



Foreign &
Commonwealth
Office

FCONet

OPI 207 ECM review of refusals

Home Office

Changes have been made to:

- the types of refused decisions that should be reviewed by an ECM
- the percentages of issued and refused cases that should be reviewed

Guidance updated to assist ECMs to review decisions

New guidance issued for cases reviewed on receipt of appeal

- Changes have been made to the types and percentages of cases that need to be reviewed by an ECM.
- Guidance for ECM reviews of decisions updated, and now incorporates similar methodology to that used by the Chief Inspector when reviewing cases
- Guidance for conducting ECM Appeal Reviews on receipt of an appeal has been updated. All appealed decisions should be reviewed by an ECM.

ECM Review of refused cases

These are the minimum number of refused decisions that must be subject to ECM review:

- LRA cases (not including PBS) - 25% of applications that are refused must be reviewed by an ECM
- FRA cases (not including settlement) - 0% PBS cases - 0%
- Settlement cases - 25% of applications that are refused must be reviewed by an ECM
- Paragraph 320 cases - 100% of cases refused under sub-paragraphs 7a, 7b, 7c & 11 - even if the application type itself confers FRA - must be reviewed by an ECM.

Full guidance on the ECM Review of refused cases is available on FCONet.

ECM Review of issued cases

These are the minimum number of issued applications that must be subject to ECM review:

- Settlement cases - 25% of applications that are issued must be reviewed by an ECM
- Non-Settlement cases - 10% of applications that are issued must be reviewed by an ECM

Full guidance on the ECM Review of issued cases is available on FCONet.

ECM Appeal Reviews

All appealed decisions must be reviewed by an ECM and Proviso should be updated accordingly.

An ECM Appeal Review provides Post with an opportunity to overturn a decision if the appellant has successfully addressed all the reasons for refusal. Overturning a refusal when appropriate to do so prevents indefensible decisions going through the full appeals process. The ECM Review also gives an ECM an opportunity to assess and comment on additional evidence submitted with the appeal and detail why the refusal has been upheld.

The ECM Appeal Review statement will replace the Annex D and ECO Explanatory Statement. An ECO can be delegated to draft an ECM Appeal Review statement but the ECM must quality assure and sign each draft indicating they are content for the decision to be maintained.

ECG guidance on ECM Appeal Reviews has been updated and can be found on the Visa Services website.

Additional checks on UK Sponsor for settlement applications - Please refer to OPI 202 settlement Applications - Additional Checks

At the application stage the following checks should be made