



Home Office

Validation, variation, voiding and withdrawal of applications

Version 9.0

Contents

Contents.....	2
About this guidance.....	4
Contacts	4
Publication	4
Changes from the last version of this guidance	5
What is a valid application?.....	6
Burden and standard of proof.....	6
The validity requirements	7
Validity requirements that the applicant cannot take action to meet	7
Validity requirements that an applicant can take action to meet	7
Requirement: Applying from outside / inside the UK.....	7
Requirement: A specified application form	8
Requirement: Mandatory sections of the application form	9
Applying discretion when mandatory sections of the application form have not been completed.....	9
Contacting an applicant where they have used the correct application form but may have selected the wrong route or category	10
Contacting an applicant where they may have used the wrong form for their application.....	10
Requirement: Fee payment and Immigration Health Surcharge	11
Fee payment.....	11
Immigration Health Surcharge	11
Discretion - Fee waiver or fee exemption and validation.....	12
Dependents and ‘part payments’.....	12
Requirement: providing biometrics and proof of identity	13
Providing biometrics.....	13
UK Immigration: ID Check App process.....	13
Standard application process	14
Biometric exemptions or excuses.....	14
Requirement: Proof of identity	15
Where the applicant has already provided proof of identity.....	16
If an applicant’s proof of identity has been lost or stolen.....	16
Reasons why an applicant cannot provide the required document	16
Requirement: Consent for applicants who are under 18 years old (only for routes where paragraph 34 of the Immigration Rules applies)	17

Requirement: previous leave	18
Dependent requirement: link to main applicant’s permission or application.....	18
What if there is more than one reason an application is not yet valid?	19
Exceptions to the validity requirement.....	20
How to reject an application as invalid.....	20
Service of notice of invalidity	20
Return of documents.....	21
Applications to vary an outstanding application	21
Checking for an outstanding application	22
Simultaneous applications	22
Human rights applications and variation	22
Exceptions to Paragraph 34BB	23
Refunding application fees when variation applies.....	23
Dependents and variations	24
Date of application: original application	24
Date of application: application to vary	25
Variation of an application for leave: example scenarios	25
Example scenario 1.....	25
Example scenario 2.....	26
Example scenario 3.....	26
Attempts to make multiple applications in a single form	26
Requests to withdraw applications.....	27
Withdrawals and refunds.....	27
Examples	27
Withdrawn applications – travel outside the CTA	28
Guidance on multiple applications (relevant only to applications made from outside the UK)	29
Void applications	30
Where an applicant dies before the application is decided	30
Void for operational use – (relevant only to applications made overseas)	31
Retention of an administration fee where application invalid (in country)	31
Postal strikes.....	33
Letters and packages posted immediately before or during strikes	33
Evidence the application was made after the last full collection day before the strike started.....	33
Requesting further information	33
Unofficial strikes.....	34

About this guidance

This guidance is for decision makers considering applications for entry clearance, permission to enter and stay and settlement and describes how to decide whether an application is valid, and what to do if it is not. It also describes how an applicant can vary or withdraw an application, how and when to void an application and how to determine the date of an application.

This guidance does not apply to applications made under Appendix EU. See: EU Settlement Scheme caseworker guidance.

This guidance does not apply to applications made to the Windrush Scheme and the Windrush Compensation Scheme. See:

- [Windrush Scheme: get a document showing your right to be in the UK](#)
- [Apply to the Windrush Compensation Scheme](#)

This guidance does not apply to applications made under Appendix Electronic Travel Authorisation as they are not applications for permission. For further information, see the Electronic Travel Authorisation guidance.

The policy set out in this guidance applies to applications made under the rules and applications made outside the rules.

Apart from where indicated, this guidance will not apply to entry clearance applications until the new caseworking system is made available overseas.

See also: Settlement varying a settlement application to permission to stay.

Contacts

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

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

Publication

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

- version **9.0**
- published for Home Office staff on **14 November 2023**

Changes from the last version of this guidance

Changes have been made to the 'About this guidance' section following the start of Appendix Electronic Travel Authorisation.

Related content

[Contents](#)

What is a valid application?

An application under the Immigration Rules is valid when it meets all of the validity requirements set out in the Immigration Rules for that route, or when discretion is applied to treat an application as valid even when it does not meet all of the validity requirements for the route. Where an application is made outside the Immigration Rules, the same policy generally applies unless the relevant policy guidance makes different provision.

For most routes, the validity requirements are as set out in Immigration Rules that apply to the route. There are separate validity requirements for main applicants and dependents. Although the validity rules for these routes apply to applications made both in the UK and overseas, applications are not rejected as invalid overseas (apart from applications made on the Appendix Family Reunion (Protection) route). The validity rules will be applied to applications made overseas as the technology becomes available, which is linked to the roll-out of the Atlas casework system overseas and this guidance will then be updated.

For applications where the validity requirements are not in the route specific rules and paragraph 34 of the Immigration Rules applies, an application is valid when the requirements of paragraph 34 of the [Immigration Rules](#) are met, or where one of the exceptions set out in paragraph 34 apply. Paragraph A34 lists the routes to which paragraph 34 applies.

Some validity requirements are common across most routes - for example the requirement to provide biometric information or to apply on a specified form. Some are route specific, for example, the requirement to provide a valid Certificate of Sponsorship on the Skilled Worker route. This guidance provides detailed guidance on those validity requirements that are common across routes, so is important to check the Immigration Rules and route specific guidance to understand which additional validity requirements apply to a particular route. The process set out in this guidance applies to all validity requirements, whether common or route specific.

Burden and standard of proof

The burden of proof is on the applicant to show they meet the validity requirements. The standard of proof is the balance of probabilities (which means it is more likely than not they meet the validity requirements). When considering the application, you should have regard to all the relevant information and you should request more information, or clarification, if you need to do so.

Related content

[Contents](#)

The validity requirements

Validity requirements that the applicant cannot take action to meet

For most validity requirements, when an applicant has not met them and therefore the application is not yet valid, they can take action to rectify any error or omission. In these cases, you must apply the process below contact the applicant using the 'Validity reminder in and out of country' template giving them 14 days to meet the requirement.

There are some common and route specific validity requirements where an applicant cannot take any corrective action to meet them. For example:

- the applicant must meet an age requirement to apply on a route and they are not young or old enough
- the applicant must have, or most recently have had, permission on a certain immigration route, such as the UK Ancestry route if they are applying in the UK for further permission on that route, and they did not
- the applicant must have been in the UK / outside the UK when they made their application, and they were not
- (for use on settlement on the protection route only) the applicant has applied for settlement as a person on a protection route, but they do not have, nor were not last granted, permission on a protection route
- (for use on Graduate route only) the applicant does not have, or was last granted, the correct permission as set out in the validity rules on the Graduate route
- (for use on ODW route only) the applicant did not enter the UK with entry clearance as a Domestic Worker in a Private Household under the rules in place before 6 April 2012

Where an applicant cannot take action to make their application valid, you must write to the applicant, using the 'Validity reminder in and out of country' template, giving them the opportunity to vary their application within 14 days. If they do not do so, you must consider whether to exercise discretion or whether to reject the application as invalid, using the 'Validity rejection in and out of country after write out' template.

Validity requirements that an applicant can take action to meet

The following sections describe how to consider those validity requirements **that are common across most routes**:

Requirement: Applying from outside / inside the UK

Each of the route specific validation requirements of the rules set out where an applicant must be (in or out of country) when they make their application.

Applications for entry clearance must be made when the applicant is outside the UK and applications for permission to stay must be made when the applicant is in the UK. Settlement applications must generally be made when the applicant is in the UK, but it depends on the route.

In practice, it is very difficult for an applicant to fail to meet this requirement. The online application forms specifically ask where the applicant is applying from and provides guidance to explain if they cannot make the application for reasons of location and even if an applicant applied from the wrong location, they would not be able to enrol their biometric information as this requires different actions in and out of country.

If an applicant does manage to make an application for entry clearance whilst in the UK, they will be unable to enrol their biometrics and so the application will not reach a decision maker for consideration.

If an applicant does make an application for permission to stay whilst outside the UK, then they will not be able to enrol their biometrics and so their application will be rejected – see: Providing biometrics.

However, where the application is made using the GIDV (chip checker app) there is no requirement to enrol biometrics and it is possible for the applicant to apply from the wrong location and so fail to meet this requirement.

Requirement: A specified application form

Specified forms give an applicant the best opportunity to provide all the information needed to consider their application.

Paragraph 34(1), and the route specific validation requirements of the rules, set out that the application must be made on a specified application form.

There is a specified form for each type of application and for most routes, the specified application form is set out in the Immigration Rules for that route. Where the application form is not set out in the Immigration Rules, then it is specified when it is posted on the [visa and immigration pages of the GOV.UK website](#).

It may be an online or a paper form. Some application routes have both paper and online forms, some only online and some only paper. See the list of forms published on: Making policy changes.

When applying on a paper form, an applicant must normally use the current version of the specified paper application form. However, where the applicant submits an application on a previous version of an application form, this can be treated as made on the specified form provided, on the date the application is made, the version of the paper form they use:

- is no more than 21 days out of date

- was previously specified for the immigration route under which the applicant is applying

Paper forms are marked with the version number and the date they are valid from.

An application made on a previous version of a specified paper application form must still meet the other route specific validation requirements or where still relevant, [paragraph 34 of the rules](#). This includes paying the correct fee specified by the fee regulations on the date of application, not the fee stated on the previous version of the form, which may be different.

For information on how to calculate the date of application see: [Date of application: original application](#).

If an applicant has not applied on the correct specified form, contact them using the 'Validity reminder in and out of country' template, indicating what the correct form is if it is clear, and advising them to seek advice on the correct form if it is not clear what route they are seeking to apply on. Give them 14 days to submit an application on that form.

If the applicant has attended the Service and Support Centre as part of their application, tell them in person they should consider making a variation application by completing a different form, and complete 'Checking whether intended application has been made' template to give the applicant to take advice on.

If the applicant does not respond to the request and complete the correct form, then their application on the incorrect form must be rejected as invalid using the 'Validity rejection in and out of country after write out' template. You should note on the validity screen in Atlas, or in the notes on CID, the reason for rejection.

Requirement: Mandatory sections of the application form

All mandatory sections of the application form must be completed. This is only relevant to paper forms as it is not possible to complete an online form without completing the mandatory sections.

An application must not be rejected as invalid if an applicant fails to complete non-mandatory sections of the application form.

If an applicant has not completed the mandatory sections of a paper form correctly, you may contact them using the 'Validity reminder in and out of country' template and give them 14 days to correct the errors or omissions.

Applying discretion when mandatory sections of the application form have not been completed

You can use discretion and accept the application as valid if a mandatory section of the form is not completed but the applicant provides the required information elsewhere in the application. For example:

- an applicant does not enter a required passport number on the form but provides the passport
- a UK-born child does not answer each question in the 'immigration history' section of a form

If an applicant has not completed the mandatory sections, has been given an opportunity to correct their error or omission and has not done so, and the application of discretion is not appropriate, then their application must be rejected using the 'Validity rejection in and out of country after write out' template. You must note the reason for rejection on the validity screen in Atlas, or in the notes on CID.

If you decide that exercising discretion is appropriate, you must confirm that you are treating the application as valid on the validity screen in Atlas, or on the notes in CID and record the reason why.

Contacting an applicant where they have used the correct application form but may have selected the wrong route or category

Where an application has been made, but it seems from the information you have, that the applicant has selected the wrong route or category on the form, you should contact them using the 'Checking whether intended application been made' template which gives them the opportunity to confirm whether or not they have made a mistake and want their application to be amended and considered under a different route or category.

If the applicant does not respond within 14 days, the application they have made on the route or category selected must be considered.

It is not possible to correct a route or category in this way when the wrong application form has been used. In those case see:

Contacting an applicant where they may have used the wrong form for their application

Where an application has been made, but it seems based on information you have, that they may have intended to make a different application, you should contact them using the 'Checking whether intended application been made' template, inviting them to seek independent immigration advice and, if they wish to make a different application, to submit that within 14 days of the date of the notice. Any application submitted before the original application is decided will be a variation of their current application. If the applicant is attending the Service and Support Centre to discuss their application, you should raise this with them at their appointment and give them a completed 'Checking whether intended application been made' notice to take away with them.

If the applicant does not submit a further application or withdraw their current application within 14 days, their current application must be considered.

Requirement: Fee payment and Immigration Health Surcharge

Fee payment

Each applicant must pay any relevant fee for their application in full and in accordance with the application process. 'Fee' includes the application fee and any required Immigration Health Surcharge (IHS) payment.

The fee to be paid is the one that applies on the date of application (for information on how to calculate the date of application see: [Date of application: original application](#)). For a variation application, the fee to be paid is the one that applies on the date of the variation application, not the date of the original application. If the fee changes after the date of application and whilst an application is being considered, this does not make the application invalid. The fees can be found on [GOV.UK](#).

If an applicant did not apply for a fee waiver and has not paid the correct fee, you must write to the applicant using the 'Validity reminder in and out of country' template to tell them that their application will be rejected as invalid if they do not pay the fee within 10 working days. The template will tell the applicant that if they cannot pay the fee, they may have the option to vary their application by submitting a fee waiver application and then a further application for permission without a fee if that fee waiver is successful. If the applicant does not pay the fee following the reminder, then you must record the reason for rejection on the validity screen in Atlas/in CID notes in CID.

Immigration Health Surcharge

The Immigration Health Surcharge (IHS) was introduced on 6 April 2015. All applications which require payment of the IHS, including applications to vary submitted on or after this date, must include payment of the IHS unless the applicant is exempt from payment or has obtained a fee waiver for the IHS. The IHS does not apply to applications for settlement.

If an applicant applies for entry clearance which will take effect as limited permission for more than 6 months, or permission to stay for a limited period, they are required to pay the IHS as part of their application (unless exempt). They must do so in accordance with the process set out in [Pay for UK healthcare as part of your immigration application](#).

The IHS must be refunded if an application for entry clearance or permission to stay is:

- refused
- rejected

- withdrawn prior to a decision being made
- void

Discretion - Fee waiver or fee exemption and validation

Some applicants can apply for a fee waiver to cover the application fee and/or the IHS. Some applications can benefit from a partial fee waiver, for example, when a family unit is making an application together and one applicant has been granted a fee waiver.

The most common fee waiver is for particular human rights-based applications and some citizenship applications.

An applicant applying online must apply for and obtain a fee waiver before they submit their application. An applicant applying on a paper form, where fee waiver is available, can apply for a fee waiver at the same time.

For guidance on fee waivers see: [Applications for a fee waiver](#). For guidance on IHS waivers see: [Pay for UK healthcare as part of your immigration application](#).

If the application for a fee waiver is on a human rights based route or the person raises a human rights claim in the fee waiver application (see the Appeal rights guidance for guidance on what is a human rights claim) and the fee waiver request is rejected by the Home Office as they do not meet the requirements set out in the guidance, you must still record the human rights claim on Atlas / CID, as the claim must be decided before a removal takes place.

See:

- [Variation of an application for leave: example scenarios](#)
- [Human rights and variations](#)

Dependents and ‘part payments’

The table below gives you examples of what to do if only part of the fee is paid and tells you how to process the application.

Applications made	Action to take
<p>An application route where the dependent can apply on the same form as the main applicant.</p> <p>The main applicant has:</p> <ul style="list-style-type: none"> • included dependents on their application form • only paid the fee sufficient to cover the main applicant 	<p>The only valid application is that of the main applicant. You must notify the applicants, including the dependents, by post / email or in person if they attend the Service and Support Centre, that the dependents’</p>

Applications made	Action to take
	<p>applications are not valid and give them 14 days to pay the fees for the dependants in the manner set out in the notification.</p> <p>If they do not do this, consider the main applicant's application and reject the dependent's applications.</p>
<p>An application route where the dependent cannot apply on the same form as the main applicant.</p> <p>The main applicant has:</p> <ul style="list-style-type: none"> • named dependents on their application form • only paid the fee for the main applicant • not submitted any dependent application forms 	<p>The only possible valid application is the main applicants. You must notify the applicant that no dependent applications have been received and that each dependent must complete a separate dependent form and pay the appropriate fee.</p>

Requirement: providing biometrics and proof of identity

Providing biometrics

An application cannot normally be valid if the applicant has not provided any required biometric information, unless exempt or excused from the requirement. The powers to require the provision of biometrics as a condition of a leave application are contained in the [Immigration \(Biometric Registration\) Regulations 2008](#) and the [Immigration \(Provision of Physical Data\) Regulations 2006](#).

UK Immigration: ID Check App process

On some routes, applicants who have a chipped passport or have a BRP can submit their biometric information (a facial image) using the UK Immigration: ID Check app and do not need to attend a VAC to provide their biometrics.

If the applicant uploads a facial image of inadequate quality, the Person Resolution Service (PRS) passes the relevant event into Atlas. The ID panel on the 'Review Suitability' screen in Atlas will show that Identity was rejected, prompting you to then

reject the application. The facial image standards are explained in the Biometric enrolment: policy guidance.

Before sending through to Atlas, PRS caseworkers must contact the applicant using the contact email provided as part of their registration and give them 14 days to provide a replacement photo. An automated reminder will also be sent after 5 days. If a suitable replacement photo is not provided, the application must be rejected using the 'Validity rejection in and out of country after write out' template.

If an applicant with a chipped passport cannot use the UK Immigration app, they must use the standard application process. It will therefore not be appropriate to apply discretion to treat the application as valid.

Standard application process

Applicants using the standard process will submit their application on paper or online and pay the relevant fee and any IHC (where applicable).

They will then be directed to book an appointment to enrol their biometrics:

- at a Visa Application Centre (VAC) if overseas
- at a UK Visa and Citizenship Application Centre (UKVCAS) or SSC (Service and Support Centre) if in the UK

The applicant will enrol their biometrics (unless they are excused from the requirement to enrol their biometrics information) and provide all supporting evidence at this appointment if they have not already uploaded their documents.

Family members included on the application will need to make and attend an appointment at the same time. Children aged under 16 must be accompanied by a responsible adult.

The applicant is given a timescale within which they must book and attend an appointment to enrol their biometrics. If they do not do so within the timescale, the system sends them an automated reminder, giving them a revised deadline to book and attend. If they still fail to enrol their biometric information (and no biometric deferral or waiver is obtained, and no exemption applies) then the application moves into Atlas so that you can reject the application using the 'Validity rejection in and out of country after write out' template.

You must note on the validity screen in Atlas, or in CID notes, the reason the application has been rejected. It will not be appropriate to apply discretion and treat the application as valid unless a biometric waiver or deferral has been given.

Biometric exemptions or excuses

There are some applicants who are not required to have some, or all, of their biometric information taken because they are wholly exempt from the requirement, such as individuals who are exempt from immigration control, partially exempt such

as children under the age of 5 who are not required to provide fingerprints but still must provide a facial image, or those excused from providing fingerprints, such as an applicant who is physically unable to enrol fingerprints. Where an exemption or an excuse applies to an applicant, the requirement to comply with the biometric regulations are met. If this is the case, you should record on the validity screen in Atlas that those biometrics are not needed.

The exceptions from the general requirement to provide biometrics are set out in the Biometric Enrolment Policy - Biometric information - enrolment.

Applicants who are overseas can ask for their application to be considered before they are required to attend a VAC to enrol their biometric information or alternatively, they can request the biometric requirement be waived or deferred so they do not need to attend a VAC to enrol their biometrics before coming to the UK. If already in the UK they can request a deferral or for the requirement to be waived. The guidance on waivers or deferrals is also set out in the Biometric Enrolment Policy. Biometric information - enrolment. Again, if a decision has been made that the biometric requirement can be waived or deferred, this should be recorded on the validity screen in Atlas.

Requirement: Proof of identity

For applications where paragraph 34 applies, the application form includes guidance for applicants for leave to enter or remain/permission to enter or stay on what they should provide as proof of identity to meet the requirements set out in [Paragraph 34 of the Immigration Rules](#).

Paragraph 34 sets out that an applicant must provide, in order of preference:

- a valid passport
- a valid national identity card - this option is not available for points-based system (PBS) applicants
- their most recent passport - this is the last one they held if no longer valid
- their most recent national identity card - this is the last one they held if no longer valid
- a valid travel document – this means a document, other than a passport or nationality identity card, which has been issued by the government of the UK or another state and which enables travel from one country to another

A passport, national identity card or travel document will not be valid if it:

- has been cancelled
- has expired
- was not issued by the government or authority by which it purports to have been issued
- has been altered in some way
- cannot be linked to the presenter (through facial matching)

For applications made where paragraph 34 does not apply, the applicant must provide one of the documents specified in the route specific validation rules:

- a valid passport
- a travel document (in some routes)
- other document which satisfactorily proves identity and nationality

The Identity Security policy team can provide guidance on which documents meet these requirements, as well as whether to consider exercising discretion when an applicant does not provide the required proof of identity.

You can email the Identity Security team.

Where the applicant has already provided proof of identity

You do not need to contact the applicant to request proof of identity if either:

- the applicant has already proved their identity using the UK Immigration: ID Check app as part of their application to a reasonable degree of certainty
- the Home Office already holds the applicant's proof of identity for example, passport

If an applicant's proof of identity has been lost or stolen

If the applicant's proof of identity has been lost or stolen, the applicant should have contacted the relevant authorities to request a replacement.

If the applicant states their proof of identity has been stolen in the UK, they should provide a crime reference number with their application if they have one.

Where an applicant does not have a replacement document, or an alternative document specified in the rules, then you may ask them, using the 'Validity reminder in and out of country' template, to provide the reason why they have not sought to replace their proof of identity.

Reasons why an applicant cannot provide the required document

There may be a good reason why the applicant cannot provide the required document, such as one of the following (this list is not exhaustive):

- there is no longer a functioning national authority to provide a new document
- there is no embassy or consular service for their country in the UK
- there is a national authority to apply for a document, but they have run out of documents
- the applicant has made an application for a replacement document, but the issuing authority was not able to provide it before the application was made
- the applicant cannot obtain a document for reasons of national or personal security

- the national authority has unreasonably refused to provide a document, for example, if the national authority:
 - will only provide a passport if the applicant applies in person but there is no provision to apply in person in the UK
 - puts unreasonable barriers in place for the applicant

Where the applicant has given a good reason why they cannot provide the required document, you may ask them to provide alternative satisfactory evidence of their identity and nationality. However, the onus is on the applicant to satisfy you about their identity to a reasonable degree of certainty.

The Identity and Security policy team can provide further advice on alternative documents: email the Identity Security team.

If an applicant has not provided satisfactory proof of identity, and no exception applies, you may contact them by using the 'Validity reminder in or out of country' template or tell them in person at the SSC and give them 14 days to provide satisfactory proof of identity.

If the applicant does not provide any further evidence to prove their identity, and discretion is not appropriate, you must reject the application using the 'Validity rejection in and out of country' template. You should note the reason for rejection on the Validity screen in Atlas, or in notes on CID.

Requirement: Consent for applicants who are under 18 years old (only for routes where paragraph 34 of the Immigration Rules applies)

If the applicant is under the age of 18, and not a dependent on an adult's application, then their parent or legal guardian must provide their written consent to the application. This is a requirement set out in [paragraph 34\(7\) of the rules](#) but only in relation to the routes to which it applies.

Where a parent or legal guardian completes an application on behalf of a child, that should normally be regarded as written consent to the application.

If the parent or guardian of an applicant who is under 18 does not provide written consent with their application, they can be contacted using the 'Validity reminder in or out of country' template giving them 14 days to provide it.

If the applicant attends a Service and Support Centre with their parent or guardian and you have proof of the relationship you may ask them to provide written consent to the application at the appointment.

However, you should consider any explanation given for the absence of written consent and whether it is appropriate to exercise discretion to treat the application as valid without it.

Examples of where you might exercise discretion in favour of the applicant include:

- they are estranged from their parents
- their parents are not contactable for some reason
- there's domestic violence in the family and the applicant is unwilling or unable to seek consent from both parents

Requirement: previous leave

Routes which have their own rules on validity requirements (where paragraph 34 does not apply) set out what previous permission an applicant must have had to make an application under that route. For example, Appendix Skilled Worker contains a validity rule as follows:

'SW 1.5. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.'

If an applicant had, or was last granted, the type of permission set out above, then they have not made a valid application as a skilled worker.

You may decide, on a case-by-case basis, to exercise discretion when considering this validity requirement, for example, where a person has previously been granted leave outside the rules (for example, persons arriving from Ukraine granted leave outside the rules at the border) it is likely to be appropriate to exercise discretion and treat their application as valid and allow them to make an application as a Skilled Worker.

If it is not appropriate to exercise discretion, then you must write to the applicant using the 'Validity reminder in and out of country' template, explaining that the applicant cannot meet this requirement and giving 14 days to vary to another application if they choose to. If they do not choose to submit another application to vary this one within 14 days, then you must reject the application using the 'Validity rejection in and out of country after write out' template, telling the applicant that their application is invalid and the reason why. You must record this on the validity screen in Atlas or in the notes on CID.

Dependent requirement: link to main applicant's permission or application

A dependent application must be 'linked' during validity to their main applicant.

A dependent partner or child can only have a valid application if either:

- the person on whom they are dependent has made a valid application that has not yet been decided
- the person on whom they are dependent already has permission on the route that they are applying
- the person on whom they are dependent is already settled or a British Citizen and had permission on the route the dependent is applying on when they settled - the dependent must also already have had permission as their partner or child when they settled

If a dependent applicant cannot meet this requirement, you must write to them using the 'Validity reminder in and out of country' template to explain that their application cannot be valid, and that their application will be rejected in 14 days, unless they make a variation application.

What if there is more than one reason an application is not yet valid?

If an application is invalid because no biometrics have been provided, then you do not need to give any other reasons that the application was not yet valid. The application can be rejected solely on the basis of non-provision of biometrics: Biometric information - enrolment.

If a main applicant has failed to enrol biometrics, but a dependent applicant has done so, you should write to the dependent using 'Validity reminder in and out of country' template to tell them that the main applicant's application is invalid, and that, unless they take action, their application will also be rejected after 14 days. This gives them time to submit another application in their own right. If they do not submit a further application in the meantime, then the dependent applicant's application must be rejected after 14 days. In these cases, you do not need to consider whether the application was also invalid for any other reason; they can instead reject the application solely on the basis of non-provision of biometrics.

If an application is not yet valid **for reasons other than non-provision of biometrics**, the next steps to take depend on which validity requirement is not yet met.

There are 2 types of validity requirements:

- those where the applicant cannot do anything to rectify any omission or mistake (see [Validity requirements that the applicant cannot take action to meet](#))
- those where an applicant can take action to rectify any omission or mistake

Where an applicant cannot do anything about the fact that their application is invalid, for example, they must be 18 years old to apply and are only 16 years old, then there is no need to give them a chance to provide further information or to tell them about any other validity requirements they had not yet met.

Instead, you should send them a notification, using the 'Validity reminder in and out of country' template, explaining that their application cannot be made valid, and that

they can choose to submit another application to vary this one or to withdraw their application within 14 days. Otherwise, the application will be rejected as invalid. You do not need to consider any other reasons why the application may be invalid.

Where an applicant could take action to make their application valid, for example, by paying the right fee, or providing a certificate of sponsorship, you must write to them to give them a chance to make their application valid using the 'Validity reminder in or out of country' template. **The template must include all reasons that the applicant has not met the validity requirements to give them an opportunity to correct all errors or omissions.**

Where there is an associated dependent application, you should write at the same time to the dependent, using the 'Validity reminder in and out of country' template, explaining that the main applicant's application is not yet valid, and that they have 14 days to rectify any omissions or errors or their application will be invalid, which will also mean the dependent's application will be invalid.

Exceptions to the validity requirement

For applications made under Appendix FM and Appendix Private Life, the requirement to make a valid application may be waived in certain circumstances. Please see the guidance on these routes for more information:

- Appendix FM guidance
- Private Life guidance

How to reject an application as invalid

If an application is invalid, even after a reminder has been sent to the applicant, and you are not applying discretion to treat an invalid application as valid then the application must be rejected as invalid using the appropriate rejection template as set out under each requirement heading in this guidance. The applicant must be refunded their application fee minus a £25 administration fee.

If an applicant makes another application within 14 days, then the period of overstaying will be disregarded, in that, paragraph 39E of the Immigration Rules will apply but they will not have 3C leave.

If an application made out of country does not meet then validity requirements as set out in the Immigration Rules and the case cannot be resolved within decision making teams, then email the Administrative policy team for advice on how to proceed.

Service of notice of invalidity

In accordance with [Appendix SN](#) of the Immigration Rules, a notice of invalidity is deemed to be served (unless the contrary is proved):

- by post: 2 days after the date of posting the letter

- by hand: on the date it is given to the applicant by an officer acting on behalf of the Home Secretary
- by email: on the date it was sent by email

A notice of invalidity cannot be served to an overseas address if the person who made the application is in the UK.

Return of documents

If the application is made online, there will generally be no physical documents to return, as these will have been digitally scanned and uploaded with the application or returned to the applicant after scanning at their biometric appointment. However, we may retain passports or other identity document if a person attends a Service and Support Centre (SSC) in person.

Where documents are retained, they must be retained or returned as set out in the table below.

Circumstances of the rejected application	Documents to retain	Documents to return
<p>The applicant:</p> <ul style="list-style-type: none"> • applied out of time • applied in time but permission has now expired • is liable to removal 	<p>The applicant's:</p> <ul style="list-style-type: none"> • passport • travel document • national identity card 	<p>Send the following to the applicant, or their immigration adviser, with the 'Validity rejection in or out of country' template:</p> <ul style="list-style-type: none"> • the paper application form • supporting documents
<p>The applicant applied in time and the application was rejected but the applicant still has extant permission which isn't going to be cancelled (curtailed)</p>	<p>None</p>	<p>You must return all documents to the applicant, including the following if they are held by the Home Office:</p> <ul style="list-style-type: none"> • passport • travel document • national identity card

Applications to vary an outstanding application

Paragraph 34BB of the Immigration Rules sets out when and how an application is varied.

Although the variation rules apply to applications made under the Immigration Rules made both in the UK and overseas, they are currently only applied in practice as

variation requirements to applications made in the UK. They will be rolled out to applications made outside the UK when the technology is in place.

The application to vary will be decided according to the Immigration Rules in place on the date the application to vary was made.

Checking for an outstanding application

A variation of an application will look like a new application. You must check the caseworking systems to see if an earlier application exists which has not been decided. The applicant may have also indicated on their application form that they have an outstanding, undecided application. If it is a new application you must consider whether it can be made - guidance on applications made while a person's leave has been extended under section 3C of the 1971 Immigration Act can be found in 3C and 3D leave.

Where a person submits an application under the Immigration Rules and has a previous application that has not yet been decided, the latest application varies the previous application and only the new application will be considered. The applicant should be informed of this using 'Simultaneous applications' template and refunded the earlier fees as appropriate (subject to the exception concerning protection and human rights, see: [Variation of an application for leave: example scenarios](#)).

If an applicant submits an application to vary their previous application, but a decision has already been made on the original application, you must write to them using the 'Variation request but decision already made' template and tell them that the application will be treated as a new application and give them an opportunity to withdraw the later application. If it is a new application you must consider whether it can be made - guidance on applications made while a person's leave has been extended under section 3C of the 1971 Immigration Act can be found in the 3C and 3D leave.

Simultaneous applications

Where it is not clear which is the most recent application, you should contact the applicant using the 'Simultaneous Applications' template, asking them to confirm within 14 days which application they would like to be considered and explaining that if they do not, all applications will be treated as invalid. If the applicant responds explaining which application they would like to be considered, all the other applications will be varied and will not be decided.

If the applicant does not respond within 14 days, then all applications should automatically be treated as invalid.

Human rights applications and variation

A human rights application cannot be varied by later applications. This includes asylum applications. For details on which applications are also human rights claims

see the Rights of Appeal guidance under the heading 'What is a human rights claim?'

Where a human rights claim is made followed by another non-human rights application which is granted, then the previous outstanding human rights claim is treated as withdrawn. If you considered the second application, you should tell the applicant this using the 'Withdrawal' template

Where a human rights claim is made followed by another non-human rights application which is refused, you should email the Administrative Policy team for advice.

A human rights application made when an appeal is pending on a previous application does not vary that previous application and does not extend the person's permission by virtue of section 3C of the Immigration Act 1971. For more information, see: Rights of Appeal.

Exceptions to Paragraph 34BB

Paragraph 34BB does not apply to applications made under Appendix EU. See: EU Settlement Scheme caseworker guidance.

Paragraph 34BB should not be applied to applications made to the Windrush Scheme and the Windrush Compensation Scheme. See:

- [Windrush Scheme: get a document showing your right to be in the UK](#)
- [Apply to the Windrush Compensation Scheme](#)

The Immigration Rules (including paragraph 34BB) do not apply to applications for citizenship. See: [Citizenship application forms](#).

For settlement applications made under Appendix Settlement Family Life and Private life, where the applicant does not meet certain suitability requirements for settlement and the SSHD varies the settlement application to one for Permission to Stay, please refer to Settlement: family and private life guidance. Settlement varying a settlement application to permission to stay.

Refunding application fees when variation applies

When the original and variation applications are made online, the applicant will have paid 2 fees. You must refund the fee for the first application. If both applications, or the second application, are on paper, and the fee for the second application is higher, the applicant must pay the difference between the original fee and the new higher fee, and you must write to them using the 'Validity reminder in and out of country' template, to tell them what the difference is and request payment.

Where an EU national or their family member varies a previous application made under the Immigration Rules to an application under the EU Settlement Scheme for

either settled or pre-settled status, the fee for the first application should be refunded.

Dependents and variations

Where a main applicant applies at the same time as their dependents and then varies their application, the following should apply:

If the dependents applied on the same form as the main applicant, in that they had not submitted an application in their own right, and are not included on the new application, or the new application does not allow dependents to be included, then you must write to the dependents on the application using the 'Validity reminder in and out of country' template. You must tell them that the original application has been varied, that they are not included in the variation application and that their original application has been treated as withdrawn. You should tell the dependent that they should now make a separate application.

If the dependents had applied on their own form and are not included on the new application, or the new application does not allow dependants to be included, you must write to the dependants on the application using the 'Validity reminder in and out of country' template. You must ask them whether they would like to vary their application in line and tell them that if they do not reply within 14 days then their application will be rejected as invalid.

If a dependent was not included in the original application, they can be added to the variation application provided the route allows dependants. Their date of application will be the date of the variation application (the new application) and not the date of the original application (the old application).

Date of application: original application

The date of application for an online application is the date it is submitted using the online process, or, when a fee waiver application was also made as was granted the date of application is the date the fee waiver was requested.

If you withdraw a decision to treat an application as invalid and instead accept it as valid, the date of application is the date the application was originally made.

If an application was previously rejected as invalid and the applicant then submits a valid application, the date of application is the date the valid application is submitted.

The date of application for paper applications sent by post by Royal Mail, including Parcel Force, is the date of posting that is indicated on the tracking information, or if not tracked, on the postmark on the envelope.

The date of application for postal applications delivered by courier is the date it is delivered to the Home Office.

If the envelope in which the application was posted is missing, or if the postmark is illegible:

- you must take the date of posting to be at least one working day before it is received - you must take the date of processing on the payment contractor's stream sheet as the date the application was received
- if there is also accompanying correspondence with the application that matches the likely date of posting, and that date is earlier than postage date calculated using the above method, you must take this earlier date as the application date

If you are unsure, you must accept the probable date most favourable to the applicant.

Date of application: application to vary

Where an application is varied, the application date remains the date of the original application. There is an exception to this for dependants (see below). This is relevant to whether an applicant has, or will have, their leave extended under section 3C. For further information see: 3C and 3D leave. For the purposes of assessment against the rules, the relevant date is the date the variation application is made.

For dependents:

- if the dependent was included in the original application and is included in the variation application (the new application) the date of application for the dependent's application is the date the original application is made
- if the dependant was not included in the original application but is included in the variation application (the new application), the date of application for the dependant's application is the date the new application was made

Variation of an application for leave: example scenarios

Example scenario 1

An applicant submits application A in time. They then submit application B before application A has been decided, but after the applicant's leave has expired when the applicant transitioned to 3C leave.

As the applicant transitioned to 3C leave and a decision has not yet been made on application A, application B is automatically considered as a variation of application A. The date of application is the date application A was submitted. Application B is assessed against the rules in place on the date application B was submitted.

If Application A is a human rights application, as listed in Current rights of appeal guidance, and application B is granted, then the outstanding human rights claim is treated as withdrawn. If application B is refused, then the outstanding human rights claim remains outstanding to be decided at a later date.

Example scenario 2

An applicant submits application A in time. They transition to 3C leave and application A is refused, and the decision is served with a right of appeal. The applicant then submits application B, whilst their leave is still extended under section 3C (such as before the time limit to appeal has ended or while an appeal is pending).

In this scenario, if application B is a human rights application or protection claim, it must be decided. If possible, it should be decided before the appeal against the refusal of A is heard. If application B is any other type of application, then it is void as an applicant cannot make an application that is not a protection claim or human rights application whilst they have permission extended by 3C. For further information on 3C leave, see: 3C and 3D leave.

Example scenario 3

An applicant submits application A (either in or out of time). Application A is refused, and the decision is served, with a right to administrative review. The applicant then submits application B before the AR is decided.

The submission of application B brings the administrative review period and therefore any period of 3C leave, where applicable, to an end. Application B cannot be a variation of application A, because the decision on application A has already been made. Application B should be considered as a new application.

Attempts to make multiple applications in a single form

An application form can only be used for its specified purpose. Sometimes applicants try to make multiple applications on a single form. For example, they may raise a human-rights claim as part of an application for permission to stay as a student.

This is not the specified form and so is not allowed unless the form is designed to include a human rights claim.

Almost all the application forms on GOV.UK and the paper forms include a message reminding the applicant of what will be considered as part of the application.

This message is not included on specified forms for human rights routes. If you are unsure of whether the applicant would have seen this message, you can check with the Guidance, Rules and Forms Team.

Where a person attempts to make multiple applications using one application form or in an accompanying letter, you must write out to the person using the 'Application Including HR Claim or at Same Time as HR Application' template. This template explains to the applicant that they have raised issues that cannot be considered as part of that specified application. The template explains that the applicant can make a variation application if they want to make a different application.

Requests to withdraw applications

An applicant can ask to withdraw their application for entry clearance, permission to enter or permission to stay at any time before a decision is made on the application, in accordance with paragraph 34H of the Immigration Rules, by either:

- written request by email or post
- using the online form: [Cancel your visa, immigration or citizenship application](#)

If the request is ambiguous, you must confirm the withdrawal request with the applicant. The date of withdrawal is the date the request is received by the Home Office, calculated in line with the information set out in [Date of application: original application](#).

There is no requirement to agree to the withdrawal of the application and you may instead, where appropriate, decide the application.

The most common reason to refuse to accept a withdrawal request from an applicant and decide an application is where there is a suspicion that deception has been exercised by the applicant. For example, if the applicant has knowingly submitted fraudulent documents.

You must notify the applicant using the 'Withdrawal' template that they are refusing to accept the request to withdraw.

Withdrawals and refunds

If an applicant has asked to withdraw their application, and the request has been agreed, they may be entitled to a full refund. This will depend on both:

- when the request is received
- whether or not they have enrolled biometrics or uploaded supporting evidence (if using the IDV app)

There is generally no refund where the application is withdrawn post-enrolment of biometrics/document-upload. For guidance on when the full fee is returned see: Refunds policy.

Examples

Request to withdraw an in-time valid application where the applicant has extant leave

If a person wishes to withdraw their application, you must notify them using the 'Withdrawal' template to say that their application had been validated and has now been withdrawn as requested and that their extant permission will continue.

Request to withdraw an in-time application which is not yet valid where an applicant's permission has expired and then have transitioned to permission extended by section 3C Immigration Act 1971

If a person makes an in-time application and requests withdrawal of the application before their application is valid but after their original permission has expired, you must notify them using the 'Withdrawal' template. You must tell them that their application has been withdrawn and at the point of withdrawal, the application was not valid and that, therefore, their permission expired on the date their previous grant of leave had come to an end.

Request to withdraw an in time valid application where the applicant's permission has expired and they have transitioned to permission extended by section 3C Immigration Act 1971

If all validation requirements have been met but the applicant still wishes to withdraw their application, you must notify them using the 'Withdrawal' template to say that their application has been withdrawn as requested and that their leave ended on the date the application was withdrawn.

Request to withdraw an application for settled and pre-settled status made under the EU Settlement Scheme by an EU citizen or their family member

Requests for withdrawal of an application for settled or pre-settled status from an EU national or their family member is covered in the EU settlement scheme guidance.

Withdrawn applications – travel outside the CTA

If an applicant has applied for permission to stay and travels outside the common travel area (CTA) before a decision has been made on their application, you must treat the application as withdrawn on the date the applicant left the CTA.

The CTA consists of:

- UK
- Republic of Ireland
- Channel Islands
- Isle of Man

If the applicant has not informed UKVI of their travel outside the CTA and a caseworker subsequently discovers they have travelled, for example, using an 'Exit Check', then the application must still be treated as withdrawn on the date they left the CTA. You must record the outcome of the 'Exit Check'.

This is set out in paragraph 34K of the Immigration Rules. If biometrics have already been submitted, or documents have been submitted online where no biometrics are needed, you must not refund the fee.

For further guidance on the Common Travel Area see: Common Travel Area guidance.

Guidance on multiple applications (relevant only to applications made from outside the UK)

Multiple applications for entry clearance – where no decision has been made

Where an applicant has made multiple applications for entry clearance and no decision has been made on any of the applications, you should write to the applicant explaining that only their most recent application will be considered, and the previous applications will be voided and refunded.

Where you consider that clarification is needed on which application should be considered, for example, because applications are on different routes, or where one application includes dependants, but another does not, you can ask the applicant to indicate within 14 days which application they would like to be considered instead of the latest application. The other applications will be voided.

If no clarification is needed, or if clarification is sought but the applicant does not clarify within the 14 day timescale, you should proceed to consider the latest application and return the fee they have paid for that application or those applications.

Related content

[Contents](#)

Void applications

An application is void when it where it would not be possible to grant the applicant the permission for which they applied. For example:

- an application for limited leave to enter/remain (permission to enter / stay) made by a person who already has indefinite leave to enter or remain (settlement)
- an application for leave to enter or remain (permission to enter / stay) made by a person who is exempt from immigration control, such as members of the home forces or diplomatic staff – see: [Chapter 14, section 1: persons exempt from control](#) – except that a person who is exempt from control may also make an EUSS application and this application must not be treated as void.
- an application for leave to remain (permission to stay) from a person who has their leave extended by 3C pending an appeal or administrative review, unless it is also a human rights or protection claim – see: 3C and 3D leave and for details on which applications are treated as human rights claims see the Rights of appeal
- where an applicant dies before the application has been decided: for further information see: [Where an applicant dies before the application is decided](#)

If you think that an application should be void in any circumstances other than these, they must email the Administrative Policy Team for confirmation.

You should inform the applicant that their application is void using the ‘Void’ template, other than in cases where the applicant has died, and mark the application as Void in Further Actions on Atlas.

An application which is void cannot extend a person’s permission under section 3C: 3C and 3D leave.

Where an applicant dies before the application is decided

If the Home Office receives notification that an applicant has died before the application has been decided, the deceased person’s application must not be marked as void on the caseworking system until a copy of the death certificate has been received.

You must handle such cases with sensitivity and respect, and with due regard to the needs of the deceased person’s family.

You must contact the person who notified the Home Office of the death of the applicant using the ‘Void application – deceased main applicant request for information’ template to ask them if they have a copy of the death certificate if not already provided and ask for confirmation of who is managing the applicant's affairs.

Once the certificate is received, you must record the individual's death on the casework system and record the case outcome as 'Deceased'. If the person has extant permission, you must cancel it and record the reason as 'Deceased'. If the Home Office holds the deceased applicant's passport you must also advise their family that the Home Office will return the passport (valid or expired) to the deceased individual's UK Embassy or High Commission and the family will receive a letter from us which confirms that using the 'Void application – deceased main applicant request for information' template.

If the applicant has a biometric residence permit (BRP) which is not currently with the Home Office, you should ask for it to be returned to Home Office using the 'Void application – deceased main applicant request for information' template.

The refund for the visa application fee and the Immigration Health Surcharge (if applicable) will be paid into the bank account used to pay the fees when the application was submitted. It can take up to 28 days to process the refund.

The Transactional Services Team will contact the customer to request new details if the refund has failed.

If you are contacted directly due to the possibility of a failed refund these queries should be forwarded to the Transactional Services Correspondence mailbox.

You must also check if the deceased applicant has any linked dependents who have outstanding applications that have not been decided. You should write to the dependents using the 'Dependent when main applicant has died' template advising them that their application cannot be granted as their main applicant's application is now void and informed that they can choose to vary or withdraw their application.

If the dependent has extant permission, you must consider whether their permission should be cancelled - see Cancellation and Curtailment of permission.

Void for operational use – (relevant only to applications made overseas)

Where an application for entry clearance needs to be 'pulled' from one Proviso server to another, you should void the first application so that it is no longer a live application on the original server to which it was uploaded.

Retention of an administration fee where application invalid (in country)

Fees regulations provide for the Home Office to retain an administration fee when rejecting an application as invalid. It applies to all charged applications.

The Immigration and Nationality Refunds Policy sets out the circumstances in which an administrative fee must be retained.

Related content

[Contents](#)

Postal strikes

You must consider how an official postal strike affects:

- an applicant's ability to post their application and related correspondence
- the time it takes for an applicant to receive decisions made or correspondence sent by the Home Office

If a global email is issued to Home Office staff following a postal strike advising you how to deal with evidence affected by the strike. You should follow the instructions in the email.

Letters and packages posted immediately before or during strikes

Letters and packages posted immediately before or during strikes may have postmarks dated some days later and applicants may be unable to post their applications during a strike.

If a postmark is dated within 2 days, excluding Sundays and bank or public holidays, of the end of any national postal strike, you can consider the application was submitted on the last full collection day before the strike.

Evidence the application was made after the last full collection day before the strike started

If there is evidence to suggest the application was posted after the last full collection day before the start of a strike, you must ask your manager if you can consider the date of the correspondence as the application date.

Evidence can include:

- the application form was signed after the last collection date
- supporting evidence, such as letters or bank statements dated after the last collection day

Requesting further information

If you have requested more information from an applicant, you must allow the applicant more time to provide the information if their ability to submit the evidence is affected by the strike action. This must be equivalent to the number of strike days plus an additional 3 days. You must only consider rejecting or refusing the case on the non-production of information or evidence after this time has passed.

If the evidence does not clearly identify the date of postage and if the delivery time was affected by a strike, you must give the benefit of doubt to the applicant.

Unofficial strikes

If there is evidence to suggest the posting of an application, related correspondence or the receipt of a decision may have been affected by unofficial strike action, you must consult your manager with a view to applying the principles that apply during an official strike. You must give the benefit of doubt to the applicant if the evidence of how the unofficial strike action affected the postage or receipt date is ambiguous.

Related content

[Contents](#)