

Migrant rights and entitlements, Guidance booklet #4

Appendix: Reference table on migrant entitlements

4.1	EEA nationals	p22
4.2	Third country nationals	p25
4.3	Asylum seekers and refugees	p30
4.4	Glossary and acronyms	p36

Each table 4.1-4.3 covers:

- In what situation can they come and stay in the UK?
- What happens later?
- Restrictions on activity in the UK
- Family
- Benefits
- Housing
- Health
- Education
- Social services

4.1 EEA nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Workers and self employed	Workseekers	Students	Self-sufficient	Permanent right to reside	Croatians
In what situation can they come and stay in the UK?	All EEA nationals have the 'right to reside' in the UK for three months. After this point they must be economically active, self-sufficient, a student or a family member of an EEA national (who is economically active, self-sufficient or a student). There are some exceptions.					
	<p>All EEA citizens have the right to take up work in the UK EXCEPT Croatians for whom special rules apply. (Similar rules applied to Bulgarians and Romanians until 31 December 2013, but Bulgarian and Romanian workers now have the same rights as other EEA citizens.)</p> <p>All EEA citizens (including Croatians) can set up a business or become self-employed in the UK</p>	<p>All EEA citizens have the right to seek work in another EEA country. They can prove they are doing so in the UK by signing on as available for work at the Jobcentre Plus.</p> <p>From 2014 the workseeker 'right to reside' is only kept for 6 months (this includes the initial 3 months right to reside). After that time unless there is compelling evidence that the workseeker is likely to find work soon, the right to reside (and access to related benefits) will end.</p> <p>Rules on workseekers do not apply to Croatians (they are subject to special conditions about entering the UK labour market until 2020).</p>	<p>EEA citizens can go to study in other EEA countries. If they can finance the course and their living expenses and have health insurance they get a 'right to reside' as a student.</p> <p>For students on short courses it is possible that the European Health Insurance Card (EHIC) covers their need for health insurance, but others will need to have comprehensive cover to have a right to reside.</p>	<p>Any EEA citizen can move to live in another EEA country as a 'self-sufficient person'.</p> <p>This is defined as being a person able to meet their own and family's needs without becoming 'an unreasonable burden' on social assistance (i.e. means tested benefits). A self-sufficient person must have health insurance to have a right to reside.</p>	<p>After a period of residence, an EEA citizen may get the permanent right to reside. This is a matter of fact, not documentation, and occurs after:</p> <ul style="list-style-type: none"> • 5 years with a 'right to reside' (a legally contentious issue because 5 years' <i>presence</i> may be enough) • 3 years residence including one year of economic activity immediately prior to hitting the statutory retirement age • Permanent incapacity after two years' work or self employment • Permanent incapacity due to industrial injury or occupational disease. <p>Family members get the permanent right to reside at the same time, or if a worker or self-employed person dies (after 2 years' work or from an occupational disease/industrial injury).</p>	<p>Croatians have full rights as EEA citizens except in entering the labour market.</p> <p>They may start work if they are authorised or exempted from the authorisation system:</p> <ul style="list-style-type: none"> • Authorisations generally cover certain skilled work • Exemptions cover those who have worked with authorisation for 12 months and various others.
What happens later?	<ul style="list-style-type: none"> • If temporarily unable to work due to illness or accident s/he retains his/her worker status • If becomes permanently unable to work in some circumstances s/he gets permanent right to reside • If a worker loses their job they can retain their worker status for at least six months by signing on as unemployed. After that time, they may be redefined as a workseeker and eventually lose their right to reside. • A worker can retain worker status in some circumstances if they go into vocational training. • A worker retains her worker status if she leaves work because of the demands of pregnancy but returns to the labour market soon after the birth • If a worker drops out of the labour market altogether then s/he loses their worker status and sometimes their rights to benefits etc. • After five years with a 'right to reside', an EEA national gets the permanent right to reside. 	<p>If a workseeker complies with the requirements of Jobcentre Plus then s/he has a right to reside in the UK for up to six months and gets the same benefits that a UK workseeker does. If a workseeker leaves the UK for at least a year s/he can then become a workseeker again for up to six months.</p>	<p>A student retains his/her right to reside while s/he continues to study. This applies even if there is a change of circumstances that means that s/he can no longer support him/herself.</p> <p>After 5 years with a right to reside, an EEA national gets the permanent right to reside.</p>	<p>After five years with a right to reside, an EEA national gets the permanent right to reside.</p>	<p>A permanent resident loses their permanent right to reside if they leave the UK for 2 years or more, or if they are deported for a serious criminal offence.</p>	<p>After a year of authorised work, Croatians are exempted from authorisation and get the full rights of EEA workers.</p> <p>Their year as an authorised worker counts towards their years to get the permanent right to reside. If they were working legally in the UK before July 2013 (when Croatia joined the EU) that time may also count towards getting the permanent right to reside.</p>

*EEA national - a person from a member state of the European Economic Area (EEA).

This includes all countries in the EU (including 'Accession' countries who joined in 2004, 2007 and 2013) plus Iceland, Liechtenstein and Norway. Switzerland is often included in policies applying to EEA members.

4.1 EEA nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Workers and self employed	Workseekers	Students	Self-sufficient	Permanent right to reside	Croatians
Restrictions on activity in the UK	<ul style="list-style-type: none"> A worker must be in work that is effective, genuine and not so marginal as to be ancillary A self-employed person must be actively engaged in their business even if there is no income While the income received from work or self-employment does not determine what is 'effective, genuine or marginal', it may be relevant and affect getting in-work benefits (see below). 	<p>Workseekers must be genuinely looking for work and may be asked to prove it.</p> <p>If a workseeker stops looking for work, s/he stops being a workseeker.</p>	<p>A student must remain on the course to keep his/her right to reside.</p>	<p>A self-sufficient person needs to have health insurance in the UK.</p> <p>In the UK, the DWP routinely refuses applications for benefits from people who may be self-sufficient. This interpretation of EU law may be challengeable.</p>	None	<p>If authorised work ends within the first year, further authorisation must be sought for any new job.</p>
Family	<ul style="list-style-type: none"> Spouses, civil partners, cohabitants, (grand) children, and adult dependant relatives have the same rights as the worker/self-employed person. Family members from outside the EEA and cohabitants and other relatives for whom the worker or spouse is providing personal care have to apply for residence permits. The child of a worker in the UK has the right to enter and complete a course of education in the UK and this right, which includes a 'right to reside' on the same terms as a worker, extends to cover any parents with care of the child until the child turns 18 or later while the child needs support to continue their education. Spouses retain these rights even when not living with their partners, and in some circumstances after divorce/dissolution. 	<p>A workseeker's rights cover his/her immediate family (husband/wife/civil partner, children to 18).</p>	<p>A student's rights cover his/her immediate family (husband/wife/civil partner, children to 18).</p>	<p>The rights of a self-sufficient person cover his/her immediate family (husband/wife/civil partner, children to 18).</p>	<p>Family members get permanent right to reside at the same time and have the same rights.</p>	<p>Spouses and children (up to the age of 18) are covered by the authorised worker's rights.</p> <p>Exempted workers have the same rights (including family members) as workers.</p> <p>Spouses can work without authorisation.</p>
Benefits	<p>Workers/self-employed people can claim all relevant benefits and do not have to pass the habitual residence test (HRT).</p> <p>However, if their earnings are below a specified threshold (currently £155 per week) they will face a test of whether (for workers) their employment is marginal or their self-employment is effective. If it is found to be so, they will be reclassified as workseekers and expected to sign on, and can only get workseeker benefits.</p>	<p>A workseeker can get income-based job seekers allowance (IBJSA) if s/he is or becomes habitually resident.</p> <p>S/he cannot become habitually resident (like any other new IBJSA claimant) until s/he has been in the UK for 3 months. Workseekers cannot get Child Benefit or Child Tax Credit until they have been in the Common Travel Area for 3 months.</p> <p>EEA workseekers claiming IBJSA cannot claim Housing Benefit (HB). From 10 June 2015 EEA Workseekers cannot get Universal Credit.</p>	<p>A student can claim means-tested and other benefits (but will not be able to do so if s/he loses the 'right to reside' as a student).</p> <p>Access to benefits is on the same terms as UK students (i.e. limited and subject to a test of habitual residence).</p>	<p>A self-sufficient person can claim benefits once habitually resident, but may be refused. As noted above, this may be challengeable.</p>	<p>Entitled to all benefits, but has to pass HRT if permanent right to reside was not acquired through economic activity.</p>	<p>Authorised and exempted workers are entitled to all benefits, do not have to pass the HRT.</p>

*EEA national - a person from a member state of the European Economic Area (EEA).

This includes all countries in the EU (including 'Accession' countries who joined in 2004, 2007 and 2013) plus Iceland, Liechtenstein and Norway. Switzerland is often included in policies applying to EEA members.

4.1 EEA nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Workers and self employed	Workseekers	Students	Self-sufficient	Permanent right to reside	Croatians
Housing	Workers/self-employed people are eligible for council housing and homelessness assistance. They are entitled to HB but may be subject to the minimum earnings test.	A workseeker 'right to reside' is not a qualifying right to reside for housing and homelessness services eligibility. They are not entitled to Housing Benefit. Can rent privately, take up a hostel place or apply directly to a housing association.	A student 'right to reside' is a qualifying right for housing purposes; they can apply for housing and homelessness assistance if habitually resident. They can rent privately, take up hostel places or apply to a housing association (but must show they can pay rent).	A self-sufficient 'right to reside' is a qualifying right for housing purposes - can apply for council housing and get homelessness assistance if habitually resident. They can rent privately, take up hostel places or apply directly to a housing association (but need to show they can pay rent).	People with the permanent right to reside are eligible for council housing and homelessness assistance (but has to pass HRT if permanent residence was not acquired through economic activity).	Croatians are eligible for council housing and homelessness assistance, no HRT if authorised (or exempted) and working.
If renting accommodation themselves, EEA nationals may in future have to provide evidence of their immigration status. Under the provisions of the Immigration Act 2014, in the pilot areas in the West Midlands since December 2014 landlords have to check the immigration status of new tenants, with some exceptions. This may be rolled out over the rest of the UK.						
Health¹	Workers/self-employed people are eligible for all health services.	Workseekers are eligible for all health services.	Eligible for all health services (with EHIC card) but may need health insurance to have a right to reside.	Self-sufficient people are eligible for all health services but may need health insurance to have a right to reside.	People with the permanent right to reside are eligible for all health services.	Croatians are eligible for all health services.
Education: children	Children of workers have the right to attend local authority run schools. Children have the right to complete their education in the UK; this right extends to any adults caring for them.	Children of workseekers have the right to attend local authority run schools. Attending school does not give the children extra rights to reside (unlike the children of workers).	Children of students have the right to attend local authority run schools. Attending school does not give the children extra rights to reside (unlike the children of workers).	Children of self-sufficient people have the right to attend local authority run schools. Attending school does not give the children extra rights (unlike the children of workers).	Children have the right to attend local authority run schools.	Children have the right to attend local authority run schools. If they start school while the parent is working and authorised they have the right to complete their education here; this right extends to any adults caring for them.
Education: Further (incl. ESOL)	Workers and their families are eligible for Skills Funding Agency (SFA) funded courses.	Workseekers and their family members are eligible for SFA funded courses.	Students and their family members are eligible for SFA funded courses.	Self-sufficient people and their family members are eligible for SFA funded courses.	People with the permanent right to reside are eligible for SFA funded courses.	Croatian authorised workers and their family members are eligible for SFA funded courses.
Education: Higher	Workers and their families pay 'home' student fees and are eligible for student support (e.g. student grants and student loans).	A workseeker cannot start a full time course of study and retain their status as a workseeker.	A student pays 'home' fees (rather than 'overseas' fees) but is not entitled to student support (unless resident for 3 years other than for the purpose of study).	A self-sufficient person or family member pays 'home' fees (rather than higher 'overseas' fees) but will not be able to get student support until they have been resident in the UK 3 years.	People with the permanent right to reside pay 'home' student fees and are eligible for student support.	Croatian workers and family members pay 'home' student fees and are eligible for student support.
Social services: adult and children's	Workers/self-employed people can access all relevant social services.	Workseekers and their family members can access all relevant social services.	Students and their family members can access all relevant social services.	Self-sufficient people and their family members can access all relevant social services.	People with the permanent right to reside can access all relevant social services.	Croatians can access all relevant social services.

¹ Includes Primary care (GP, NHS dental and optical care, and community based nursing), Secondary care (Hospital based treatments) and other (free prescriptions and other health costs).

***EEA national - a person from a member state of the European Economic Area (EEA).**

This includes all countries in the EU (including 'Accession' countries who joined in 2004, 2007 and 2013) plus Iceland, Liechtenstein and Norway. Switzerland is often included in policies applying to EEA members.

4.2 Third country nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Visitors	Students	Workers	Family members	People with Indefinite Leave to Remain (ILR)	Undocumented migrants
In what situation can they come and stay in the UK?	Visitors, students, workers and family members from third countries are generally granted 'limited leave to remain' or temporary permission to stay in the UK initially. Their visa usually shows the length of time admitted. These columns cover people with this limited leave. If they later receive 'indefinite leave to remain' (ILR) their entitlements are as shown in the ILR column, right.				Settled people have 'indefinite leave to remain' (ILR) or permanent permission to be in the UK.	Undocumented people do not have permission to be in the UK.
	<p>Most visitors need a visa or entry clearance, and have to show they can accommodate and support themselves to get it.</p> <p>Visas are also issued for those coming to the UK for private medical treatment, to study on short courses, for some specific business visits and as entertainers not undertaking paid work.</p>	<p>Students have to provide evidence that they have the resources to accommodate and support themselves and any dependants when applying for a visa or entry clearance to come to the UK to study.</p> <p>They must be sponsored by the college or university.</p>	<p>Certain skilled workers can be recruited to jobs in 'shortage occupations' or if an employer has been unable to recruit from within the UK or EEA.</p> <p>Employers sponsor the workers and must report relevant changes of circumstance to the Home Office.</p> <p>Temporary workers may get entry clearance to come on youth mobility schemes, government exchange programmes and arrangements to cover sporting, religious, charity and creative workers.</p> <p>EXCEPTION: there are special rules for commonwealth citizens who serve in the UK armed forces (not covered here).</p> <p>EXCEPTION: there are rules for investors, entrepreneurs and some people of 'exceptional talent' to apply for visas to live in the UK (not covered here).</p>	<p>Husbands, wives, cohabitees and civil partners of British citizens and settled people can apply for entry clearance to come to live in the UK, along with their children.</p> <p>Applications after 09.07.12 must prove minimum income levels (£18,600 plus more for children) and that they have adequate accommodation; they are given leave for 30 months initially. (Applications before this had to show sufficient accommodation and support and were given 2 years' limited leave.)</p> <p>A small number of adult dependant family members are given ILR if they need personal care to carry out daily tasks and a relative signs a legal agreement (undertaking) to support and accommodate them.</p> <p>EXCEPTION: There are different rules for family members of workers and students with limited leave, for EEA nationals, and for refugees.</p>	<p>Skilled workers could apply for ILR after 5 years' work but in 2012 the rules changed so only those earning £35K+ p.a. or with certain types of job or high levels of qualification can.</p> <p>Family members who applied to come before 9 July 2012 can apply for ILR after 2 years' leave. Family members who applied after 9 July 2012 can apply for ILR after 5 years.</p> <p>Refugees and those with humanitarian protection or discretionary leave can also apply for ILR, usually after 5 years (but WITH EXCEPTIONS).</p> <p>Adult dependant family members whose family member has signed an agreement to accommodate and support them get ILR on arrival. Most (not children, those over retirement age, too ill or too disabled) have to pass a test of their knowledge of English and life in Britain to get ILR.</p> <p>Most applications for ILR involve a fee (e.g. £1500 for a single person) but it may be waived for refugees, victims of domestic violence who are destitute and some others.</p>	<p>Most people become undocumented by 'overstaying' after their leave has expired or they have been refused leave. A small number enter illegally.</p>
What happens later?	Visitor visas are usually for 6 months' maximum and holders are then expected to return home.	<p>Students are expected to attend the course and pass any relevant exams.</p> <p>At the end of the course, the student and dependants are expected to leave the UK. Those who have completed a PhD successfully may apply for a 12 month visa to look for work or set up a business. Students who have completed their degree within the UK and find an employer who wishes to sponsor them may be able to transfer to a skilled work visa.</p>	Some skilled workers can apply for ILR after working for 5 years, if they are in a shortage occupation, or earning over £35K a year or working on jobs for which a PhD is a qualification. Others are expected to return home.	<p>Applications made after 9 July 2012 can apply for a further 30 month limited leave and then (after 5 years) for ILR.</p> <p>For applications made before this, at the end of the 2 years, family members can apply for ILR.</p> <p>If the family member is subject to domestic violence during the period of limited leave, s/he can apply for limited leave with no other conditions for 3 months</p>	<p>People with ILR have no further conditions attached to their stay.</p> <p>ILR is lost if the person leaves the UK for 2 years or with no intention of returning.</p> <p>ILR is lost automatically if the person is convicted of a criminal offence and sentenced to more than 12 months imprisonment (although this can be challenged legally).</p> <p>A person with ILR can apply for UK</p>	<p>Some undocumented migrants can regularise their stay, for example through:</p> <ul style="list-style-type: none"> • Long stay (20 years from July 2012, 14 years before, but not if there are criminal convictions) • Human rights considerations especially in relation to children • An asylum application or reopening an asylum claim • European rules (e.g. on marriage to an EEA nationals or

*Third country national - a person from a country outside the European Economic Area (EEA). (Note that this table 4.2 excludes asylum seekers and refugees, who are covered in table 4.3).

4.2 Third country nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Visitors	Students	Workers	Family members	People with Indefinite Leave to Remain (ILR)	Undocumented migrants
				(which is granted almost automatically) during which s/he is expected to make a full application (with proof of the violence) for ILR. If the relationship breaks down, there are options to apply for leave to enable contact, access or care of children. EXCEPTION: A parent left with the sole care of a British child has a right to reside in the UK if otherwise the child would be forced to leave the country. A complex, evolving area of law.	citizenship once they have lived long enough in the UK (different times according to circumstance), and can pass the relevant language and knowledge tests, unless they have relevant criminal convictions. This also attracts a fee (again, varies due to circumstance).	the rights of the parents of UK citizens). The rest are expected to leave voluntarily or may be removed or deported. A complex and evolving area of law.
Restrictions on activity in the UK	Visitors must accommodate and support themselves with no recourse to public funds (NRPF), are not allowed to work, and may not study (unless on a short study visa). They are unlikely to be 'ordinarily resident' or 'habitually resident' which are conditions for various benefits and services.	All students must accommodate and support themselves and any dependants without recourse to public funds. Some students on courses of 6 months+ can work part time (10-20 hours depending on the course level) in term time and full time in vacations. Dependants of students on some courses can work. Students from certain countries must register with the police and inform them of changes to address or family composition.	All workers must accommodate and support themselves and any dependants without recourse to public funds. They are restricted to working in the job for which they have the work permit, but can change in some limited circumstances.	During the limited leave (2 years or 5 years) applicants are expected to accommodate and support themselves without recourse to public funds. They can work without restrictions.	People with ILR can work, claim benefits etc.	Undocumented migrants are not allowed to work and have no access to benefits or housing. Employment rights may be impossible to enforce in some circumstances if they are working illegally.
Family	Visitors can bring their family members with them as long as they can accommodate and support them.	Students can bring husbands, wives, cohabitees and civil partners plus any children up to 18 if: <ul style="list-style-type: none"> The student is government sponsored and the course at least 6 months long OR The course is at least 12 months long and at a recognised or publicly funded body and at postgraduate level AND the student can show the income or savings required to support them. 	Skilled workers can bring husbands, wives, cohabitees and civil partners plus any children up to 18 as long as they have the funds to support them. Dependants are allowed to work with some restrictions. Some temporary workers can bring dependants: rules on this are complex.		People with ILR can apply to bring family members to join them in the UK (see family members column on this).	Many undocumented migrants have children in the UK, brought with them or born in the UK. Unless the child has UK or EEA nationality (through another parent) those children are also undocumented. In some circumstances a child born in the UK can apply to register for British citizenship after 10 years living in the UK.

*Third country national - a person from a country outside the European Economic Area (EEA). (Note that this table 4.2 excludes asylum seekers and refugees, who are covered in table 4.3).

4.2 Third country nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Visitors	Students	Workers	Family members	People with Indefinite Leave to Remain (ILR)	Undocumented migrants
Benefits	<p>Visitors cannot claim means tested benefits or tax credits and are very unlikely to be able to claim other benefits.</p> <p>EXCEPTION: visitors who are citizens of Macedonia or Turkey can claim means tested benefits but must be habitually resident to get them (which makes it very unlikely).</p>	<p>Students cannot claim means tested benefits or tax credits but can claim contributions based benefits if entitled.</p> <p>EXCEPTION: students who are citizens of Macedonia or Turkey can claim means tested benefits but must be habitually resident to get them.</p>	<p>Workers and their family members cannot claim means tested benefits or tax credits but can claim contributions based benefits if entitled.</p> <p>EXCEPTION: workers who are citizens of Macedonia or Turkey can claim means tested benefits but must be habitually resident to get them.</p>	<p>People admitted as family members cannot claim means tested benefits and tax credits. If working, can claim contributions based benefits once they have paid enough national insurance.</p> <p>People with leave under the domestic violence rule can claim means tested benefits.</p> <p>Parents given a right to reside to enable a British child to stay in the UK are not eligible for benefits (since Nov 2012).</p> <p>EXCEPTION: family members who are citizens of Macedonia or Turkey can claim means tested benefits but must be habitually resident to get them.</p>	<p>People with ILR can claim benefits.</p> <p>EXCEPTION: dependant family members whose relative/s have signed an agreement (undertaking) to accommodate and support cannot get means tested benefits for 5 years after the agreement has been signed unless all the signatories are dead.</p>	<p>Undocumented migrants have no access to benefits.</p>
Housing	<p>Visitors cannot go onto council waiting lists and are not eligible for homelessness services.</p> <p>Visitors renting in the private rented sector are entitled to protection against harassment and to enforce against disrepair. Under the provisions of the Immigration Act 2014, in the pilot areas in the West Midlands since December 2014 landlords have to check the immigration status of new tenants, with some exceptions. This may be rolled out over the rest of the UK.</p>	<p>Students cannot go onto council waiting lists and are not eligible for homelessness services.</p> <p>Students renting in the private rented sector are entitled to protection against harassment and to enforce against disrepair. Under the provisions of the Immigration Act 2014, in the pilot areas in the West Midlands since December 2014 landlords have to check the immigration status of new tenants, with some exceptions. This may be rolled out over the rest of the UK, but some student accommodation is exempted.</p> <p>Students can rent council owned homes if they are provided via a hard-to-let scheme specifically for their college etc. Students can apply directly to housing associations.</p>	<p>Workers cannot go onto council waiting lists and are not eligible for local authority homelessness services.</p> <p>Workers renting in the private rented sector are entitled to protection against harassment and to enforce against disrepair. Under the provisions of the Immigration Act 2014, in the pilot areas in the West Midlands since December 2014 landlords have to check the immigration status of new tenants, with some exceptions. This may be rolled out over the rest of the UK.</p> <p>Workers can apply directly to housing associations.</p>	<p>There are specific rules for homeless applications by families where one partner is on limited leave, but the families of British or European citizens should get emergency accommodation as homeless.</p> <p>People with leave granted to apply under the Domestic Violence rule can get assistance as homeless and be allocated council housing.</p> <p>Parents given a right to reside to enable a British child to stay in the UK are not eligible for housing and homelessness assistance (since Nov 2012).</p>	<p>People with ILR can apply for council housing and get homelessness assistance.</p> <p>EXCEPTION: elderly dependant family members whose relative/s have signed an agreement to accommodate and support cannot access homelessness assistance or go on to council waiting lists for 5 years after the agreement has been signed unless all the signatories are dead.</p> <p>Under the provisions of the Immigration Act 2014, in the pilot areas in the West Midlands since December 2014 landlords have to check the immigration status of new tenants, with some exceptions. This may be rolled out over the rest of the UK.</p>	<p>Undocumented migrants have no access to council housing or homelessness services. They can apply directly to housing associations, get private rented accommodation, and are entitled to be protected against harassment and to enforce against disrepair.</p> <p>Under the provisions of the Immigration Act 2014, in the pilot areas in the West Midlands since December 2014 landlords have to check the immigration status of new tenants, with some exceptions. This may be rolled out over the rest of the UK. They will not be allowed to rent to people who have no current leave.</p> <p>Some may access services for rough sleepers: there are no legal restrictions on this.</p>

*Third country national - a person from a country outside the European Economic Area (EEA). (Note that this table 4.2 excludes asylum seekers and refugees, who are covered in table 4.3).

4.2 Third country nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Visitors	Students	Workers	Family members	People with Indefinite Leave to Remain (ILR)	Undocumented migrants
Health: primary care¹	Available at GP discretion. May be as a temporary resident only. Immediately necessary treatment must be provided for up to 14 days. GPs can register visitors as private patients and charge them. Dental and optical care available on the same basis. Visitors do not pay the health care levy but may be charged 150% of the cost of any treatment, so should consider getting medical insurance before they arrive.	Available at GP discretion, may be as a temporary resident only. Immediately necessary treatment must be provided for up to 14 days. GPs should register students who provide proof of enrolment. Dental and optical care is available. From 6 April 2015 student visas for 6 months or more attract a health care levy of £150 p.a. per person which then entitles the payer to use the NHS. Short term students don't pay the health care levy but may be charged 150% of the cost of any treatment, so should consider getting medical insurance before arrival.	Workers can register with a GP. Dental and optical care is available. From 6 April 2015, worker visas attract a health care levy of £200 per person p.a. which entitles the payer to use the NHS.	Family members can register with a GP. Dental and optical care is available. From 6 April 2015, family visas attract a health care levy of £200 per person p.a. which entitles the payer to use the NHS.	People with ILR can register with a GP. Dental and optical care is available.	Available at GP discretion, may be as a temporary resident only. Immediately necessary treatment must be provided for up to 14 days. GPs can register undocumented migrants as private patients and charge them. Dental and optical care available on the same basis. From April 2015 there will be charges for some NHS primary care but not GP consultations, and the Department of Health is setting up a national registration system for health care.
Health: secondary care²	People not ordinarily resident should be charged for treatment. Immediately necessary treatment cannot be withheld, but the patient will be billed for it. Other treatment can be refused unless the patient agrees to pay and provides proof of the ability to pay. EXCEPTIONS: certain transmissible diseases, A&E services. EXCEPTIONS: a small number of countries have bilateral agreements with the UK allowing their citizens or residents to access all NHS services.	Students who have paid the health care levy are entitled to all NHS treatment and care.	Workers who have paid the health care levy are entitled to all NHS treatment and care.	Family members who have paid the health care levy are entitled to all NHS treatment and care.	People with ILR are entitled to free NHS hospital treatment.	People not ordinarily resident should be charged for treatment. Immediately necessary treatment cannot be withheld, but the patient will be billed for it. Other treatment can be refused unless the patient agrees to pay and provides proof of the ability to pay. The Department of Health is setting up a national registration system for health care. EXCEPTIONS: certain transmissible diseases, A&E services.
Health: other³	NHS guidance indicates need to be ordinarily resident to get help with health costs. Exemptions (e.g. on age, certain types of medicine or conditions) apply to visitors too.	Students can be exempted from charges for prescriptions etc. on the same basis as other people.	Workers who have paid the health care levy are entitled to all NHS treatment and care.	Family members who have paid the health care levy are entitled to all NHS treatment and care.	People with ILR can get help with health costs where appropriate and also be exempted from them.	Undocumented migrants are not entitled to free prescriptions.
Education: children	Parents and the local education authority have a legal responsibility to ensure that resident children attend school. This does not apply when a child is on a brief visit.	Children of students are entitled to attend local authority schools.	Children of workers are entitled to attend local authority schools.	Children of British and settled people are entitled to attend local authority schools.	Children with ILR can attend schools.	Undocumented children can attend local authority schools.

¹ Includes GP, NHS dental and optical care, community based nursing. ² Hospital based treatments. ³ Free prescriptions and other health costs.

*Third country national - a person from a country outside the European Economic Area (EEA). (Note that this table 4.2 excludes asylum seekers and refugees, who are covered in table 4.3).

4.2 Third country nationals*
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Visitors	Students	Workers	Family members	People with Indefinite Leave to Remain (ILR)	Undocumented migrants
Education: further including ESOL	Visitors are not eligible for courses funded by the Skills Funding Agency (SFA) including ESOL.	Students and their dependants are not eligible for courses funded by the Skills Funding Agency including ESOL.	Workers and dependants are generally ineligible for SFA-funded courses until they are in the UK for 3 years. EXCEPTION: dependants of Turkish citizens who worked here where the learner has lived for 3 years. EXCEPTION: some dependants of teachers (exchange schemes)	Family members of British citizens / people with settled status are eligible for SFA funded courses after they have been in the UK for 3 years.	People with ILR are eligible for SFA funded courses after they have been in the UK for 3 years.	Undocumented migrants are not eligible for courses funded by the SFA.
Education: higher	Visitors pay overseas student fees and are not entitled to student support, but are not expected to study except short courses.	Students pay overseas student fees and are not entitled to student support (e.g. student grants and student loans).	Workers and their dependants pay overseas student fees and are not entitled to student support.	Family members on limited leave pay overseas student fees and are not entitled to student support.	People with ILR pay home student fees and are entitled to student support as long as they have been ordinarily resident in the UK for 3 years.	Undocumented migrants pay overseas student fees and are not entitled to student support.
Social services: adult services	Visitors are generally not able to get social services provision for adults. EXCEPTION: where a failure to provide such services would cause a breach of human rights (but the Home Office must be notified). EXCEPTION: aftercare services (including accommodation) must be provided to those detained for treatment under the Mental Health Act 1983 ('sectioned' under Ss 3, 37, 45A, 47 or 48).	Students are generally not able to get social services provision for adults. EXCEPTION: where a failure to provide such services would cause a breach of human rights (but the Home Office must be notified). EXCEPTION: aftercare services (including accommodation) must be provided to those detained for treatment under the Mental Health Act 1983 ('sectioned' under Ss 3, 37, 45A, 47 or 48).	Workers are generally not able to get social services provision for adults. EXCEPTION: where a failure to provide such services would cause a breach of human rights (but the Home Office must be notified) EXCEPTION: aftercare services (including accommodation) must be provided to those detained for treatment under the Mental Health Act 1983.	UK citizens and settled people can get social services provision for adults that covers family members where appropriate. Where a relationship has broken down it is possible to access adult services if failure to provide them would lead to a breach of human rights (but the Home Office must be notified). EXCEPTION: aftercare services (incl. housing) must be provided to those detained under MH Act 1983.	People with ILR can get social services provision for adults.	Undocumented migrants generally cannot get social services provision for adults. EXCEPTION: where failure to provide such services would breach human rights (but the Home Office must be notified). Where s/he is applying on human rights grounds, social services should house / support while the application is considered. EXCEPTION: aftercare services (incl. housing) must be provided to those detained under MH Act 1983.
Social services: children's services	Support and accommodation to families under S17 of the Children Act 1989 is generally not available to visitors. EXCEPTION: where a failure to provide such services would cause a breach of human rights (but the Home Office must be notified). EXCEPTION: a homeless child in need must be accommodated. EXCEPTION: immigration status is not to be considered when a child is in need of protection.	Support and accommodation to families under S17 of the Children Act 1989 is generally not available to students. EXCEPTION: where a failure to provide such services would cause a breach of human rights (but the Home Office must be notified). EXCEPTION: a homeless child in need must be accommodated. EXCEPTION: immigration status is not to be considered when a child is in need of protection.	Support and accommodation to families under S17 of the Children Act 1989 is generally not available to workers. EXCEPTION: where a failure to provide such services would cause a breach of human rights (but the Home Office must be notified). EXCEPTION: a homeless child in need must be accommodated. EXCEPTION: immigration status is not to be considered when a child is in need of protection.	Support and accommodation under S17 of the Children Act 1989 is available to British citizens and settled people and their families. Where a relationship has broken down, it is possible to access adult services if failure to provide them would lead to a breach of human rights (but the Home Office must be notified). EXCEPTION: a homeless child in need must be accommodated. EXCEPTION: immigration status is not to be considered when a child is in need of protection.	People with ILR can get social services provision for children.	Support / housing to families under S17 Children Act 1989 generally not available to undocumented migrants. EXCEPTION: where failure to provide such services would breach human rights (but the Home Office must be notified). Where s/he is applying for leave on human rights grounds, social services should accommodate and support while the application is considered. EXCEPTION: a homeless child in need must be accommodated. EXCEPTION: immigration status is not to be considered when a child is in need of protection.

*Third country national - a person from a country outside the European Economic Area (EEA). (Note that this table 4.2 excludes asylum seekers and refugees, who are covered in table 4.3).

4.3 Asylum seekers and refugees
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Asylum seekers	Refused asylum seekers	Case resolution/ legacy	Separated children	Refugees	Gateway refugees	Humanitarian protection	Discretionary leave	Afghan relocation scheme
In what situation can they come and stay in the UK?	A person can apply for asylum when they arrive at the UK (at a port or airport) or at any time afterwards, whether legally or illegally in the UK. They must apply at the relevant office (usually Croydon). They formally become an asylum seeker when the application is registered by the Home Office.	When an asylum application is refused, the asylum seeker may have rights of appeal. When they are exhausted s/he becomes a refused asylum seeker.	People who applied for asylum before March 2007 (many of whom had been stuck in the system for years) and were still in the UK got their cases considered or reconsidered by a special unit of the Home Office which has now closed.	A child (under 18) with no parent or guardian may apply for asylum and is then dealt with under special arrangements.	A person who has a proven, well-founded fear of persecution on certain grounds in their country of origin is given protection as a refugee in the UK.	Some refugees arrive through a government sponsored programme the Gateway Protection Programme, run in partnership with the UN High Commissioner for Refugees, some local authorities and some voluntary organisations.	A person who cannot return home because they would be at risk of human rights abuses may get 'humanitarian protection' if they apply for asylum.	A person who has been refused asylum may be granted 'discretionary leave' (which is also used for various other people given leave outside the immigration rules).	In June 2013 a special scheme was set up to relocate Afghans employed by the British armed forces in roles that exposed them to danger in Helmand. Qualifying people and immediate family are made an offer by the British government to come to the UK to settle. A figure of 300 families has been estimated; 230 people had visas issued by March 2015.
What happens later?	Some asylum seekers are detained but others are referred into the asylum support system or make their own arrangements for accommodation and/or support. The asylum application is considered by the Home Office case owner and decided. If asylum is refused, the applicant may appeal, and remains an asylum seeker until all appeals are finished.	If the application has been finally refused, but the asylum seeker has new evidence that allows them to reopen the case they can apply to do so: unless there are special circumstances they will have to do this in Liverpool. Otherwise they are expected to leave the UK and may be removed or deported.	Many were given leave to remain (discretionary or indefinite), others were removed or deported. The remaining cases have been archived but are under review (because they were not located by the unit).	If the child has a 'good' claim for asylum s/he will get refugee status or humanitarian protection. Otherwise s/he will get leave until they are 17 ½ when they can make a further asylum application. There are complex rules about what happens if that application is finally rejected.	Refugee status is granted for 5 years. A month before it expires they can apply for indefinite leave to remain (ILR). S/he must pass relevant language and knowledge tests unless exempted, but does not pay a fee. ILR is not granted if it is safe to return home, s/he has not integrated and there are no other reasons why s/he should stay in the UK. While waiting for ILR s/he still has refugee status. Once s/he has ILR s/he can apply for citizenship.	Gateway refugees get indefinite leave to remain (ILR) and are given reception and resettlement services in the relevant local authority areas. After 5 years they can apply for British citizenship if they can pass or are exempted from the relevant tests.	Humanitarian protection is usually granted for 5 years. In the month before it expires, the person can apply for indefinite leave to remain (ILR). S/he has to pass the relevant language and knowledge tests unless exempted, but does not pay a fee. ILR is not granted if it is safe for the person to return home and s/he has not integrated and there are no other reasons why s/he should stay in the UK. While s/he is waiting for ILR she still has humanitarian protection. Once s/he has ILR s/he can apply for citizenship.	Discretionary leave is granted for between 3 months and 3 years. People with DL can apply to renew it but each application triggers an active review of whether it is safe or appropriate for them to return home. Currently people with DL who have renewed can apply for indefinite leave to remain (ILR) after 6 or 10 years but must pass or be exempted from the relevant tests. Once s/he has ILR s/he can apply for citizenship.	Qualifying people including family members are brought to the UK and have 5 years limited leave to remain immediately. After 5 years they can apply for citizenship once they have passed or been exempted from the relevant tests. Local authorities have offered to resettle them with grant aid from the Home Office.

4.3 Asylum seekers and refugees
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Asylum seekers	Refused asylum seekers	Case resolution/ legacy	Separated children	Refugees	Gateway refugees	Humanitarian protection	Discretionary leave	Afghan relocation scheme
Restrictions on activity in the UK	<p>Asylum seekers are barred from working.</p> <p>EXCEPTION: unless they were already working legally in the UK when they applied for asylum</p> <p>EXCEPTION: if an asylum seeker has not received a decision on their application for 12 months and any delays are not their fault, they can apply for permission to work in a 'shortage occupation.'</p> <p>Asylum seekers can be required to sign in to a reporting centre and may be detained.</p>	<p>Refused asylum seekers are barred from working.</p> <p>Refused asylum seekers will be required to sign in to a reporting centre and may be detained.</p> <p>Generally families with children will not be detained in an immigration removal centre but may be held in a specific facility for families.</p>	<p>People in the case resolution process did not have specific rights or restrictions until their case was resolved. Their rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).</p>	<p>A child seeking asylum may not have documentation to prove their age, and the Home Office or social services may then seek other evidence to prove that they are under 18. Those accepted as under 18 cannot be detained.</p>	<p>Refugees can work, live where they like and have no other restrictions. Some nationalities may be required to notify the police of relevant changes in circumstances.</p>	<p>Refugees can work, live where they like and have no other restrictions. Some nationalities may be required to notify the police of relevant changes in circumstances.</p>	<p>People with HP can work, live where they like and have no other restrictions. Some nationalities may be required to notify the police of relevant changes in circumstances.</p>	<p>People with DL can work, live where they like and have no other restrictions. Some nationalities may be required to notify the police of relevant changes in circumstances.</p>	<p>Afghans on the relocation scheme have no restrictions on their 5 year leave, although they may be required to notify the police of relevant changes of circumstances.</p>
Family	<p>Family members can appear as dependants on the asylum application or make their own application for asylum. If family members arrive during the asylum application they can be joined on to it.</p>	<p>If the refused asylum seeker is accommodated and supported, family members are accommodated and supported with them.</p>	<p>Family members of people in the case resolution process were generally given leave in line with the rest of the family, but some got dealt with separately. Some of these cases are still being resolved. Once given leave they have the relevant rights for those in that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).</p>	<p>Once a separated child has got refugee status they ARE NOT allowed to apply to bring their family to join them in the UK unless there are exceptional circumstances.</p>	<p>Refugees can apply to bring family members to live with them in the UK, if they formed the family before becoming a refugee.</p> <p>Once here (even if they arrived without making such an application) the family members are covered by the refugee status too in terms of entitlements etc.</p>	<p>Refugees can apply to bring family members to live with them in the UK, if they formed the family before becoming a refugee. Once here (even if they arrived without making such an application) the family members are covered by the refugee status too in terms of entitlements etc.</p>	<p>People with humanitarian protection can apply for family members to come and join them in the UK, but if they arrive without such an application being granted they will be treated as an asylum seeker while they wait for a decision.</p>	<p>People with DL have no right to apply for family members to join them. If they turn up they will be treated as an asylum seeker while they wait for a decision.</p>	<p>Family members (spouse and children <18) are included in the relocation package and travel with the main applicant.</p> <p>There is no provision for applications later for families to join relocated Afghans. If they turn up they will have to apply for asylum or for leave outside the immigration rules. Once relocated Afghans have indefinite leave they will have the rights associated with that (see table 4.2 <i>Third Country nationals</i>).</p>

4.3 Asylum seekers and refugees
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Asylum seekers	Refused asylum seekers	Case resolution/ legacy	Separated children	Refugees	Gateway refugees	Humanitarian protection	Discretionary leave	Afghan relocation scheme
Benefits	Asylum seekers are not eligible for benefits. The asylum support system offers subsistence for those who are destitute, paid on a card cashable at the post office. Asylum seekers can claim this even if they are not in asylum support accommodation.	If the asylum seeker has children when finally refused they continue to receive asylum support and accommodation until they leave the country or the youngest child reaches 18. Others may apply for 'section 4' support which is no choice accommodation plus non cash support for those taking the necessary steps to leave the UK or who cannot travel (e.g. because of pregnancy or illness) or who have no safe way home. There are sometimes delays in getting S4 support.	People in the case resolution process did not have specific rights or restrictions until their case was resolved. Their rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).	Social services normally support and accommodate separated children, but they may be eligible for benefits if they have discretionary leave, humanitarian protection or refugee status.	Refugees are eligible for all benefits and do not have to pass the habitual residence test (HRT).	Refugees are eligible for all benefits and do not have to pass the habitual residence test (HRT).	People with humanitarian protection are eligible for all benefits and do not have to pass the habitual residence test (HRT).	People with DL granted after an asylum application are eligible for all benefits and do not have to pass the habitual residence test (HRT).	Afghans on the relocation scheme are eligible for all relevant means tested benefits. They are not eligible to claim benefits for three months after arrival. Participating local authorities offer initial accommodation and support before clients move on to mainstream systems.
Housing	Asylum seekers are not eligible for council housing provision. The asylum support system offers accommodation on a no choice basis, provided by a Home Office contractor for those who are homeless. It must be adequate to their needs, and asylum seekers can enforce against disrepair or harassment, but they can be evicted without a court order.	Accommodation is offered as part of the relevant asylum support package. It must be adequate to their needs, and may be hostel style or room shares where that is appropriate. Refused asylum seekers can enforce against disrepair or harassment, but they can be evicted without a court order.	People in the case resolution process did not have specific rights or restrictions until their case was resolved. Their rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).	Social services normally accommodate and support separated children but they may be eligible for local authority housing if they have discretionary leave, humanitarian protection or refugee status.	Refugees are eligible for council housing and homelessness services and do not have to pass the HRT. Those who got asylum support accommodation will have a local connection (for homelessness purposes) to the last area in which they were housed as an asylum seeker in addition to any others through residence, work or family.	Refugees are eligible for council housing and homelessness services and do not have to pass the HRT. Participating local authorities offer an initial 12 months accommodation and move-on support.	People with humanitarian protection are eligible for council housing and homelessness services and do not have to pass the HRT. Those who got asylum support accommodation will have a local connection (for homelessness purposes) to the last area in which they were housed as an asylum seeker in addition to any others they may have through residence, work or family.	People with DL granted after an asylum application are eligible for council housing and homelessness services and do not have to pass HRT. Those who got asylum support accommodation have a local connection (for homelessness purposes) to the last area they were housed as an asylum seeker in addition to any others through residence, work or family.	Afghans on the relocation scheme are eligible for housing but have to pass the habitual residence test. Participating local authorities offer initial accommodation and support before clients move on to mainstream systems.
If renting accommodation themselves, all migrants may in future have to provide evidence of their immigration status. Under the provisions of the Immigration Act 2014, in the pilot areas in the West Midlands since December 2014 landlords have to check the immigration status of new tenants, with some exceptions. This may be rolled out over the rest of the UK.									

4.3 Asylum seekers and refugees
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Asylum seekers	Refused asylum seekers	Case resolution/ legacy	Separated children	Refugees	Gateway refugees	Humanitarian protection	Discretionary leave	Afghan relocation scheme
Health: primary care¹	Asylum seekers are entitled to all NHS health care.	Refused asylum seekers can register with a GP at the GP's discretion and should not be discriminated against.	People in the case resolution process did not have specific rights or restrictions until their case was resolved. Their rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).	Separated children are entitled to register with a GP and get all relevant health services. It is the responsibility of social services to ensure that they do.	Refugees are entitled to all health services.	Refugees are entitled to all health services.	People with humanitarian protection are entitled to all health services.	People with DL are entitled to all health services.	Afghans on the relocation scheme are entitled to all health services.
Health: secondary care²	Asylum seekers are entitled to all NHS health care.	<p>Refused asylum seekers can finish hospital treatment they started before being refused.</p> <p>Those on Section 4 support are entitled to free hospital treatment.</p> <p>For others immediately necessary treatment cannot be withheld, but the patient may be billed for it.</p> <p>Other treatment can be refused unless the patient agrees to pay and provides proof of the ability to pay.</p> <p>EXCEPTIONS: certain transmissible diseases, A&E services.</p> <p>EXCEPTIONS: a small number of countries have bilateral agreements with the UK allowing their citizens or residents to access all NHS services.</p>	<p>People in the case resolution process did not have specific rights or restrictions until their case was resolved. Their rights and restrictions depended on where they were in the asylum process.</p> <p>Once given leave, they had the relevant rights for that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).</p>	Separated children are entitled to register with a GP and get all relevant health services. It is the responsibility of social services to ensure that they do.	Refugees are entitled to all health services.	Refugees are entitled to all health services.	People with humanitarian protection are entitled to all health services.	People with DL are entitled to all health services. It is possible that some people with discretionary leave will be asked to pay the additional health charge when renewing their visas: this is an emerging area of law.	Afghans on the relocation scheme are entitled to all health services.

¹ Includes GP, NHS dental and optical care, community based nursing. ² Hospital based treatments. ³ Free prescriptions and other health costs.

4.3 Asylum seekers and refugees
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Asylum seekers	Refused asylum seekers	Case resolution/ legacy	Separated children	Refugees	Gateway refugees	Humanitarian protection	Discretionary leave	Afghan relocation scheme
Health: other³	Asylum seekers are entitled to all NHS health care.	Refused asylum seekers receiving S4 support can get free prescriptions. Others can apply for exemption from charges on the grounds of low income.	People in the legacy process did not have specific rights / restrictions until their case was resolved. Rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. ILR (see table 4.2) or <i>discretionary leave</i> (column to the right).	Separated children are entitled to register with a GP and get all relevant health services. It is the responsibility of social services to ensure that they do.	Refugees are entitled to all health services.	Refugees are entitled to all health services	People with humanitarian protection are entitled to all health services.	People with DL are entitled to all health services.	Afghans on the relocation scheme are entitled to all health services.
Education: children	Asylum seeking children can attend local authority schools.	Refused asylum seeking children can attend local authority schools.	Children in the legacy process can attend local authority schools.	Separated children can attend local authority schools.	Refugee children can attend local authority schools.	Refugee children can attend local authority schools.	Children with HP can attend local authority schools.	Children with DL can attend local authority schools.	Afghan children on the relocation scheme can attend local authority schools.
Education: further including ESOL	Asylum seekers who have been waiting longer than six months for their initial claim to be resolved are able to access SFA funded courses.	People receiving S4 support are able to access SFA funded courses, but others cannot start a new SFA funded course.	People in the legacy process did not have specific rights / restrictions until their case was resolved. Rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. ILR (see table 4.2) or <i>discretionary leave</i> (column to the right).	All 16-18 year old asylum seekers and all 16-18 year olds in the care of local authority social services are able to access SFA funded courses. Those over 18 who are in education should continue to be supported and accommodated by social services.	Refugees and their spouses and children are eligible for all SFA funded courses.	Refugees and their spouses and children are eligible for all SFA funded courses.	People with HP and their spouses and children are eligible for all SFA funded courses.	People with DL and their spouses and children are eligible for all SFA funded courses.	Afghans on the relocation scheme are not eligible for SFA funded courses in 2014-5 or 2015/6.
Education: higher	Asylum seekers have to pay overseas student fees and are not entitled to student support.	Refused asylum seekers have to pay overseas student fees and are not entitled to student support.	People in the case resolution process have to pay overseas student fees and are not entitled to student support.	Separated children with leave qualify for home student fees and tuition support once they have been resident for 3 years. Social services are responsible for supporting them through education and for paying fees.	Refugees qualify for home student fees and all student support, and do not have to be resident for 3 years to get student support.	Refugees qualify for home student fees and all student support, and do not have to be resident for 3 years to get student support.	People with HP qualify for home student fees and all student support, and do not have to be resident for 3 years to get student support.	People with DL are not treated as home students and not eligible for student support.	It appears that Afghans on the relocation scheme are not treated as home students or eligible for student support.

4.3 Asylum seekers and refugees
Appendix: Reference table on migrant entitlements (last updated April 2015)

	Asylum seekers	Refused asylum seekers	Case resolution/ legacy	Separated children	Refugees	Gateway refugees	Humanitarian protection	Discretionary leave	Afghan relocation scheme
Social services: adult services	<p>Adult asylum seekers who need care and support because of physical or mental impairment or illness and meet eligibility criteria can apply to social services for accommodation and support. This is instead of asylum support and should normally be offered within the relevant social services area.</p> <p>Aftercare services (including accommodation) must be provided to those detained for treatment under the Mental Health Act 1983 ('sectioned' under Ss 3, 37, 45A, 47 or 48).</p>	<p>Refused adult asylum seekers who need care and support because of physical or mental impairment or illness and meet eligibility criteria can apply to social services for accommodation and support. This is instead of S4 support and should normally be offered within the relevant social services area. But social services may refuse to provide it unless they are convinced that it is necessary to avoid a breach of human rights.</p> <p>Aftercare services (including accommodation) must be provided to those detained under the Mental Health Act 1983 ('sectioned' under Ss 3, 37, 45A, 47 or 48).</p>	<p>People in the case resolution process did not have specific rights or restrictions until their case was resolved. Their rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).</p>	<p>A former separated child who 'needs care and support because of physical or mental impairment or illness and meets eligibility criteria' may get accommodation and support. If they have no current asylum claim, the support may be accessed if it is necessary to avoid a breach of human rights.</p>	<p>Refugees are entitled to all relevant social services.</p>	<p>Refugees are entitled to all relevant social services.</p>	<p>People with HP are entitled to all relevant social services.</p>	<p>People with DL are entitled to all relevant social services.</p>	<p>Afghans on the relocation scheme are entitled to all relevant social services.</p>
Social services: children's services	<p>Asylum seeking families with children cannot get accommodation and support via S17 Children Act 1989. Asylum status is not to be considered when a child is in need of protection.</p>	<p>Refused asylum seeking families with children may be able to get accommodation and support via S17 Children Act 1989 if it is necessary to avoid a breach of human rights, but this is an unproven area of law.</p> <p>Asylum status is not to be considered when a child is in need of protection.</p>	<p>People in the case resolution process did not have specific rights or restrictions until their case was resolved. Their rights and restrictions depended on where they were in the asylum process. Once given leave, they had the relevant rights for that category e.g. indefinite leave (see table 4.2 <i>Third country nationals</i>) or <i>discretionary leave</i> (column to the right).</p>	<p>Separated children are supported and accommodated by children's services.</p>	<p>Refugees are entitled to all relevant social services.</p>	<p>Refugees are entitled to all relevant social services.</p>	<p>People with HP are entitled to all relevant social services.</p>	<p>People with DL are entitled to all relevant social services.</p>	<p>Afghans on the relocation scheme are entitled to all relevant social services.</p>

4.4 Glossary and acronyms

Appendix: Reference table on migrant entitlements (last updated April 2015)

Glossary of key terms		Acronyms
Common Travel Area	The United Kingdom, Channel Islands, Isle of Man and Republic of Ireland collectively form the 'common travel area'.	DL Discretionary leave
European Health Insurance Card	A European Health Insurance Card (EHIC) lets EEA nationals (including UK nationals) get state healthcare in other EEA countries at a reduced cost or for free.	EEA European Economic Area
Habitual Residence Test	This is a test that is applied to most applicants for benefits, housing allocations and homelessness. It is a test of whether the applicant has made a home here. See <i>Migrant rights and entitlements</i> , guidance booklet #4 for more information.	EHIC European Health Insurance Card
ILR / settlement / permanent permission	'Indefinite leave to remain' or ILR is also known as 'settlement'. 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. See <i>Understanding immigration status</i> guidance booklet #3 for more information.	ESOL English for Speakers of Other Languages
Local connection	If an applicant has met all the other criteria for homeless and housing services, the council looks at whether s/he has a 'local connection' with the area. See <i>Migrants and housing</i> guidance booklet #7 for more information.	HB Housing Benefit
Minimum earnings threshold	<ul style="list-style-type: none"> For third country nationals: family members of British citizens and settled people can apply to come and live in the UK. Since 2012 they must have a minimum income (currently set at £18500 per year, rising for each additional child). For EEA nationals: if worker earnings are below a certain threshold (currently £155 a week) they face a test of whether their employment is marginal. If so they will be reclassified as workseekers and can only get workseeker benefits. 	HP Humanitarian Protection
No recourse to public funds	People subject to immigration control may be given temporary leave to enter the UK only on condition that they can accommodate and support themselves (and any dependent family members) 'without recourse to public funds' which means no entitlement to benefits, public housing or asylum support.	HRT Habitual Residence Test
Ordinarily resident	The country you are normally resident in. It is possible to be ordinarily resident in more than one country at the same time.	IBJSA Income based job seeker's allowance
Right to reside	Under EU rules, EEA nationals have the 'right to reside' in the UK for 3 months. After this they must be economically active, self-sufficient, a student or a family member of an EEA national (who is economically active, self-sufficient or a student). There are exceptions. In most cases, people who have had a European right to reside for 5 years then get the permanent right to reside. Non-Europeans may have a right to reside as the family member of an EEA national.	ILR Indefinite leave to remain
Section 95 / Section 4 support	Support provided to asylum seekers by the Home Office. 'Section 95' comes from the Immigration and Asylum Act 1999 while 'Section 4' comes from the Nationality, Immigration and Asylum Act 2002.	NRPF No recourse to public funds
Settled person	A person who has been granted indefinite leave to remain (ILR) in the UK.	S4 Section 4
Skills Funding Agency	The SFA is an agency of the Department for Business, Innovation and Skills that fund skills training at the further education level in England.	S95 Section 95
Third country national	A migrant from outside the EEA.	SFA Skills Funding Agency
Universal Credit	Universal Credit is a benefit that supports people who are on a low income or out of work. It is being introduced in stages so is not in use throughout the UK yet. It will effectively combine and replace benefits such as Jobseeker's Allowance, Employment and Support Allowance, tax credits and housing benefit.	