

The Migrants' Law Project

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.

