



Home Office

Leave outside the Rules (LOTR) on compelling compassionate grounds

Version 5.0

Guidance for decision makers considering leave outside the Immigration Rules, on the basis of compelling compassionate grounds (grounds that are not related to family and private life, medical or protection matters).

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About this guidance

This guidance tells you about the when it may be appropriate to exercise discretion to grant leave outside the Immigration Rules (LOTR) on the basis of compelling compassionate grounds (other than family and private life, medical, asylum or protection grounds). This guidance applies to decision makers considering entry clearance, leave to remain and indefinite leave to remain applications.

The circumstances in which someone may be granted LOTR are covered either by this guidance, or separate guidance relating to European Convention on Human Rights (ECHR) Article 3 medical, Discretionary Leave, or where there is an existing published concession.

Applications relating to LOTR on Article 8 family and private life grounds must instead refer to the 5-year or 10-year partner, parent and private life guidance.

Applications relating to Article 3 medical grounds must instead refer to the discretionary leave guidance.

Contacts

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

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 Review, Atlas and Forms team.

Publication

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

- version **5.0**
- published for Home Office staff on **5 August 2025**

Changes from last version of this guidance

This guidance has been updated to improve consistency of terms used and establish that applicants overseas should not use the UK / European Applicant Transfer Scheme expression of interest application form to apply for LOTR.

Related content

Article 8 family and private life (deportation cases) guidance

General grounds for refusal

[Contents](#)

Related external links

[Article 8 family and private life guidance](#)

[Discretionary leave guidance](#)

[Considering Human Rights claims](#)

[European Convention on Human Rights \(ECHR\) Article 3 medical](#)

[Family life \(as a partner or parent\): 5-year routes](#)

[Family life \(as a partner or parent\) and private life: 10-year routes](#)

Introduction

This page tells you about the background, important principles, reasons to grant leave outside the rules (LOTR) on compelling compassionate grounds, documentary evidence and LOTR in respect of children and those with children.

[Background](#)

[Important principles](#)

[Reasons to grant LOTR on compelling compassionate grounds](#)

[Documentary evidence](#)

[In respect of children and those with children](#)

Background

The Immigration Rules are designed to provide for the vast majority of those wishing to enter or remain in the UK however, the Secretary of State has the power to grant leave on a discretionary basis outside the Immigration Rules from the residual discretion under the [Immigration Act 1971](#).

From 1 April 2003 to 9 July 2012 the majority of applications which fell outside the Immigration Rules in the UK were considered within the discretionary leave (DL) criteria, which (along with humanitarian protection) replaced exceptional leave to enter or remain (ELTE or ELTR). This included cases on family, private life, medical and other European Convention on Human Rights (ECHR) grounds.

On 9 July 2012 and 10 August 2017, legislation was changed to bring the majority of family and private life cases under [part 7 paragraph 276ADE\(1\)](#) and [Appendix FM](#) of the Immigration Rules. In relation to family and private life cases, there will be a consideration of any exceptional circumstances that apply – for family life cases this is built into Appendix FM of the Immigration Rules and for private life cases this consideration is done outside of the Immigration Rules.

In all family and private life cases, the decision maker will consider whether the Immigration Rules are otherwise met and if not, will go on to consider whether there are exceptional circumstances which would render refusal a breach of ECHR Article 8 because it would result in unjustifiably harsh consequences for the applicant or their family. Each application is considered on its merits and on a case-by-case basis taking into account the individual circumstances. See Family life (as a partner or parent) and exceptional circumstances for cases raising exceptional circumstances related to ECHR Article 8 grounds.

Not all LOTR is granted for the same reason and discretion is applied in different ways depending on the circumstances of the claim and the applicant's circumstances. This guidance helps decision-makers specifically with considering LOTR on compelling compassionate grounds.

LOTR on compelling compassionate grounds may be granted where the decision maker decides that there are specific circumstances which mean that a refusal would

result in unjustifiably harsh consequences for the applicant or their family, but which do not render refusal a breach of ECHR Article 8 or Article 3 medical, and do not otherwise undermine other discretionary leave policies or bespoke LOTR policies.

Important principles

A grant of LOTR on compelling compassionate grounds should be rare. Discretion should be used sparingly where there are factors that warrant a grant of leave despite the requirements of the Immigration Rules or specific policies having not been met. Factors raised in their application must mean it would not be proportionate to expect the person to remain outside of the UK or to leave the UK.

The Immigration Rules have been written with clear objectives and applicants are expected to make an application for leave to enter or remain in the UK on an appropriate route under the relevant Immigration Rules and meet the requirements of the category under which they are applying – including paying any fees due. Considerations of whether to grant LOTR should not undermine the objectives of the rules or create a parallel regime for those who do not meet them.

When considering grounds raised in an application, you must first consider if the case can be granted under the rules or decided upon by exercising discretion under the rules.

The applicant may meet the criteria of an existing concession. In these cases, the relevant published guidance should be consulted to consider the grounds.

If a case can be granted under the rules, LOTR should not be issued. Grounds raised for LOTR consideration as part of an application should not be considered again outside the rules if they have already been considered using discretion under the rules. Where you consider LOTR, you must have regard to [part 9 grounds for refusal within the Immigration Rules](#) and refer to the general grounds for refusal guidance.

The period of LOTR granted should be of a duration that is suitable to accommodate or overcome the compassionate compelling grounds raised and no more than necessary based on the individual facts of a case. Most successful applicants would require leave for a specific, often short, one-off period. Indefinite leave to enter or remain can be granted outside the rules where the grounds are so exceptional that they warrant it. Such cases are likely to be extremely rare. The length of leave will depend on the circumstances of the case. Applicants who are granted LOTR are not considered to be on a route to settlement (indefinite leave to remain) unless leave is granted in a specific concessionary route to settlement.

Reasons to grant LOTR on compelling compassionate grounds

Where the Immigration Rules are not met, and where there are no exceptional circumstances that warrant a grant of leave under Article 8, Article 3 medical, discretionary leave or bespoke LOTR policies, there may be compelling

compassionate grounds raised in an individual case, which warrant a grant of LOTR. Factors, in the UK or overseas, can be raised in a LOTR application. The decision maker must consider whether the application raises compelling compassionate factors which mean that the Home Office should grant LOTR.

For permission to be granted on compelling compassionate grounds, unjustifiably harsh consequences for the applicant or their family must be identified. This could mean that the applicant or their family would face exceptional hardship if refused. Or it could be that the circumstances that prevent them from meeting the rules are exceptional, out of their control and it would be unreasonable to refuse, so discretion may be required. The consequences for the individual should also be determined to be exceptional and considerably worse than most others in similar circumstances who do not meet the rules to justify a grant of LOTR.

It is important to note that the normal outcome of an application where a person does not meet the requirements, or discretion cannot be applied within the rules, is refusal.

Compassion may be felt for many applicants who are refused entry clearance, permission to enter or permission to stay. The rules set out the main purposes for permission to be granted and are intended to apply, and to be applied, in most circumstances, to ensure transparency and fairness between individuals. When considering whether to exercise discretion outside the rules, you should balance the consequences for the individual against the public interest in maintaining the immigration policies set out in the rules.

For example, the consequences of emergency or unexpected events, such as the breakout of conflict, do not necessitate a grant of LOTR. The devastating consequences of war and conflict can be widely applicable to those impacted by it, but LOTR should not be used to operate as a humanitarian route or resettlement scheme that undermines the existing rules or asylum system. Government policy determines the course of action in responding to international conflict.

Furthermore, LOTR is most appropriately granted where specific events or difficulties can only be mitigated by presence or specific actions taken in the UK. If the difficult circumstances raised can be mitigated in the country they would be returning to, a country in which they could reasonably seek permission to enter or stay, or a country in which they already have permission to enter or stay, then it could be justifiable to provide this as a basis for refusing a grant of LOTR.

You must make a balanced judgement yourself to assess whether the consequences of refusal would be unjustifiable. Each ground should be considered, separately and collectively, when coming to a decision. Only when there is no justifiable reason to refuse should a grant be provided. You should also have regard to [part 9 grounds for refusal within the Immigration Rules](#) and refer to the grounds for refusal guidance.

Where the applicant is a “near miss” under the rules that will not, in itself, mean refusal is unjustifiable, as refusal is the normal consequence of not meeting the requirements of the rules. Although, the fact their circumstance is a near miss may

be a relevant factor, in combination with other factors, which makes refusal in that case unjustifiably harsh.

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Documentary evidence

Applicants seeking LOTR must provide documentary evidence to support their claim.

Where an applicant seeks to remain to overcome a personal tragedy, they must provide evidence of the reasons that they must remain in the UK, and for how long. Attendance at a funeral, or to give evidence in an inquiry if the timings do not allow for them to leave and return in sufficient time to attend in-person are examples which may justify a short period of LOTR.

Where an applicant wishes to include a medical circumstance as a compelling compassionate ground relating to them or a dependant, they must submit satisfactory medical evidence from a medical practitioner who is qualified in the appropriate field. Such evidence must include details of the relevant medical

circumstance and why it requires a period of leave on compelling compassionate grounds. However, where the applicant seeks to rely on medical grounds as the basis of their claim, they should make an application in accordance with Discretionary leave guidance.

In respect of children and those with children

The application of this guidance must take into account the circumstances of each case and the impact on children, or on those with children, in the UK. [Section 55 of the Borders, Citizenship and Immigration Act 2009](#) places an obligation on the Secretary of State to take account of the need to safeguard and promote the welfare of children in the UK when carrying out immigration, asylum and nationality functions.

In practice, this requires a consideration to be made of the best interests of the child in every decision that has an impact on that child. This is particularly important where the decision may result in the child having to leave the UK, where there are obvious factors that adversely affect the child, or where a parent caring for the child asks us to take particular circumstances into account. All decisions must demonstrate that the child's best interests have been considered as a primary, but not necessarily the only, consideration. Caseworkers must be vigilant that a child may be at risk of harm and be prepared to refer cases immediately to a relevant safeguarding agency where child protection issues arise.

Related content

[Contents](#)

Related external links

[General grounds for refusal](#)

[Article 8](#)

[Article 3 medical \(human rights claims on medical grounds\)](#)

[Discretionary leave](#)

Process

This page tells you about the process to follow in considering leave outside the rules (LOTR) in entry clearance and leave to remain applications.

[Applying overseas for LOTR](#)

[Applying in the UK for LOTR](#)

[Authorisation of an overseas application](#)

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Applying overseas for LOTR

Applicants overseas are expected to apply on the [application form](#) for the route which most closely matches their circumstances and pay the [relevant fees and charges](#). For example, if the applicant's primary purpose is to work in the UK, then they should apply through a [Work route](#). Applicants whose primary purpose is to study in the UK should apply through a [Student route](#). If the applicant's primary purpose is to join family in the UK, then they should apply through the relevant family route, such as [the parent, partner and child routes within Appendix FM](#). Any compelling compassionate factors they wish to be considered, including any documentary evidence, must be raised within the application for entry clearance on their chosen route. Any dependants of the main applicant seeking a grant of LOTR at the same time, will need to apply separately and pay the [relevant fees and charges](#).

A person should not apply for LOTR on a form which is not an application form for entry clearance, and if they attempt to do so should be directed to a more appropriate route which matches their circumstances. For example, Non-Suspensive Appeal (NSA) and Transfer of Conditions / Replacement Biometric Residence Permits (BRP's) forms cannot be used to obtain a LOTR consideration as these routes are not ones where a person applies for permission.

Applicants should also not use the UK / European Applicant Transfer Scheme expression of interest application form to apply for LOTR. This is a pilot scheme, and the form only exists for an expression of interest application under the pilot. Only the UK / European Applicant Transfer Scheme rules will be considered when this form is used.

There are many people in very difficult situations around the world, but the UK is not obliged to consider asylum or protection claims from the very large numbers of people overseas who might want to claim asylum in the UK. This includes people applying from a war or conflict zone. The UK policy is that those who need international protection should claim asylum in the first safe country they reach – that is the fastest route to safety. The LOTR policy is not intended to operate as a

humanitarian route in contradiction or parallel to the UK's asylum and protection policies. Therefore, there is no specified LOTR form for those applying overseas in areas impacted by war, conflict or crisis.

Applying in the UK for LOTR

Applicants in the UK are expected to apply on the [application form](#) for the route which most closely matches their circumstances and pay the [relevant fees and charges](#). For example, if the applicant's primary purpose is to stay in the UK to work, then they should apply through a [Work route](#). Applicants whose primary purpose is to stay in the UK to study should apply through a [Student route](#). If the applicant's primary purpose is to stay in the UK to remain with family, then they should apply through the relevant family route, such as [the parent, partner and child routes within Appendix FM](#). Any compelling compassionate factors they wish to be considered, including any documentary evidence, must be raised within the application on their chosen route for it to be considered, if the requirements for leave on their chosen route are not met.

If an applicant in the UK wishes to be considered solely outside the Immigration Rules, they should apply using the [further leave \(human rights other\) \(FLR \(HRO\)\)](#) application form or [further leave \(Immigration Rules\) \(FLR\(IR\)\) form](#). Applicants should indicate that they are applying for other purposes not covered by other application forms and should provide details, including any relevant documentary evidence explaining in more detail why they are seeking LOTR on compelling compassionate grounds.

Where the applicant is not subject to a fee exemption or concession, they must pay the relevant fees and charges. If the application is on the family and private life form, it can be accompanied with an [appendix 1 fee waiver application](#).

If an applicant in the UK wishes to be considered for a grant of indefinite leave to remain (ILR) outside the Immigration Rules, they should apply on [form SET\(O\)](#) and pay the relevant fees and charges. Applications for ILR are not covered by the fee waiver policy. ILR applications need to be accompanied by the correct fee to be considered as valid.

Authorisation of an overseas application

Where an Entry Clearance officer considers that an application for entry clearance raises compelling compassionate grounds, they must refer the application to the Referred Casework Unit (RCU) for consideration.

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Granting LOTR

Reasons for refusal under the relevant Immigration Rules should be included in the LOTR grant letter. The primary reasons for granting LOTR on compelling compassionate grounds should also be set out briefly. The letter must be clear that LOTR is being granted on compelling compassionate grounds, including where medical circumstances have formed part of the reason for the grant of leave under this policy to distinguish the grant of LOTR from a grant outside the rules on a discretionary basis following an Article 3 medical consideration.

There are no grant letters for entry clearance and letters are not produced explaining the reasons why you have issued LOTR rather than under the route which the applicant had applied for.

Periods and conditions of LOTR

If a decision is made to grant LOTR, you need to be clear on the period of grant and any conditions attached to it. If LOTR is granted for a limited period, you need to consider whether to give access to work, study and public funds. If settlement outside the rules is granted, there will be no conditions.

You should first consider the reasons the person is seeking to enter or stay in the UK. If it is for a purpose covered by the rules, even if the applicant has not met the requirements of the rules for that route, you should normally grant for the same period and conditions as if the applicant had met the requirements of that route.

However, you may determine that a different period of permission and / or different conditions should apply, rather than those that normally apply to the route. In this case, the length of stay and conditions granted should be limited to what is needed to alleviate the compelling compassionate grounds for which LOTR is being granted. Typically, grants of LOTR for a purpose not covered by the rules should be for a maximum of 30 months for leave or 33 months for entry clearance.

Payment of the Immigration Health Surcharge (IHS) might be required prior to granting permission to enter or stay (IHS is not payable on settlement) to cover the period of the grant. This means you must contact the applicant expressing your intention to grant for a specified period, making it clear the grant is subject to payment of the IHS and provide a breakdown of the amount due. Where an applicant cannot afford to pay the application fees and / or the Immigration Health Surcharge, on certain routes they can apply for a fee waiver.

Where the request for an exercise of discretion relates to the period of permission granted, this can arise often in relation to a request to exercise discretion to grant immediate settlement rather than temporary permission. Settlement in the UK is a privilege, not an automatic entitlement. The fact the applicant's circumstances are unlikely to change, that the UK is their home or that they want the security of settlement, will not generally outweigh the policy that people should not obtain all the advantages of settlement, including access to citizenship, until they have spent time

with temporary permission on a relevant route and made a valid application for settlement (including paying the relevant fee). Therefore, it is rare that grounds raised for LOTR considerations should lead to a grant of settlement.

However, it may be appropriate to grant settlement where the person does not meet the requirements for settlement in exceptional circumstances. This could be, for example, due to previous administrative errors on the part of the Home Office.

Where someone with permission in the Family or Private Life routes requests settlement outside the rules, consideration must be given to the section on 'Longer or shorter periods of leave' within the Family life and exceptional circumstances guidance.

It may also be appropriate to consider a request to be granted settlement outside the rules on the specific facts of the case when considering the best interests of a child more generally: see [children duty](#).

All factors raised that relate to exceptional circumstances and compelling compassionate grounds must be addressed in the decision letter. There are no decision letters for entry clearance cases.

Refusing LOTR

Reasons for refusal under the relevant Immigration Rules where relevant, along with reason for refusal outside the rules must be included in the decision letter. These reasons must explain what factors the applicant raised and what evidence has been taken into account, before going on to explain why they do not warrant a grant of leave. You must explain why discretion has not been exercised to grant leave outside the rules in each application on a case-by-case basis. [See refusal wordings](#).

Right of appeal

Where a human rights claim has not been decided as part of the consideration, applicants who apply for a grant of leave outside the Immigration Rules and are refused will not have a right of appeal against the decision or an administrative review of the decision.

Deferring

There may be factors raised which will be sufficiently short lived, that it is proportionate to refuse the application or claim on and give an undertaking not to remove the individual or expect them to leave the UK voluntarily until the circumstances have changed. Where it is considered that the person can leave the UK within a short time of the date of decision, it will normally be appropriate to refuse the application or claim outright, not grant a period of LOTR and defer removal until such time as it is possible.

Further leave

When a grant of LOTR expires, the applicant is expected to leave the UK unless they are seeking to apply under a category of the Immigration Rules. LOTR is not intended to be a route to remain in the UK, but instead provides a period of leave sufficient to overcome a compelling compassionate ground.

If the applicant wishes to seek further LOTR, they must make an appropriate application. The fact that leave was previously granted is no guarantee that further LOTR will be granted. Every case will be considered on its merits taking into account the individual facts of the case.

Related content

[Contents](#)

Related external links

[Family life and exceptional circumstances: caseworker guidance](#)

Refusal wordings

This section sets out suggested wordings for decision makers to use in a refusal letter. The following wordings are examples. They do not constitute an exhaustive list of possible refusal paragraphs.

Refusal reason	Suggested wording
No exceptional circumstances raised	It has also been considered whether your application raises any exceptional circumstances which might warrant a grant of leave to the United Kingdom outside the requirements of the Immigration Rules on compelling compassionate grounds. You have not raised any such exceptional circumstances, so it has been decided that your application does not fall for a grant of leave outside the rules.
Exceptional circumstances raised – implicitly or explicitly	It has also been considered whether the particular circumstances set out in your application constitute exceptional circumstances which might warrant a grant of leave to the UK outside the requirements of the Immigration Rules on compelling compassionate grounds. In support of your claim you state [insert details of circumstances raised]. You have submitted [insert details of any evidence submitted]. This has been carefully considered, but your application does not fall for a grant of leave outside the rules because [set out reasons why the circumstances are not considered exceptional – include consideration of ILR where such grounds are raised].

Related content

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