

Economic Note	Number: HO EN 1026
Title of regulatory proposal	Procedure and Rights of Appeal changes to Part 12 of the Immigration Rules
Lead Department/Agency	Home Office
Expected date of implementation	08 April 2026
Origin	Domestic
Date	19/02/2026
Lead Departmental Contact	AsylumPolicySecretariat@homeoffice.gov.uk
Departmental Assessment	Green

Rationale for intervention, objectives and intended effects

Individuals can submit further evidence after their asylum and human rights claim has been refused. The Home Office then determines whether it amounts to a fresh claim. Currently, caseworkers must fully consider further submissions even where individuals disengage or fail to comply which demands significant time and resource. Introducing an implicit withdrawal mechanism would allow caseworkers to treat further submissions as withdrawn where individuals disengage, avoiding unnecessary caseworking and enabling focus on cases where individuals are actively engaged. Placing clear validity requirements into legislation also formalises existing policy guidance on who may make further submissions.

Policy options (including alternatives to regulation)

Option 0: ‘Do nothing’. The Home Office would continue to substantively consider cases where individuals no longer engage. Validity requirements would remain in guidance instead of Immigration Rules.

Option 1: Introduce an implicit withdrawal provision where individuals fail to comply with the process and formalise existing validity requirements into the Immigration Rules, providing a statutory legal basis. **This is the government’s preferred option.**

Costs and benefit summary

Implementation of the changes to Part 12 of the Immigration Rules is expected to primarily affect the public sector. The changes are expected to generate benefits through productivity improvements for caseworkers and increased compliance. Impacts remain uncertain and will depend on applicant behaviour and operational delivery. Associated costs are expected to be minimal, limited to familiarisation activity for caseworkers.

Risks

There is a risk that impacts on caseworker efficiencies are under or overestimated due to the uncertainty around time required for operational activities. There is also a risk of judicial review from withdrawals and appeals against withdrawn support, both of which have not been estimated.

Total Cost (£m PV)	Transition Cost (£m Constant)	Cost to Business (£m PV)	
0.0075	0.0075	0	
Total Benefit (£m PV)	NPSV (£m PV)	BNPV (£m PV)	EANDCB (£m PV)
0	-0.0075	0	0
Price Base Year	PV Base Year	Appraisal period (Years)	Transition period (Years)
2026/27	2026/27	10	0

Departmental sign-off (SCS):	Megan Jensen	Date: 19/02/25
Chief Economist sign-off:	Charlotte Purchase	Date: 19/02/26
Better Regulation Unit sign-off:	Emma Kirk	Date: 19/02/26

Evidence Base

A. Policy objectives and intended effects

1. The current further submissions process¹ requires caseworkers to substantively consider applications even when individuals do not engage or fail to provide information requested. This leads to time being spent on incomplete submissions that almost always result in rejection, creating inefficiency. Introducing an implicit withdrawal mechanism is intended to reduce this unnecessary caseworking effort and allow resources to be directed towards submissions that are actively engaging in the process.
2. Separately, the validity requirements for further submissions, currently set out in policy guidance will be placed on a clear legal footing to ensure greater clarity. The intended outcomes are to:
 - Allow submissions to be treated as implicitly withdrawn where an individual fails to comply with the further submissions process rather than requiring full substantive consideration.
 - Ensure caseworker time is focused on submissions where applicants engage with the process.
 - Place existing validity criteria into the Immigration Rules.
 - Clarify that further submissions are valid only where the claim is refused or withdrawn, no protection application or appeal is outstanding, the person is in the UK at application, and they attend any required appointment.
 - Support consistent and rule-based decision-making.
3. These changes aim to create a more proportionate and efficient process, without restricting access for individuals who comply with requirements and engage with the system.

B. Policy options considered, including alternatives to regulation

Option 0 – ‘Do-nothing’

4. The Home Office would continue to spend time substantively considering further submissions even where individuals are no longer engaging with the process, as there would be no mechanism to treat these cases as implicitly withdrawn. Validity requirements would remain in guidance only, rather than in the Immigration Rules.

Option 1 – Preferred option

5. Introduce the ability to treat further submissions as implicitly withdrawn when individuals do not comply with the further submissions process, reducing unnecessary casework. Put the existing validity requirements into the Immigration Rules, providing the process a clear legal basis.

C. Past evaluations and rationale for government intervention

6. Currently, caseworkers are required to substantively consider all further submissions, even where an individual has disengaged from the process or failed to comply with reasonable requests for example, requests for further information/evidence or attending reporting events.

¹ The further submissions process allows individuals whose asylum claims have been refused, or withdrawn, and all appeal rights exhausted to present new evidence. This process provides an opportunity for a new claim to be presented.

This creates significant resource pressure, a substantive consideration takes approximately 450 minutes, while withdrawing an application is estimated to take 20 to 50 minutes, representing a substantial reduction in caseworking time. Without government intervention, caseworkers would continue to spend a disproportionate amount of time on cases where individuals are no longer engaged, resulting in greater delays and longer processing times for those who do actively engage and are awaiting a decision.

7. This also creates inconsistency with the asylum process, where caseworkers can already treat an asylum claim as withdrawn at initial decision where individuals disengage with the process. There is currently no equivalent mechanism for further submissions, this Rules change aligns ability across the system to use withdrawals. Intervention is therefore required to establish a clear legal basis for treating further submissions as withdrawn for non-compliance. This measure aims to reduce operational burdens, increase throughput, and enable resources to be focussed on progressing cases where individuals are actively engaged.
8. A formal post implementation review of the existing arrangements has not been undertaken, as the current framework does not provide for implicit withdrawal. However, ongoing internal operational reviews consistently highlight the inefficiency of substantively considering disengaged cases. Although formal evaluation in this area is limited, the operational reviews support introducing an implicit withdrawal mechanism to ensure a more efficient approach to handling further submissions.

D. Appraisal

General assumptions and data

9. This appraisal covers two Immigration Rules changes. The amendments to validity requirements place existing practice on a legal footing and is not expected to have an operational impact. Whilst this may reduce the number of legal challenges brought against the department, it is not expected to drive any behavioural change among applicants. The introduction of implicit withdrawal will alter caseworking processes and may influence appellant behaviour. For this reason, the appraisal primarily focuses on the latter change.
10. The appraisal is subject to uncertainty due to limitations in available data on applicant behaviour, rates of non-compliance, and the operational impact of introducing implicit withdrawal. As a result, the analysis focuses on the direct and measurable effects of the Immigration Rules changes across the appraisal period.
11. The assessment assumes that existing operational processes remain unchanged apart from the introduction of the new withdrawal stage. No additional assumptions have been made regarding wider changes in the asylum system, enforcement priorities, or behavioural shifts among applicants beyond those directly associated with the Immigration Rules changes.
12. Given that available evidence on the scale of non-compliance in the current system is limited, and there is uncertainty around how applicant behaviour may respond to the proposed measures, several impacts cannot be quantified. These impacts are described in non-monetised sections below.
13. The Immigration Rules changes have no direct impact on businesses. Any indirect impacts are expected to be negligible. All monetised and non-monetised impacts captured in this appraisal are assumed to fall on the public sector.

Costs

Monetised Costs

Withdrawal Stage

14. There will be public sector familiarisation costs associated with caseworkers becoming acquainted with the new implicit withdrawal process in further submissions. These costs are expected to arise from formal training delivered ahead of implementation.

Table 1: Total Familiarisation Costs (£, 2026/27 prices)

	Private Sector	Public Sector	Total Cost
Low	-	3,300	3,300
Central	-	7,500	7,500
High	-	12,900	12,900

Source: Home Office Internal Calculations

15. Total familiarisation costs are estimated to be between £3,300 and £12,900, with a central estimate of £7,500 (2026/27 prices).

Total Costs

16. No other set-up or ongoing costs are anticipated following implementation of the Immigration Rules changes.
17. The total costs associated with the Immigration Rules changes are estimated to be between £3,300 and £12,900, with a central estimate of £7,500 (2026/27 prices).

Non-Monetised Costs

Withdrawal Stage

18. The introduction of the withdrawal stage may enable more rapid decision making at the point of consideration for non-compliant applicants, through a simplified decision process. A more straightforward decision may remove barriers to removal for this cohort and therefore increase the number of cases progressing to return, which would result in additional removal-related expenditure for Immigration Enforcement, including transport and escorting costs.
19. It is not possible to determine how many additional non-compliant applicants would be removed from the UK compared to the counterfactual. Due to this uncertainty, the impact has not been monetised.

Benefits

20. It has not been possible to monetise the benefits of these Immigration Rules changes due to limited evidence with which to quantify their economic impact. Although benefits are anticipated, they remain non-monetised because behavioural and operational responses are uncertain.
21. Caseworker time savings cannot readily be converted into measurable reductions in resource requirements whilst backlogs persist, meaning no cashable savings are expected. As a result, benefits are presented instead as productivity gains, illustrated through the number of additional decisions that may be delivered.

Non-Monetised Benefits

Validity Stage

22. Placing validity requirements into the Immigration Rules will establish clearer and more consistent expectations for applicants from the outset, thereby encouraging submissions that

are correct at the initial application stage. This may include providing the necessary evidence to demonstrate that a further submission is valid and attending in-person appointments without the need for follow-up appointments.

23. Higher levels of adherence are likely to improve operational efficiency by reducing caseworker time spent managing missed appointments and outstanding actions. This would allow resources to be allocated more effectively to progressing valid cases and may also enable capacity to be redirected towards other case types where operational pressures are greater.
24. It is not possible to quantify this benefit, as inefficiencies such as missed appointments are not consistently recorded, and it is not possible to estimate how adherence levels would change under the proposed measure. As a result, the behavioural impact relative to the counterfactual cannot be reliably assessed, and the benefit remains non-monetised.

Withdrawal Stage

25. The introduction of the withdrawal stage is expected to reduce caseworker time by lowering the number of substantive decisions required. An implicit withdrawal, triggered by non-compliance at a given stage, is a simpler and less resource intensive process than issuing a substantive refusal. As a result, caseworker time will be saved where substantive decision making is no longer required.
26. These efficiency gains are estimated to increase overall caseworker productivity. It is assumed that saved caseworker time will be used to complete more substantive decisions, the number of additional decisions that could be made as a result are presented below.

Table 2: Total Productivity Benefits (Number of Additional Substantive Decisions)

	Total Additional Decisions per year	Total Additional Decisions over appraisal period
Low	690	6,900
Central	1,074	10,739
High	1,484	14,836

Source: Home Office Internal Calculations

27. Total productivity benefits are estimated to be equivalent to between 690 and 1,484 additional substantive decisions per year, with a central estimate of 1,074 per year.
28. Given the existing backlog of further submissions and ongoing intake levels, it is expected that productivity benefits will be absorbed within further submissions caseworking teams and will not lead to reductions or redeployment of resource.
29. In addition to caseworker efficiencies, withdrawal stage may also support more rapid decision making at the point of consideration for non-compliant applicants by simplifying the decision process. This may reduce the duration for which individuals remain in receipt of support while awaiting consideration and may also remove barriers to removal for this cohort.
30. However, this measure does not alter the underlying eligibility requirements for support under Section 4 of the Immigration and Asylum Act 1999². Individuals who make a further submission are Appeals Rights Exhausted, so any support they receive at that point will be provided under Section 4. Qualifying factors for support under Section 4 such as destitution or barriers to leaving the UK do not change due to the withdrawal decision. It therefore remains possible but unlikely that support would end at the point of withdrawal.
31. Should any support cease more quickly due to these Immigration Rules changes compared to the counterfactual, a reduction in the supported population would lower accommodation demand and generate associated cost savings.

² Immigration and Asylum Act 1999: <https://www.legislation.gov.uk/ukpga/1999/33/contents>

32. Removing barriers to removal for this cohort could increase the number of cases progressing to return. This may lead to reductions in costs from public service usage, such as healthcare and education, from individuals being in the UK for less time.
33. It is not possible to determine how many non-compliant applicants currently receiving support would no longer qualify under these changes, or how many additional removals might take place compared to the counterfactual. As a result, these impacts remain non-monetised.

NPSV, BNPV and EANDCB

34. The NPSV of the further submissions Rules changes is estimated to be between -£3,281 and -£12,910, with a central estimate of -£7,531 (2026/27 prices). This does not account for the non-monetised impacts described above.
35. There is not expected to be an impact on business of the Immigration Rules changes. Given this, there is no BNPV or EANDCB.

E. Wider impacts

36. There are no wider impacts relating to the environment, regional impacts, the income and wealth distribution, protected characteristics, smaller businesses, or trade and investment.

F. Sensitivity

37. This measure does not have direct impact on the activity of a business, voluntary or community body and as such falls outside of the Better Regulation Framework requirements for an Options Assessment or Impact Assessment.

G. Risks

38. These measures are not expected to result in a significant overall decrease in the volume of further submissions casework, so any associated risks relate to relatively small cohorts. The volume of further submissions is not expected to change as a result of the Immigration Rules changes because the validity stage remains unchanged and is simply being put on a clear legal footing. The introduction of a withdrawal stage is anticipated to affect only a limited proportion of cases, as applicants typically comply in order for their submissions to be considered.
39. There is also a possibility that withdrawn further submissions re-emerge in a different form, meaning caseworker time may not in practice be reduced. This risk is heightened by the fact that caseworker time is not formally measured, which presents a risk that estimates of how long operational tasks take could be under or overestimated.
40. There is a risk that introducing an implicit withdrawal stage, which does not provide a right of appeal within the asylum system, may lead to legal challenges through higher court mechanisms such as judicial review. Any such challenges would require departmental resource and create additional operational pressure.
41. Decisions to discontinue support following a withdrawal could also be appealed. Although volumes are expected to be limited, these cases would require Home Office resource and add to legal and operational demands.

H. Annex

Mandatory specific impact test - Statutory Equalities Duties	Complete
<p>Although validity requirements formalise existing practice, implicit withdrawal introduces a new legal consequence. The Equality Screening Assessment identifies potential impacts on those with protected characteristics who may face barriers in attending appointments or complying with requests.</p> <p>However, mitigations include reasonable adjustment and caseworker discretion. Every case will be considered on its individual merits and all circumstances including any reasons for non-compliance will be considered.</p> <p>The proposal is considered compatible with statutory equality duties.</p> <p>The SRO has agreed these findings.</p>	