



Home Office

Administrative review

Version 18.0

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About this guidance

This guidance tells caseworkers how to validate, consider and decide applications for administrative review in the UK or overseas of decisions made under the Immigration Rules. It also covers validation of administrative review applications relating to border decisions.

This guidance relates to [Appendix Administrative Review](#) to the Immigration Rules.

Administrative review will consider whether an 'eligible decision' is wrong because of a case working error and, if it is, correct that error.

Administrative review is only available where an eligible decision has been made. For more information, see [Decisions which are eligible for administrative review](#).

An application for administrative review must be made in line with the validation requirements set out in [Appendix Administrative Review](#). For more information, see [Validation requirements](#).

The safeguard and promote child welfare page tells you about your duty to safeguard and promote the welfare of children and tells you where to find more information.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or think that the guidance has factual errors then you can email the Appeals 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 **18.0**
- published for Home Office staff on **3 August 2026**

Changes from last version of this guidance

Appendix ECAA Settlement: ECAA nationals and settlement has been inserted into the list of eligible routes.

Related content

[Contents](#)

Key facts: decisions to refuse permission to enter or stay

This page provides some key facts relating to administrative review of decisions to refuse permission to enter or stay in the UK.

Who has the right to apply for an administrative review?

A person who has received an 'eligible decision' may apply for an administrative review.

Eligible decisions are those made under:

- Appendix ECAA: Extension of Stay
- Appendix ECAA Settlement: ECAA nationals and settlement
- Appendix Student
- Appendix Short-term Student (English Language)
- Appendix Child Student
- Appendix Parent of a Child Student
- Appendix Graduate
- Appendix Skilled Worker
- Appendix Global Business Mobility Routes
- Appendix T2 Minister of Religion
- Appendix Representative of an Overseas Business
- Appendix UK Ancestry
- Appendix Global Talent
- Appendix High Potential Individual
- Appendix Scale-up
- Appendix Start-up
- Appendix Innovator Founder
- Appendix International Sportsperson
- Appendix Domestic Workers in a Private Household
- Appendix Domestic Worker who is a Victim of Modern Slavery
- Appendix Temporary Work – Seasonal Worker
- Appendix Temporary Work – Creative Worker
- Appendix Temporary Work – Religious Worker
- Appendix Temporary Work – Charity Worker
- Appendix Temporary Work – International Agreement
- Appendix Temporary Work – Government Authorised Exchange
- Appendix Youth Mobility Scheme
- Appendix Hong Kong British National (Overseas)
- Appendix Gurkha and Hong Kong military unit veteran discharged before 1 July 1997, except where the applicant is 18 years of age or older and applying as a dependent child
- Appendix Bereaved Partner
- Appendix Victim of Domestic Abuse

- Appendix Statelessness
- Tier 1 Migrants under Part 6A of the Points Based System
- Appendix HM Armed Forces, except where the applicant is a partner or child under Appendix HM Armed Forces and the Armed Forces sponsor is a British citizen, or has 4 years reckonable service
- Appendix International Armed Forces and International Civilian Employees

and for which the outcome is that the application is refused.

How will the applicant know they have a right to apply for an administrative review?

If the Home Office has refused an application, or Border Force have refused entry, the refusal notice will tell the applicant if they can apply for administrative review.

How to apply for an administrative review

Applicants should apply online using the form at [Ask for a visa administrative review](#).

What fee is payable for an administrative review?

There is a fee of £80 for an administrative review.

Refunds and length of time for a refund to be given

The fee is only refunded if the:

- application for administrative review is rejected as invalid
- decision on the review is to grant leave

The fee will not be refunded if the outcome of the administrative review is that the original decision is upheld.

The fee should normally be refunded within 3 weeks of the date of decision.

What does an administrative review do?

It will allow the applicant to raise any permitted case work error (defined in [Appendix Administrative Review](#)) that they think has been made on the application and, if an error has been made, have it corrected.

Will the person conducting the administrative review be the same person who made the initial decision?

No. The administrative review will be carried out by a different person on an independent team.

What is the time limit for applying for administrative review in country?

It is 14 calendar days from the date the applicant receives the refusal notice (seven calendar days if they are detained).

Will immigration permission continue while the administrative review is being carried out?

If the applicant's permission was already extended by section 3C and they made an application for administrative review within the time limit, they continue to have immigration permission until they are served with notice of the decision on the administrative review or the application for administrative review is withdrawn.

Can applicants who applied in country before administrative review was introduced also request an administrative review?

No. Applicants who made an application before the relevant time limit for the route they are applying under cannot request an administrative review.

Can applicants apply for administrative review and make a new application for entry clearance, permission to enter or permission to stay at the same time?

No. If an applicant makes an administrative review application and then makes a new application for entry clearance, permission to enter or permission to stay, the administrative review application will be treated as withdrawn.

If an applicant makes a new application for entry clearance, permission to enter or permission to stay and then makes an administrative review application in respect of a previous decision, the administrative review application will be rejected.

What happens if the administrative review is unsuccessful?

The applicant must leave the UK after they receive the administrative review decision if they do not have immigration permission.

Will the applicant need to go through the biometric enrolment process again if the administrative review succeeds?

No.

What will happen to any immigration health surcharge (IHS) paid while an administrative review could be made?

If an IHS has been paid and the application was refused with a right of administrative review, the IHS will not be refunded during the period when an:

- in time administrative review may be made
- administrative review is under consideration

Related content

[Contents](#)

Key facts: decisions to cancel permission at the border

This page provides some key facts relating to administrative review of decisions to cancel permission at the border.

Who has the right to apply for an administrative review of a decision to cancel permission at the border?

An applicant who has received an 'eligible decision' may apply for an administrative review.

For applicants at the UK border, eligible decisions include decisions to cancel permission to enter or stay which was in force, with the result that the applicant has no permission to enter or stay, due to:

- change of circumstances, including all the changes of circumstance in [Part Suitability of the Immigration Rules](#)
- false representations
- failure to disclose material facts

A decision to cancel permission under paragraph SUI 25.1 of the Immigration Rules would be due to a change of circumstances and so would be challengeable by administrative review.

A decision to cancel permission for failure to disclose material facts under paragraphs SUI 9.1-10.2 can be challenged by administrative review, but false representations cancellations are not limited to cancellations under those paragraphs. Wherever permission is cancelled due to false representations, the decision can be challenged. For example, a cancellation on sham marriage or sham civil partnership grounds will usually be because false representations have been made.

For those entering via an eGate, permission obtained by passing through the eGate is to be treated as having been given before the person's arrival in the UK. Therefore, if a decision to cancel permission on the grounds of false representations or a failure to disclose material facts is made after the person has passed through an eGate, you will need to consider whether the person qualifies for an administrative review.

For those who have entered via eGates, a refusal of permission to enter will generally be under false representations of Part Suitability of the Immigration Rules. This type of decision is eligible for administrative review under paragraph AR 2.1(a) or AR 2.1(b).

How will the applicant know they have a right to apply for an administrative review?

If a Border Force officer has cancelled a person's permission to enter or stay at the border, the decision notice will tell the applicant if they can apply for administrative review.

How to apply for an administrative review

The applicant should apply online using the form at [Ask for a visa administrative review](#).

Fee payable for administrative review

There is a fee of £80 for an administrative review.

Refunds and length of time for a refund to be given

The fee is only refunded if the:

- application for administrative review is rejected as invalid
- decision on the review is to withdraw the cancellation and grant permission to enter

The fee will not be refunded if the outcome of the administrative review is that the original decision is upheld.

The fee should normally be refunded within 3 weeks of the date of decision.

What does an administrative review do?

Where there is a right to an administrative review, it will allow the applicant to challenge a decision to cancel immigration permission at the border and, if an error has been made, have the error corrected.

Will the person conducting the administrative review be the same person who made the initial decision?

No. The administrative review will be carried out by a different person.

What is the time limit for applying for administrative review of a decision at the border?

14 calendar days from the date the applicant receives the decision notice.
Where the applicant is in immigration detention on the date they receive their decision notice, they have 7 calendar days from that date to apply for an administrative review.

The application must be made from overseas if the decision was made at the juxtaposed controls in:

- Paris
- Brussels

- Dunkirk
- Coquelles
- Calais
- Lille

In this case the time limit is 28 calendar days from the date the applicant receives the decision notice.

Will immigration permission continue while the administrative review is being carried out?

No. The applicant will be granted immigration bail if they are allowed to enter the UK to make an administrative review application.

Can applicants apply for administrative review and make a new application for entry clearance, permission to enter or permission to stay at the same time?

No. If an applicant makes an administrative review application and then makes a new application for entry clearance, permission to enter or permission to stay, the administrative review application will be treated as withdrawn.

If an applicant makes a new application for entry clearance, permission to enter or permission to stay and then makes an administrative review application in respect of a previous decision, the administrative review application will be rejected.

What happens if the administrative review is unsuccessful?

The applicant must leave the UK after they receive the administrative review decision if they do not have immigration permission.

Related content

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Key facts: overseas administrative review

This page provides some key facts relating to overseas administrative review

Who has the right to apply for an administrative review overseas?

A person who has received an 'eligible decision' on an entry clearance application may apply for an administrative review.

For applicants overseas, an eligible decision is a decision to refuse an application for entry clearance on the routes listed below:

- Appendix Student
- Appendix Short-term Student (English Language)
- Appendix Child Student
- Appendix Parent of a Child Student
- Appendix Skilled Worker
- Appendix Global Business Mobility Routes
- Appendix T2 Minister of Religion
- Appendix Representative of an Overseas Business
- Appendix UK Ancestry
- Appendix Global Talent
- Appendix High Potential Individual
- Appendix Scale-up
- Appendix Start-up
- Appendix Innovator Founder
- Appendix International Sportsperson
- Appendix Overseas Domestic Worker
- Appendix Temporary Work – Seasonal Worker
- Appendix Temporary Work – Creative Worker
- Appendix Temporary Work – Religious Worker
- Appendix Temporary Work – Charity Worker
- Appendix Temporary Work – International Agreement
- Appendix Temporary Work – Government Authorised Exchange
- Appendix Youth Mobility Scheme
- Appendix Hong Kong British National (Overseas)
- Appendix Bereaved Partner
- Appendix Victim of Domestic Abuse
- Appendix Returning Resident
- Tier 1 Migrants under Part 6A of the Points Based System
- Appendix HM Armed Forces, except where the applicant is a partner or child under Appendix HM Armed Forces and the Armed Forces sponsor is a British citizen, or has 4 years reckonable service
- Appendix International Armed Forces and International Civilian Employees

- Appendix HM Armed Forces except where the applicant is a partner or child under Appendix HM Armed Forces and the Armed Forces sponsor is a British citizen, or has 4 years reckonable service
- Appendix International Armed Forces and International Civilian Employees
- Appendix Gurkha and Hong Kong military unit veteran discharged
- before 1 July 1997, except where the applicant is 18 years of age or older and applying as a dependent child

How will the applicant know they have a right to apply for an administrative review?

If the entry clearance officer has refused an application, the decision notice will tell the applicant if they can apply for administrative review and how to apply.

How to apply for an administrative review

The applicant should apply online using the form at [Ask for a visa administrative review](#).

Fee payable for administrative review

There is a fee of £80 for an administrative review.

Refunds and length of time for a refund to be given

The fee is only refunded if the:

- application for administrative review is rejected as invalid
- decision to refuse entry clearance is withdrawn because of a caseworking error in the original decision

The fee will not be refunded if the outcome of the administrative review is that the original decision is upheld.

The fee should normally be refunded within 3 weeks of the date of decision.

What does an administrative review do?

A person who has received an eligible decision on an entry clearance application may apply for an administrative review. This will allow the applicant to raise any case work errors (on eligible routes listed in [Appendix Administrative Review](#)) made on their application, whereby they believe the Home Office has not applied its own rules and procedures correctly. It can result in the applicant having their original decision corrected.

Will the person conducting the administrative review be the same person who made the initial decision?

No. The administrative review will be carried out by a different person.

What is the time limit for applying for administrative review?

For entry clearance decisions, 28 calendar days from the date the applicant receives the decision notice. The decision notice will tell them if they have a right of administrative review and how to apply for one.

Can applicants apply for administrative review and make a new application for entry clearance, permission to enter or permission to stay at the same time?

No. If an applicant makes an administrative review application and then makes a new application for entry clearance, permission to enter or permission to stay, the administrative review application will be treated as withdrawn.

If an applicant makes a new application for entry clearance, permission to enter or permission to stay and then makes an administrative review application in respect of a previous decision, the administrative review application will be rejected.

What happens if the administrative review is unsuccessful?

If the administrative review is unsuccessful, it will mean the entry clearance will not be granted.

Will the applicant need to go through the biometric enrolment process again if the administrative review results in an outcome that requires a visa to be issued?

No.

What will happen to any immigration health surcharge (IHS) paid while an administrative review could be made?

If an IHS has been paid and the application was refused with a right of administrative review, the IHS will not be refunded during the period when an:

- in time administrative review may be made
- administrative review is under consideration

If an IHS has been paid and the application was approved, but for a shorter period than applied for, the IHS will be refunded for the years of permission which was not granted. If the migrant makes an administrative review application and is granted an extra period of permission as a result, they must then pay the extra IHS. The Home Office will contact the migrant to request the IHS payment.

Related content

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Validation requirements

The requirements for an administrative review application to be valid are set out in [Appendix Administrative Review](#) under Validity requirements for administrative review. You must check that the application meets all the requirements listed in AR 2.1 to AR 2.16 and if it does not you must reject it as invalid under paragraph AR 2.13.

Eligible decisions (paragraphs AR 2.1-3)

The application must be for review of a decision to refuse entry clearance, permission to enter or permission to stay, or a decision to cancel permission to enter or stay. Where paragraph AR 1.1 applies, an application for administrative review must relate to a decision on a specified route. Applications for review of decisions on other routes are not valid. In particular, an application for administrative review must not relate to a decision taken under Appendix EU, Appendix EU (Family Permit), Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland.

General requirements (paragraphs AR 2.4-7)

An application for administrative review must be made online at: [Ask for a visa administrative review](#).

The fee must have been paid and application made within the specified time limits:

- 7 calendar days if detained under the Immigration Acts
- 28 calendar days if a refusal of an application for entry clearance
- 14 calendar days if a refusal of an application for permission to stay (where the person is not detained)
- 14 calendar days if a decision to cancel permission to enter or to stay at the border (where the person is not detained)

Late applications (paragraph AR 2.14)

The application is made on the date it is submitted online. Applications submitted after the deadline has expired must normally be rejected. The only exception to this is where the Secretary of State is satisfied that it would be unjust not to waive the time limit and the application was made as soon as reasonably practicable.

The applicant may need to provide evidence to demonstrate why the Secretary of State should decide that it would be unjust not to accept the out of time administrative review application.

For example, if the applicant was prevented from making an in time application because they were admitted to hospital in an emergency for immediate treatment and a period of recuperation, a letter from the consultant will verify the dates of admission and discharge and the nature of the emergency treatment. In this case the

applicant must make the application as soon as they are well enough to do so. It would not be acceptable to delay making the application further.

The time limit will not be waived if there is no compelling reason why it was not possible to make an in time application. For example, it is unlikely that the following would be acceptable reasons. The applicant:

- forgot about the deadline
- had problems with their computer or internet connection
- wanted to discuss their case with an adviser who wasn't available
- had a minor illness for a few days before the time limit expired
- had to care for a sick child who was off school with a mild illness for a few days before the time limit expired

In such cases the Secretary of State is unlikely to be satisfied that it would be unjust not to waive the time limit.

Restrictions (paragraphs AR 2.8-10 and AR 2.15)

Only one application per decision is permitted, unless the decision is upheld in an administrative review for reasons which are different from or additional to the reasons previously given to justify the decision. In such cases, the revised decision may be challenged by way of a further application for administrative review.

If the decision challenged is on an application for entry clearance, the person can only apply for a review if they are outside the UK.

If the decision challenged is on an application for permission to stay and the applicant was in the UK when that application was made, they cannot apply for a review from outside the UK.

Where the eligible decision is made in a Control Zone (for example, Eurotunnel / Dover) a person cannot apply for administrative review until they have left or been removed from the zone.

Dependants (paragraph AR 2.11)

A person (P) may only include an eligible decision for a partner, dependent child or other family member in their application for administrative review where one of the following applies:

- that family member was a dependent in the application which resulted in the decision which P is challenging
- that family member was previously granted permission to enter or stay as a dependant of P and that permission is being cancelled at the same time as P's permission is being cancelled

Waivers and fresh applications (paragraphs AR 2.12 and AR 2.16)

If the applicant previously signed an administrative review waiver form in respect of the eligible decision, the AR is not valid and must not be considered. See the section [Administrative review waiver form](#) below.

If a person who has received a decision (D) which is eligible for an administrative review under paragraph AR 1.1 makes a subsequent application for entry clearance, permission to enter or permission to stay, any application for an administrative review of the decision made after that subsequent application is not valid.

Related content

[Contents](#)

Related external links

[Ask for a visa administrative review](#)

Fee and payment exemptions

Administrative review fee

An applicant who applies for an administrative review of an eligible decision must pay a fee of £80. There is no additional fee for reviewing the decision in relation to any dependants of that person who were legitimately included in the original application.

Payment exemptions

An applicant will be exempt from paying the administrative review fee if they:

- were exempt from paying for their original application or the fee for their original application was waived, that is, the application was accepted without a fee
- previously applied for administrative review in relation to a decision on the same original application, and the outcome of the review (and any subsequent reviews) was that the original decision was maintained, but for different or additional reasons to those specified in the original decision

You must not reject an administrative review application for non-payment of the fee if the applicant was exempt from paying it.

Fee waiver due to exceptional circumstances

The fee may also be waived if the applicant is able to demonstrate that, as a result of exceptional circumstances, they are unable to pay the fee. If a person wishes to apply for this waiver, they must explain the reasons for their claim on the administrative review application form.

You must carefully assess any application for a fee waiver due to exceptional circumstances. It will rarely be appropriate to grant such a waiver. In most cases it will be assumed that:

- if the applicant paid the fee for the original application, they will be able to pay the administrative review fee (or have someone pay it for them)
- any applicant who met a maintenance or accommodation requirement in the original application will be able to pay the fee for administrative review

You must consider applications for fee waivers due to exceptional circumstances on a case by case basis and on their own individual merits. Base your initial assessment on the information provided on the administrative review form. If you judge that the waiver application may succeed, you can request further evidence from the applicant about their financial circumstances to support their claim.

The type of evidence required will be dependent on the applicant's personal circumstances. For example, you may need:

- details of income, savings, or capital
- notices threatening legal action due to non-payment of bills or housing costs
- any other information that you think is appropriate to explain why the applicant cannot pay the fee or have the fee paid for them because of exceptional circumstances

To grant a fee waiver you must be satisfied that the:

- applicant cannot pay the fee and there is no one such as a family member, friend or sponsor who can pay it for them
- inability to pay the fee is due to exceptional circumstances
- existence of the circumstances claimed has been proved
- the circumstances are short-term and will not affect the applicant's ability to maintain and accommodate themselves, if this is a requirement of the category of the Immigration Rules under which the application was made

An example of an exceptional circumstance would be where the applicant was the victim of financial fraud which prevented them from accessing their funds. They were unable to resolve the issue because the Home Office had retained documents needed by the bank, such as passports, because their permission had expired while the application was outstanding. Acceptable evidence of this may include police reports and letters from their bank.

If the claim did not meet the high threshold for a fee waiver, you must:

- tell the applicant that the request for a fee waiver has been refused
- ask them to pay the fee within 10 working days of the day of the payment request

You must do this by writing to the applicant, using the template 'Administrative Review Further Actions Fee Reminder' on Atlas, asking them to complete the online administrative review application form again and pay the fee online. You must explain in the notice why the fee waiver request was refused. If the applicant fails to pay the fee online by the end of this period, you must reject the application for non-payment of the fee.

If the applicant's claim for a fee waiver meets the high threshold, you must accept the application without a fee and process it as normal.

In all cases you must fully record your consideration and reasons on the relevant caseworking database or in file notes.

If you reject the claim for a fee waiver and the applicant does not respond to the payment request within 10 working days, you must reject the application. You must explain to the applicant in the notice of rejection why their claim has not been accepted. You must state why the fee waiver request was refused and that the applicant failed to respond in time to the payment request.

Refunds

When to refund

The application fee must be refunded in full to the applicant if the:

- application is invalid and is rejected
- administrative review succeeds and the eligible decision is withdrawn

If you withdraw the decision under Appendix Administrative Review, you must refund the fee in full even if you refer the case back to the initial decision maker for a reconsideration which may result in another refusal.

When not to refund

The fee cannot be refunded if the result of the review is that the decision is maintained in accordance with paragraph AR 5.1 (b), (c) or (d) of [Appendix Administrative Review](#).

Applicants can submit a second, unpaid application for administrative review if you have added new reasons to the decision, and the applicant believes there is an error in these new reasons.

In Atlas, answer Yes / No as appropriate to the question 'Is the applicant entitled to another admin review?' Once the task is completed, record the answer on the case card under the Decide event.

Applicants cannot submit a second application for administrative review if there were no errors in the original decision or no new reasons are added to the decision.

Where a refund is due, you should arrange for it to be paid as soon as reasonably possible.

Related content

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Related external links

[The Immigration and Nationality \(Fees\) Order 2016](#)

[The Immigration and Nationality \(Fees\) Regulations 2016](#)

Claimed errors which may be raised in administrative review

Administrative review will only consider the following case working errors, which are specified in [Appendix Administrative Review](#) of the Immigration Rules:

- the original decision was incorrect (paragraph AR 3.3(a) and (b)) and was a decision to refuse or cancel entry clearance or permission to enter or stay under Part Suitability of the rules (false representations, false document or information, failure to disclose material facts or previous breach of conditions)
- the original decision maker otherwise applied the Immigration Rules incorrectly (paragraph AR 3.1(a))
- the original decision maker failed to apply the Secretary of State's relevant published policy and guidance in relation to the application (paragraph AR 3.1(b))

For more information about suitability grounds for refusal under Part Suitability, see Grounds for refusal and cancellation (suitability).

For more information about evidential flexibility, see Evidential flexibility.

The following table gives some examples of case working errors that may be raised in an administrative review of an application made under the Immigration Rules:

Caseworking error	Example scenario	Can the reviewer request relevant new evidence?
Where the original decision maker applied the wrong Immigration Rules – paragraph AR 3.1(a).	The caseworker applies the rules for students rather than child students.	No
Where the original decision maker's decision to refuse an application under paragraph SUI 10.1 on the basis that the supporting documents were not genuine was incorrect – paragraph AR 3.3(a).	The applicant has submitted internet bank statements which appear to have been stamped in a branch to authenticate them. The statements were verified, and the issuing bank stated that they were false. The applicant has evidence from the bank that states the verification was done incorrectly and the statements are genuine.	Yes – only to prove that the documents are genuine.
Where the original decision maker's decision not to request specified	The original decision maker considered a points-based system application. One bank statement	Yes – only to provide the evidence which

Caseworking error	Example scenario	Can the reviewer request relevant new evidence?
documents under paragraph 245AA of these Rules (points-based system evidential flexibility) was incorrect – paragraph AR 3.3(d)	was missing from a series and should have been requested under the evidential flexibility policy (paragraph 245AA of the Immigration Rules). The application was refused without asking for it.	should have been requested under the evidential flexibility policy (paragraph 245AA of the Immigration Rules)
Where the original decision maker applied the Immigration Rules incorrectly – paragraph AR 3.1(a).	The caseworker refuses the application because a resident labour market test has not been carried out but the applicant's occupation is exempt from this requirement.	No
Where the original decision maker incorrectly added up the points to be awarded under the Immigration Rules – paragraph AR 3.1(a).	The migrant submitted a master's degree certificate but the original decision maker only awarded the appropriate points for a bachelor's degree.	No
Where the original decision maker has not considered all the evidence that was submitted as evidenced in the eligible decision – paragraph AR 3.1(a).	Where the original decision maker has overlooked a piece of evidence such as a qualification certificate or a bank statement. For example, where 2 sets of bank statements have been submitted but the original decision maker only considered one and therefore refused the application on maintenance grounds.	No
Where the original decision maker has considered some or all of the evidence submitted incorrectly as evidenced in the eligible decision – paragraph AR 3.1(a).	Where the migrant has submitted multiple sets of bank statements and the amounts have been added up incorrectly by the original decision maker, resulting in a decision to refuse on the grounds of insufficient funds.	No

Caseworking error	Example scenario	Can the reviewer request relevant new evidence?
Where the eligible decision to refuse an application on the basis that the supporting documents did not meet the requirements of the Immigration Rules was incorrect– paragraph AR 3.1(a).	The migrant must provide original documents. The original decision maker considered the documents provided to be copies. The documents were in fact original.	No
Where the original decision maker failed to apply the Secretary of State’s relevant published policy and guidance – paragraph AR 3.1(b).	The migrant’s original sponsor loses their licence while the application is under consideration. The original decision maker fails to correctly apply the policy to allow the migrant 60 days to find a new sponsor and vary their application.	No
Where the original decision maker’s decision to cancel a visitor’s permission to enter at the border under paragraph SUI 29.1 on the basis that there had been a change in their circumstances is incorrect – paragraph AR 2.1(d)(i).	The migrant was granted entry clearance as a general visitor. When interviewed at the border, the visitor stated that they had since decided to undertake a short English language course in the UK in addition to their tourist activities, and had enrolled on a course of study lasting 20 days. Their permission was cancelled on the basis of a change of circumstances, but a short course of incidental study is in fact permissible.	No
Where the original decision maker’s decision to cancel a visitor’s permission to enter at the border under paragraph SUI 10.2 on the basis that false representations had been made is incorrect – paragraph AR 2.1(d)(ii).	The migrant was granted entry clearance as a general visitor. When they applied, they stated on the application form that their parents and siblings were in the UK. When interviewed at the border, the visitor’s permission was cancelled on the basis that that they failed to declare the relatives in the UK.	Yes – only to prove that false representations had not been made.

The following table gives some examples of case working errors that may be raised in an administrative review of an application made under the Turkish European Community Association Agreement (ECAA) provisions:

Caseworking error	Example scenario	Can new evidence be provided?
Where the original decision maker's decision to refuse a Turkish ECAA application on grounds of deception was incorrect – paragraph AR 3.3(a).	The migrant has submitted wage slips as evidence of previous employment, but they were verified as false by the employer. The migrant has evidence that the verification was done incorrectly and the wage slips are genuine.	Yes - only to prove that the deception did not take place.
Where the original decision maker applied the wrong Immigration Rules – paragraph AR 3.1(a).	The caseworker applies the current Immigration Rules instead of the Turkish ECAA worker provisions.	No
Where the original decision maker applied the 1973 Immigration Rules incorrectly – paragraph AR 3.1(a).	The caseworker refuses the application because they believe there is a set amount of money the applicant must earn while working when there is no such specific amount detailed in the 1973 rules.	No
Where the original decision maker has considered some or all of the evidence submitted incorrectly, as evidenced in the eligible decision – paragraph AR 3.1(a).	Where the original decision-maker has overlooked a piece of evidence such as a set of payslips and so was wrong in calculating the length of the applicant's employment. As a result, the application is incorrectly refused on the basis that the Turkish worker has not completed the set period of work (for example a year on initial application).	No
Where the eligible decision to refuse an application on the basis that the supporting documents did not meet the requirements of the 1973 Immigration Rules was incorrect – paragraph AR 3.1(a).	Where the applicant has submitted multiple sets of bank statements showing wages being paid in and the time period of employment has been added up incorrectly.	No

Caseworking error	Example scenario	Can new evidence be provided?
Where the eligible decision to refuse an application on the basis that the supporting documents did not meet the requirements of the 1973 Immigration Rules was incorrect – paragraph AR 3.1(a).	The applicant must provide original documents. The caseworker considered the documents provided to be copies. The documents were in fact original.	No
Where the original decision maker has incorrectly refused an application on the basis that it was made after leave expired – paragraph AR 3.1(a).	The caseworker uses the date on which the application was input on Atlas as the date of application rather than the date the application was posted.	No
Where the original decision maker failed to apply the Secretary of State's relevant published policy and guidance – paragraph AR 3.1(b).	The caseworker fails to correctly apply the policy relating to breaches of conditions in ECAA cases even though the breach was not material to the applicant's ability to meet the ECAA requirements.	No

Related content

[Contents](#)

Related external links

[Appendix Administrative Review](#)

Requests which cannot be made using administrative review

The Home Office will consider any claimed errors in the original decision that the applicant is permitted to raise in their administrative review.

The administrative review cannot be used to apply for permission to enter or stay on another basis. The Home Office will not consider any human rights or asylum grounds that are raised in the application. This is in accordance with paragraph AR 3.2 of [Appendix Administrative Review](#) of the Immigration Rules.

Seeking permission on another basis

Applicants cannot use an application for administrative review of an eligible decision to apply for permission to enter or stay on another basis, for example to claim that they should be granted permission under a different route under the points-based system. If they attempt to do so, you must tell the applicant, in the rejection or decision notice, to make the appropriate application for permission in the manner specified.

Human rights or protection claims

A human rights or protection claim should be made by way of a human rights or protection application. A decision to refuse such a claim results in a right of appeal (subject to certification). See the guidance on Current Rights of Appeal. A human rights or protection claim made in an administrative review application will not be considered.

If any of the above are the only grounds raised in the administrative review, but the review relates to an eligible decision, you must accept the application if it is otherwise valid and maintain the original decision.

You must only reject the application if it does not meet one or more of the [validation requirements](#).

Related content

European Economic Area (EEA) and Swiss nationals free movement rights
[Contents](#)

Related external links

[EEA and Swiss nationals: free movement rights](#)

How to consider an administrative review application

This section explains the process for considering administrative review applications.

Ensuring that the review is independent

Administrative reviews will be carried out by a separate team that is independent from the team who made the original decision. This will make sure there is independence and transparency in the review process.

If you are given an administrative review case to consider and you were the original decision maker or reviewer, you must refer the case to your manager so it can be re-allocated to another caseworker.

You must never carry out an administrative review of a decision on a case that you:

- originally considered
- were involved in considering
- previously reviewed

Initial checks

Before you consider a request for administrative review, you must check that the case has been correctly [validated](#) and is valid.

Considering the request

You must:

- for in country applications, normally only consider the specific aspects of the decision the applicant or representative challenges in their administrative review request: if it becomes clear during your review that the original decision contained errors which the applicant or representative has not identified, you must also correct those errors
- for entry clearance and border decisions, conduct a full reconsideration of the decision
- carefully consider all the claimed errors raised in the application and address each of them in the decision
- request additional information if the applicant is allowed to provide it and you need it to conduct the review
- not consider any new evidence or information, unless it impacts upon the decision under review and the applicant is allowed to provide new evidence under paragraph AR 3.3 of [Appendix Administrative Review](#) of the Immigration Rules

- consider whether correcting the casework error would change the outcome of the original decision (whether or not the outcome of the administrative review is that the reasons for the original decision are withdrawn)

Your role as the reviewer is to consider whether the eligible decision is incorrect because either

- the decision maker of the eligible decision failed to apply, or incorrectly applied, the relevant Immigration Rules
- the decision maker of the eligible decision failed to apply, or incorrectly applied, published guidance

You should not try to improve the general quality of the decision by making stylistic changes or correcting spelling mistakes.

Evidence and information

Additional evidence may only be considered if the eligible decision:

- was a decision under Part Suitability of the Immigration Rules to refuse an application on the grounds of false representations or deception
- was a decision under Part Suitability of the Immigration Rules to cancel entry clearance, permission to enter or permission to stay on the grounds of false representations or deception
- was a decision to refuse an application for entry clearance under Part Suitability of the Immigration Rules on the grounds of a previous breach of immigration law
- involved a failure to request specified documents under paragraph 245AA of the Immigration Rules or a failure to follow the evidential flexibility policy published on GOV.UK

Additional evidence cannot be considered in cases where the applicant's permission was cancelled at the border due to a change in their circumstances, under paragraph SUI 11.1, 11.2 or 11.3 of the Immigration Rules.

Requesting further information

If you need to request additional information or evidence to assess an error and the migrant is allowed to provide additional evidence, you must write to the applicant and request it using the template on Atlas.

You must request the evidence if the applicant claims that one of the 4 errors listed above, in the 'Evidence and information' section, has been made and they state they have additional evidence. You must edit the template as appropriate and state that you are giving the applicant 14 days from the date of the request to respond if you need additional evidence.

If the applicant does not respond within this timescale, you must make a decision based on the evidence available unless there are exceptional reasons why the deadline should be extended.

An example of an exceptional reason is where the applicant can show that it would not be possible to get the evidence before the deadline because it has to be obtained or posted from overseas and will not arrive in time.

Ineligible evidence

You must not consider ineligible evidence under any circumstances. Ineligible evidence is any evidence that the applicant is not allowed to provide under paragraph AR 3.3 of [Appendix Administrative Review](#).

Reviewing credibility refusals

When considering an application for administrative review on the basis that the original caseworker made a caseworking error when assessing the credibility of the applicant, the correct test to apply is whether it is more likely than not, based on the evidence and facts available, that the original decision maker made the right decision that the applicant is not credible.

For example, when considering whether an applicant is a 'genuine student' [or meets the](#) skilled worker 'genuineness requirement', the original caseworker has to decide, based on the evidence provided and any interview conducted, whether the applicant is a genuine student or skilled worker. To review a decision to refuse on credibility grounds, you must check whether the original caseworker made an error in reaching the decision that the applicant was not genuine.

You must decide whether any errors were made in following the relevant [rules](#) and guidance, based on:

- the information supplied with the application
- any interview undertaken
- the caseworker's reasoning in their case notes and decision notice

You must then consider whether, based on those factors and that information, it is more likely than not that the original caseworker made the right decision. However, you must limit yourself to following the original casework steps and considering whether, on the basis of the evidence before the original caseworker, the decision to refuse on credibility grounds was correct. You should not, for example, make a fresh decision about whether to invite the applicant to attend an interview. You are considering whether the correct rules and process were used and whether the decision was more likely than not to be correct, not remaking the decision.

If you find that the original decision maker followed the rules and guidance correctly and that it is more likely than not that the rules and guidance were applied correctly, you must maintain this refusal reason.

If you find that the original decision maker followed the correct rules and guidance but it is more likely than not that errors were made in applying them, such that the wrong conclusion was reached, you must withdraw this refusal reason. If the application meets all the other requirements of the Immigration Rules, you must overturn the refusal decision and grant permission.

If you find that the original decision maker followed the correct rules and guidance but made errors in applying them such that the original decision to refuse on that basis was correct but the reasons given in the decision notice were defective, you must maintain the refusal for this reason but explain the reasons for the decision correctly in the administrative review decision notice. As the applicant will not have been refused for these reasons before, they are entitled to a second administrative review of the decision.

Reviewing genuine vacancy refusals

A review request may claim that the original decision maker made an incorrect decision to refuse an application on the ground that a genuine vacancy did not exist.

The correct test to apply when assessing the decision that a genuine vacancy does not exist is whether it is more likely than not that the original caseworker's conclusion that the vacancy is not genuine is correct.

You must follow through the steps the original caseworker took in reaching the decision. The reasoning should be set out in the case notes and refusal notice in terms of the factors considered and what, if any, information was requested.

Based on the information supplied with the application and the caseworker's reasoning in their case notes and decision notice, you must decide whether any errors were made in following the relevant rules and guidance. You must then consider whether, based on those factors and that information, it is more likely than not that the original caseworker's decision to conclude that the vacancy is not genuine is correct. You must limit yourself to following the original casework steps and considering whether it is more likely than not that the original decision was correct. You should not make a fresh decision about whether to request additional information from the migrant or their sponsor. You are considering whether the correct rules and process were used and whether the decision was correct, not remaking the decision.

If you find that the original decision maker followed the rules and guidance correctly and that it is more likely than not that the rules and guidance were applied correctly, you must maintain this refusal reason.

If you find that the original decision maker followed the correct rules and guidance but it is more likely than not that errors were made in applying them, such that the wrong conclusion was reached, you must withdraw this refusal reason. If the application meets all the other requirements of the Immigration Rules, you must overturn the refusal decision and grant permission.

If you find that the original decision maker followed the correct rules and guidance but made errors in applying such that the original decision to refuse on that basis was correct but the reasons given in the decision notice were defective, you must maintain the refusal for this reason but explain the reasons for the decision correctly in the administrative review decision notice. As the applicant will not have been refused for these reasons before, they are entitled to a second administrative review of the decision.

Change of circumstances

As defined in [Appendix Administrative Review](#), administrative review is the review of an eligible decision to decide whether the decision is wrong due to a case working error. The review is concerned with the facts and circumstances of the case as it was on the date of the original decision.

If there has been a change of circumstances which may affect whether the original decision should now be maintained, you must:

- not consider the new circumstances when you review the decision to determine whether there has been a case-working error
- review the original decision in accordance with the administrative review rules and guidance

If the result of your review is to withdraw the original decision (the outcome defined in paragraph AR5.1(a) of Appendix AR), the new circumstances can be taken into account when the decision is remade. This will be a new decision and will have a fresh right of administrative review.

Referring cases back to the original decision making team

If you withdraw an incorrect decision, you should normally correct the error and issue a new decision. However, the role of the administrative review team is to identify and correct casework errors, not to act as the original decision maker. In some cases you must refer the application back to the original decision making team to casework after you have withdrawn the incorrect decision. These are cases where:

- the case was considered under the 'single fatal flaw' process and you have withdrawn the single refusal reason – the rest of the case must now be considered by the original decision maker
- there has been a change of circumstances such that the whole case needs reconsidering when the decision is remade
- the applicant may need to be interviewed before remaking the decision, for example to assess their credibility or the genuineness of a vacancy – it is not possible to interview applicants as part of the administrative review process as this is an original decision making function
- the original decision maker's failure to obtain further evidence amounted to a casework error and the administrative review team cannot obtain the evidence because it requires liaison with other agencies, which is outside the team's remit

Changes of circumstance which require referral back to the original decision making team include:

- cases where the person sought to change their certificate of sponsorship while the application was under consideration and this was not correctly addressed by the original decision maker by inviting the applicant to vary their application
- some student cases where the person's sponsor has lost its licence after the case was decided – see [Suspended or revoked sponsor licence](#)

If you need to refer a case back to the original decision making team after withdrawing a decision, you must:

- contact the team to arrange for the case to be sent back to them, advising them that a new decision should be issued as soon as reasonably possible
- send the applicant an 'Administrative Review General Changed Decision (ARN.0004)' notice (Atlas) to tell them that their administrative review has been successful and why, that the decision has been withdrawn and will be remade by the original decision making team
- arrange for the administrative review fee to be refunded because the review has succeeded

Suspended or revoked sponsor licences

If you are considering a valid administrative review application and find that the sponsor licence has been suspended or revoked since the original decision was made, you must also follow the [Suspended or revoked sponsor licence guidance](#) for these cases.

Claimed errors which will not change the overall decision

Administrative review can be raised if either:

- the alleged error could have made a difference to the original decision
- the alleged error could have an unfair impact on the applicant's future applications, for example because they may now be refused on general grounds

For example, an application was refused both because:

- required evidence was missing
- some evidence sent with the application was found to be forged

The applicant may accept that some documents were missing and therefore that the refusal was correct overall. However, they may still wish to request administrative review if they can show that the documents they did provide were genuine, even though this would not change the decision on the original application. This is because future applications from the migrant may be refused on suitability grounds because false representations were made in a previous application.

If the applicant relies on an error which could not have made a difference to the decision, you should explain why not. For example, if the decision maker has given an incorrect paragraph number for the relevant immigration rule but has quoted the right rule and you are satisfied that they applied the correct rule correctly, you should explain why the outcome would not have been different if the decision maker had quoted the correct number. You must not dismiss an error as merely 'typographical' without explaining why the error did not affect the outcome.

For more information see the guidance on Grounds for refusal and cancellation (suitability).

Related content

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Evidential flexibility

Related external links

[Immigration Act 2014](#)

[Administrative Review – Statement of Intent](#)

Suspended or revoked sponsor licence

If you are considering a valid administrative review application and find that the sponsor licence has been suspended or revoked since the original decision was made, you must consider the case as below.

Sponsor licence suspended

Consider the administrative review as normal.

If you uphold the decision, issue a decision on the administrative review as normal.

If you find that a refusal decision is incorrect and permission should have been granted, you must rectify the error and issue a new decision.

The [‘Licence suspended or revoked – review outcome’](#) table gives more details of the possible outcomes of the review and what you must do in each case.

Sponsor licence revoked

Consider the administrative review as normal.

If you uphold the decision, issue a decision on the administrative review as normal.

Withdraw the incorrect decision if you find that a refusal decision is incorrect and permission should have been granted.

You must remake the decision and refuse the application because the applicant's former sponsor is no longer able to sponsor the migrant.

The [‘Licence suspended or revoked – review outcome’](#) table gives more details of the possible outcomes of the review and what you must do in each case.

For sponsored work routes only

You must ensure that the applicant is advised as soon as reasonably possible that their sponsor's licence has been revoked. In administrative review cases, it will be sufficient to tell the applicant when you decide the application for administrative review, unless the case comes to your attention earlier. For example, if the applicant asks for their case to be decided urgently you must tell them at that point that their sponsor's licence has been revoked, even if you decline to exercise discretion to take the application out of turn. You should use the following form of words:

“Your sponsor, (**name of sponsor**) is no longer licensed to sponsor applicants on the (**name of route**) visa route. As you currently have an outstanding application for an administrative review, the Administrative Review Unit will continue to process your application in accordance with normal caseworking order of priority, and a decision will be communicated to you separately in due course, but please

be aware the lack of a sponsor means the decision to refuse your initial application will be upheld unless there are exceptional circumstances. If you wish to withdraw your application, please let us know. You may want to seek independent legal advice before taking any action.”

You must not disclose to the applicant the reasons why the sponsor’s licence has been revoked.

The routes to which this guidance applies are:

- Skilled Worker (including Health & Care Worker)
- Global Business Mobility routes
- T2 Minister of Religion
- Scale-up
- International Sports person
- Temporary Work – Seasonal Worker
- Temporary Work – Creative Worker
- Temporary Work – Religious Worker
- Temporary Work – Charity Worker
- Temporary Work – International Agreement
- Temporary Work – Government Authorised Exchange

For incorrectly refused in country student cases only

You must write to the migrant to tell them the outcome of the administrative review is that the decision is withdrawn because it contained errors and that the application has been referred back to the original casework team to be re-decided if both the:

- original refusal is overturned
- application could be granted but for the fact that the Confirmation of Acceptance for Studies (CAS) relating to the application has become invalid following revocation of the sponsor licence

The original casework team will then write to the applicant giving them 60 days to find a new sponsor and vary their application before re-deciding it.

This does not apply if there are other grounds for refusing the application (including where the applicant has not been a genuine student at their institution or has participated in the practices that may have contributed to their Tier 4 sponsor’s licence being revoked).

For more information, see:

- Student route caseworker guidance
- [Student sponsor guidance](#)

Licence suspended or revoked – review outcome

Original outcome	Was the original decision correct?	Review outcome if licence suspended	Review outcome if licence revoked
Application refused	Yes	Maintain refusal decision. No refund.	Maintain refusal decision. No refund.
Application refused	No. Errors found – no new refusal reasons found.	Maintain refusal decision. Remove incorrect refusal reasons. No refund.	Maintain refusal decision. Remove incorrect refusal reasons. No refund. Do not withdraw and remake decision.
Application refused	No. Errors found – new refusal reasons that were originally missed.	Maintain refusal decision. Add new refusal reasons to updated decision notice. No refund.	Maintain refusal decision. Add new refusal reasons to updated decision notice. No refund. Do not withdraw and remake decision.
Application refused	No. Errors found – application should have been approved.	In country: Correct decision. Issue refund. Overseas: put case on hold until a final decision has been taken on the sponsor's licence.	Notify migrant that there were errors in the original decision. Do not issue approval. Withdraw original decision and remake it in the light of the revocation. For in country Tier 4 migrants who qualify under the concessionary policy set out above, withdraw original decision and notify migrant that it contained errors and the application has been referred back

Original outcome	Was the original decision correct?	Review outcome if licence suspended	Review outcome if licence revoked
			to the original caseworking team. The original caseworking team must give the applicant 60 days to vary their application before re-deciding it.

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Administrative review decisions

This section tells you what to do once you have reconsidered an immigration decision following a valid administrative review application.

Recording details of the review decision

It is important that you ensure the date the application is validated and the date the decision is made are recorded on the relevant caseworking database.

This makes sure there is a clear audit trail so that the applicant will not get a second administrative review unless they are entitled to one, and any future legal challenges to the decision or the administrative review can be defended.

Handling of case papers

You must keep a copy of the administrative review application form and any relevant case papers (such as letters responding to information requests) on file or as an electronic copy. If you are using Atlas, a copy of the application form will be automatically kept on Atlas.

If the applicant still has valid permission when they receive the administrative review decision, or the outcome of the review is to grant permission, you must return any documents including the passport to them with the decision notice.

You must not return any valuable documents to the applicant if their permission has already expired or will end when the administrative review is no longer pending and they are liable to be removed. These documents must be retained and handled in line with the retention of valuable documents guidance.

You must keep the documents to assist in enforcement activity.

The administrative review decision notice

You must inform the migrant, or their legal representative (if they have one) of the outcome of the review in writing, using the correct decision notice templates. For more information on what notices to produce, see links below:

- [administrative review: change the decision](#)
- [administrative review: maintain the decision](#)
- [administrative review: maintain the decision and correct errors](#)

The content of your decision notice may form part of any following judicial review that challenges the decision. It is important that your decision notice is:

- clear
- concise

- responds to all admissible points the applicant or their representative raise in the application for administrative review

For more information on judicial reviews, see [Reconsiderations, Appeals and Judicial Reviews](#).

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Administrative review: change the decision

If you have considered an administrative review request and found an error in the original decision that changes the decision, you must withdraw the decision. Therefore, the migrant is entitled to a refund of the administrative review fee.

You must normally correct the error after withdrawing the original decision. For guidance on cases which you must instead refer back to the original team, see: [Referring cases back to the original decision making team](#).

Change an original refusal decision to a grant

If you withdraw and remake the original decision because it was incorrect and the application should have been granted, you must grant permission that is appropriate to the original application. The start date of the permission granted is the date you withdraw the incorrect previous decision and make a new decision.

You must issue the appropriate approval notice and an 'Administrative Review Changed Decision (ARN.0004)' notice.

Official - sensitive: start of section

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

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

Official - sensitive: end of section

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Administrative review: maintain the decision

If you maintain the original decision because no material errors were made, you must tell the applicant or representative of the outcome in writing. A material error is a misapplication of, or a failure to apply, the relevant Immigration Rules or published guidance which would alter the reasons for refusal.

You must use the Atlas template 'Administrative Review General Decision Maintained (ARN.0003)'. You must explain in the decision notice why the decision was correct, addressing each claimed error raised in the administrative review application.

You do not need to produce a new immigration decision notice if you do not find any material errors and maintain the original decision. If you acknowledge that errors were made in the initial decision that did not affect the refusal reasons, you must explain the errors and why in your administrative review decision letter.

Examples of non-material changes may include:

- applicant deemed to be on overstayer on the basis that their leave expired on a given date, where the date quoted is wrong but they were nevertheless an overstayer at the relevant time
- original notice of decision incorrectly states that no evidence has been provided, but the notice demonstrates that the decision maker considered the evidence correctly
- original notice of decision misquotes the paragraph number of the relevant immigration rule, but the notice demonstrates that the decision maker considered the relevant rule correctly

You must not give the applicant a further right of administrative review. This is because the administrative review decision is not a new immigration decision on the original application and therefore does not generate a new right of administrative review or a right of appeal.

The applicant cannot request a second review or ask for the decision to be reconsidered. Even if errors were made, they did not affect the outcome and the applicant has had the opportunity to challenge the substantive reasons for the decision.

If the applicant's permission has expired and they are still in the UK you must include a section 120 notice to the applicant in the decision notice. This is a notice to the applicant to say they must now tell the Home Office about any other reasons why they should be allowed to remain in the UK.

Applicants will normally be expected to respond to such a notice by either making arrangements to leave or making a further charged application.

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Administrative review: maintain the decision and correct errors

If you consider a refusal decision and find some material errors in the reasons for the decision, but decide the original decision was correct you must maintain the original refusal of the application. A material error is a misapplication of, or a failure to apply, the relevant Immigration Rules or published guidance.

There are 3 possible outcomes if you find errors.

Outcome 1

You may find that the overall decision was correct where:

- some of the original reasons for refusal were incorrect
- the other original refusal reasons were correct
- the correct reasons were sufficient to justify the refusal

In this case you must withdraw the incorrect refusal reasons by issuing a new notice with the incorrect reasons removed but maintain the original decision.

Outcome 2

You may find that the overall decision was correct where:

- some of the original reasons for refusal were incorrect
- the other original refusal reasons were correct
- there are other refusal reasons which should have been included in the original decision

In this case you must withdraw the incorrect refusal reasons. You must make and serve a new decision using the correct original refusal reasons and the new reasons.

Outcome 3

You may find that the overall decision was correct where:

- all of the original reasons for refusal were incorrect
- there are other refusal reasons which should have been included in the original decision

In this case you must withdraw the incorrect refusal reasons. You must make and serve a new decision using the new correct refusal reasons.

The decision notices

If you maintain the original decision with material errors corrected, you must tell the applicant or representative of the outcome in writing, using the 'Admin Review General Changed Decision (ARN.0004) template on Atlas.

You must explain why the overall decision was correct, addressing each claimed error that was raised in the administrative review application. Where you have corrected errors, you must give details of any evidence you have relied upon in doing so. If you rely on the transcript of an interview, you must give direct quotations. If you acknowledge that errors were made in the initial decision but consider that they did not affect the refusal reasons, you must explain the errors and why in your administrative review decision letter. You must not dismiss errors as merely 'typographical' without explaining why the decision would not have been different if the errors had not been made.

The applicant is entitled to a second administrative review of the decision if any new refusal reasons have been added ([outcomes 2 and 3](#)). This is because they have not previously had a chance to challenge those reasons.

You must make sure the new decision notice correctly states whether there is a right of administrative review. The applicant is only entitled to apply for a second administrative review if the outcome of the previous administrative review is that there are new or additional refusal reasons.

The applicant is not entitled to a refund of the administrative review fee but will not be charged for the second administrative review.

If the applicant's permission has expired and they are still in the UK you must include a section 120 notice to the applicant in the decision notice. This is a notice to the applicant to say they must now tell the Home Office about any other reasons why they should be allowed to remain in the UK. Applicants will normally be expected to respond to such a notice by either making arrangements to leave or making a further charged application.

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Administrative review Atlas outcomes

This table sets out the various outcomes on Atlas for in country administrative review.

Outcome on PSV screen	Outcome details: on case details case card	When used	Comments	Refund fee?	Can make unpaid second AR?
AR Completed	-	Signals the end of the AR process	You must always issue a S120 notice where the migrant's permission has expired. You must not issue a S120 notice if the migrant still has valid permission to stay or has a pending application for permission.	N/A	N/A
[Original Outcome] CHALLENGE NOT ACCEPTED – [decision date]	-	When the AR is invalid for any reason	Used for all rejections	Yes	No – unless there is still time to raise a valid AR.
Withdraw– [decision date]	-	When the AR is withdrawn for any reason	Could be withdrawn by request from migrant, because they request their passport for travel, because they travel outside UK or they have made a fresh application for permission, which is not an application	No	No

Outcome on PSV screen	Outcome details: on case details case card	When used	Comments	Refund fee?	Can make unpaid second AR?
			under the EUSS or a frontier worker, whilst the AR is pending. An AR can only be withdrawn if it is a valid application.		
Refusal Maintained after challenge – [decision date]	No errors found	No errors found - refused decision	No new immigration decision issued.	No	No
Refusal Maintained after challenge – [decision date]	REFUSAL REASON WITHDRAWN ONLY	AR Decision Maintained - Refusal reason withdrawn	No new immigration decision issued. Used when only removing refusal reasons and no new reasons added.	No	No
Refusal Maintained after challenge – [decision date]	Adding new refusal reasons	Errors found in original refusal	No new immigration decision issued. Used when new refusal reasons are added.	No	Yes
Grant after challenge – [decision date]	Leave granted	(When a refusal is overturned and permission granted)	-	Yes	Yes
Grant after challenge – [decision date]	Passed on for reconsideration	an originally refused case that is passed back to be reconsidered	This is used when the caseworker or immigration officer (IO) cannot make a decision and so it needs to go back to the	Yes	No

Outcome on PSV screen	Outcome details: on case details case card	When used	Comments	Refund fee?	Can make unpaid second AR?
			initial caseworking team to make a full reconsideration		

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Contacting applicants where an administrative review has been outstanding for 6 months

Where an application for administrative review has been outstanding for 6 months you must contact the applicant with an update. You should do this by email.

Further notifications must be sent at every subsequent 6 months while the administrative review is still outstanding using the contact email provided by the applicant.

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Complaints

An applicant who wishes to complain about the service provided by the Home Office or the conduct of officials who have handled their case should use the formal complaints procedure. Details are given on the GOV.UK website: [Complaints procedure - UK Visas and Immigration](#).

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Liability for removal

Individuals whose permission has expired before they make an application for permission to stay are overstayers. Normally overstayers are liable for removal action.

If an overstayer has made a valid administrative review application, they must not be removed from the UK until the administrative review has been completed.

Paragraph AR 4.1 of [Appendix Administrative Review](#) states that the Home Office will not seek to remove an applicant from the UK while a valid application for administrative review is pending. This is to provide the applicant with the same protection from removal as if they had appealed the decision.

Once the administrative review process is concluded, you must restart removal action unless you have granted permission or referred the case back for further consideration.

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Applicant's status after submitting a request for administrative review

A person who had their permission extended by section 3C and who makes an in-time application for administrative review will have their permission extended by section 3C while the administrative review is pending.

If, as a result of the first administrative review, an applicant is entitled to a second administrative review and submits one in time, their permission will continue while the review is pending, as described above.

Where a person had their permission extended by section 3C and makes an out of time application for administrative review under AR 2.14 and the application is allowed to proceed, permission will be reinstated from the point the administrative review is accepted.

If the applicant's permission of grant expires while they are awaiting the result of the review, their permission of grant is not extended under section 3C while the review is pending.

For further information on this see the guidance on 3C leave.

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When is an administrative review pending?

An administrative review is pending until one of the following occurs:

- the time limit for applying for administrative review expires without such an application being made
- the application is rejected as invalid because it does not meet the requirements of [Appendix Administrative Review](#) of the Immigration Rules
- the application is withdrawn in accordance with paragraph AR 4.4 of Appendix Administrative Review
- the decision notice stating the outcome of the review is served on the migrant
- an administrative review waiver form is signed and submitted
- a fresh application for entry clearance, permission to enter or permission to stay is made

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Withdrawing an application for administrative review

The applicant can withdraw their application by notifying the Home Office in writing.

Requests to withdraw an application for an administrative review

A request to withdraw an administrative review application must be made in writing by email to the Home Office at the address provided on the visas and immigration pages of the GOV.UK website, which is the email address for the administrative review team. The application will be treated as withdrawn on the date the request is received.

Other withdrawals

[Appendix Administrative Review](#) specifies four further ways an administrative review application can be withdrawn or treated as withdrawn:

- the applicant waives their right to apply by signing an administrative review waiver form – AR 4.3(a)
- the applicant leaves the UK – AR 4.3(b)
- the applicant requests the return of their passport because they want to travel outside the UK – AR 4.3(c)
- the applicant makes an application for entry clearance, permission to enter or permission to stay – AR 4.4

Administrative review waiver form

A waiver form may be issued at any time after the eligible decision has been served on the person who is subject to it. The BFHO is responsible for authorising the eligible decision and the subsequent actions including the Waiver process. All signed waiver forms should be emailed to the [Border Force AR Hub](#) and uploaded to ATLAS. Administrative Review is no longer pending when the signed waiver form is received under paragraph AR 4.5.

If a person has signed an administrative review waiver form, they cannot then make an administrative review application. You must explain this to the person before they sign and record the fact that you have done so. Once the form is signed, you must reject any application for an administrative review because the right to seek administrative review has been waived under AR 2.12.

Travelling outside the UK

An administrative review application which may only be brought from within the UK and which is pending will also be treated as withdrawn if the applicant leaves the UK.

The date the withdrawal takes effect is the date on which the applicant leaves. Section 3C leave will also end on this date. You may find out that an applicant has left the UK if for example:

- they notify you of a new overseas address
- a Border Force officer stops them when they attempt to re-enter the UK and contacts you to ask about the applicant's immigration status

An applicant who has withdrawn their application for administrative review by leaving the UK must not be allowed to re-enter for the purpose of resuming the administrative review.

Requesting the passport for travel

An administrative review application which may only be brought from within the UK and is pending will be treated as withdrawn if the applicant requests the return of their passport for the purpose of travel outside the UK. If the applicant made an in time application, section 3C leave ends on the date the application is withdrawn.

Making a fresh application

An administrative review application which is pending will be treated as withdrawn if the applicant makes an application for entry clearance, permission to enter or permission to stay. There is no need to email a request to withdraw the administrative review to the Home Office, as set out above. The application for administrative review will be treated as withdrawn automatically.

You must check Atlas and, if the applicant is or may be overseas, the entry clearance system, to see if a new application has been made while the administrative review is pending. If it has, you must treat the administrative review application as withdrawn. This does not apply in EU Settlement Scheme and Frontier Worker cases.

How to process the withdrawal of an administrative review

You must record and process the withdrawal on the relevant caseworking database as soon as possible.

You must tell the applicant or representative in writing that the application for review has been withdrawn, using the 'Administrative Review General Withdrawal (ARN.0002) template on Atlas.

If the applicant's permission has expired and they are still in the UK you must include a section 120 notice to the applicant in the notice confirming that the review request has been withdrawn. A section 120 notice is a notice to the applicant to say they must now tell the Home Office about any other reasons why they should be allowed to remain in the UK. Applicants will normally be expected to respond to such a notice by either making arrangements to leave or making a further charged application.

If a migrant in the UK is requesting the return of their passport for travel, they must collect it at the airport from which they are leaving the UK. You must provide them with details of the voluntary departure team.

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Reconsiderations and judicial reviews

Reconsiderations

An applicant who has a right of administrative review against an immigration decision must make an administrative review application to request any reconsideration of the decision on their application.

You must not accept any other type of reconsideration request about the decision either before, during or after the administrative review has taken place. This includes any request from sponsors to review decisions or perform 'error correction' outside the administrative review rules and process.

For more information on reconsiderations and how to reject a reconsideration request, see the reconsiderations policy.

Judicial review

If an applicant submits both a request for administrative review and sends a Pre-Action Protocol letter ('PAP') or commences JR proceedings against the decision at the same time, you must process the administrative review as normal, provided it meets the [validation requirements](#).

If the administrative review finds that the decision was correct and the PAP or JR is still outstanding, you must add the outcome to the response to the PAP or the grounds of defence in the JR. Where new reasons are given, and the applicant has another avenue to pursue administrative review, that point must be made in any PAP response.

If the outcome of the administrative review is that the decision is overturned and permission granted, the team handling the JR will seek to settle the JR on that basis.

The migrant may seek JR of the outcome of the administrative review. It is therefore important that the decision notice fully and clearly addresses all issues raised in the administrative review request. This will assist the team responding to the JR.

If the JR seeks to challenge the administrative review policy rather than an individual decision, you must notify the [appeals policy team](#) in case they need to provide advice on the JR.

For more information about judicial reviews, see the Judicial review guidance.

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