

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 people's immigration status and what it might entitle them to, it should not be used to give people immigration advice. If people are uncertain about their immigration status they should always seek advice from an immigration professional.

Application Fees

Immigration fees increased in April 2018¹:

- LLR is now £1033
- ILR is now £2389
- Naturalisation for child is now £1012
- Zambrano remains the same, at £65

Earlier this year, the government announced plans to double the health surcharge. It currently stands at £200/ year, which for a 30 month period of leave is £500. The proposal is to increase the charge to £400/ year². However the Immigration Health Surcharge (IHS) is not as easily raised as visa application fees:

- Sections 68-69 Immigration Act 2014 empower the Secretary of State for the Home Department to raise visa application fees with the consent of the Treasury. And as you know, we see the increase every April by way of new fees Regulations
- The Power to Raise the Immigration Health Surcharge is contained in section 38 Immigration Act 2014. Section 74 IA14 provides that any regulations or orders pursuant to specified sections, including section 38, may only be made by a resolution of both houses
- Therefore, to raise the immigration health surcharge the government must put a motion through parliament.

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697987/Gov_uk_fees_revision_2018.pdf

² <https://www.gov.uk/government/news/health-charge-for-temporary-migrants-will-increase-to-400-a-year>

Immigration status	Definition	Entitlements/restrictions
Indefinite leave to remain	Able to stay indefinitely in the UK.	Free to work. Free 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.
Zambrano carer	Exercising a right to remain in the UK under European law as the non-European primary carer of a British national.	Free 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.
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.
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. 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. Able to claim section 4 asylum support.
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).
EEA national	Exercising a right to remain in the UK under European treaties.	Free to work. Free to claim welfare benefits subject to the right to reside test.