



Home Office

Administrative review: EU Settlement Scheme, Service Providers from Switzerland and S2 Healthcare Visitors

Version 10.0

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About this guidance

This guidance tells the Administrative Review team and staff in the Resolution Centre about administrative reviews under Appendix AR (EU) in relation to the EU Settlement Scheme, Service Providers from Switzerland and S2 Healthcare Visitors.

For further information on the EU Settlement Scheme see: EU Settlement Scheme caseworker guidance.

For further information on Service Providers from Switzerland see: Service Providers from Switzerland: caseworker guidance.

For further information on S2 Healthcare Visitors see: S2 Healthcare Visitor: caseworker guidance.

For guidance on administrative reviews brought against other immigration decisions see: Administrative Review guidance.

Contacts

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

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

Publication

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

- version **10.0**
- published for Home Office staff on **04 April 2024**

Changes from last version of this guidance

The guidance has been updated to reflect changes to the Immigration Rules from 4 April 2024, in particular to remove any scope from that date to apply for an administrative review of a decision under the EU Settlement Scheme.

Related content

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Overview of administrative review under Appendix AR (EU)

This section tells the Administrative Review team and staff in the Resolution Centre about administrative reviews under Appendix AR (EU) of decisions made on applications in relation to the EU Settlement Scheme (EUSS), Service Providers from Switzerland and S2 Healthcare Visitors.

Right to an administrative review

From 4 April 2024, there is no provision in the Immigration Rules for an application for an administrative review of EUSS or S2 Healthcare visitor decisions to be submitted, whether in-time or out-of-time. Where an application for an administrative review under Appendix AR (EU) was made before 4 April 2024, you must consider it in accordance with the requirements of Appendix AR (EU) – and the related requirements on validity in paragraphs 34M to 34Y in Part 1 of the Rules – as of 3 April 2024.

This follows on from changes made on 5 October 2023, when the Immigration Rules in Appendix AR and Appendix AR (EU) were updated so that, for decisions made from that date, only decisions under Appendix Service Providers from Switzerland could be challenged by administrative review, where the decision was to either:

- refuse an application for entry clearance under SPS 7.1 of Appendix Service Providers from Switzerland because the applicant does not meet the eligibility requirements of that Appendix
- cancel permission to enter or remain on arrival in the UK of a person who holds an entry clearance under Appendix Service Providers from Switzerland, where permission was cancelled under SPS 9.1(c) or (e) of [Appendix Service Providers from Switzerland](#)

Any other eligible decision previously listed in Appendix AR (EU) made on or after 5 October 2023 - including where the date of application was before that date is not challengeable by administrative review.

For more information see: [Decisions which are eligible for administrative review](#).

Grounds for seeking an administrative review

In relation to eligible decisions made under Appendix EU, Appendix EU (Family Permit) and Appendix S2 Healthcare Visitor, only those decisions made before 5 October 2023 attracted a right of administrative review. In these cases, an applicant could apply for an administrative review if they believed that either:

- the original decision-maker failed to apply, or incorrectly applied, the eligibility requirements in Appendix EU or Appendix S2 Healthcare Visitor when deciding to refuse the application under that Appendix
- the original decision-maker failed to apply, or incorrectly applied, the eligibility requirements in Appendix EU, Appendix EU (Family Permit) or Appendix S2 Healthcare Visitor when deciding to cancel leave on the basis that the person ceases to meet the requirements of the relevant rules (or, in the case of Appendix EU (Family Permit), that since the entry clearance was granted, there has been a relevant change in circumstances, such that leave ought to be cancelled)
- there is information or evidence that was not before the original decision-maker which shows that the applicant qualifies for a grant, or a different grant, of leave under Appendix EU or a grant of entry clearance under Appendix S2 Healthcare Visitor

An applicant could not apply for an administrative review on the grounds that the decision breached the Withdrawal Agreement, the European Economic Area European Free Trade Association (EEA EFTA) Separation Agreement, or the Swiss Citizens' Rights Agreement (the Withdrawal Agreements). If a person wishes to challenge a decision on that basis, they should appeal the decision under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.

For eligible administrative review applications made before 4 April 2024, where an applicant states that the decision breaches the Withdrawal Agreements as one of their grounds for an administrative review, you should use the following wording in your decision:

“You have also stated that the decision breaches the Withdrawal Agreements <add in details of the issues raised that question the lawfulness of the decision which are out of scope>. These are not points which can be considered as part of an administrative review. This is because an administrative review can only consider whether the decision maker made an error when applying the Immigration Rules, or whether there is any new information or evidence in support of your application that shows you meet the relevant requirements. If you wish to challenge the decision on the basis that it breaches any rights you have under the Withdrawal Agreement, the EEA EFTA Separation Agreement, or the Swiss Citizens' Rights Agreement, you should instead appeal the decision to the First-tier Tribunal under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020. Details of how to do this are set out in the next steps.”

Eligible decisions made in relation to Appendix Service Providers from Switzerland are challengeable by administrative review, irrespective of whether the decision was made before or from 5 October 2023. In these cases, an applicant can apply for an administrative review if they think the original decision-maker failed to apply, or incorrectly applied, the eligibility requirements in Appendix Service Providers from Switzerland: see 'Right to an Administrative Review'.

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Validity of an application for an administrative review under Appendix AR (EU)

This section tells the Administrative Review team and staff in the Resolution Centre how to consider whether an application for an administrative review under Appendix AR (EU) is valid.

Where an application for an administrative review under Appendix AR (EU) was made before 4 April 2024, you must consider it in accordance with the requirements of Appendix AR (EU) – and the related requirements on validity in paragraphs 34M to 34Y in Part 1 of the Rules – as of 3 April 2024. In particular, this means that you may accept the application out-of-time where you are satisfied that it would be unjust not to waive the deadline and that the application was made as soon as possible after the deadline.

An application for an administrative review under Appendix AR (EU) made on or after 4 April 2024 can only be valid where it relates to an eligible decision on an application under Appendix Service Providers from Switzerland.

For applications for an administrative review submitted on or after 4 April 2024, the Immigration Rules only provide for out-of-time applications to be considered in respect of Service Providers from Switzerland.

For any other AR application under Appendix AR (EU) made on or after 4 April 2024, the Immigration Rules do not provide for an out-of-time application to be submitted so it will not be valid.

Where an application for an administrative review made on or after 4 April 2024 is invalid because there is no scope to request an administrative review of the decision, you can reject the application immediately without further consideration or notification and do not need to take any further action (aside from processing any relevant fee refund).

How the application is made

An application for an administrative review of an eligible decision under Appendix Service Providers from Switzerland decisions should be made online using the relevant online application process, in accordance with Appendix AR (EU). The application for an administrative review may be made within or outside the UK.

It is not possible to include dependants in an application for an administrative review. Information given in the application form will enable applications for an administrative review from members of a family group to be 'linked' so that you can consider them together. You will still need to make a separate decision on each application for an administrative review.

A parent or legal guardian may make the application for an administrative review on behalf of a child.

Appendix AR (EU) sets out the requirements to be met where an application for an administrative review is made. The specified fee must be paid unless an [exemption](#) applies.

If this requirement is not met, you must reject the application under Appendix AR (EU). The template to use in that case is AREUN.001.

Fee exemptions

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

With one exception, this fee will be refunded in full where the administrative review is successful.

The fee will not be refunded where both of the following apply:

- the application was successful based on new evidence
- there was no error by the caseworker in the original decision

New evidence is evidence or information that was not before the person who made the eligible decision.

For further information see: [Refunds](#).

Where the eligible decision was made on an application under the EU Settlement Scheme (EUSS) that was made before 7am on 30 March 2019, the applicant will be exempt from paying the administrative review fee where they were exempt from paying for their original application under the scheme.

Where the eligible decision was made on an application under the EUSS that was made at or after 7am on 30 March 2019, the applicant will be exempt from paying the administrative review fee where, at the time of that application, the applicant was a child being looked after by a local authority.

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

If the applicant has chosen the fee-exempt route on the form but does not qualify for the exemption, you should invite the applicant to provide payment or reasons for non-payment within 10 working days using template AREUN.006. If reasons are not provided, you should request payment within 10 working days using template AREUN.007. If payment is not received in that time (or if there is no response to the AREUN.006), you should reject the application as invalid using template AREUN.001.

Decisions which are eligible for administrative review

In accordance with paragraph AR(EU)1.1, where an EUSS or S2 Healthcare visitor decision was made before 5 October 2023 (and, where it was made out-of-time, the application for an administrative review was submitted before 4 April 2024), the following decisions are eligible decisions which carry a right of administrative review:

- a decision to refuse an application under the EUSS under paragraph EU6 of Appendix EU because the applicant does not meet the eligibility requirements for either indefinite leave to enter or remain or limited permission to enter or remain under Appendix EU
- a decision to grant the applicant under the EUSS limited permission to enter or remain under Appendix EU and not indefinite leave to enter or remain
- a decision to cancel leave granted under Appendix EU on the grounds that the person ceases to meet the requirements of that Appendix for that leave
- a decision to cancel leave to enter granted by virtue of the person having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) on the basis that since the entry clearance was granted, there has been a relevant change in circumstances, such that leave to enter ought to be cancelled
- a decision to refuse an application under HV9.1 of Appendix S2 Healthcare Visitor because the applicant does not meet the eligibility requirements for leave to enter or remain as a S2 Healthcare Visitor
- a decision to cancel permission to enter to a person who holds entry clearance under Appendix S2 Healthcare Visitor, where, since the entry clearance was granted, there has been a change in circumstances which means the person no longer meets the eligibility requirements for permission to enter
- a decision to refuse permission to enter to a non-visa national seeking to come to the UK as an S2 Healthcare Visitor for 6 months or less, because they do not meet the eligibility requirements of Appendix S2 Healthcare Visitor

In accordance with paragraph AR(EU)1.1, the following decisions (irrespective of whether the decision was made before or after 5 October 2023) are eligible decisions which carry a right of administrative review:

- a decision to refuse an application for entry clearance under SPS7.1 of Appendix Service Providers from Switzerland because the applicant does not meet the eligibility requirements of that Appendix
- a decision to cancel permission to enter or remain on arrival in the UK to a person who holds an entry clearance under Appendix Service Providers from Switzerland, where permission was cancelled under SPS9.1(c) or (e) of Appendix Service Providers from Switzerland

The applicant will be informed in the notice of the decision if they can apply for an administrative review. You must check the relevant casework system to ensure that the decision under challenge is an eligible decision.

Decisions which are not eligible for administrative review

Subject to the above, there is no right to an administrative review where the eligible decision under Appendix AR (EU) was made on or after 5 October 2023 and no scope from 4 April 2024 to apply out-of-time for an administrative review where the eligible decision under Appendix AR (EU) was made before 5 October 2023.

Where an application for an administrative review made on or after 4 April 2024 is invalid because there is no scope to request an administrative review of the decision, you can reject the application immediately without further consideration or notification and do not need to take any further action (aside from processing any relevant fee refund).

There is no right to an administrative review where an application has been refused on suitability grounds, even if the application has also been refused on eligibility grounds, and even if the decision was taken before 5 October 2023.

There is also no right to an administrative review where the application has been rejected as invalid.

If the application for an administrative review is not made against an eligible decision, you must reject it under Appendix AR (EU).

Time limits for bringing an administrative review

For eligible decisions made from 5 October 2023, only those made in relation to Appendix Service Providers from Switzerland have a right to administrative review: see [‘Right to an Administrative Review’](#).

An application under Appendix AR (EU) must be made no more than 28 days after the person receives the notice of the eligible decision, unless they are in immigration detention: in which case, they have 7 days from receipt of the notice of the eligible decision to apply for an administrative review.

Administrative review decisions are to be served in accordance with [Appendix SN](#) to the Immigration Rules. Appendix SN sets out that where the eligible decision is sent by email, it is regarded as having been received on the day on which it was sent, unless there is evidence to the contrary.

The first day for calculating the period during which the person must apply for an administrative review is the first day after they received the eligible decision. For example, if they received the eligible decision on 1 July, the first day when calculating the 28 days (or 7 days where the person is in immigration detention) is 2 July and the last day for applying will be 29 July (but an application made on 1 July will be valid).

Where an application for an administrative review of an eligible decision is submitted after the deadline, you should normally reject it. The only exception is where you are satisfied that the application meets both of the following:

- it would be unjust not to waive the deadline
- the application was made as soon as possible after the deadline

For example, where an applicant could not make an in-time application because they were admitted to hospital as an emergency, but they made their application as soon as they left hospital, it would be appropriate to accept the application as valid.

Where an application for an administrative review is submitted after the deadline by a person in immigration detention who received notice of their eligible decision from 1 October 2019 onwards, you should check their decision letter to see whether they were informed of the 7-day time limit. If they were not, and they have made their application within 28 days, it would normally be appropriate to accept the application as valid.

Where the applicant was informed of the 7-day time limit, you should normally reject the application, unless you are satisfied that it would be unjust not to waive the deadline and the application was made as soon as possible after the deadline.

If the application is made after the deadline and you are not satisfied that it would be unjust not to waive the deadline and/or the application was not made as soon as possible after the deadline, you must reject the application under Appendix AR (EU). The template to use is AREUN.001.

From 4 April 2024, Appendix AR (EU) only provides scope for an out-of-time application for an administrative review to be submitted in respect of an eligible decision under Appendix Service Providers from Switzerland.

Any other application submitted under Appendix AR (EU) on or after 4 April 2024 (which would be at least 5 months out-of-time) will be invalid, and you can reject the application immediately without further consideration or notification and do not need to take any further action (aside from processing any relevant fee refund).

Further application for administrative review

The removal of the right of administrative review in relation to certain decisions made on or after 5 October 2023 means that where a decision is withdrawn following an administrative review, in accordance with Appendix AR (EU), there will not be a further right of administrative review against the new decision where that decision was made on or after 5 October 2023. The exception to this is where the new decision is in relation to Appendix Service Providers from Switzerland, as set out in the section 'Right to an Administrative Review'.

Rejecting a request for an administrative review

If the application for an administrative review is invalid, you must:

- complete the AREUN.001 'Rejection' notice template and send it to the applicant

- explain in the notice why you cannot consider the administrative review request and inform the applicant that the fee will be refunded (if one was paid)
- update CID/Atlas with:
 - the date the application for administrative review was received
 - the date it was rejected
- where applicable, initiate the refund process by completing the ICD.3463 template and send it to the Charging Supplier Relationship Services (SRS) team

Aside from administrative reviews of eligible decisions under Appendix Service Providers from Switzerland, the above does not apply where the eligible decision under Appendix AR (EU) relates to an out-of-time application for an administrative review submitted on or after 4 April 2024. Such applications can be rejected immediately without further consideration or notification and you do not need to take any further action (aside from processing any relevant fee refund).

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Considering the administrative review

This section tells the Administrative Review team and staff in the Resolution Centre how to consider an administrative review under Appendix AR (EU) where the application is valid.

Independence of the review

To ensure independence and transparency of the review process, administrative reviews are carried out by a separate team that is independent from the team that made the original decision.

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

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

- originally considered
- were involved in considering
- previously reviewed

Full reconsideration

For all administrative review applications under Appendix AR (EU) you must conduct a full reconsideration of the decision and decide whether the original decision was:

- correct and should be maintained
- incorrect and should be withdrawn and a new decision made

In doing so, you must consider whether:

- the original decision-maker failed to apply, or incorrectly applied, Appendix EU, or, as appropriate, Appendix EU (Family Permit), Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland
- information or evidence that was not before the original decision-maker has been provided which shows that the applicant qualifies for a grant, or a different grant, of leave under Appendix EU, or that their application under Appendix Service Providers from Switzerland should have succeeded

For information on the requirements of the EU Settlement Scheme see: EU Settlement Scheme caseworker guidance, EU Settlement Scheme Family Permit and Travel Permit, S2 Healthcare Visitor and Service providers from Switzerland.

New information and evidence

Applicants are permitted to submit new information or evidence with their administrative review application under Appendix AR (EU). Where they do, you must consider whether it shows that the applicant qualifies for a grant, or a different grant, of leave under Appendix EU, or that their application under Appendix Service Providers from Switzerland should have succeeded (in either case, whether or not they qualified at the date of the original decision). If it does, you must withdraw the original decision and make a new decision.

Requesting additional information or evidence

You may also request additional information or evidence. You must make this request using template AREUN.008. There is no specific deadline for providing additional information or evidence and you should give the applicant a reasonable timeframe to provide it. What is reasonable will depend on the circumstances of the case.

If the applicant does not respond with the additional information or evidence within this timescale, you must make a decision based on the information and evidence available, unless there are exceptional reasons why the deadline should be extended. An example of an exceptional reason is where the applicant has notified you that it is not possible to get the information or evidence before the deadline because it has to be obtained or posted from overseas.

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Administrative review decisions

This section tells the Administrative Review team and staff in the Resolution Centre what to do once you have reconsidered the decision under review.

Types of decision

There are 2 decisions you can make following a review of the original decision:

- maintain the decision
- withdraw the decision and make a new decision

Maintain the decision

If, having reviewed the substantive decision (including any new information or evidence), you decide that it is correct for the reasons given, you must maintain it and inform the applicant of the outcome using notice template AREUN.002 'Decision maintained'.

You must explain why the decision was correct, addressing any new information or evidence provided.

As you are maintaining the decision, the applicant does not have a further right of administrative review. The applicant must be informed of this in the decision letter.

Decision correct but contained errors

If, having reviewed the original decision (including any new information or evidence) you decide that the decision is correct **but** there were errors in the reasons for the decision, then you will need to decide whether to either:

- maintain the decision and correct the errors
- withdraw the original decision and issue a new decision

Maintain the decision and correct the errors

Where the errors are not material and the original decision remains correct, or where some of the reasons for the decision were correct but others were incorrect, you must maintain the original decision using template AREUN.002 but provide new reasons with the errors corrected or incorrect reasons removed.

You must make it clear in the decision notice which errors have been corrected or which reasons have been removed and why.

You must also make it clear that this does not change the original decision and therefore there is no further right to an administrative review.

Withdraw the decision and issue a new refusal decision

There are 2 situations where, because of errors in the original decision, you might need to withdraw it and issue a new one. These are:

- the decision was correct, but there are material reasons which are incorrect
- the decision was correct but there are additional reasons for refusal (in this second situation you must consider whether these new reasons are material and therefore need to be included)

Where either of the above applies, you will need to withdraw the decision and issue a new one using template AREUN.003.

It is normally for you to make the new decision. If you consider that the case should be referred back to the original decision-making team, you should discuss it with a senior caseworker.

Withdrawing the decision and granting leave

Where you decide that the original decision was incorrect and the applicant should be granted leave, you must withdraw the original decision and grant the appropriate leave. The start date of the leave granted is the date you withdraw the original decision and make a new one.

You must issue the appropriate approval notice and an AREUN.003 'Decision withdrawn – new decision made' notice.

Changing a grant of pre-settled status to a grant of settled status

Where you decide that the original decision to grant pre-settled status under the EU Settlement Scheme (5 years' limited leave to enter or remain) was incorrect and the applicant should be granted settled status (indefinite leave to enter or remain), you must withdraw the decision and grant the appropriate leave. The start date of the leave granted is the date you withdraw the original decision and make a new one.

You must issue the appropriate approval notice and an AREUN.003 'Decision withdrawn – new decision made' notice.

Official - sensitive: start of section

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

Official - sensitive: end of section

Recording details of the review decision

It is important that you record all the following details of the review on the relevant casework system (currently CID):

- check that the new outcomes 'AR Received' and 'AR Validated' have been added in the CID outcome field
- add the decision to the CID outcome field, from the list of administrative review [CID outcomes](#)

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

Handling of case papers

You must keep the following information on file or as an electronic copy:

- the administrative review application
- any relevant case papers, for example letters responding to information requests

Although we do not generally ask applicants to submit original documents in support of their administrative review application, if they do send any, they must be returned with the decision notice.

The administrative review decision notice

You must inform the applicant of the outcome of the review in writing, using the correct administrative review notice templates. For more information on what notices to use, see links below:

- [AREUN.001 'Rejection'](#)
- [AREUN.002 'Decision maintained'](#)
- [AREUN.003 'Decision withdrawn – new decision made'](#)

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Withdrawing an application for administrative review

This section tells the Administrative Review team and staff in the Resolution Centre about when an application for administrative review is withdrawn.

Requests to withdraw the administrative review

A request to withdraw an administrative review application must be made in writing, either by post or email. The application will be treated as withdrawn on the date the request is received. Under changes to the [Tribunal Procedure \(First-tier Tribunal\) Immigration and Asylum Chamber Rules 2014](#) where a person withdraws their administrative review, where they have not previously appealed, the time limit to appeal starts from when they send the notice of withdrawal.

Treating the application for administrative review as withdrawn

An application for administrative review which has not been determined will be treated as withdrawn if the applicant makes a valid application for entry clearance, leave to enter or leave to remain under one of the following:

- Appendix EU
- Appendix EU (Family Permit)
- Appendix S2 Healthcare Visitor
- Appendix Service Providers from Switzerland

Unlike administrative reviews of other decisions, administrative reviews under Appendix AR (EU) are not treated as withdrawn if the applicant:

- requests their passport back so they can travel
- leaves the UK whilst their review is pending

How to process the withdrawal of an administrative review

You must record the withdrawal as soon as possible. You must tell the applicant that their application has been withdrawn using the AREUN.005 'Withdrawal' template.

The application fee will not be refunded if the application is withdrawn unless there are exceptional circumstances for the withdrawal.

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Administrative review: CID outcomes

This table sets out the outcomes on CID for administrative reviews.

Outcome	When used
AR Received	When an application for AR is received
AR Validated	When the application has been validated
AR Rejected	When the AR is rejected as invalid
AR Withdrawn	Where the applicant requests withdrawal of the AR
AR Decision Maintained	Where the original decision is correct and is maintained
AR Decision Overturned	Where the original decision is withdrawn and new decision made – you should also enter a new immigration decision
AR Completed	When the AR process is complete
Further AR Received	When a further AR is received

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Refunds

This section tells the Administrative Review team and staff in the Resolution Centre about when an application fee for administrative review must be refunded.

When to refund

The application fee must be refunded where:

- the application is rejected as invalid
- the original decision is withdrawn and a new decision is made (unless the review was successful solely because of new information or evidence which was not before the original decision maker)

If the applicant is eligible for a refund of the application fee for the administrative review, you must complete the ICD.3463 refund request template in CID and send it to the charging operations team.

Where a refund is due, the fee is normally to be refunded within 3 weeks of the date of the decision to issue a refund.

When not to refund

The application fee will not be refunded where:

- the application is withdrawn at the applicant's request
- the result of the review is that the original decision is maintained (even if errors are corrected)
- the application would have failed but for new information or evidence that was not before the original decision maker and there was no casework error in the initial decision

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Template letters

This section lists the templates available to the Administrative Review Team when responding to an application for administrative review under Appendix AR (EU) or to a fee exemption claim:

- [AREUN.001 'Rejection'](#)
- [AREUN.002 'Decision maintained'](#)
- [AREUN.003 'Decision withdrawn – new decision made'](#)
- [AREUN.005 'Withdrawal of AR'](#)
- [AREUN.006 'Fee reminder'](#)
- [AREUN.007 'Fee exemption rejection'](#)
- [AREUN.008 'Request further information'](#)

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Frequently asked questions

This section is for Administrative Review caseworkers and staff at the Resolution Centre. It covers common questions which applicants may ask.

Who can the applicant contact if they have a problem completing the online administrative review form?

The applicant should [email the administrative review team](#). This email address must only be used for enquiries about problems with using the online administrative review form. General enquires about immigration matters will not be answered.

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

No. The administrative review will be carried out by a different person on an independent team. This ensures there is independence and transparency in the review process.

Why is there a fee for an administrative review when there is none for an application under the EU Settlement Scheme?

The £80 fee for an administrative review is consistent across all immigration routes. If the original decision is overturned, the application fee will be refunded, unless the review was successful solely because of new information or evidence which was not before the original decision maker.

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

The applicant has 28 calendar days from the date they receive the decision notice, unless they are in immigration detention on the date they receive the decision notice in which case they have 7 calendar days.

Can applicants apply for an administrative review and make a new application for leave under the EU Settlement Scheme or another form of leave at the same time?

An application for administrative review which has not been determined will be treated as withdrawn if the applicant makes a valid application for entry clearance, leave to enter or leave to remain under Appendix EU, Appendix EU (Family Permit) or Appendix Service Providers from Switzerland.

Otherwise, applicants can make a new application under another route under the Immigration Rules whilst their administrative review application is under consideration. Applicants should be aware of the validity requirements for new applications under Appendix EU, in particular that an application made after the relevant deadline will be rejected as invalid unless there are reasonable grounds for the person's delay in making the application.

Why were there changes to the decisions that can be challenged by administrative review from 5 October 2023?

The deadline for applying to the EU Settlement Scheme (for those resident in the UK by the end of the transition period on 31 December 2020) was 30 June 2021. More than 2 years on from that deadline, and more than 4 years since the scheme opened on 30 March 2019, it is no longer considered appropriate to offer a dual right of redress (that is both an administrative review and an appeal) under these routes. There is no requirement under the Citizens' Rights Agreements to do so, and a dual right of redress is not afforded to applicants under other immigration routes.

The right to an administrative review in respect of eligible decisions relating to Appendix Service Providers from Switzerland has been maintained as there is no right of appeal under this route.

For information on appeal rights see the Rights of Appeal guidance.

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