

Understanding immigration status

Introduction to Migration
Guidance booklet #3



Migration Yorkshire
supporting local migration services



Integration up North
Training and Development in the North of England



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Who is this guidance for?

Understanding immigration status is part of the *Introduction to Migration* series from the Integration up North project. The series provides a basic guide to migration for people working in public sector organisations: local authorities (including health services), police, fire and rescue services, probation services, Jobcentre Plus, Trades Unions and others. It should also be useful for those working in the voluntary and community sector.

The guidance aims to improve the knowledge and understanding of migration among service providers, so that they can shape their service to support the integration of new arrivals to the benefit of both the newly-arrived migrants and the wider local community. Throughout the guidance there are examples from practice across the northern region, and experiences of new arrivals in these areas. While the focus is migration to the north of England, it should be useable in other areas.

This is intended to be an easy-to-use reference document. It does not provide legal advice or a detailed guide to immigration law and policy. In such a fast-changing context, information can quickly become out of date. All information should be checked with an expert or the Home Office if in doubt. We have highlighted other sources of information and guidance where it exists, for further reading and future reference.

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The *Introduction to Migration* series was edited by Pip Tyler, with most Integration up North (IUN) case studies written by Nahida Khan. The project and guidance documents would not have been possible without contributions and advice from our migrant volunteers, migration champions in our partner organisations, and our training delegates who commented on the materials.

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Introduction: why *Understanding immigration status?*

Key message 1: Immigration status can cause confusion among practitioners and migrants alike. Uncertainty around immigration status can cause anxiety and negatively impact on a migrant's integration in the UK.

Immigration status means the terms under which a migrant is allowed to enter the UK. This is usually expressed in terms of the type of formal permission or 'leave to remain' they received from the Home Office to be in the UK, but is further complicated by any conditions attached to this permission (which might relate to the length of time they can stay in the UK, permission to work or access to public funds).

The immigration status of migrants has a huge impact on their lives in the UK. It affects how long they can stay, what they can do in the UK (such as study or work), what rights and entitlements they have to family reunification and to benefits and services. Practitioners as well as the general public can be confused by the range of immigration statuses that migrants may have, what they mean and how they may place conditions upon the migrant's stay in the UK.¹ There are many unintended difficulties arising from this. For example:

- The complexity of possible statuses and restrictions placed upon each individual migrant means there is much potential for confusion, misunderstanding and proliferation of myths. Some people who are legally settled in the UK or even have British citizenship have reported harassment for being wrongly perceived to be present in the UK illegally.²
- Immigration status can have a significant psychological impact on an individual if they only have temporary permission to be here, affecting their sense of belonging and their integration into UK society. Visa renewal fees and applications, Home Office interviews, and travelling in and out of the UK are all a part of this. The impact is more difficult to substantiate, but anxiety associated with their immigration status has been a frequent source of concern to migrants who have participated in the Integration up North project (see for example, Rukhsana's story later in this booklet, as well as Laila's story in *Health and migration* and Saiqa's story in *Migrant youth*³).
- Public services can be unsure of whether particular customers are eligible to access their service and migrants themselves will probably be even less sure. This can result in unintended, negative outcomes such as discrimination, poor integration and a greater cost to the public purse in the long term. For example, if a migrant does not seek preventative healthcare because they believe they are ineligible but later needs emergency treatment for a problem that has worsened over time.

¹ One report for example, identifies 43 'types' of refugee, possessing a combination of nine different statuses and eleven categories. See: D Brown (2008) *Status and category matter: refugee types, entitlements and integration support*. Yorkshire and Humber Regional Migration Partnership: Leeds. www.migrationyorkshire.org.uk/?page=researchdetails&itemid=216

² H Jones et al (2015) *Go Home: Mapping the unfolding controversy of Home Office immigration campaigns*. End of project findings June 2015. University of Warwick <http://mappingimmigrationcontroversy.com>

³ See guidance booklets #10 and #13 in the Integration up North (2015) *Introduction to migration* series, available at: www.migrationyorkshire.org.uk/introductiontomigration-iun

The Home Office has responsibility for designing and administering the immigration system in the UK. The 'Immigration Rules' give the legal rules and framework for the immigration process. There are many laws, rules and policies governing migrant entry and stay and these often change, so the best place for up-to-date information is always the Home Office.⁴

The policies governing migrant entry and stay in the UK vary for different migrant groups. The main differences relate to place of origin i.e. the European Economic Area (EEA) or a third country, and the reason for travel. *Figure i* outlines the differences between and within EEA and third country migrant groups, which in turn affects their rights in the UK. This provides a reference point for the main content of this booklet.

Figure i: Understanding EEA nationals and third country nationals

Definition	Subgroups affecting rights in the UK	Reference table
<p>An EEA national is a person from a member state of the European Economic Area (EEA). This includes all EU countries (including 'Accession' states joining in 2004, 2007 and 2013) plus Iceland, Liechtenstein and Norway. Switzerland is often included in policies applying to EEA members.</p>	<p>EEA nationals have different rights and entitlements in the UK according to whether they:</p> <ul style="list-style-type: none"> • Are a new arrival (in the first three months in the UK) • Are a member of a new EU country (during the first seven years of being an EU member state) • Have the 'right to reside' for longer than three months as a worker or self-employed, a workseeker, a student or being self-sufficient • Have the permanent right to reside after being in the UK for some time (usually five years). 	<p><i>Appendix 4.1</i> <i>'EEA Nationals'</i></p>
<p>A third country national is a person from a country outside the European Economic Area (EEA).</p>	<p>Third country nationals have different rights and entitlements according to whether they have:</p> <ul style="list-style-type: none"> • temporary permission to be in the UK as a visitor, student, worker, or family member • permission to stay here permanently • no current form of permission to be in the UK. <p>Asylum seekers and refugees also come from third countries and may fall into any of the three groups above at different times while in the UK.</p>	<p><i>Appendix 4.2</i> <i>'Third country nationals'</i></p> <p><i>Appendix 4.3</i> <i>'Asylum seekers and refugees'</i></p>

This guidance booklet covers the entry, stay and return of migrants in the UK, outlining key terms and rules governing arrival and settlement. We recommend this booklet is read in conjunction with the *Reference tables on migrant entitlements*,⁵ a cross reference tool that outlines entry and settlement rules according to different migrant groups.

⁴ See the Home Office website covering immigration issues: *UK Visas and Immigration* www.gov.uk/government/organisations/uk-visas-and-immigration

⁵ 'Appendix: Reference table on migrant entitlements' in: Integration up North (2015) *Migrant rights and entitlements*, Introduction to Migration series, Guidance booklet #4. Migration Yorkshire: Leeds. www.migrationyorkshire.org.uk/introductiontomigration-iun

Entering the UK

Everyone arriving at a UK port or airport should have their passport or identity card checked to verify that they are allowed to come into - or 'enter' - the country. Those crossing the Channel may be subject to these checks before boarding the train or ferry at 'juxtaposed controls'.

The top countries of origin for third country nationals given permission to enter the UK for *all* reasons (including visitors and passengers in transit as well as those coming to live here) in 2013 were: the USA, Australia, Canada, India and China.⁶

Some people are refused entry at this point. In 2014 just over 18 000 people (including EEA nationals) were refused entry to the UK, the top individual countries of nationality were: the USA, Nigeria, Albania, Brazil and India.⁷

EEA nationals

Key message 2: European Economic Area (EEA) nationals have 'freedom of movement' in the EEA, which generally means that they are free to enter or remain in the UK or any other EEA country.

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Third country nationals

Key message 3: Not all third country nationals are allowed to come to the UK.

Third country nationals need permission from the Home Office to enter and stay in the UK; this is described as being 'subject to immigration control'.

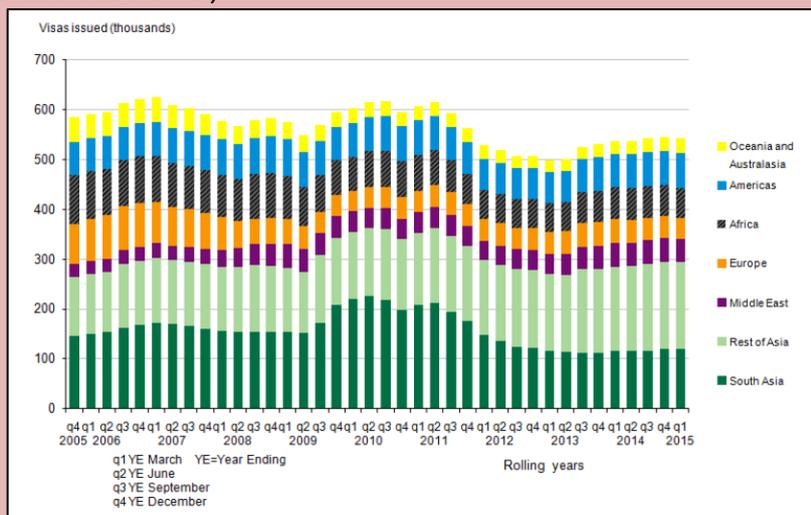
Figure ii shows trends in visas granted (excluding visitor and transit visas) by world area since 2005. This will largely reflect third country nationals who are given permission to live in the UK in the long term (but will include a number who only come for less than a year). Visas granted to Asian nationals account for the largest proportion of visas and changes over time (as shown in the two lower portions of the chart, coloured in green).

Entry requirements for third country nationals vary according to their nationality and their purpose for being in the UK. Before arrival many third country nationals require a visa and have to pay the immigration health surcharge as detailed in *Figure iii*.

⁶ Admissions data tables tab as_03 in: Home Office (2015) *Immigration Statistics, October to December 2014*.
www.gov.uk/government/statistics/immigration-statistics-october-to-december-2014-data-tables

⁷ Admissions data tables tab ad_04 in: Home Office (2015) *Immigration Statistics, reference as above*.

Figure ii: Entry clearance visas granted to third country nationals over time (excluding visitor and transit visas)



Source: ONS (2015)⁸

Figure iii: Pre-arrival costs for third country nationals: visa fees and the new health surcharge

Visa fees

Many third country nationals are 'visa nationals' so require a visa for the UK.⁹ Visa fees vary according to purpose and length of time in the UK and subject to change. To give an idea of this charge, examples of fees in 2015-16 include:¹⁰

- A visitor coming for less than 6 months must pay £85 for a visa
- A worker (coming to a job under Tier 2 of the Points Based System sponsored by their employer for less than three years) pays £564 for a visa when coming from abroad
- A spouse of a person who is settled in the UK pays £649 for a visa
- A student will pay £322 for their visa if they are coming from abroad.

Note that some visa nationals also require a TB test to enter the UK.¹¹

Immigration health surcharge

Since 6 April 2015, most third country nationals now also must have paid the 'immigration health surcharge' before arriving in the UK.

The annual fee has been set at £200, but reduced to £150 for students and their dependants. The charge is calculated based on the length of leave people receive, so the cost may be more than £200 up front if you get more than a year's leave.¹²

The health surcharge does not apply to everyone;¹³ it is a new policy and appears to mainly apply to workers, family joiners and students.

⁸ 'Entry clearance visas granted (excluding visitor and transit visas), by world area, UK, 2005 to year ending March 2015' Figure 2.3 in ONS (2015) *Migration Statistics Quarterly Report, May 2015*. Office for National Statistics, Statistical Bulletin. www.ons.gov.uk/ons/rel/migration1/migration-statistics-quarterly-report/may-2015/stb-msqr-may-2015.html

⁹ To find out which countries of origin have visa requirements, see: *Check if you need a UK visa* www.gov.uk/check-uk-visa

¹⁰ Home Office (2015) *UK visa fees: Home Office immigration and nationality fees from 6 April 2015*

www.gov.uk/government/publications/visa-regulations-revised-table#history and also see the trial tool 'Visa application fees' to work out the visa fee according to nationality and purpose for coming to the UK at: <https://visa-fees.homeoffice.gov.uk/>

¹¹ *Tuberculosis tests for visa applicants* www.gov.uk/tb-test-visa

¹² An online guide about when and how to pay the health surcharge is at: *Pay for UK healthcare as part of your immigration application* www.gov.uk/healthcare-immigration-application

Permission to enter and stay in the UK depends on the third country national's purpose and whether UK policy has determined that they may be eligible to apply. Different rules apply according to the main reason for coming to the UK: to visit, study, work, to join family, to claim asylum or to settle here. The main requirements are as follows:

- Most **visitors** need a visa or entry clearance, and must be able to demonstrate that can accommodate and support themselves in the UK.
- **Students** must be sponsored by their college or university (who in turn must be registered with the Home Office as an approved provider) and also must be able to demonstrate that they can accommodate and support themselves in the UK
- **Skilled and temporary workers** must be sponsored by their employer (who also must be registered with the Home Office). Skilled workers can only work in certain jobs, mainly: shortage occupations, if the employer was unable to recruit from within the UK or EEA, or transferred to a UK branch of their employer. Temporary workers may come on particular schemes or special arrangements such as youth mobility schemes for 18-30 year olds from certain countries to work in the UK for up to two years. There are exceptions for other kinds of workers (e.g. Commonwealth citizens working in the armed forces, and 'high value' migrants).
- **Family members** of British citizens and people settled in the UK can apply to come and live in the UK. Since 2012, the UK resident must have a minimum income (currently set at £18 600 per year, rising for each child also joining them: £3800 for the first child and £2400 for each additional child).¹⁴ Family members are usually given permission to enter the UK for 30 months. A relatively small number of people are given permanent residence upon arrival in the UK, such as adult dependants whose family in the UK will support and accommodate them.
- **Asylum seekers** can apply for asylum when they arrive in the UK or at any time afterwards. Small numbers of recognised refugees and other similar groups arrive through government programmes such as the Gateway Protection Programme and the Afghan relocation scheme.

These rules and their thresholds change regularly and there are exceptions in each category. A relatively small number of people enter the UK illegally.¹⁵ In fact, most people who do not have permission to be in the UK did originally have permission to enter but have overstayed their visa.

¹³ Exempt groups include visitors, workers under Tier 2 Intra-Company Transfer, asylum seekers, victims of trafficking and domestic violence, nationals from Australia or New Zealand. Being exempt does not necessarily lead to free NHS care so for example, visitors and short term students will be charged 150% of the cost of their treatment.

¹⁴ For a more detailed explanation, see House of Commons Library (2015) *The financial (minimum income) requirement for partner visas*. Briefing Paper Number 06724, 12 June 2015
<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06724>

¹⁵ For information on illegal entry to the EU, see European Commission (2015) *Questions and Answers: Smuggling of Migrants in Europe and the EU response - Fact Sheet* http://europa.eu/rapid/press-release_MEMO-15-3261_en.htm

The most common reason for coming to the UK tends to be for study or to work. Students and workers from outside the EEA are processed using the Points Based System (PBS) as outlined in *Figure iv*.

Figure iv The Points Based System

The Points Based System (PBS) is a five-tier framework that applies to third country nationals coming to work or study in the UK. Applicants must satisfy particular criteria of their tier to be considered to have sufficient points to apply to come to the UK. The tiers are:

- **Tier 1 – High value migrants** (investor, entrepreneurs, exceptional talent, graduate entrepreneur route) and their dependants.
- **Tier 2 – Skilled workers** (through shortage occupation or Resident Labour Market Test i.e. vacancy already advertised but unfilled), intra-company transfer (ICT), sport, Minister of religion, and dependants. Applicants must have been offered a job with a registered employer.
- **Tier 3 – Low skilled workers.** This route has never been opened; nobody can apply under this route yet.
- **Tier 4 – Students** and their dependants. This is the largest PBS category. Students must have a place with a registered education provider.
- **Tier 5 – Temporary workers, youth mobility** and their dependants.

Government policies often focus on one of the tiers in this framework, for example, setting quotas on the number of visas issued within each category.

Official details of entry requirements and Tiers are available at the Home Office website.¹⁶

Entry route and integration

Clearly, a migrant's entry route matters because of its subsequent impacts on their entitlements (to work, join family or claim benefits and access services). However, entry route also appears to affect the way in which migrants settle and integrate into life in the UK. For example:

- Our recent study of third country nationals in the north of England conducted by the University of Salford found that (for their sample) skilled workers tend to integrate more 'naturally' in the work environment, where as those joining family tend to integrate more 'naturally' in the home.¹⁷
- The impact of immigration status upon integration is most obvious for undocumented migrants; a web documentary resource provides an insight into the difficulties faced by undocumented migrants across the EU.¹⁸

¹⁶ See: Visas and immigration www.gov.uk/visas-immigration and guidance on different Tiers available at: *Working in the UK (modernised guidance)* www.gov.uk/government/collections/working-in-the-uk-modernised-guidance

¹⁷ A Ahmed et al (2015) *Destination Integration: Third Country Nationals in the North of England: Final report*. Salford Housing and Urban Studies Unit (SHUSU), Salford University. www.migrationyorkshire.org.uk/publications

¹⁸ Platform for International Cooperation on Undocumented Migrants (PICUM) *Undocumentary: The Reality of Undocumented Migrants in Europe* www.undocumentary.org/en/

Staying in the UK

EEA nationals

Key message 4: EEA nationals can stay and live in the UK if they are working, studying, self-sufficient or are a family member of someone who is working, studying, or self-supporting. After five years, they usually have the right to live in the UK permanently.

All EEA nationals, including Croatians, have the 'right to reside' in the UK for three months. After this point they must be economically active, self-supporting, a student - or a family member of an EEA national who is economically active, self-supporting or a student. There are some exceptions, and dispute at EU level could lead to changes in future.

Usually after five years EEA nationals automatically have the 'permanent right to reside' in the UK, although there are short timescales in exceptional circumstances, such as retirement or permanent incapacity having been a worker here. Family members get the permanent right to reside at the same time.

Third country nationals

Key message 5: Third country nationals allowed to stay in the UK are usually given temporary permission to stay (known as 'limited leave' to remain). They may be able to apply later for permanent permission (known as 'indefinite leave to remain' or ILR).

Visitors, students, workers and family members from third countries who are allowed to stay in the UK are granted a form of 'leave to remain' i.e. permission to stay. They are granted either 'limited' or 'indefinite' leave to remain according to their purpose for being here. These terms are unpacked in *Figure v*.

This is clearly stated on their Biometric Residence Permit (BRP)¹⁹ – a credit card sized plastic card issued by the Home Office which holds biographical information (name, date of birth and place of birth) and biometric information (fingerprints and a digital facial photograph) (see picture, *right*). It is their residence permit and can be used as proof of identity and immigration status. It must be carried along with their passport when entering or leaving the UK.



Most third country nationals tend to be given limited leave at first. If they want to stay longer they may be able to apply to extend it then later apply for indefinite leave to remain.

¹⁹ For more information, see: Home Office (2015) *BIOMETRIC RESIDENCE PERMITS: General Information for Applicants, Employers and Sponsors*. Guidance Notes.

www.gov.uk/government/uploads/system/uploads/attachment_data/file/418267/v_3_BRP_-_In-Country_information_leaflet_post_6_April_02_.pdf

Figure v: 'Limited' or 'Indefinite' leave to remain – what's the difference?

<i>Limited leave to remain</i>	<i>Indefinite leave to remain (ILR)</i>
<p>This permission to stay is issued for a specified amount of time, often for between two and five years. There may be certain restrictions attached, such as denying permission to work or to claim benefits (often phrased as having 'no recourse to public funds'). The time period allowed and any restrictions are usually outlined on a visa, biometric residence permit or passport, although the term 'limited leave' may not itself appear in the documentation.</p> <p>At the end of the time a migrant is given limited leave to remain, some qualifying migrants can apply for 'indefinite leave to remain'. Others can renew, extend or change their leave by application to the Home Office. However they will usually be refused any further leave if they have overstayed by more than 28 days and will become an undocumented migrant, liable to deportation.</p>	<p>Indefinite leave to remain is also known as <i>settlement</i>. It gives permanent permission to be in the UK without further restrictions, and the right to apply for citizenship if you meet the right conditions (around length of stay and passing knowledge and language tests).</p> <p>ILR remains valid unless the holder leaves the UK for 2 years or more or is found guilty of an offence and sentenced to 12 months imprisonment.</p>

While workers, students, family joiners and asylum seekers are usually given limited leave, in some cases they can be granted ILR on arrival. Most third country nationals can only apply for ILR after a specified time (if at all):

- Workers may be able to apply for ILR after five years, but only if they meet certain criteria (such as an income of over £35 000 per year, in a shortage occupation or where a PhD qualification is necessary for their job).
- Family members can apply for ILR after five years (unless they applied before 9 July 2012, so only have to wait two years). Family members whose relationship breaks down or who have suffered domestic violence in the UK may be able to apply for ILR independently.
- Refugees and people with other forms of protection are usually given limited leave to remain for five years after which they can apply for ILR. Refugees who were resettled here directly from abroad (under the Gateway Protection Programme for example) are granted ILR immediately.

People applying for ILR usually have to pay a fee (at the time of writing a person applying for ILR as a family member of a settled person would for example, pay a fee of £1500) and pass a test of their knowledge of English and life in the UK (which also incurs a fee of £50).²⁰

These different types of leave affect migrant rights to work, and their access to services and benefits. Most migrants with a limited form of leave should be self-supporting and do not have 'recourse to public funds.' People with ILR do not have restrictions on these rights and entitlements.

²⁰ Home Office (2015) *UK visa fees: Home Office immigration and nationality fees from 6 April 2015* www.gov.uk/government/publications/visa-regulations-revised-table#history and also see the trial tool 'Visa application fees' to work out the visa fee according to nationality and purpose for coming to the UK at: <https://visa-fees.homeoffice.gov.uk/>

Key message 6: Undocumented migrants do not have permission to be in the UK and are expected to leave or be removed. Under certain circumstances they can apply to stay.

Visitors, students and undocumented migrants are generally expected to leave the UK rather than settle here.

Some students may be able to transfer to a skilled work visa if they find a Tier 2 employer, and PhD students may be able to seek work or set up a business.

Undocumented migrants in specific circumstances may be able to apply for leave, for example if they have been here for a long time, if there are human rights considerations (such as trafficking), if they make an asylum application or as a spouse or parent of an EEA national. These rules also change frequently and are likely to develop further.

Services working with migrants

Key message 7: Service providers do not usually need to know the exact details of a migrant's purpose for being in the UK or how and when they arrived.

Service providers rarely need to know the exact details of a migrant's purpose for being in the UK or how and when they arrived. It may be best not to ask for details if they are not required to access services, as it can be intrusive if the individual is particularly vulnerable or has been asked these questions many times. Services risk discrimination under the Equality Act 2010 if they deny access to their service on the grounds of immigration status, nationality etc. Examples of circumstances where these details may be required include:

- Advice services
- Where access to the service is restricted (e.g. free ESOL classes)
- Where an eligibility test is required for any UK resident (e.g. housing and homelessness services)
- When assessing applications for benefits classed as public funds
- When determining whether home or overseas student fees apply.

Services should follow official guidelines in these cases.

Services supporting a migrant who does not have ILR may need to be aware that the individual may be worried about resolving their long-term immigration status. Someone with limited leave for example, may be worried about applying for an extension to their visa or short-term status may be used as a hold or threat over the individual by an exploitative employer or abusive family member. For more on service responses to suspected victims of trafficking, see *Trafficking for labour exploitation*.²¹

²¹ Integration up North (2015) *Trafficking for labour exploitation*, Introduction to Migration series, Guidance booklet #9. Migration Yorkshire: Leeds. www.migrationyorkshire.org.uk/introductiontomigration-iun

Key message 8: Nobody should give immigration advice to migrants unless they are qualified and registered with the Office of the Immigration Services Commissioner (OISC).

Restrictions on legal aid for migrants often mean that support organisations are approached for immigration advice.

Practitioners should not offer any legal advice to migrants about their immigration status or application for leave to remain in the UK – it is against the law unless you are a regulated solicitor, barrister or legal executive, exempted by Ministerial Order or registered to provide immigration advice or services through the Office of the Immigration Services Commissioner (OISC) who regulates immigration advisers.

Those with OISC accreditation usually display this openly with their logo (see picture, *right*). If a client requires immigration advice, you can find a qualified adviser using the government site ‘Find an immigration adviser’ which links you to the OISC register of immigration advisers and adviser-finder database.²²

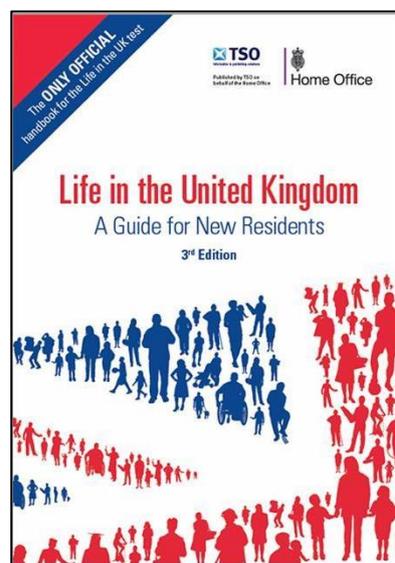


Gaining British citizenship

Key message 9: Through citizenship ceremonies the local authority has a formal role in welcoming migrants who gain British citizenship (or become ‘naturalised’) and settle here permanently.

Once a third country national has indefinite leave to remain, they may wish to change their nationality and become British. This is known as being ‘naturalised.’

To apply for British citizenship migrants must meet certain conditions, such as planning to continue living in the UK and certain English language and cultural knowledge requirements – tested in the ‘Life in the UK test’ which is based on content in ‘Life in the United Kingdom: A Guide for New Residents’ (see picture, *right*)²³ although these requirements are slightly different for different migrants such as children, people joining a spouse or overseas territories citizens. The conditions can be amended at any time; the Home Office site explains the latest criteria.²⁴



²² Find an immigration adviser www.gov.uk/find-an-immigration-adviser

²³ Home Office (3rd edition) *Life in the United Kingdom: A Guide for New Residents*. The Stationery Office www.tsoshop.co.uk/bookstore.asp?FO=1240167&ProductID=9780113413409&Action=Book&TRACKID=002353

²⁴ *Become a British Citizen* www.gov.uk/becoming-a-british-citizen

Applicants must pay a fee to cover the processing of their naturalisation application (currently £925)²⁵ and their citizenship ceremony (currently £80)²⁶, and may be required to attend an interview to supplement their application. Local authorities can check and submit citizenship applications if they are a designated 'Nationality Checking Service' (NCS); details of each NCS are available online.²⁷

New citizens must attend a local citizenship ceremony within three months. This is conducted by a registrar. During the ceremony new citizens make an oath or affirmation to the Queen and a pledge of loyalty to the UK. A welcome speech may be made by a local or national dignitary, and new citizens are given a welcome pack. This is an opportunity for the local authority to welcome the new citizens in their area and encourage civic participation. *Figure vi* gives an example of a third country national who went through a citizenship ceremony in Leeds.

Figure vi: Gaining citizenship - Nehanda's story

Nehanda is a retired nurse who migrated to Yorkshire from Zimbabwe in 2002 after all of her family there had died. She was granted permission to come to the UK as a family member. She is cared for by three daughters who had previously moved to the UK. They helped her to process the paperwork to apply for visas and indefinite leave to remain, which she found a stressful experience.

Eventually she was granted British citizenship, and attended a citizenship ceremony in Leeds Civic Hall in 2012. This was conducted by three registrars and a deputy lieutenant, who acted as the local dignitary. He openly welcomed new citizens on behalf of the Queen, country and local community, describing them as his 'new brothers and sisters.'

The welcome was very well received by most present at the ceremony. Although having experienced many hardships as a migrant, Nehanda saw the citizenship ceremony as a token of acceptance, a sign that she was now equal to other British nationals:

'The welcome and the speech which was said there, I was touched, they really accepted us as British... They welcome people and they've no discrimination. They take us foreigners as just the same as them... I was very pleased that now I'm a new British citizen.'

*'I was touched,
they really
accepted us as
British'*

Previously, Nehanda had feared that she may be deported back to Zimbabwe, where she would have lived alone and in poverty. Acquiring British citizenship provided her with a sense of security and the certainty that she would not be separated from her family.

Source: K Kipling (2014)²⁸

²⁵ Home Office (2015) *Indicative visa charges for 2015 to 2016: Table with further detail of indicative charges for 2015/16* www.gov.uk/government/publications/indicative-visa-charges-for-2015-to-2016

²⁶ *Become a British citizen* www.gov.uk/becoming-a-british-citizen/citizenship-ceremonies

²⁷ *Nationality Checking Service* www.gov.uk/government/collections/nationality-checking-service

²⁸ K Kipling (2014) *Making British citizens: The role of citizenship ceremonies and tests in integration and belonging*. Unpublished PhD fieldwork, University of Leeds.

Leaving the UK

Key message 10: There are different routes for migrants leaving the UK: returning home on their own initiative, through a voluntary return project, or an enforced return by the Home Office.

Most migrants leave the country independently through their own initiative and plans. However, some may leave with support from a voluntary return project while others who do not agree to leave the UK may have their return enforced by the Home Office.

Voluntary return

There are currently several national (Home Office) projects to encourage voluntary return of migrants; these not only cover people who may have become undocumented, but also those who still have leave. Projects tend to provide support in planning for return (such as making travel arrangements and travel documentation). Current voluntary return schemes cover different migrant groups, as outlined in *Figure vii*.

Local authorities may provide some basic reconnections services for destitute rough sleepers from abroad upon application. Some ad hoc local returns projects may exist (although the West Yorkshire *Reconnections* service for example, featured in earlier editions of this booklet, ended in 2014).

Figure vii: Voluntary return schemes

Home Office assisted voluntary returns projects are currently run by Refugee Action's Choices service²⁹ and cover the following groups:³⁰

- **Asylum seekers, refused asylum seekers and those with discretionary leave** can apply for the *Voluntary Assisted Return and Reintegration Programme* (VARRP) if they wish to return to their home country. The service also offers a tailored reintegration package (e.g. may provide assistance with establishing a business, education or a job placement).
- **Undocumented migrants** who wish to return to their home country can apply for the *Assisted Voluntary Return for Irregular Migrants* (AVRIM) programme.
- **Asylum seeking families, refused asylum seeking families and those with discretionary leave (including unaccompanied children)** can apply for the *Assisted voluntary returns for families and children* (AVRFC). This also provides reintegration assistance to cover for example, relocation, goods, services or education.

²⁹ Choices Service www.choices-avr.org.uk

³⁰ Home Office (2013) *Assisted voluntary returns (AVR)* www.gov.uk/government/publications/assisted-voluntary-returns-avr

Enforced return

In some circumstances an EEA national can be removed from the UK, for example if they have committed a serious offence, if a student leaves their course or if a workseeker has failed to find work and there is no evidence to suggest they will find work soon. All three of these examples have lost their 'right to reside' in the UK.

The Home Office is responsible for ensuring return of people without a valid form of leave. This might apply to someone who has overstayed their visa, entered the country illegally, committed a crime resulting in prison sentence of at least 12 months, or who has been refused asylum and has exhausted all their appeal rights. Each are dealt with differently. The main initiatives for enforcing return include:

- The 'Migration Refusal Pool' - The Home Office subcontracts a company (Capita) to contact overstayers who have been refused further leave to establish their immigration status and if appropriate, inform them they are required to leave. This has been evaluated by the Chief Inspector³¹ as being less successful than originally anticipated. The contract runs until the end of October 2016.
- The Home Office can detain adults without a valid form of leave when reporting to the Home Office or at home. They can be sent to an immigration removal centre (IRC)³² prior to enforced return. There are 13 IRCs currently operating; Pennine House at Manchester Airport is the only one in the north of England - it is a short-term holding centre that can hold an individual for up to seven days. Some IRCs are run by the Home Office or the Prison Service while others are run by private security companies. Individuals may be sent to any one of these IRCs.
- Detainees are taken to the airport or detained prior to their flight. The Home Office subcontracts a private sector company to escort those being detained or removed.
- A separate process for the enforced return of refused asylum-seeking families began in 2011 (prior to this, families were detained at Yarl's Wood IRC). If a refused asylum-seeking family does not return voluntarily, they may be required to stay up to 72 hours in 'pre-departure' accommodation called Cedars, near Gatwick Airport.³³

³¹ Independent Chief Inspector of Borders and Immigration (2014) *An Inspection of Overstayers: How the Home Office handles the cases of individuals with no right to stay in the UK: May-June 2014*. <http://icinspector.independent.gov.uk/wp-content/uploads/2014/12/Overstayers-Report-FINAL-web.pdf>

³² Find an immigration removal centre www.gov.uk/immigration-removal-centre

³³ Home Office (2014) *Guidance on Cedars pre-departure accommodation*. www.gov.uk/government/publications/guidance-on-cedars-pre-departure-accommodation

Unknown long-term plans

Key message 11: There is not always a clear 'end' to migration with permanent return or permanent settlement in the UK, which can make service planning more difficult.

Not all migrants decide to settle in the UK permanently. Not all migrants return to their country of birth permanently. Some continue to move until they feel safe or that they belong in an area. Some prefer to live in more than one place.

There is not always a clear 'end' to migration, which can make service planning difficult. There are different reasons why this might occur, including:

- **Migrant intentions may change** over time according to their opportunities, relationships and reception. *Figure viii* describes two such examples, illustrating how some third country nationals may want to return home but feel unable to do so.
- **Migrants often maintain ties in multiple places.** Maintaining contact with family in the country of origin is important for many migrants, with some experiencing an acute sense of loss.³⁴ Some migrants keep moving between places (known as circular migration) or effectively live in more than one country. Migrants from the EEA for example, may live in more than one country if they can travel easily and cheaply, so may regularly leave the UK only to return a short time later. Some third country nationals may also live this kind of 'transnational' life (see for example, Mrs Bibi's story in *Older migrants*)³⁵ although resources and restrictions on their stay in the UK may make it difficult for some to leave even for a short family visit.
- **Long-term destitution** is the outcome for some undocumented migrants who are unable or unwilling to return home and are not removed. Some migrants with no recourse to public funds may be supported by the local authority if they are assessed as having additional needs.³⁶ Others may subsist by relying on friends or charities for support or through working illegally.

This helps us to understand why community change can be unpredictable, because it involves lots of individuals making long-term plans which may change over time. Services need to try and be flexible enough to plan for and deal with the reality of this uncertainty.

³⁴ See for example, Raniya's story of being separated from her baby while awaiting the baby's visa (Figure x in Integration up North (2015) *Migrant youth*, Introduction to Migration series, Guidance booklet #13. Migration Yorkshire: Leeds. www.migrationyorkshire.org.uk/introductiontomigration-iun and A Ahmed et al (2015) *Destination Integration: Third Country Nationals in the North of England: Final report*. Salford Housing and Urban Studies Unit (SHUSU), Salford University. www.migrationyorkshire.org.uk/publications

³⁵ See 'Ties in two countries – Mrs Bibi's story', *Figure v* in: Integration up North (2015) *Older migrants*, Introduction to Migration series, Guidance booklet #14. Migration Yorkshire: Leeds. www.migrationyorkshire.org.uk/introductiontomigration-iun

³⁶ See the *No Recourse to Public Funds (NRPF) Network* for support and guidance for local authorities at: www.nrpfnetwork.org.uk

Figure viii: When return seems impossible - Misbah and Rukhsana's stories

Rukhsana and Misbah are third country nationals who both married partners in the UK. Unfortunately their marriages ended, but the status of being a separated or divorced woman in their home country prohibits their return.

Misbah came to the UK in 2010 on a 6 month visitor's visa to spend time with her aunts and uncles. She originally had no intention of living in the UK permanently - as an only daughter she wanted to be near her parents. During her visit she met a man whom she married a year later at the register office.

If she returned home, Misbah would have very little chances of re-marriage and finding employment and feel like a burden upon her family

After this but before her Islamic marriage ceremony, Misbah found that her fiancé was having an affair and already had children. Misbah is from an area of Pakistan where divorced women are treated very harshly. If she returned home, she believes she would have very little chance of re-marriage and finding employment and expects that she would be treated as a second class citizen and feel like a burden upon her family. Even though she had never lived with her husband, Misbah believes that her community would not believe her side of the story and assume that she was not a 'good' wife causing her to be sent back to her parents.

Misbah is hopeful that she may be granted a visa to stay in the UK after her divorce but realises that she may have to return: *'I never imagined that this would happen to me. If there was any chance of a decent life in Pakistan I would not hesitate and I would have left a long time ago, but I know what will happen to me there, I just hope I can carry on living here, at least I have maintained my self-respect and dignity if nothing else'*.

Rukhsana arrived in the UK in October 2008 from Pakistan on a spouse visa. Her relationship with her husband and his family broke down, and she was afraid of being forced to return to Pakistan without her son: *'I heard my husband talking to my mother in law telling her that my visa will run out and that he would keep the baby and send me back... As I didn't know the rules I thought that he could do that and that is why I just kept quiet and never told anyone.'*

Rukhsana is now separated from her husband. She wants to return home but feels unable to: *'People in the UK may feel that everyone wants to live here, but if I had a choice I would return to Pakistan. I have no life here, but I can't return to Pakistan. If I go back then no one will marry my two younger sisters, they will think that the older one has not been able to keep her husband and his family happy then the other two will be the same. My father has passed away; it would be too difficult for my mum to manage such a crisis on her own with no man in the house.'*

Rukhsana is now focusing on building a life for herself in Leeds; she is taking ESOL classes and her son is in nursery.

Source: Integration up North (IUN) volunteer project

'People in the UK may feel that everyone wants to live here, but if I had a choice I would return to Pakistan ... If I go back then no one will marry my younger sisters'



Understanding immigration status

Summary of key messages

- 1. Immigration status can cause confusion among practitioners and migrants alike. Uncertainty around their immigration status can cause anxiety and negatively impact on a migrant's integration in the UK.**
- 2. EEA nationals have 'freedom of movement' in the EEA, which generally means that they are free to enter or remain in the UK or any other EEA country.**
- 3. Not all third country nationals are allowed to come to the UK.**
- 4. EEA nationals can stay and live in the UK if they are working, studying, self-sufficient or are a family member of someone who is working, studying, or self-supporting. After five years, they usually have the right to live in the UK permanently.**
- 5. Third country nationals allowed to stay in the UK are usually given temporary permission to stay (known as 'limited leave' to remain); some are given permanent permission (known as 'indefinite leave to remain' or ILR).**
- 6. Undocumented migrants do not have permission to be in the UK and are expected to leave or be removed. Under certain circumstances they can apply to stay.**
- 7. Service providers do not usually need to know the exact details of a migrant's purpose for being in the UK or how and when they arrived.**
- 8. Nobody should give immigration advice to migrants unless they are qualified and registered with the Office of the Immigration Services Commissioner (OISC).**
- 9. Through citizenship ceremonies the local authority has a formal role in welcoming migrants who gain British citizenship (or become 'naturalised') and settle here permanently.**
- 10. There are different routes for migrants leaving the UK: returning home on their own initiative, through a voluntary return project, or an enforced return by the Home Office.**
- 11. There is not always a clear 'end' to migration with permanent return or permanent settlement in the UK, which can make service planning more difficult.**