



Home Office

Permission to stay on a protection route for asylum claims lodged on or after 28 June 2022 and before 2 March 2026

Version 3.0

Formerly (up to version 2.0): 'Permission to stay on a protection route for asylum claims lodged on or after 28 June 2022'

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About this guidance

This instruction provides guidance to decision-makers on the duration of, and conditions attached to permission to stay, previously referred to as leave to remain, to be granted to those who have been granted refugee status or humanitarian protection under [Part 11 of the Immigration Rules](#). This includes those granted at initial decision stage or following an allowed or withdrawn appeal, or further submissions. This guidance only applies to decisions on asylum claims or further submissions lodged on or after 28 June 2022 and before 2 March 2026.

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 Asylum Policy Secretariat.

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 cleared:

- version **3.0**
- published for Home Office staff on **07 April 2026**

Changes from last version of this guidance

- updated to reflect changes to [paragraphs 339QA and 339QB of the Immigration Rules](#) following the introduction of [paragraphs 339QAA and 339QBA of the Immigration Rules](#).

Related content

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Introduction

Relevance of the date that the asylum claim was made

This guidance explains the circumstances in which it would be appropriate for you to grant permission to stay on a protection route.

This guidance is for decision-makers considering asylum claims or further submissions lodged on or after 28 June 2022 and before 2 March 2026 or asylum claims or further submissions that need to be considered as if they had been made between those dates under transitional arrangements.

28 June 2022 is the ‘commencement date’ for the relevant sections of the [Nationality and Borders Act 2022](#) (‘2022 Act’) and the associated changes to [Part 11 of the Immigration Rules](#). For asylum claims and further submissions lodged before 28 June 2022, see Refugee and humanitarian protection leave in asylum claims lodged pre-28 June 2022.

2 March 2026 is the relevant date for the changes to [Part 11 of the Immigration Rules](#). For asylum claims or further submissions lodged on or after 2 March 2026, see Permission to stay on a protection route for asylum claims lodged on or after 2 March 2026.

Transitional arrangements

For the purposes of the transitional arrangements only, individuals who sought to register an asylum claim or lodge further submissions before 28 June 2022, or where relevant, before 2 March 2026, but were provided with an appointment to attend a designated place to register their asylum application or further submissions on or after 28 June, or where relevant, on or after 2 March 2026, will be considered to have ‘made an asylum claim’ before the relevant date, but only if they attend their scheduled appointment (or, in the event that it is cancelled or rescheduled for reasons attributable to the Home Office, the rescheduled appointment).

However, if the individual does not attend their appointment, but later wishes to register a claim for asylum or lodge further submissions, they will not be considered to have ‘made an asylum claim’ before 28 June 2022 or where relevant, before 2 March 2026 unless:

- there were circumstances beyond their control that made it impossible for them to attend the appointment scheduled for them
- they contacted the Home Office as soon as reasonably practicable to explain the said circumstances and apply for a new appointment
- they provided the Home Office, as soon as reasonably practicable, with evidence to demonstrate their inability to attend the scheduled appointment which they say they were unable to attend

In such cases, this guidance will apply to their claim.

Where a person is considered to have claimed asylum or lodged further submissions before 28 June 2022 under transitional arrangements, this policy does not apply and you must refer to the guidance on Refugee and humanitarian protection leave in asylum claims lodged pre-28 June 2022.

Where a person is considered to have claimed asylum or lodged further submissions on or after 2 March 2026, this policy does not apply and you must refer to the Permission to stay on a protection route for asylum claims lodged on or after 2 March 2026 guidance.

Background

The UK has a proud record of providing protection for those who need it, in accordance with our international obligations, for example under the Refugee Convention and the European Convention on Human Rights ('ECHR'). Those recognised as refugees because they have a well-founded fear of persecution in their country of origin for reasons covered by the Refugee Convention are normally granted refugee status and permission to stay on a protection route in the UK. Those recognised as facing a real risk of serious harm in their country of origin are normally granted humanitarian protection and permission to stay on a protection route in the UK.

An individual granted refugee status following an asylum claim lodged after 28 June 2022 and before 2 March 2026 will be granted permission to stay on a protection route in accordance with [paragraph 339QA of the Immigration Rules](#). An individual granted humanitarian protection following an asylum claim lodged after 28 June 2022 and before 2 March 2026 will be granted permission to stay on a protection route in accordance with [paragraph 339QB of the Immigration Rules](#). This means that permission to stay on a protection route will be valid for a minimum of 5 years and will include the right to work and recourse to public funds.

This instruction must be read in conjunction with the main asylum policy instructions, in particular:

- Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022
- Dependants and former dependants
- Family asylum claims
- Humanitarian protection in asylum claims lodged on or after 28 June 2022
- Exclusion (Article 1F) and Article 33(2) of the Refugee Convention
- Revocation of protection status
- Settlement protection
- Processing children's asylum claims
- Permission to stay on a protection route for asylum claims lodged on or after 2 March 2026
- Refugee and humanitarian protection leave – claims lodged pre-28 June 2022

Policy intention

The policy objective is primarily to provide a period of permission to stay in the UK to those with protection status because they cannot be expected to leave the UK. The policy is designed to:

- meet our international obligations under the Refugee Convention by granting refugee status and an appropriate period of permission to stay to those who need our protection
- meet our international obligations under the ECHR by granting humanitarian protection and permission to stay to those who cannot be expected leave the UK as in doing so they would face a real risk of serious harm
- maintain a fair immigration system that requires all migrants, including those granted protection status, to complete an appropriate period of permission to stay in order to be granted the right to settlement
- ensure that safe return reviews are carried out when considering applications for further permission to stay on a protection route so that protection is provided for as long as it is needed, but make clear that those who no longer need protection will need to apply to stay on another basis or leave the UK

Application in respect of children

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) requires the Home Office to ensure that immigration and nationality functions are discharged having regard to the need to safeguard and promote the welfare of children in the UK. This applies to children who claim asylum in their own right and those dependent on their parents' asylum claim.

Unaccompanied children who claim asylum and qualify for refugee status or humanitarian protection are also normally granted permission to stay on a protection route in-line with this policy. However, there may also be exceptional reasons to grant a longer period of permission to stay and you should refer to the section on [applications for longer periods of permission](#) to stay below.

You must have regard to the section 55 duty when processing considering asylum claims and further submissions. The statutory guidance, [Every Child Matters – Change for Children](#), sets out the key principles to take into account in all actions.

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 Asylum Safeguarding Hub who will refer the case to the relevant local authority. There is no requirement to obtain the consent of any adults involved as safeguarding the child is our primary responsibility. In an emergency the case must be referred to the police without delay. The Safeguarding Advice and Children's Champion (SACC) can also offer specialist safeguarding and welfare advice on issues relating to children, including family court proceedings and complex child protection cases.

For further information on the key principles to take into account, see: Section 55 children's duty guidance. See also Processing asylum applications from children guidance.

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Legislation

The 1951 Refugee Convention

The [Refugee Convention](#) provides the framework for international refugee protection. Under the Convention, signatory states have obligations to refugees which include protection against non-refoulement but also extend to other rights including freedom of religion, access to justice, education, employment, housing, public relief and the facilitation of integration and naturalisation in the host country. The UK implements its obligations to refugees, including furnishing them with their rights under the Convention, through domestic legislation which sets out refugees' permission to stay and associated entitlements.

Immigration Rules

[Part 11 of the Immigration Rules](#) sets out the provisions for considering asylum applications.

[Paragraph 334 of the Immigration Rules](#) sets out the criteria that must be met for an individual to be granted refugee status.

[Paragraph 339C of the Immigration Rules](#) sets out the criteria that must be met for an individual to be granted humanitarian protection.

[Paragraph 339QA and 339QB B of the Immigration Rules](#) sets out the duration of permission to stay on a protection route provided to individuals granted refugee status or humanitarian protection following an asylum claim made on or before 2 March 2026.

[Paragraph 339QC of the Immigration Rules](#) sets out that where the asylum applicant is granted refugee status or humanitarian protection, any dependants included on the claim may be granted permission to stay for the same duration, and with the same conditions as that which is granted to the asylum applicant.

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Permission to stay on a protection route

[Part 11 of the Immigration Rules](#) contains the legal framework within which a person granted refugee status or humanitarian protection in the UK will be provided with permission to stay.

Those who claim asylum or lodge further submissions before 2 March 2026, and who are granted refugee status or humanitarian protection, will be granted permission to stay on a protection route in the UK and will normally be granted and provided with the following:

- an initial period of 5 years' permission to stay on a protection route
- immediate and unrestricted access to the labour market
- recourse to public funds
- the opportunity to apply for a refugee integration loan

Dependants

Family members who have been accepted as dependants on the asylum claim in accordance with [paragraph 349 of the Immigration Rules](#) will normally be granted permission to stay in line with the main claimant under [paragraph 339QC of the Immigration Rules](#), unless:

- the dependant has also claimed asylum, subject to the requirements set out in [paragraph 327AB of the Immigration Rules](#), and qualifies for a grant of protection status under [Part 11 of the Immigration Rules](#) - in which case, the dependant, who is also a claimant, must be granted protection status and permission to stay on a protection route
- the dependant does not meet the requirements to be granted permission to stay under [paragraph 339QC of the Immigration Rules](#), for example, because the dependant has been convicted by final judgment of a particularly serious crime and is considered to be a danger to the community of the UK

Under UK law, children included as a dependant on their parent's asylum claim are generally also considered to have made an asylum claim in their own right. Where it is considered that a dependant child is at risk of persecution or serious harm on return to their country, you must normally grant the child refugee status or humanitarian protection and permission to stay on a protection route for 5 years. Where it is considered that a dependant child is not at risk of persecution or serious harm on return to their country, you must consider granting the child permission to stay under [paragraph 339QC of the Immigration Rules](#), for the same duration and with the same conditions as that which is granted to their parent.

See Dependants and former dependants and where relevant, Family asylum claims for guidance on how to consider granting or refusing permission to stay to dependants.

Refusing permission to stay on a protection route

Only those granted refugee status under [paragraph 334 of the Immigration Rules](#) or humanitarian protection under [paragraph 339C of the Immigration Rules](#) can be granted permission to stay on a protection route. Any individual who does not have refugee status or humanitarian protection must not be granted permission to stay on a protection route under [paragraph 339QA-QB of the Immigration Rules](#).

Allowed appeals

All decisions to refuse a protection claim attract a right of appeal under [Section 82 of the Nationality, Immigration and Asylum Act 2002](#), unless the claim is certified under section 94 or section 96 of the Nationality, Immigration and Asylum Act 2002. This includes where refugee status is refused, but humanitarian protection is granted, or where refugee status and humanitarian protection is refused, but another form of permission to stay, such as discretionary leave, is granted.

Where an appeal against the decision to refuse protection status is allowed on protection grounds, you must grant the claimant permission to stay on a protection route for 5 years in cases where the claimant claimed asylum before 2 March 2026.

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Applications for further permission to stay on a protection route

Pre-Nationality and Borders Act 2022 claims

For guidance on granting permission to stay to individuals granted refugee status or humanitarian protection as a result of asylum claims made before 28 June 2022, see the refugee and humanitarian protection leave guidance.

Post 2 March 2026 claims

For guidance on granting permission to stay to individuals granted refugee status or humanitarian protection as a result of asylum claims made on or after 2 March 2026, see the permission to stay on a protection route for asylum claims lodged on or after 2 March 2026 .

Applications for longer periods of permission to stay

This guidance outlines the normal length of permission to stay which will be provided to an individual who claimed asylum on or after 28 June 2022 but before 2 March 2026 and is granted refugee status or humanitarian protection in the UK. However, there may be exceptional circumstances which warrant a longer period of permission to stay. A claimant may make such a request as part of their initial claim or make an application at any point thereafter. A claimant may also have indicated particular vulnerabilities as part of their asylum claim which you must consider in deciding whether to grant a longer permission to stay, even if the claimant has not made a specific request or application for a longer period of permission to stay.

A longer period of permission to stay will only be granted in the most exceptional of circumstances. This means not only a situation which is unusual but one which is distinguished to a high degree from others who need international protection, to the extent that it is necessary to deviate from the normal grant of permission to stay.

The claimant must provide specific evidence in support of why a longer period of permission to stay is appropriate. In the case of medical or mental health issues, the evidence must specifically address why the longer period of permission to stay is relevant to the claimant and why the normal period is insufficient. It is highly unlikely that a request for indefinite permission to stay (also referred to as 'indefinite leave to remain' or 'settlement') on account of, for example, employment or educational opportunities will succeed but you must consider if there are any other reasons to divert from a normal period. The best interests of the child must also be considered in deciding whether a longer period permission of stay may be appropriate. Any grant of a longer period of permission to stay, including indefinite permission to stay, must be approved by a senior manager (SEO or above).

Safe return review

All those who apply for further permission to stay on a protection route, including settlement protection, will be subject to a safe return review with reference to the country situation at the date the application is considered. Those who still need protection upon applying will normally qualify for further permission to stay or settlement. You must consider the conditions attached to grants of further permission to stay when considering applications for further permission to stay. In the vast majority of cases, it is likely that a person's protection needs will remain and that further permission to stay or settlement would be granted on that basis. You must refer to Settlement Protection for more detailed guidance on conducting safe return reviews.

An individual's case may also be reviewed either when triggered by their actions, for example, they are convicted of a particularly serious crime, or in light of a significant and non-temporary change in conditions in their country of origin such that they no longer need protection. Permission to stay on a protection route may be curtailed or revoked (cancelled) under [339QD of the Immigration Rules](#) in cases where the individual's protection status is revoked. See Revocation of protection status for further guidance.

Individuals who do not apply for further permission to stay

Where an individual on a protection route does not apply for further permission to stay before their current permission expires or does not apply for further permission to stay at all, they become an overstayer and are no longer entitled to the benefits associated with a valid period of permission to stay on a protection route, for example, permission to work.

They also become liable to removal but remain in need of international protection until and unless their refugee status or humanitarian protection is revoked. Therefore, you must revoke their refugee status or humanitarian protection before they are removed. For more guidance on when it is appropriate to revoke refugee status or humanitarian protection, please see the Revocation of protection status guidance.

Where evidence comes to light that an individual has overstayed and has not made an application for further permission to stay, you must consider whether there are grounds to refer the case to the Status Review Unit. For more guidance on when it is appropriate to refer cases to the Status Review Unit, please see the guidance on revocation of protection status.

The reasons why an individual with refugee status or humanitarian protection applied late for a further period of leave should be explored including by contacting the applicant if necessary. Reasons could include:

- lack of legal advice or poor advice
- language difficulties
- level of education

- destitution or near destitution
- illness
- experiences of social marginalisation
- inability to travel (for example due to a pandemic)

Where the individual provides sufficient reasons for the late application, and there are no reasons to refer the case to the Status Review Unit for consideration of revocation, then you must process the application for further permission or settlement protection in the normal way.

In cases where an applicant does not provide sufficient reasons why their application was not made in time, they should still be presumed to be entitled to protection, though their case can be referred to Status Review Unit for a review of their continuing need for protection should there be grounds to do so. Should protection status be retained, you must normally grant a further period of permission to stay for 30-months.

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