

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 review is limited to considering whether the decision is wrong due to a “case working error”.

Appendix AR of the Immigration Rules can be found here:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-ar-administrative-review>

Appendix AR of the immigration rules states that a “case working error” is where the original decision maker:

- (i) Applied the wrong immigration rule.*
- (ii) Applied the immigration rules incorrectly.*
- (iii) Incorrectly added up the points to be awarded.*
- (iv) Made an error in calculating a period of leave.*
- (v) Has not considered all the relevant evidence that was submitted with the original application.*
- (vi) Considered some or all of the evidence submitted with the original application incorrectly.*
- (vii) Reached an unreasonable decision on the credibility of the applicant.*
- (viii) Incorrectly refused on the basis that supporting documents were not genuine.*
- (ix) Incorrectly refused on the basis that the documents did not meet the requirements of the rules.*
- (x) Incorrectly concluded the application was made more than 28 days after leave expired.*
- (xi) Failed to apply published policy guidance.*

Administrative review process



