

Part Suitability: Exclusion from Asylum or Humanitarian Protection

Version 7.0

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About this guidance

This guidance is for decision makers assessing the following:

- whether an application for entry clearance or permission should be refused on the grounds that the applicant is excluded from protection or:
 - would have been excluded if they had made a protection claim
 - if their previous claim was determined without consideration of whether they should be excluded from protection
- whether someone's entry clearance or permission should be cancelled on the grounds that they are excluded from protection or:
 - would have been excluded if they had made a protection claim
 - if their previous claim was determined without consideration of whether they should be excluded from protection

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, 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 you can email the Guidance Review, Atlas and Forms team.

Publication

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

- version **7.0**
- published for Home Office staff on **November 11 2025**

Changes from last version of this guidance

Changes to reflect Part Suitability replacing Part 9: grounds for refusal of the Immigration Rules.

Related content

[Contents](#)

Introduction

Paragraph SUI 4.1 of [Part Suitability of the Immigration Rules](#) provides that entry clearance or permission to enter must be refused on suitability grounds where the applicant is, or would be, excluded from protection.

Paragraph SUI 4.2 of [Part Suitability of the Immigration Rules](#) provides that entry clearance or permission held by a person must be cancelled where the person is, or would be, excluded from protection.

The purpose of these provisions is to prevent a person who is, or would be, excluded from protection seeking to enter or remain in the UK on a different route.

It is likely that where this ground applies other suitability grounds under Part Suitability will also apply (for example non-conducive or criminality grounds).

Paragraphs SUI 4.1 and SUI 4.2 . do not apply to:

- [Appendix EU](#)
- [Appendix EU \(Family Permit\)](#)
- [Appendix Domestic Worker who is a Victim of Modern Slavery](#)
- [Part 11 \(Asylum\)](#), except Part Suitability applies to 352ZH to 352ZS, and 352I to 352X
- applications by virtue of the ECAA Association Agreement
- applications for permission to stay under [Appendix ECAA Extension of Stay](#)
- [Appendix Service Providers from Switzerland](#)
- Appendix Settlement Protection

What is exclusion from protection?

A decision maker may refuse an application for entry clearance or permission under paragraph SUI 4.1 or cancel entry clearance or permission under paragraph SUI 4.2 on the grounds that the applicant, or person, has previously made a protection claim in the UK and any of the following apply:

- a decision has been made that the person is excluded from being a Refugee under paragraph 339AA of Part 11 of the Immigration Rules
- a decision has been made that the person is excluded from humanitarian protection under paragraph 339D of Part 11 of the Immigration Rules
- a decision has been made that the person's humanitarian protection is revoked on the grounds of exclusion under paragraph 339GB of Part 11 of the Immigration Rules
- a decision has been made that the person is a danger to the security or having been convicted by a final judgement of a particularly serious crime - the person is a danger to the community of the UK under paragraph 339AC of Part 11 of the Immigration Rules

An application must also be refused under paragraph SUI 4.1, or entry clearance or permission cancelled under paragraph SUI 4.2, on any of the above grounds if the person would be excluded from protection but the person has not yet made a protection claim, or the person made a protection claim which has already been decided, but it was decided without considering whether the person was excluded from protection.

Burden and standard of proof

The burden of proof is on the Home Office to show that the suitability grounds apply. When deciding whether the person is excluded from protection the standard of proof and the consideration of exclusion is as set out in the exclusion guidance.

For further information, see: [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#).

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Part 11 of the Immigration Rules

The exclusion grounds are set out in detail in Part 11 of the [Immigration Rules](#). In broad terms they are as follows:

Exclusion from the Refugee Convention

Asylum applicants can be excluded from the Refugee Convention under paragraph 339AA of the Immigration Rules.

A person can be excluded where there are serious reasons to consider that they have:

- committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes
- committed a serious non-political crime outside the country of refuge prior to admission to that country as a refugee
- been guilty of acts contrary to the purposes and principles of the United Nations

These provisions are defined in Section 36 of the [Nationality and Borders Act 2022](#).

Exclusion from humanitarian protection

A person can be excluded from a grant of humanitarian protection under paragraph 339D of the Immigration Rules if there are serious reasons for considering that they, either:

- have committed / instigated or otherwise participated in the commission of a:
 - crime against peace
 - a war crime
 - a crime against humanity - as defined in the international instruments drawn up to make provision in respect of such crimes
- have committed - instigated or otherwise participated in the commission of a serious non-political crime outside the UK prior to their admission to the UK as a person granted humanitarian protection
- have been guilty of acts contrary to the purposes and principles of the United Nations
- have been convicted by a final judgement of a particularly serious crime (as defined in Section 72 of the [Nationality, Immigration and Asylum Act 2002](#)), constitutes a danger to the community of the UK
- is a danger to the security of the UK

Revocation of humanitarian protection

Under paragraph 339GB of the Immigration Rules, humanitarian protection can be revoked if the Secretary of State is satisfied that the person granted humanitarian protection should have been or is excluded from humanitarian protection under paragraph 339D of the Immigration Rules.

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Decision templates

You must fully explain the reasons for the decision, including the evidence that was considered.

Example refusal wording: exclusion from protection

Your application for entry clearance/permission to enter/permission to stay as [route] is refused because you previously claimed asylum in the UK on [date] and a decision was taken to exclude you from the Refugee Convention/humanitarian protection on [insert date]. I am therefore satisfied that you do not meet the suitability requirement as you are excluded from protection and paragraph SUI 4.1. of Part Suitability of the Immigration Rules applies.

Cancellation of entry clearance or permission

Cancellation means cancellation, variation in duration, or curtailment of entry clearance or permission, which can take effect immediately or at a specified future date and whether the person is in the UK or overseas.

Advice on when entry clearance or permission may be cancelled is set out in the [What is exclusion from protection?](#) and Part 11 of the Immigration Rules sections of this guidance.

Where an application is being refused on the grounds that the applicant is excluded from protection and they have extant entry clearance or permission, you must also cancel that entry clearance or permission under paragraph SUI 4.2 of Part Suitability of the Immigration Rules.

Where this ground applies it is likely that other grounds for cancellation in Part Suitability will also apply (for example: non-conductive grounds or criminality grounds).

In most cases, the exclusion evidence will have been considered in deciding the current application. However, if the exclusion information was not considered at the time of that decision, or the exclusion decision has been made subsequently, it may be appropriate to cancel existing entry clearance or permission.

Where the grounds are engaged, cancellation is mandatory.

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If the person whose entry clearance or permission is being cancelled has dependants, who have entry clearance or permission you will also need to consider whether to cancel their entry clearance or permission.

For further information, see: Grounds for refusal and cancellation (suitability).

Example wording: cancellation of permission on exclusion from protection grounds (protection claim made)

You were granted [entry clearance/permission] on [date] under [route] of the Immigration Rules.

On [date] [your protection claim was refused and] you were [excluded from the Refugee Convention/humanitarian protection/found to be a danger to the security/community of the UK] for the reasons set out in that decision.

Your extant [entry clearance/permission] shall also be cancelled under paragraph SUI 4.2 of Part Suitability of the Immigration Rules.

Your [entry clearance/permission] is cancelled from [date].

Example wording: cancellation of permission on exclusion from protection grounds (no protection claim made)

You were granted [entry clearance/permission] on [date] under [route] of the Immigration Rules.

On [date] a decision was made that you would be excluded from [the Refugee Convention/humanitarian protection] if you made a protection claim for the following reasons/reasons set out in that decision.

Your extant [entry clearance/permission] shall also be cancelled under paragraph SUI 4.2 of Part Suitability of the Immigration Rules.

Your [entry clearance/permission] is cancelled from [date].

Cancellation of leave and refusal of permission to enter at the border

Immigration Officers at the border will sometimes be required to cancel someone's existing leave, or refuse them permission to enter, where a decision has already been taken to exclude them from protection. Immigration Officers will need to check the Warnings Index to see if an individual has been refused protection.

Related content

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