

# Asylum: appeal rights exhausted

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## What does “appeal rights exhausted” mean?

If your asylum claim has been refused by the Home Office, and you have appealed that refusal at court and lost, the Home Office will usually consider you to be “appeal rights exhausted”.

This phrase suggests you do not have any further appeals you can make, but this is not always the case (see below).

You may also be considered “appeal rights exhausted” if your asylum claim was denied by the Home Office and you either had no right to appeal that decision (your claim was “certified”); or you had the right to appeal but did not manage to do this within the deadline.

If your asylum appeal is dismissed by the First-tier Tribunal, you may be able to appeal to the Upper Tribunal, but if you don’t do this within the deadlines, the Home Office will say you are “appeal rights exhausted”. Read more on the Upper Tribunal page of this guide. <https://righttoremain.org.uk/toolkit/ut>

If you do manage to appeal to the Upper Tribunal but are unsuccessful, you will then be considered “appeal rights exhausted”.

**This is an important stage of the legal process. If the Home Office say you are “appeal rights exhausted”, your asylum support will be stopped. You may be at risk of detention, and the Home Office can try to remove you from the UK.**

**Read this page for more information about what to do if you are a “refused asylum seeker” and are already appeal rights exhausted. It’s important to try and read this**

information before you reach this stage, so that you can be prepared and take action.

## Are you actually “appeal rights exhausted?”

The Home Office may say you are “appeal rights exhausted” even if there are other appeal options you could possibly consider.

If the Home Office refused your asylum claim, you had the right to appeal but did not manage to appeal within the 14 calendar day deadline, you should see if you are in a situation to submit an “out of time appeal”. You should try and get legal advice about this. You will need to have a good reason for not appealing within the deadline.

*Read also: the Appeals page of this guide*

It is also sometimes possible to appeal to the Upper Tribunal even if you have missed the deadline to do this. You will usually need a lawyer to help you to do this.

*Read also: the Upper Tribunal page of this guide*

## Asylum support

If you have been receiving “Section 95” asylum support (financial support and/or accommodation), this is usually stopped after the Home Office notify you that you are “appeal rights exhausted”. Your support will not be stopped if you have dependant children (unless your child was born after your asylum claim was refused).

You are usually given 21 days notice before the asylum support ends and you have to leave your asylum accommodation.

In some circumstances, you may be entitled to other kinds of asylum support, including “Section 4” support. *Read about this in the Asylum Support page of this guide.*

If you are not entitled to formal asylum support, you can contact local asylum support groups to find out if there are any community projects that provide support such as food parcels and hosting. You can look on the NACCOM website to find a group who may be able to help with accommodation issues near you: <https://naccom.org.uk/projects/>

## Detention

If you are “appeal rights exhausted”, you are usually at higher risk of being detained than you are at earlier stages of the asylum process. Not everyone who is “appeal rights exhausted” is detained, however.

Find out more about immigration detention and who shouldn’t be detained (according to the Home Office’s own rules) in the Detention page of this guide.

## ACTION SECTION

If you are appeal rights exhausted, you are at risk of being detained – this does not mean it will definitely happen to you. If you are detained, this will usually happen suddenly.

It's important to be prepared in case this happens, so that you are in the best situation possible.

*Read: BID's guides to detention <https://www.biduk.org/pages/6-information-for-detainees>*

If you are detained, there are things that you, your family and friends, and supporters can do.

*Read the Detention page of this guide. <https://righttoremain.org.uk/toolkit/detention/>*

## Risk of removal

If you are “appeal rights exhausted” and do not have any other applications pending with the Home Office, the Home Office can legally try to remove you from the UK.

The Home Office does not remove everybody who is “appeal rights exhausted” from the UK.

The Home Office may try and take action quickly after they notify you that you are “appeal rights exhausted”, or you may carry on for months and even years with no applications pending and no removal action against you.

*Also read: the Removal page of this guide <https://righttoremain.org.uk/toolkit/removal>*

## Legal options at this stage

If possible, you should try and speak to a lawyer about your legal options at this stage.

*Also read: Lawyers and Legal Advice page of this guide <https://righttoremain.org.uk/toolkit/yourlegalcase>*

If you are “appeal rights exhausted” and have new evidence to support your asylum claim, you may wish to consider making further submissions to the Home Office to be considered as a fresh claim.

*Also read: the Fresh Claim page of this guide <https://righttoremain.org.uk/toolkit/freshclaim>*

If you have other reasons – such as family, children, or health reasons – why you think you should be given the right to remain in the UK, you may wish to look at whether an application based on your human rights is possible.

*Read: the Human Rights page of this guide <https://righttoremain.org.uk/toolkit/humanrights>*