

OPI 363: An Update on Evidential Flexibility

This instruction is to provide clarity for Entry Clearance Officers on the application of Evidential Flexibility (EF) across FM routes and should be read in conjunction with [OPI 319](#) <Document copied separately>.

Key Points:

In an otherwise compliant application, where one document or piece of evidence is missing and it is apparent from the application form and other documentary evidence that the missing document exists, the ECO should apply EF and request the missing document following the established process (see OPI 319)

If it is clear that even with the missing evidence, the application falls for refusal, EF should not be applied and the application should be refused

Missing documents

If there are minor omissions of a document that forms part of a sequence or series, such as bank statements, payslips etc that will complete the sequence or series and the application falls to be issued but for that document then EF should be applied and that missing document requested.

Documents in the wrong format

If an applicant has submitted documents that are in the wrong format i.e. applicant has submitted electronic printouts from a home computer instead of headed letters from the issuing institution, or instead of a P60 has provided another tax document showing their earnings for the year, EF should be applied and they should be given an opportunity to submit the document in the correct format.

Photocopies not originals

If copies have been submitted instead of originals, EF should be applied and the applicant should be given an opportunity to submit originals.

Process

ECOs should follow the process outlined in [OPI 319](#) when using EF. If the requested document is not submitted within the permitted timeframe then the application should be refused.

EF is not discretionary and staff should ensure that this approach is followed to ensure consistency across the regions.

Any enquiries should be sent to our inbox at:

<out of scope>

Last Updated: 17 September 2012