



Home Office

## Curtailment of leave

This guidance is based on the Immigration Rules.

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## Curtailement of leave

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#### Immigration Rules, part 9 paragraph 323, 323A, 323B, 323C and part 6A paragraph 245DE(c) – Entrepreneurs and 245EE(c) – Investors

This guidance tells caseworkers when to consider curtailment of a migrant's leave in the UK and the process for this.

#### What this guidance covers

This guidance is for caseworkers who consider curtailment cases. It tells caseworkers whether to curtail leave and when to consider using discretion. The guidance contains information about curtailment for:

- general reasons
- the points-based system
- marriage breakdown cases

#### What this guidance does not cover

This guidance does not cover:

- revoking indefinite leave to remain - for more information, see related link
- revoking humanitarian protection granted under paragraph 339C - for more information, see related link
- how to cancel refugee leave - for more information, see related link: Cancellation, cessation and Revocation of refugee status

**Changes to this guidance** – This page tells you what has changed since previous versions of this guidance.

**Contact** – This page tells you who to contact for help if your senior caseworker or line manager cannot answer your question.

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#### Related links

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#### External links

[Paragraph 323 of the Immigration Rules](#)

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	<p>Information owners – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.</p>	
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### Changes to this guidance

<p><a href="#">Curtailment of leave</a>  <a href="#">Curtailing leave on general grounds</a>  <a href="#">Curtailing the leave of points-based system migrants</a>  <a href="#">Curtailing the leave of visitors</a>  <a href="#">Curtailment following the breakdown of a relationship</a>  <a href="#">Requesting further information before curtailing</a>  <a href="#">Curtailment considerations</a>  <a href="#">Curtailment procedures</a>  <a href="#">Curtailment – letter templates and wording</a>  <a href="#">Appeal rights</a>  <a href="#">Legislation for curtailment</a></p>	<p>This page lists the changes to the ‘Curtailment’ guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="488 432 831 475">Date of the change</th> <th data-bbox="831 432 1532 475">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 475 831 1118">20 August 2015</td> <td data-bbox="831 475 1532 1118"> <p>Change request:</p> <ul style="list-style-type: none"> <li>• removal of references to appeal throughout the guidance</li> <li>• new section added on curtailing leave due to failure to provide information or attend an interview</li> <li>• section on curtailment and biometrics deleted</li> <li>• section added to cross references to visit visas</li> <li>• information added about contacting representatives when requesting information or serving decisions</li> <li>• minor corrections, clarifications and stylistic updates</li> </ul> </td> </tr> <tr> <td data-bbox="488 1118 831 1449">13 March 2015</td> <td data-bbox="831 1118 1532 1449"> <p>Change request:</p> <ul style="list-style-type: none"> <li>• false representation and non disclosure of material facts:                             <ul style="list-style-type: none"> <li>○ new sub-heading ‘Immigration Act 2014’ and content below</li> <li>○ sub-heading ‘Deception in a current or previous application: paragraph 323(ia) first bullet point amended</li> </ul> </li> </ul> </td> </tr> </tbody> </table>	Date of the change	Details of the change	20 August 2015	<p>Change request:</p> <ul style="list-style-type: none"> <li>• removal of references to appeal throughout the guidance</li> <li>• new section added on curtailing leave due to failure to provide information or attend an interview</li> <li>• section on curtailment and biometrics deleted</li> <li>• section added to cross references to visit visas</li> <li>• information added about contacting representatives when requesting information or serving decisions</li> <li>• minor corrections, clarifications and stylistic updates</li> </ul>	13 March 2015	<p>Change request:</p> <ul style="list-style-type: none"> <li>• false representation and non disclosure of material facts:                             <ul style="list-style-type: none"> <li>○ new sub-heading ‘Immigration Act 2014’ and content below</li> <li>○ sub-heading ‘Deception in a current or previous application: paragraph 323(ia) first bullet point amended</li> </ul> </li> </ul>	<p><b>Related links</b></p> <p><b>See also</b>  <a href="#">Contact</a>  <a href="#">Information owner</a></p>
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		<ul style="list-style-type: none"><li>• failure to comply with conditions:<ul style="list-style-type: none"><li>○ new sub-heading 'Immigration Act 2014' and content below</li></ul></li><li>• curtailment: letter templates and wording:<ul style="list-style-type: none"><li>○ content added to second paragraph.</li></ul></li><li>• appeal rights:<ul style="list-style-type: none"><li>○ the first half of this page has been re-written</li></ul></li><li>• legislation for curtailment:<ul style="list-style-type: none"><li>○ sub-title 'The immigration Act 2014' has been re-written</li></ul></li></ul>		
		For previous changes you will need to access the archived guidance. Link to staff intranet removed		

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## Curtailment of leave

### Curtailing leave on general grounds

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This section tells caseworkers when to consider curtailing a migrant's leave in the UK on general grounds.

You must consider curtailment of a migrant's leave, under:

- paragraph 323(i) of the Immigration Rules with reference to paragraphs 322(2) - (5A) (which are general grounds for refusal), where:
  - they have made 'false representations' or did not 'disclose material facts' in a previous application to get leave
  - they have made 'false representations' or did not 'disclose material facts' in a current or previous application to get a document that shows a right of residence
  - they have not complied with their conditions of leave
  - they have not maintained and accommodated themselves and any dependants without claiming public funds
  - it is not desirable to let them remain in the UK because of their character, conduct or associations or because they are a danger to national security
  - it is not desirable to let them remain in the UK because, in the view of the Secretary of State, their offending has caused serious harm or they are a persistent offender who shows a particular disregard (lack of respect) for the law
- paragraph 323(ii) of the Immigration Rules if they no longer meet the requirements of the Immigration Rules under which they were granted leave
- paragraph 323(v) of the Immigration Rules where they have, within the first 6 months of having been granted leave to enter, committed an offence for which they are subsequently sentenced to a period of imprisonment
- paragraph 323(vi) of the Immigration Rules where they were granted their current period of leave as a dependant of a person 'P' and P's leave has been or is being curtailed
- paragraph 323(vii) of the Immigration Rules where they have, without reasonable explanation, failed to provide documents or attend interview when asked to do so

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	<p>under paragraph 39D of the rules</p> <p>If paragraph 323(i) applies to a person who was granted leave under appendix Armed Forces, you must read the paragraph as if it said 'paragraphs 322(2) and (3) above and paragraph 8(e) and (g) of appendix Armed Forces' instead of 'paragraphs 322(2) - (3)'. For more information on armed forces cases, see related link: <a href="#">Using discretion when considering curtailment of leave of relevant Afghan citizens</a></p> <p>For more information on the reasons why a migrant may meet the criteria for one or more of the above general grounds for refusal, see related link: <a href="#">General grounds for refusal</a>.</p> <p>This section also explains when you must consider curtailing the leave of relevant Afghan citizens.</p> <p>As the general grounds for curtailment are discretionary, you must not automatically curtail a migrant's leave if one of the above criteria applies. It may be appropriate to use discretion.</p> <p>For information on the use of discretion, see related link: <a href="#">Using discretion when considering curtailment</a>.</p>	<p><a href="#">Curtailing the leave of relevant Afghan citizens</a></p> <p><b>Related links</b> Links to staff intranet removed <a href="#">Using discretion when considering curtailment</a></p> <p><b>External links</b> <a href="#">Paragraphs 322 and 323 of the Immigration Rules</a> <a href="#">Immigration Rules: Appendix Armed Forces</a></p>
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## Curtailment of leave

### False representations and non disclosure of material facts

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application for a residence card under the EEA Regulations. The residence card application is refused.

You must consider curtailing the Tier 4 leave obtained in their true identity.

For more information on false representations and documents, see related link: Leave to remain – paragraphs 322(1A) and 322(2) – deception.

For more information on rights of residence, see related link: EEA Swiss nationals, EC association agreements.

#### **Immigration Act 2014**

Now that the administrative removal provisions in the Immigration Act 2014 apply, there is no longer a separate route to administrative removal – means of a removal decision under old section 10. Amendments to section 10 introduced by the Act mean that a person who requires leave to remain and does not have it is liable to removal.

If it is appropriate to curtail the extension of a person who has made false representations or failed to disclose material facts, you must do so. Following service of the curtailment decision, the person will be liable to removal under new Section 10, because they have been notified that they no longer have leave.

The Immigration Act 2014 amended the appeals provisions contained in section 82 of the Nationality, Immigration and Asylum Act 2002. There is no right of appeal or administrative review against a curtailment decision made against migrants who come under the amended appeal provisions. The amended provisions apply to all curtailment decisions made on or after 1 April 2015.

For more information on the Immigration and Asylum Act 1999 and chapter 50 of the enforcement instructions on administrative removals see related links:

- Immigration and Asylum Act 1999 (c. 33)
- 50 Persons liable to administrative removal under section 10 (non EEA).

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**External links**  
[Immigration and Asylum Act 1999 \(c. 33\)](#)

[Paragraphs 322 and 323 of the Immigration Rules](#)

**When not to curtail leave in non-disclosure cases**

You must not curtail leave when the undisclosed facts would not have affected the original decision to grant leave.

You may only curtail leave if the applicant did not disclose material facts, which are those that would have affected the original decision to approve their initial period of leave, if you had been aware of these at the time.

As the general grounds for curtailment are discretionary, you must not automatically curtail a migrant's leave in these circumstances. It may be appropriate to use discretion.

For information on the use of discretion, see related link: [Using discretion when considering curtailment](#).

**Example of where a person has not disclosed material information in a previous application for leave and considering curtailment is appropriate**

A Tier 5 (Religious worker) was granted entry clearance without their sponsor undertaking a resident labour market test because their role was stated to be supernumerary. This means, if the migrant was not there, the role would not need to be filled by anyone else.

If the Home Office later finds out that the sponsor and migrant were aware the role would be permanently filled once the migrant left, you must consider curtailment. This is because if this material fact had been disclosed when the application was made it would have affected the decision.

**False representations or failure to disclose material facts in a current application**

Paragraph 323(a) of the Immigration Rules gives a power to curtail leave when deception has been used in an application for leave to remain, whether successfully or not.

You must consider curtailment under paragraph 323(a) when you have evidence that the person used deception in a current or previous application for leave to remain, whether or not the deception was successful.

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	For more information on deception in applications, see related link: <a href="#">Leave to remain – paragraphs 322(1A) and 322(2) – deception.</a>	
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## Curtailement of leave

### Failure to comply with conditions

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This page tells caseworkers how to consider curtailment of a migrant's leave when they have failed to meet their conditions of leave to enter or remain in the UK.

A migrant may have obtained leave legitimately, but then failed to comply with a condition attached to the grant of leave.

You must consider curtailment in these circumstances under paragraph 323(i) of the Immigration Rules with reference to paragraph 322(3).

#### Immigration Act 2014

Now the administrative removal provisions in the Immigration Act 2014 apply, there is no longer a separate route to administrative removal by means of a removal decision under old section 10. Amendments to section 10 introduced by the Act mean that a person who requires leave to remain and does not have it is liable to removal.

If it is appropriate to curtail the extant leave of a person who has made false representations or failed to disclose material facts, you must do so. Following service of the curtailment decision, the person will be liable to removal under new section 10 because they have been notified that they no longer have leave.

The Immigration Act 2014 amended the appeals provisions contained in section 82 of the Nationality, Immigration and Asylum Act 2002. There is no right of appeal or administrative review against a curtailment decision made against migrants who come under the amended appeal provisions. The amended provisions apply to all curtailment decisions made on or after 6 April 2015.

Where a person who falls under the Immigration Act has both extant leave and an outstanding application, the application has to be decided even if the extant leave is curtailed.

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**Related links**  
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**External links**  
[Immigration and Asylum Act 1999 \(c. 33\)](#)

For more information on the Immigration and Asylum Act 1999 and chapter 50 of the enforcement instructions on administrative removals see related links:

- Immigration and Asylum Act 1999 (c. 33)
- 50 Persons liable to administrative removal section 10 (non-EA)

As the general grounds for curtailment are discretionary, you must not automatically curtail a migrant's leave if they have failed to comply with their conditions of leave or remain in the UK. It may be appropriate to use discretion.

For information on using discretion, see related link: Using discretion when considering curtailment.

**When not to curtail leave due to a failure to comply with conditions**

When considering curtailment on these grounds the breach must be of sufficient gravity to warrant such action.

For example, if a student is granted Tier 4 leave with the condition that they work no more than 10 hours each week during term time, curtailment is appropriate if the student is working full time during term time.

You must not curtail leave when the breach is so minor that it would mean curtailment would be disproportionate. For example, if a student is granted Tier 4 leave with the condition that they work no more than 10 hours each week during term time, curtailment would normally be disproportionate if the student worked for 10.5 hours in term time for one week only and was compliant with their conditions of leave in all other respects.

It may exceptionally be appropriate to curtail in this situation in a case of minor but flagrant non-compliance, for example:

• the student had been warned about the need to only work 10 hours each week in a previous enforcement visit to their place of employment  
• on a follow-up visit the student was found to have ignored that warning and had worked

[Paragraphs 322 and 323 of the Immigration Rules](#)

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	<p>10.5 hours in the next week</p> <p>For information on the use of discretion, see related link: <a href="#">Using discretion when considering curtailment.</a></p>	
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### The migrant has claimed public funds

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This page tells caseworkers how to consider curtailing a migrant's leave when they have claimed public funds or cannot maintain and accommodate themselves without public funds.

#### The migrant cannot maintain and accommodate themselves without using public funds

You must consider curtailing a migrant's limited leave under paragraph 325(1) with reference to both 322(3) and 322(4) of the Immigration Rules, with the following apply:

- they have received any of the public funds listed in paragraph 322(4) of the Immigration Rules
- their grant of leave required them to maintain themselves and any dependants without using public funds

For more information on paragraph 322(4) of the Immigration Rules and public funds, see related links:

- Paragraph 6 of the Immigration Rules
- Benefits that count as public funds
- Benefits that do not count as public funds

#### Accessing public funds – breach of conditions of leave

If a condition of leave to enter or leave to remain restricts access to public funds the migrant will also be in breach of their conditions of leave under paragraph 322(3).

When a migrant has breached a condition of their leave by having recourse to public funds, you may curtail their leave for this reason.

It does not automatically follow that a migrant whose leave is being curtailed because they have accessed public funds in breach of their conditions should also be curtailed for not being able to maintain and accommodate themselves without using public funds. They may

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be able to accommodate themselves in any case and are claiming public funds over and above this, for example, by claiming tax credits.

You must bear in mind that if a person has breached their conditions by claiming public funds, you can prove this as a fact, but considering whether they could not support themselves without using public funds is based on an assessment. For more information, see related links: Failure to comply with conditions.

**When not to curtail leave**

You must not consider curtailing a migrant's leave if they are entitled to access the public funds due to an exception. In this case the migrant has complied with the Immigration Rules about public funds.

For more information on when an exception applies, see related link: Public funds that can be claimed due to exceptions.

As the reasons for curtailment are discretionary, you should not automatically curtail a migrant's leave if they have accessed public funds to which they are not entitled. It may be appropriate to use discretion.

You must take account of any mitigating factors when considering whether curtailment is appropriate. For example, depending on circumstances, it may not be appropriate to curtail a migrant's leave if they only accessed public funds for a short period to cover an emergency.

If a points-based system (PBS) migrant lost their job through circumstances outside their control and accessed public funds for one month to support their family, before getting permission to undertake alternative long-term employment, curtailment may not be appropriate.

For further information on using discretion, see related link: Using discretion when considering curtailment.

[Paragraphs 322 and 323 of the Immigration Rules](#)

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### Conduct, character and associations

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This page tells caseworkers how to consider curtailing a migrant's leave because of their conduct (behaviour), character or associations.

You may consider curtailing a migrant's leave under paragraph 323(i) with reference to 322(5) of the Immigration Rules when their conduct (including convictions, which do not fall within paragraph 322(1C) of the rules), makes it undesirable to allow them to remain in the UK but they do not reach the deportation threshold.

Paragraph 322(1C) sets out the length of sentence that will result in refusal of an application for indefinite leave to enter or remain. You may consider whether leave should be curtailed under paragraph 322(5) on the grounds of offending that falls below the threshold set out in 322(1C).

Paragraph 322(5) does not just apply to criminal cases; you may also consider curtailing a migrant's leave because of their character or associations if an application for leave would normally be refused on that basis. That could include cases where a migrant with valid leave has entered into, or facilitated, a sham marriage to evade immigration control.

Examples of when a migrant has facilitated a sham marriage are when they:

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

For more information on refusal of leave on the basis of paragraph 322(5), see related links:

- Not desirable to let a person remain in the UK – leave to remain
- Character, conduct or associations

You must have reliable evidence of the conduct, character or associations to justify curtailing

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**Related links**  
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	<p>leave on this basis. For more information on where to check for evidence, see related links: Considering leave to remain – mandatory and discretionary refusals</p> <p>If you have concerns about a migrant’s character or conduct because they have committed an offence within 6 months of arriving, see related link.</p> <p>You may also need to consider curtailment if a migrant’s offending caused serious harm or they are a persistent offender, see related link.</p> <p><b>Check whether the case must be referred to criminal casework (CC)</b> You must refer the case to CC if the migrant has committed a criminal offence and meets the referral criteria.</p> <p>For more information on when to refer a case to CC, see related link: When to refer a case to the criminal casework directorate.</p> <p>As the general grounds for curtailment are discretionary, you must not automatically curtail a migrant’s leave if this reason applies. It may be appropriate to use discretion.</p> <p>For information on using discretion, see related link: Using discretion when considering curtailment.</p>	<p>links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Paragraphs 322 and 323 of the Immigration Rules</a></p>
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This guidance is based on the Immigration Rules

## Curtailment of leave

### Curtailment in sham marriage cases

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This page tells caseworkers how to consider curtailing a migrant's leave because of their conduct (behaviour), character or associations when they have entered into or facilitated (assisted), a sham marriage for the purpose of evading immigration control.

#### Background

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. Sham marriages pose a significant threat to UK immigration control.

Increasing numbers of cases involve non-European Economic Area (EEA) nationals who have current valid leave to enter or remain, for example as a worker or student. Many marry EEA nationals to try to benefit from free movement rights under the Immigration (European Economic Area) Regulations 2006 (the EEA Regulations). However, sham marriages may also involve UK nationals or persons born in the UK.

Where a person has existing leave to enter or remain and has attempted to enter, facilitate or assist a sham marriage (whether or not they were successful), their existing leave may be curtailed on character, conduct or associations grounds, for assisting the evasion of immigration control.

If you curtail a migrant's leave for this reason, you must do so under paragraph 323(i) of the Immigration Rules with reference to paragraph 322(5).

For more information on EEA regulations, see related link: EEA, Swiss nationals, EC association agreements.

#### Ending of leave

If you curtail leave for this reason, curtailment should normally be with immediate effect rather than to 60 days or another period, as the person has been responsible for the actions

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Links to staff intranet removed

#### Related links

[Using discretion when considering curtailment](#)

	<p>which justify the curtailment of their leave.</p> <p>For more information on deciding the expiry date of curtailed leave and exceptions to curtailment with immediate effect, see related link: <a href="#">Deciding the date of expiry for curtailed leave</a>.</p> <p><b>Fast track Immigration, compliance and enforcement (ICE) team referral process</b></p> <p>A process has been set up for ICE teams to refer migrants with limited leave to enter or remain for consideration of immediate curtailment where they have grounds to suspect the migrants are involved in sham marriage.</p> <p>Some examples of when a migrant was involved in a sham marriage are when they:</p> <ul style="list-style-type: none"><li>• are one of the parties who is getting married</li><li>• introduced the 2 parties who are getting married, knowing the marriage to be a sham</li><li>• acted as a witness to the sham marriage</li><li>• acted as a guest to make the sham marriage appear genuine, knowing it to be a sham</li></ul> <p>When you are allocated a case that has been referred from the ICE team, you must consider curtailment 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.</p> <p>The individuals concerned will usually have been arrested by ICE teams. If curtailment is appropriate in the circumstances of the individual case, a swift decision may allow them to be kept in detention and removed soon afterwards.</p> <p>The ICE team will call and arrange to send their evidence to the 'Tier 2 and 5 Curtailments' mailbox, marked as urgent. For a link to the mailbox, see related links.</p> <p>The ICE team will provide evidence which indicates the marriage or civil partnership is a sham. Evidence may include factors such as:</p>	<p><a href="#">Deciding the date of expiry for curtailed leave</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Paragraphs 322 and 323 of the Immigration Rules</a></p>
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This guidance is based on the Immigration Rules

- 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) or the national border targeting centre (NBTC) - for more information about NBTC, see related link
  - for example, an EEA national has sponsored other partners but claims to be single, or has flown into the UK recently but claims to be here before the date of their arrival
- evidence provided by the police following criminal investigations into facilitation networks

As well as the evidence user, ICE teams will send a summary of their reasons for concluding that the marriage is a sham, which will highlight the key points (on form IS126).

Official sensitive - do not disclose - start of section

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

Official sensitive - do not disclose - end of section

### **Making the decision**

You as the caseworker must make the curtailment decision. You must fully evaluate the evidence provided by the ICE team, and any other relevant evidence or information about the migrant, before you reach a decision on whether or not to curtail the migrant's leave. Like other curtailment decisions, it must be made on the balance of probabilities.

This guidance is based on the Immigration Rules

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

- all the available evidence
- the exercise of discretion

The general grounds for curtailment are discretionary so you must not automatically curtail a migrant's leave if the person's offending caused serious harm or is persistent. It may be appropriate to use discretion.

For information on using discretion when considering curtailment, see related link.

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## Curtailement of leave

### Offending which caused serious harm or is persistent

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This page tells caseworkers how to consider curtailment of a migrant's leave because they have caused serious harm by offending or are considered to be a persistent offender.

You may consider curtailment of a migrant's leave under paragraph 323(i) with reference to 322(5A) of the Immigration Rules when it is not suitable to allow the person concerned to enter or remain in the UK because, in the view of the Secretary of State, the offender:

- has caused serious harm
- is a persistent offender who shows a particular disregard for the law.

You may consider curtailment of a migrant's leave because of their offending if an application for leave would normally be refused on that basis. For more information, see related links:

- Offending causes serious harm
- Persistent offenders

You must have reliable evidence that the harm caused by the offending is serious or the offending is persistent to be able to justify curtailment of leave on this basis.

The relevant factors to consider regarding the harm caused by the offender may include the:

- sentencing judge's comments
- consequences and impact of the actions

For more information on where to check for this evidence, see related link: Considering leave to remain – mandatory and discretionary refusals.

If the migrant has committed an offence within 6 months of arriving in the UK, you must also refer to the guidance on curtailment for this reason, see related link.

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**Related links**  
[Using discretion when](#)

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	<p>You may also need to consider curtailment on the basis of the migrant's character, conduct or associations, see related link.</p> <p><b>Check whether the case must be referred to criminal casework (CC)</b> Before you consider curtailment, you must check whether the case must be referred to CC for them to consider enforcement action.</p> <p>For more information on when to refer a case to CC, see related link.</p> <p>The general grounds for curtailment are discretionary, so you must not automatically curtail a migrant's leave if the person's offending caused serious harm or is persistent. It may be appropriate to use discretion.</p> <p>For information on using discretion when considering curtailment, see related link.</p>	<p><a href="#">Considering curtailment</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b> <a href="#">Paragraphs 322 and 323 of the Immigration Rules</a></p>
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## Curtailement of leave

### Migrant no longer meets the requirements of the Immigration Rules

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This page tells caseworkers how to consider curtailleing a migrant's leave when they no longer meet the requirements of the Immigration Rules under which they were granted leave.

You must consider curtailleing a migrant's leave if they no longer meet the requirements of the rules under which they were granted leave to enter or remain, under paragraph 323(ii) of the Immigration Rules.

For more information about when a migrant no longer meets the requirement because their relationship has broken down, see link on left: Curtailement following a breakdown of a relationship.

#### Examples of where a migrant no longer meets the requirements

A migrant was granted leave to remain as a spouse of a settled person. During the period of leave, the Home Office is notified that the marriage has ended and they are now divorced.

The migrant no longer satisfies the requirement of the rules they were granted under and therefore you must consider curtaillement.

See link on left: Curtailement following the breakdown of a relationship.

#### Domestic workers changing employers

Domestic workers in private households who entered before 6 April 2012 are allowed to change employer whilst they are in the UK. Although you would expect them to notify the Home Office when they change employer, it is not compulsory.

You must not curtail the leave of domestic workers who entered before 6 April 2012 when they change employers, if they continue to meet the Immigration Rules.

For more information on domestic workers, see related link: Domestic workers in private households.

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[Migrant has committed an offence within 6 months of arrival](#)

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**Related links**  
[Using discretion when](#)

This guidance is based on the Immigration Rules

	<p>As the general grounds for curtailment are discretionary you must not automatically curtail a migrant's leave for this reason. It may be appropriate to use discretion.</p> <p>For information on using discretion, see related link: <a href="#">Using discretion when considering curtailment.</a></p>	<p><a href="#">Considering curtailment</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Paragraphs 322 and 323 of the Immigration Rules</a></p>
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## Curtailement of leave

### Migrant has committed an offence within 6 months of arrival

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This page tells caseworkers how to consider curtailment of a migrant's leave when they have committed an offence within 6 months of being granted leave to enter the UK.

From 13 December 2012, you must consider curtailment of a migrant's leave if both the following apply. They:

- commit an offence within 6 months of being granted leave to enter the UK
- are sentenced to a period of imprisonment for the offence

If you curtail leave for this reason, you must do so under paragraph 323(v) of the Immigration Rules. You must check whether the migrant's leave should also be curtailed for other reasons such as those specified under paragraph 322(i) of the rules (general grounds for refusal).

#### Finding the date on which leave to enter the UK was granted

The date on which a migrant was granted leave to enter is stamped in their passport by a Border Force officer.

If you cannot find the most recent leave to enter ink stamp in the passport, check the migrant's record on the landing cards section of CID. The landing date should be recorded there. If you cannot find the landing date on CID, you must use the date the applicant states on their application form, if they have applied for further leave.

If this is unavailable, use the date, recorded on the central reference system (CRS), on which entry clearance was granted.

#### Check whether the case must be referred to criminal casework (CC)

You must first check if you need to refer the case to CC to make a deportation decision. For more information on referring a case to CC, see related link: When to refer a case to criminal casework directorate (CCD).

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**Related links**  
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	<p>For more information on the Immigration and Asylum Act 1999 and chapter 50 of the enforcement instructions on administrative removals see related links</p> <ul style="list-style-type: none"><li>• Immigration and Asylum Act 1999 (c. 33)</li><li>• 50 Persons liable to administrative removal section 10 (non EU)</li></ul> <p><b>Case does not meet deportation threshold</b></p> <p>If the case does not meet the deportation threshold, you must consider and use the case if the migrant has an outstanding application. When considering whether curtailment for this reason is appropriate, you must consider the seriousness of the offence and the length of the sentence, then curtail the migrant's existing leave, if appropriate.</p> <p>As the general grounds for curtailment are discretionary, you must not automatically curtail a migrant's leave for this reason. It may be appropriate to use discretion.</p> <p>For information on using discretion, see related link <a href="#">Using discretion when considering curtailment.</a></p>	<p><a href="#">Considering curtailment</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Paragraphs 322 and 323 of the Immigration Rules</a></p> <p><a href="#">Immigration and Asylum Act 1999 (c. 33)</a></p>
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This guidance is based on the Immigration Rules

## Curtailment of leave

### Curtailing the leave of dependants

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This page tells caseworkers how to consider curtailing leave granted as a dependant when the main applicant's leave is being curtailed.

When you consider curtailing a main applicant's leave to enter or remain, you must also consider curtailing the leave of any dependants who were granted leave in line with the main applicant, under paragraph 323(vi) of the Immigration Rules.

It will normally only be in exceptional cases that you would decide not to curtail a dependant's leave when you curtail a main applicant's leave. An example might be where the dependant has recently become estranged from the main applicant and has submitted an application for leave 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 curtail the dependant's leave. 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 curtail the dependant's leave in line with the main applicant's leave, you should normally curtail their leave to expire on the same date. For example, if you curtail the main applicant's leave to 60 days and you decide to curtail the dependant's leave, you should normally also curtail the dependant's leave to 60 days. The decisions for the dependants must be served 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 on serving decisions, see related link: Serving a curtailment decision by postal or email address.

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 leave should be curtailed on that basis. You do not curtail the leave under paragraph 323(vi). In this situation, it is still appropriate to curtail the dependant's leave even if the main applicant's leave was not

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curtailed or was reinstated. For more information about when a migrant no longer meets the requirement because their relationship has broken down, see link on left: [curtailment following a breakdown of a relationship](#).

**Check whether the case must be referred to criminal casework (CC)**

In cases where the dependant has been engaged in criminal activity, you must first check if you need to refer the case to CC to make a deportation decision.

For more information on referring a case to CC, see related link: [When to refer a case to criminal casework directorate \(CCD\)](#).

For more information on the Immigration and Asylum Act 1999 and chapter 50 of the enforcement instructions on administrative removal, see related links:

- [Immigration and Asylum Act 1999 \(c. 33\)](#)
- [50 Persons liable to administrative removal section 11 \(non EEA\)](#)

As the general grounds for curtailment are discretionary you must not automatically curtail a migrant's leave for this reason. It may be appropriate to use discretion.

For information on using discretion, see related link: [Using discretion when considering curtailment](#).

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**External links**  
[Paragraphs 322 and 323 of the Immigration Rules](#)

[Immigration and Asylum Act 1999 \(c. 33\)](#)

This guidance is based on the Immigration Rules

## Curtailment of leave

### Failure to provide information or attend interview

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This page tells caseworkers how to consider curtailing leave when a person has failed to provide information or attend an interview when requested to do so.

Paragraph 39D of the Immigration Rules gives you the power to ask a person who has limited leave to enter or remaining the UK to do either or both the following:

- provide additional information and evidence to the Home Office
- attend an interview

You may ask a person to do one or more of the above to assess whether their leave should be curtailed under one or more of the following paragraphs of the Immigration Rules:

- 245DE(c) – Tier 1 Entrepreneur
- 245EE(c) – Tier 1 Investor
- 276BD1, 276BN1 – OBS – relevant Afghan nationals
- 323 (other than 323(vii)) – general grounds for curtailment
- 323A, 323B, or 323C – points-based system curtailment

When such a request has been made under paragraph 39D, you must consider curtailing a person's leave, if, without reasonable explanation, they do either or both of the following:

- not provide additional information and evidence to the Home Office at the address specified in the request within 28 calendar days of the date the request is sent
- fail to attend an interview

If you must curtail leave for this reason, you must do so under paragraph 323(vii) of the Immigration Rules.

You must consider whether there is a reasonable explanation for the failure to provide

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	<p>information and evidence or attend an interview. For example, the person was unable to attend the interview because they had an accident and were in hospital. You may require evidence to support the explanation. If there is a reasonable explanation, you must give the person another chance to provide the information or attend interview before you decide whether to curtail their leave for this reason.</p> <p>For more information on requesting further information, see related link.</p> <p>As the general grounds for curtailment are discretionary you must not automatically curtail a migrant's leave for this reason. It may be appropriate to use discretion.</p> <p>For information on using discretion, see related link: Using discretion when considering curtailment.</p> <p>The person may appoint a legal representative or change their legal representative, when they respond to a request to provide information or attend an interview. For information on how to process a change of representative see related link.</p>	<p>removed <a href="#">Change of representative</a></p> <p><b>External links</b> <a href="#">Paragraphs 322 and 323 of the Immigration Rules</a> <a href="#">Immigration and Asylum Act 1999 (c. 33)</a></p>
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This guidance is based on the Immigration Rules

## Curtailment of leave

### Curtailing the leave of relevant Afghan citizens

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This page tells caseworkers when to consider curtailing the leave of relevant Afghan citizens and their dependants.

A relevant Afghan citizen is a person who:

- is resident in Afghanistan
- is an Afghan citizen
- is aged 18 years or over
- was employed in Afghanistan directly by the:
  - Ministry of Defence
  - Foreign & Commonwealth Office, or
  - Department for International Development
- was made redundant by their employer on or after 19 December 2012, and
- qualifies for the resettlement redundancy package described in the written Ministerial statement of the Secretary of State for Defence dated 4 June 2013 in the opinion of either the:
  - Ministry of Defence
  - Foreign and Commonwealth Office
  - Department for International Development

Changes to the Immigration Rules which came into effect on 01 October 2013 set out when relevant Afghan nationals and their dependants, if any, may be granted leave to enter the UK.

The Immigration Rules set out, in paragraphs 276BD1, 276BN1, and 276BS1, when you must consider curtailing the leave of a relevant Afghan national or their dependant. If you do consider curtailing the leave of a relevant Afghan citizen, you must do so under these provisions, not under the general grounds for curtailment in paragraph 323 of the Rules.

For further information on the criteria a relevant Afghan citizen or dependant must meet to be granted leave to enter, see external link to paragraphs 276BA1 – 276BS1 of the Immigration

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**Related links**

Rules.

**Check whether the case must be referred to criminal casework (CC)**

If the relevant Afghan citizen or dependant has been convicted of an offence, before you consider curtailment you must check whether you need to refer the case to CC to make a deportation decision. For more information on referring a case to CC see [related link](#) when to refer a case to criminal casework (CC).

**Considering curtailment**

You must consider curtailing their leave if the:

- relevant Afghan citizen
- their dependant partner, and/or
- dependant child

has not been convicted of an offence, or the offence does not meet the deportation threshold, but you have evidence that:

- they are a danger to national security or public order of the UK
  - they have made false representations or failed to disclose any material fact for the purpose of obtaining leave to enter, and/or
  - it is undesirable to permit them to remain in the UK because of either:
    - their conduct
    - their character
    - their associations
- the fact that they pose a threat to national security

If you curtail the leave of a relevant Afghan citizen or dependant because they have made false representations, you must have evidence that it was that individual, not a third party, who made the false representation.

You must curtail their leave under the relevant following paragraphs of the Immigration Rules:

[Using discretion when considering curtailment](#)

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**External links**  
[Paragraphs 276BA1 – 276BS1 of the Immigration Rules](#)

[Paragraphs 322 and 323 of the Immigration Rules](#)

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- Relevant Afghan citizen: 276BD1.
- Partner of relevant Afghan citizen: 276BN1.
- Dependant child of relevant Afghan citizen: 276BS1.

You must apply the criteria detailed in the following pages within this section of the guidance:

- false representations and non-disclosure of material facts
- conduct, character and associations

You must not automatically curtail a migrant's leave in the above situations because these reasons for curtailment are discretionary. For this reason, it may be appropriate to use discretion.

For information on using discretion, see related link.

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## Curtailment of leave

### Curtailing the leave of points-based system migrants

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This section tells caseworkers when they must curtail or consider curtailing the leave of points-based system (PBS) migrant.

Any PBS migrant can have their leave curtailed under the general reasons for curtailment, see related link.

You can also consider whether to curtail a PBS migrant's leave under the following paragraphs of the Immigration Rules.

PBS category migrant	Which paragraph of the Immigration Rules applies to curtailment
Tier 1 (Entrepreneurs)	245DE(c)
Tier 1 (Investors)	245EE(c)
Tier 1 (Exceptional talent)	323E
Tier 1 (Graduate entrepreneur)	323C
Tiers 2, 4 and 5	323A

You must not automatically curtail a PBS migrant's leave under paragraphs 245DE(c), 245EE(c) and 323A(b) because curtailment for these reasons is discretionary.

Leave must be curtailed in the circumstances specified in paragraph 323A(a) of the rules apply, unless one or more of the exceptions in paragraph 323A(b)(iv) apply, in which case curtailment is discretionary.

If a PBS migrant's sponsor has had their licence revoked, you must not curtail their leave using the reason that they no longer meet the requirements of the rules under paragraph 323A(b)(i). This would be incorrect because it is not a condition of the migrant's grant of leave that the sponsor keeps their licence throughout the period of that grant of leave. In this situation you must curtail leave under paragraph 323A(b)(i) of the rules.

#### In this section

[Tier 1 curtailment](#)

[Tier 2 and Tier 5 mandatory curtailment](#)

[Tier 2 and 5 discretionary curtailment](#)

[Tier 4 curtailment](#)

[Notification of premature end of employment curtailment - consideration](#)

[Notification of premature end of employment curtailment - process](#)

[Curtailment – failure to comply with biometric information requirements](#)

#### Related links

[CID information](#)

[Using discretion when considering curtailment](#)

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	<p>For more information on using discretion, see related link: <a href="#">Using discretion when considering curtailment.</a></p>	<p><a href="#">Curtailing leave on general grounds</a></p> <p><b>External links</b> <a href="#">Immigration Rules paragraph 323A</a></p>
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## Curtailment of leave

### Tier 1 curtailment

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This page tells caseworkers when they must curtail or consider curtailing the leave of someone with leave as a Tier 1 points-based system (PBS) migrant.

For Tier 1 migrants who do not fall under one of the following categories there are no special provisions in the Immigration Rules for curtailing leave and you must consider curtailment, where appropriate, under the general reasons for curtailment.

For more information on curtailing a case for general reasons see link on left: Curtailing leave on general grounds.

#### Tier 1 (Exceptional talent)

You must consider curtailing the migrant's leave under paragraph 323B of the Immigration Rules, if the Designated Competent Body who endorsed the application which led to the migrant's current grant of leave withdraws endorsement of the migrant.

#### Tier 1 (Entrepreneur)

You must consider curtailing the migrant's leave under paragraph 245DE(c) of the Immigration Rules, unless paragraph 245DE(e) applies, if they do not do one or more of the following:

- register with HM Revenue & Customs as self-employed
- register a new business in which they are a director
- register as a director of an existing business

Tier 1 Entrepreneurs must meet these requirements within 6 months of the date they:

- entered the UK after they were granted entry clearance in this category
  - were granted entry clearance in this category if you cannot establish when they entered the UK
- were granted leave to remain in this category in any other case

**In this section**  
[Tier 2 and Tier 5 mandatory curtailment](#)

[Tier 2 and 5 discretionary curtailment](#)

[Tier 4 curtailment](#)

[Notification of premature end of employment curtailment: consideration](#)

[Notification of premature end of employment curtailment: process](#)

[Curtailment: failure to comply with biometric information requirements](#)

**Related links**  
[CID information](#)

[Using discretion when considering curtailment](#)

**External links**

You must also consider curtailing the migrant's leave under paragraph 245DE(c) of the Immigration Rules if the funds required by the migrant in appendix A of the Immigration Rules stop being available to them, that is unless the funds have been spent in the establishment or running of their business or businesses.

The terms 'spent' and 'available to him' are defined in paragraph 245DE(c)(ii) of the Immigration Rules. For further information, see related link.

Under paragraph 245DE(e), the grounds for curtailment in paragraph 245DE(c) do not apply where the migrant's last grant of leave before the grant of leave they currently have was as a Tier 1 (Entrepreneur) Migrant, a businessperson or an innovator.

#### **Tier 1 (Investor)**

You must consider curtailing the migrant's leave under paragraph 245EE(c) of the Immigration Rules, if they do not invest, or have invested on their behalf, at least £750,000 of their capital in the UK. For more information about the investment requirements for Tier 1 (Investors), see related links:

- Annex A of the Immigration Rules
- Tier 1 (Investor) policy guidance

You must consider curtailing the migrant's leave under paragraph 245EE(c) of the Immigration Rules if they do not maintain the investment of at least £750,000 throughout the remaining period of their leave.

Investors must meet this requirement within 3 months of the date they:

- entered the UK after they were granted entry clearance in the category
- were granted entry clearance in the category if you cannot establish when they entered the UK
- were granted leave to remain in any other case

[Immigration Rules paragraph 323A](#)

[Immigration Rules paragraph 245](#)

[Immigration Rules Annex A](#)

[Tier 1\(Investor\) policy guidance](#)

This guidance is based on the Immigration Rules

**Tier 1 (Graduate entrepreneur)**

You must consider curtailing the migrant's leave under paragraph 323C of the Immigration Rules, if the UK higher education institution that endorsed the application which led to the current grant of leave:

- loses its status as an endorsing institution for Tier 1 (Graduate entrepreneur) migrants
- loses its Highly Trusted Sponsor (HTS) status under Tier 1 of the PBS for whatever reason
- stops being an A-rated sponsor under Tier 2 or Tier 5 of the PBS because its Tier 2 or Tier 5 sponsor licence is downgraded or revoked by the Home Office
- withdraws its endorsement of the migrant

For more information on processing a curtailment, see link on left: Curtailment procedures, and related link: CID information.

This guidance is based on the Immigration Rules

## Curtailment of leave

### Tier 2 and Tier 5 mandatory curtailment

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[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
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[Legislation for curtailment](#)

This page tells caseworkers when they must curtail or consider curtailing the leave of a Tier 2 or Tier 5 points-based system (PBS) migrant.

#### **Mandatory curtailment reasons under paragraph 323A**

If a Tier 2 or 5 migrant fails to start work with their sponsor, you must curtail their leave under paragraph 323A(a)(i)(1) of the rules.

If a Tier 2 or 5 migrant stops or will stop the employment, volunteering, training or job shadowing (as appropriate) with the sponsor that they were sponsored to do, you must curtail their leave under paragraph 323A(a)(i)(2) of the rules.

However, this power to curtail becomes discretionary if one or more of the following exceptions in paragraph 323A(b)(i) of the rules apply:

- they are under the age of 18
- they have a dependent child under the age of 18
- you are going to curtail their leave so they will have leave remaining and they have less than 60 days' leave remaining on the day the curtailment takes effect
- they were granted leave to enter or remain with another sponsor or under another immigration category
- they have a pending application for leave to remain, or variation of leave, with the Home Office or have a pending appeal or administrative review

If one or more of these exceptions applies, it may still be appropriate to curtail leave, but you must consider whether it would be appropriate to exercise discretion when making the decision. It will not be appropriate to curtail leave if:

- you are going to curtail leave to 60 days and the migrant has less than 60 days' leave remaining or they have been granted leave with another sponsor or in another category

#### **In this section**

[Tier 1 curtailment](#)

[Tier 4 curtailment](#)

[Notification of premature end of employment curtailment: consideration](#)

[Notification of premature end of employment curtailment: process](#)

[Curtailment: failure to comply with biometric information requirements](#)

**Related links**  
[CID information](#)

[Using discretion when considering curtailment](#)

[Deciding the date of expiry for curtailed leave](#)

**External links**  
[Immigration Rules](#)

- the migrant has been granted leave to enter or remain with another sponsor or under another immigration category

If you are curtailing a Tier 2 or 5 migrant's leave because their employment, volunteering, training or job shadowing will end before the date recorded on the certificate of sponsorship, you must curtail their leave to the new end date plus any wrap up period that was originally allowed. For more information, see related link: [Deciding the date of entry for curtailed leave.](#)

**Examples of when you must curtail a Tier 2 migrant's leave:**

Example	What you must do
<ul style="list-style-type: none"> <li>• a Tier 2 migrant applies for indefinite leave to remain (ILR) having built up years in the appropriate categories but also has 9 months remaining leave from their previous grant. The migrant is aged over 18 and does not have any dependent family in the UK. The ILR application is refused because they switched employers without approval</li> </ul>	<ul style="list-style-type: none"> <li>• you must curtail the migrant's leave as the 9 months leave to remain they have left relates to their previous employment. This means they have ceased to be employed by their sponsor</li> <li>• curtailment is mandatory because no exception applies</li> </ul>
<ul style="list-style-type: none"> <li>• a Tier 2 sponsor notifies the Home Office that a migrant has entered the UK to work for them in breach of their grant of leave but they have since withdrawn sponsorship because the migrant failed to start their employment</li> <li>• the migrant is aged over 18 and does not have any dependent family in the UK, and has not been granted leave to enter or remain with another sponsor</li> </ul>	<ul style="list-style-type: none"> <li>• you must curtail the migrant's leave as no exception applies</li> </ul>

[Paragraph 323A](#)

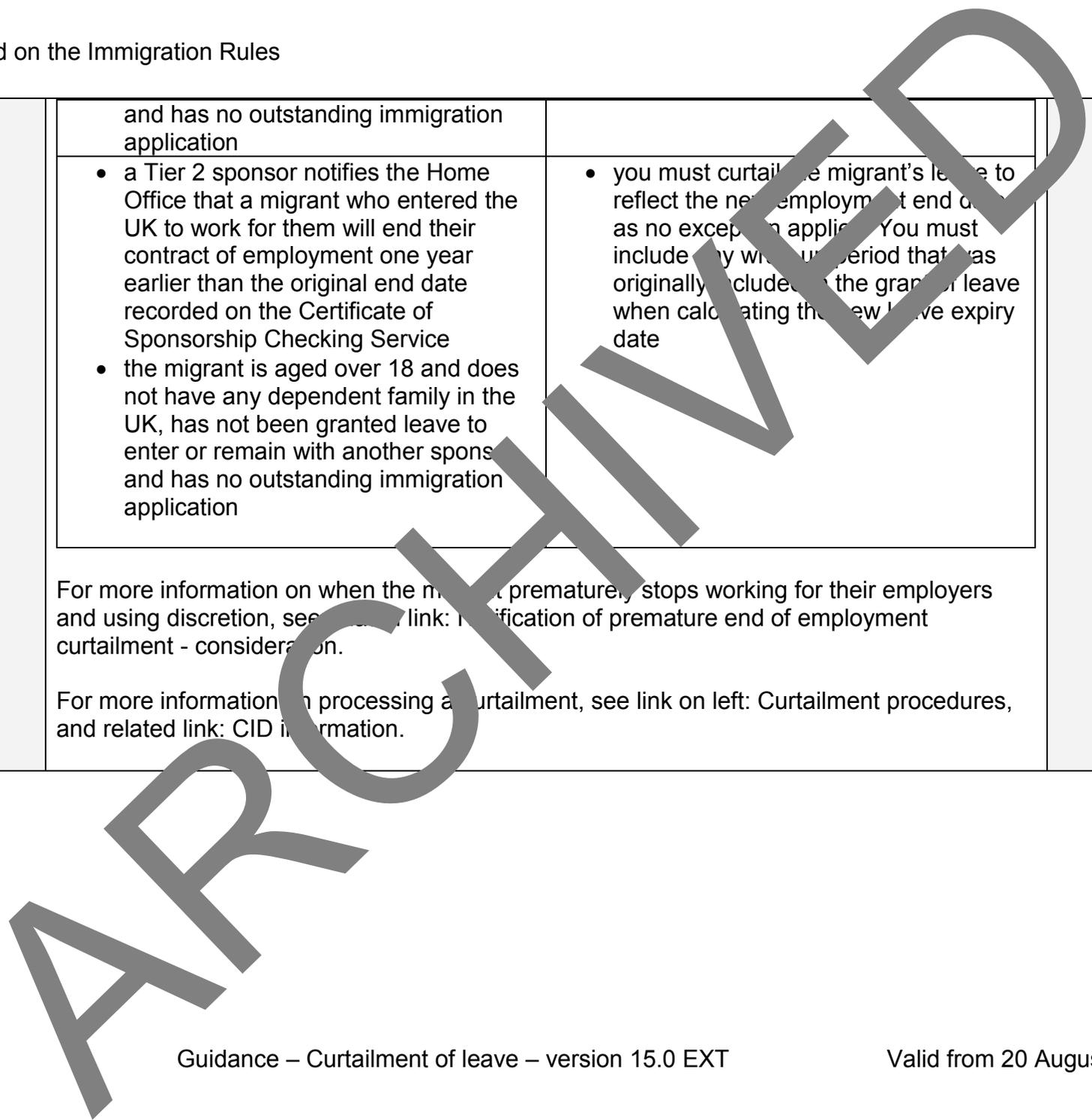
[Immigration Rules Appendix M](#)

[Tier 2 of the points based system – policy guidance](#)

<p>and has no outstanding immigration application</p>	
<ul style="list-style-type: none"> <li>• a Tier 2 sponsor notifies the Home Office that a migrant who entered the UK to work for them will end their contract of employment one year earlier than the original end date recorded on the Certificate of Sponsorship Checking Service</li> <li>• the migrant is aged over 18 and does not have any dependent family in the UK, has not been granted leave to enter or remain with another sponsor and has no outstanding immigration application</li> </ul>	<ul style="list-style-type: none"> <li>• you must curtail the migrant's leave to reflect the new employment end date as no exception applies. You must include any unused period that was originally included in the grant of leave when calculating the new leave expiry date</li> </ul>

For more information on when the migrant prematurely stops working for their employers and using discretion, see link: [Notification of premature end of employment curtailment - consideration.](#)

For more information on processing a curtailment, see link on left: [Curtailment procedures](#), and related link: [CID information.](#)



This guidance is based on the Immigration Rules

## Curtailement of leave

### Tier 2 and Tier 5 discretionary curtailement

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[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailement following the breakdown of a relationship](#)  
[Requesting further information before curtailing](#)  
[Curtailement considerations](#)  
[Curtailement procedures](#)  
[Curtailement – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailement](#)

This page tells caseworkers when they must consider curtailing the leave of Tier 2 or 5 points-based system (PBS) migrant.

Below is a list of discretionary reasons for curtailement under paragraph 323A of the Immigration Rules.

#### **Sponsor no longer has licence**

If the migrant's sponsor no longer has a licence, you must consider curtailing their leave under paragraph 323A(b)(i) of the rules. This includes cases where the sponsor's licence has been revoked, has expired and where the sponsor has voluntarily surrendered their licence.

#### **Sponsor transfers business to new owner**

If the migrant's sponsor transfers the business for which the migrant works to another person, you must consider curtailing the migrant's leave under paragraph 323A(b)(ii) of the rules if the person to whom the business is transferred does not have a sponsor licence, and:

- fails to apply for a licence within 13 days of transfer of the business
- applies for a sponsor licence and this is refused
- makes a successful application for a sponsor licence, but the sponsor licence granted is not in a category that allows the sponsor to issue a certificate of sponsorship (CoS) for the migrant

#### **Prohibited changes to employment**

If the migrant's employment undergoes a prohibited change, you must consider curtailing their leave under paragraph 323A(b)(iii) of the rules.

The following are prohibited changes to employment.

#### **In this section**

[Tier 1 curtailement](#)

[Tier 4 curtailement](#)

[Notification of premature end of employment curtailement: consideration](#)

[Notification of premature end of employment curtailement: process](#)

[Curtailement: failure to comply with biometric information requirements](#)

#### **Related links**

[Curtailing the leave of dependants](#)

[CID information](#)

[Using discretion when considering curtailement](#)

[Deciding the date of expiry for curtailed leave](#)

	<p><b>Migrant stops working</b></p> <p>If the migrant is absent from work without pay for a period of one calendar month or more (whether over a single period or more than one period), during any calendar year (1 January to 31 December), you must consider curtailing their leave under paragraph 323A(b)(iii) of the rules with reference to 323AA(a), unless they are only absent from work because of either:</p> <ul style="list-style-type: none"><li>• maternity leave</li><li>• paternity leave</li><li>• adoption leave</li><li>• sick leave</li></ul> <p>The migrant is absent from work without pay for their sponsor to stop doing the work they are contracted to do for the employer and are no longer paid a wage. For example, a migrant who arranges an unpaid leave of absence from their employment for over one month has stopped working for their employer although they are still employed by them. You must consider curtailing the migrant's leave.</p> <p>Where the absence consists of 2 or more periods, the total cumulative absence must be at least 31 days, to account for different lengths of months.</p> <p><b>Change of employer or sponsor</b></p> <p>If the migrant changes their employer or sponsor without making a new application, you must consider curtailing their leave under paragraph 323A(b)(iii) of the rules with reference to 323AA(b) unless one of the following exceptions applies:</p> <ul style="list-style-type: none"><li>• the migrant is a Tier 5 (Temporary worker) in the government authorised exchange scheme and the change of employer is authorised by the sponsor and is permitted under the terms of work, volunteering or job shadowing, and the certificate of sponsorship checking service records the migrant as being sponsored to do so.</li><li>• the migrant is working for a different sponsor under arrangements covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (or similar provisions) to continue in the same job</li></ul> <p>the migrant is a Tier 2 (Sportsperson) or a Tier 5 (Temporary worker) in the creative</p>	<p><b>External links</b></p> <p><a href="#">Immigration Rules paragraph 323A</a></p> <p><a href="#">Immigration Rules: Appendix A</a></p> <p><a href="#">Immigration Rules: Appendix J</a></p> <p><a href="#">Immigration Rules: Appendix K</a></p> <p><a href="#">Immigration Rules Appendix M</a></p> <p><a href="#">Tier 2 of the points based system – policy guidance</a></p> <p><a href="#">PBS codes of practice: skilled workers</a></p> <p><a href="#">The Transfer of Undertakings (Protection of Employment) Regulations 2006</a></p>
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and sporting sub-category and meets the following conditions:

- the migrant's sponsor is a sports club
- the migrant is sponsored as a player only and is being temporarily loaned as a player to another sports club
- player loans are specifically permitted in rules set down by the relevant sports governing body listed in appendix M of the Immigration Rules. Appendix M lists a number of sports and their associated sporting bodies - for more information and to view the list, see related link.
- the migrant's sponsor has made arrangements with the loan club to enable the sponsor to continue to meet its sponsorship duties
- the migrant will return to working for the sponsor at the end of the loan

#### **Change of job skill level**

If the migrant's employment with their sponsor changes to a job in a different standard occupational classification (SOC) code to that recorded on the certificate of sponsorship checking service, without the migrant making a new application, you must consider curtailing their leave under paragraph 323A(b)(iii) of the rules with reference to 323AA(c). The SOC provides a list of occupations and their skill levels for employers.

To view the current SOC codes, see external link: [PBS codes of practice: skilled workers](#).

#### **Change of salary rate**

You must consider curtailing the migrant's leave under paragraph 323A(b)(iii) of the rules with reference to 323AA(c), if all the following apply:

- the migrant is a Tier 2 (Intra-company transfer) migrant or a Tier 2 (General) migrant
- employment changes to a different job in the same SOC code to that recorded by the certificate of sponsorship checking service
- gross annual salary (including such allowances as are specified as acceptable for this purpose in appendix A of the Immigration Rules) is below the appropriate salary rate for that new job as specified in the codes of practice in appendix J of the Immigration Rules

To view appendix A and J of the immigration rules, see related links.

#### **Change of qualification level of job**

You must consider curtailing a migrant's leave under paragraph 323A(b)(iii) of the rules with reference to 323AA(e), if the:

- migrant was required to be sponsored for a job at a minimum national qualification framework level in the application which led to their last grant of entry clearance or leave to remain, and
- employment changes to a job which the code of practice in appendix J of the Immigration Rules record as being at a lower level.

To view appendix J of the Immigration Rules, see related link.

#### **Change of job: shortage occupation**

You must consider curtailing a Tier 2 (General) migrant's leave under paragraph 323A(b)(iii) of the rules with reference to 323AA(f), if both the following apply:

- they scored points for the shortage occupation provisions of appendix A of the Immigration Rules
- the employment changes to a job which does not appear in the shortage occupation list in appendix K of the Immigration Rules

To view appendix A and the shortage occupation list in appendix K, see related links.

#### **Reduction in salary**

Unless the salary reduction is due to one of the reasons below, you must consider curtailing a migrant's leave under paragraph 323A(b)(iii) of the rules. You must also refer to paragraph 323AA(g) if their gross annual salary (including such allowances as are specified as acceptable for this purpose in appendix A of the Immigration Rules) reduces below or more than the following:

any minimum salary threshold specified in appendix A of these rules, where the

applicant was subject to, or relied on, that threshold in the application which led to their current grant of entry clearance or leave to remain

- the appropriate salary rate for the job as specified in the codes of practice in appendix J
- in cases where there is no applicable threshold in appendix A and no applicable salary rate in appendix J, the salary recorded by the certificate of sponsorship checking service

To view appendix A and J of the Immigration Rules, see related links.

#### **Where a temporary reduction in salary is allowed**

Temporary reductions in salary are permitted if the reduction consists with a period of:

- maternity leave
- paternity leave
- adoption leave
- long-term sick leave of one calendar month or more
- work for the sponsor's organisation whilst the migrant is not physically present in the UK, if the migrant is a Tier 2 (Intra-company transfer) migrant
- reduced working hours for a temporary period, where the:
  - reduced working hours are part of a company-wide policy to avoid redundancies
  - under that company-wide policy, the sponsor is not treating the migrant more, or less, favourably than settled workers
  - migrant's pay and working hours do not reduce by more than 30 per cent
  - reduction in pay is proportionate to the reduction in working hours
  - arrangements will not be in place for more than one year, and
  - migrant's pay will return to at least the level it was before these arrangements were in place, immediately after the arrangements end

If none of these exceptions applies, you must not curtail the Tier 2 or 5 migrant's leave for the reason that their salary has been reduced.

#### **Example of when you may consider curtailing a Tier 2 migrant's leave**

This guidance is based on the Immigration Rules

A Tier 2 migrant resigns from their employment and all the following apply:

- they have twelve months leave remaining
- have not submitted any further applications
- are aged over 18
- have a dependent child aged under 18 in the UK

In this case, curtailment is not mandatory because an exception applies because of the dependent child. Curtailment may still be appropriate, but you must consider the use of discretion when you make a decision.

For more information about curtailing dependant leave, see related link.

For more information on when the migrant stops working for their employers before the end of their contractual end date and using discretion, see related link: Notification of premature end of employment curtailment - considerations.

For more information on processing curtailment, see link on left: Curtailment procedures, and related link: CID information.

This guidance is based on the Immigration Rules

## Curtailment of leave

### Tier 4 curtailment

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[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This section tells caseworkers when they must curtail or consider curtailing the leave of Tier 4 points-based system (PBS) migrant.

It tells you about:

- Tier 4 mandatory curtailment
- Tier 4 discretionary curtailment
- delayed or deferred studies
- Tier 4 doctorate extension scheme

#### In this section

[Tier 4 mandatory curtailment](#)

[Tier 4 discretionary curtailment reasons under paragraph 323A](#)

[Delayed or deferred studies](#)

[Tier 4 doctorate extension scheme](#)

#### Related links

[Tier 1 curtailment: consideration](#)

[Tier 2 and Tier 5 curtailment: consideration](#)

[Notification of premature end of employment curtailment: consideration](#)

[Notification of premature end of employment curtailment: process](#)

		<p><a href="#">Curtailment: failure to comply with biometric information requirements</a></p> <p><b>See also</b> <a href="#">CID information</a></p> <p><a href="#">Using discretion when considering curtailment</a></p> <p><b>External links</b> <a href="#">Immigration Rules paragraph 323A</a></p> <p><a href="#">Immigration Rules part 6A</a></p> <p><a href="#">Tier 4 of the Points Based System – Policy Guidance</a></p>
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## Curtailement of leave

### Tier 4 Mandatory curtailement

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[Curtailement – letter templates and wording](#)  
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[Legislation for curtailment](#)

This page tells you about Tier 4 mandatory curtailment reasons under paragraph 323A.

#### Failure to start studies

If the migrant fails to start studying with their sponsor, you must curtail their leave under paragraph 323A(a)(ii)(1) of the rules unless one of the exceptions below applies in which case curtailment is discretionary.

#### Exclusion or withdrawal from studies

If the sponsor has excluded or withdrawn the migrant, or the migrant has withdrawn, from the course of studies, you must curtail the leave under paragraph 323A(a)(ii)(2) of the rules.

Sponsorship can be withdrawn by the sponsor, for example due to unsatisfactory attendance, or the student can voluntarily choose to withdraw from their studies, for example if they find the course to be unsuitable.

For more information on curtailment Tier 4 leave when sponsorship is withdrawn due to delayed or deferred studies, see related link.

#### Pre-sessional course

You must curtail leave under paragraph 323A(a)(ii)(4) of the rules if the sponsor withdraws sponsorship from the migrant if:

- the sponsor is both a:
  - pre-sessional course which lasted no longer than 3 months
  - course of degree level study that follows the pre-sessional course
- after completing the pre-sessional course, does not have a knowledge of English equivalent to level B2 of the Council of Europe's Common European Framework for Foreign Language Learning in all 4 components (reading, writing, speaking and listening) or above

#### In this section

[Tier 4 curtailment](#)

[Tier 4 discretionary curtailment](#)

[Delayed or deferred studies](#)

[Tier 4 doctorate extension scheme](#)

#### Related links

[Tier 1 curtailment: consideration](#)

[Tier 2 and Tier 5 curtailment: consideration](#)

[Notification of premature end of employment curtailment: consideration](#)

[Notification of premature end of employment curtailment: process](#)

[Curtailement: failure to](#)

For more information on pre-sessional courses, see external links:

- Immigration Rules Annex A 120(b)
- Tier 4 policy guidance
- Policy guidance for Tier 4 sponsors

### Studies end early

If the migrant's course of study has ended, or will end, before the end date recorded on the certificate of sponsorship checking service, you must curtail their leave under paragraph 323A(a)(ii)(2A) of the rules.

If you are curtailing a Tier 4 migrant's leave because their studies will end earlier than originally expected, you must curtail their leave to the new end date for the studies plus any wrap up period that was originally allowed. For more information, see related link: [Deciding the date of expiry for curtailed leave](#).

### Exceptions to mandatory Tier 4 curtailment

The power to curtail leave under paragraph 323A(a)(ii) becomes discretionary if any of the following exceptions specified in paragraph 323A(b)(iv) of the rules applies:

- they are under the age of 18
- they have a dependent child under the age of 18
- you are going to curtail the migrant's leave so they will have leave remaining and they have less than 60 days remaining on the day the curtailment takes effect
- they were granted leave to enter or remain with another sponsor or under another immigration route
- they have a pending application for leave to remain, or variation of leave, with the Home Office, or has a pending appeal or administrative review

Even if one of the exceptions applies, it may still be appropriate to curtail leave, but you must consider whether it would be appropriate to exercise discretion when making the decision. It will not be appropriate to curtail leave if:

[Comply with biometric information requirements](#)

[Deciding the date of expiry for curtailed leave](#)

### See also

[CID information](#)

[Using discretion when considering curtailment](#)

### External links

[Immigration Rules paragraph 323A](#)

[Immigration Rules part 6A](#)

[Immigration Rules Annex A 120\(b\)](#)

[Tier 4 of the Points Based System – Policy Guidance](#)

[Policy guidance for Tier 4 sponsors](#)

- you are going to curtail leave to 60 days and the migrant has less than 60 days leave remaining or they have been granted leave with another sponsor or in another category
- the migrant has been granted leave to enter or remain with another sponsor or under another immigration category

**Examples of when you must curtail a Tier 4 migrant's leave**

Example	When you must curtail
<p>A Tier 4 sponsor notifies the Home Office that a migrant has entered the UK to study with them in line with their grant of leave but they have since withdrawn sponsorship because the migrant failed to enrol for their course.</p> <p>The migrant is aged over 18, does not have any dependant family in the UK, has not been granted leave to enter or remain with another sponsor and has no outstanding immigration application.</p>	<p>You must curtail the migrant's leave as no exception applies.</p>
<p>A sponsor notifies the Home Office that the migrant enrolled but has since been excluded or withdrawn from their studies.</p>	<p>You must curtail the migrant's leave as no exception applies.</p>
<p>A sponsor notifies the Home Office that the migrant's course will end 6 months earlier than the end date recorded on the certificate of sponsorship checking service.</p>	<p>You must curtail the migrant's leave to reflect the new course end date (including the relevant wrap-up period) as no exception applies.</p>

## Curtailment of leave

### Tier 4 discretionary curtailment

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This page tells you about Tier 4 discretionary curtailment reasons under paragraph 323.

If the migrant's sponsor ceases to have a sponsor licence (for whatever reason), you must consider curtailing the migrant's leave under paragraph 323A(a)(i) of the rules.

If the migrant's sponsor transfers the business where the migrant is studying to another person, you must consider curtailing their leave under paragraph 323A(b)(ii) of the rules if that person does not have a sponsor licence, and either:

- fails to apply for a licence within 28 days of transfer of the business
- applies for a sponsor licence but is refused
- makes a successful application for a sponsor licence, but the sponsor licence granted is not in a category that allows them to issue a certificate of acceptance for studies (CAS) to the migrant

#### Example of when you may consider curtailing a Tier 4 migrant's leave

A Tier 4 migrant fails to commence studying with their sponsor. They:

- have not submitted any further applications
- are aged over 18
- have a dependent spouse and a child aged under 18 in the UK

In this case, curtailment is not mandatory because an exception (the presence of the dependent child) applies. Curtailment may still be appropriate, but you must consider whether it would be appropriate to exercise discretion when making a decision.

**In this section**  
[Tier 4 curtailment](#)

[Tier 4 mandatory curtailment](#)

[Delayed or deferred studies](#)

[Tier 4 doctorate extension scheme](#)

**Related links**  
[Tier 1 curtailment: consideration](#)

[Tier 2 and Tier 5 curtailment: consideration](#)

[Notification of premature end of employment curtailment: consideration](#)

[Notification of premature end of employment curtailment: process](#)

[Curtailment: failure to](#)

This guidance is based on the Immigration Rules

		<p><a href="#">Comply with biometric information requirements</a></p> <p><b>See also</b> <a href="#">CID information</a></p> <p><a href="#">Using discretion when considering curtailment</a></p> <p><b>External links</b> <a href="#">Immigration Rules paragraph 323A</a></p> <p><a href="#">Immigration Rules part 6A</a></p> <p><a href="#">Tier 4 of the Points Based System – Policy Guidance</a></p>
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## Curtailed leave

### Delayed or deferred studies

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[Curtailed leave of points-based system migrants](#)  
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[Curtailed leave following the breakdown of a relationship](#)  
[Requesting further information before curtailment](#)  
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[Appeal rights](#)  
[Legislation for curtailment](#)

This page tells you about curtailment for delayed or deferred studies.

Sponsors must inform the Home Office if a student is excluded or withdrawn or withdrawn from their studies because of a current or future absence which means they will not be actively studying for more than 60 days, and will not be able to complete their course before their current leave expires, and the sponsor agrees the student may defer their studies.

After receiving the notification from the sponsor that the student is excluded or withdrawn from their studies, the Home Office will then consider whether to curtail the student's leave. When the student is ready to resume their studies, their sponsor must issue them a new CAS if they wish to continue sponsoring the student. The student must then make a new application for entry clearance, or leave to remain if they have remained in the UK in another capacity, so their new leave covers the full period of their studies.

If the student's sponsor agrees that the student may defer their studies for a period of time and has withdrawn sponsorship, the sponsor must do all the following:

- formally defer the student's studies
- notify the Home Office
- advise the student to leave the UK

If a migrant defers their studies due to pregnancy, serious ill health or a serious medical condition you must take particular care when deciding when the migrant's leave will expire. For further information, see related link: Deciding the date of expiry for curtailed leave.

A Tier 4 sponsor may continue to sponsor a student who has deferred their studies for up to a maximum of 90 days providing the student can still complete their course within their existing period of leave.

In exceptional circumstances, such as pregnancy, serious ill health or a serious medical

#### In this section

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[Tier 4 discretionary curtailment](#)

[Tier 4 doctorate extension scheme](#)

#### Related links

[Tier 1 curtailment: consideration](#)

[Tier 2 and Tier 5 curtailment: consideration](#)

[Notification of premature end of employment curtailment: consideration](#)

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condition, a sponsor may continue to sponsor a student for longer than 60 days providing the student can still complete their course within their current leave.

For more information on when a Tier 4 sponsor must end their sponsorship of a student see external link: Sponsor a Tier 4 student: guidance for educators.

**Tier 4 re-sits and repeating studies**

The Tier 4 sponsor guidance:

- tells sponsors what they must do when the student needs to re-sit their exams or repeat their studies
- says that if the student’s permission to stay expires before they finish the re-sit or repeat they must apply to extend their leave before it expires

However, if the student is able to finish the re-sit or repeat their studies before their leave expires, the sponsor does not need to withdraw sponsorship if they both:

- are content that they can continue to meet their sponsor duties for the migrant
- require the continued participation of the student with 60 days of the next academic period starting (excluding vacation periods)

When you consider curtailing a migrant’s leave because of re-sits or repeating their studies you must make sure the sponsor has confirmed that sponsorship has been withdrawn because they do not require the continued participation of the student within 60 days of the next academic period starting (excluding vacation periods).

**Examples of curtailment consideration when studies are deferred**

Example	Your actions
The migrant was granted leave to remain as a Tier 4 student from 1 April 2014 until 1 October 2018 to study at the University of Bradford.	You reviewed the SMS notification on 20 April 2015 to consider if curtailment was appropriate. As the student has been excluded or withdrawn from their studies you must curtail the student’s leave to

[Comply with biometric information requirements](#)

**See also**  
[CID information](#)

[Using discretion when considering curtailment](#)

[Deciding the date of expiry for curtailed leave](#)

**External links**

[Immigration Rules paragraph 323A](#)

[Immigration Rules part 6A](#)

[Sponsor a Tier 4 student: guidance for educators](#)

	<p>On 10 April 2015 the sponsor informed the Home Office through a sponsor management service (SMS) notification that they had withdrawn sponsorship as the student has had to defer their studies.</p> <p>The notification said the student was pregnant and they would recommence their studies on 6 December 2015. Due to the deferral, it would not be possible to complete the course of study before the current leave expired. The migrant is over 18 and has no dependant children under the age of 18.</p>	<p>remain under paragraph 323A(a)(ii)(2) as none of the exceptions in paragraph 323A(b)(iv) of the Immigration Rules apply.</p> <p>As the curtailment consideration is triggered by deferral, leave must normally be curtailed to expire in 60 days (from the deemed date of service of the decision). This is because it is appropriate to allow constant migrants a short period to arrange their departure or make an application to regularise their stay. For more information on deciding the expiry date for curtailed leave, see related link.</p>	
	<p>The migrant was granted leave to remain as a Tier 4 student from 10 October 2014 until 28 September 2016 at the Doncaster School of Business.</p> <p>On 4 April 2015 the sponsor informed the Home Office through a SMS notification that the student had deferred their studies. The notification said the student had been involved in an accident and was in hospital.</p> <p>The student was expected to recommence their studies in October 2015 but would not be able to complete their studies before their leave expired. Therefore the sponsor withdrew the sponsorship of the student.</p>	<p>You reviewed the SMS notification on 12 April 2015 to consider if curtailment was appropriate.</p> <p>As the student's course had been deferred and the student has been excluded or withdrawn from their studies, leave to remain must be curtailed with reference to paragraph 323A(a)(ii)(2).</p> <p>Leave to remain was curtailed to expire 60 days from date of deemed service of the date of decision.</p>	
	<p>The migrant was granted leave to remain as a Tier 4 student from 1 April 2014 until 1 July 2016, to study for a degree at the</p>	<p>You reviewed the SMS notification on 28 April 2015 to consider whether curtailment was appropriate.</p>	

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	<p>University of Sheffield.</p> <p>On 21 April 2015 the sponsor informed the Home Office through a SMS notification that the student had deferred their studies. The notification said the student was ill and would recommence their studies on 9 June 2015 and would be able to complete their studies before their current leave expired.</p> <p>The sponsor had not withdrawn their sponsorship of the student.</p>	<p>As the student deferred their studies for fewer than 60 days and can still complete their course before their leave expires, they have not been extended or withdrawn from their studies. Leave remain would not be curtailed.</p>	
<p>For more information on processing a curtailment, see link on left: Curtailment procedures and related link: CID information.</p>			

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## Curtailment of leave

### Tier 4 doctorate extension scheme

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This page tells you about curtailing leave for a migrant on a Tier 4 doctorate extension scheme (DES).

If you receive a sponsor management system (SMS) notification that a migrant failed to successfully complete the PhD required to qualify for the DES and the migrant has already been granted Tier 4 DES leave:

- if the sponsor has withdrawn their sponsorship of the migrant, you must curtail the migrant's leave, under paragraph 323A(a)(iii) of the Immigration Rules, to the date their previous Tier 4 leave was due to expire unless the course end date was changed on the certificate of acceptance for studies used for the DES application
- if the migrant is still sponsored and has been asked to resubmit their PhD with changes but will still be awarded a PhD if the changes are satisfactory, you must not curtail leave under this provision - you do not need to change the migrant's condition code because the migrant must successfully complete the PhD before they can benefit from the less restrictive work conditions of the DES route
- if the migrant is still sponsored but will not be awarded a PhD and their course end date has changed, for example because they have been asked to resubmit their work with changes but will only be awarded a masters degree, you must curtail leave under this provision so that the migrant still benefits from the 4 month wrap-up period at the end of their course - you do not need to change the migrant's condition code when you curtail their leave because the migrant must have successfully completed the PhD before they can benefit from the less restrictive work conditions of the DES route

If you receive a sponsor management system (SMS) notification that a migrant failed to successfully complete the PhD required to qualify for the DES and the migrant has applied for Tier 4 DES leave but has not yet received a decision, the migrant will receive a decision from the casework team who considers the application.

You must not curtail the migrant's existing Tier 4 leave, unless there are other reasons for

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[Tier 4 curtailment](#)

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[Delayed or deferred studies](#)

**Related links**  
[Tier 1 curtailment: consideration](#)

[Tier 2 and Tier 5 curtailment: consideration](#)

[Notification of premature end of employment curtailment: consideration](#)

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This guidance is based on the Immigration Rules

doing so. For example, you must consider curtailment if the Tier 4 sponsor has also sent an SMS notification which states they have withdrawn sponsorship or that the migrant has withdrawn from their studies.

For more information on the Tier 4 DES, see related links:

- Immigration Rules part 6A
- Tier 4 of the Points Based System – Policy Guidance

[Comply with biometric information requirements](#)

**See also**

[CID information](#)

[Using discretion when considering curtailment](#)

**External links**

[Immigration Rules paragraph 323A](#)

[Immigration Rules part 6A](#)

[Tier 4 of the Points Based System – Policy Guidance](#)

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## Curtailment of leave

### Notification of premature end of employment curtailment: consideration

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This page tells caseworkers how to consider curtailment under paragraph 320A(a)(i)(2) of the immigration rules when a sponsor notifies the Home Office that a migrant has stopped working for them.

If the sponsor informs the Home Office, using the sponsor management system (SMS), that a migrant has stopped working for them, you must:

- register the case on CID under case type 'curtailment: consideration – T2SW' – with the relevant category
- check on the internal database system to see if they have been granted leave in another category

#### If the migrant has been granted leave in another category

Note CID notes and person notes with:

- '(name of sponsor) has notified us that OSN left employment (on date if given). OSN has since been granted leave as (insert details of new leave) therefore no further action required.'

#### If the migrant has an outstanding immigration application

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

You must note CID notes and person notes with:

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

#### In this section

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[Tier 4 curtailment: consideration](#)

[Notification of premature end of employment curtailment: process](#)

[Curtailment: failure to comply with biometric information requirements](#)

#### Related links

[Curtailment: wording for notification of premature end of employment](#)

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	<p>application is refused’.</p> <p>If the migrant has not been granted in another category but has less than 60 days leave left If the circumstances of the case mean you would curtail the leave to 60 days, you must add CID notes and person notes with:</p> <ul style="list-style-type: none"><li>• ‘(Name of sponsor) has notified us that OSN ceased employment on (date if known). OSN has less than 60 days leave to (enter/remain) therefore no further action is required.’</li></ul> <p>You must continue to consider curtailment if the circumstances of the case justify curtailing with immediate effect.</p> <p>For more information on deciding the curtailment date see related link: <a href="#">Deciding the date of expiry for curtailed leave.</a></p>	
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## Curtailement of leave

### Notification of premature end of employment curtailment: process

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This page tells caseworkers the process for curtailing a migrant's leave when a sponsor notifies the Home Office that the migrant has stopped working for them.

You must consider curtailment unless:

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

If a migrant finishes their work placement early due to pregnancy, serious ill health or a serious medical condition, you must take particular care when deciding when the migrant's leave will expire. For further information see related link: Deciding the date of expiry for curtailed leave.

If you are considering curtailment, 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)

#### In this section

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[Tier 4 curtailment: consideration](#)

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#### Related links

[Curtailment: wording for notification of premature end of employment](#)

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[Using discretion when](#)

Official sensitive - do not disclose - start of section

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

Official sensitive - do not disclose - end of section

- make sure the passport details have been input if you have the passport
- make sure the notes confirm an higher executive officer (HEO) has authorised the curtailment, 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 leave as a Tier 2 migrant curtailed so as to expire on (date). ICD 4203 issued. Decision to be served (direct to applicant at last known address/via employer/via rep)'

For more information on the curtailment procedure, see link on left.

### **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 curtailing to. It must be:
  - 60 days from today's date, unless there are grounds to curtail with immediate effect
  - or for a different duration
- case outcome - 'C' curtailment - no right of appeal.
- condition – leave blank, unless the case needs a biometric residence permit, which is a code '4'

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

Official sensitive - do not disclose - start of section

[Considering curtailment](#)

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

Official sensitive - do not disclose - end of session

For more information on this, see related links:

- Deciding the date of expiry for curtailed leave
- Using discretion when considering curtailment
- Curtailment – wording for notification of premature end of employment

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## Curtailment of leave

### Curtailing the leave of visitors

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This page tells caseworkers which rules apply when curtailing the leave of visitors.

When curtailing a visitor's leave, you must refer to paragraph V 9.8 and Appendix V.

These paragraphs replace the following rules:

Ground	Part 9 rules on curtailment	Appendix V Part V9 rules on curtailment
False representations or failure to disclose a material fact (leave to enter or previous variation of leave)	323(i) with reference to 322(2)	V 9.9
False representations or failure to disclose a material fact (document)	323(i) with reference to 322(2A)	V 9.9
Failure to comply with conditions	323(i) with reference to 322(3)	V 9.11
Failure to maintain and accommodate without recourse to public funds	323(i) with reference to 322(4)	V 9.11
Conduct, character and associations	323(i) with reference to 322(5)	V 9.12(d)
Offending causing serious harm or persistent offending	323(i) with reference to 322(5A)	V 9.12(b) and (c)
Decision	323(ia)	V 9.10
Failure to comply with conditions	323(ii)	V 9.11
Offence in first 6 months	323(v)	V 9.12(a)

You must continue to apply the existing guidance on curtailment for these paragraphs and follow the processes set out in the guidance.

#### Related links

[Curtailing leave on general grounds](#)

#### External links

[Immigration Rules paragraph 323A](#)

[Part V9 of Appendix V of the Immigration Rules](#)

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## Curtailment of leave

### Curtailment following the breakdown of a relationship

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This section tells caseworkers how to refer cases for curtailment when a migrant and a settled person's relationship breaks down and how caseworkers consider curtailing their leave.

You must consider curtailing a migrant's leave granted on the basis of their relationship with a settled person under paragraph 323(ii) 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 leave to enter or remain.

Below are examples of when to consider whether curtailment action may be appropriate following the breakdown of a relationship.

#### **When the 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 migrant has outstanding leave, you must consider referring the case for curtailment.

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

A migrant who still has remaining leave 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 migrant has outstanding leave, you must consider referring for curtailment.

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

An illegal entrant is granted leave to remain 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 their application is refused because there is insufficient evidence that the relationship is genuine and subsisting.

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[Referring breakdown of a relationship cases for curtailment](#)

[Breakdown of relationship: initial procedure](#)

[Deciding to curtail due to a breakdown of a relationship](#)

[Breakdown of a relationship: allegations of domestic violence](#)

[Breakdown of a relationship: what to do if you decide not to curtail](#)

[Disclosing information to UK settled partners](#)

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[Breakdown of](#)

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	<p>There is evidence with the application that their marriage has broken down, so you must consider curtailing the remaining leave.</p> <p>For more information on which teams to refer curtailment cases, see related link: Referring breakdown of a relationship cases for curtailment.</p> <p>As the reasons for curtailment are discretionary, you must not automatically curtail a migrant's leave if referred for curtailment. It may be appropriate to use discretion.</p> <p>For information on when to use discretion for a breakdown of a relationship, see related link: Using discretion when considering curtailment.</p>	<p><a href="#">Relationship: the migrant overseas</a></p> <p><a href="#">Allegations of forced marriage</a></p> <p><b>Related links</b> <a href="#">Using discretion when considering curtailment</a></p> <p><b>External links</b> <a href="#">Paragraph 323 of the Immigration Rules</a></p>
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## Curtailment of leave

### Referring breakdown of relationship cases for curtailment

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This page tells caseworkers where to refer cases if the relationship of a migrant with limited leave as the spouse or partner of a UK settled person has broken down.

#### **Case where the migrant has limited leave to enter or leave to remain under the Immigration Rules as a spouse or a partner**

If you think it is appropriate to curtail their leave, you must refer the case to:

Manchester Curtailment Team  
UK Visas and Immigration  
5th Floor Concorde Office  
Manchester Airport  
M90 3RR

#### **Cases where the migrant has discretionary leave based on the relationship**

If you think it is appropriate to curtail a 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.

If the migrant is applying for leave on the basis of domestic violence by their UK spouse or partner, see related link [Victims of domestic violence](#).

#### **In this section**

[Breakdown of relationship: initial procedure](#)

[Deciding to curtail due to a breakdown of a relationship](#)

[Breakdown of a relationship: allegations of domestic violence](#)

[Breakdown of a relationship: what to do if you decide not to curtail](#)

[Disclosing information to UK settled partners](#)

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[Breakdown of relationship: the migrant is overseas](#)

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		<p><a href="#">Marriage</a></p> <p><b>Related links</b> Links to staff intranet removed</p>
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## Curtailment of leave

### Breakdown of relationship: initial procedure

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This page tells caseworkers the initial process to follow when considering curtailing a migrant's leave after receiving information that the relationship has broken down.

When you receive a relationship breakdown case you must:

- check CID 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 leave 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 to CID or create a new case on CID and select 'curtailment consideration – spouse/partner'
- enter into case notes the date the migrant's leave expires
- if there is an allegation that the UK settled spouse or partner has been the victim of domestic violence or threats, enter 'DV' in CID comments detailing the nature of the allegations
- put a standard minute on CID case notes 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 curtailment or other action without the UK settled spouse/partner's written agreement.'
- for non-domestic violence cases, send an acknowledgement to the UK settled spouse or partner.

You must not curtail if:

leave is to be curtailed to 60 days but the migrant has less than 60 days leave to enter

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[Referring breakdown of a relationship cases for curtailment](#)

[Deciding to curtail due to a breakdown of a relationship](#)

[Breakdown of a relationship: allegations of domestic violence](#)

[Breakdown of a relationship: what to do if you decide not to curtail](#)

[Disclosing information to UK settled partners](#)

[UK settled person does not give permission to use information](#)

[Breakdown of relationship: the migrant is overseas](#)

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This guidance is based on the Immigration Rules

or remain left, unless there are exceptional reasons why immediate curtailment is appropriate

- there is a reliable indication that the migrant has been the victim of abuse or domestic violence at the hands of the UK spouse or partner

Sending letters out to the spouse or partner when leave is not being curtailed  
If the spouse or partner:

- requests information – use ICD 0870B
- does not request information – use ICD 30007

For information on what to do if the UK settled spouse or partner requests information on what action the Home Office will take against the non-settled migrant, see related link: [Disclosing information to UK settled spouse](#)

[Marriage](#)

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## Curtailment of leave

### Deciding to curtail due to a breakdown of a relationship

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This page tells caseworkers when they must consider curtailing the leave of spouse or partner of a UK settled person following the breakdown of their relationship.

As the reasons for curtailment are discretionary, you must not automatically curtail a migrant's leave if referred for curtailment. It may be appropriate to use discretion.

For information on when to use discretion for a breakdown of a relationship, see related link: [Using discretion when considering curtailments](#).

You must curtail a migrant's leave following the breakdown of a relationship to 60 days unless:

- they have less than 60 days leave remaining
- there are exceptional circumstances which mean it is appropriate to curtail leave with immediate effect
- there are exceptional reasons to exercise discretion when curtailing so that the migrant has more than 60 days leave remaining. For example, the migrant 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 curtailment include either:

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

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

For more information about when a migrant has less than 60 days leave, see related links:

**In this section**  
[Referring breakdown of a relationship cases for curtailment](#)

[Breakdown of relationship: initial procedure](#)

[Breakdown of a relationship: allegations of domestic violence](#)

[Breakdown of a relationship: what to do if you decide not to curtail](#)

[Disclosing information to UK settled partners](#)

[UK settled person does not give permission to use information](#)

[Breakdown of relationship: the migrant is overseas](#)

[Allegations of forced](#)

- deciding the date of expiry for curtailed leave
- using discretion when considering curtailment

For more information if there are allegations of domestic violence see related link: [Allegations of domestic violence.](#)

#### **If you decide to curtail leave**

If you decide to curtail a migrant's leave you must:

- write to the UK settled partner to ask for their permission to use the information they have provided about the relationship breakdown
- use the ICD 0870 if the UK settled partner has not requested information. Use the ICD 0870A if the partner has requested information about the action the Home Office will take against the migrant. If it is appropriate you must include the optional paragraphs giving advice about:
  - contacting the police
  - obtaining an injunction
  - domestic violence offences
  - contacting the forced marriage unit

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

- curtail the migrant's leave using existing criteria and processes
- update CID and internal Home Office security systems

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

#### **When not to curtail leave**

If the migrant 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 curtail the leave.

[Marriage](#)

#### **Related links**

[Using discretion when considering curtailment](#)

[Deciding the date of expiry for curtailed leave](#)

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	<p>You must check CID records to establish if the migrant partner has claimed to be a victim of domestic violence and if they have applied for leave on this basis. If there are records of this on CID you must refer the case to a senior caseworker and contact the team dealing with the application for leave.</p> <p>If the migrant has not applied for leave on the grounds of being a victim of domestic violence their leave may be curtailed to 60 days to allow them a reasonable period to apply for leave on that basis.</p> <p>Before you decide not to curtail in these circumstances, see related link: Breakdown of a relationship - allegations of domestic violence.</p> <p>For information on the process to follow, see related link: Breakdown of a relationship - what to do if you decide not to curtail.</p>	
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## Curtailment of leave

### Breakdown of a relationship: allegations of domestic violence

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This page tells caseworkers about curtailment when they receive allegations of domestic violence, during or after the breakdown of a relationship, between a UK settled person and their foreign spouse or partner.

The allegation could concern a claim that the settled sponsor or the migrant 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:

- create letter ICD 0870A, or ICD 0870B if curtailment is not immediately appropriate, and amend it to the situation as required
- include advice about:
  - contacting the police
  - seeking an injunction
  - domestic violence help lines
  - contacting the forced marriage unit

You must discuss the curtailment 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 responds to 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 migrant has threatened to use violence if their leave is curtailed. In such cases, you must warn the UK settled spouse or partner that you are going to curtail leave before it is served
- if there is any indication at all of a forced marriage

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	<p>If the senior caseworker is unable to resolve the issue, they may contact the appropriate operational policy team for advice.</p> <p>If there is an allegation that the migrant has been the victim of domestic violence or threats, you must:</p> <ul style="list-style-type: none"><li>• check CID to find out whether the migrant has submitted an application as the victim of domestic violence (DV)</li><li>• if an application has been submitted to the Home Office, you must:<ul style="list-style-type: none"><li>○ contact the relevant caseworking team who are dealing with the DV application</li><li>○ cease curtailment consideration against the migrant partner</li><li>○ transfer ownership of the curtailment consideration to the team which is considering the DV application. The team considering the DV application will decide whether curtailment is appropriate if the application is refused</li><li>○ add a minute to the case on GCID to record the above actions</li></ul></li><li>• if the settled partner requests information, follow the guidance using the related link: <a href="#">Disclosing information to UK settled partners</a></li></ul>	<p><a href="#">Marriage</a></p>
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## Curtailment of leave

### Breakdown of a relationship: what to do if you decide not to curtail

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This page tells caseworkers what to do if they decide that it is not appropriate to curtail a migrant's leave following the breakdown of their relationship with a UK settled person.

If you decide not to curtail the migrant's leave, you must:

- create a CID note explaining the reason for your decision
- enter 'curtailment not pursued' in the case outcome field on CID
- create the appropriate letter on CID:
  - ICD 0870B – if the spouse or partner has asked for information on what action the Home Office would take against the migrant
  - ICD 3033B – if the spouse did not ask for information
  - ICD 0870C – if the Home Office has previously asked for their permission to use their information, but they decide not to curtail
- delete the options about the police seeking assistance and domestic violence helplines where applicable if there is no suggestion of domestic violence, forced marriage or threats
- adapt the letter to cover the issues raised in the correspondence received
- delete entry from the Home Office internal security systems where appropriate, for example reconciliation
- 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

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## Curtailment of leave

### Disclosing information to UK settled partners

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This page tells caseworkers what to do if a UK settled person requests information on the action the Home Office is taking against the migrant after the breakdown of their relationship.

If you receive a request for this information, you must:

- create the appropriate letter on CID - this must contain:
  - ICD 0870A if you are considering curtailing leave
  - ICD 0870B if you are not curtailing leave
  - ICD 3033B if there is an indication of violence may have been inflicted on the migrant spouse or partner
  - for more information on the wording for these cases, see paragraphs 5.8 or 7.2 of the related link: 04.0 Disclosure of personal information to third parties
- delete the options about the police, breaking an injunction, forced marriage unit and domestic violence help lines if there is no suggestion of domestic violence, forced marriage or threats
- adapt the letter to address the issues raised in the letter(s) or email received

#### Where there is evidence of domestic violence to the migrant

You must consider whether, on the balance of probabilities, the evidence shows that the migrant 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

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confirmed that domestic violence occurred or 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 the migrant spouse or partner has been the victim of domestic violence, you must follow the guidance at the related link: Breakdown of a relationship - allegations of domestic violence.

If there is evidence that the migrant 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
- use the above letters

If the migrant no longer meets the requirements under the rules and there is an allegation or evidence of domestic violence their leave should normally be curtailed to 60 days, under paragraph 323(ii) of the Immigration Rules. You must also tell the migrant that if they wish to remain here on the grounds of domestic violence they must apply for leave as a victim of domestic violence under Appendix F of the Immigration Rules.

For more information on the evidence you would need to see to confirm the migrant has been a victim of violence, see Annex P in the related link: 04.0 - Disclosure of personal information to third parties.

[Allegations of forced marriage](#)

**Related links**

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## Curtailment of leave

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

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This page tells caseworkers how to process cases when the UK settled person does not give permission for you to use the information they have provided about the breakdown of their relationship.

In these circumstances you must:

- mark their letter on the file as 'do not disclose'
- enter the following wording on CID at both the top and the bottom of the case notes:
  - 'if the foreign national spouse or partner with limited leave 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'
- 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 migrant must not be told or given any indication that their spouse or partner has been in contact with the Home Office
- edit and send an IM3 0870C letter to the UK settled spouse or partner when you make a decision on the case. You must only do this if:
  - you have received a request for information concerning the action we will be taking against their estranged spouse or partner
  - there is no evidence that the UK settled spouse or partner has used violence against the foreign national

For more information on the wording to use in these cases, see section 5.8 and 7.2 in related link: 04.0 - Disclosure of personal information to third parties.

For more information on the evidence needed to confirm the migrant has been a victim of domestic violence, see Annex B in related link: 04.0 - Disclosure of personal information to third parties.

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## Curtailement of leave

### Breakdown of relationship: the migrant is overseas

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This page tells caseworkers what to do when the spouse or partner informs the Home Office that their relationship has broken down and the migrant is currently abroad.

If you are told by a spouse or partner that their relationship has broken down and the migrant is currently abroad, you must:

- immediately update the Home Office security systems to alert Border Force if or when the migrant seeks to return
- send ICD 4341 to the spouse or partner asking for their permission to use the information that they have provided
- make sure the spouse or partner's contact details are updated on CID (for example mobile or email)
- update the case notes if you receive permission to use the information
- consider curtailing the migrant's leave to 60 days unless there are exceptional reasons to curtail leave with immediate effect
- 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

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## Curtailement of leave

### Allegations of forced marriage

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This page tells caseworkers what to do if they receive a written allegation from a migrant or their sponsor about a marriage breakdown which claims they are a victim of a forced marriage.

Official sensitive - do not disclose - start of section

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

Official sensitive - do not disclose - end of section

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## Curtailement of leave

### Curtailement considerations

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This section tells you additional things you have to consider before curtailement of a migrant's leave in the UK.

Before you decide to curtail a migrant's leave there may be other factors that you have to take into consideration before you make your final decision, for example:

- requesting further information before curtailement
- safety issues in contacting the UK settled spouse or partner
- discretionary leave and leave outside the rules
  - if the migrant is not having their leave curtailed immediately
  - they have less than 60 days remaining when the migrant is outside the UK
- when not to curtail all of a migrant's leave
- using discretion when considering curtailment

For more information on curtailment of leave on general grounds, see related link.

**In this section**  
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**Related links**  
[Curtailement of leave on general grounds](#)

**External links**  
[Immigration Act 1971 \(c. 77\)](#)

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## Curtailment of leave

### Requesting further information before curtailing

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This page tells caseworkers when to request further information from a migrant before deciding whether to curtail the migrant's leave.

#### When to consider asking for further information

You should make a curtailment 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, such as a sponsor notification that sponsorship has been withdrawn.

In some circumstances it may be appropriate for you to ask a migrant to provide additional information before making a curtailment decision. For example, if the Home Office is aware of circumstances which may mean it is appropriate to curtail leave to a period which is more than 60 days.

One such instance may be where a migrant has a child and evidence suggests the child is unwell or at a key stage of their education. Curtailment of leave to a period of more than 60 days could be appropriate to allow the child to complete a course of medical treatment or to complete their studies. You may need further information about the child's medical treatment or education before making a decision to give effect to your duty to consider what is in the best interest of the child.

For more information on the Home Office duty to safeguard and promote the welfare of children, see related link: Section 55 children's duty guidance.

It may also be appropriate to curtail leave to a period of more than 60 days where curtailment is linked to pregnancy, serious ill health or a serious medical condition that means the person is unable to leave the UK before their leave expires.

For example, people who have infectious diseases are unable to travel until a medical professional confirms they are no longer infectious. People with certain lung conditions may

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#### Related links

[Failure to provide information or attend interview](#)

[Serving a curtailment decision to a postal or email address](#)

[Serving a curtailment decision to the file](#)

[Change of representative](#)

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not be able to travel by air therefore you must enquire as to what other modes of travel they could reasonably use to return overseas.

It may be appropriate to seek further information on the migrant's condition to make sure their leave is curtailed to expire on an appropriate date. The appropriate date is the earliest date on which their pregnancy, serious ill health or medical condition would allow them to travel. In the above example, this would be the date on which the migrant is declared free of the infection.

For more information on deciding the date of expiry of curtailed leave, see related link. If you need further information before making a curtailment decision, you must send a 'minded to curtail' letter – ICD 4279 to the migrant to let them know that you are:

- considering curtailing their leave, and
- requesting the additional information to inform that decision.

You must state in the letter that you are making this request under paragraph 39D of the Immigration Rules.

You must send the enquiry letter to one of the following:

- the correspondence address provided by the migrant
- the last known address of the migrant
- their representative

In cases where the person has used a representative to make their previous in country application, you must contact the representative to ask whether they still act for the person. If they do not, you must send the enquiry to the representative. If they do not, you must record this fact on the ICD. You must not send the enquiry letter to a former representative who is no longer acting for the person.

If you do not have a suitable postal address but have an email address or telephone number for the migrant, you must attempt to contact the migrant by email or phone to request a

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suitable address where you can send the enquiry letter.

For further information on finding a suitable address and the order of preference in which addresses should be used, see related link: [Serving a curtailment decision to postal or email address.](#)

If you do not receive a response within the 28 day time period stated in the letter, you must decide whether to curtail leave based on the available information. You must also consider whether their leave should be curtailed under paragraph 323(vii) if they fail to provide the information without reasonable explanation. For more information, see related link: [Failure to provide information or attend interview.](#)

An applicant may appoint a legal representative, or change their legal representative, when they receive a request for further information. For information on how to process a change of representative, see related link.

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## Curtailement of leave

### Discretionary leave and leave outside the rules

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This page tells caseworkers what to do when they are considering curtailement of a migrant's discretionary leave or any other leave granted outside the rules.

You must consider curtailement of discretionary leave or leave outside the rules when the circumstances under which that leave was originally granted have changed.

For more information about leave outside the rules, see related link: 14.0 - Leave Outside the Rules.

#### **An example of how the circumstances might change**

If an illegal entrant or overstayer has been granted discretionary leave because of their relationship with a settled spouse, but the relationship has now permanently broken down, you must consider curtailement of their discretionary leave.

#### **What legislation to use**

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.

When you curtail discretionary leave or leave outside the rules, you must use the wording in the related link: Curtailement – wording for notice of decision – discretionary leave or leave outside the rules.

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

You must curtail discretionary leave or leave outside the rules using the general grounds in paragraph 323 of the Immigration Rules. This is because the leave was granted outside the rules (and therefore they do not apply).

For more information on curtailement under paragraph 323 of the Immigration Rules, see link: Curtailement of leave on general grounds.

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#### **Related links**

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[Curtailement – wording for notice of decision – discretionary leave or leave outside the rules](#)

#### **External links**

[Immigration Act 1971 \(c. 77\)](#)

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## Curtailement of leave

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This page tells caseworkers how to decide the expiry date of curtailed leave

#### Curtailing leave with immediate effect

You must normally curtail leave with immediate effect if:

- curtailment is mandatory under paragraphs 323A(a)(i)(1) or 323A(a)(ii) of the Immigration Rules because a points-based system (PBS) migrant has failed to start work or to enrol for study
- curtailment under paragraphs 323A(a)(i)(1) or 323A(a)(ii)(1) is being considered and one or more of the exceptions in paragraph 323A(b)(iv) of the Immigration Rules apply but, after exercising discretion, you decide to pursue curtailment

For more information on curtailment of points-based system work or study leave and the exceptions to mandatory curtailment, see related link:

You may curtail so that the migrant has some leave remaining if there are exceptional circumstances which mean that it is not appropriate to curtail with immediate effect. For more information on exceptional circumstances, see related link: Using discretion when considering curtailment

You must take care to use the correct curtailment decision letter template. For more information on the correct template to use, see link on left: Curtailement – letter templates and wording.

#### Curtailement is discretionary and curtailment with immediate effect is appropriate

The following list is not exhaustive, but immediate curtailment will normally be appropriate where:

- the migrant has been knowingly involved in the reason for curtailment, such as cases where:

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**Related links**  
[Tier 2 and Tier 5 curtailment: consideration](#)

[Tier 4 curtailment: consideration](#)

**External links**  
[Patel \(Tier 4 – no '60-day extension'\) India \[2011\]](#)

[Tier 2 of the points based system – policy guidance](#)

- a PBS migrant was knowingly involved in the actions that resulted in their sponsor losing their licence
- the migrant has been imprisoned for an offence committed within the first 6 months of being granted leave to enter the UK
- the migrant has facilitated, entered or sought to enter into a sham marriage to circumvent immigration controls
- the level of non-compliance merits immediate curtailment, such as cases where:
  - a sponsored PBS migrant 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 leave to switch to another sponsor
  - a sponsored PBS migrant whose sponsor ceased trading more than 60 days ago has not switched to another sponsor
- the migrant poses a significant risk to a member or members of the public which means that immediate curtailment is appropriate, such as:
  - breakdown of relationship cases where there is evidence that the settled spouse has been a victim of domestic violence
  - leave is curtailed on the grounds of character, conduct or associations and their continued presence puts others at risk

If, having considered all the relevant circumstances, you decide to curtail, you should normally curtail leave with immediate effect in such cases, unless there are exceptional circumstances which mean that leave should be curtailed so that the migrant has some leave remaining (normally 60 days – see below).

Where curtailment is discretionary a decision to curtail with immediate effect must be authorised by a senior caseworker.

You must take care to use the correct curtailment decision letter template. For more information on the correct template to use, see link on left: [Curtailment – letter templates and wording.](#)

**Curtailment so that the migrant has leave remaining**

Curtailment cannot be used to extend leave beyond the current date that leave to enter or

remain is due to expire. See related link: Patel (Tier 4 – no '60-day extension') [2011] UKUT 00187 (IAC).

You must never curtail leave and give a new expiry date for the leave that extends the migrant's leave beyond the original expiry date of their leave.

It follows that if you intend to curtail leave to 60 days you must only do so if the migrant will have more than 60 days leave remaining on the date that they will receive the decision.

The same principle applies if you are considering curtailing leave so that the migrant has more than 60 days leave remaining. For example, if you are deciding to curtail leave to 90 days the migrant must have more than 90 days leave remaining on the date that they will receive the decision.

#### **Curtailing leave so that the migrant has 60 days leave remaining**

You must normally curtail leave to 60 days if:

#### **A PBS migrant has ceased work or study**

Curtailment is mandatory where a PBS migrant has stopped study or work under paragraphs 323A(a)(i) and 323A(a)(ii) of the Immigration Rules unless there are circumstances which mean it is appropriate to curtail leave with immediate effect. For example, it may be appropriate to curtail a Tier 4 migrant's leave with immediate effect if all the following apply. They are:

- made an asylum claim which was refused
- stopped studying
- said they have no intention of making a further application for leave or voluntarily departing from the UK

If one or more of the exceptions to mandatory curtailment for the reasons specified in paragraph 323A(a)(iv) apply but you decide to curtail leave, you should normally do so to 60 days unless you decide it is appropriate to curtail leave with immediate effect (for one or more of the reasons set out above) or to a different date.

**Tier 2 or 5**

If you curtail a Tier 2 or 5 migrant's leave because the employment, volunteering, training or job shadowing will end earlier than originally expected, you must curtail their leave to the new end date plus any wrap-up period that was originally allowed. For example, if the migrant was originally granted leave until the end date of employment plus 14 days, you must curtail leave to expire 14 days after the new end date of employment.

For more information on period of leave granted to Tier 2 and 5 migrants, see related link: Tier 2 of the points based system – policy guidance

**Tier 4 student**

If you are curtailing the leave of a Tier 4 student because they have successfully completed their course early, you should normally curtail leave such that the migrant is left with the same wrap-up period of leave after the new course end date as the period they were originally granted based on their original course end date. For example, if a Tier 4 student was originally granted leave with a wrap-up period that would have expired 4 months after the end date of their studies, you should normally curtail their leave such that they have 4 months leave remaining after the new end date of their studies. The table below sets out the periods of leave granted after the end date of courses of various durations.

Tier 4 students are granted under paragraph 245ZW(b) or 245ZY(b) of the Immigration Rules, Tier 4 (General) students. The table below shows what they are granted.

Duration of course	Period of leave granted after the course end date
12 months or more	4 months
6 months or more but less than 12 months	2 months
Pre-sessional course of less than 6 months	1 month
Course of less than 6 months that is not a pre-sessional course	7 days
Postgraduate doctor or dentist	1 month

#### **Tier 4 (Child) students**

Tier 4 (Child) students are granted 4 months after their course end date, under paragraph 245ZZB or 245ZZD of the Immigration Rules.

In these cases the date that leave is curtailed to must be determined from the date the student completed their course, not the date that the Home Office was notified or the date that the curtailment decision is made.

#### **Curtailed leave is discretionary and for reasons outside the migrant's control**

In cases where curtailment is discretionary, if your decision is to curtail the migrant's leave but either:

- the reasons why leave is being curtailed are outside the migrant's control
- it is not clear that the migrant has failed to comply with the conditions of their leave

it will normally be appropriate to leave the migrant with 60 days leave. This will allow them either to make an application for further leave to remain 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 the migrant was not knowingly involved in the actions that resulted in their sponsor losing their licence
- in breach of relationship cases where there is no evidence that the settled spouse has been the victim of domestic violence

#### **Curtailed leave if the migrant has over 60 days leave remaining**

You cannot curtail leave so there are more than 60 days remaining, but you should only normally do so if there are exceptional compassionate circumstances that mean:

- the migrant would be in a vulnerable position if you curtailed their leave to 60 days or less 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, the migrant has a dependant child and leave should be curtailed to a different date to allow the child to complete a course of medical treatment or academic exams before departing
- the migrant is pregnant, seriously ill or has a serious medical condition which means they are unable to either:
  - apply for further leave (if required)
  - leave the UK before the expiry of their 60 days leave, for more information on this, see related link: [Deciding the date of expiry for curtailed leave](#)
- the migrant is pregnant and she is unable to leave the UK before the expiry of her 60 days leave, because she either:
  - is at a late stage in her pregnancy and is 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 related link: [Deciding the date of expiry for curtailed leave](#)

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 leave curtailed to 60 days (or other period)**

When you curtail leave to 60 days (or other period), you must allow the migrant 60 days (or other period) starting from the date the decision becomes effective. The decision becomes effective on the date it is served, so you must base the new expiry date of the migrant's leave on the date it is deemed to be served.

You must allow an extra day for deemed service of postal decisions, to account for the fact that the decision may not be despatched until the following day.

The new leave expiry date must therefore be calculated as shown in the following table.

Method of delivery	Date of service	What you must do
Notices served by e-mail	Service is deemed to take	You must curtail the

		place on the date that the notice is sent. Therefore you must use the date the notice is sent by email as the deemed date of decision when calculating the new leave expiry date	migrant's leave so that it expires 60 days (or other period) from the date the notice is sent by email
	Notices served by post to a UK address	Service is deemed to take place 2 working days after the notice is sent by post.	Add a further working day to allow for despatch. Therefore you must use the date on the decision letter plus 3 working days as the deemed date of decision when calculating the new leave expiry date. You must curtail the migrant's leave so that it expires 60 days (or other period) from the date of decision plus 3 working days
	Notices served by post to an overseas address	Service is deemed to take place 3 days after the notice is sent by post	Add a further working day to allow for despatch. Therefore you must use the date on the decision letter plus 29 working days as the deemed date of decision when calculating the new leave expiry date. You must curtail the migrant's leave so that it expires 60 days (or other period) from the date of decision plus 29 days.
	Notices served to file	Service is deemed to take	Record the reasons why the

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		<p>place on the day the notice is served to the file with the reasons why attempts to serve the notice in accordance with paragraphs (2) and (3) of article 8ZA of the 2000 Order are not possible or have failed.</p>	<p>decision is being served to file, the power under which the decision is being served to file and the date of service. You must curtail the leave to expire 60 days from the date of service to file.</p>	
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## Curtailment of leave

### Using discretion when considering curtailment

[Curtailment of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailment following the breakdown of a relationship](#)  
[Requesting further information before curtailing](#)  
[Curtailment considerations](#)  
[Curtailment procedures](#)  
[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This page tells caseworkers when to use discretion when considering curtailing a migrant's leave.

In cases where the reasons for curtailment are discretionary, you must not automatically curtail a migrant's leave 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 a migrant's leave is to be curtailed. You must establish the relevant facts and then carefully consider all the migrant'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 migrant's circumstances, such as those recorded on GCID, provided with an application or stored on a case file that is relevant to your decision. This includes:

- evidence that a spouse whose marriage had broken down but has since become reconciled with their partner
- the fairness and proportionality of the proposed curtailment action, relative to the seriousness of any failure to comply with the rules and the extent to which the migrant was responsible for the non-compliance
- in discretionary leave cases, where other factors justified the initial grant of discretionary leave and those factors still apply
- where discretion may need to be used to protect the welfare of a child affected by the decision under section 55 of the Nationality, Immigration and Asylum Act 2002. For example, the migrant has a dependant child and you curtail leave to a different date to allow the child to complete a course of medical treatment or academic exams before departing.

In cases where you must consider discretion, you must record your consideration and the reasons for your decision on whether or not to exercise discretion in CID notes. You must

**In this section**  
[Discretionary leave and leave outside the rules](#)

[Deciding the date of expiry for curtailed leave](#)

**Related links**  
Links to staff intranet removed

also explain your decision on whether or not you exercised discretion in the decision letter, so the migrant can see that you considered the circumstances of their case.

You must refer cases to a senior executive officer (SEO) or assistant director (grade 7) when either:

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

**Exceptional or compassionate circumstances where curtailment may still be appropriate**

Curtailment may still be appropriate where there are compassionate or exceptional circumstances. It may be appropriate to expect the migrant to apply to regularise their stay in another category more appropriate to the circumstances.

For example, where a migrant is unable to leave the UK due to pregnancy, serious illness or a serious medical condition, they should make an application for leave 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 curtail the leave of a migrant who is pregnant (or has just given birth), has a serious illness or a serious medical condition, you must consider whether you should exercise your discretion to allow them more than 60 days leave to remain 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 the migrant from:

- applying for further leave (if required)
- leaving the UK before the expiry of the 60 days leave

Factors to include when you consider applying discretion:

- Does the pregnancy, serious illness medical condition mean that the migrant is currently unfit to travel by air?
- Are there any other methods of travel that the migrant could realistically use?
- How soon will the migrant be able to travel?
- In view of their circumstances, could the migrant reasonably be expected to make an application for further leave in a more appropriate immigration category?

You may request further evidence, for example a letter from an appropriately qualified medical professional such as an 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:

- a migrant 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 - the migrant is too unwell to make an application for leave
- a migrant 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 a migrant 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 a migrant has kidney failure, needs dialysis and wants to stay in the UK on the basis of receiving treatment for this condition.
- where a migrant has a long term disability which they had when they came to the UK
- where a migrant 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 leave in a different immigration category

When you consider exercising discretion when curtailing a migrant's leave, 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 curtail a migrant's leave if appropriate and the Home Office can make reasonable arrangements for the migrant 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 curtail the leave of a pregnant migrant, they may not be able to leave the UK before the expiry of 60 days' leave because:

- they are at a late stage in her pregnancy and no longer able to travel:
  - most airlines will allow women to fly up to 36 to 38 weeks into their pregnancy but some will not let pregnant passengers fly over 28 weeks without a letter from a registered doctor confirming 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 curtail leave to the earliest period the migrant is expected to be either fit to travel or to apply for further leave.

For example, if a migrant is pregnant it would not be appropriate for the new leave 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 multiple babies or where there are known complications.

This guidance is based on the Immigration Rules

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 a migrant 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.

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## Curtailment of leave

### Curtailing the leave of a deceased migrant's dependants

[Curtailment of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
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[Requesting further information before curtailing](#)  
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[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This page tells caseworkers how to consider curtailing a dependant's limited leave, which was directly linked to that of a main applicant, when the main applicant has died.

If you receive notification that a migrant has died, you must not curtail the deceased migrant's leave to enter or remain 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 migrant's family. You must allow a minimum period of one month after the date on which the migrant 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 person who notified you of the death to ask them to send you with the following:

- written notification
- certified copy of the migrant'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 migrant's UK Embassy or High Commission to be cancelled and the family will receive a letter from us which confirms this. You do not need to request the passport if you do not have it.

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

Once you have confirmation of the death, you must record the migrant's death on CID:

- if a decision has been decided and the decision despatched, enter the case outcome

**In this section**  
[Discretionary leave and leave outside the rules](#)

[Deciding the date of expiry for curtailed leave](#)

**Related links**  
Links to staff intranet removed

'Deceased' against their last grant of leave

- if the case has not been decided enter the case outcome 'Deceased' against their last grant of leave
- if the case has been decided but the decision notice has not yet been despatched you must amend the outcome to 'Deceased'

### **The dependants of the deceased migrant**

If the deceased migrant had dependants who were granted leave on the basis of their relationship with the migrant, you must consider curtailing the dependants leave.

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 curtailment is appropriate, you must consider:

- how much leave the dependant(s) have remaining - the more leave they have remaining the more likely you are to curtail
  - do not curtail the leave if it will expire before the date to which you would curtail it. For example, if you would curtail the migrant's leave to expire in 90 days time and their leave will expire in 85 days time it is unnecessary to curtail the leave
- 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

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.

You must write the decision letter in a sympathetic tone.

### **Deciding on a new leave expiry date**

If you decide that curtailment is appropriate, you must consider whether to allow the migrant

longer than the usual 60 days to depart or make an application to vary their leave.

The guideline periods within which dependants should depart in these circumstances are:

- a minimum of 90 days from the date they will receive the decision
- a maximum of 120 days from the date they will receive the decision

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 leave expiry date:

- when the death occurred:
  - if it occurred recently it may be appropriate to curtail leave allowing more than 90 days to depart
- whether there are any exceptional circumstances in the case, for example:
  - a suspicious death or outstanding criminal 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.

#### **Leave granted to a dependant of a UK national**

You must consider curtailing a dependant's leave, taking into account the same factors as above.

Where a dependant was granted leave 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. For more information, see related link.

If you have a 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 migrant's family members.

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## Curtailment of leave

### Curtailment procedures

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[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
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[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This section tells caseworkers what procedures to follow when they consider curtailing a migrant's leave in the UK and about serving the decision.

When you consider curtailing a migrant's leave, you must:

- create a new CID case to show you are considering curtailing leave:
  - if you decide to curtail, you must add to the notes the reason for curtailing, what action is recommended and the case link from the refusal case - this helps link up the refusal and curtailment cases
  - if you decide not to curtail 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 leave to remain which is undecided: if there is, you must work with the team considering the leave to remain application. - the application must be decided first because if leave is granted, curtailment may not be necessary- however team considering the application may also need to consider the curtailment 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 curtailment and leave which has been extended under section 3C of the 1971 Immigration Act. Section 3C leave must be ended by deciding the application or the person's appeal rights becoming exhausted, as applicable
- consider the case as possible if there is evidence to suggest the migrant is violent or their actions are a cause for concern - For example, it might be a case in which a migrant has been convicted of an offence involving violence but it does not meet the criteria for criminal casework directorate to pursue deportation
- write to the migrant for clarification, if you do not have enough information to make the decision. Set a reasonable deadline for the migrant to respond (normally 10 days will be sufficient for straightforward requests for information the migrant can easily access,

**In this section**  
[CID information](#)

[Serving a curtailment decision to a postal or email address](#)

[Serving a curtailment decision to the file](#)

[Action to take with passports, identity cards and valuable documents](#)

[Legacy curtailment decisions](#)

[Curtailment error correction](#)

[Change of representative](#)

**Related links**

Links to staff intranet removed

[Breakdown of a relationship: allegations of domestic violence](#)

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 link on left: requesting further information before curtailing

- consider curtailment if, when requested, the migrant does not reply within the deadline or does not send enough information to show either:
  - they continue to qualify for the leave they were granted
  - there are exceptional reasons why curtailment 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 more information on the CID categories to use when deciding the case, see related link: CID information.

For more information on the wording for points-based system cases, see related links:

- Curtailment – wording for notice of decision – points-based system
- Curtailment wording for notification of premature end of employment

Official sensitive - do not disclose - start of section

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

[Curtailment: wording for notice of decision - points-based system](#)

[Curtailment: wording for notification of premature end of employment](#)

#### External links

Links to staff intranet removed

This guidance is based on the Immigration Rules

Official sensitive - do not disclose - end of section

For further information on serving the decision, see related links:

- Serving a curtailment decision to a postal or email address
- Serving a curtailment decision to the file

For information on referring a case, see related link: Transfer or refer a case

For further information on the above, see link on left: Curtailment following the breakdown of a relationship, and related link: Breakdown of a relationship - allegations of domestic violence.

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## Curtailement of leave

### CID information

[Curtailement of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
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[Curtailement – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailement](#)

This page tells caseworkers what to enter onto CID when they consider curtailng a migrant's leave in the UK.

#### Case types

You must select one of the following case types:

- 'curtailement consideration – spouse/partner'
- 'curtailement consideration – student (NBF college)'
- 'curtailement consideration – student (non-attendance)'
- 'curtailement consideration – employment'
- 'curtailement consideration – dependant'
- 'curtailement consideration – other'

(NBF stands for 'non bona fide', meaning not genuine)

PBS case types, Tier 1:

- Curtailement Consideration - T1 HS Dep Child
- Curtailement Consideration - T1 HS Dep Over 18
- Curtailement Consideration - T1 HS Dep Partner
- Curtailement Consideration - T1 HS Entrepreneur
- Curtailement Consideration - T1 HS Exceptional Talent - LTR
- Curtailement Consideration - T1 HS General Migrant
- Curtailement Consideration - T1 HS Investor
- Curtailement Consideration - T1 HS Post Study

PBS case types, Tier 2:

- Curtailement Consideration - T2 SW - Dep Child

**In this section**  
[Serving a curtailment decision to a postal or email address](#)

[Serving a curtailment decision to the file](#)

[Action to take with passports, identity cards and valuable documents](#)

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- Curtailment Consideration - T2 SW - Dep Over 18
- Curtailment Consideration - T2 SW - Dep Partner
- Curtailment Consideration - T2 SW - General Migrant
- Curtailment Consideration - T2 SW - ICT (Established Staff)
- Curtailment Consideration - T2 SW - ICT (Graduate Trainee)
- Curtailment Consideration - T2 SW - ICT (Long Term)
- Curtailment Consideration - T2 SW - ICT (Short Term)
- Curtailment Consideration - T2 SW - ICT (Skills Transfer)
- Curtailment Consideration - T2 SW - Int Com Tran Migrant
- Curtailment Consideration - T2 SW - Min of Res Migrant
- Curtailment Consideration - T2 SW - Sportspeople Migrant

PBS case types, Tier 4:

- Curtailment Consideration - T4 Child Student
- Curtailment Consideration - T4 Dep Child
- Curtailment Consideration - T4 Dep Over 18
- Curtailment Consideration - T4 Dep Partner
- Curtailment Consideration - T4 General Student

PBS case types, Tier 5:

- Curtailment Consideration - T5 TW - Auth Gov Ex Migrant
- Curtailment Consideration - T5 TW - Charity Migrant
- Curtailment Consideration - T5 TW - Cre-Sport Migrant
- Curtailment Consideration - T5 TW - Dep Child
- Curtailment Consideration - T5 TW - Dep Over 18
- Curtailment Consideration - T5 TW - Dep Partner
- Curtailment Consideration - T5 TW - Int Agree Migrant
- Curtailment Consideration - T5 TW - Religious Migrant
- Curtailment Consideration - T5 TW - Youth Mobility Scheme

**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 C

**Case outcome**

If you curtail leave you must use the following outcomes:

- 'curtailment not pursued'
- 'curtail – leave remaining' - for decisions where existing leave is being shortened, but some leave still remains
- 'curtail – immediate effect' - for decisions where the curtailment is instantly effective, so the person has no leave remaining

**Stats categories**

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

- 'Curtailment NP – not enough leave'
- 'Curtailment NP – transferred to another sponsor'
- 'Curtailment NP – has leave in another capacity'
- 'Curtailment NP – permission not granted by settled spouse/partner'
- 'Curtailment Not Pursued - Leave Expired CNPLE'
- 'Curtailment Not Pursued - Entry Clearance Refused CNPECR'
- 'Curtailment Not Pursued - Never applied for Entry Clearance CNPNEC'
- 'Curtailment NP – other reasons'

If the case outcome is 'curtail leave', you must select one of the following:

- 'curtail leave – non-conducive grounds'
- 'curtail leave – main applicant left country and no longer sponsors dependant'
- 'curtail leave – domestic violence'
- 'curtail leave – other reasons'

PBS categories (excluding Tier 1):

- Curtail Leave - Ceased to attend study / work with Sponsor CLC
- Curtail Leave - Failed to attend study / work with Sponsor CLC
- Curtail Leave - Sponsor Ceases to have a Licence CLSPLH
- 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 'Curtailed Not Pursued' case outcomes. Under the 'Curtailed - NROA' 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 Ground
- 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 are completed for all cases:

- document type - decision letter
- document event type - despatched
- despatch method - served by post, served 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 evidence to curtail, you must complete the fields with the following:

despatch method - served on file

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- |  |                                                                                       |  |
|--|---------------------------------------------------------------------------------------|--|
|  | <ul style="list-style-type: none"><li>• despatch address - no known address</li></ul> |  |
|--|---------------------------------------------------------------------------------------|--|

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## Curtailment of leave

### Serving a curtailment decision to a postal or email address

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[Legislation for curtailment](#)

This section tells caseworkers how to serve a notice to curtail a migrant's leave to an address.

#### Service of curtailment notices to applicants aged under 18

If you curtail the leave of a migrant who is under 18 years of age and does not have a representative, you may serve the notice to the parent, guardian or another adult who for the time being is responsible for the child.

The responsible adult must be a person aged 18 or over who is either the child's parent, legal guardian, or a person who currently has responsibility for the child, such as a member of staff at the child's school who has responsibility for the pastoral care of the child.

Certain authorised persons can never be a responsible adult for these purposes, including:

- 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

#### Wording of decision notices

For more information on the wording to use, see related links:

- Curtailment – wording for notice of decision – general grounds
- Curtailment – wording for notice of decision – breakdown of a relationship
- Curtailment – wording for notice of decision – points-based system cases
- Curtailment – wording for notice of decision – discretionary leave or leave outside the

#### In this section

[Serving curtailment decision: postal address – right of appeal](#)

[Serving curtailment decision: postal address – no right of appeal](#)

#### Related links

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[Serving a curtailment decision to the file](#)

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#### See also

[Curtailment: wording for](#)

		<p><a href="#">Notice of decision – general grounds</a></p> <p><a href="#">Curtailment: wording for notice of decision – breakdown of a relationship</a></p> <p><a href="#">Curtailment: wording for notice of decision – points-based system</a></p> <p><a href="#">Curtailment: wording for notice of decision – discretionary leave or leave outside the rules</a></p> <p><b>External links</b> <a href="#">Immigration (Notices) Regulations 2003</a></p> <p><a href="#">The Immigration (Leave to Enter and Remain) Order 2000</a></p> <p><a href="#">The Immigration (Leave to Enter and Remain) (Amendment) Order 2013</a></p>
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## Curtailement of leave

### Serving curtailment decision: postal or email address

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[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This page tells you how to serve a curtailment decision to a postal or email address.

If you are serving a curtailment decision to applicants under [redacted] see [redacted] link: [Serving a curtailment decision to a postal or email address](#).

#### Serving a decision to curtail

Under section 4 of the Immigration Act 1971, you must serve the decision to vary leave on the person in writing. There is no right of appeal against any curtailment decision made on or after 6 April 2015. 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 external links:

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

The notice curtailing leave may be:

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

If the migrant 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:

#### In this section

[Serving a curtailment decision to a postal or email address](#)

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#### See also

[Curtailment: wording for](#)

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

### **Serving curtailment decisions to a UK address**

Where possible, unless records show the person is not in the UK, you must serve curtailment notices to a UK address, if you cannot give the notice to the migrant in person. The Home Office policy preference is to serve the decision to:

- a UK postal address where possible and evidence indicates the person is in the UK
- an email address where possible and evidence indicates the person is outside the UK

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

- the UK postal address the migrant or their representative provided for correspondence (by recorded delivery)
- the email address the migrant or their representative provided for correspondence
- the last known or usual postal address of the migrant, their last known or usual place of study or place of business, or the last known or usual place of business of the migrant's representative (by recorded delivery) - this must not be the address of a points-based system (PBS) migrant's sponsor, unless that is the correspondence address the migrant previously provided
- the last known or usual email address of the migrant or the migrant's representative (by recorded delivery) - this must not be the email address of a points-based system (PBS) migrant'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:

• the Home Office CID for in the UK application records and notes fields which may have further

[Notice of decision – PBS serving by email](#)

### **External links**

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

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

[The Immigration Act 2014 \(Commencement no.4, Transitional and Saving Provisions and Amendment\) Order 2015](#)

information

- CRS for out of country application records
- SMS notifications received from sponsors

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

You must make 2 attempts to serve a curtailment decision to a UK postal or email address, where available, before serving the decision to the migrant. If only one address is available, you must make both attempts to serve to that address. If you attempt to serve to the migrant's correspondence address and the notice is returned, you must make your second attempt to serve the notice by sending it to the migrant's representative's correspondence email address. If that is not available or is defective, use the last known or usual home address, place of study or place of business, or their representative's business address, if one is recorded on CID.

If there is evidence that the migrant 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.

You must serve the notice to the migrant's correspondence email address, if they have provided one, if you cannot serve the notice to a UK postal address because one or more of the following apply:

- the correspondence address provided is outside the UK
- no suitable address is known
- records show that the migrant is not in the UK
- an attempt to serve the notice to a suitable postal correspondence address has failed

If an email address has been provided for correspondence, you must next try to serve to the

last known or usual postal address or email address of the migrant or the migrant's representative, where available. Use the postal address if you have both a postal and email address. See below for further guidance on service to an email address.

If you are unable to find or get an email address for the migrant, and your attempts to serve to the email address are unsuccessful, you must serve the decision to their overseas correspondence address, if they have provided one. If there is no overseas address or they have not provided an overseas address, you must serve the decision to their last known or usual postal address.

### **Service of curtailment decisions to an email address**

Where no UK postal correspondence address is known, records show the migrant is not in the UK or previous attempts to serve the notice to a correspondence address has failed, you must where possible serve the notice to an email address that the migrant or their legal representative provided for the purpose of correspondence with the Home Office. You must where possible serve the notice, in order of priority, to:

- an email address the migrant 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 person, including at the person's last known place of study or place of business
- the last known email address of the person's representative

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

- CAS for in the UK application records and notes fields
- CAS for overseas 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:

• the migrant's leave is curtailed following an SMS notification from the sponsor that they have

- withdrawn sponsorship from a migrant who is no longer studying or working with them
- the sponsor has stopped trading

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

- use the wording provided in the email templates for the governing email message and the notice of decision. See related link: Curtailment - working for notice of decision – serving by email
- send the decision notice in a secure, write protected format (pdf). You must:
  - create the notice using DocGen in CID, then
  - convert the notice to the pdf format
- send the decision with a 'delivery receipt' request
- record on CID:
  - 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 CID 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 you still receive a delivery failure notification after the second attempt, you may conclude the email address is defective and serve the decision to date. If the email address was incorrect, you must re-send the email to the correct email address.

For more information on serving to file, see related link.

**Where no contact details are known (sponsored migrants)**

If no postal or email contact for correspondence have been provided you must contact the migrant's previous or current sponsor to request the migrant's contact details, but only if the sponsor is still operating and has a valid sponsor licence. You must ask the sponsor to respond within 10 days. You must request both postal and email addresses for the migrant.

This guidance is based on the Immigration Rules

If the sponsor provides postal contact details, you must send the notice to the migrant's postal address by recorded delivery.

If no postal address is available but the sponsor provides an email address for the migrant, you must send the notice to that email address. If the sponsor is unable to provide either a postal or email address, serve the decision to the file.

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

**Failure to serve the decision to a postal or email 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 migrant is subsequently located, you must give the person a copy of the notice and details of when and how it was given.

For more information on serving a decision on file, see related link.

This guidance is based on the Immigration Rules

## Curtailment of leave

### Serving a curtailment decision to the file

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[Curtailing leave on general grounds](#)  
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[Legislation for curtailment](#)

This page tells caseworkers how to serve a curtailment notice to file.

If there is no address available for you to send the notice to, and you have not been able to serve the notice to an address, you must serve the notice on file. The power to serve curtailment decisions to file comes from the following legislation:

- The Immigration (Leave to Enter and Remain) Order 2000

For more information on this, see related link: Immigration (Leave to Enter and Remain) Order 2000

You must only serve a notice on file when:

- no address has been provided to write to and there is no last known address to serve the notice to the migrant
- 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-renewable decisions only, there is no suitable email address to which you can serve the notice

For more information on serving a curtailment decision to a postal or email address, see related link:

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

- 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 CID record

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[Serving a curtailment decision to a postal or email address](#)

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**Related links**  
[Wording to use when serving a decision on file](#)

Links to staff intranet removed

**External links**  
[Immigration \(Leave to](#)

- note on the case file (if applicable) and in CID case notes the circumstances and reasons why you could not serve the notice normally, in accordance with the requirements of the regulations and order
- 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:
  - sign and date the decision notice and place in a pouch at the bottom of the file
  - create a minute on the case file noting the decision's presence and location on file
- update CID notes that the decision has been served on file and the reasons why
- ensure that your notes refer to the correct legislation under which the decision was served - for curtailment decisions that do not have a right of appeal, the correct legislation is the Immigration (Leave to Enter and Remain) Order 2000

For more information on the wording to use, see related link: Wording to use when serving a decision on file.

When you serve a notice on file, it:

- ends the case, if applicable
- ends the person's leave, if leave was curtailed with immediate effect
- starts the 60 day period during which the migrant must apply to regularise their stay or depart, for decisions to curtail leave to 60 days

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

- send the migrant 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 curtailment decision with a right of appeal
- give them with details of when and how the notice was given

For more information on leave expiring during the decision process, see related link: 3C and

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

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

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	<p>3D Leave</p> <p>For more information on the migrant's appeal rights, see link on left: <a href="#">Appeal rights</a>.</p>	
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## Curtailment of leave

### Action to take with passports, identity cards and valuable documents

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[Legislation for curtailment](#)

This page tells caseworkers what to do with a migrant's passport and identity card, if available, when they curtail the migrant's leave in the UK.

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

- 'Leave curtailed so as to expire on [insert date of curtailment or new expiry date]'.

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

If you have the migrant's passport, BRP or other valuable documents and are retaining them, you must handle them in line with the valuable documents guidance. For more information, see related links.

- National valuable document bank
- Retention of valuable documents

Valuable documents must be kept if:

- the migrant has been assessed as a harm A case
- leave is curtailed with immediate effect
- the migrant now has no remaining leave, for example, if leave expired while curtailment was being considered

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

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

**In this section**  
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**Related links**

Links to staff intranet removed

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	You must include a covering letter with the decision letter to tell the migrant the passport has been kept.	
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## Curtailment of leave

### Legacy curtailment decisions

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This page tells caseworkers how to consider applications for leave to remain from migrants whose previous leave was curtailed to 60 days and the notice was served before 12 July 2013.

This was the date on which the Immigration (Leave to Enter and Remain) Order 2000 was amended to include provisions about the service of non-appealable decisions.

This section also provides guidance on what you must do if a previous appealable curtailment decision was served to file or a college address.

In these cases you must check if the previous curtailment notice was effectively served, as this could affect:

- the status of the applicant
- the casework decision
- any subsequent appeal rights

For example, it may affect:

- whether any application was made 'in time' (before the migrant's previous leave expired), and therefore the migrant's appeal rights if you refuse the application
- whether the migrant meets the requirements of the category they are applying for, such as the maintenance requirements based on whether the migrant currently has leave, for example Tier 4 maintenance requirements vary depending on whether the person has an established presence or not
- the ability to refuse on the grounds of overstaying

#### Applications where this section of guidance does not apply

Applications where leave has been cancelled for some other reason, for example, the migrant was found

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**External links**  
[Syed \(curtailment of leave – notice\) \[2013\] UKUT 144 IAC\)](#)

[Companies House](#)

[Insolvency Service](#)

working in breach of their conditions and was served with a removal decision under the old section 10 of the Immigration and Asylum Act 1999 which also invalidated any leave

- the original leave to remain has expired and no application for further leave to remain was made before it expired

In these cases whether the notice of curtailment has been served correctly is irrelevant and the migrant is now an overstayer. You must refer the case to the relevant enforcement team so they can consider removal action.

#### **Curtailment so the migrant had leave remaining (normally to 60 days)**

You must exercise caution when dealing with cases where the Home Office curtailed leave to 60 days before 12 July 2013 because the Home Office must be able to show that the migrant received the curtailment notice.

A Home Office caseworker may previously have decided to curtail the duration of a migrant's leave to remain, giving them 60 days of current leave to allow them either to leave the UK or apply to vary their leave before their existing leave expires.

Following the expiry of this 60 day period, if no application has been made and the migrant does not leave the UK they become an overstayer. However, for the curtailment to be effective it is essential that the notice of curtailment was properly served.

#### **Case Law**

The Upper Tribunal case *Chand* (curtailment of leave – notice) [2013] UKUT 144 IAC clarified that the Immigration (Notices) Regulations 2003 do not apply to these decisions and the Home Office must be able to show that the migrant received a written curtailment notice.

#### **Deciding whether a curtailment to 60 days had effect**

Where a 60 day curtailment notice was sent before 12 July 2013, the onus is on the Home Office to show that on the balance of probabilities the notice was properly served. Therefore you must make the following checks to satisfy yourself that the notice was properly served and effective.

A curtailment notice has not been properly served (and is not effective) if Home Office records show that either:

- the notice of curtailment to 60 days was served:
  - 'to file' or returned by post as undeliverable
  - on the sponsor because this was the correspondence address provided by the migrant, but the sponsor was not operating on the day of the attempted service of the notice
- there is evidence showing the notice was not received by the migrant

A curtailment notice will be regarded as properly served and effective if Home Office records show the notice of curtailment to 60 days was:

- served to the last known address for the migrant, and was signed for by the migrant or someone living at the address (unless there is evidence that the notice was not passed on to the migrant) or authorised to act on the migrant's behalf served on the sponsor and evidence shows that the notice was received by the migrant, as shown for example, by the migrant referring to the decision in correspondence with the Home Office
- sent to the migrant and other evidence shows the notice was received by the migrant, for example, the migrant referred to the decision in correspondence with the Home Office

It is for the Home Office to determine, on the balance of probabilities, the curtailment notice was received. This means you must be able to show that it is more likely than not, based on the method of service and other evidence, that the migrant received the notice. If you are not sure if a particular curtailment decision was properly served, ask your line manager for advice.

#### **How to check if sponsor was still operating**

There are several ways you can check the date a company (including private colleges which operate as a business) stopped trading. By getting that date you can then work out if they

would have been trading at the time they would have received the curtailment notice:

- Companies House provides the date a limited company was placed into administration, liquidation or was wound up
- for sole traders the insolvency service has a register which tells you when insolvency orders (such as bankruptcy orders) are made - Scotland has a similar process
- public notices are published when a company is placed into administration or liquidation, so searching for the public announcement on the internet is also useful - the administrators or liquidators will be named and you can contact them by email for a specific date if one isn't mentioned in the notice

If a notice was sent to a sponsor and the sponsor was no longer trading on the day it was sent, you may conclude the migrant will not have received the notice unless other evidence shows they received it.

If your enquires show the company has not been placed into administration, liquidation or been wound up, or if a sole trader or partnership is not subject to insolvency proceedings, you may conclude the sponsor has continued trading throughout unless there is other evidence available that it has stopped trading.

#### **What to do if the curtailment did not have effect**

In these cases, unless the migrant has had their leave cancelled on other grounds, their leave is unaffected and you must consider their application as though no curtailment decision has been made.

If you then grant the outstanding application, you do not need to pursue curtailment. You must record the outcome of the curtailment consideration on CID as 'curtailment not pursued'.

If you refuse the outstanding application, you must also make a fresh curtailment decision. Therefore, if the original leave has more than 60 days remaining, you must make a fresh curtailment decision on the same grounds, giving, if you decide that leave should still be curtailed, the migrant 60 days leave from that point.

You must take account of any change of circumstances or additional information when making the new curtailment decision. For example, if there is new evidence that the migrant has breached the conditions of their leave, you must take account of this when making a decision.

You must serve the curtailment decision to the address provided by the migrant for correspondence about their current application, or to their legal representative if they have one.

Where there are less than 60 days remaining, or the migrant has been granted leave in another category, you must only record the outcome of the curtailment consideration as 'curtailment not pursued' and do nothing else.

**Action to take if the curtailment did have effect**

You must consider the outstanding application taking account of the fact that the migrant's leave was curtailed and any effect this has on their application. For example, this may mean that their application was:

- out of time and consequently they are an overstayer
- still in time (because it was made during any period of remaining leave) they may not meet requirements of the rules under which they applied

There is no need to consider re-making and serving the curtailment decision.

**Curtailment so the migrant had no leave remaining**

If leave was curtailed so no leave remains before 6 April 2015, the decision attracted a right of appeal. The Immigration (Notices) Regulations 2003 apply to appealable decisions.

Caseworkers were allowed to serve the notice to the file under these regulations where no address for service of the notice was available. Therefore any appealable curtailment decisions, even if they were sent before 12 July 2013 and served to file, took effect if they were correctly served and, if they were, must be maintained.

This guidance is based on the Immigration Rules

If the migrant is subsequently located (either because of enforcement action or because they contact the Home Office) you must, as soon as possible, give them a copy of the notice and details of when and how it was given. The date the decision was served to file is the date the curtailment became effective. You must not change the date on the curtailment decision when you provide the migrant with a copy of the notice.

Service to a college is not specifically permitted under the Immigration (Notices) Regulations 2003, unless that was the address provided for correspondence by the migrant or their representative.

Therefore, any decision curtailing leave, so no leave remains, sent to a sponsor was not validly served, unless one or more of the following apply:

- that was the address provided for correspondence by the migrant or their representative (and you were not otherwise aware the college was no longer functioning)
- there is evidence to show the migrant received the notice
- the notice was returned and then correctly served to file

For more information on when an appealable decision may be served to file, see related link.

This guidance is based on the Immigration Rules

## Curtailment of leave

### Curtailment error correction

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This page tells caseworkers about curtailment error correction and how they must process an error correction request.

#### Process for making an error correction request

After a migrant's leave has been curtailed, the following people may write to the Home Office to claim there was an error in the decision and request an error correction:

- the migrant
- their legal representative
- their 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 migrant'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 nomination 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

It must be sent within 14 calendar days of the deemed date of receiving the curtailment 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 migrant can prove they received the decision on a later date

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#### Related links

Links to staff intranet removed

[Deciding the date of expiry for curtailed leave](#)

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

If a migrant asks you how to raise an issue with curtailment following an incorrect sponsor notification, they should be advised to ask the 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. Migrants cannot use the error correction process to challenge a sponsor's decision to withdraw sponsorship. Migrants must raise any such challenge direct with their former sponsor.

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

#### **Migrant's status after sending a curtailment error correction request**

If a migrant sends an error correction request this does not extend their leave. The following sections of the reconsiderations guidance applies to curtailment error correction requests: Applications status after submitting a reconsideration request.

#### **Correspondence which is not an error correction request**

Not all correspondence about a curtailment will be an error correction request. For example, a migrant 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 standard procedures for complaints or litigation.

**Internal links**  
[How to make a complaint](#)

For more information about complaints, see related link: [How to make a complaint](#)

For more information about judicial reviews, see related link: [IDI chapter 27: Judicial review](#)

### **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:

#### **Requests from the migrant's sponsor**

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

To correct the decision, follow the instructions in [flow '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 the migrant or their legal representative**

If the claim is that curtailment was based on an incorrect sponsor notification, you must contact the sponsor to check whether or not 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 migrant has falsely claimed the sponsor notification was incorrect, you must consider if they have attempted to obtain leave by deception. If so, you may be able to curtail their leave with immediate effect.

For further information, see related link: [False representations and non disclosure of material facts.](#)

Where the migrant or their legal representative claims that leave has been curtailed 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 migrant
- any grounds for discretion were appropriately considered, where applicable
- leave was curtailed to the correct date, including consideration of exceptionally curtailing to a different date (if appropriate)
- the leave of any dependants was curtailed in line with the main applicant
- the decision notices were correct and served correctly
- any other matters raised by the migrant in their request

**The decision was correct**

If the original decision to curtail the migrant's leave was correct you must take the following action:

- maintain the original decision
- record the decision and reasons on CID
- add a case note to CID 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. 100
- address each of the grounds the migrant raised in their letter
- include an explanation of why discretion did not apply or was not appropriate if the migrant asked for this to be considered

Upholding the original curtailment 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 curtailment rules and policy guidance. Depending on the nature of the error, you must:

- curtail leave to end on a different date
- reinstate the previous leave

Record the new decision and reasons on CID. You must also send the migrant 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:

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

If the migrant will have less than 60 days leave when you reinstate their leave, you should normally grant a period of 60 days so that the migrant has a total of 60 days leave on the existing code. This gives the migrant the chance to submit an in-time application for further leave, if they want to make a further application.

For more information on calculating the expiry date of leave and on exceptions to allowing 60 days, see [related link](#).

An applicant may appoint a legal representative, or change their legal representative, when they make an extension request. For information on how to process a change of representative, see [related link](#).

This guidance is based on the Immigration Rules

## Curtailment of leave

### Change of representative

[Curtailment of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailment following the breakdown of a relationship](#)  
[Requesting further information before curtailing](#)  
[Curtailment considerations](#)  
[Curtailment procedures](#)  
[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This section tells caseworkers what to do if an applicant notifies the Home Office of a 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 migrant 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 migrant 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 migrant's change of representative this alone is not a reason to reject the error correction request.

**In this section**  
[CID information](#)

[Serving a curtailment decision to a postal or email address](#)

[Serving a curtailment decision to the file](#)

[Action to take with passports, identity cards and valuable documents](#)

[Legacy curtailment decisions](#)

**Related links**

Links to staff intranet removed

[Deciding the date of expiry for curtailed leave](#)

**External links**

[Office of the Immigration Services Commissioner](#)

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## Curtailment of leave

### Curtailment: letter templates and wording

[Curtailment of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailment following the breakdown of a relationship](#)  
[Requesting further information before curtailing](#)  
[Curtailment considerations](#)  
[Curtailment procedures](#)  
[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This section tells caseworkers the letter templates they must use for curtailment, and the suggested wording for the notice of decision they send to migrants.

You must use the correct decision letter template for your curtailment decision letter.

You must make sure the notice you create explains the reasons for curtailing the migrant's leave.

#### Notice of decision for curtailment cases

Immigration route	Curtailment DocGen template reference	Immigration Act DocGen template description
<b>Tier 4</b>	ICD.3971A IA	Curtailment - T4 Main Applicant - Curtail with leave remaining IA 2014
	ICD.3971B IA	Curtailment - T4 Main Applicant - Curtail with immediate effect IA 2014
	ICD.3971C IA	Curtailment - T4 Dependant - Curtail with leave remaining IA 2014
	ICD.3971D IA	Curtailment - T4 Dependant - Curtail with immediate effect IA 2014
<b>Tier 2/5</b>	ICD.4203 IA	Curtailment - T2 and T5 – IA 2014
<b>Work permit leave to remain</b>	ICD.4930 IA	Pre-PBS work permit curtailment IA 2014

#### In this section

[Curtailment: wording for notice of decision – general grounds](#)

[Curtailment: wording for notice of decision – points-based system](#)

[Curtailment: wording for notice of decision – PBS – serving by email](#)

[Curtailment: wording for notification of premature end of employment](#)

[Curtailment: wording for notice of decision – breakdown of a relationship](#)

[Curtailment: wording for notice of decision – discretionary leave or leave outside the rules](#)

[Wording to use when serving a decision on](#)

This guidance is based on the Immigration Rules

	<b>Non-PBS curtailment – rules based routes</b>	ICD.2270 BRP IA	Variation of Leave or Refusal to Vary Leave (leave remaining) IA 2014  There is no longer a non-BRP version of ICD.2270	<p><a href="#">file</a></p> <p><b>Related links</b>  <a href="#">Wordings for letters following allowed appeals</a></p> <p><b>External links</b>  <a href="#">Immigration Act 1971 (c. 77)</a>  <a href="#">Immigration Order 2000</a>  <a href="#">The Immigration (Notices) Regulations 2003</a>  <a href="#">Nationality, Immigration and Asylum Act 2002 (c. 41)</a>  <a href="#">Immigration and Asylum Act 1999 (c. 33)</a></p>
		ICD.4547 IA	Variation of Leave or Refusal to Vary Leave (no leave remaining) IA 2014	
	<b>Discretionary leave/leave outside the rules</b>	ASL.3566 IA	Curtailment of PL/LOTR IA 2014	
	<b>Covering letter</b>	ICD.4600 IA	Covering letter to tops IA 2014	
<p>The decision letters that you must use are in a separate DocGen sub-folder within the 'TBC Stock Letters' folder, named 'Immigration Act 2014'</p> <p>For more information on the wording for allowed appeals and the legislation used for curtailment, see related links:</p> <ul style="list-style-type: none"> <li>• Immigration Act 1971</li> <li>• Immigration(Leave to Enter and Remain) Order 2000</li> <li>• The Immigration (Notices) Regulations 2003</li> <li>• Nationality, Immigration and Asylum Act 2002</li> <li>• Immigration and Asylum Act 1999</li> </ul>				

This guidance is based on the Immigration Rules

## Curtailement of leave

### Curtailement: wording for notice of decision – general grounds

[Curtailement of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailement following the breakdown of a relationship](#)  
[Requesting further information before curtailing](#)  
[Curtailement considerations](#)  
[Curtailement procedures](#)  
[Curtailement – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailement](#)

This page tells caseworkers what wording to use in the notice of decision if they curtail a migrant's leave on general grounds.

The suggested wording is based on paragraph 323 of the Immigration Rules which set out the circumstances in which you may curtail a migrant's leave in the UK on general grounds.

If the reason for curtailment relates to the point-based system (PBS) requirements rather than general grounds, you must refer to paragraph 323A instead of 323. If you are curtailment on both general grounds and grounds specific to PBS, you must:

- include both sets of grounds in the decision notice
- clearly distinguish the separate grounds and whether each is discretionary or mandatory

For more information on when you may or may not curtail leave for general reasons, see link on left: [Curtailing leave on general grounds](#)

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

Reason for curtailment	Wording to use
Use for all reasons when leave to enter or remain may be curtailed.	'On [insert date] you were granted leave to [enter/remain in] the United Kingdom until [insert date] [as a .../in order to ...]'
Migrant ceases to meet requirements of the rules. Paragraph 323(v).	'... but [insert details of why migrant no longer meets rules]. You accordingly no longer meet the requirements of the Immigration Rules under which your leave to [enter/remain] was granted. It is not considered that the circumstances in your

**In this section**  
[Curtailement: wording for notice of decision – points-based system](#)

[Curtailement: wording for notice of decision – PBS – serving by email](#)

[Curtailement: wording for notification of premature end of employment](#)

[Curtailement: wording for notice of decision – breakdown of a relationship](#)

[Curtailement – wording for notice of decision – discretionary leave or leave outside the rules](#)

[Wording to use when serving a decision on file](#)

**External links**

[Immigration Rules](#)

		<p>case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under paragraph 323(ii) of the Immigration Rules so as to expire on [insert date].’</p>	<p><a href="#">Paragraph 323 and 323A</a></p>
	<p>Migrant made false representations or material facts were not disclosed in a previous application for leave.</p> <p>Paragraph 323(i) with reference to 322(2).</p>	<p>‘... but you [made false representations / failed to disclose [a] material fact[s]] for the purpose of obtaining [leave to enter/a previous variation of leave], namely, you [insert details]. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under paragraph 323(i) with reference to 322(2) of the Immigration Rules so as to expire on [insert date].’</p>	
	<p>Migrant made false representations or material facts were not disclosed for the purpose of obtaining a document from the Secretary of State that indicates the person has a right to reside in the United Kingdom.</p> <p>Paragraph 323(i) with reference to 322(2A).</p>	<p>‘... but you [made false representations / failed to disclose [a] material fact[s]] for the purpose of obtaining a document from the Secretary of State that indicates you have a right to reside in the United Kingdom, namely, you [insert details]. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under paragraph 323(i) with reference to 322(2A) of the Immigration Rules so as to expire on [insert date].’</p>	
	<p>Migrant failed to comply with conditions.</p>	<p>‘but you have failed to comply with the</p>	

	<p>Paragraph 323(i) with reference to 322(3).</p>	<p>conditions attached to the grant of your leave to [enter/remain] because you [insert details]. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain] in the United Kingdom under paragraph 323(i) with reference to 322(3) of the Immigration Rules so as to expire on [insert date].'</p>	
	<p>Migrant used public funds. Paragraph 323(i) with reference to 322(4)</p>	<p>... but you have failed to maintain and accommodate yourself [and your dependants] without recourse to public funds, because you claimed [insert details]. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under paragraph 323(i) with reference to 322(4) of the Immigration Rules so as to expire on [insert date].'</p>	
	<p>Migrant's character, conduct and associations undesirable. Paragraph 323(i) with reference to 322(5).</p>	<p>'... but the Secretary of State considers it undesirable to permit you to remain in the United Kingdom [in the light of your [character/conduct/associations]/as you represent a threat to national security], because [insert reasons]. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under</p>	

		<p>paragraph 323(i) with reference to 322(5) of the Immigration Rules so as to expire on [insert date].’</p>	
	<p>It is undesirable to permit the person concerned to enter or remain in the United Kingdom because, in the view of the Secretary of State:</p> <ul style="list-style-type: none"> <li>• their offending has caused serious harm, or</li> <li>• they are a persistent offender who shows a particular disregard for the law.</li> </ul> <p>Paragraph 323(i) with reference to 322(5A).</p>	<p>‘... but the Secretary of State considers undesirable to permit you to remain in the United Kingdom because, in her view, your offending has caused serious harm, you are a persistent offender who shows a particular disregard for the law because [insert reasons]. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under paragraph 323(i) with reference to 322(5A) of the Immigration Rules so as to expire on [insert date].’</p>	
	<p>Migrant has, within the first 6 months of being granted leave to enter, committed an offence for which they were subsequently sentenced to a period of imprisonment.</p> <p>Paragraph 323(v)</p>	<p>‘... but you have, within the first 6 months of being granted leave to enter, committed an offence for which you were subsequently sentenced to a period of imprisonment. You were given leave to enter on [date] and committed the offence of [insert details] on [date] for which you were sentenced to [insert details]. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under paragraph 323(v) of the Immigration Rules so as to expire on [insert date].’</p>	
	<p>Migrant was granted their current period of</p>	<p>‘You were last granted leave as the</p>	

	<p>leave as the dependant of a person whose leave to enter or remain is being, or has been, curtailed.</p> <p>Paragraph 323(vi).</p>	<p>dependant of [name] and [name] leave has been/is being curtailed. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom under paragraph 323(vi) of the Immigration Rules so as to expire on [[same date as main applicant], in accordance with her curtailment policy], [[different date to main applicant], because [insert explanation]].'</p>	
	<p>Migrant failed to provide information, evidence or attend interview without reasonable explanation, when requested to do so under paragraph 39D.</p> <p>Paragraph 323(vii).</p>	<p>'On [insert date] you were asked to [insert details of request for information/evidence/to attend interview] in order to [insert details of why information was requested under paragraph 39D]. You have failed to comply with that request without reasonable explanation. [You claimed that you were unable to comply with the request because [insert details] but this is not accepted as a reasonable explanation because [insert reasons]/You did not provide any explanation of why you were unable to comply with this request.] It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom so as to expire on [insert date]'</p>	
	<p>Migrant has discretionary leave or leave</p>	<p>'On [insert date] you were granted leave to</p>	

outside the rules.

[enter/remain in] the United Kingdom 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. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom so as to expire on [insert date]

[You must also include a line on the policy for granting discretionary leave or leave outside the rules, for example]

'In accordance with the published Home Office Asylum Policy Instruction on Discretionary Leave there may be occasions where due to a change in circumstances it would be appropriate to revoke Discretionary Leave. You were granted leave as an Unaccompanied Asylum Seeking Child (UASC) but it has since been established that your mother has subsequently arrived in the United Kingdom and would be able to care for you were you to return to [insert details] / [insert details] that your age has now been assessed by the local authority as being [insert age] etc.

For suggested wording for other notices of decision, see related links:

This guidance is based on the Immigration Rules

- Curtailment – wording for notice of decision – points-based system
- Curtailment - wording for notice of decision – PBS - serving by email
- Curtailment – wording for notification of premature end of employment
- Curtailment – wording for notice of decision – breakdown of relationship
- Curtailment – wording for notice of decision – discretionary leave of leave outside the rules

This guidance is based on the Immigration Rules

## Curtailment of leave

### Curtailment: wording for notice of decision – points-based system

[Curtailment of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailment following the breakdown of a relationship](#)  
[Requesting further information before curtailing](#)  
[Curtailment considerations](#)  
[Curtailment procedures](#)  
[Curtailment – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailment](#)

This page tells caseworkers what wording to use in the notice of decision if they curtail the leave of a migrant who is in the UK under the points-based system (PBS).

A migrant in the UK under the PBS can have their leave curtailed on the general grounds (see paragraphs 323(i) and 322(2)-(5A) of the Immigration Rules) and specific grounds (see paragraphs 323A-C of the Immigration Rules). For information on paragraph 323A of the rules, see related link.

For more information on when you must or may curtail a migrant's leave in the UK under the PBS, see link on left: Curtailing the leave of points-based system migrants.

Insert the wording below in the 'insert details of variation' section of the refusal notice:

'This decision has been made in line with the Immigration Rules and the Tier [insert tier] policy guidance.

You were granted leave to enter or remain as a Tier [insert details] until [expiry of EC/LTR] in order to undertake employment/a course of study] at [sponsor name].

However, the Home Office was informed by [sponsor name] on [date] that you [insert details of notification, e.g. ceased studying with them].

Home Office records have been checked and there is no evidence that you have made an application to change sponsor or made a fresh application for entry clearance, leave to enter or remain to remain in the United Kingdom in any capacity.

Therefore, as you have [insert details, e.g. ceased studying as notified by your Tier 4 sponsor] your leave is curtailed under paragraph [insert number] of the Immigration Rules until [new entry date].'

#### In this section

[Curtailment: wording for notice of decision – general grounds](#)

[Curtailment: wording for notice of decision – PBS – serving by email](#)

[Curtailment: wording for notification of premature end of employment](#)

[Curtailment: wording for notice of decision – breakdown of a relationship](#)

[Curtailment: wording for notice of decision – discretionary leave or leave outside the rules](#)

[Wording to use when serving a decision on file](#)

#### External links

[Immigration Rules](#)

	<p>If you are curtailing leave so that some leave remains, you must also include the following line:</p> <p>'If you leave the UK your leave to enter or remain will lapse under article 13(3) of the Immigration (Leave to Enter and Remain) Order 2000 and you may require a visa to enter the UK.'</p> <p>This is to warn the migrant that, in accordance with the above order, the curtailed leave will lapse if they leave the UK, so they will not be able to rely on that leave to re-enter the UK if they travel after their leave is curtailed.</p> <p>For suggested wording for other notices of decision, see related links:</p> <ul style="list-style-type: none"><li>• Curtailment – wording for notice of decision - general grounds</li><li>• Curtailment - wording for notice of decision – PBS – serving by email</li><li>• Curtailment – wording for notification of the end of employment</li><li>• Curtailment – wording for notice of decision – breakdown of a relationship</li><li>• Curtailment – wording for notice of decision – discretionary leave or leave outside the rules.</li><li>• Wording to use when serving a decision to file</li></ul>	<p><a href="#">Paragraph 323A</a></p> <p><a href="#">Immigration (Leave to Enter and Remain) Order 2000</a></p>
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This guidance is based on the Immigration Rules

## Curtailement of leave

### Curtailement: wording for notice of decision – PBS – serving by email

[Curtailement of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailement following the breakdown of a relationship](#)  
[Requesting further information before curtailing](#)  
[Curtailement considerations](#)  
[Curtailement procedures](#)  
[Curtailement – letter templates and wording](#)  
[Appeal rights](#)  
[Legislation for curtailement](#)

This page tells caseworkers what wording to use in the notice of decision if they curtail a migrant's leave who is in the UK under the points-based system (PBS) and they serve the notice by email.

For more information see related link: [Serving curtailement decision – postal address – no right of appeal](#).

Curtailing leave under PBS is mainly covered by paragraph 323A of the Immigration Rules. For information on paragraph 323A of the rules, see related link: [Immigration Rules paragraph 323A](#).

For more information on when you must consider curtailment a migrant's leave in the UK under the PBS, see link on left: [Curtailing the leave of points-based system migrants](#).

#### Covering email

The covering email which is attached to the decision must use the following format and wording. For security reasons, you must redact (edit for publication) Home Office reference and sponsor licence numbers so that only the last four numbers are given. For instance HO reference number A12345678 would be shown as XXXXX5678:

From: [case worker email address or generic team email address]

To: [migrant email address]

Subject: Immigration notice from the Home Office – Decision to curtail leave

Dear [name],

HO Reference Number: [XXXXXXXX1234]

Please find attached a notice regarding your immigration status in the UK. As this relates to

#### In this section

[Curtailement: wording for notice of decision – general grounds](#)  
[Curtailement: wording for notice of decision – points-based system](#)  
[Curtailement: wording for notification of premature end of employment](#)  
[Curtailement: wording for notice of decision – breakdown of a relationship](#)  
[Curtailement: wording for notice of decision – discretionary leave or leave outside the rules](#)  
[Wording to use when serving a decision on file](#)

#### Related links

[Serving curtailement decision: postal address – no right of appeal](#)

#### External links

your immigration status you must read the notice as a matter of urgency. This is a genuine message from the Home Office. Should you have any concerns about the authenticity of this message you can call [team] on [number].

If, after reading this notice, you require general information regarding the Immigration Rules, you may contact the immigration enquiry bureau. Information on the immigration enquiry bureau, including details on the service it provides and how to contact the bureau can be found on the Home Office website using the following link: [Contact UK Visas and Immigration](#).

If you require advice on your specific case you will need to seek legal advice as appropriate. Information on how to find a suitably qualified immigration adviser can be found on the Office of the Immigration Services Commissioner (OISC) website (<http://oisc.homeoffice.gov.uk>).

Yours sincerely

[insert caseworker name]  
On behalf of the Secretary of State

**Notice of decision**

The notice of decision must use the following format and wording, depending on which option is appropriate to the case:

**Option 1 - SMS notification that the migrant has ceased study / work**

You were granted leave to enter or remain until [expiry of EC/LTR] to [study / work] with your sponsor (licence number ending XXXX1234, as shown on your Biometric Residence Permit). However, on [date] your sponsor informed the Home Office that [insert notification type e.g. you failed to commence working for the sponsor/ceased to be employed by the sponsor/failed to commence studying with the sponsor/have been excluded or withdrawn from the course of studies].

[Immigration Rules Paragraph 323A](#)  
[UK Visas and Immigration](#)

Home Office records have been checked and there is no evidence that you have made an application/a successful application to change your sponsor or made a fresh application for entry clearance, leave to enter or leave to remain in the United Kingdom in any capacity.

Therefore, your leave is curtailed under paragraphs 323A(a)(i) / (a)(i)(2) / (a)(ii)(1) / (a)(ii)(2)] of the Immigration Rules until [60 days from deemed date of service of notice].

If you leave the UK your leave to enter or remain will expire under Article 13(3) of the Immigration (Leave to Enter and Remain) Order 2000 and you may require a visa to enter the UK.

**Option 2 - Sponsor Licence Revocation Case**

You were granted leave to enter or remain until [expiry of EC/LTR] to [study / work] with your sponsor (licence number ending XXXX1234567890 as shown on your Biometric Residence Permit).

On [date] your sponsor's licence was revoked. Home Office records have been checked and there is no evidence that you have made an application/a successful application to change your sponsor or made a fresh application for entry clearance, leave to enter or leave to remain in the UK in any capacity.

It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. The Secretary of State therefore curtails your leave in the UK under paragraph 323A(a)(i) of the Immigration Rules until [60 days from the date of decision].

If you leave the UK your leave to enter or remain will expire under Article 13(3) of the Immigration (Leave to Enter and Remain) Order 2000 and you may require a visa to enter the UK.

For suggested wording for other notices of decision, see related links:

- Wording to use when serving a decision to file

This guidance is based on the Immigration Rules

- |  |                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | <ul style="list-style-type: none"><li>• Curtailment – wording for notice of decision – points-based system</li><li>• Curtailment – wording for notification of premature end of employment</li><li>• Curtailment – wording for notice of decision – breakdown of a relationship</li><li>• Curtailment- wording for notice of decision – discretionary leave or leave outside the rules</li></ul> |  |
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## Curtailement of leave

### Curtailement: wording for notification of premature end of employment

- [Curtailement of leave](#)
- [Curtailing leave on general grounds](#)
- [Curtailing the leave of points-based system migrants](#)
- [Curtailing the leave of visitors](#)
- [Curtailement following the breakdown of a relationship](#)
- [Requesting further information before curtailing](#)
- [Curtailement considerations](#)
- [Curtailement procedures](#)
- [Curtailement – letter templates and wording](#)
- [Appeal rights](#)
- [Legislation for curtailement](#)

This page tells caseworkers what wording to use in letters and notices when they are curtailing a points-based system (PBS) migrant's leave because they have prematurely ended their employment.

For more information of when and how to curtail a migrant's leave when they have stopped working for an employer, see related links:

- Notification of premature end of employment and curtailement – consideration
- Notification of premature end of employment and curtailement – process

Below is the suggested wording for the letter requesting the migrant's passports and for the notice for dependants. For wording to use on the main curtailement notice, see related link: [Curtailement – wording for notice of decision – points-based system](#).

Type of letter or notice	Wording to use
Main applicant – 60 day curtailement	<p>This decision has been made in line with the Immigration Rules and the Tier 2/5 policy guidance.</p> <p>You were granted leave to enter or remain as a Tier 2/Tier 5 migrant until [expiry of EC/LTR] in order to undertake employment at [sponsor name]. However, the Home Office was informed by [sponsor name] on [date] that you ceased employment with them.</p> <p>Home Office records have been checked and there is no evidence that you have made an application to change your</p>

**In this section**  
[Curtailement: wording for notice of decision – general grounds](#)

[Curtailement: wording for notice of decision – points-based system](#)

[Curtailement: wording for notice of decision – PBS – serving by email](#)

[Curtailement: wording for notice of decision – breakdown of a relationship](#)

[Curtailement: wording for notice of decision – discretionary leave or leave outside the rules](#)

[Wording to use when serving a decision on file](#)

**Related links**

[Notification of premature](#)

		<p>sponsor or made a fresh application for entry clearance, leave to enter or leave to remain in the United Kingdom in any capacity.</p> <p>Therefore, as you have ceased employment as notified by your Tier 5 sponsor your leave is curtailed under paragraph 323A(a)(i)(2) of the Immigration Rules until [60 days from date of decision].</p> <p>Before your current leave to remain expires you must either leave the United Kingdom or submit a fresh application for leave to remain.</p> <p>If you leave the UK your leave to enter or remain will lapse under Article 13(3) of the Immigration (Leave to Enter and Remain) Order 2000 and you may require a visa to enter the UK.</p>	<p><a href="#">End of employment curtailment: consideration</a></p> <p><a href="#">Notification of premature end of employment curtailment: process</a></p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraph 323 and 323A</a></p>
	<p>Dependants – 60 day curtailment</p>	<p><b>Option 1 – Dependant spouse/partner of Tier 2 Migrant</b></p> <p>You were granted leave to enter or remain as a Dependant Partner of a Tier 4 (General) Student on [date of entry] until [expiry of EC/LTR]. [Insert name of main applicant]'s leave as a Tier 4 (General) Student has been curtailed so that it expires on [date]. Therefore the Secretary of State is not satisfied that, when [main applicant's] curtailed leave expires, you will continue to</p>	

		<p>be the spouse or civil partner, unmarried or same-sex partner of a person who has valid leave to enter or remain as a Points Based System Migrant.</p> <p><b>End of option 1</b></p> <p><b>Option 2 - Dependant Child of Tier 2 Migrant</b></p> <p>You were granted leave to enter or remain as a Dependant Child of a Tier 4 (General) Student on (date of entry) until (expiry of EC/EU/EEA).</p> <p>[Insert name of main applicant]'s leave as a Tier 4 (General) Student has been curtailed so that it expires on [date]. Therefore the Secretary of State is not satisfied that, when [main applicant's] curtailed leave expires, you will continue to be the dependant child of a person who has valid leave to enter or remain as a Points Based System Migrant.</p> <p>Consideration has also been given to section 55 of the Borders, Citizenship and Immigration Act 2009 (Duty regarding the welfare of children). The duty to have regard to the need to safeguard and promote the welfare of children requires the Home Office to consider the effect on any children of a decision to refuse leave, curtail the leave or remove, against the need to maintain the integrity of the immigration control. Our aim is always to carry out</p>	
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		<p>enforcement of the Immigration Rules with the minimum possible interference with a family's private life, and in particular enable a family to maintain continuity of care and development of the children in ways that are compatible with the immigration laws. In particular, in circumstances of your case, it has been concluded that the need to maintain the integrity of the immigration laws outweighs the possible effect on you that might result from you having to re-establish family life outside the UK. [Insert reasons]</p> <p><b>End of section 2</b></p> <p>It is not considered that the circumstances in your case are such that discretion should be exercised in your favour. As you have ceased to meet the requirements of the Immigration Rules under which your leave was granted, the Secretary of State has decided to curtail your leave in the United Kingdom under paragraph 323(ii) of the Immigration Rules so that it expires on [date].</p> <p>Before your current leave to remain expires you must either leave the United Kingdom or submit a fresh application for leave to remain.</p> <p>If you leave the UK your leave to remain will lapse under Article 13(3) of the Immigration</p>	
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This guidance is based on the Immigration Rules

		(Leave to Enter and Remain) Order 2000 and you may require a visa to enter the UK.	
<p>For suggested wording for other notices of decision, see related links:</p> <ul style="list-style-type: none"><li>• Curtailment – wording for notice of decision - general reasons</li><li>• Curtailment – wording for notice of decision – PBS – serving by email</li><li>• Curtailment – wording for notice of decision – breakdown of a relationship</li><li>• Curtailment – wording for notice of decision – discretionary leave or leave outside the rules</li><li>• Wording to use when serving a decision on a person</li></ul>			

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## Curtailment of leave

### Curtailment: wording for notice of decision – breakdown of a relationship

[Curtailment of leave](#)  
[Curtailing leave on general grounds](#)  
[Curtailing the leave of points-based system migrants](#)  
[Curtailing the leave of visitors](#)  
[Curtailment following the breakdown of a relationship](#)  
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This page tells caseworkers what wording they must use in the notice of decision if they curtail a migrant's leave following the breakdown of a relationship.

The suggested wording is based on paragraphs 323 and 323A of the Immigration Rules which set out the circumstances when you must or may consider curtail a migrant's leave in the UK. Paragraph 323A only relates to curtailment for the points-based system requirements.

For more information on what to do with a case when the relationship has broken down, see link on left: [Curtailment following the breakdown of a relationship](#).

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

Reason for curtailment	Wording to use
Use for all reasons where leave to enter or remain may be curtailed.	'On [insert date] you were granted leave to [enter/remain in] the United Kingdom until [insert date] as a [insert details]/in order to[insert details]'
Marriage break-up cases Paragraph 323(ii)	'You entered the United Kingdom on [insert details] with a visa valid from [insert date] to [insert date], as the spouse of [insert name], a person present and settled in the United Kingdom.  The decision has been made to curtail your leave 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

**In this section**  
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[Curtailment: wording for notification of premature end of employment](#)

[Curtailment: wording for notice of decision – discretionary leave or leave outside the rules](#)

[Wording to use when serving a decision on file](#)

#### External links

[Immigration Rules paragraph 323 and](#)

	<p>Secretary of State is not 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 Rule under which your leave to enter was granted. It is not considered that the circumstances in your case are such that discretion should be exercised in your favour.</p>	<p><a href="#">3A</a></p>
	<p>For suggested wording for other notices of decision, see related links:</p> <ul style="list-style-type: none"><li>• Curtailment – wording for notice of decision – general reasons</li><li>• Curtailment – wording for notice of decision – points-based system</li><li>• Curtailment – wording for notice of decision – PBS – serving by email</li><li>• Curtailment – wording for notification of premature end of employment</li><li>• Curtailment – wording for notice of decision – discretionary leave or leave outside the rules</li></ul>	

This guidance is based on the Immigration Rules

## Curtailment of leave

### Curtailment: wording for notice of decision – discretionary leave or leave outside the rules

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[Curtailing leave on general grounds](#)  
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This page tells caseworkers what wording they must use in the notice of decision if they curtail a migrant's discretionary leave or other leave outside the rules.

When you curtail discretionary leave, 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 now 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 when to consider curtailing a migrant with this type of leave, see related link: Discretionary leave and leave outside the rules.

For more information on the wording to use if you are serving the notice on file, see related link: Wording to use when serving a decision on file.

For more information on the legislation for curtailment, see related links:

- Legislation for curtailment  
Immigration Act 1971
- Immigration (Notices) Regulations 2003

**In this section**  
[Curtailment: wording for notice of decision – general grounds](#)

[Curtailment: wording for notice of decision – points-based system](#)

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**Related links**  
[Discretionary leave and leave outside the rules](#)

This guidance is based on the Immigration Rules

		<b>Internal links</b> <a href="#">Immigration Act 1971</a> <a href="#">The Immigration (Notices) Regulations 2003</a>
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## Curtailement of leave

### Wording to use when serving a decision on file

<p><a href="#">Curtailement of leave</a>  <a href="#">Curtailing leave on general grounds</a>  <a href="#">Curtailing the leave of points-based system migrants</a>  <a href="#">Curtailing the leave of visitors</a>  <a href="#">Curtailement following the breakdown of a relationship</a>  <a href="#">Requesting further information before curtailing</a>  <a href="#">Curtailement considerations</a>  <a href="#">Curtailement procedures</a>  <a href="#">Curtailement – letter templates and wording</a>  <a href="#">Appeal rights</a>  <a href="#">Legislation for curtailement</a></p>	<p>This page gives caseworkers some examples of the wording to use when they serve a decision to curtail a migrant's leave on file.</p> <table border="1"> <thead> <tr> <th data-bbox="459 438 1108 478">Reason</th> <th data-bbox="1108 438 1780 478">Wording</th> </tr> </thead> <tbody> <tr> <td data-bbox="459 478 1108 1404"> <p>Wording for file minutes when you have no address for the migrant.</p> <p>[estranged partner cases]</p> </td> <td data-bbox="1108 478 1780 1404"> <p><b>Serving the decision on file</b></p> <p>[file reference number]</p> <p>It is clear that [name of migrant] 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 migrant] has informed the Home Office either of his/her change of circumstances or change of address. The migrant did not provide an email address for correspondence and as [name of migrant]'s whereabouts are not known and we have no record of any representative acting for him/her nor do we know the migrant's last known or usual place of study or business, 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 article 8ZA of the Immigration (Leave to Enter and Remain) Order 2000.</p> </td> </tr> <tr> <td data-bbox="459 1404 1108 1439"> <p>When you have a possible address for a</p> </td> <td data-bbox="1108 1404 1780 1439"></td> </tr> </tbody> </table>	Reason	Wording	<p>Wording for file minutes when you have no address for the migrant.</p> <p>[estranged partner cases]</p>	<p><b>Serving the decision on file</b></p> <p>[file reference number]</p> <p>It is clear that [name of migrant] 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 migrant] has informed the Home Office either of his/her change of circumstances or change of address. The migrant did not provide an email address for correspondence and as [name of migrant]'s whereabouts are not known and we have no record of any representative acting for him/her nor do we know the migrant's last known or usual place of study or business, 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 article 8ZA of the Immigration (Leave to Enter and Remain) Order 2000.</p>	<p>When you have a possible address for a</p>		<p><b>In this section</b></p> <p><a href="#">Curtailement: wording for notice of decision – general grounds</a></p> <p><a href="#">Curtailement: wording for notice of decision – points-based system</a></p> <p><a href="#">Curtailement: wording for notice of decision – PBS – serving by email</a></p> <p><a href="#">Curtailement: wording for notification of premature end of employment</a></p> <p><a href="#">Curtailement: wording for notice of decision – breakdown of a relationship</a></p> <p><a href="#">Curtailement: wording for notice of decision – discretionary leave or leave outside the rules</a></p> <p><b>Related links</b></p> <p><a href="#">Serving a curtailment</a></p>
Reason	Wording							
<p>Wording for file minutes when you have no address for the migrant.</p> <p>[estranged partner cases]</p>	<p><b>Serving the decision on file</b></p> <p>[file reference number]</p> <p>It is clear that [name of migrant] 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 migrant] has informed the Home Office either of his/her change of circumstances or change of address. The migrant did not provide an email address for correspondence and as [name of migrant]'s whereabouts are not known and we have no record of any representative acting for him/her nor do we know the migrant's last known or usual place of study or business, 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 article 8ZA of the Immigration (Leave to Enter and Remain) Order 2000.</p>							
<p>When you have a possible address for a</p>								

	<p>migrant 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 migrant] no longer lives at the previous marital address and he/she has not notified the Home Office of his/her current address. [name] has 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 migrant] has informed the Home Office either of his/her change of circumstances or change of address. As [name of migrant]'s whereabouts are not known and we have no record of any representative acting for him/her, nor do we know the migrant's last known place of business or study or have an e-mail address, 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.</p>	<p><a href="#">Serving the decision to a postal or email address</a></p>
	<p>Include the following paragraph in the reasons for refusal letter (RFL) 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</p>	

	<p>your marriage and your departure from the marital home, you did not inform the Home Office of your change of 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. It was therefore not possible to serve you with the curtailment 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 7A(4) of the Immigration (Leave to Enter and Remain) Order 2000.</p>	
	<p>For information on serving a curtailment decision, see related links:</p> <ul style="list-style-type: none"><li>• <a href="#">Serving a curtailment decision to an address</a></li><li>• <a href="#">Curtailment – working for notice of decision - general reasons</a></li><li>• <a href="#">Curtailment – working for notice of decision – points-based system</a></li><li>• <a href="#">Curtailment – working for notice of decision – PBS - serving by email</a></li><li>• <a href="#">Curtailment – working for notification of premature end of employment</a></li><li>• <a href="#">Curtailment – working for notice of decision – discretionary leave or leave outside the rules</a></li></ul>	

This guidance is based on the Immigration Rules

## Curtailement of leave

### Appeal and administrative review rights

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This section tells caseworkers whether a person has a right of appeal or administrative review when that person's leave is curtailed.

A person does not have a right of appeal or administrative review in respect of a curtailment decision made on or after 6 April 2015. In such cases either:

- their leave expires with immediate effect
- they are left with a period of leave following curtailment.

You must make sure that the curtailment decision letter does not state that the person has a right of appeal or administrative review.

#### Curtailement decisions before 6 April 2015

A person 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 a person had a right of appeal
- How to implement a allowed curtailment appeal

To access the archived guidance, see related link: Curtailement – archive.

**In this section**  
[Allowed appeals against curtailment](#)

[Wordings for letters following allowed appeals](#)

**Related links**  
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This guidance is based on the Immigration Rules

## Curtailment of leave

### Legislation for curtailment

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This page tells caseworkers about the legislation that allows them to curtail a migrant's limited leave to remain in the UK.

#### **Section 3(3)(a) of the Immigration Act 1971**

This section gives the power to curtail a migrant'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 curtailing leave is a variation of leave.

#### **The Immigration Act 2014**

Made changes to rights of appeal and liability to removal which affect those curtailment cases which fall within the provisions of the act. The powers set out in the act are being commenced by a series of commencement orders. The most recent are the Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014 and the Immigration Act 2014 (Commencement No. 4, Transitional and Saving Provisions and Amendment) Order 2015. See external links.

#### **The Immigration (Leave to Enter and Remain) Order 2000 (SI 2000/1161)**

This order gives the power to cancel non-lapsing indefinite or limited leave, or curtail limited leave, when the migrant is outside the UK. The relevant provisions in the order are article 13(6) and (7).

Article 87 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.

#### **The Nationality, Immigration and Asylum Act 2002**

Section 76 of this act gives the power to revoke indefinite leave to enter or remain when a migrant:

- is liable to deportation but they cannot be deported for legal reasons
- obtained leave by deception which would render them removable but they cannot be

#### **External links**

[Immigration Act 1971 \(c. 77\)](#)

[Immigration Act 2014](#)

[Immigration Order 2000](#)

[Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#)

[Immigration and Asylum Act 1999 \(c. 33\)](#)

[Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#)

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

[The Immigration Act 2014 \(Commencement No. 3, Transitional and Saving Provisions\) Order 2014](#)

- removed for legal or practical reasons
- ceases to be a refugee because of their own actions

**The Immigration and Asylum Act 1999**

Section 10 of this act (as amended by the Immigration Act 2014) states that a person, 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.

**Immigration (Biometric Registration) Regulations 2008 (SI 2008/3048)**

Regulation 16 sets out when the Secretary of State may require a migrant (who is covered by the regulations) to surrender their biometric residence permit (BRP), including when the migrant's leave to remain is to be varied or cancelled. Regulation 20 sets out the steps the Secretary of State may take if a person fails to comply with a requirement of the regulations, including cancelling or varying a person's leave to enter or remain.

**Service of notices**

**Section 4 of the Immigration Act 1971**

This section 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.

This guidance is based on the Immigration Rules

## Curtailment of leave

### Contact

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This page explains who to contact if you need more help when you consider curtailment.

If you have read the relevant Immigration Rules and this guidance and you still need more help, you must first ask your senior caseworker or line manager.

If the question cannot be answered at that level, you may email the enforcement policy team for guidance on the policy. See related links.

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the administrative operational policy team, who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Guidance, rules and forms team.

#### Related links

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## Curtailment of leave

### Information owner

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This page tells you about this version of the 'Curtailment' guidance and who owns it.

Version	15.0
Valid from date	20 August 2015
Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	27 September 2013
This version approved for publication by	Official – sensitive: information removed
Approver's role	Official – sensitive: information removed
Approval date	6 August 2015

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the administrative policy team (see related links) who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Guidance, rules and forms team.

### Related links

[Changes to this guidance](#)

[Contact](#)

### External links

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