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## Quick reference guide to immigration statuses

Immigration advice is a regulated activity, regulated by the Office of the Immigration Services Commissioner.

It is a criminal offence for people who are not qualified to give immigration advice. The table below is a quick reference to help you understand your immigration status and what it might entitle you to, it should not be used to give people immigration advice. If you are uncertain about your immigration status you should always seek advice from an immigration professional.

### Application Fees

Immigration fees increased in April 2018 and have stayed the same since (as of June 2021)

- LLR is £1033
- ILR is £2389
- Naturalisation for child is £1012<sup>1</sup>

In October 2020, the immigration health surcharge was increased to £624 per year, which for a 30 month period of leave is £3120.

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<sup>1</sup> <https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-29-march-2019>

<b>Immigration status</b>	<b>Definition</b>	<b>Entitlements/restrictions</b>
Indefinite leave to remain	Able to stay indefinitely in the UK.	Free to work. Free to claim welfare benefits.
Limited leave to remain on human rights grounds	Has leave to remain in the UK for 30 months granted under the immigration rules.	Free to work. Usually unable to claim welfare benefits (except under the destitution exception).
Settled Status	Able to stay indefinitely in the UK	Free to work. Free to claim welfare benefits.
Pre-settled status	Leave to remain as an EEA national or family member who has been in the UK for less than 5 years	Free to work. Free to claim benefits if a qualified person. General access to benefits is subject to ongoing litigation ( <i>Fratila and Tanase v SSWP</i> ).
EU national arriving after 31 December 2020	Leave to enter granted at the border. Further leave required to work or study.	Not allowed to work. Unable to claim welfare benefits.
Tier 4 (General) Student Visa	Leave to remain to study in the UK for people over the age of 16.	Restrictions on the number of hours able to work. Unable to claim welfare benefits.
Refugee	Has leave to remain in the UK for 5 years because they were forced to leave their home country due to persecution.	Free to work. Free to claim welfare benefits.
Asylum seeker	Has applied to the Home Office for recognition as a refugee and is waiting for the outcome of the application.	Not allowed to work. Unable to claim welfare benefits. May be able to claim section 95 asylum support.
Refused asylum seeker	Has applied to the Home Office for recognition as a refugee. Has been refused and exhausted all appeal rights.	Not allowed to work. Unable to claim welfare benefits. May be able to claim section 4 asylum support.
Visa overstayer – outstanding human rights application	In the UK in breach of the immigration rules. Able to remain in the UK to hear the outcome of the immigration application.	Not allowed to work. Unable to claim welfare benefits.
Visa overstayer – no outstanding application	In the UK in breach of immigration law. At risk of removal from the UK.	Not allowed to work. Unable to claim welfare benefits.

