

After a Home Office refusal (immigration)

If your immigration application or visa is refused by the Home Office, you should try and get legal advice.

If your application has been refused, you may have the right to appeal the decision. Read more about this below.

If you do not have the right to appeal the decision, you may be able to ask for reconsideration by the Home Office of the decision – this is called an administrative review. Read more about this below. If you have made an application for EU Settled Status, you may have the right to an administrative review and an appeal. Read more on our EU nationals page here.

If you do not have the right to an appeal or review, or even if you do, your best option may be to make a new application. You are likely to need evidence to support application. Read more below.

Read this page to find out what happens after a visa refusal (your application is rejected) and what you may be able to do about it.

Look closely at the Home Office refusal

If you receive a refusal on your case from the Home Office by post, keep the envelope. You may need to prove when it was posted, and the actual day you received it. Write the date you received it next to the postmark.

Go through every paragraph of the refusal letter and write comments.

Are there factual errors in the Home Office decision? Have they got information about you wrong? Have important parts of your application been overlooked? This may be relevant to an appeal or administrative review.

It is possible that the Home Office have followed the wrong procedure or rules when they made their decision. You may need a lawyer to identify this for you.

Do you have the right to appeal?

There is currently only the right of appeal within the UK if the Home Office refuse an application based on:

- a human rights claim
- an international protection claim
- a decision to revoke Refugee Status or Humanitarian Protection, or
- a decision on an EU Settled Status application made after 31 January 2020.

Also read: the Appeals page of this guide

Not all applications based on human rights or international protection have a right of appeal.

For example, you do not have the right of appeal in the UK if your asylum or human rights claim is certified by the Home Office because they think it is “clearly unfounded”.

If you are making a human rights claim when you are facing deportation after a criminal sentence, the Home Office may certify the claim unless you can show that “serious and irreversible harm” would occur if you had to appeal outside of the UK. The Home Office is less likely to certify your claim if your child is a British citizen.

Also read: the Deportation page of this guide

If your claim is certified, you may be able to appeal the negative decision on your application from outside of the UK. It may also be possible to challenge the certification of your claim through a judicial review.

Also read: the Judicial Reviews page of this guide

If you made another type of application (that isn't in the list above) before 6 April 2015 you may still have the right of appeal if you are refused. See the Home Office website for more information: <https://www.gov.uk/immigration-asylum-tribunal/applications-made-before-6-april-2015>

Administrative review

If your immigration application is refused and you do not have the right to appeal the decision, you may be able to apply for administrative review. This is where you apply to the Home Office to review the decision it has made.

You can apply for administrative review in some circumstances even if you are granted leave to remain, but are not happy with the length of leave given or the conditions imposed.

Not everyone will have the right to ask for an administrative review. People applying for visitor visas, for example, do not have the right to review. Nor do family members applying

for the right to stay under the Family Migration immigration rules.

Your refusal letter will tell you if you have the right to apply for a review, and will tell you how to apply.

There is a separate process for administrative reviews of EU Settled Status decisions. Read more here: <https://www.gov.uk/guidance/eu-settlement-scheme-apply-for-an-administrative-review>

Administrative review will only be available if the error you believe the Home Office has made could have made a difference to the decision. It can be used to resolve “case-working errors” on a number of grounds. See page 21 of the Home Office guidance for more information: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806921/Admin-review-guidance-v10.0-ext.pdf#21

The review will be carried out by someone other than the original decision maker.

If you are already in the UK, you need to apply for an administrative review within **14 days** of getting the decision, or **7 days** if you are detained.

It costs £80. This will be refunded if you are successful in overturning the decision through the review.

For information on administrative reviews if you are applying from outside of the UK, see the Home Office website: <https://www.gov.uk/ask-for-a-visa-administrative-review/if-youre-outside-the-uk>

No new evidence can be submitted when applying for an administrative review, apart from certain circumstances when you are providing new evidence to demonstrate a case-working error in the Home Office decision. In any case, you may be asked at a later date to send new information or documents. You can submit new evidence in administrative reviews of EU Settled Status decisions.

In most cases, you should not be removed from the UK until your review has been completed. However, if you ask for a review but the Home Office position is that its outcome would not make a difference to the decision to remove/deport you, a review will not prevent removal taking place. This includes if you are facing automatic deportation or your case is a national security case.

You can't request a second review, unless the result included new reasons why you were refused. If the review doesn't result in your being granted leave to remain (or a change to the time period or conditions of your leave, if that was what you have requested to be reviewed), you may be able to apply for judicial review of the administrative review decision.

Also read: the Judicial Reviews page of this guide

Make a new application

After a Home Office refusal (especially if you do not have the right to appeal or review) the simplest option may be to re-apply, submitting a new application form with new evidence and a new fee, if a fee applies to your application.

This is only likely to be successful if you are able to fix the things that led to the refusal of your first application.

Look carefully through the Home Office refusal and identify on what basis they have refused your application. Have they said you don't meet the immigration rules? Have they said there was a problem with how the application was made (for example, if you didn't pay the application fee)?

If you do not meet the rules, and there is no discretion to approve your application outside of the rules, there may not be any point in making a new application. If possible, you should get legal advice about this.

If you know you do meet the rules but were not able to prove this, or the Home Office were not satisfied with the evidence you submitted, think about how you could get more, stronger evidence.

Also read: the Evidence page of this guide