

# Immigration Rules

From: **Home Office**

**(/government/organisations/home-office)**

Published 25 February 2016

Updated: 2 January 2025 - **See all updates**

[Back to contents](#)

---

## Immigration Rules part 1: leave to enter or stay in the UK

General provisions regarding entry clearance, leave to enter or remain in the United Kingdom (paragraphs 7 to 39E).

---

### Leave to enter the United Kingdom

7.A person who is neither a British citizen nor a Commonwealth citizen with the right of abode nor a person who is entitled to enter or remain in the United Kingdom by virtue of section 3ZA of the Immigration Act 1971 requires leave to enter the United Kingdom.

8.Under Sections 3 and 4 of the Immigration Act 1971 an Immigration Officer when admitting to the United Kingdom a person subject to immigration control under that Act may give leave to enter for a limited period and, if he does, may impose all or any of the following conditions:

- (i) a condition restricting employment or occupation in the United Kingdom;

- (ii) a condition requiring the person to maintain and accommodate himself, and any dependants of his, without recourse to public funds;
- (iii) a condition requiring the person to register with the police; and
- (iv) a condition restricting his studies in the United Kingdom

He may also require him to report to the appropriate Medical Officer of Environmental Health. Under Section 24 of the 1971 Act it is an offence knowingly to remain beyond the time limit or fail to comply with such a condition or requirement.

9. The time limit and any conditions attached will be made known to the person concerned either:

- (i) by written notice given to him or endorsed by the Immigration Officer in his passport or travel document; or
  - (ii) in any other manner permitted by the Immigration (Leave to Enter and Remain) Order 2000.
- 

## **Exercise of the power to refuse leave to enter the United Kingdom or to cancel leave to enter or remain which is in force**

10. The power to refuse leave to enter the United Kingdom or to cancel leave to enter or remain which is already in force is not to be exercised by an Immigration Officer acting on his own. The authority of a Chief Immigration Officer or of an Immigration Inspector must always be obtained.

---

## **Suspension of leave to enter or remain in the United Kingdom**

10A. Where a person has arrived in the United Kingdom with leave to enter or remain which is in force but which was given to him before his arrival he may be examined by an Immigration Officer under paragraph 2A of Schedule 2 to the Immigration Act 1971. An Immigration Officer examining a person under paragraph 2A may suspend that person's leave to enter or remain in

the United Kingdom until the examination is completed.

---

## **Cancellation of leave to enter or remain in the United Kingdom**

10B Where a person arrives in the United Kingdom with leave to enter or remain in the United Kingdom which is already in force, an Immigration Officer may cancel that leave.

---

## **Requirement for persons arriving in the United Kingdom or seeking entry through the Channel Tunnel to produce evidence of identity and nationality**

11.A person must, on arrival in the United Kingdom or when seeking entry through the Channel Tunnel, produce on request by an immigration officer:

- (i) a valid national passport or, subject to paragraph 11A other document satisfactorily establishing their identity and nationality; and
- (ii) such information as may be required to establish whether they require leave to enter the United Kingdom and, if so, whether and on what terms leave to enter should be given.

11A. A national identity card is not valid for the purposes of paragraph 11(i), except where the holder is one of the following:

- (a) a British citizen of Gibraltar; or
- (b) a national of Switzerland with a valid entry clearance granted under Appendix Service Providers from Switzerland to these Rules; or
- (c) a national of one of the countries listed in paragraph 11B with valid indefinite or limited leave to enter or remain granted under Appendix EU to these Rules, or who has made a valid application under that Appendix (other than as a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined; or

- (d) a national of one of the countries listed at paragraph 11B with a valid entry clearance in the form of an EU Settlement Scheme Family Permit; or
- (e) a national of one of the countries listed at paragraph 11B with a frontier worker permit; or
- (f) a national of one of the countries listed at paragraph 11B seeking to come to the UK as an S2 Healthcare Visitor; or
- (g) a national of one of the countries listed at paragraph 11B who has been granted immigration permission equivalent to that set out in sub-paragraphs (b) to (f) above by the Islands, or who has made a valid application under the equivalent in the Islands of Appendix EU to these rules (other than as the equivalent of a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined; or
- (h) a person aged 18 or under, studying at a school or educational institution in France registered with the French Ministry of Education and seeking to enter the UK as part of a school party of 5 or more pupils organised by that school or institution.

11B. For the purposes of subparagraphs (c) to (h) of paragraph 11A, the holder must be a national of one of the following countries:

Austria  
Belgium  
Bulgaria  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland

Italy  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Netherlands  
Norway  
Poland  
Portugal  
Romania  
Slovakia  
Slovenia  
Spain  
Sweden  
Switzerland.

11C. For the purposes of paragraphs 11A(h) and VN 7.0, that person must be listed in a completed and authenticated “France-UK School Trip Travel Information Form” (published by the Home Office on the gov.uk website) in the possession of an adult arriving at the border with responsibility for supervising the party’s travel.

---

## **Requirement for a person not requiring leave to enter the United Kingdom to prove that he has the right of abode**

12. A person claiming to be a British citizen must prove that he has the right of abode in the United Kingdom by producing either:

- (i) a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom; or
- (ii) a certificate of entitlement duly issued by or on behalf of the Government of the United Kingdom certifying that he has the right of abode.

13. A person claiming to be a Commonwealth citizen with the right of abode in the United Kingdom must prove that he has the right of abode

by producing a certificate of entitlement duly issued to him by or on behalf of the Government of the United Kingdom certifying that he has the right of abode.

14. A Commonwealth citizen who has been given limited leave to enter the United Kingdom may later claim to have the right of abode. The time limit on his stay may be removed if he is able to establish a claim to the right of abode, for example by showing that:

- (i) immediately before the commencement of the British Nationality Act 1981 he was a Commonwealth citizen born to or legally adopted by a parent who at the time of the birth had citizenship of the United Kingdom and Colonies by his birth in the United Kingdom or any of the Islands; and
  - (ii) he has not ceased to be a Commonwealth citizen in the meanwhile.
- 

## Common Travel Area

15. The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However certain persons subject to the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended) who enter the United Kingdom through the Republic of Ireland do require leave to enter. This includes:

- (i) those who merely passed through the Republic of Ireland;
- (ii) persons requiring visas;
- (iii) persons who entered the Republic of Ireland unlawfully;
- (iv) persons who are subject to directions given by the Secretary of State for their exclusion from the United Kingdom on the ground that their exclusion is conducive to the public good;
- (v) persons who entered the Republic from the United Kingdom and Islands after entering there unlawfully or overstaying their leave.

## Admission of certain British passport holders

16. A person in any of the following categories may be admitted freely to the United Kingdom on production of a United Kingdom passport issued in the United Kingdom and Islands or the Republic of Ireland prior to 1 January 1973, unless his passport has been endorsed to show that he was subject to immigration control:

- (i) a British Dependent Territories citizen;
- (ii) a British National (Overseas);
- (iii) a British Overseas citizen;
- (iv) a British protected person;
- (v) a British subject by virtue of Section 30(a) of the British Nationality Act 1981, (who, immediately before the commencement of the 1981 Act would have been a British subject not possessing citizenship of the United Kingdom and Colonies or the citizenship of any other Commonwealth country or territory).

17. British Overseas citizens who hold United Kingdom passports wherever issued and who satisfy the Immigration Officer that they have, since 1 March 1968, been given indefinite leave to enter or remain in the United Kingdom may be given indefinite leave to enter.

---

## Persons outside the United Kingdom

17A. Where a person is outside the United Kingdom but wishes to travel to the United Kingdom an Immigration Officer may give or refuse him leave to enter. An Immigration Officer may exercise these powers whether or not he is, himself, in the United Kingdom. However, an Immigration Officer is not obliged to consider an application for leave to enter from a person outside the United Kingdom.

17B. Where a person having left the common travel area, has leave to enter the United Kingdom which remains in force under article 13 of the Immigration (Leave to Enter and Remain) Order 2000, an Immigration Officer may cancel that leave. An Immigration Officer may exercise these powers whether or not he is, himself, in the United

Kingdom. If a person outside the United Kingdom has leave to remain in the United Kingdom which is in force in this way, the Secretary of State may cancel that leave.

---

## Returning Residents

18. DELETED

18A. DELETED

19. DELETED

19A. DELETED

20. DELETED

---

## Non-lapsing leave

20A. Leave to enter or remain in the United Kingdom will usually lapse on the holder going to a country or territory outside the common travel area. However, under article 13 of the Immigration (Leave to Enter and Remain) Order 2000 such leave will not lapse where it was given for a period exceeding six months or where it was conferred by means of an entry clearance (other than a visit visa).

20B. Those who seek leave to enter the United Kingdom within the period of their earlier leave and for the same purpose as that for which that leave was granted, unless it

- (i) was for a period of six months or less; or
  - (ii) was extended by statutory instrument or by section 3C of the Immigration Act 1971 (inserted by section 3 of the Immigration and Asylum Act 1999); do not need a visa to enter the UK.
- 

## Holders of restricted travel documents and passports

21. The leave to enter or remain in the United Kingdom of the holder of a passport or travel document whose permission to enter another country has to be exercised before a given date may be restricted so as to terminate at least 2 months before that date.

22. If his passport or travel document is endorsed with a restriction on the period for which he may remain outside his country of normal residence, his



leave to enter or remain in the United Kingdom may be limited so as not to extend beyond the period of authorised absence.

23. The holder of a travel document issued by the Home Office should not be given leave to enter or remain for a period extending beyond the validity of that document. This paragraph and paragraphs 21-22 do not apply to a person who is eligible for admission for settlement or to a spouse or civil partner who is eligible for admission under paragraph 282 or to a person who qualifies for the removal of the time limit on his stay.

---

## **Leave to enter granted on arrival in the United Kingdom**

23A. A person who is not a visa national and who is seeking leave to enter on arrival in the United Kingdom for a period not exceeding 6 months for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, for a period not exceeding 6 months. This paragraph does not apply where the person is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject.

23B. A person who is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject, and who is seeking leave to enter on arrival in the United Kingdom for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, irrespective of the period of time for which he seeks entry, for a period not exceeding 6 months.

A24. A person who is a national of a country specified in rule ETA 1.2. must obtain an ETA before travel to the UK unless they have an entry clearance.

---

## **Entry clearance**

24. The following persons are required to obtain entry clearance in advance of travel to the UK:

- (i) a visa national;
- (ii) a non-visa national (not a British or Irish national) who is seeking entry for any purpose other than as a visitor seeking entry for 6 months or less, or
- (iii) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules.

Any other person who wishes to ascertain in advance whether they are eligible for admission to the United Kingdom may apply for the issue of an entry clearance.

24A. A person who requires entry clearance must on arrival in the UK either:

- (i) produce to the Immigration Officer a valid passport or other identity document endorsed with a United Kingdom entry clearance, issued to them for the purpose for which they seek entry, which is still in force, or:
- (ii) where they have been granted a United Kingdom entry clearance which was issued to them in electronic form (an eVisa) for the purpose for which they seek entry and which is still in force, produce to the Immigration Officer a valid passport or other identity document.

24B. A person who requires entry clearance and fails to meet the requirements of 24A must not be granted leave to enter on arrival.

25. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non visa nationals). A visa or an entry certificate may be issued in electronic form. These documents are to be taken as evidence of the holder's eligibility for entry into the United Kingdom, and accordingly accepted as "entry clearances" within the meaning of the Immigration Act 1971.

25A. An entry clearance which satisfies the requirements set out in article 3 of the Immigration (Leave to Enter and Remain) Order 2000 will have effect as leave to enter the United Kingdom. The

requirements are that the entry clearance must specify the purpose for which the holder wishes to enter the United Kingdom and should be endorsed with the conditions to which it is subject or wish a statement that it has effect as indefinite leave to enter the United Kingdom. The holder of such an entry clearance will not require leave to enter on arrival in the United Kingdom and, for the purposes of these Rules, will be treated as a person who has arrived in the United Kingdom with leave to enter the United Kingdom which is in force but which was given to him before his arrival.

26. An application for entry clearance will be considered in accordance with the provisions in these Rules governing the grant or refusal of leave to enter. Where appropriate, the term “Entry Clearance Officer” should be substituted for “Immigration Officer”.

27. An application for entry clearance is to be decided in the light of the circumstances existing at the time of the decision, except that an applicant will not be refused an entry clearance where entry is sought in one of the categories contained in paragraphs 296-316 or paragraph EC-C of Appendix FM solely on account of his attaining the age of 18 years between receipt of his application and the date of the decision on it.

28. An applicant for an entry clearance must be outside the United Kingdom and Islands at the time of the application. An application for an entry clearance as a visitor or as a short-term student or under Appendix Ukraine Scheme must be made to any post designated by the Secretary of State to accept such applications. Subject to paragraph 28A, any other application must be made to a post in the country or territory where the applicant is living which has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant. Where there is no such post the applicant must apply to the appropriate designated post outside the country or territory where he is living.

28A (a) An application for entry clearance under Appendix Temporary Work-Creative Worker or Appendix International Sports person, where the applicant is applying for a period of permission of

12 months or less, may also be made at the post in the country or territory where the applicant is situated at the date of application, provided that:

- (i) the post has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant; and
  - (ii) the applicant is in that country or territory for a similar purpose to the activity they propose to undertake in the UK; and
  - (iii) the applicant is able to demonstrate to the Entry Clearance Officer that they have been given permission to live in that country or territory in accordance with its immigration laws.
- (b) An application for entry clearance under Appendix Global Talent or Appendix Youth Mobility Scheme may be made at the post in the country or territory where the applicant is situated at the date of application, provided that:

- (i) the post has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant; and
- (ii) the applicant is able to demonstrate to the Entry Clearance Officer that they have been given permission to live in that country or territory in accordance with its immigration laws and that the permission was given for a period of more than 6 months.

29. For the purposes of paragraph 28 “post” means a British Diplomatic Mission, British Consular post or the office of any person outside the United Kingdom and Islands who has been authorised by the Secretary of State to accept applications for entry clearance. A list of designated posts is published by the Foreign and Commonwealth Office.

30. An application for an entry clearance is not made until any fee required to be paid under the regulations made under sections 68 and 69 of the Immigration Act 2014 has been paid.

30A. DELETED.

30B. An entry clearance shall cease to have effect where the entry clearance has effect as leave to enter and an Immigration Officer cancels that leave

in accordance with paragraph 2A(8) of Schedule 2 to the Immigration Act 1971.

30C. An Immigration Officer may cancel an entry clearance which is capable of having effect as leave to enter if the holder arrives in the United Kingdom before the day on which the entry clearance becomes effective or if the holder seeks to enter the United Kingdom for a purpose other than the purpose specified in the entry clearance.

---

## **Variation of leave to enter or remain in the United Kingdom**

31. DELETED.

31A. DELETED.

32.DELETED

33.DELETED

33A. DELETED.

33B-33G DELETED

A34. Paragraphs 34 and 34A apply to an application made under the following rules:

- (a) paragraph 167 to 168 (Indefinite leave to remain for an overseas government employee);
- (b) paragraph 184 to 185 (Indefinite leave to remain for a member of the operational ground staff of an overseas owned airline);
- (c) paragraph 245D to 245DF (Tier 1 (Entrepreneur) Migrants);
- (d) paragraph 245E to 245EF (Tier 1 (Investor) Migrants);
- (e) paragraph 319A to 319J (Family members of Relevant Points Based System Migrants or Appendix W Worker);
- (f) Appendix W Workers;
- (g) paragraph 276DI to 276AI Armed Forces Rules;
- (h) paragraph 309A to 316F (Adopted Children);
- (i) Part 8;
- (j) Part 14 (Stateless Persons);
- (k) DELETED
- (l) Appendix Armed Forces.

## How to make a valid application for permission to stay in the UK

34. an application for permission to stay must be made in accordance with sub-paragraphs (1) to (9) below.

(1) (a) Subject to paragraph 34(1)(c), the application must be made on an application form which is specified for the immigration category under which the applicant is applying on the date on which the application is made.

(b) An application form is specified when it is posted on the visa and immigration pages of the GOV.UK website.

(c) An application can be made on a previous version of a specified paper application form (and shall be treated as made on a specified form) as long as it is no more than 21 days out of date.

(2) All mandatory sections of the application form must be completed.

(3) Where the applicant is required to pay a fee, this fee must be paid in full in accordance with the process set out in the application form unless the applicant has made an application for a fee waiver which has been granted in whole or in part.

(4) Where the applicant is required to pay the Immigration Health Surcharge, this must be paid in accordance with the process set out on the visa and immigration pages of the GOV.UK website.

(5) (a) Subject to paragraph 34(5)(c), the applicant must provide proof of identity as described in 34(5)(b) below and in accordance with the process set out in the application form.

(b) Proof of identity for the purpose of this paragraph means:

(i) a valid passport or, if an applicant (except a PBS applicant) does not have a valid passport, a valid national identity card; or

(ii) if the applicant does not have a valid passport or national identity card, their most recent passport or (except a PBS applicant) their most recent national identity card; or

(iii) if the applicant does not have any of the above, a valid travel document.

(c) Proof of identity need not be provided where:

(i) the applicant's passport, national identity card or travel document is held by the Home Office at the date of application; or

(ii) the applicant's passport, nationality identity card or travel document has been permanently lost or stolen and there is no functioning national government to issue a replacement; or

(iii) the applicant's passport, nationality identity card or travel document has been retained by an employer or other person in circumstances which have led to the applicant being the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism; or

(iv) the application is for limited leave to enable access to public funds pending an application under paragraph 289A of, or under Part 6 of Appendix Armed Forces; or

(v) the application is made under Part 14 of these rules, for leave as the family member of a stateless person; or

(vi) the application was made by a person in the UK with refugee leave or humanitarian protection; or

(vii) the applicant provides a good reason beyond their control why they cannot provide proof of their identity.

(6) Where any of paragraph 34(5)(c)(ii)-(vii) applies, the Secretary of State may ask the applicant to provide alternative satisfactory evidence of their identity and nationality.

(7) Where the main applicant is under the age of eighteen, their parent or legal guardian must

provide written consent to the application.

(8) Where the application is made on a paper application form, it must be sent by pre-paid post or courier to the address on the application form.

(9) An applicant must comply with the application process set out on the visa and immigration pages on GOV.UK and in the invitation to enrol biometrics which is provided as part of the application process in relation to –

(a) making an appointment to provide biometrics, and

(b) providing any evidence requested by the Secretary of State in support of their application.

## Invalid applications

34A. Subject to paragraph 34B, an application for permission to stay which does not meet the requirements of paragraph 34 will be rejected as invalid and not considered.

34B. (1) Where an application for **permission to stay** does not meet the requirements of paragraph 34(1) to (9), or the validity requirements for the route under which they are applying, the Secretary of State may notify the applicant and give them one opportunity to correct the error(s) or omission(s) identified by the Secretary of State within the timescale specified in the notification.

(2). Where an applicant does not comply with the notification in paragraph 34B(1), or with the requirements in paragraph 34G(4), the application is invalid and will not be considered unless the Secretary of State exercises discretion to treat an invalid application as valid and either the requirements of paragraph 34(3), (4) and (5), or any requirement to pay a fee and Immigration Health Charge and provide biometrics, has been met.

(3) Notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.

## Variation of an application



34BB Except where one or more applications have been made under Appendix EU (see paragraph EU10 of Appendix EU):

- (1) Where an applicant has an outstanding application for entry clearance or permission to stay which has not been decided (“the previous application”), any further application for entry clearance or permission to stay will be treated as an application to vary the previous application and only the most recent application will be considered.
- (2) An application to vary a previous application must comply with the requirements of paragraph 34, or the validity requirements for the route applied for or, subject to paragraph 34B, the application to vary will be invalid and will not be considered.
- (3) Any valid application to vary a previous application will be decided in accordance with the immigration rules in force at the date the application to vary is made.
- (4) Where an application to vary a previous application has been made, the Secretary of State will contact the applicant to notify them that the application is being treated as an application to vary and that any previous application will have been varied.
- (5) Where more than one application to vary has been made, or where it is not clear which is the most recent application, the Secretary of State will request that the applicant confirm which application they want to be considered.
- (6) If the applicant does not provide confirmation within 14 days of the request, the most recent application will be considered and any other applications will be treated as varied, unless it is not clear which is the most recent application, in which case all applications will be treated as invalid.
- (7) Where a human rights claim is made as part of an application and a subsequent application is made which varies that application under paragraph 34BB(1), if the applicant is then granted entry clearance or permission to stay, any outstanding human rights claim will be treated as withdrawn, but where any subsequent application is refused, the human rights claim, if not already decided, remains outstanding and will be considered at a time decided by the Secretary of State.

## **Applications made by dependants**

34C. A dependent applicant can be included on a main applicant's application form where the application form allows the dependant to be included. Otherwise, a dependent must make a separate application.

34DA. An applicant applying as a dependent partner or dependent child must be applying as the partner or child of a person (P) where:

- (i) P has made a valid application for entry clearance, permission to enter, permission to stay or settlement on the same route as the applicant and that application has not been decided; or
- (ii) P has entry clearance, permission to enter, or permission to stay, on the same route as the route on which the applicant is applying; or
- (iii) P is settled or a British citizen, providing P had permission on the route on which the applicant is applying when they settled, and the applicant had permission as their partner or child at that time.

34D. DELETED

34E. DELETED.

34F. DELETED.

## **Date of application (or variation of application) for permission to stay**

34G. For the purposes of these rules, and subject to paragraph 34GB, the date on which an application is made is:

- (1) where the paper application form is sent by post by Royal Mail, whether or not accompanied by a fee waiver request form, the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or
- (2) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office; or
- (3) where the application is made via the online application process, and there is no request for

a fee waiver, the date on which the online application is submitted; or

(4) where the online application includes a request for a fee waiver, the date on which the online request for a fee waiver is submitted, as long as the completed application for permission to stay is submitted within 10 working days of the receipt of the decision on the fee waiver application.

34GA. Where an application is rejected as invalid that decision will be served in accordance with Appendix SN.

34GB. Where a variation application is made in accordance with paragraph 34BB, the date the variation application (the new application) is made is deemed to be the date the previous application was made prior to it being varied (the old application).

34GC. Where a partner, child or other dependent is included in the variation application (the new application) and was not included in the application which has been varied (the old application) the date of application for the dependant's application is the date the variation application (the new application) was made.

### **Withdrawal of an application for entry clearance, permission to enter and permission to stay in the United Kingdom**

34H. An applicant may ask to withdraw their application for entry clearance, permission to enter or permission to stay at any time before a decision is made on the application by making a request in writing or by completing the withdrawal process at [www.gov.uk/cancel-visa](https://www.gov.uk/cancel-visa) (<https://www.gov.uk/cancel-visa>). If the request to withdraw the application is accepted the date of withdrawal is the date on which the request was received by the Home Office.

34I. There is no requirement to agree to the withdrawal of an application for entry clearance, permission to enter or permission to stay and the decision maker may instead decide the application.

34J. The proof of identity provided under paragraph 34(5), or any other application for permission to stay, will be returned to the applicant whilst their

application is being considered, unless the Secretary of State considers it necessary to retain it.

34K. Where a decision on an application for permission to stay has not been made and the applicant travels outside the common travel area their application will be treated as withdrawn on the date the applicant left the common travel area.

## **Void applications**

34KA. An application is void where it would not be possible to grant the applicant the permission for which they applied.

34KB. If an application is void, it will not be considered.

34KC. An application is void if, for example, any of the following apply:

- (a) it was made by a person who is exempt from immigration control, unless it was made under Appendix EU of these Rules; or
- (b) it is an application for temporary permission, and the applicant has already been granted settlement; or
- (c) it is a new application for permission to stay and is made while the applicant's current permission is extended under section 3C of the Immigration Act 1971 during the period where an in-time appeal could be brought or is pending, unless the new application is made under Appendix EU of these Rules or is a human rights or protection claim; or
- (d) the applicant has died before the application has been decided.

34KD. Where an application is void, notice will be given in accordance with Appendix SN of these Rules.

---

## **Specified forms and procedures in connection with applications for administrative review**

### **Notice of an eligible decision**

34L. (1) Unless sub-paragraph (2) applies, written notice must be given to a person of any eligible decision. The notice given must:

- (a) include or be accompanied by a statement of reasons for the decision to which it relates, and
- (b) include information on how to apply for an administrative review and the time limit for making an application.

(2) Sub-paragraph (1) does not apply where the eligible decision is a grant of leave to remain.

### **Making an application**

34M. DELETED.

34N. DELETED.

34O. DELETED.

34P. DELETED.

34Q. DELETED.

34QA. DELETED.

34R. DELETED.

34S. DELETED.

### **Notice of invalidity**

34T. DELETED.

### **Online applications for administrative review**

34U. DELETED.

### **Postal applications for administrative review**

34V. DELETED.

### **Applications for administrative review of entry clearance decisions**

34VA. DELETED.

### **Determining the date of an application**

34W. DELETED.

### **Withdrawal of applications**

34X. DELETED.

## **Transitional arrangements for specified forms used in postal and courier applications**

34Y. Where an application is made no more than 21 days after the date on which a form is specified (within the meaning of paragraph 34 or the validity requirements for the route applied for) and on a form that was specified immediately prior to the date of the new specification, the application is deemed to have been made on the specified form (and is therefore not to be treated as invalid by reason only of being made on the “wrong” form).

---

## **Undertakings**

35. DELETED

---

## **Medical**

36. A person who intends to remain in the United Kingdom for more than 6 months should normally be referred to the Medical Inspector for examination. If he produces a medical certificate he should be advised to hand it to the Medical Inspector. Any person seeking entry who mentions health or medical treatment as a reason for his visit, or who appears not to be in good mental or physical health, should also be referred to the Medical Inspector; and the Immigration Officer has discretion, which should be exercised sparingly, to refer for examination in any other case.

37. Where the Medical Inspector advises that a person seeking entry is suffering from a specified disease or condition which may interfere with his ability to support himself or his dependants, the Immigration Officer should take account of this, in conjunction with other factors, in deciding whether to admit that person. The Immigration Officer should also take account of the Medical Inspector's assessment of the likely course of treatment in deciding whether a person seeking entry for private medical treatment has sufficient means at his disposal.

38. A returning resident should not be refused leave to enter or have existing leave to enter or remain

cancelled on medical grounds. But where a person would be refused leave to enter or have existing leave to enter or remain cancelled on medical grounds if he were not a returning resident or in any case where it is decided on compassionate grounds not to exercise the power to refuse leave to enter or to cancel existing leave to enter or remain, or in any other case where the Medical Inspector so recommends, the Immigration Officer should give the person concerned a notice requiring him to report to the Medical Officer of Environmental Health designated by the Medical Inspector with a view to further examination and any necessary treatment.

A39. DELETED

B39. DELETED

C39. DELETED

39. The Entry Clearance Officer has the same discretion as an Immigration Officer to refer applicants for entry clearance for medical examination and the same principles will apply to the decision whether or not to issue an entry clearance.

---

## Students

39A. DELETED

---

## Specified documents

39B. (a) Where these Rules state that specified documents must be provided, that means documents specified in these Rules as being specified documents for the route under which the applicant is applying. If the specified documents are not provided, the applicant will not meet the requirement for which the specified documents are required as evidence.

(b) Where these Rules specify documents that are to be provided, those documents are considered to be specified documents, whether or not they are named as such, and as such are subject to the requirements in (c) to (f) below.

(c) If the Entry Clearance Officer or Secretary of State has reasonable cause to doubt the genuineness of any document submitted by an

applicant which is, or which purports to be, a specified document under these Rules, and having taken reasonable steps to verify the document is unable to verify that it is genuine, the document will be discounted for the purposes of this application.

(d) Specified documents may be originals or copies.

(e) Specified documents must contain, or the applicant must provide, full contact details to allow each document to be verified.

(f) Where any specified documents provided are not in English or Welsh, the applicant must provide the version in the original language and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State.

The translation must be dated and include:

(i) confirmation that it is an accurate translation of the original document;

(ii) the full name and signature of the translator or an authorised official of the translation company;

(iii) the translator or translation company's contact details; and

(iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company's credentials.

---

## **Indefinite leave to enter or remain**

39C (a) An applicant for indefinite leave to enter or remain must, unless the applicant provides a reasonable explanation, comply with any request made by the Secretary of State to attend an interview.

(b) If the decision-maker has reasonable cause to doubt (on examination or interview or on any other basis) that any evidence submitted by or on behalf of an applicant for the purposes of satisfying the requirements of Appendix KoLL of these Rules was genuinely obtained, that evidence may be discounted for the purposes of the application.



(c) Where sub-paragraph (b) applies, the decision-maker may give the applicant a further opportunity to demonstrate sufficient knowledge of the English language and about life in the United Kingdom in accordance with paragraph 3.2 or 3.3 of Appendix KoLL.

(d) A decision-maker may decide not to give the applicant a further opportunity under sub-paragraph (c) where the decision-maker does not anticipate that the supply of further evidence will lead to a grant of leave to enter or remain in the United Kingdom because the application may be refused for other reasons.

---

## **Power to interview a person with limited leave to enter or remain**

39D. For the purpose of assessing whether any of the grounds of cancellation of entry clearance or permission under Part 9 apply the Secretary of State may request a person to:

- (a) provide additional information to the Home Office at the address specified in the request within 28 calendar days of the date the request is sent; and
  - (b) attend an interview.
- 

## **Exceptions for overstayers**

39E. This paragraph applies where:

- (1) the application was made within 14 days of the applicant's leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in-time; or
- (2) the application was made:
  - (a) following the refusal or rejection of a previous application for leave which was made in-time; and
  - (b) within 14 days of:
    - (i) the refusal or rejection of the previous application for leave; or

(ii) the expiry of any leave extended by section 3C of the Immigration Act 1971;

or

(iii) the expiry of the time-limit for making an in-time application for administrative review or appeal in relation to the previous application (where applicable);

or

(iv) any such administrative review or appeal being concluded, withdrawn, abandoned or lapsing; or

(3) the period of overstaying was between 24 January and 31 August 2020; or

(4) where the applicant has, or had, permission on the Hong Kong BN(O) route, and the period of overstaying was between 1 July 2020 and 31 January 2021; or

(5) the period of overstaying:

(a) is between 1 September 2020 and 28 February 2023; and

(b) is covered by an exceptional assurance.

39F. For the purpose of paragraph 39E(5), “exceptional assurance” means a written notice given to a person by the Home Office stating that they would not be considered an overstayer for the period specified in the notice.

---