



Home Office

Withdrawing asylum claims

Asylum Policy instruction

Version 9.0

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About this guidance

This guidance tells decision makers about the circumstances in which an asylum claim should be treated as withdrawn in accordance with [paragraph 333C of the Immigration Rules](#).

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 Asylum 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 **9.0**
- published for Home Office staff on **11 December 2023**

Changes from last version of this guidance

- updated to refer to the 'Withdrawal Notification Letter' reference number
- updated to reflect the new process for failure to attend multiple scheduled interview appointments
- updated to reflect the change in timescale to notify reasons for non-attendance at interviews and reporting events

Related content

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Introduction

Purpose of instruction

This instruction provides guidance on the implicit and explicit withdrawal of asylum claims. In particular, it covers:

- the circumstances in which asylum claims can be treated as withdrawn
- implicit and explicit withdrawal under [paragraph 333C of the Immigration Rules](#)
- withdrawal of non-protection based applications under the European Convention on Human Rights (ECHR) made as part of an asylum claim and
- incorrect withdrawals

This guidance does not cover cases where a recognised refugee wishes to renounce their refugee status, where a refugee no longer qualifies for refugee status or where consideration is being given to whether refugee status should be revoked. See the separate guidance on revocation of protection status.

Background

Asylum claimants may notify the Home Office that they intend to withdraw their asylum claim and either leave the UK, remain on the permission to stay they already have or pursue another application for permission to stay. Claimants may also fail to comply with the asylum process and / or abscond before a decision is made on their asylum claim. All withdrawn claims must be properly recorded, and enforcement action pursued where necessary so that decision makers can focus their attention on legitimate asylum claims.

Policy intention behind treating claims as withdrawn

The underlying policy objective in treating an asylum claim as withdrawn is to:

- maintain the integrity of the asylum process by focusing efforts on those claimants whose behaviour demonstrates they are serious about pursuing their asylum claim
- treat claims as withdrawn where the claimant shows no real interest in pursuing their claim by failing to comply with the process, failing to provide up to date contact details, absconding or leaving the UK without permission before a decision
- demonstrate a commitment to ensuring genuine refugees are given the protection they need quickly, whilst robustly pursuing removal action against those who make asylum claims and subsequently abscond

Application of withdrawing asylum claims to children

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) requires the Home Office to carry out its existing functions in a way that takes into account the need to

safeguard and promote the welfare of children in the UK. The process of withdrawing an asylum claim operates alongside existing child safety procedures and considerations so it is unlikely that a decision to treat an asylum claim as withdrawn would adversely impact on the best interests of a child. However, caseworkers must be alert to any child protection issues that may arise in this context.

Where children are named as a dependant on their parent's claim it is expected that parents will be acting in the best interests of their children if they seek to explicitly withdraw the claim. However, you must be alert to the possibility that there may be reasons that the parents may not be acting in the child's best interests. In which case, you must follow the safeguarding procedures. You must still consider the impact on children and whether there is evidence to suggest that they may have a claim in their own right. If the parent explicitly or implicitly withdraws their claim which is being considered as part of a Family Asylum Claim, then the child's claim will be considered as an independent claim in its own right following the Children's asylum claims guidance unless or until the child also withdraws their claim. Explicit withdrawals for children who are dependent on an asylum claim must be done through a responsible adult or immigration advisor.

In cases where an unaccompanied or accompanied child seeks to explicitly withdraw their asylum claim they must do so through a responsible adult or their legal representative. This is to ensure they are aware of the consequences of withdrawal and their best interests can be taken into account. For cases involving children who fail to attend their asylum interview or are non-compliant see Processing asylum applications from children.

It is not expected that responsible parents would fail to comply with the asylum process if they have a genuine claim but where it has been confirmed that a family has absconded you should refer to the Family Returns Process if the family has previously been engaged by the Family Returns Unit (FRU).

If a main claimant leaves the UK, along with their children who are dependants on the claim or as part of a Family Claim, then the asylum claim may be withdrawn in line with the guidance at section [Travel abroad and requests for passports](#). This also applies to claimants who leave the UK with British children.

If the main claimant leaves the UK, but their children remain within the UK, then you will need to confirm with the family members in the UK, what steps they are taking to regularise their stay in the UK. This may include:

- those who were dependants who did not previously wish to make a protection claim in their own right
- those remaining family members, who were part of a Family Asylum Claim, you will need to check if they wish to continue their asylum claim in their own right

Where a child has absconded without their parents, you must make sure the child is recorded as missing and the relevant agencies are informed. The Missing Children and Vulnerable Adult (MCVA) process detailed in Identifying people at risk provides specific advice on the steps to take. Where it has been confirmed that the whole family has absconded with a child, the child will need to be linked to the absconding

parents. Details of this process can be found in the Non-compliance and absconder process guidance, cross referencing to the MCVA process.

For further information on the key principles to take into account, see: [Section 55 Children's Duty Guidance](#).

Related content

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Relevant legislation

The Immigration Rules

[Paragraph 333C of the Immigration Rules](#) sets out the circumstances in which it is appropriate to treat an asylum claim as withdrawn. It only applies to requests for international protection as outlined in [Paragraph 327 of the Immigration Rules](#) (definition of asylum claimant). It does not apply to non-protection based human rights claims.

[Paragraph 326B of the Immigration Rules](#) states that where the Secretary of State is considering a protection claim, any Article 8 issues raised as part of that claim will be considered at the same time as that claim. Consideration must be in line with the provisions of [Appendix FM \(family life\)](#) and [Appendix Private Life](#). This means that if the asylum claim is treated as withdrawn, any Article 8 claim is also withdrawn in line.

[Paragraph 358B of the Immigration Rules](#) states that that an asylum claimant must notify the Secretary of State of their current address and of any change to their address or residential status. If not notified beforehand, any change must be notified without delay after it occurs.

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Explicit withdrawals

Valid explicit withdrawals

Explicit withdrawals allow claimants to notify the Home Office that they no longer wish to pursue their asylum claim. This can be for various reasons, for example the claimant may have obtained leave to remain via another immigration route, or they may decide that they wish to return to their home country.

An asylum claim will be treated as explicitly withdrawn under [paragraph 333C](#) of the Immigration Rules when the claimant has signed and submitted a valid withdrawal form, including but not limited to:

- IS.101
- IS.101(PA)
- ASL.4857
- Completed Voluntary Return Service (VRS) application form

Where the claimant and / or their legal representative acting on their behalf, has contacted the Home Office and explicitly confirmed in writing they wish to withdraw their asylum claim, then in the absence of the relevant form, the asylum claim will still usually be withdrawn.

When considering an explicit withdrawal, you must consider the claimant's mental capacity. For further information see section [Consideration of mental capacity](#).

Notification of explicit withdrawal

When the asylum claim is treated as explicitly withdrawn a letter (ASL.5556 Withdrawal Notification Letter) must be sent to the claimant and their immigration advisor (if applicable), confirming that their asylum claim is withdrawn and will no longer be considered. Confirmation of this must be recorded on casework systems.

Valid explicit withdrawals from children

Withdrawal forms submitted by unaccompanied asylum-seeking children aged between 12 and 17 years of age must be signed by the child and their legal representative. This is necessary to confirm the intention of the child to withdraw their asylum claim and that they understand the consequences of doing so.

If the claimant is under 12 years of age, they will not be expected to sign the form; it must be signed on the child's behalf by their legal representative.

Withdrawal by dependants

A dependant may decide to withdraw their application to be recognised as a dependant on a claim even though the main claimant has not. In this circumstance,

the dependant must be removed as a dependant from that claim – this does not affect the main claimant or any other dependants on that claim.

You must write to that dependant confirming that they will no longer be treated as a dependant on the asylum claim. You must advise them that they will need to leave the UK unless they have, or have applied to obtain, permission to stay on a relevant route. A copy of the letter should be sent to the main claimant via their immigration advisor (if they have one) unless there are safeguarding issues (for example domestic abuse in which the partner should not be informed about their previous partner's whereabouts). Home Office records must be updated to reflect the dependant has been removed from the claim, including a note that the main claimant has not withdrawn their claim.

Where there is information that suggests relationship separation or marital breakdown, then you must sensitively contact both parties and confirm their intentions for their asylum claim and dependency upon an asylum claim. You must ensure that you do not share any information that a claimant has confirmed should not be disclosed to their partner. For example, in cases involving domestic abuse you must not disclose information in relation to whereabouts or arrangements with children.

If there is information regarding domestic violence or abuse, then you must also refer the case to the Safeguarding Hub. If a claimant or dependant does not contact the Home Office, you may also need to sensitively contact an individual to understand their intentions for their asylum claim or dependency upon an asylum claim. If there are children within the family unit, you may need to liaise with other statutory agencies and government departments which may include social services and the police and consider the best interests of any children.

For further information see the Dependants and former dependants guidance.

Withdrawal of Family Asylum Claims

If a claimant whose claim is being considered as part of a Family Asylum Claim decides to explicitly withdraw their claim it does not affect the other claims which are being considered as part of a Family Asylum Claim.

For children who no longer wish to pursue an asylum claim as part of a Family Asylum Claim or individually, they will not be able to make a further asylum claim, because those who claim asylum as part of a Family Asylum Claim are treated as having made an asylum claim in their own right.

Where a valid withdrawal is made by a child whose claim is being considered as part of a Family Asylum Claim, the main claimant and any other children whose claims are being considered as part of a Family Asylum Claim must continue to be considered under the Family Asylum Claim process. If there are no other children who have claims as part of the Family Asylum Claim, the main claimant's claim must proceed as an individual claim.

Where a valid withdrawal is made by the parent as the main claimant on the Family Asylum Claim, then the claims of any children who are claiming as part of the Family Asylum Claim must continue to be considered, following the Children's asylum claims guidance, unless or until the child also withdraws their claim, or there is another parent in the UK who they are dependent on.

Where a valid withdrawal is received from any claimant who is part of a Family Asylum Claim, you must write to the claimant accepting their withdrawal and you should normally send a copy of the letter to any other claimant who is part of the Family Asylum Claim via their legal representative (if they have one) – the exception to this will be where there are safeguarding concerns, such as domestic violence. Home Office records must be updated to reflect the withdrawal of the claimant from the Family Asylum Claim, including a note confirming that the other claimants who are party to the Family Asylum Claim have not withdrawn their claims (as applicable).

For further information, see the Family Asylum Claims guidance and [application of withdrawing asylum claims from children section](#) above.

Withdrawal at appeal

[Paragraph 333C](#) does not apply to cases at the appeal stage as a decision on the claim has already been made. The appeal against refusal would need to be withdrawn and the claimant would become appeal rights exhausted (ARE) and liable to removal if they do not have leave or a pending application for leave.

Recording the application as explicitly withdrawn

You must correctly record that the claim has been explicitly withdrawn. Copies of all correspondence must be uploaded to the Home Office file and file minutes and Home Office databases must be updated with the correct outcome. See [Updating CID / Atlas - explicit withdrawal](#).

Outstanding non-protection based human rights claim

When an asylum claim is withdrawn all other issues relating to that claim are also considered to be withdrawn and should not be considered.

Claimants who wish to make an application for leave to remain on the basis of their family or private life in the UK or for any other non-protection based reason, including an ECHR Article 3 (medical) claim, must make an appropriate application on the correct form available on the [GOV.UK](#) website.

The type of form required will depend on the leave and circumstances. All enquiries must be directed to the [GOV.UK](#) website as this will contain the most up to date version and guidance on completing the form. You must update the case outcome on CID to reflect the withdrawal of the asylum claim.

Immigration status following withdrawal

Following explicit withdrawal of the asylum claim, if the claimant does not otherwise have the legal right to remain in the UK, for example, leave to remain on other grounds following a separate application or they have submitted an application and are waiting for a decision, they will be liable for removal as they require, but do not have leave to remain. For further guidance see Enforcement Instructions and Guidance.

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Consideration of mental capacity

This section relates to individuals who lack decision making capacity, who have a mental health condition, or who are disabled under the [Equality Act 2010](#) definition by reason of a mental impairment.

This section should be read alongside:

- [Equality Act 2010](#)
- [Mental Capacity Act 2005](#) (for England and Wales)
- [Adults with Incapacity \(Scotland\) Act 2000](#)
- [Mental Capacity Act \(Northern Ireland\) 2016](#)
- [Mental Capacity Act Code of Practice](#)

Understanding mental capacity

The [Mental Capacity Act 2005 Section 2 \(1\), \(2\)](#) states the following:

“(1) For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.

(2) It does not matter whether the impairment or disturbance is permanent or temporary.”

The Equality Act 2010 states that a disability is a physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities. This could relate to one or more of the following types of impairment: a learning disability, cognitive disorder, or mental health condition.

The principles of the UK Mental Capacity legislation apply to all persons, including those in the immigration process. These include the principle that individuals should be assumed to possess capacity unless it is established otherwise on the balance of probabilities. Simply because an individual makes a decision (or decisions) that appear unwise, this does not necessarily mean that they lack the capacity to make that decision.

If someone possesses mental capacity, they can make decisions for themselves. This includes the ability to make a decision that affects daily life as well as significant decisions, including those that may have legal consequences.

Someone who lacks capacity cannot do one or more of the following four things in relation to a decision:

- understand information given to them
- retain that information long enough to be able to make the decision
- weigh up the information available to make the decision and likely consequences of making – or not making – the decision

- communicate their decision

If an individual is unable to do one or more of these things, then their capacity to make a particular decision will be in doubt.

An individual may lack capacity to make a decision for a broad range of reasons. The following are examples of potential causes of mental incapacity:

- a stroke, head or brain injury
- a mental health condition or symptom such as delusional belief
- dementia or other neurological condition
- a learning disability
- confusion, drowsiness or unconsciousness because of an illness or because of treatment for that illness
- substance or alcohol misuse

Evidence of a mental health condition does not necessarily mean that an individual has a mental impairment or lacks decision-making capacity. A lack of capacity is not a medical condition. An individual's mental capacity relates to their ability to make a particular decision or take a particular action at the time at which the decision or action needs to be taken. This means that a person can lack capacity to make a particular decision but retain capacity to make other decisions. Equally a person can lack capacity for a time but subsequently regain capacity.

Assessing whether a claimant holds mental capacity

When considering the withdrawal of an asylum claim, you must take reasonable steps to ensure you are satisfied that the claimant holds the mental capacity to make an informed decision to withdraw their claim. In all cases, you must conduct a detailed check on the Case Information Database (CID) or Atlas or other relevant Home Office IT systems to identify any concerns which may highlight that the claimant lacks mental capacity and check whether any previous safeguarding referrals have been made. Additionally, if the claimant does not have legal representation, then you must also review any documentary evidence on file to determine whether there is any additional evidence to suggest the claimant may lack mental capacity.

You must take all reasonable steps to ensure that any claimant who may lack mental capacity understands their decision to withdraw their asylum claim. This includes the following steps:

In cases where the claimant has a legal representative or someone legally authorised to act on their behalf, all relevant papers must be served to these representatives. Form ASL.4857 has been amended to include a declaration from the legal representatives asking them to confirm that the claimant understands the implications of withdrawing their asylum claim. This should be completed.

If the claimant is not represented, before accepting the withdrawal you must advise the claimant to seek legal advice to assist them and direct the claimant to any other relevant support services depending on the circumstances.

A cover letter must be sent to the claimant to accompany Form ASL.4857 stating 'we acknowledge that you wish to withdraw your asylum claim however, we advise you to seek legal representation. This is to ensure that you fully understand the implications of your decision to withdraw your asylum claim'.

If there is any information which indicates that the claimant may not have the mental capacity to withdraw their claim, and a legal representative has not completed Form ASL.4857 confirming that the claimant understands the implications of withdrawal, you must refer to your Senior Caseworker and make a safeguarding referral. A 'Safeguarding Referral Process' Special Conditions flag must be raised on CID or Atlas or other relevant Home Office IT system You must update case notes to ensure it is clear that there are concerns with regards to the withdrawal and note the actions you have taken.

Note that a safeguarding referral can be made at any point if the information available suggests that this may be appropriate. You do not need to wait for a response from the claimant regarding them seeking legal representation in order to make this referral.

If you decide to proceed with a withdrawal where a mental capacity issue has been identified, this must be agreed by a senior manager (HEO or above).

You must ensure reasonable adjustments are made to support claimants to enable them to understand, communicate and make their own decisions, this may include paraphrasing, using simple language to explain the documents, options and the consequences of decisions and require using interpretation services if the person is not fluent in English. Home Office records must be updated accordingly.

If an asylum claim has been explicitly withdrawn and the claimant did not have the mental capacity to make this decision, then the incorrect withdrawal procedure ([valid explicit withdrawals](#)) can be followed so that the asylum claim can be substantively considered.

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Implicit withdrawals

An asylum claim may be treated as implicitly withdrawn under [paragraph 333C of the Immigration Rules](#) if the claimant:

- fails to maintain contact, or provide up to date contact details
- leaves the UK without authorisation at any time prior to the conclusion of their application for asylum
- fails to complete an asylum questionnaire when requested to do so
- fails to attend any reporting events and is unable to demonstrate within a reasonable time that failure to do so was due to circumstances beyond their control
- fails to attend a personal interview as per [paragraph 339NA](#) and is unable to demonstrate within a reasonable time that failure to do so was due to circumstances beyond their control

This process allows cases to be concluded without further consideration where the above applies. In these circumstances, the claim should be treated as withdrawn and any asylum support terminated. See below for more detailed information.

Claims that can be treated as withdrawn should not normally be refused on non-compliance grounds under [paragraph 339M](#) (which will generate a right of appeal). Any decision to refuse a claim on non-compliance grounds which could and should have been treated as withdrawn must be agreed by a senior manager (SEO or above).

Notification of Implicit Withdrawals

Where the asylum claim is withdrawn for any of the reasons below, the ASL.5556 Withdrawal Notification Letter must be sent to the claimant and their immigration advisor (if applicable) confirming their asylum claim is withdrawn. An asylum claim can be implicitly withdrawn on the basis of one or more reasons outlined in Paragraph 333C of the Immigration Rules. If the whereabouts of the claimant is not known, for example they are an absconder or they have left the UK and have not provided their current postal or email address, then the letter must be served to file only and uploaded to Home Office systems. The claimant must be notified that their asylum claim has been withdrawn should they contact the Home Office again.

Failure to maintain contact or provide up to date contact details

Where a claimant fails to maintain contact or provide current contact details as per [paragraph 358B](#), their claim may be treated as implicitly withdrawn and consideration of the claim discontinued.

The requirement to maintain up to date contact details with the Home Office may be provided in the following documents issued to the claimant usually as part of the screening or routing process:

- Screening Interview Form
- 'Point of Claim' leaflet issued to all asylum claimants
- BAIL201 or IS248 Form issued to the relevant claimants with the appropriate options selected

A claimant's failure to maintain contact or provide up to date contact details may become apparent when attempting to contact the claimant to progress their claim, for example when providing a claimant with an asylum questionnaire or inviting a claimant to an interview. In such circumstances, correspondence may be returned to the Home Office as the claimant no longer resides at the most up to date correspondence address provided by the claimant.

You must confirm that there is evidence on the Home Office casework systems and / or file that the warning has been recorded as having been issued before treating the claim as implicitly withdrawn. If there is no evidence of warning, the implicit withdrawal procedure cannot be applied on the ground of failure to maintain contact or provide up to date contact details until they are notified. In these circumstances, an invite to a reporting event or asylum interview should normally be issued and if they fail to attend that reporting event or asylum interview, the claim should normally be treated as implicitly withdrawn in-line with the failure to attend a reporting event or failure to attend the asylum interview sections.

It is the claimant's responsibility to notify the Home Office of any change in immigration advisor, address or contact details. If there is no correspondence or residential postal address on file or the contact details available are proving unsuccessful, you must attempt to contact the claimant with any known contact details held. This includes phone numbers or email addresses which may have been obtained at screening interview, or any time throughout the asylum process. All contact with the claimant must be recorded on Home Office systems along with the details of the communication. If a claimant provides any updates or changes to their contact details such as postal address, phone numbers or email address, Home Office systems must be updated accordingly. If there are any issues or errors with the data recorded on Home Office systems, see the section on ['Cancelling Withdrawals.'](#)

When you action the withdrawal, you must also serve the ASL.5556 Withdrawal Notification Letter to file (and their immigration advisor if applicable) informing them that their claim has been withdrawn. This letter must be served to the claimant if later encountered. For further information see the section on [Notification of Implicit Withdrawals.](#)

For how to issue the relevant withdrawal letter see: [No current contact details available.](#)

No current contact details

Where there is confirmation on either the Home Office file or databases that the claimant no longer resides at the address specified as their place of residence, their whereabouts are unknown or it is known that they have left the UK without explicitly

withdrawing their claim, the relevant letter must be issued to the claimant and immigration advisor (if applicable). The implicit withdrawal process as set out in [the section on failure to report to interview letter](#) should be followed.

If the claimant has no fixed address and no immigration advisor, the relevant letter must be served to the file. The 5 working day deadline for submitting an explanation for failure to attend an interview will be set from the date the letter was served to file. When the claimant is located they must be handed the original letter along with an explanation of what has occurred – for guidance on serving decisions to file see drafting, implementing and serving asylum decisions.

All contact with the claimant must be recorded on Home Office systems with the details of the communication. If a claimant provides any updates or changes to their contact details such as postal address, phone numbers or email address, Home Office systems must be updated accordingly.

The withdrawal should not be actioned until 5 working days after the ASL.5556 is served, either to the claimant, their legal representative or to file if no other contact details held. For further information see the section on [Notification of Implicit Withdrawals](#).

Failure to complete an asylum questionnaire

Claimants who fail to complete an asylum questionnaire as requested by the Home Office within the agreed timeframe, without a reasonable explanation, may have their asylum claim treated as implicitly withdrawn under [paragraph 333C](#). All relevant information must be recorded on Home Office casework systems. There must be evidence that the questionnaire was sent to the correct address and the need to complete it and the timeframe was communicated to the claimant. You must provide a minimum of 20-working days for a claimant to complete an asylum questionnaire. Before withdrawing an asylum claim on the basis of non-return of a questionnaire, you must attempt to contact them at least once on all possible contact methods available, for example via their immigration advisor or via phone / email. All attempts to contact the claimant must be recorded on Home Office casework systems. If there are no known contact details available, then you must investigate whether there are other ways to communicate with the claimant. For example, if the claimant is in supported accommodation provided by the Home Office, then you must contact the relevant department to try and obtain their most up to date address and contact details and attempt to contact them prior to withdrawing the claim.

Where a claimant requests an extension of the deadline in order to respond to the questionnaire, you must consider the request for an extension on a case-by-case basis. It will normally be appropriate to accept such requests as long as the requested extension is proportionate for the task of completing the asylum questionnaire, for example, if the claimant requires support completing the questionnaire as they are illiterate or suffer from ill-health that requires additional time to complete the questionnaire due to medical treatment and appointments. If the request is reasonable and proportionate to the reasons for the request, you must confirm that an extension has been granted. If the request is not reasonable and proportionate, you must confirm that the claim may be withdrawn if it is not returned

within the timescale provided. Extension requests for durations of greater than 20 working days are unlikely to be reasonable and proportionate unless exceptional circumstances are presented.

If the claim is to be withdrawn, when you action the withdrawal, you must also send the ASL.5556 Withdrawal Notification Letter to the claimant (and their immigration advisor if applicable) informing them that their claim has been withdrawn. If their contact details are not known, then you must serve the letter to file. For further information see the section on [Notification of Implicit Withdrawals](#).

Failure to attend a reporting event

An asylum claim should normally be treated as implicitly withdrawn under [paragraph 333C](#) if the claimant fails to attend any reporting events usually (but not always) prior to an asylum interview without providing evidence, within 5 working days that their absence was due to circumstances beyond their control (this may include but is not limited to, unavoidable medical or maternity appointment that could not be rearranged, ill-health or severe travel disruption). This is considered appropriate as they have failed to maintain contact with the Home Office and failed to comply with immigration processes, and as such for those who have not yet been interviewed, it is considered that they would subsequently fail to attend an asylum interview. The claimant will be given a warning during their screening interview and / or in the relevant paperwork informing them that non-attendance of the reporting event may result in their asylum claim being withdrawn. You must confirm that there is evidence within the Home Office issued documentation and case working systems that the warning has been recorded as having been issued before treating the claim as implicitly withdrawn. If there is no evidence of notification, the implicit withdrawal procedure cannot be applied until they are notified and invited to a subsequent reporting event which they also fail to attend.

When you action the withdrawal, you must also send the ASL.5556 Withdrawal Notification Letter to the claimant (and their immigration advisor if applicable) informing them that their claim has been withdrawn. If their contact details are not known, then you must serve the letter to file. For further information the section on [Notification of Implicit Withdrawals](#).

For more information on failing to attend a reporting event see the Non-compliance and absconder process guidance.

Failure to attend the first scheduled asylum interview

An asylum claim should normally be treated as implicitly withdrawn under [paragraph 333C](#) if the claimant fails to attend their first scheduled appointment for an asylum interview without providing evidence within 5 working days that their absence was due to circumstances beyond their control (this may include, but is not limited to an unavoidable medical or maternity appointment that could not be rearranged, ill-health or severe travel disruption). The invitation to interview letter states that they will be required to attend an interview as part of the asylum process and that failure to do so may result in their claim being treated as withdrawn.

Failure to respond to first scheduled asylum interview letter

To determine whether failure to attend the first scheduled appointment for an asylum interview should be treated as an implicit withdrawal, or if the interview should be rebooked, a failure to respond to an asylum interview letter (ASL.3724) must be sent immediately to the claimant and their immigration advisor (if applicable) to establish why the claimant did not attend. The deadlines for a response to this letter are 5 working days in non-detained cases or 24 hours in all detained cases. If further information or evidence is required to assess the circumstances, you should contact the claimant using template letter ASL.5573 (Withdrawal Action Pending-Request Further Information for Failure to Attend Asylum Interview or Reporting Event).

Where no explanation is received by the deadline, the asylum claim may be treated as implicitly withdrawn. If an explanation is received within the deadline, you must consider whether there is sufficient evidence to show that failure to attend was due to circumstances beyond the claimant's control and decide whether to rebook the interview or treat the claim as implicitly withdrawn. The onus is on the claimant to provide an acceptable explanation for non-attendance, for example, reliable evidence of confirmation of their current address to explain why they did not receive the letter, illness or travel disruption.

If the claimant is not represented and no valid address has been provided, the ASL.3724 letter must be served to file and handed to the claimant when they are next encountered – see drafting, implementing and serving asylum decisions.

The withdrawal should not be actioned until the ASL.3724 letter is served and the relevant time period elapsed, either to the claimant, their immigration advisor or to file if no other contact details held. When you action the withdrawal, you must also send the ASL.5556 Withdrawal Notification Letter to the claimant (and their immigration advisor if applicable) informing them that their claim has been withdrawn. If their contact details are not known, then you must serve the letter to file. For further information see the section on [Notification of implicit withdrawals](#).

Multiple failures to attend an asylum interview

There may be occasions where a claimant fails to attend multiple scheduled appointments to undertake their asylum interview. Whilst we understand there may be genuine reasons why an individual is unable to attend an interview, it is considered vital that all claimants inform us ahead of time if they are unable to attend. It is not considered reasonable for claimants to continually delay or avoid attending their asylum interview. The interview is an important opportunity to provide information about the reasons someone is seeking protection.

Once an interview is rebooked after a previous incidence of non-attendance, the subsequent invite to interview letter will explain to the claimant that if they fail to attend their next scheduled interview appointment, their claim will be withdrawn if they fail to inform us ahead of their asylum interview, or on the day of.

If a claimant cannot attend their interview for circumstances beyond their control, claimants (or their immigration advisor) must contact the relevant team using the contact details on the invite to interview letter before or on the day of the interview. For further information see section [Reasonable explanation](#).

If the claimant (or their immigration advisor) provides any information (including documentary evidence, where relevant, regarding non-attendance before or on the day of the interview) you must review the communication and assess whether the reasons for non-attendance are a reasonable explanation for non-attendance and beyond the claimant's control. If yes, the claim should not be withdrawn, and the claimant should be rescheduled for another appointment. If the reasons for non-attendance are not considered beyond the claimant's control, then the asylum claim must be withdrawn, no sooner than two working days after the appointment. You must send the ASL.5556 Withdrawal Notification Letter to the claimant (and their immigration advisor if applicable) informing them that their claim has been withdrawn.

You must ensure that you review all communication with the claimant (and their immigration advisor). If the claimant fails to attend the appointment, then you must attempt to contact the claimant (or their immigration advisor) on the day of the interview via telephone or email (if details are known) to obtain reasons for non-attendance. You must record all communication on case-working systems.

If there is no contact at all, you must withdraw the claim, no sooner than two working days after the scheduled appointment. You must send the ASL.5556 Withdrawal Notification Letter to the claimant (and their immigration advisor if applicable) informing them that their claim has been withdrawn.

If the claimant provides evidence that their claim has been withdrawn incorrectly within 10 working-days of the claim being withdrawn, then the claim may be reinstated. See section [Cancelling withdrawals](#).

You should avoid scheduling interviews, where there are known reasons why the claimant would not be able to attend an asylum interview (for example, if the claimant is currently an in-patient receiving medical treatment in hospital or is detained in prison and alternative arrangements need to be made). If there are long-term reasons why a claimant is unable to attend an interview, you must discuss the next steps on how to progress their asylum claim with a Senior Caseworker (SCW).

Reporting events and asylum interviews

There may be occasions where a claimant has a reporting event scheduled as well as an asylum interview booked in. Where an individual does not attend a reporting event, but an asylum interview is scheduled, the claim must not be withdrawn until it is known whether the claimant has attended the asylum interview. If they attend their asylum interview, then the claim must not be withdrawn based on the previous non-attendance at a reporting event.

Where an individual does not attend their asylum interview, then their asylum claim can be withdrawn in line with [paragraph 333C](#). No further reporting events are required in order to evidence non-compliance.

Implicitly withdrawing asylum claims from children

It is important to exercise discretion when handling non-attendance at asylum interviews or any incidences of possible non-compliance or absconding from children. Greater sensitivity must be used and if an acceptable explanation for non-attendance is not received then you must take steps to establish all relevant facts. This may include (but is not limited to) contacting the child's responsible adult, legal representative, social services, local authority, or accommodation provider for information on the reasons for non-attendance. If there are any safeguarding issues or any concerns that a child may be missing, and this is the possible reason for lack of contact, non-attendance, or failure to engage with the asylum process then you must take the appropriate safeguarding action and refer to the Safeguarding Hub, who will contact the relevant agencies and make the necessary enquiries. The claim must not be withdrawn whilst these actions are being undertaken. See:

- [Application of withdrawing asylum claims to children](#)
- Processing children's asylum claims guidance

Responses to failure to attend asylum interview letter

Reasonable explanation

If a reasonable explanation is received, another asylum interview must be arranged, and the claim must not be treated as implicitly withdrawn. Reasonable explanations will usually be circumstances beyond the claimant's control (Circumstances beyond a claimant's control include but are not limited to an unavoidable medical or maternity appointment that could not be rearranged, ill-health or severe travel disruption). The reasons should be communicated to the Home Office as soon as is reasonably practicable and will usually be within 5 working days. However, if longer time is required, the claimant or their immigration advisor must contact the Home Office to ask for further time to provide an explanation, which will be proportionate to the circumstances and reasons for the delay. The claimant (and legal representative if applicable) must be informed that the explanation provided has been accepted using the relevant option in the template letter (ASL.5556 Withdrawal Notification Letter). If it is possible to rebook the interview immediately this should be done as part of a new invitation to interview letter, incorporating wording as appropriate into the invite to interview letter (ASL.0062).

No reasonable explanation

If the explanation is not reasonable, or no response is received, the asylum claim should normally be treated as implicitly withdrawn. The claimant must be informed that the claim is being treated as implicitly withdrawn using the relevant option in the template letter (ASL.5556 Withdrawal Notification Letter). If necessary, you must explain why any reason provided was not accepted. If the claimant is represented,

covering letter ASL.4826 must be sent to the immigration advisor along with a copy of the ASL.5556.

Although it will normally be appropriate to treat asylum claims as implicitly withdrawn where the claimant has either failed to provide a reasonable explanation or has replied after the deadline without a reasonable explanation for the delay, there may be circumstances where discretion should be exercised, and further investigation may be required. Template letter 'Request for Further Information' must be issued to obtain specific further information from the claimant and / or immigration advisor before a decision is taken in such cases.

Where the ASL.5556 letter has failed to be sent to the claimant and their immigration advisor (if applicable), the ASL.5562 Delay in Service Cover Letter must then be completed explaining why the letter was not served, for example administrative errors. The original date of service must remain on the ASL.5556 letter and the delayed date of service must be shown on the ASL.5562 letter. Both letters must then be sent to the claimant and their immigration advisor (if applicable).

If the whereabouts of the claimant is not known, for example they are an absconder or they have left the UK and have not provided their current postal or email address, then both letters must be served to file only and uploaded to Home Office systems. The claimant must be notified that their asylum claim has been withdrawn should they contact the Home Office again.

Further submissions

An asylum claim cannot be treated as withdrawn once a decision has been made and, in all cases, where further submissions are lodged the initial claim will have already been finally determined. If a claimant wants to explicitly withdraw further submissions, the case must be updated with the 'Withdrawn by Applicant' outcome and removal action pursued.

Asylum claims made before 7 April 2008

Implicit withdrawal under [paragraph 333C](#) can only be applied to asylum claims made on or after **7 April 2008**. For claims made before 7 April 2008 refusal under [Paragraph 339M](#) on the grounds of non-compliance should be considered.

Absconder process

If implicit withdrawal action is taken in respect of a claimant whose current whereabouts are unknown, you must refer to the [Non-compliance and absconder process](#) for information on assessing whether the claimant is an absconder and, if so, the absconder process which must be followed.

Travel abroad and requests for passports

Asylum claims will automatically be considered as withdrawn in line with Paragraph 333C of the Immigration Rules when the claimant:

- requests that their passport is sent back to them for travel outside the Common Travel Area (CTA), unless permission to travel has been authorised
- embarks for any destination outside the UK, (including within the CTA), without permission

Where there is an outstanding appeal against a decision, this is deemed to be abandoned upon embarkation for a destination outside the UK.

All written requests for permission to travel must be sent to the relevant decision-making unit for consideration. The correspondence should include the purpose of the request and the duration of travel required outside of the United Kingdom.

When a written request is received before a decision is made on the asylum claim, for the return of a passport for the purpose of travel outside the CTA, you must send either the IS.101 form, the IS.101 (PA) form, or another relevant form provided by the Secretary of State – such as ASL.4857 (see [Templates](#)) 'Declaration of Withdrawal template', warning them that return of the passport will constitute withdrawal of their asylum claim unless permission to travel has been authorised. The asylum claim is treated as withdrawn on the date the passport is returned in response to the request – see [Explicit withdrawals](#).

Considering requests for permission to travel

Requests to leave the UK whilst continuing to pursue an asylum claim will only be accepted in the most exceptional circumstances such as the serious illness or death of a close family member or access to medical treatment abroad as it is unavailable in the UK. It should be noted that travel for the purpose of tourism is unlikely to be authorised. The CTA rules do not apply to asylum seekers, who are not British or EU citizens.

Where a written request for permission to travel is received, you must consider the individual circumstances of the request. The length of time that the claimant wants to spend away from the UK must be consistent with the purpose of the request. For example, a request for the return of a passport to visit friends would be rejected but a request to travel to a third country to visit a seriously ill close relative may be accepted.

Where a request is accepted, you must update all relevant Home Office systems / files to ensure that anyone who encounters the claimant is aware that they have been given permission to travel. If the claimant exceeds the amount of time authorised to be outside of the UK, then re-entry may be refused. Consideration will be afforded to any explanations. Extensions will only be requested in truly exceptional circumstances and the length of time must be consistent with the purpose of the request. If the delay is outside of the individual's control and for a relevant period of time, for example flight delays or cancellation, attendance at a funeral of a relative they visited for medical reasons, then discretion is more likely to be afforded.

Implicit Withdrawals – Leaving the UK without permission prior to conclusion of the asylum claim

Anyone who has left the UK, prior to the conclusion of their asylum claim without prior permission, may have their asylum claim implicitly withdrawn under [Paragraph 333C of the Immigration Rules](#)

Exit data is used and cross referenced against Home Office databases to ensure that all those who have claimed asylum are still in the UK and would like to continue pursuing their asylum claim.

Exit checks data that identify if someone has left the UK whilst their asylum claim is outstanding will be assured for accuracy and checked against the asylum casework systems, CID and Atlas. If there is no evidence that permission was sought, or that permission was refused, then the asylum claim may be withdrawn in line with Paragraph 333c.

Where the asylum claim is withdrawn, you must notify the claimant (and their immigration advisor if applicable). See section Notification of Implicit Withdrawals.

Where the claimant has not provided their passport or travel document, the Home Office will not issue a Home Office Travel Document in order to facilitate travel.

Where a claimant leaves the UK without permission, the Home Office will not facilitate their return to continue their claim for asylum and their claim will be treated as implicitly withdrawn under paragraph 333C.

Recording the application as implicitly withdrawn

Copies of all correspondence must be placed on the Home Office file. File minutes and Home Office databases must be updated to show that the asylum claim has been implicitly withdrawn – see [Updating CID / Alas - implicit withdrawal](#) for correct case outcomes.

Immigration status following withdrawal

Following implicit withdrawal of the asylum claim, if the claimant does not have legal status to remain in the UK, for example leave to remain on other grounds following a separate application or an outstanding application, they will be liable for removal as they require, but do not have leave to remain. For further information see Immigration Enforcement: general instructions.

Related content

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Cancelling withdrawals

Where you identify an asylum claim has been incorrectly withdrawn, the withdrawal must be cancelled and the asylum claim will be reinstated and considered substantively. The original date of the asylum claim will continue to be the date of the claim when an asylum claim is reinstated following an incorrect withdrawal.

In each case, a letter must be sent to the claimant and representative (if applicable) confirming that the withdrawal has been cancelled and the claim will be considered substantively. Home Office records must be updated accordingly.

Where a Judicial Review (JR) has been lodged challenging the treatment of the claim as withdrawn for either of the reasons set out below, you must still issue a letter to the claimant and representative (if applicable) confirming that the withdrawal has been cancelled and the asylum claim will be considered substantively. In addition, you or presenting officer must also notify the court that the Home Office will consider the claim substantively.

Copies of all correspondence must be placed on the case file, CID or Atlas or other relevant Home Office IT system and notes must be updated to reflect the actions taken and the status of the claim. An asylum claim must continue to be processed when the claim has been reinstated.

All requests to reinstate an asylum claim after it has been withdrawn must be sent to Asylum Outcome Review (asylumoutcomereview@homeoffice.gov.uk) who will assess the request and notify the claimant and, where applicable, their legal representatives of the outcome of the review. If the claim is reinstated, the ASL.5560 Reinstatement Asylum Claim Letter must be sent.

Cancelling an explicit withdrawal

In cases where a claim has been explicitly withdrawn, the withdrawal must be cancelled and the asylum claim reinstated if both the following apply:

- the claimant or their representative provides evidence that the claimant lacked the mental capacity to understand the decision to explicitly withdraw the claim (for further information see [Consideration of Mental Capacity](#) section above)
- a request to cancel the withdrawal comes within 60 days of the date on which the withdrawal was administered on Home Office systems

Copies of all correspondence must be placed on the case file, CID / Atlas or other relevant Home Office IT system and notes must be updated to reflect the actions taken and the status of the claim. For explicit withdrawals, an asylum claim must continue to be processed until a valid withdrawal form or sufficient written notification has been received.

Cancelling an implicit withdrawal

It will normally be appropriate to cancel a withdrawal and reinstate the asylum claim in the following non-exhaustive list of circumstances, a claimant:

- was being cared for in hospital and correspondence was sent to their home address
- has not been issued the warning or served the relevant paperwork that confirms their claim will be withdrawn if they fail to maintain contact with the Home Office
- has been bailed to no fixed abode and never been informed during their screening interview, or in correspondence or paperwork that they must update the Home Office with their residential and correspondence address in order for the Home Office to progress their claim
- did not receive the relevant paperwork as it was sent to the incorrect address by the Home Office due to an administrative or IT error, this would not include a situation where someone failed to receive paperwork or correspondence because they moved address and failed to inform the Home Office within a reasonable period of time (usually 10 working days)
- has provided reasons and mitigating circumstances for why they did not receive the correspondence, but these were not taken into account, this could include circumstances relating to fleeing domestic violence (see [Cancelling withdrawals in instances of domestic violence](#)) or having to move addresses frequently and not had chance to update the Home Office of their most up to date address and contact details

The above list is not exhaustive, and there may be other circumstances which would warrant the withdrawal to be cancelled and the initial asylum claim to be reinstated. If you need any further advice contact an Asylum Senior Caseworker.

Examples

Scenario 1: A claimant has arrived via small boat. The asylum claim was registered, and their photograph and fingerprints were taken. A screening interview was not undertaken on the day the claim was registered. The claimant was bailed to no fixed abode. Since being released on bail, the claimant has not been in contact with the Home Office to update their address. As the claimant's whereabouts are unknown and the Home Office has no contact details for them, the claimant cannot be invited to an asylum interview. The asylum claim is withdrawn under paragraph 333C for absconding before his asylum interview. Three weeks later the claimant contacts the Home Office asking for an update on the asylum claim. Once the up-to-date contact details are obtained, the withdrawal is cancelled, and the asylum claim is reinstated so that it can be progressed. The withdrawal is not maintained as the claimant was not issued with the relevant paperwork informing him that he would be invited to a substantive interview and the implications of not attending.

Scenario 2: An individual claimed asylum with their spouse as a dependant. The relationship has broken down and she has had to move out of the address where she was residing. She currently stays in accommodation provided by a Non-Government Organisation for victims of domestic abuse. The claimant is invited to an asylum interview which she fails to attend. A 3724 letter was sent asking the claimant to provide reasons for non-attendance, but this is not responded to.

Subsequently, the asylum claim is withdrawn under Paragraph 333C for failure to attend the asylum interview. The claimant later updates the Home Office to inform the decision-making team of the marital breakdown, her change of address and change of immigration advisor, when it comes to light, she never received the previous letters. The withdrawal of the asylum claim should be cancelled, and the initial claim reinstated with invite letters sent to the updated correct postal address.

Cancelling withdrawals in instances of domestic abuse

There may be occasions, where a claimant has failed to engage and comply with the asylum process through no fault of their own. For example, they may not have received correspondence, questionnaires or invite letters to reporting events or asylum interviews due to domestic abuse because of having to move address or because methods of communication were limited or withheld from them. Claimants who are victims of domestic abuse and have had their claim withdrawn can have their claim reinstated. The presumption is that the victim should be believed, at this stage corroborating evidence is not required and caseworkers must agree and adhere to a safe means of communicating with the victim. Further enquiries may be necessary at a later date to confirm whether someone has been a victim of domestic abuse. Safeguarding procedures must be followed. Where there are child welfare or protection concerns that may involve safeguarding issues within the family unit, the case must be referred immediately to the safeguarding team. There is no requirement to obtain the consent of any adults involved as safeguarding the child is our primary responsibility.

For further information, see the [Asylum Policy Instruction Domestic abuse: responding to reports of domestic abuse from asylum seekers](#) guidance.

Maintaining a withdrawal

When it is considered that an asylum claim has been withdrawn correctly, then the claim must not be reinstated. If someone wishes to remain in the UK on protection grounds, whose initial asylum claim has been correctly withdrawn then they may lodge Further Submissions. For further information and guidance see Further Submissions. You must not accept a second asylum claim from an individual who has had their asylum claim correctly withdrawn.

Scenario 3: An individual arrived in the UK on a student visa. Upon expiry of his leave to remain, he made no further applications to regularise his stay in the UK and overstayed the visa. The individual was encountered by Immigration Enforcement and subsequently detained. The individual was subject to removal papers and then decided to claim asylum. The claimant was released from detention and bailed to a family member's address. An invite to interview letter was sent but the claimant failed to attend. A 3724 letter was sent to the last known address asking for an explanation for non-attendance. The claimant responded confirming that they did not have enough time to prepare for the interview and could not attend. The Home Office considered the explanation and the evidence considered, but there were no mitigating circumstances and the letter provided sufficient notice. The claim was

withdrawn under [Paragraph 333C](#) in this scenario the claim was correctly withdrawn, and so the initial asylum claim should not be reinstated.

Official-sensitive – start of section

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

Official-sensitive – end of section**Related content**

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Miscellaneous casework processes

Appeal rights after withdrawal

A decision to treat an asylum claim as explicitly or implicitly withdrawn does not attract a right of appeal because it is not an appealable decision under **section 82** of the [Nationality, Immigration and Asylum Act 2002](#) (as amended).

Terminating asylum support

If an asylum claim is treated as withdrawn under [paragraph 333C](#), the claimant will not be eligible for section 95 or section 98 support unless they have an outstanding European Convention on Human Rights (ECHR) Article 3 (medical) claim - for further information see the Asylum Instruction on Ceasing section 95 support.

If an asylum claim is withdrawn under [paragraph 333C](#), as no formal substantive decision has been made on the claim, the claimant will not be a failed asylum seeker and as a result will not be eligible for section 4(2) support. This is also the case if the claimant's human rights claim has been considered and then refused, as they will have no claim outstanding – see separate guidance on Asylum Support Section 4(2): policy and process .

Related content

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Templates

The template letters from the Document Generator must be used.

- ASL.3724 Asylum- Request Information for Failure to Attend Asylum Interview or Reporting event
- ICD.0137 – for OLCU use only
- IS.101 / IS.101(PA)- Explicit Withdrawal Form
- ASL.4857 – Declaration of Withdrawal Template
- ASL.5556 – Withdrawal Notification Letter
- ASL.5562 Delay in Service Cover Letter
- ASL.5560 Reinstate Asylum Claim Letter
- ASL.5573 Withdrawal Action Pending-Request Further Information for Failure to Attend Asylum Interview or Reporting Event

Related content

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Updating CID or Atlas

You must ensure that Case Information Database (CID) or Atlas is updated with the correct outcome when the asylum claim is withdrawn.

Updating CID / Atlas– explicit withdrawal

The case outcome field must be updated with the appropriate outcome, either:

- Withdrawn by Applicant
- Withdrawn by Applicant (now claiming as a dependant)

If the reason for withdrawal is not known 'Withdrawn by Applicant' should be used. Where the reason is known, record this in the CID notes.

Updating CID / Atlas – implicit withdrawals

The case outcome field must be updated with the appropriate outcome, either:

- Withdrawn Implicit – Absconder (for confirmed absconders)
- Withdrawn Implicit – Non-Compliance (for those cases where the claimant is still in contact with the Home Office but where the explanation for not complying with the asylum process has not been accepted)

These outcomes must not be used where a decision has been made to refuse under Paragraphs 339M and 336 of the Immigration Rules. For further details see:

- Assessing credibility and Refugee status
- Drafting, implementing and serving asylum decisions

Related content

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