



Home Office

Transfer of conditions

Version 14.0

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About this guidance

This guidance tells caseworkers how to consider transfer of conditions (TOC) applications made in the UK.

The transfer of conditions process will be used in only a limited number of cases. Customers with existing leave in a BRP can apply for an eVisa account. Customers who wish to amend their personal details can do so using the 'Update my Details' process.

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 Nationality 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 **14.0**
- published for Home Office staff on **31 October 2024**

Changes from last version of this guidance

Amendments have been made to reflect that BRPs will no longer be issued: instead, a successful applicant will be able to access an eVisa.

Related content

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Requirements

This page tells you about the requirements the applicant must meet in order to be granted a transfer of conditions.

The transfer of conditions process (ToC) is an administrative process by which a person with limited leave to enter or limited leave to remain can apply for an eVisa if they have no identity document but need to update their biographic information and/or photograph. They will be invited to attend a VAC (visa application centre) appointment to enrol their biometric details.

Before you consider an application you must check the:

- application is valid
- applicant has given their biometric information

For more information, see: [Biometric information](#)

The applicant must:

- have leave remaining - leave that has expired cannot be transferred
- continue to meet the requirements and conditions of the leave they were granted
 - if they no longer meet these requirements or conditions, or a change of identity indicates that they may have previously gained (or attempted to gain) leave by identity deception, it may be appropriate for permission to be cancelled
 - cancellation of permission must be considered by the [Status Review Unit](#) unless the applicant is a recognised refugee or beneficiary of humanitarian protection (HP)
 - for refugees or beneficiaries of HP you must make a referral to the Status Review Unit (SRU)

If you are satisfied the applicant has existing leave and continues to meet the requirements for that leave, you must grant the application.

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Evidence of existing leave

You must check all available systems for evidence of leave. This includes Atlas, CID, CRS, i-search, Home Office files and visa application forms. You must:

- take special care if the applicant claims their previous passport was lost or stolen
 - applicants must provide a crime reference number or police report if their passport, has been lost or stolen
- check the applicant is the same person who was previously granted leave
- update Atlas notes to say the applicant has lost their passport, if relevant

If you are satisfied the applicant has existing leave, you must grant the application.

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Different personal details provided with this application

This page tells you how to process transfer of conditions (TOC) applications where the applicant provides different personal details to those given on previous applications.

There are a number of reasons why a person may wish to change their name, including marriage, divorce or merely a wish to be known by another name. It is acceptable for applicants to change their name as long as the applicant:

- intends to use this new name for all purposes
- has gained legal documentation to evidence this change, for example a:
 - marriage certificate
 - deed poll which shows a link to the previous name
 - statutory declaration which shows a link to the previous name
- has gained a new national passport from the relevant authorities and the issuing of that passport post dates the legal documentation:
 - recognised refugees, beneficiaries of humanitarian protection (HP) and persons recognised as stateless are not required to obtain a new national passport
- has not previously concealed their true name from the Home Office and is now using this process to revert to their original name

Information on change of name, and when changes can be made, can be found in the guidance on change of personal circumstances.

Whilst a name can be changed, a date of birth (DOB) normally **cannot**. If an application is received where the applicant wishes to change their date of birth you must consider it in line with the guidance on changes to dates of birth.

If the applicant previously provided false details and gained a material benefit from doing so, you must refuse the application and refer to [Status Review Unit](#).

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Transfer of conditions: change of nationality

This page tells you how to consider a transfer of conditions application where the applicant seeks to amend their nationality.

It is not uncommon for a person to change their nationality or hold dual nationality. When considering an applicant's request to amend their nationality you must be satisfied that:

- it is a genuine change in circumstances
- the original decision to grant leave would not have been affected by this new information

If you are not satisfied that these criteria are met, you must refer the case to [Status Review Unit](#).

If a refugee or beneficiary of humanitarian protection (HP) is seeking to change their nationality, you must refer the case to the [Status Review Unit](#) who will be able to determine whether the change affects the applicant's right to remain in the UK as a refugee or beneficiary of HP.

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Grant or refuse a transfer of conditions

This page tells you how to grant or refuse a transfer of conditions (TOC) application.

Issuing a transfer of conditions

If the applicant meets the requirements for a transfer of conditions, you must issue an eVisa for the same period and on the same code of conditions as the applicant's previous leave.

Refusing a transfer of conditions

You must refuse a transfer of conditions application if the applicant:

- has not given enough evidence of their existing leave
- submitted false documentation (a referral must be made to Immigration Enforcement)
- does not have any existing leave to transfer
- gained existing leave by deception (a referral must be made to [Status Review Unit](#))

You must send the applicant a letter to tell them they have been refused. You must explain the reasons the application falls for refusal and that there is no statutory right of appeal against your decision. This is because the refusal of a transfer of conditions is not an immigration decision to section 82(2) of the Nationality, Immigration and Asylum Act 2002, which sets out appeal rights.

Refusing an application as a result of an identity dispute

You must record the outcome and set a special conditions marker 'Identity dispute' on Atlas. You must clearly annotate the notes section to say a full Home Office file search has been conducted. This prevents caseworkers repeating a search if the Home Office receives a reconsideration request or judicial review (JR).

You must then forward the case to Status Review Unit who will take action to revoke any extant leave.

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Referrals to Status Review Unit

This page tells you how to refer a case to Status Review Unit

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Status review unit (SRU) referrals

This page tells you how to refer a case to the Status Review Unit (SRU).

You must follow this process when referring a transfer of conditions (TOC) application to the SRU.

Cancellation or cessation of refugee status or revocation of humanitarian protection

The 1951 Convention on the Status of Refugees includes clauses for when cessation of refugee status may be appropriate, including circumstances where a refugee voluntarily re-establishes themselves in the country where they previously feared persecution.

Although the 1951 Convention contains no specific provisions for cancellation of refugee status, the United Nations High Commissioner for Refugees (UNHCR) handbook envisages circumstances where it would be appropriate to do so.

Paragraph 117 offers the following examples of when cancellation might be appropriate, namely where:

- refugee status was obtained by misrepresentation of material facts
- the refugee possesses another nationality
- the exclusion causes would have applied had all the relevant facts been known

For current policy and guidance see Revocation of protection status.

Relevant guidance is also contained in the Settlement protection policy instruction.

The Immigration Rules also provide for revocation of humanitarian protection (HP) in specified circumstances.

If you identify a case where cancellation or cessation of refugee status or revocation of humanitarian protection, may be appropriate, complete the form and email it to the [Status Review Unit](#). You must consult the relevant policy guidance prior to referring a case.

Supporting evidence is required in order to pursue cancellation or cessation of refugee status or revocation of humanitarian protection. Copies of, or descriptions of, any supporting evidence must be submitted to SRU along with the completed referral form.

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Transfer of conditions: dependants

This page tells you which dependants may be included with the main applicant in a transfer of conditions application, and the requirements they must meet.

Applicants can include the following dependants on their application form, their:

- spouse
- civil partner
- unmarried partner
- same-sex partner
- children who are under the age of 18

Children aged 18 or over cannot be included as dependants and must apply separately. You must reject the application for a child aged over 18 who is included as a dependant.

For more information, see Specified application forms and procedures.

You must consider each dependant in the same way as the main applicant and be satisfied each person has existing leave before granting a transfer of conditions.

You must make sure the eVisa details the correct permit type and conditions. For instructions see section: [Grant or refuse Transfer of Conditions.](#)

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