correction request this does not extend their permission. While a review of the cancellation decision is being undertaken and the review is of a cancellation where the 60 day period of permission has ended, or where cancellation was immediate, the individual will hold no permission, unless, or until the cancellation decision is changed. Read Applicant's status after submitting a reconsideration request in the reconsiderations guidance which applies to cancellation error correction requests.

## Considering the request

The request must be considered by a caseworker who did not make the original decision. How you reconsider the decision will depend on who sent the request.

You must note the casework system with 'outcome to be considered' while you review the cancellation decision.

## Requests from the individual's sponsor

A sponsor may write to the Home Office to claim an individual's cancellation decision was incorrect because they sent a sponsor notification in error. In this situation you must reinstate the individual's permission unless there are other grounds on which their permission must be cancelled.

To correct the decision, follow the instructions in [the decision was incorrect](#).

You must pass the details of the incorrect notification to the sponsor licence unit so they can check whether there are any issues with the sponsor and take further action as required.

## Requests from an individual or their legal representative

An applicant may appoint a legal representative, or [change their legal representative](#), when they make an error correction request.

If the claim is that cancellation was based on an incorrect sponsor notification, you must contact the sponsor to check whether this claim is correct.

If the sponsor confirms the notification was:

- correct, you must maintain the decision (unless it is incorrect for another reason)
- incorrect, you must follow the guidance below for requests sent by sponsors

If the individual has falsely claimed the sponsor notification was incorrect, you must consider if they have attempted to obtain permission by providing false or misleading information. If so, you may be able to cancel their permission with immediate effect on [false representations grounds](#). See also: false representations guidance for further information.

Where the individual or their legal representative claims that permission has been cancelled in error for other reasons, and has clearly explained why they believe the decision was incorrect, as set out above, you must review the original decision to check that it was correct. You must check:

- the decision was supported by appropriate evidence
- the decision was made under the correct rules and policy
- any sponsor notification was linked to the correct individual
- any grounds for discretion were appropriately considered, where applicable
- permission was cancelled to the correct date, including consideration of exceptionally cancelling to a different date (if appropriate)
- the permission of any dependants was cancelled in line with the main applicant
- the decision notices were correct and served correctly
- any other matters raised by the individual in their request

## Change of representative

If the applicant changes their representative, or instructs one for the first time, before you accept the instruction or change of representative, you must check the individual has given the Home Office written authorisation for the representative to act on their behalf, and any new representative the applicant nominates is either of the following:

- regulated by the [Office of the Immigration Services Commissioner](#) (OISC)
- a solicitor

If the change of representative meets the above requirements, you must accept it and update CID with the new contact details.

If the representative is not appropriately regulated, or the individual does not send the authorisation, you must write to the applicant and their proposed representative to inform them you cannot speak to the new representative or comment on the case.

If you reject the individual's change of representative this alone is not a reason to reject the error correction request.

## The decision was correct

If the original decision to cancel the individual's permission was correct you must take the following action:

- maintain the original decision
- record the decision and reasons on the casework system
- add a case note to the casework system to record your decision and explain why you are upholding the original decision
- write to the applicant to tell them the outcome of the review, using letter template ICD.1100
- address each of the grounds the individual raised in their letter
- include an explanation of why discretion did not apply or was not appropriate if the individual asked for this to be considered

Upholding the original cancellation decision is not itself a new immigration decision.

## The decision was incorrect

If you find an error, you must correct it by re-making and re-serving a decision in line with the cancellation rules and policy guidance. Depending on the nature of the error, you must:

- cancel permission to end on a different date
- reinstate the previous permission (this does not apply to 3C leave cases, see: 3C and 3D guidance))

Record the new decision and reasons on the casework system. You must also send the individual an ICD.1100 letter to let them know the outcome of the review.

You must arrange for a new biometric residence permit (BRP) to be issued if both the following apply:

- permission/leave has been reinstated or cancelled to a different expiry date
- the old vignette or biometric residence permit had been cancelled

If the individual will have less than 60 days permission when you reinstate their permission, you should normally grant a period of permission so that the individual has a total of 60 days permission on the existing code. This gives the individual the chance to submit an in-time application for further permission, if they want to make a further application. For more information, see: [Deciding the date of expiry for cancelled permission](#).

#### **Related content**

[Contents](#)

[Immigration Rules: Part 9 Grounds for Cancellation](#)

[Cancellation decisions: case considerations and use of discretion](#)

#### **Related external links**

[Immigration Rules](#)