**Factsheet: Administrative Review**

- Decisions to refuse an application for leave to remain under the immigration rules that do not constitute a human rights application or a protection application (e.g. Points Based System applications) no longer have a statutory right of appeal to the First-tier Tribunal.

- Instead the Home Office has set up a system of Administrative Review of decisions to refuse leave to remain. The review is not independent. A similar system is in place for entry clearance applications.

- Administrative is limited to considering whether the decision is wrong due to a “case working error”. Appendix AR of the immigration rules states that a “case working error” is where the original decision maker:
  - Applied the wrong immigration rule.
  - Applied the immigration rules incorrectly.
  - Incorrectly added up the points to be awarded.
  - Made an error in calculating a period of leave.
  - Has not considered all the relevant evidence that was submitted with the original application.
  - Considered some or all of the evidence submitted with the original application incorrectly.
  - Reached an unreasonable decision on the credibility of the applicant.
  - Incorrectly refused on the basis that supporting documents were not genuine.
  - Incorrectly refused on the basis that the documents did not meet the requirements of the rules.
  - Incorrectly concluded the application was made more than 28 days after leave expired.
  - Failed to apply published policy guidance.

**ADMINISTRATIVE REVIEW**

- The reviewer will consider whether there is a “case working error”.
- The reviewer will only consider evidence submitted with the original application save for evidence to show that there has been a “case working error”.
- If there is a “case working error” the reviewer may contact the applicant for further evidence, which must be sent within 7 days.
- The reviewer will not consider whether the applicant is entitled to leave to remain on some other basis.
- Where a review is “pending” the SSHD won’t seek to remove from UK.

**APPLICATION FOR ADMINISTRATIVE REVIEW**

Rules 34L to 34Y govern the procedure for applications.
Applications can be made online or by post.
No more than 14 calendar days after receipt of “eligible decision”
No more than 7 calendar days after receipt if in detention

An “eligible decision” is made to refuse leave to remain.