

Factsheet: Understanding basic immigration terms

The terms used in the immigration system usually have a specific legal meaning and are often misused. This brief factsheet is intended to assist non-lawyers to understand the meaning and context of some of the more commonly used terms.

ENTERING AND REMAINING IN THE UK

Entry Clearance

An application made from abroad normally granted by an Entry Clearance Officer (ECO) in the form of a visa before entry to UK.

Leave to Enter

Permission to enter granted on arrival in the UK by an immigration officer. A visa operates as pre-existing leave to enter but an immigration officer can still refuse leave to enter even if a visa has been granted.

Leave to Remain

An application made in the UK normally granted by the Home Office / Border Agency. Usually refers to an extension (or variation) of leave to remain but can also be granted to a person to regularise their immigration status in the UK.

Illegal Entrant

A legal status to describe a person who has entered the UK illegally either by clandestine means or through the use of deception to obtain a visa. An illegal entrant will be served with papers to confirm the status and their liability to removal from the UK.

Overstayer

A person who has remained in the UK after their leave to enter or remain has expired. An overstayer is liable to removal from the UK.

Temporary Admission

Formal recognition of a person's presence in the UK accompanied by a statement of conditions the person must fulfil. Not a grant of permission to be in the UK. Normally issued by an immigration officer at the border or enforcement office while a decision about leave to enter or remain is awaited. Temporary Admission ("TA") is often used as an alternative to detention/bail.

REMOVAL FROM THE UK

Deportation

An order made by the Secretary of State to remove a foreign national whose presence in the UK is considered to be 'not conducive to the public good'.

The effect of a deportation order is to cancel existing leave to enter or remain and to bar the person from returning to the UK for a certain period of time.

Administrative Removal

A specific legal provision to remove a person who has overstayed their visa.

Removal

A general power to remove a person who has no right of residence or no leave to enter or remain in the UK.

PROTECTION ISSUES

Refugee Status

A grant of leave to enter or remain in recognition that removal from the UK would amount to a breach of the 1951 Refugee Convention.

Humanitarian Protection

A grant of leave to remain. Subsidiary protection sometimes granted when a person does not qualify for full refugee status.

Discretionary Leave

A grant of leave to remain outside the immigration rules. Normally granted in compassionate circumstances or where removal would breach a person's human rights.

DETENTION & RELEASE

Detention

An administrative power to detain a foreign national who is liable to removal or deportation. Also used in 'fast-track' assessment of asylum claims.

Bail

Order to release a person from detention made by the immigration authorities or the Tribunal. May include conditions such as the requirement to report, to live at a specified address or to provide a surety.

Habeas Corpus

An ancient writ served in the High Court to produce a person before the court. Can be used to challenge the power to detain in conjunction with Judicial Review of detention.