

Glossary of terms

NRPF Network training

General immigration terms

Appeal rights exhausted (ARE)

A person will become 'appeal rights exhausted' if their immigration or asylum application claim has been unsuccessful, any subsequent appeals have been finally determined, and they have no further right to appeal against this decision.

Home Office

The government department responsible for immigration control, which is undertaken by:

- UK Visas and Immigration - considers applications for leave to enter and leave to remain in the UK, citizenship, and asylum
- Border Force - manages border control
- Immigration Enforcement - undertakes enforcement action within the UK and provides local authorities and other statutory organisations with immigration status information

Illegal entrant

A person who has entered the UK without the correct immigration permission, used deception to gain entry, enters without passing through immigration control, or returns to the UK whilst they are subject to a deportation order that has not been revoked.

Immigration Rules

Statutory instrument setting out the categories under which applications for leave to enter or remain in the UK can be made, the length of leave that will be granted, and any conditions that will apply. Applicants must satisfy the requirements set out in the Immigration Rules in order to be successfully granted leave to enter or leave to remain.

Indefinite leave to enter or remain (ILE or ILR)

Immigration permission with no time limit on the person's length of stay in the UK and no conditions prohibiting employment or access public funds (although see exception). Indefinite leave can be lost if a person spends a single period of two years outside of the UK (or five years if their indefinite leave was granted under the EU Settlement Scheme).

Exception regarding access to public funds: a person with indefinite leave granted under the adult dependent relative rule will be prohibited from claiming public funds for the first five

years they are in the UK, as a result of their sponsor signing an undertaking to maintain and accommodate them.

Leave to enter

Immigration permission, which is applied for from outside of the UK. Applications are usually made through a visa application centre and 'entry clearance' is issued. Leave to enter is then granted at immigration control when the person enters the UK.

Non-visa nationals are able to enter the UK to visit for a period of up to six months without obtaining prior entry clearance, but still need to satisfy the border officer that they meet the requirements of the Immigration Rules in order to obtain leave to enter as a visitor.

Leave to remain

Immigration permission that is applied for from within the UK.

Limited leave to enter or remain

Leave to enter or leave to remain in the UK for a specified period. The period and conditions that are attached to the leave will vary depending on the basis upon which the leave was granted. Conditions may include restrictions on employment or access to public funds.

No Recourse to Public Funds (NRPF) condition

A condition imposed on most types of limited leave to enter or remain in the UK, prohibiting access to public funds.

A person without lawful status in the UK will also have no recourse to public funds.

Public funds

Certain benefits, homelessness assistance, and a local authority allocation of social housing.

Section 3C leave

Section 3C of the Immigration Act 1971 extends a person's leave when they are waiting for the outcome of an application for further leave to remain. They will be deemed to be lawfully present in the UK and any conditions attached to their previous leave, such as employment or access to public funds, will continue to apply until their new application is determined.

A person will have section 3C leave when all of the following statements apply:

- They have made an application to extend their leave before their previous leave expired
- Their leave to remain has expired
- They are waiting for an initial decision or are waiting for an appeal decision (if their appeal was submitted within the deadline or an 'out of time' appeal has been accepted by the courts)

Visa overstayer

A person who stays in the UK after their leave to enter or leave to remain expires, or after they become 'Appeal Rights Exhausted' following an unsuccessful application for further leave.

Asylum terms

Asylum seeker

A person who has made a claim to for protection under the UN Refugee Convention 1951 or Article 3 of the European Convention on Human Rights due to having a fear of persecution in their country of origin and is waiting for a final determination on their claim by the Home Office or courts.

Humanitarian Protection

A person who has been recognised as being at real risk of serious harm or having a well-founded fear of persecution in their country of origin that is not for a reason set out under the UN Refugee Convention 1951.

Limited leave to remain is granted for five years on a route to settlement, with permission to work and access to public funds.

In-country asylum seeker

A person who applies for asylum at any point after passing through immigration control. This is usually done by applying in person at the Home Office Asylum Screening Unit in Croydon.

Port asylum seeker

A person who applies for asylum immediately on arrival to the UK, usually when they pass through immigration control.

Refugee

A person who is accepted as having a well-founded fear of persecution for a reason specified in the 1951 United Nations Refugee Convention (race, religion, nationality, membership of a particular social group, or political opinion).

Refugee status may be awarded following a successful asylum claim or to a person who has entered the UK through a resettlement scheme. Limited leave to remain is granted for five years on a route to settlement, with permission to work and access to public funds.

Section 4 support

Accommodation and financial support provided by the Home Office under Section 4 of the Immigration and Asylum Act 1999 to an appeal rights exhausted asylum seeker who is destitute and meets other eligibility requirements.

Section 95 support

Accommodation and/or financial support provided by the Home Office under Section 95 of the Immigration and Asylum Act 1999 to an asylum seeker who is destitute. This support will end when the person becomes appeal rights exhausted (unless there is a dependent child under 18 in the household).

Unaccompanied asylum seeking child (UASC)

A child under 18 who has applied for asylum in their own right and is separated from their parents or guardian.

UASC leave

Granted when an unaccompanied asylum seeking child's asylum claim is unsuccessful, they don't qualify for another type of leave to remain, and there are no suitable reception arrangements in their country of origin.

Limited leave to remain is granted for period of up to 30 months until the child is 17.5 years old that is not on a settlement route, with permission to work and access to public funds.

European terms

European Economic Area (EEA) national

National of an EU or EEA country, or Switzerland.

EU countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Slovakia and Sweden.

EEA countries: Iceland, Lichtenstein & Norway.

Although Switzerland is not in the EU or EEA, the term 'EEA national' will usually be used to include Swiss nationals.

EU Settlement Scheme (EUSS)

Visa scheme introduced to protect the residence rights of EEA nationals and their family members who were living in the UK before 31 December 2020 (the end of the transition period following the UK's departure from the EU), and some close family members who are joining people in the UK with settled or pre-settled status.

The scheme remains open for applications from people who missed the deadline to apply and joining family members.

Pre-settled status

Five years' limited leave to remain granted under the EU Settlement Scheme when a person has lived in the UK for less than five years. Can apply for settled status after completing five years' continuous residence in the UK.

Right to reside

To establish eligibility for means-tested benefits and homelessness assistance, a person with pre-settled status or a pending EU Settlement Scheme application will need to meet a 'right to reside' test. They will need to demonstrate that they have a right to reside or qualifying right to reside in line with the Immigration (EEA) Regulations 2016. A person will have a right to reside if they are a jobseeker, worker, self-employed person, self-sufficient person or student, or are the family member of an EEA national with a right to reside. Not all types of right to reside are treated as being a qualifying right to reside for benefit purposes.

Settled status

Indefinite leave to remain granted under the EU Settlement Scheme when a person has lived in the UK continuously for at least five years.

Other immigration terms

British national (overseas)

A form of British nationality that a person who was a British overseas territories citizen by connection with Hong Kong could register for before 1 July 1997, when the UK handover of Hong Kong to China took place. British national (overseas) status could not be obtained after 1 July 1997.

A British national (overseas) can hold a British passport but is subject to UK immigration controls, so must apply for leave to enter or remain in order to live, study, or work in the UK.

British National (Overseas) visa

A British national (overseas) who normally resides in Hong Kong and their family members can apply for a British National (Overseas) visa in order to provide a route to settlement in the UK.

Leave to remain is granted for a period of 2.5 or 5 years on a route to settlement, with permission to work, and subject to a NRPF condition.

Change of conditions

Application that a person with leave to remain granted on family or private life grounds, or on the Hong Kong BN(O) visa route, can make to the Home Office to request that the NRPF condition is lifted when they are destitute or at imminent risk of destitution.