



Change of Conditions Applications Data Analysis and Evidence 2023-2024: Requests for Further Information

January 2025¹

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¹ Two months after our report was written, in March 2025, the Independent Chief Inspector of Borders and Immigration (ICIBI) published an inspection report about the Home Office's management of fee waiver applications:
<https://www.gov.uk/government/publications/an-inspection-of-the-home-offices-management-of-fee-waiver-applications-august-2024-november-2024>.

This report highlighted:

'Examination of the 'write out' practices of the three teams raised concerns about the efficiency, effectiveness, and consistency of this stage of the application process.'

There is more detail in 3.27-3.33 and 7.1-7.18 of the report, and several of the issues highlighted in our report and reflected in the ICIBI report.

We note that 'the Independent Chief Inspector expects the Home Office to reflect on whether the substance of these recommendations [to improve the fee waiver process] is relevant to other functions within the Migration and Borders System and to adapt and implement them where this is the case.'





Contributing organisations

Lead contributor



The Unity Project (TUP) supports migrants facing poverty and homelessness as a result of the NRPF condition attached to their immigration status. TUP's core work is to assist people to complete the Change of Conditions application so they can access housing and welfare support in times of crisis.

Other contributing organisations



Praxis is an award-winning human rights charity fighting for migrant rights since 1983. Praxis gives advice, provides support, and campaigns so that migrants and refugees in the UK can live with safety, dignity and respect.



RAMFEL is a not for profit organisation which exists to provide high quality and effective advice, support and advocacy services to asylum seekers, vulnerable migrants and refugees to enable them to make a positive contribution to the community.



The Refugee and Migrant Centre (RMC) is an award-winning charity founded in 1999, working with clients from across the Black Country and Birmingham. RMC is dedicated to helping disadvantaged refugees and migrants fully integrate into UK life and achieve independence.

Introduction

It has become standard practice for the Home Office to write out to Change of Conditions applicants to request further information. We refer to these requests as 'requests for further information'. (They are sometimes also referred to by others as 'write outs'.) This practice creates various issues which this report attempts to explain and evidence, as well as setting out suggestions for change in order to improve decision-making.

Abbreviations

CoC = Change of Conditions

RFI = request for further information (also sometimes referred to as a 'write out')

TUP = The Unity Project

NRPF = no recourse to public funds

Policy background

For the purposes of making a Change of Conditions application, the most comprehensive guidance at present is 'Permitting access to public funds' (currently version 4, published 19 November 2024).² Below are key extracts relevant to RFI's (emphasis added).

The guidance states (under a heading of 'Applicants who do not respond to requests for further evidence'):

If an applicant has provided **minimal or no evidence** in their application, **and** it appears that the applicant has made an error with, or omitted in error, supporting evidence, **or** further information or verification of evidence is needed to make a decision, you **should** provide an opportunity for the additional information to be provided. For example, you should consider contacting the applicant:

- if evidence is missing that you believe the applicant has, or could obtain

² A comprehensive summary of the relevant rules and policy guidance is available here: <https://freemovement.org.uk/briefing-how-to-make-a-change-of-conditions-application-and-remove-the-no-recourse-to-public-funds-restriction/>

- if evidence is inadequate but could be further clarified – for example, if an employer’s letter has been provided but it is missing relevant information, for example, it does not confirm the applicant’s gross annual salary.

Where there are exceptional circumstances and it is clear an applicant needs more time to submit evidence, it may be necessary to make an additional request or to provide more time for the evidence to be provided. For example, exceptional circumstances may include victims of domestic abuse or if the applicant is homeless. Applicants must be told when the request is made that if they fail to provide additional information in response to the request, their change of conditions application will be refused.

It further states, under ‘Evidence of disability’:

Where any disability, or physical or mental health condition is raised it should be accompanied by relevant information such as confirmation or other documentary evidence from a doctor or other healthcare or social care professional. Where insufficient evidence has been provided, **you must consider contacting the applicant directly** to discuss how they can evidence their disability, physical or mental health condition. **You must seek senior caseworker advice** where you are unsure whether to contact an applicant.

The guidance also contains clear instructions about the need to apply ‘evidential flexibility’:

...where either: the additional missing evidence is unnecessary because the other evidence provided is clear and compelling; [or] there is a compelling reason why the evidence cannot be provided.

The guidance also makes clear:

‘In all cases you must consider an applicant’s financial circumstances, **based on the information and evidence they have provided**, to determine whether they meet the criteria for being allowed access to public funds.’

Summary of available data

National Data

The Home Office provides quarterly data on Change of Conditions applications, including the number of applications, the decisions made, average days to a decision and the demographic characteristics of applicants. These data releases show a nationwide trend towards slower and more adverse Home Office decision making since the pandemic period.

In the years 2020-2024, the average time taken by the Home Office to make decisions on CoC's doubled from 29 days to 63 days, and by November 2024, the Home Office acknowledged in the High Court that decision times were averaging ten weeks. In April 2024, the Court of Appeal stated that processing times of two to four months do not "sit properly with dealing with an application from someone who is at immediate risk of falling into such a state of extreme destitution".³ This was followed by a High Court judgment in November 2024 which stated that "the Secretary of State does not have an adequate system in place to reduce, to a reasonable and proportionate minimum, the risk of inhuman and degrading treatment" caused by the long decision making delays.⁴ Furthermore - despite a sharp real income squeeze for the poorest households⁵ in this period - the acceptance rate has declined from 80% to 67%⁶.

No information is published on RFI's and so advice organisations have to rely on their own data to understand emerging trends or changes in Home Office approaches.

³ <https://www.bailii.org/ew/cases/EWCA/Civ/2024/373.html>

⁴ <https://www.bailii.org/ew/cases/EWHC/Admin/2024/2984.html>

⁵ See government policy paper 'Tackling Child Poverty: Developing Our Strategy', Published 23 October 2024: <https://www.gov.uk/government/publications/tackling-child-poverty-developing-our-strategy> [accessed 16/11/24]

⁶ Taken from most recent UK Government Immigration and Protection Data, accessible via <https://www.gov.uk/government/publications/immigration-and-protection-data-q2-2024>

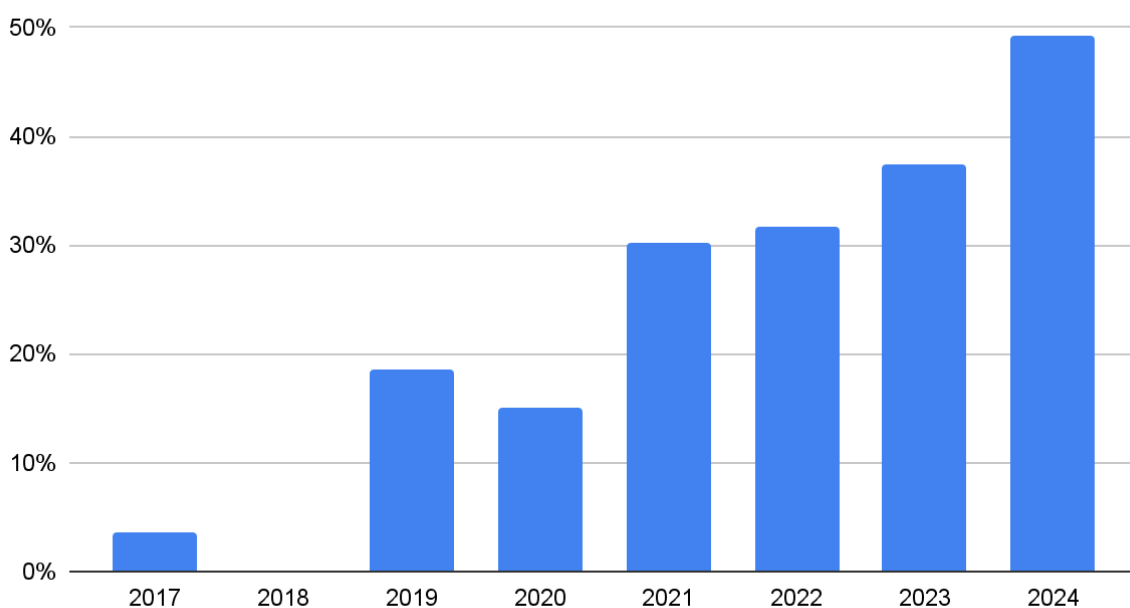
Data from contributing organisations

Increasing use of RFI's

The Unity Project supports individuals and families with NRPF to make 100-150 Change of Conditions applications per year. We are eventually successful in 95% or more of these applications, although for some applicants the process takes many months and occasionally even Judicial Review proceedings.

The percentage of TUP's CoC applications receiving an RFI has been climbing steadily since 2020, when only 15% of applications were RFI'd, to an all time high of 49% in 2024.

Percentage of applications receiving an RFI per year



TUP's experience corresponds closely with that of all the migrant advice organisations who have contributed to this research. Of the 189 applications most recently submitted by TUP, Praxis, RAMFEL and the Refugee and Migrant Centre, 127 have so far received a response and 86% of the decisions received have been positive. However, 46% were issued an RFI.

Impact on decision making

The vast majority of applications that receive an RFI are ultimately accepted. This is despite the fact that it is common practice across all the contributing organisations not to provide

additional evidence in response to many of the requests in each RFI. The reasons for this are outlined below (Issues and Evidence).

The 37 RFI's received by TUP in January to July 2024 contained an average of nine requests for additional information or evidence per RFI. On average, though we responded to each RFI, we responded in any level of detail to only two requests per RFI on average, because the remaining requests in each RFI were unwarranted for a variety of reasons. We often respond to the other requests within an RFI by simply referring the Home Office back to previous submissions and evidence.

91% of the RFI's that we responded to in the first half of 2024 contained at least one request which we felt did not require a response. 88% of these applications have now been granted even though we did not respond to the full RFI, with one still in process. This demonstrates that the information/evidence requested that we identified as unwarranted was not necessary for the application. One application was granted even though we only responded to 1 out of 14 requests made in the RFI. Another was accepted after we responded to just 1 out of 10 requests.

Similarly, in 2023, 52 applications were issued an RFI, and only five of these applications did not lead to a grant of recourse to public funds. The success rate for applications which were issued an RFI was therefore 91%, very similar to the overall acceptance rate for our applications.

Timeframe and financial implications

Based on TUP applications submitted between 2021 to 2024, each RFI adds around one month to the decision making process. It seems plausible that the nationwide increase in average decision times for CoC applications that occurred in this period is connected to an ever more routine use of RFI's by Home Office caseworkers. Between 2023 and 2024 alone, the average decision time for applications submitted by TUP, Praxis and the Refugee and Migrant Centre increased from 46 to 89 days.

A typical family supported by TUP would be entitled to around £2000 in welfare support per month. Our experience is that RFI's represent a delay which places a significant financial cost onto people who are experiencing hardship, without significantly improving Home Office decision making.

Average decision time frame: January 2021 - July 2024	
No RFI	38 days
One RFI	69 days
Two RFI's	94 days

Issues and evidence

The following section outlines some of the most common issues that we have encountered in relation to requests for further information (RFI's) received in the first half of 2024, along with illustrative examples.

Use of generic requests

Home Office caseworkers use a pro-forma letter to draft RFI's⁷. We encounter many RFI's which include large sections copied and pasted directly from the pro-forma letter without apparent consideration of the applicant's circumstances. The requests have usually been addressed in the applicant's initial submission: by providing either the evidence or an explanation of why it is unavailable to the applicant along with a reminder about evidential flexibility. Nevertheless, 86% of the RFI's we received in 2024 included a generic request about household expenditure, while 65% included a generic request for accommodation evidence, both of which are always detailed in the initial application.

Updates after long delays

Sometimes, RFI's request updates to information that was included in the original application. This is becoming increasingly prevalent due to extensive delays in decision-making, which mean that RFI's are often sent months after the initial application

⁷ The pro-formas in use as of end 2024 were disclosed in the context of litigation in December 2024, but to our knowledge they are not publicly available; please contact TUP if you would like access to the pro-formas.

was submitted. Sending updates creates significant extra work for the applicant and any organisations supporting them, as they have to gather and explain new evidence, effectively penalising applicants for decision making delays. Moreover, decisions should be based on the evidence that was provided at the time of application.

Applicants who are precariously housed and therefore moving regularly are most likely to have to provide significant updates. Sadly in our experience, these updates usually serve to demonstrate the increasing urgency of the applicant's situation. The appropriate response is to prioritise timely decision making rather than relying on requests for updated information.

RFI (22/02/24): "Please provide evidence of any support your client is receiving from the Local Authority, such as a recent letter from a social worker detailing exactly what support they are providing your client's [sic] with, including accommodation and subsistence payments."

Applicant response (07/03/24): "Since the Change of Conditions application was submitted on 19/12/23, the family has been referred to their local authority by their MP, XXXX. The local authority began an assessment of the family due to concerns about destitution and the welfare of the child (see attached letter from XXXXX Local Authority, XXXXXX). The assessment remains pending, but in light of their immediate need the local authority has referred the Applicant to charities for weekly food parcels for a limited period and a one-off clothing donation. This is confirmed in the attached letter from the local authority, dated 29/2/24."

Outcome: Application successful.

Requests not corresponding to published guidance

Sometimes evidence is requested which is not required by published guidance on the Change of Conditions application. We often receive requests for very specific evidence (such as about health conditions) when the applicant's destitution is demonstrated by other factors; financial evidence related to third parties who are supporting the applicant; and historical accounts of the applicant's financial circumstances rather than focussing on

current destitution.⁸ It is concerning that the Home Office appears to be following systemic practices that go beyond the published policy guidance. Furthermore, if this evidence is indeed required, it should be requested from the outset in order to avoid time-wasting RFI's.

Unjustified assertions

Some requests are based on incorrect information about the applicant's circumstances, which has been acquired by the Home Office from a credit agency. It is difficult to dispute this information without access to a paid-for account with the agency.

RFI: "Information from the Equifax credit agency shows that there are three other residents living with you and your parents at the accommodation."

Applicant response: "This information is incorrect, the Applicant, her son and her mother are the only people living at the address. The Applicant has provided a letter from her father confirming that he has moved out."

Outcome: Application successful.

Requests for unobtainable evidence

RFI's sometimes request evidence which the applicant has already explained they are unable to provide, with reference to the need for 'evidential flexibility' outlined further above. This may be because they are no longer in contact with the person who could provide the evidence, or that person is unwilling or unable to do so.

RFI: "We acknowledge you have stated that your friend is unwilling to provide any supporting evidence, however in order to assess your current access to accommodation, we require a supporting letter from your friend explaining the current circumstances."

Applicant response: "As stated in the application, the Applicant's friend has refused to provide a support letter or any evidence to support the Applicant's application, accordingly, the Applicant is unable to provide such a letter. However, the Applicant has provided a letter from [ADVICE CENTRE] confirming her living situation."

The applicant received a second RFI which reiterated many of the requests from the first RFI, including: "To date, we have not received any documentary evidence of your current accommodation."

⁸ E.g. "I note that you have lived in the UK since XXXX. Please confirm how you were able to support yourself from this time until now and the reasons why you became destitute."

Applicant response: "As previously mentioned, the Applicant is staying with a friend who has refused to provide a support letter or any evidence to support the Applicant's application, accordingly, the Applicant is unable to provide such a letter. Furthermore, the Applicant's friend has not allowed the Applicant to provide her address as part of the Change of Conditions application. [...] However, the Applicant has provided a letter from [ADVICE CENTRE] confirming her living situation. Furthermore, the Applicant has provided a Care Act assessment from her Local Authority which details her housing and living situation. The assessment highlights the lack of suitable accommodation and the impact it will have on her well-being. It also highlights that the Local Authority advised her to submit a Change of Conditions application in order to ensure she has adequate accommodation which meet her needs, especially in regard to her disability. The Applicant has also been found by the Local Authority to be unable to make use of her home safely as it does not meet her disability needs. This in addition to the letter from [ADVICE CENTRE] evidences that the Applicant's housing situation is inadequate."

Outcome: Application granted.

Length of RFI's

Because of all the issues outlined above, RFI's often run to multiple pages. When supporting applicants to respond, we can use our experience to assess which requests require a response. In one case in 2024, an applicant received an RFI containing nine requests which we did not think were relevant to their need for recourse to public funds. We did not provide any of the requested additional information and nevertheless the application was granted.

However, we are concerned about the impact of very long RFI's on individuals who submit their own applications. People often approach us for advice having received an RFI letter which they don't know how to respond to - either because it is overwhelmingly long or because it repeatedly asks questions that they have previously answered. These letters are a cause of significant stress and anxiety, they delay people's access to public funds and they create the risk of well-founded applications being discontinued.

Ms J's Case Study

Ms J's case study illustrates the unnecessary manner in which RFI's are used, the delays that typically result and the impact on vulnerable clients whose CoC applications have been pending for many weeks and months while destitute.

Ms J is a single mother; at the time of the CoC application, she and her 17-year-old son had been sharing one bedroom for a decade. The accommodation was overcrowded and Ms J's landlord had asked the family to move out by 30 June 2024, so she submitted a **CoC application on 10 April 2024**, explaining the imminent eviction and evidencing it with a letter from her landlord.

We sent a **pre-action protocol letter (PAP) on 10 May 2024**, as Ms J still hadn't received a response to the application. On 03 June 2024, with the eviction looming, the Home Office sent a response to the PAP which stated: 'No evidence has been submitted that indicates it would be appropriate to expedite your client's application to be considered ahead of others that were submitted at an earlier date.'

The Home Office sent a **request for further information on 15 June 2024**, just two weeks before Ms J's eviction date. The RFI made several of the usual generic requests, in response to which Ms J referred them back to previous submissions. The RFI also stated: 'I note that you have lived in the UK since 2006. Please confirm how you were able to support yourself from this time until now and the reasons why you became destitute.' Her response made submissions as to why the application should be decided on the basis of her current destitution and child welfare concerns (which had been ongoing for years), particularly in light of her imminent destitution.

The RFI referred to an Equifax credit check and asked the applicant to provide bank statements for a second bank account which she had not declared in the application. The applicant did not recognise the account and called her bank who also confirmed that she did not have an account matching the details provided by the Home Office. Home Office RFI's standardly state 'If you feel the information provided by Equifax is not accurate, you can update your details by contacting Equifax directly at: www.equifax.co.uk'. There is no

obvious way to do this without opening a paid account with Equifax, so Ms J disputed the Home Office's claim.

Despite letters from her landlord and other proof of residence, the RFI also requested 'recent documentary evidence for your child's school/college to confirm the current address and emergency contact details they hold on file for [your child]'. To avoid further delays, Ms J obtained a letter from the school verifying her child's address. Having gathered the required evidence, Ms J sent a **response to the first RFI on 26 June 2024**.

Ms J then received a **second RFI on 15 July 2024**. This RFI did not acknowledge her response to the first RFI and requested most of the same evidence and information as the first RFI. The RFI also noted 'Our records show that you have previously provided a tenancy agreement for your current accommodation, please confirm as to why this is no longer available.' This had been explained in Ms J's original application. The RFI acknowledged that the eviction date had now passed, but rather than recognising this as a reason for urgency, it was instead used to delay the decision-making process further by stating 'You have provided a letter dated 04 April 2024 from [your accommodation provider] stating that you and your dependant should vacate the accommodation by 30 June 2024. As this date has now passed, please confirm your current address.'

Ms J almost gave up on the process at this point, but we supported her to send a **response to the second RFI on 19 July 2024**, providing no new evidence in our response and simply explaining why the requests were irrelevant to the applicant's case or had previously been addressed.

Ms J was **granted recourse to public funds on 30 July 2024**, 111 days after the CoC was submitted.

Prior engagement with the Home Office

Because of the impact of RFI's on our ability to meet the needs of our clients, we have made numerous attempts to engage with the Home Office on the issue. These attempts have mostly been unsuccessful, as outlined below. In the meantime, there has been a significant expansion in the use of RFI's in relation to CoC applications.

June 2021 - we wrote to the Home Office policy team to raise and explain our concerns about the increase in RFI's, and to request relevant data. We also requested an urgent review of the procedure and proposed a meeting.

September 2021 - we met with officials from the policy team and RFI's were the main agenda item. After the meeting, we offered to meet again - including on a regular basis - to discuss common misconceptions or misunderstandings with Home Office caseworkers in relation to documents they frequently requested. The offer was not taken up, and although further follow-up meetings were promised they did not take place despite our requests.

December 2021 - we wrote to the policy team again, providing more examples, and requested that this was put on the meeting agenda for the next quarterly NRPF stakeholder meeting.⁹

March 2022 - having failed to extract any data from the policy team, we submitted an FOI request asking 'how many requests for further information have been sent each year since 2017 Q3' (when the Home Office started publishing national CoC data). We also noted 'If this time period is too long, then we simply request the number of requests for further information sent each year since the start of 2020.'

April 2022 - we received a response to the FOI stating that the data was not available. The day after receiving this response we wrote again and reiterated our request for less data. However, we received another response stating that RFI information is not held in a

⁹ This meeting brings together organisations working with people affected by NRPF with Home Office officials and is an opportunity to share updates and raise issues.

reportable field in one database and so gathering data related to any time period would be unfeasibly resource intensive.

June 2022 - after raising the RFI response at the NRPF stakeholder meeting, we were invited to email the policy team. We did so, but did not receive a response despite following up.

March 2023 - we met with other officials working on this policy to highlight some of the key areas of unlawful CoC decision-making and delays, including the over-use of RFI's. We followed up by email after the meeting regarding specific cases which were ongoing, but received no substantive response.

Summary and policy recommendations

No data is published on the number of RFI's or the outcomes of applications linked to them, however our internal data indicates a steady increase in their use since 2021. Their use is now so routine as to feel like a 'second stage interview', which adds around a month to the CoC application process. The expansion in the use of RFI's has coincided with a dramatic slowdown in decision-making and an increase in the proportion of applications which are refused according to national data.

In our experience RFI's often contain a large number of requests which are not necessary to assess an applicant's need for public funds. Applications can be - and are - granted without these requests being responded to in full. Unnecessary requests we have received include:

- generic requests copied and pasted directly from the pro-forma letter;
- requests for updates following long delays in Home Office decision making;
- requests that do not correspond to published guidance;
- requests based on incorrect information gathered from credit checks;
- requests for evidence which has already been explained to be unobtainable.

Largely because of these unnecessary requests, RFI letters can be long, intimidating and inaccessible for people who are not advice professionals. They add stress, anxiety and

administrative burden to an already arduous application process, increasing the risk that vulnerable people in situations of destitution will give up before they are able to access the support they need.

Requests that deviate from published guidance create the risk that applicants will be refused access to public funds based on factors which are not part of the formal Change of Conditions process. This is a particular risk for applicants who are not supported by an advice organisation and therefore less aware of their rights.

We are concerned that - rather than facilitating better decision making - RFI's have become an additional gatekeeping measure, which increases delays and the burden on the applicant, and risks applications being refused due to unnecessary considerations or evidence requests. Below we outline five policy recommendations which seek to address this concern.

Policy recommendations

1. Transparency - The Home Office should publish data on the number of RFI's issued nationally, and the outcomes of their corresponding applications.
2. Prompt decision-making - RFI's should not seek updates on applicant's circumstances which are necessitated only due to an unreasonable delay in decision-making.
3. Compliance with policy guidance - RFI's should only be issued when an applicant has failed to provide information or evidence required within the application form, or an adequate explanation of why they have not provided it, as per the policy guidance.
4. Evidential flexibility - If an applicant has given an explanation for not providing information or evidence but the Home Office finds this to be inadequate, the RFI should clearly explain why this decision has been made, referring to the specific circumstances of the case and taking account of the principle of evidential flexibility in published Home Office guidance.
5. Specificity - RFI's should make reference to the specifics of the applicant's case and previous submissions, not general pro-forma requests.