



## CONTROL OF IMMIGRATION: UNITED KINGDOM

### GLOSSARY OF TERMS

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This glossary is intended to accompany the annual Home Office Statistical Bulletin *Control of Immigration: Statistics, United Kingdom* and the quarterly publications *Control of Immigration: Quarterly Statistical Summary, United Kingdom*. It is intended to give an overview of the terms, rather than full technical description.

#### Acronyms

<b>HSMP</b>	Highly Skilled Migrant Programme	<b>PBS</b>	Points Based System
<b>ILR</b>	Indefinite Leave to Remain	<b>SAWS</b>	Seasonal Agricultural Workers Scheme
<b>IO</b>	Immigration Officer	<b>SBS</b>	Sector Based Scheme
<b>MI</b>	Management Information	<b>UASC</b>	Unaccompanied Asylum Seeking Child
<b>NS</b>	National Statistic	<b>WRS</b>	Worker Registration Scheme

#### Terms

Within an explanation of a term, words in bold are themselves explained elsewhere in the glossary.

**A2** are the two countries that joined the European Union on 1 January 2007: Bulgaria and Romania.

**A8** are the eight Central and Eastern European countries that joined the European Union on 1 May 2004: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. The A8 does not include the other two countries that joined on this date: Cyprus and Malta.

**Accession** is the acceptance of a country as a new member of the European Union.

**Accession Worker Cards** are required by Bulgarian and Romanian nationals if they wish to work in the UK.

**After-entry application to vary leave to remain** is an application from a person wishing to extend or change the status of their stay in the UK. An individual is required to make an application for an extension or change in status before their existing permission to enter or stay has expired. Within the immigration rules an individual may make more than one application in any given year.

An **Age disputed application** occurs when an asylum applicant claims to be a minor but his/her appearance strongly suggests that he/she is over 18. The Home Office policy is to treat the applicant as an adult until there is credible documentary or other persuasive evidence to demonstrate the age claimed.

**British Citizens** are people with citizenship usually through a connection with the UK: birth, adoption, descent, registration, or naturalisation. British citizens have the **right of abode** in the UK.

**British Overseas Citizens** are people connected with the former British colonies who, for the most part, did not acquire citizenship of the new country when it attained independence. Hong Kong British Dependant Territories Citizens became British Overseas Citizens on 1 July 1997 if they would otherwise have been stateless.

**British Overseas Territories Citizens** are people with citizenship through a connection with a British overseas territory such as Gibraltar, St Helena etc. Known as 'British Dependent Territories citizens' before February 2002. Hong Kong British Dependent Territories Citizens lost that citizenship automatically on 1 July 1997 but may still hold another form of British nationality.

The **Common Travel Area** consists of the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland.

**Discretionary Leave** can be considered for people that have not been considered for international protection, or have been excluded. Discretionary Leave may be granted if, for example, the applicant is an **Unaccompanied Asylum Seeking Child (UASC)** for whom adequate reception arrangements in their country are not available, or if the person is able to demonstrate particularly compelling reasons why removal would not be appropriate. Discretionary Leave can be granted for a period of three years or less. For **UASC's** it can be granted for three years or up until their 18th birthday, whichever comes first.

A **Document certifying permanent residence** is issued to EEA nationals to confirm their right of permanent residence in the UK. EEA nationals acquire this right after exercising a treaty right for a continuous period of five years. They are not obliged to apply for a permanent **residence card**.

**Employment and Support Allowance** is an allowance aimed at helping people with an illness or disability to move into work.

**Entry clearance** takes the form of an **entry clearance visa** (for visa nationals) or an entry certificate (for non visa nationals). 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.

An **Entry clearance visa** is a visa permitting the bearer to travel to the UK and leave to enter from the date of issue. It is activated upon passing through UK immigration control. There are three categories of visa: temporary, leading to settlement and settlement. Not all nationalities require a visa.

**Family formation and reunion** is a summary category used in descriptions of settlement statistics reflecting persons granted **settlement** on grounds of their relationship to another person already settled or a **British citizen**. Includes husbands, wives, children, parents and grandparents and other and unspecified dependants.

**First-Tier Tribunal Judges** hear and decide appeals on immigration and asylum matters in the First-Tier Tribunal (Immigration and Asylum Chamber).

**Foreign**, for the purposes of the Control of Immigration: United Kingdom publication, means 'non-Commonwealth' to 1998 and 'non-Commonwealth' and 'non-EEA' from 1999.

The **Habitual Residence Test** is a test for all individuals (except those from certain exempt categories), including returning British nationals, who have recently arrived in the country and who make a claim for certain income-related social security benefits or seek housing assistance from a local authority. The individual must satisfy the decision-making authorities that, firstly, they have a **right to reside** and, secondly, that they are habitually resident in the **Common Travel Area** and can be treated as such. Habitual residence is not defined in law. The exempt categories include: worker for the purposes of EC law; those granted **refugee** status, **humanitarian protection**, or **discretionary leave** to remain; those granted exceptional leave to remain or **indefinite leave to remain** granted exceptionally outside the immigration rules. Those individuals in the exempt categories are required to provide evidence of a right to reside but will satisfy the habitual residence condition.

The **Highly Skilled Migrant Programme** (HSMP) began on 28 January 2002. It differed from the work permit system in that it did not require an employer to obtain a permit for the individual. Applicants were assessed on a points system, based on their qualifications, earning ability and experience. The programme has now been replaced by PBS **Tier 1**.

**Humanitarian Protection** is leave granted to a person who would, if removed, face in the country of return a serious risk to life arising from the death penalty; unlawful killing; or torture or inhuman or degrading treatment or punishment. If a person has been refused asylum they may still be considered for this status. Humanitarian Protection is normally granted for a period of 3 years, after which the person can apply for **Indefinite Leave to Remain**. A person who is granted Humanitarian Protection is allowed to work and has access to public funds.

The **Immigration Act 1971** together with subsequent acts relating to immigration control. See 'Changes affecting statistics of Immigration Control' within Control of Immigration: Statistics United Kingdom.

**Immigration Officers** working in passport control are responsible for checking the right of entry to the UK of all individuals arriving at seaports, airports and via the Channel Tunnel. As well as examining documentation, they may gather intelligence and do case work. Where necessary, they will use legal powers to detain or remove illegal entrants to the UK.

**Income Support** is a benefit for people unavailable for full-time work and do not have enough money to live on.

**Indefinite leave to remain** is a grant of **settlement** (after entry) to a non-EEA national.

**Indian sub-continent**, for the purposes of this publication, refers to India, Pakistan and Bangladesh, but excludes Sri Lanka, reflecting the special immigration history of the three mainland countries.

**Initial decision** is a decision by **UK Border Agency** on an application regarding immigration control, subject to right of appeal.

**Jobseeker's Allowance (income-based)** is the main benefit for people between 18 and state pension age who are out of work or work less than 16 hours a week on average, based on income and savings criteria.

A **juxtaposed control** is a UK Border Zone set up, by international treaty, in another country to enforce UK immigration, detection or police powers before the passenger physically arrives on UK sovereign territory.

A **landing card** is a form completed by all passengers subject to immigration control, which is given to the **Immigration Officer** on arrival. A landing card is completed for each journey; a person who makes more than one journey is counted on each occasion. A controlled landing card is one where the passenger has been granted leave to enter and is intending to stay for at least six months; a non-controlled landing card is one where the passenger is intending to stay for less than six months and does not intend to work.

**Leave to remain** is permission to stay in the UK either temporarily (limited leave to remain) or permanently (**indefinite leave to remain**).

**Management information** is data drawn from administrative systems, which are collected for the purpose of supporting government business. In the Control of Immigration publications all data designated as 'Management Information' are provisional, may be subject to change, have not been subject to as thorough detailed verification as National Statistics (**NS**), and are therefore considered to be official statistics rather than National Statistics.

**Non-compliance grounds** signify a failure to cooperate with the process to examine and decide the asylum claim within a reasonable period. This includes refusals for failure to respond to invitations to interview to establish identity.

A **Non-suspensive appeal** is a right of appeal where UKBA has concluded that there are insufficient grounds shown that would qualify for a grant of asylum, **Humanitarian Protection** or **Discretionary Leave to remain** (known as a 'clearly unfounded claim') and the applicant will not have the right to appeal against the decision while still in the UK. Applications from nationals of a 'designated' State who have had their application refused are bound by legislation to have their claims certified as clearly unfounded unless the Secretary of State is not satisfied that the claim is clearly unfounded. In cases where certification is applied, the applicant retains a right of appeal, which can only be submitted out-of country, termed as the 'Non-Suspensive Appeals' process. Claims from nationals of all other States may be considered for certification on a case-by-case basis.

**Notified voluntary departure** is where persons against whom enforcement action has been initiated, decide to voluntarily leave the UK and inform the **UK Border Agency** of their intention to depart (either by phoning their Local Enforcement Unit (LEO) or filling forms IS101 or IS101 (PA)) in order for the necessary arrangements to be made.

**Ordinary visitors** are non-EEA nationals admitted to the UK for a period not exceeding 6 months on condition that they do not work.

**Other voluntary departure** is where persons who it has been established left the UK without informing the immigration authorities are identified through data-matching exercises. Such individuals can be identified at embarkation controls, from subsequent **visa applications** or from passenger information supplied by airlines through the e-borders system. Figures are only available from 2005 onwards.

**Passengers returning** includes both: persons who are settled in the UK, who have been absent for less than two years; and those subject to a limited leave to enter who have returned within the time limit of that leave. The initial admissions of such passengers will have been counted in a specific category in the relevant time period.

**Pension Credit** is extra money paid to those aged 60 and over to top up their weekly income to a guaranteed minimum amount or to those aged 65 and over to contribute toward their retirement savings.

A **Permanent residence card** is issued for non-EEA family members of EEA nationals on the provision that they have a right to such a card. To acquire that right the non-EEA national must be a family member of an EEA national and must have been living in accordance with the EEA regulations for a continuous period of five years. The permanent residence card is valid for a period of 10 years. Non-EEA family members are not obliged to apply for a permanent residence card.

**Points Based System** is a rationalisation of 80 existing immigration control processes for persons working and studying in the UK into 5 'tiers'. Phased implementation began in February 2008. See the definitions for the individual tiers, **Tier 1**, **Tier 2**, **Tier 3**, **Tier 4** and **Tier 5** for further information.

**Port of entry** is an air, sea or rail terminal through which persons from outside the UK enter the country.

**Post-decision reviews** are sometimes carried out on **initial decisions** for a number of reasons. An asylum decision by the Secretary of State can be later reviewed as a result of additional information and/or significant changes in the applicant's current circumstances and the relevant country of origin information.

**Principal applicant** is the main applicant named. There is one per application. A principal applicant can have no, one or more dependants.

**Refugee** is defined, by the 1951 United Nations Convention relating to the Status of Refugees and 1967 Protocol, as being a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality. The individual is unable or, owing to such a fear, is unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence, is unable, or owing to such fear is unwilling to return to it. Recognition of refugee status by the UK is a pre-requisite to the grant of asylum in the UK.

**Registration Certificates** are issued to EEA nationals to confirm that they are exercising a treaty right. EEA nationals are not obliged to apply for a registration certificate.

**Removal of time limit** is administrative action resulting in a non-EEA national being granted **indefinite leave to remain**.

**Removals and voluntary departure** figures include enforced removals, **notified voluntary departures**, persons leaving under Assisted Voluntary Return Programmes and, since 2005, '**other voluntary departures**'. It also includes non-asylum cases refused entry at port and subsequently removed.

**Residence cards** are issued to non-EEA national family members of an EEA national when sought. It confirms their status as a family member of an EEA national and is normally issued for a period of five years.

**Right of Abode** is the legal description of a person's right to enter and live in the UK without any immigration restrictions. All **British citizens** have the Right of Abode along with some Commonwealth citizens. This can be evidenced by a British citizen passport or ID card, or a certificate of entitlement in a foreign passport.

**Right to reside** An individual has the right to reside in the UK if they are:

- a UK national or from the Channel Islands, the Isle of Man or the Republic of Ireland;
- from the European Economic Area (EEA) or Switzerland and working for an employer or are self-employed in the UK;
- from the EEA or Switzerland and actively looking for work and registered with Jobcentre Plus; or
- from outside the EEA but have permission to remain in the UK.

Nationals of the EEA or Switzerland, who are not working or actively looking for work, may not have a right to reside in the UK, unless they have the resources to support themselves. There is no statutory definition of the term "right to reside".

**Seasonal Agricultural Workers Scheme (SAWS)** is a scheme under which Bulgarian and Romanian nationals may be admitted to the UK to undertake seasonal work on farms. SAWS dates from the immediate post-war years, as a way of bringing in short term labour to gather harvests, and its general principles remain to provide short-term seasonal labour for the agricultural industry. The scheme operates under a quota system. The season is defined from 1 May – 30 November. Participants are students (often agricultural students) in their home countries, aged 18-25. Before restriction to Bulgarian and Romanian nationals, the majority of participants were from eastern Europe and the states of the former USSR.

**Section 4 support** An individual may be eligible for **support** under Section 4(2) of the Immigration and Asylum Act 1999 if their asylum application has been determined as refused and appeals rights are exhausted, but they are destitute and there are reasons that temporarily prevent them from leaving the UK.

**Section 95 support** **Support** may be provided under Section 95 of the Immigration and Asylum Act 1999 to destitute asylum seekers until their asylum claim is finally determined. Section 95 support can be provided as both accommodation and subsistence, or accommodation or subsistence only.

**Section 98 support** Whilst a claim for **section 95 support** is being considered, section 98 permits the Secretary of State to provide or arrange for the provision of **support** for asylum seekers or dependants of asylum seekers who appear to be destitute. Section 98 support is temporary accommodation and is intended for short term use.

**Sector Based Scheme (SBS)** is a quota-based scheme for Bulgarian and Romanian nationals, which only covers the food manufacturing sector. SBS for other nationalities was closed in December 2006; prior to this, SBS was a quota-based scheme for overseas nationals to work in the hospitality and food processing sectors.

**Settlement** is a grant of indefinite leave to enter (on arrival) or **indefinite leave to remain** (after entry) to a non-EEA national.

**Students** are non-EEA nationals travelling to the UK primarily or solely for the purpose of study.

The **Student visitor** category provides for those persons who wish to come to the UK as a visitor and undertake a short period of study which will be completed within the period of their leave (maximum 6 months). Short term students (i.e. those studying on courses of six months duration or less) who do not intend to take part-time employment or undertake a paid or unpaid work placement as part of their course can also apply within this category.

**Support** is the provision of accommodation and / or subsistence to those seeking asylum. See **Section 4 support**, **Section 95 support** and **Section 98 support**.

**Third Country**, or safe third country, is a country of which the applicant is not a national or citizen and in which a person's life or liberty is not threatened by reason of race, religion, nationality, membership of a particular social group or political opinion. It is also one from which a person would not be sent to another State in contravention of his rights under the 1951 Convention. Most Third Country cases are those which come under the arrangements provided by the Dublin Convention or the Dublin II Regulation (the "Dublin arrangements"). Asylum claims may be refused without substantive consideration of the application if the applicant can be returned to a safe third country.

**Tier 1 of the Points Based System:** For highly skilled individuals who can contribute to growth and productivity.

**Tier 2 of the Points Based System:** For skilled workers from outside the EEA with a job offer to fill gaps in UK labour force.

**Tier 3 of the Points Based System:** For limited numbers of low skilled workers needed to fill specific temporary labour shortages (currently suspended).

**Tier 4 of the Points Based System: Students.**

**Tier 5 of the Points Based System:** Youth mobility and temporary workers: people allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives.

**UK ancestry** is a possible route of entry to work and/or settle in the UK for Commonwealth citizens without **Right of Abode** if they can show that they have a grandparent who was born in the UK.

**UK Border Agency** (UKBA) is responsible for securing the UK borders and controlling migration in the UK.

An **Unaccompanied Asylum Seeking Child (UASC)** is a child under 18 who is:

- applying for asylum in their own right; and
- is separated from both parents and is not being cared for by an adult who by law has responsibility to do so.

A child may move between the unaccompanied and accompanied categories whilst their applications are under consideration, e.g. where a child arrives alone but is later united with other family members in the UK, or a child arrives with their parents or close relatives but is later abandoned, or a trafficked child, or one brought in on false papers with an adult claiming to be a relative.

**Unsubstantiated cases** are where the applicant has failed to substantiate their claim for asylum through non-attendance at the substantive interview and who are found to have absconded from their registered address. Also called non-substantiated claims.

**Upper Tribunal Judges** hear and decide appeals against decisions made by the **First-Tier Tribunal Judges**.

**Visa application** is an application for **entry clearance** made at a British post abroad by a person, who is a national of a country requiring a visa, who does not have **Right of Abode**, and is wanting to travel to the UK.

**Withdrawn** is an application that can be withdrawn by the applicant by either signing the relevant form or through failing to attend the substantive interview (see **unsubstantiated cases**). An appeal can be withdrawn by either the appellant or the Home Office.

**Worker Registration Scheme A8** nationals who take up employment in the UK are required to apply to register that employment under the Worker Registration Scheme (WRS) within one month of commencing work. The requirement to register employment no longer applies if the individual completes 12 months continuous registered employment in the UK. The requirement to register does not apply to work in a self-employed capacity.

**Work permit holder** is a migrant who is granted leave for work permit employment (paragraphs 128 to 133 of the Immigration Rules).

If there are terms within the *Control of Immigration* publications that you would like to be explained within this glossary, please contact [MigrationStatsEnquiries@homeoffice.gsi.gov.uk](mailto:MigrationStatsEnquiries@homeoffice.gsi.gov.uk).

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