

Children First: Glossary of Terms

<https://righttoremain.org.uk>

Adjournment

The formal postponement of a court hearing.

Advocate

The Scottish equivalent of what is called a 'barrister' in England, Wales and Northern Ireland.

Administrative removal

An enforced removal when you don't have any leave to remain; if your application for leave to remain – including claiming asylum – has been refused; or you did have some form of leave to remain/visa but it has now expired. It differs from a deportation in legal terminology, as a deportation will normally follow a criminal conviction.

Administrative review

If your immigration application is refused and you do not have the right to appeal the decision, you may be able to apply for administrative review. This is where you apply to the Home Office to review the decision it has made. Administrative review can also be applied for in some circumstances even if you are granted leave to remain but are not happy with the length of leave given or the conditions imposed. Not everyone will have the right to ask for an administrative review. People applying for visitor visas, for example, do not have the right to review. Nor do family members applying for the right to stay under the Family Migration immigration rules.

Allowed

If your appeal is successful, it has been 'allowed'.

AM

A member of the Welsh Assembly. Wales is part of the United Kingdom, and elects' MPs to the UK parliament, but also has a Welsh Assembly. This has powers in areas such as health, education and justice, but not immigration and asylum.

Appeal

An appeal, in the context of an asylum and immigration case, is a challenge to a court, about a decision made by the Home Office or a lower court. In an appeal you (or your lawyer) explain why you think the decision is wrong. This may be by providing evidence, using legal arguments, or explaining how procedure has been wrongly followed or how what you said or wrote has been misunderstood. The Home Office may also appeal a decision, for example if you are successful in an appeal. Many immigration decisions no longer carry a right of appeal (such as family visa applications), and the Immigration Act 2014 gives the Secretary of State the power to certify deportation appeals so as to permit them only to be brought from abroad.

See [Appeals](#) section.

Appeal rights exhausted

In an asylum claim, the Home Office usually send you a letter to inform you that you are 'appeal rights exhausted' after your application has been refused and you have unsuccessfully tried to appeal this decision in the First-tier Tribunal, or did not take the opportunity to appeal. There may still be legal options for pursuing your application, however (see [After a Refusal](#) section). If you have managed to apply for permission to appeal a First-tier Tribunal dismissal within the 14 day deadline, you will usually not be considered Appeal Rights Exhausted until permission has been refused, or if permission is granted, when your case is dismissed by the Upper Tribunal. The Home Office will view you as having no right to stay in the UK at this point, will encourage you to leave the country, and are likely to detain you and issue removal directions.

Appellant

The person appealing a decision in court. If you are appealing the Home Office's decision to refuse your asylum or human rights case, you are the appellant. The Home Office is the respondent. If you won an appeal and the Home Office get permission to appeal that, the Home Office is the appellant and you are the respondent.

Article 3

Article 3 of the European Convention on Human Rights (which is part of UK law under the Human Rights Act) says that "No one shall be subjected to torture or inhuman or degrading treatment or punishment". You can make a claim for protection based directly on Article 3 as states are prohibited from returning a person to a country where you may suffer a violation of your rights under Article 3. It is an absolute right, meaning that it should not be violated under any circumstances.

Many cases in which Article 3 rights could be breached are likely to fall under the Refugee Convention, such as if you are at risk of torture. Some Article 3 cases are about different risks, however. This includes exceptional medical cases. If you are [excluded](#) from receiving Refugee Status or Humanitarian Protection, but your Article 3 rights under the European Convention on Human Rights would be breached if you were removed from the UK (e.g. if you would be tortured on return), you may receive "Discretionary Leave to Remain" in the UK.

Article 8

Article 8 of the European Convention on Human Rights (which is part of UK law under the Human Rights Act) states that 'Everyone has the right to respect for his private and family life, his home and his correspondence.' This right is qualified, which means there are certain situations when the state (the UK government) can interfere with this right if it is 'necessary' and 'proportionate' to do so 'in the interests of the permissible aims of the state'. Immigration control has been determined a permissible aim of the state, and if the Home Office decide and the courts agree that your right (and your family's right) to private and family life in the UK does not outweigh the 'interests of national security, public safety or the economic well-being of the country ... the prevention of disorder or crime ... the protection of health or morals, or for the protection of the rights and freedoms of others', they can lawfully remove/deport you without disproportionately breaching your Article 8 rights. See [Human Rights](#) section.

Article 15c

Article 15c of the Qualification Directive, which is the interpretation of the Refugee Convention in European Law. The relationship between the Refugee Convention, the Qualification Directive, and the European Convention on Human Rights is complicated.

Article 15c refers to a 'serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.' This is different from the individualised, specific threat to *you* covered in the Refugee Convention. Article 15c covers

situations where civilians are at serious risk simply by being present in a very dangerous situation of armed conflict where indiscriminate violence is widespread.

Very few situations have been ruled to reach this high criterion, but if they have then Humanitarian Protection may be granted.

Article 31 defence

The Refugee Convention of 1951 acknowledges the danger for some people of using a real passport in their name, and states that people seeking asylum should not be punished for this if they have a good reason for using false documents:

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

(Article 31) Unfortunately, some people seeking asylum are prosecuted by the UK government for the use of a false passport. They may be represented by lawyers who specialise in criminal law and do not know this Article 31 defence, so may wrongly advise their clients to plead guilty: the evidence of the crime is clearly there, and pleading guilty should lead to a shorter sentence. People who have sought asylum should, however, be getting advice about the Article 31 defence (which allows you to plead not guilty).

Asylum

In this context, international protection against persecution you would face in your country of origin/residence. If you are seeking asylum in the UK, you are seeking protection under the Refugee Convention.

Asylum interview

See Substantive interview.

Asylum seeker

If you have claimed asylum in the UK, but have not yet had a decision on your case, you are an asylum-seeker. In legal terms, you are only a 'refugee' once your asylum claim has received a positive decision. Right to Remain prefers to use the phrase "person seeking asylum".

Asylum support

If you are a destitute person seeking asylum, you may be able to receive accommodation and/or subsistence (financial) support from the Home Office. It is sometimes referred to as 'NASS support' because it used to run by the National Asylum Support Service. If you have additional care needs (due to serious illness or disability), you may also be able to get support from the local government authority (social services/housing services).

People seeking asylum in general do not have the right to work. People seeking asylum are not entitled to mainstream benefits, unless they have additional care needs or are a young person looked after by social services.

See Toolkit section on [Asylum Support](#).

Bail

Immigration bail is a legal procedure available to any person who has been detained by the Home Office in a detention centre for seven days or more. It is an application to a court for release, usually under certain conditions.

From January 2018, any migrant lawfully in the UK without leave to remain (including people seeking asylum) is technically on immigration bail. This replaces the previous status of "temporary admission". In this Toolkit, immigration bail is referring to the way of being released from detention rather than this broad, confusing new definition.

See [Toolkit section](#) on detention and bail.

Barrister

Barristers are specialist legal advisers and court room advocates. In England and Wales, you may be represented by a barrister at the immigration tribunal, and if your case goes to the higher courts, it will usually be a barrister speaking in court in support of your case.

Case law

Case law is the body of available writings explaining the verdicts of cases, and is used to explain the meaning of laws and policy. By looking at the outcomes of previous cases that deal with a particular aspect of the law or policy (the 'case law'), it can be decided what is lawful in a particular situation.

Case Resolution Directorate

The case resolution process was set up to deal with unresolved cases for people who had claimed asylum before April 2007 (often referred to as 'legacy' cases'). Many people whose cases were being dealt with under legacy waited many years for a decision. Although the directorate ceased operations in 2011, there are still people who claimed asylum before 2007 who have not yet had a decision on their case. Initially, most positive decisions in cases dealt with under legacy resulted in Indefinite Leave to Remain, based on length of time in the UK. Many cases decided towards the end of the legacy period were granted Discretionary Leave to Remain, rather than Indefinite Leave to Remain, though there have been legal challenges to this. Asylum risk has not been considered in these cases (whether granted Indefinite Leave to Remain or Discretionary Leave to Remain).

Not all cases handled by the Case Resolution Directorate were decided positively, and there is no right of appeal against a negative decision. You will need to speak to a legal advisor about options such as [judicial review](#) if you receive a negative decision without good reasons. Most cases where the applicant has a criminal conviction are refused.

Caseworker

Your lawyer may be a 'caseworker'. They will not necessarily have qualified as a solicitor, but will have qualified as an immigration caseworker under the OISC regulations (who regulate immigration legal advice) and so are permitted to give legal advice on asylum, immigration and relevant areas of human rights law.

Certified

If your asylum or human rights application is certified under Section 94 of the Nationality, Immigration and Asylum Act 2002, you do not have the right to appeal in the UK. The Home Office have the power to certify cases which they consider to be 'clearly unfounded', either on a case-by-case basis, or because your country of origin is seen as generally safe with effective mechanisms of protection.

If your further submissions (which you wish to be considered as a fresh claim) are certified under Section 96 of the Nationality, Immigration and Asylum Act 2002, you also do not have the right of appeal. This use of this power effectively says that the Home Office do not consider the evidence you have submitted to be new (and relevant to your case), therefore any decisions on this material could have been appealed if you had submitted it while your initial claim was considered. With both of these certifications, the decision to certify can be challenged by judicial review.

The Home Office (through the Home Secretary) also has the power to certify deportation appeals so as to permit them only to be brought from abroad. The power is introduced by section 17 of the Immigration Act 2014.

Charter flight

Policy and Practice Approved 11.11.20 Review due November 2022
V1.0 Claire Hayes Early Help Service Lead

Private flights used to remove/deport people in large numbers. There will only be people being forcibly removed/deported, and security staff on the flight. The Home Office refuse to release the names of companies used for these flights, and do not tell you which airport you will be flown from. If you are going to be removed/deported on a charter flight, the flight number on your removal directions or notice of deportation arrangements will begin 'PVT', meaning private.

Constituency

A constituency is an electoral district. Residents of a constituency with the right to vote elect a member of parliament or assembly to represent that district. You can find out which constituency you live in, and who represents you, [at this website](#).

Counsel

This word may be used to describe a barrister in England/Wales/Northern Ireland, or an advocate in the Scottish legal system.

Country guidance case

These are asylum appeals chosen by the immigration/asylum tribunal to give legal guidance for a particular country, or a particular group of people in a particular country. The decisions in these cases are assumed to be based on the best possible evidence about that country at that time. Until there are significant changes in that country, a country guidance decision sets out the law for other people seeking asylum from that country.

Court of Appeal

The Court of Appeal is the highest court within the higher courts (known as the Senior Courts, which also includes the High Court and Crown Court). If an asylum or human rights case has been refused by the Upper Tribunal, in some circumstances it may be possible to challenge the decision by appealing to the Court of Appeal.

Court of Session

The Court of Session, Scotland's supreme civil court, sits in Parliament House in Edinburgh as a court of first instance and a court of appeal. Cases dismissed by the Court of Session can be appealed at the UK Supreme Court. The court is divided into the Outer House and the Inner House. The Outer House can hear judicial reviews, like the High Court in England, Wales and Northern Ireland. The Inner House is an appeal court, like the Court of Appeal in England, Wales and Northern Ireland.

Curtail

To shorten or reduce. In the context of leave to remain, the Home Office may curtail your leave if they think you are no longer eligible for that leave or if they have decided you obtained the leave through deception. Your current leave to remain may also be curtailed if you apply for a different kind of leave to remain. You may, for example, have leave to remain in the UK, as a student, for three years. If you applied for asylum within that time, the Home Office may curtail your student leave – effectively cancelling it.

Deportation

Globally, 'deportation' refers to any enforced immigration removal. In the UK, the term now has a specific legal meaning, and usually refers to the enforced removal of someone who is not British and has served a criminal sentence in the UK. In popular usage, people often use the term 'deportation' to refer to both deportations and administrative removals.

Deportation Order

The legal document issued by the Home Office that requires someone to leave the United Kingdom. Someone issued with a deportation order (usually after completing a criminal sentence in the UK) is prohibited from re-entering the country for as long as it is in force. Once a decision to deport is made, a Deportation Order is issued and then Notice of Deportation Arrangements will be issued as well.

Destitute

Destitute migrants are those without an income (not allowed or able to work and no access to financial support), and are often homeless. Access to services like medical care and education can be very difficult if you are destitute.

The Home Office definition of destitution is:

if you/your dependents do not have adequate accommodation or any means of obtaining it (whether or not your other essential living needs are met); or you have adequate accommodation or the means of obtaining it, but cannot meet your other essential living needs.

Detention centre

The Home Office changed the name of detention centres – where people subject to immigration control can be held – to ‘immigration removal centres’. As many people in detention are held for long periods of time without a prospect of removal, it is not an accurate term, and Right to Remain continues to use the term detention centre. Short-term holding facilities are also detention centres. You can find a [directory of detention centres here](#).

Determination

Decision made by a court. For example, the First-tier Tribunal may make a determination that the Home Office was wrong to refuse your asylum claim.

Discrepancies

The Home Office often refuse asylum applications because of discrepancies. This is when there is a small difference in a story which you have been asked to tell on different occasions. For example, you say in your screening interview you escaped from prison on a Monday evening, and later on saying in your asylum interview that you escaped on a Tuesday morning.

Discretionary leave

A time-limited type of leave to remain granted by the Home Office in certain circumstances. For example, in human rights applications on medical grounds, some victims of trafficking, and people excluded from Refugee Status or Humanitarian Protection but who are at risk of an Article 3 breach if they were returned to their home country.

Discretionary power

The power the secretary of state (the Home Secretary) has to stop a removal/deportation or grant someone leave to remain outside of the immigration rules.

Discrimination (compared to persecution)

According to the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, discrimination may not normally amount to persecution, but a pattern of discrimination or less favourable treatment could, on cumulative grounds, amount to persecution and mean that refugee status is needed. Serious restrictions on the right to earn a living, the right to practise your religion, or access to available educational facilities might fall under this category.

Dismissal

The rejection of a legal proceeding. For example, if you appeal a negative Home Office decision at the tribunal (court) and the judge does not overturn the decision, your appeal has been 'dismissed' and you have lost your case in court.

Dispersal

If you claim asylum and have nowhere to live and ask the Home Office to provide you with accommodation, you do not have any choice about where in the UK you are housed. You can be dispersed to anywhere in the UK, apart from London and the south-east of England.

EEA

The European Economic Area (EEA) includes the EU countries (see below) and also Iceland, Liechtenstein and Norway.

Entry clearance

Entry clearance is the technical description for obtaining a UK visa. An Entry Clearance Officer (ECO) makes the decision on your visa application. Note – even if you are successful in obtaining a visa, you may still find yourself refused entry to the UK.

Escort staff

The private security guards that carry out enforcement operations (detention and removal) for the Home Office.

EU

The European Union (EU) is an economic and political union of 28 countries. It operates an internal (or single) market which allows free movement of goods, capital, services and people between member states.

The EU countries are:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

European Convention on Human Rights

An international treaty to protect human rights and fundamental freedoms in Europe. It is incorporated into UK law and so the UK government is obliged to protect the rights covered in the convention.

European Court of Human Rights

The European Court of Human Rights in Strasbourg was established by the European Convention on Human Rights and hears complaints that a state (if it has signed the convention) has violated the human rights protected in the Convention and its protocols. Complaints can be brought by individuals or other states who have signed the Convention, and the Court can also issue advisory opinions.

European Court of Justice

This court in Luxembourg is officially called the Court of Justice of the European Union and is the highest court in the European Union in matters of European Union law. It is tasked with interpreting EU law and ensuring its equal application across all EU member states.

Failed asylum seeker

This term is used to describe a person whose asylum claim has been refused. Because of its negative connotations – and the fact it is so often the system that has failed not the person seeking asylum – many people prefer to use the term “refused” instead.

False instrument

The legal term used for a false passport or identity papers.

First-tier Tribunal

This is the first level of the immigration tribunal (court) at which you can appeal a negative asylum or immigration decision.

Foreign national prisoners

Any non-British citizen under the authority of the criminal justice system (remanded, convicted or sentenced). The term (which is not a legal one, but has been adopted by politicians and the media) also refers to foreign nationals detained under immigration powers after they have served their sentences, either in prison or detention centres; and foreign nationals released into the community by court service on bail or by the Home Office while their deportation is considered. Because the people to which it refers are often no longer prisoners, as they have completed their criminal sentence, Right to Remain does not use this term.

Fresh claim

A fresh claim is when further evidence submitted—after an asylum or human rights claim has been refused and any appeals lost—is decided to meet rule 353 of the Immigration Rules. The rule states that the submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered. The submissions will only be significantly different if the content: (i) had not already been considered; and (ii) taken together with the previously considered material, created a realistic prospect of success, notwithstanding its rejection. You submit evidence as further submissions, the Home Office decide whether they consider it to meet the test in rule 353.

See [Fresh Claim](#) section.

Further submissions

Further submissions can be given to the Home Office at any point after an asylum claim or human rights application is refused, but a fresh claim is only when you are ‘appeal rights exhausted’. You may hear further submissions referred to as ‘further representations’ or ‘further evidence’.

See [Fresh Claim](#) section.

Health surcharge

The government has introduced an ‘immigration health surcharge’ (IHS) as part of some applications for leave to enter/remain in the UK. All applicants for entry clearance (visas) for more than six months, and people already in the UK applying for time-limited leave to remain are required to pay the charge to cover National Health Service (NHS) healthcare in the UK. Read more [here](#).

High Court

The High Court of Justice (usually known simply as the High Court) is also known as the High Court of England and Wales and abbreviated by EWHC. The High Court deals at first instance with all high value and high importance cases and can judicially review (assess the reasonableness and legality of) the decisions of lower courts. Most immigration and asylum judicial reviews in England and Wales are now heard in the Upper Tribunal.

Home Office

The government department for policies on immigration, passports, counterterrorism, policing, drugs and crime. The Home Office is headed by the Home Secretary.

Until March 2013, the UK Border Agency (UKBA) was the department of the Home Office that processed asylum and immigration applications. UKBA has now been dissolved, and the three main departments responsible for asylum and immigration matters (currently) are UK Visas and Immigration; Immigration Enforcement; and UK Border Force.

HOPO

Home Office Presenting Officer. The Home Office employee who will argue against your case in a bail or appeal hearing.

Humanitarian Protection

This type of protection comes from the Qualification Directive, which is the interpretation of the Refugee Convention in European Law. The relationship between the Refugee Convention, the Qualification Directive, and the European Convention on Human Rights is complicated. Broadly speaking, Humanitarian Protection may be granted when there is a risk of unlawful killing, some uses of the death penalty, breaches of Article 3 and when there is a 'serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.'

Immigration removal centre

The official name for a detention centre.

Immigration Rules

These are published by the Home Office and set out the rules which immigration applications have to follow to be successful. They are frequently amended. They can be found on the [Home Office website](#).

Indefinite leave to remain (ILR)

ILR is leave to remain without any time limit, and is a form of settled status. It can be granted at the later stages of various immigration applications, such as family migration visas. ILR used to be granted if an asylum claim was recognised, but this has now been replaced by 5-year refugee status (after which you can apply for ILR). There is a route to British citizenship after the granting of ILR.

Injunction

An injunction prevents an illegal act or enforces the performance of a duty. It is sometimes granted at the permission stage of the proceedings of a judicial review as a temporary order made before the court considers the case fully at the final hearing – for example, an injunction may be granted to stop your removal/deportation allowing time for your judicial review of the Home Office's refusal of your fresh claim to be heard.

See '[Judicial review – injunction](#)' section of the Toolkit.

Instruct

You may 'instruct', or authorise, a lawyer to take on your case. You give that lawyer 'instructions' which may your version of events, details about your case, or your view on how you want your case to proceed. A lawyer may 'instruct' a barrister to represent you at court.

Internal relocation

When considering your asylum application, the Home Office and the courts will consider whether there is somewhere else in your country you could go and be safe. This is frequently argued by the

Home Office– they may accept that you would be in your home region of Afghanistan, for example, but argue that you would be safe if you relocated to the capital, Kabul. Or accept that you may be at risk of persecution because of your clan identity in Mogadishu (capital of Somalia), but argue that you would be safe in Somaliland because your clan has protection from a majority clan there.

To show that internal relocation is not going to protect you, you would either need to prove that the risk you face would follow you to where you were relocated (e.g. you would be tracked down by the person trying to harm you), or that you may be safe from persecution but other risks would present themselves. This may be because you have no family or social networks there and could not safely begin a new life there. Economic and social factors should be considered here – would you be able to make a living if you didn't know anyone and had no social, religious or ethnic connections? If you couldn't make a living, what would happen to you? The test that is applied is whether asking you to relocate within your country would be 'unduly harsh'.

Judicial review

Judicial review is a form of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body (in asylum and immigration, this is usually the Home Office). It is a challenge to the way in which a decision has been made. It is not really concerned with the conclusions of that process and whether those were 'right', as long as the law has been correctly applied and the right procedures have been followed.

See [Judicial Review](#) section of the Toolkit.

Lawyer

In the UK, this term can be used for anyone qualified to give legal advice (which could include a caseworker, solicitor or barrister).

Leave to remain

Legal permission to stay in the UK, either through a time-limited visa such as a visit visa, student visa or spouse visa, or with settled status such as Indefinite Leave to Remain. Leave to remain may also be described as having 'papers', or 'status'. People without leave to remain in the UK can be described as 'undocumented' or 'irregular'. People without leave to remain should never be described as 'illegal', as this is both inaccurate and harmful language.

Legacy cases

See Case Resolution Directorate.

Legal advice

There are strict rules on who can give (legal) immigration advice, under the 1999 Immigration and Asylum Act. Section 82 of that act defines what is meant by immigration advice – 'advice which relates to a particular individual', though later case law has expanded this definition. Section 84 of the Act makes it a criminal offence for any who is not qualified and regulated to give immigration advice. You should check that your lawyer is qualified to give individual advice on your case, and if you are not qualified as a legal advisor you should not give anyone legal advice.

See [Your Legal Case](#) section.

Legal Aid

Legal Aid helps people with no or a low income pay for the cost of getting legal advice. The government allocates funds for this purpose, and the legal aid fees are paid directly to the legal advice provider. The amount that can be paid to legal advice providers, and the kind of work covered by this system, has been significantly reduced. Find out more [here](#).

See [Your Legal Case](#) section.

Legal Aid Agency

Since April 2013, the body responsible for legal aid in England and Wales.

Legal Ombudsman

The Legal Ombudsman is an independent and impartial scheme set up to help resolve legal service disputes. If you wish to make a complaint about your lawyer, you may be able to do this through the Legal Ombudsman. See their website [here](#).

Letter before claim

If you are wanting to apply for a judicial review, you should first send a 'letter before claim' to the Home Office. This is also called a 'pre-action letter' and it informs the Home Office that you intend to apply for a judicial review unless they take certain action (specified in the letter).

See [Judicial Reviews](#) section.

McKenzie friend

Usually an English-speaking friend, relative or volunteer who can assist you in a court hearing if you do not have a lawyer. If it is a volunteer, it is usually someone who is not qualified to give legal advice but may have experience of the legal system. They are not usually able to represent you but can assist you in gathering evidence to support your case, preparing witness statements and/or written legal arguments. If they support you at a court hearing, they cannot answer questions for you but can assist you in making notes of what happens at the hearing, and in some cases also giving you assistance in making submissions to the court. You should tell the clerk at the Tribunal/hearing centre that you have someone with you to assist you. You should also ask the judge at the start of the hearing for permission to have assistance from such your McKenzie friend. The judge may ask what relevant experience (if any) the person concerned has, whether he or she has any interest in the case and that he or she understands the role and the duty of confidentiality that arises if consent is given.

MLA

A Member of the Legislative Assembly in Northern Ireland. Northern Ireland is part of the United Kingdom, and elects' MPs to the UK parliament, but also has a Legislative Assembly. This has powers in areas such as health, education and justice, but not immigration and asylum.

See [Politicians](#) section.

MP

Member of parliament. A person elected to represent the people of a certain area of the UK in the lower house of UK parliament, the House of Commons.

MP's surgery

Face-to-face meeting where an MP meets with a constituent(s) to discuss their concerns. Usually held at the MP's local office (where their constituency is, not at Westminster) on a regular day and at a regular time.

MSP

A member of Scottish Parliament. Scotland is part of the United Kingdom, and elects' MPs to the UK parliament, but also has a Scottish Parliament. The Scottish government has powers in areas such as health, education and justice, but not immigration and asylum. These matters are 'reserved' to the UK

parliament, meaning the Scottish government and members of the Scottish Parliament can have no influence on the law.

NASS support

See Asylum support.

Non-state actor

The legal term used to refer to those persecuting you if they are not the state, working for the state, or a group ruling in place of a formal government. A non-state actor may be a member of your family, a gang, religious or political opponents who are not part of the state but who will persecute you. To qualify for refugee status because you fear persecution from a non-state actor, you must show that you cannot be protected from this persecution by the state/your government.

Non-suspensive appeals

Non-suspensive appeals means there is no right to appeal within the UK (the asylum claim is 'certified' under Section 94 of the Nationality, Immigration and Asylum Act 2002). The term 'non-suspensive' refers to the fact the Home Office do not have to suspend your removal/deportation until you have had the chance to appeal a refusal, unlike other asylum cases. See also 'certified'.

Notice of Deportation Arrangements

The document issued by the Home Office to someone who is subject to a deportation order. The letter will give the details of the intended deportation flight (flight number, country, date and time).

Objective evidence

General information about the situation in your country from reliable sources such as human rights organisations or trusted media sources; or an expert statement on your country or situation.

OISC

Office of the Immigration Services Commissioner, which regulates immigration advisers.

One-stop notice

A notice issued by the Home Office to someone who has claimed asylum, made a human rights claim or another type of application to remain in the UK, or to someone whom the Home Office has made a decision to deport. The notice requires you to inform the Home Office of all the reasons why you wish to stay in the UK and why you shouldn't be removed/deported. If you have been served with this notice, you have an **ongoing duty** to keep the Home Office informed of changes in your circumstances which give rise to new grounds for remaining in, or not being required to leave, the United Kingdom. You may also hear this referred to as a Section 120 notice.

Overstayer

A person who was allowed into the UK for a limited period but who has remained longer than the time allowed without permission from the Home Office.

Particular Social Group (PSG)

To be granted refugee status, it's necessary to show that you have a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, you are outside your country of origin or normal residence, and you cannot get protection from your

own country. PSG is the most complicated area of the Refugee Convention grounds. This is because it is quite vague: it can be used to cover persecution defined since the Refugee Convention was drafted (that doesn't come clearly under other Convention grounds), but it is hard to prove because it is hard to define. This Refugee Convention ground is heavily reliant on case law to explain what it currently means. Gender and sexuality are not distinct Refugee Convention grounds but sexuality comes under PSG. Gender can come under PSG but needs to be more narrowly defined than just 'being a woman' or 'being a man'. A certain category of women or men who face gender-specific persecution may fall under this category, such as 'women at risk of domestic violence in Pakistan'.

Persecution

Persecution is the systematic mistreatment of a person or a group. Under the Refugee Convention, persecution has a distinct meaning that means serious, targeted mistreatment that goes above the level of discrimination.

The definition of persecution which the Home Office will use when deciding on asylum claims comes from the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 (though there is case law which allows for a broader definition):

Act of persecution

5.— (1) *In deciding whether a person is a refugee an act of persecution must be:*
(a) sufficiently serious by its nature or repetition as to constitute a severe violation of a basic human right, in particular a right from which derogation cannot be made under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms(1); or
(b) an accumulation of various measures, including a violation of a human right which is sufficiently severe as to affect an individual in a similar manner as specified in (a).

(2) An act of persecution may, for example, take the form of:
(a) an act of physical or mental violence, including an act of sexual violence;
(b) a legal, administrative, police, or judicial measure which in itself is discriminatory or which is implemented in a discriminatory manner;
(c) prosecution or punishment, which is disproportionate or discriminatory;
(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;
(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under regulation 7 [exclusion clauses]

(3) An act of persecution must be committed for at least one of the reasons in Article 1(A) of the Geneva Convention.

Points Based System

People applying to enter or stay in the UK to work used to apply under what was known as the "points-based system". Although the government seems to be phasing out the "points-based" tiers of the system, the principle of needing to meet certain criteria for certain visas will continue.

Pre-action Letter

See 'letter before claim'.

Pro bono

In law, the term pro bono refers to legal work that is performed voluntarily and free of charge. The lawyer does not seek any payment for the work.

Qualification Regulations

The Refugee Convention is international law. It is translated into EU law as the Qualification Directive. This is part of UK law (though this is likely to change once the UK leaves the EU) under rules known as the Qualification Regulations – these are the rules the Home Office should use when considering an asylum claim.

Refugee

The word refugee has several meanings in international contexts, and in popular usage. In legal terminology in the UK, a refugee is someone whose asylum claim has been recognised under the Refugee Convention and who has been granted status (leave to remain).

Refugee Convention

The 1951 Convention Relating to the Status of Refugees is the key legal document in defining who is a refugee, their rights and the legal obligations of states. The Refugee Convention defines a refugee as

someone who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The UK is signatory to the Refugee Convention, which is translated into European law through the Qualification Directive.

Refugee Status

If the Home Office decide you have a need for protection, and your claim falls under the grounds for protection in the Refugee Convention, you will be granted refugee status.

Refugee status currently means five years leave to remain in the UK. You will have the right to work and claim benefits, access to mainstream housing, and the possibility of applying for family reunion and a travel document. After five years, you can apply for indefinite leave to remain (ILR), and after a year of ILR you can apply for British citizenship.

Removal Directions

The legal document issued by the Home Office to tell you the date, time, and flight number of an enforced removal.

Renewal

If you are applying for permission to appeal or for judicial review, and permission is refused on the papers – you do not go to court but a judge looks at your documents and makes a decision – you may be able to apply to ‘renew’ the decision. This means you are asking the court to reconsider their decision – in an oral hearing rather than on the papers – to not grant you permission for a judicial review/appeal of your case.

Reporting

Most people who have applied for asylum or other immigration status and have not had a positive decision have to regularly report at their local Home Office reporting centre or a police station. This might be every week, fortnight or month, or even every day in some circumstances. At every reporting visit, the person is at risk of detention, particularly if their application has been refused, which they may not know until they go and report. See [Detention](#) section of the Toolkit.

Reserve the decision

In a court hearing, the judge may say they are ‘reserving’ their decision. This means you will not be told then-and-there what their decision is, and they will write to you at a later date.

Respondent

The opposite side to the 'appellant' in a court hearing. If you are appealing the Home Office's decision to refuse your asylum or human rights case, you are the appellant. The Home Office is the respondent. If you won an appeal and the Home Office get permission to appeal that, the Home Office are the appellant and you are the respondent.

Right of appeal

The legal right to ask for a decision in your case to be changed and to have an independent court consider this.

Rolled-up hearings

If you are applying for permission to appeal to one of the higher courts, you may have a permission hearing (or your application for permission may be decided on the papers/documents alone). If you have a permission hearing, it may be decided in advance that there will be a 'rolled-up' hearing. This means that there will be the permission hearing and if permission is granted, the substantive hearing will follow straight after.

Rule 35

Detention Centre rule 35 requires detention centre doctors to report to the Home Office 'any detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention'.

'Safe country' list

See 'White list'.

Screening interview

This is the initial interview you will have after claiming asylum. In this interview, the Home Office takes your personal details and information about your journey to the UK, and checks if you have claimed asylum in the UK or Europe before.

Secretary of State

A cabinet minister in charge of a government department. In most cases, the Secretary of State referred to in legal documents and Home Office correspondence will be the Home Secretary, the minister responsible for the Home Office. When decisions are made in your case, it is said that the 'Secretary of State' has decided, even though they will probably not have looked at your case personally. Similarly, appeals against a Home Office decision will often be '[your name] v SSHD' (Secretary of State for the Home Department).

Section 31 defence

Article 31 of the Refugee Convention is part of UK law as Section 31 of the 1999 Immigration and Asylum Act. See Article 31 entry.

Section 55

Section 55 is the statutory duty (required by law) to safeguard and promote the welfare of children set out in section 55 of the Borders, Citizenship and Immigration Act 2009, which must be considered by government departments when making decisions about children and in particular, British children. This includes when the Home Office makes immigration decisions that will affect a child (the decision does not have to be *about* the child).

This consideration is usually referred to as "best interests", referring to Article 3(1) of the United Nations Convention on the Rights of the Child 1989, which the UK has signed. [Read more.](#)

Section 94 certification

Section 94 of the Nationality, Immigration and Asylum Act 2002. If your asylum and/or human rights claim is certified as “clearly unfounded” under section 94, you cannot appeal whilst in the UK. A case will be certified as clearly unfounded if the Home Office is ‘satisfied that the claim cannot, on any legitimate view, succeed’.

Section 95 support

See Asylum support. It is called section support because section 95 of the Immigration and Asylum Act 1999 provides for the provision of support for people seeking asylum.

After the asylum decision, if you are granted leave to remain your support will stop 28 days after you receive the decision. After that you are allowed to work or claim welfare benefits such as Income Support or Job Seeker's Allowance. If your asylum application is refused and your appeal was dismissed, you will no longer be entitled to NASS support and it will stop 21 days after you get a negative decision in an appeal.

For more information, see the Asylum Support Appeals Project [factsheet](#).

Section 96 certification

If your asylum/humanitarian application or human rights application is refused, and you would normally have the right of appeal, the Home Office may still certify your case under Section 96 of the Nationality, Immigration and Asylum Act 2002. This is on the basis that your claim/application was based on something that could have been raised in a previous appeal, for a previous decision. You will not have the right to appeal the most recent decision if your claim is certified under Section 96.

Section 120 notice

See ‘one stop notice’ entry.

Short-term holding facilities

A detention centre where you can be held for less than seven days, before being transferred elsewhere. You may be held here immediately on being detained, for example, before being transferred to another detention centre for a longer period. Pennine House in Manchester, for example, is a short-term holding facility.

Signing

See ‘reporting’ entry.

Skeleton arguments

In appeals or judicial reviews, the outline of arguments from each party commenting on the facts and the law from their perspective. They are submitted in advance so that everyone is warned of what points are going to be raised. Each party will then explain their arguments orally in more detail at the hearing.

Solicitor

A solicitor is a lawyer who traditionally deals with any legal matter including conducting proceedings in court. In immigration cases/asylum, it is normally a barrister who will take a case to the higher courts (above the immigration tribunal).

Status

Immigration status could include: discretionary leave, indefinite leave to remain, humanitarian protection, or refugee status.

Stayed removal/deportation or case

A removal/deportation or judgment on a case that has been halted, pending a further decision. A removal/deportation might be stayed while a case is reconsidered, or a case may be stayed while the courts wait for the decision in an important case (usually in the higher courts) to guide their judgment.

Subject Access Request

If you do not have one or more of these documents, you can either ask the lawyer that was handling your case at that stage (if you had one), or you can request that the Home Office send you a copy of your file. This is called a subject access request and you should receive a response within 40 days. [Read more](#). The Home Office have been refusing some Subject Access Requests under new privacy powers, which gives an exemption for the purposes of "immigration control". At the time of writing they have not, however, been refusing all requests and in some cases refuse to release just part of the file.

Subsistence ("subs") only

If you apply for asylum support but you can stay with friends, family, or community members long-term, you can ask the Home Office to just provide you with money for basic living expenses. This is known as 'subsistence only' or 'subs only' asylum support. If you apply for this kind of support, you will not be dispersed as you will be accommodated by your friend/family/community member.

Substantive interview

In an asylum case, your substantive interview (also called your asylum interview) is held after your screening interview. This is when you describe to the Home Office case owner what has happened to you and what it is you fear in your own country. The interview will take several hours, sometimes all day.

Supreme Court

The highest court in the UK (the House of Lords used to fulfil that role).

Surinder Singh

A way of bringing non-EEA family members to live with you in the UK, using EU free movement law. See [Surinder Singh](#) section of the Toolkit.

Ticket

This is how some people refer to removal directions or notice of deportation arrangements – if they have a date, time and flight number for enforced removal.

Tribunal

Asylum, human rights and immigration appeal hearings take place in a court called a tribunal. The Asylum and Immigration Chamber is independent from the Home Office. There is a First-tier and an Upper Tribunal.

Upper Tribunal

This is part of the Immigration and Asylum Tribunal. If your appeal is refused at the First-tier Tribunal, you can apply for permission to appeal at the Upper Tribunal if you think the First-tier Tribunal made an error in the way they applied the law in deciding your case. The Upper Tribunal also now hears most judicial reviews in asylum and immigration cases in England and Wales.

UKBA

The UK Border Agency. Until March 2013, the UK Government Home Office department responsible for handling all applications regarding immigration, nationality and asylum, as detention and removals/deportations (although they subcontracted the running of detention centres and removal operations out to private companies). Formerly known as Border and Immigration Agency (BIA) and before that Immigration and Nationality Directorate (IND). Now dissolved – see entry on 'Home Office'

Unaccompanied asylum-seeking child (UASC) or unaccompanied minor

An unaccompanied asylum-seeking child is a child who is applying for asylum in their own right and is separated from both parents and is not being cared for in the UK by an adult who in law or by custom has responsibility to do so. For more information on unaccompanied minors, see the [Migrant Children's Project](#) website.

Visa

A visa is a document which gives someone permission to travel into a specific country and stay there for a set period of time.

Vouchers

If you are on Section 4 support (see above), you may hear the financial support referred to as 'vouchers'. Although the voucher scheme has now been replaced by a card with the weekly financial support put on, people still use the term vouchers. You do not get financial support in cash if you are on Section 4 support.

White list

The Nationality, Immigration and Asylum Act 2002 (section 94) created a list of 'safe countries' from which asylum claims would be dealt with in a different way. This list is sometimes known as the 'white list'. Applicants from these countries whose asylum claims are refused can usually only appeal from outside the UK. For more information on the countries on the 'White list', see [here](#).

Witness statement

A witness statement is a document recording the evidence of a person, which is signed by that person to confirm that the contents of the statement are true. A statement should record what the witness saw, heard or felt.

Zambrano

In the Zambrano case of 2011, the European Court of Justice ruled that the parents of a dependent child who is an EU national must be granted the right to work and the right of residence in the EU Member State of which the child is a national. Currently in the UK, Zambrano can only be used when a British citizen child is cared for by a non-EEA national parent or carer, there is no parent with British citizenship/Indefinite Leave to Remain to care for the child, and removal of the non-EEA national parent/carers would result in the child being unable to live in the UK or another EEA state.