

# MANAGING MIGRATION THROUGH VISA POLICY

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# Executive summary

**The UK receives around 2.5 million visa applications per year, with over 80 per cent of decisions made resulting in a visa being issued. The large majority of visas are issued to visitors, followed by students, those coming for work and those coming for family reasons.**

**The UK has a variety of visa categories, which are used flexibly to manage migration.**

- The Points-Based System (PBS) for work and study, comprising five tiers: high-value migrants (Tier 1), skilled workers with a job offer (Tier 2), low-skilled workers (Tier 3 – never opened), students (Tier 4) and temporary workers (Tier 5).
- Other (non-PBS) work visas: Seasonal and Agricultural Work Scheme (SAWS) and Sectors-Based Scheme (SBS) are temporary routes for low-skilled workers, currently limited to Bulgarian and Romanian nationals. Also visas for overseas domestic workers, representatives of overseas businesses, UK ancestry and a Turkish European Community Association Agreement (ECAA) business category.
- Visitors: several categories of visitor visas cover different types of visit.
- Other visa categories include: family migration; visitors under the UK/China Approved Destination Status (ADS) Agreement; European Economic Area (EEA) family permits; returning residents.
- Settlement: main eligible routes include family, workers under PBS Tiers 1 and 2 and UK ancestry route, third country nationals who have formed relationships with EU nationals and individuals granted settlement before entering the UK.

**The UK Government recognises the benefits of migration and has a clear strategy for migration to the UK – aiming to reduce net migration, whilst still attracting the brightest and best migrants to meet the needs of the UK economy. The Government also aims to reduce abuse of migration routes, ensure migration does not place undue pressure on public services and ensure migrants who come temporarily to the UK leave at the end of their stay.**

**Recent visa policy changes have been implemented with a view to meeting these aims, including:**

- the tightening of requirements for PBS visa routes, including a limit on non-EEA migrants coming to the UK for work purposes through PBS Tiers 1 and 2;
- amendments to the Shortage Occupation List for skilled labour migration (Tier 2 [General]) for non-EEA nationals;
- amendments to the student route, including tightening of the sponsorship regime and further restrictions on rights to work and to bring dependants;
- an increase in language requirements for students and family migrants;
- the introduction of visit visa regimes for six countries or territories (Bolivia, Jamaica, Lesotho, South Africa, Swaziland and Venezuela) and the lifting of a visit visa regime for another (Taiwan); and
- further facilitating migration for those of high value and of low risk to the UK.

**Specific operational procedures at various stages of the immigration process (application, entry, in-country and exit) help to implement UK visa policy.** These include, when applicable, checking visa conditions are met, collecting and checking biometric data, checks against policy and immigration databases and watchlists, and checks to ensure documentation is genuine. Travel Document Information (TDI) and Other Passenger Information (OPI)<sup>1</sup> are checked in advance of some passenger arrivals to the UK through e-Borders.

The introduction of online visa applications and mobile biometric clinics make it easier for applicants to apply to come to the UK, whilst the easing of visa or application requirements can facilitate migration of specific types of migrants (for example, Tier 4 applicants from low-risk countries or territories who are coming to study at top universities). New information technology, such as the Immigration Case Work (ICW) programme and the Immigration and Asylum Biometric System (IABS) is being introduced to improve the efficiency and quality of visa decisions.

General operational procedures also help prevent irregular migration and abuse of the system, through comprehensive training and guidelines for staff processing visa applications, use of international networks, information systems and intelligence, and sponsorship duties for migrant employers and educational institutions.

**A number of research and analytical studies have helped highlight and evidence areas of concern in relation to visa policy, identifying risks of different types of migrants coming through different routes (for example, in relation to students, family migrants and the PBS). These studies have informed changes to tighten up or ease visa policy.**

**In general, it is very difficult to measure and isolate the relationship between changes in visa policy and migration flows, as impacts are often obscured or accentuated by other external factors and take time to work through.** These factors can include:

- the economic climate and labour market conditions, both in the UK and other countries;
- the situational, environmental or political conditions driving migration in source countries;
- changes in operational activities within the UK Border Agency impacting on processing times and decision-making; and
- changes in the recording of administrative and statistical information within the Home Office and UK Border Agency.

**There are examples where visa policy has had a clear influence on migration flows.** For example, following the Visa Waiver Test (a global review of UK short-stay visit visa regimes) and lifting of the visit visa regime for Taiwan, increases in visitor flows of Taiwan passport holders were seen.

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1 Called, respectively, Advance Passenger Information (API) and Passenger Name Records (PNR) in EU acquis.

**Statistics suggest there are more complex changes in visa issuances and flows, which cannot be attributed to one specific policy change.** For example, student migration has increased and migration for purposes of work declined in recent years. The decline in numbers coming for work can be partly explained by the introduction of tighter requirements under the PBS, as well as the economic downturn – both occurring between 2008 and 2009. However, other factors, such as EU accession of Bulgaria and Romania in 2007 confuse the picture. It is also possible there was some displacement from work routes into the student migration route, causing increases in numbers of students. Increases may also be due to revisions to the classification of different types of student (for example, from visitor to student categories). Policy focus is now on understanding increases in student migration with the aim of preventing abuse of this route, whilst facilitating migration of legitimate students and others who can be of benefit to the UK.

**Due to its non-participation in the border and visa elements of the Schengen Agreement the UK does not participate in EU visa issues. However, EU policy, particularly in relation to free movement and labour market access, impacts at the national level.** For example, EU nationals have filled low-skilled labour requirements in the UK, meaning the low-skilled labour migration route (Tier 3) has never been open to non-EEA nationals. Improving understanding of how EU nationals substitute for non-EEA nationals in the labour market and the impacts on visa policy would be of value to UK policymakers. The relationship between non-EEA nationals with free movement rights (as family members of EEA nationals) and visa policy is another issue of interest, particularly where there may be potential for abuse of free movement rights. Changes to EU membership and free movement rights may also result in new migration routes and patterns. The UK will closely monitor any such trends and work closely with its EU partners to monitor the situation and propose solutions where appropriate.

# 1. Introduction: Aims, scope and methodology

## 1.1 INTRODUCTION

The UK has a variety of visa categories providing a flexible means to manage different types of migration (work, study, family and visit) to the UK. Visa policy helps secure the UK border and prevent abuse of the immigration system and irregular migration. It ensures robust policy and operational processes are in place at all stages of the visa process – application, examination, entry, stay and exit. The Government aims to limit net migration, but visa policy is used to facilitate the legal migration of certain types of migrants to meet overarching strategic migration policy aims for the UK Government: to attract the brightest and best migrants and ensure the needs of the UK economy are met. This can be achieved, for example, through less restrictive visa requirements or simplified visa processes.

Research has identified challenges to the development and implementation of visa policy and has assessed the risks of different migration routes. It has informed policy developments and future changes, highlighting where policy needs to be tightened or could be streamlined.

This report provides an overview of visa policy in the UK and how it is used to facilitate legal migration and to prevent irregular migration. Part A focuses on describing visa policy in the UK and the associated procedures at each stage of the visa process. Part B considers evidence on the challenges and successes in developing and implementing visa policy, considering the extent to which available data can demonstrate visa policy impacts and how visa policy can provide a flexible means to manage migration to the UK. The effects of EU policy on UK visa policy are also considered.

## 1.2 AIMS OF THE STUDY

This report was produced by the UK National Contact Point (NCP) for the European Migration Network (EMN) as a contribution to the EMN study ‘Visa Policy as Migration Channel’. The key objective of the study is to analyse the relationship between visa policy and migration management and control.

The specific aims of the study are as follows.

- To outline the policy and legal framework on the use of national visas for managing migration and/or to prevent irregular migration, including an analysis of the national policy and legislation in this area.
- To provide a comprehensive overview of the practical implementation and organisation of national visa policy and legislation, looking at the four main stages of the visa process (application, examination, entry, and stay). This should include national visas at different categories of entry purposes (visit, work, study, etc.) and pay particular attention to visa issuance for the purpose of legal immigration and visa procedures for the purpose of preventing irregular migration.
- To explore the link between visa policy and migration management through a case study on cooperation with third countries, including an analysis of statistical data and empirical evidence.
- To explore the effects of EU policy and legislation on national policy, procedures and practices.
- To present, review and analyse other available statistical data on the issuing of visas.
- To draw conclusions on the extent to which there is a relationship between visa policy and the management of migration.

The study is primarily intended for:

- Ministers and policy officers (at EU and national level) concerned with visa policy and migration;
- other groups, for example, non-governmental organisations (NGOs) and academics;
- members of the public with an interest in visa policy and legal migration.

A synthesis report, comparing and contrasting visa policy practices and their impacts across the participating EU Member States, will be published by the EMN in due course.

### **1.3 SCOPE OF THE STUDY AND DEFINITIONS**

The study focuses on third country nationals since EU citizens are entitled to visa free travel within the EU (plus Iceland, Liechtenstein, Norway<sup>2</sup> and Switzerland), and their non-European Economic Area (EEA) family members can benefit from flexible visa, entry and residence procedures, which fall outside the scope of Article 77 and 79 of the Treaty of the Functioning of the EU.<sup>3</sup>

The UK does not participate in EU visa issues for third country nationals because it is not a full Schengen member and does not participate in the border and visa aspects of the Schengen Agreement. Instead UK visas are governed by UK domestic legislation.

Visa nationals (nationals from around 160 countries requiring a visa to enter the UK – see Appendix A) as well as non-visa nationals (from other third countries) who wish to come to the UK for more than six months, and non-EEA national family members of EEA nationals, require a visa to enter the UK. Non-visa nationals staying for six months or less for certain purposes may also require a visa.

UK visas entitle holders to enter and reside in the UK for a specific purpose and length of time. They are issued by the UK Border Agency and give someone ‘entry clearance’ to the UK – that is permission to travel to or enter the UK. There are four types of entry clearance document for the UK:

- a visa for some nationals or citizens of the countries outside the EEA (issued prior to arrival in the UK);
- an entry clearance for non-visa third country nationals (issued on arrival in the UK);
- an EEA family permit for non-EEA nationals who are the family members of EEA nationals; and
- an exempt vignette for people (such as diplomats) who are exempt from the requirements of the Immigration Act 1971.<sup>4</sup>

Visas to the UK show:

- the period of validity for the visa (a ‘valid from’ date and a ‘valid until’ date);
- the maximum length of time the holder is able to stay in the UK on any one occasion;
- entry terms (whether the holder can enter the UK a number of times or only once);
- entry purpose (the purpose the visa has been issued for); and
- any specific conditions (for example, no recourse to public funds).

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<sup>2</sup> Norway will also participate in this EMN study and for the purpose of these specifications is considered as equivalent to an EU Member State.

<sup>3</sup> Policies on border checks and immigration: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:en:PDF>.

<sup>4</sup> <http://www.legislation.gov.uk/ukpga/1971/77/contents>.



UK visas conform to the uniform format as specified in Council Regulation (EC) No 1683/95 of May 1995<sup>5</sup> and the subsequent amendment in 2004<sup>6</sup> that enabled an image to be included.

Discussion of the procedures and processes involved in applications for protection (asylum, humanitarian protection, discretionary leave) has not been included in this report. Asylum application procedures and processes are separate to those for other types of UK visas. Asylum and human rights claims are carefully considered on their individual merits in accordance with obligations under the 1951 Refugee Convention<sup>7</sup> and the European Convention on Human Rights<sup>8</sup> and against the background of the latest available country of origin information.<sup>9</sup> See Rice and Angus (2012) for information on claiming international protection in the UK.

## 1.4 METHODOLOGY

Key sources of information for this report include the UK Border Agency and Home Office public websites, the Home Office intranet and published reports and research.

In addition to written sources, policy and operational colleagues from across the UK Border Agency, Home Office and Foreign and Commonwealth Office (FCO) provided information and clarification on policies and procedures.

Statistical data were provided by Home Office Migration Statistics and are presented so as to be comparable with data provided by other EU Member States. Data on visa applications and issuances (entry clearance visas issued), passenger arrivals and passengers refused at the border are presented. Data are presented from 2004 onwards, as a change of database at this time means comparable data are not available prior to this.

Further explanation of the data presented in this report is included in Appendix D.

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5 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995R1683:EN:HTML>.

6 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R2252:EN:HTML>.

7 <http://www.unhcr.org/3b66c2aa10.html>.

8 [http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG\\_CONV.pdf](http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf).

9 Available on the UK Border Agency website: <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>, on Refworld: <http://www.unhcr.org/refworld/publisher/UKHO.html>, the database website of the United Nations High Commissioner for Refugees (UNHCR), and <http://www.ecoi.net/>, a Country of Origin Information) database managed by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD).

# Part A: UK visa policy and operational processes

This section outlines the policy, legislation and processes relevant to the issuing of visas in the UK.

## 2. Policy and legal framework for the granting of visas

### 2.1 UK VISA POLICY WITHIN THE CONTEXT OF THE EUROPEAN UNION AND SCHENGEN

The UK does not participate in EU visa issues for third country nationals. Instead UK visas (and UK border control) are based on UK domestic legislation.

The UK is a partial Schengen member. It has opted to preserve autonomous border controls and visa policy. For the UK, border controls (as part of the Common Travel Area operated jointly with the Republic of Ireland, the Channel Islands and the Isle of Man) are an effective means of controlling migration, and of combating terrorism and other crime. This approach is different from the practice in the mainland EU, where there is much greater dependence on internal controls, such as identity checks (Home Office, 1998).

The UK participates in Schengen in accordance with Council Decision 2000/365/EC<sup>10</sup> of 29 May 2000; namely police and judicial cooperation in criminal matters but not those aspects related to border controls. The UK (and the Republic of Ireland) is deemed to be bound by Schengen policing and judicial cooperation measures, unless it exercises its right to 'opt-out' of individual Schengen measures.

All Schengen proposals are assessed on a case-by-case basis and the UK puts the national interest at the heart of its decision-making. Considerations include:

- security;
- civil liberties;
- the integrity of the UK common law systems and control of immigration;
- the need to ensure effective cooperation within the EU in tackling organised crime;
- whether the opt-out will undermine the underlying measures and the working of Schengen, leading to UK full expulsion; and
- the need to preserve the UK system of border controls.

### 2.2 GENERAL VISION FOR VISA POLICY IN THE UK

Visas play an essential role in securing the UK border and controlling migration to the UK. They are used to facilitate legal migration, prevent irregular migration and fulfil the Government's aims for migration.

The UK Government recognises the benefits of migration and that well-managed immigration can stimulate growth, enrich culture and strengthen the economy. The Government has emphasised the need to attract the brightest and best migrants to the UK, the need to ensure the needs of the UK economy are met, and the need for migrants to be integrated into UK society. However, there is also a need to limit migration, to ensure that migration routes are not abused and that migration does not place undue pressure on public services, and

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<sup>10</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000D0365:EN:NOT>.

that those who come to the UK temporarily leave at the end of their stay (Secretary of State for the Home Department, 2010).

The ‘Home Office Business Plan 2011–2015’ (Home Office, 2011a) reflects the Government’s vision for migration and outlines a number of actions, many of which focus on UK visa policy, including:

- setting an annual limit on the number of non-EU economic migrants admitted to the UK, to contribute to the reduction of net migration to tens of thousands;
- moving to break the link between temporary and permanent migration;
- strengthening the system of granting student visas to reduce abuse with the likely consequence of reducing net migration;
- strengthening the system of granting spouse visas to reduce abuse and to support the integration of long-term migrants in local communities;
- supporting e-Borders<sup>11</sup> to help protect the UK against terrorist attack, serious cross-border crime and abuses of the immigration system by assessing passengers in advance of their arrival in the UK;
- reintroducing exit checks; and
- establishing a Border Police Command to secure the UK border, as part of a new National Crime Agency.

Visa processes reflect wider global changes. The number of visa applications from many parts of the world is increasing each year. This may reflect an increase in the attraction of the UK for migrants (for example, the UK is attracting increasing numbers of visit visa and high-value visa applications from Chinese nationals) or increased prosperity, which means more people can afford to travel than before. There is a need to manage increased demand while still providing good customer service and ensuring security of the UK border.

## 2.3 LEGISLATIVE FRAMEWORK

The foundation of the current legal framework in the UK is the Immigration Act 1971<sup>12</sup> that came into force on 1 January 1973, and the Immigration Rules<sup>13</sup> made under it. The 1971 Act has been amended and added to by a body of legislation including, most significantly: the Immigration and Asylum Act 1999;<sup>14</sup> Nationality, Immigration and Asylum Act 2002;<sup>15</sup> Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;<sup>16</sup> Immigration and Nationality Act 2006;<sup>17</sup> UK Borders Act 2007;<sup>18</sup> and the Borders, Citizenship and Immigration Act 2009.<sup>19</sup> In all, there are 11 separate Acts to be considered.

The Immigration Rules outline the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the UK. Visa applicants and entrants to the UK are assessed against the relevant section of the Immigration Rules.

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11 An electronic border management system that uses a variety of data to check passengers before they travel.

12 <http://www.legislation.gov.uk/ukpga/1971/77/contents>.

13 <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/>.

14 <http://www.legislation.gov.uk/ukpga/1999/33/contents>.

15 <http://www.legislation.gov.uk/ukpga/2002/41/contents>.

16 <http://www.legislation.gov.uk/ukpga/2004/19/contents>.

17 [http://www.legislation.gov.uk/ukpga/2006/13/pdfs/ukpga\\_20060013\\_en.pdf](http://www.legislation.gov.uk/ukpga/2006/13/pdfs/ukpga_20060013_en.pdf).

18 <http://www.legislation.gov.uk/ukpga/2007/30/contents>.

19 <http://www.legislation.gov.uk/ukpga/2009/11/contents>.

As well as the Immigration Rules made under the 1971 Act, immigration policy and practice is governed by a large body of secondary legislation in the form of statutory instruments, as well as EU Regulations and Directives. There are also various procedures and case law that have come into being from the First-tier and Upper Tribunal Immigration and Asylum Chambers.

See Rice and Angus (2012) for more information on the legislative framework for migration policy in the UK.

## **2.4 VISA POLICIES FOR VISITING, WORKING, STUDYING, JOINING FAMILY OR SETTLING IN THE UK**

The following individuals require a visa to enter and stay in the UK:

- visa nationals (individuals from 160 countries requiring a visa for entry to the UK – see Appendix A);
- refugees and stateless persons, and non-visa nationals (nationals from countries not normally requiring a visa) who:
  - wish to stay in the UK for a period exceeding six months, or
  - are staying for six months or less for a purpose for which entry clearance is required under the Immigration Rules (*ibid.*); and
- non-EEA national family members of EEA nationals.<sup>20</sup>

Diplomats are exempt from the requirements of the Immigration Act 1971. People in this category posted to a mission in the UK are granted an exempt vignette valid for five years or for the length of the posting, whichever is shorter.

Travellers to the UK who require an entry clearance visa must apply outside the UK, the Channel Islands and the Isle of Man in advance of travelling. An application for entry clearance as a visitor can be made at any British diplomatic post offering a visa service. All other entry clearance applications must be made to the British diplomatic post in the country or territory where the applicant is living.<sup>21</sup>

The main visa routes to the UK are for work, study, family and visit.

The number of visa categories to the UK has been reduced in recent years – this was one of the aims of the Points-Based System (PBS) implemented from 2008 – but many categories and sub-categories remain. These provide a flexible means to manage migration to the UK, allowing the Government to apply different restrictions to individual categories of migrants and to manage migration flows and risks more effectively. It also allows for easy closure (or opening) of some categories and sub-categories. For example, the category for low-skilled migration from outside the EEA (PBS Tier 3) has never been opened as the UK is able to fill gaps in this sector of the UK labour market from EU citizens, and the sub-category for highly skilled migrants without a job offer (Tier 1 [General]) was closed after concerns over the use of the route to obtain low-skilled jobs.

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<sup>20</sup> Family members of EEA nationals are issued with a Family Permit.

<sup>21</sup> A list of British diplomatic posts is available from the FCO website at: <http://www.fco.gov.uk/en/travel-and-living-abroad/find-an-embassy/>.

The visa categories and their conditions also reflect the Government's strategic aims for migration:

- to limit migration whilst still attracting the brightest and the best;
- to promote the integration of migrants into UK society;
- to reduce abuse of migration routes; and
- to promote temporary migration.

An overview of the main visa categories for work, study, family and visit follows. An overview of more minor visa categories is given in Appendix B. Details of the requirements and conditions for each visa category are on the UK Border Agency visa services website<sup>22</sup> and will be outlined in Rice and Angus (2012).

#### **2.4.1 Work and study: Points-Based System**

The UK operates a PBS to administer entry of third country nationals for the purposes of work and study. Issuing of visas under the PBS takes into account migrants' educational qualifications, personal characteristics, salary and skill-level required for a job. The PBS comprises five tiers and is the primary non-visit visa route for migrants coming to the UK.

- **Tier 1 visas – high-value migrants** (previously highly-skilled migrants).

There are five categories under this Tier.

- Exceptional talent – for people recognised as or with the potential to be recognised as leaders in the fields of science and the arts. This was launched in August 2011.
- Investor – for high net worth individuals making a substantial financial investment in the UK. They might not seek work, nor are they under any obligation to do so.
- Entrepreneur – for those wishing to invest in the UK by setting up or taking over, and being actively involved in, the running of a business.
- Post-study work – for people who want to work in the UK after recently graduating from a UK university. This route will close from April 2012.
- General (highly-skilled workers) – for people who wish to obtain highly-skilled employment in the UK. This route has been closed since 11 April 2011 other than for extension applications.

Tier 1 (Exceptional talent) is subject to an annual limit. For 2011/2012, the limit was 1,000 issued visas. Entrepreneurs, investors and post-study workers are not subject to a limit.

The introduction of the Tier 1 limit, restriction of the route to all but people of exceptional talent, investors and entrepreneurs, and the accelerated route to settlement for investors and entrepreneurs are recent changes that reflect the Government's migration aims (see Section 2.2).

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<sup>22</sup> <http://www.ukvisas.gov.uk/en/>

- **Tier 2 visas – skilled workers with a job offer.**

There are four categories.

- General – for people with a job offer to fill a post that cannot be filled from within the resident labour force. This category includes applicants for shortage occupations as specified on the Shortage Occupation List<sup>23</sup> and other skilled vacancies that have passed the Resident Labour Market Test (RLMT).<sup>24</sup>
- Intra-company transfer (ICT) – for employees of multinational companies who are being transferred by an overseas employer to a skilled job in a UK-based branch of the company.
- Sportsperson – for elite sportspeople and coaches whose employment will make a significant contribution to the development of their sport at the highest level.
- Minister of religion – for those people coming to fill a vacancy as a minister of religion, missionary, or member of a religious order.

Tier 2 (General) is subject to an annual limit. For 2011/2012, the limit was 20,700 issued visas, excluding in-country applications and jobs paying £150,000 a year or above. Tier 2 places in the limit are for workers with an offer of a graduate-level job and at least intermediate-level English. This ensures it targets only skilled migrants (Migration Advisory Committee, 2011a). ICTs, ministers of religion and elite sportspeople are not subject to a limit.

For ICTs there is a requirement for workers to have 12 months experience with their employer and a limit on the length of time workers can stay in the UK. This is 12 months for those paid between £24,000 and £40,000 a year and 3 years for those earning more than £40,000, with the possibility of extending for a further two years. There are also sub-categories of ICTs for graduate trainees and skill transfers.

- **Tier 3 visas – low-skilled workers.**

This Tier has never been open as there has been sufficient low-skilled labour available from within the EEA.

- **Tier 4 visas – students.**

This is for students sponsored to study a course at an approved education provider. Many of the requirements for students have only recently been implemented to tighten this route.

Students coming to study degree-level courses must prove they can speak English at an upper intermediate level – B2 on the Common European Framework of Reference for Languages<sup>25</sup> (CEFR). Others studying below degree-level have to speak English at an intermediate level – B1 on the CEFR.

Students must be able to show that they can support themselves and pay for their course in the UK. Rigorous checks are conducted to ensure that the funds students are using to support themselves are invested in – and available from – trustworthy financial institutions.

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23 Latest version available at: <http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/shortageoccupationlist/>

24 A process to show that no suitably qualified settled worker can fill the job.

25 [http://www.coe.int/t/dg4/linguistic/CADRE\\_EN.asp](http://www.coe.int/t/dg4/linguistic/CADRE_EN.asp)

Students at public sector further education colleges can work for 10 hours per week during term time and students at university for 20 hours per week during term time. Both can work full-time in vacations. All other students have no right to work.

The amount of work that can be done on work placement courses for non-university students is 50:50 study:work.

Only postgraduate and government-sponsored students are allowed to bring their dependants to the UK.

Further changes will be implemented from April 2012 (see Section 7.1.1).

- **Tier 5 visas – temporary workers and ‘youth mobility’.**

Tier 5 covers primarily non-economic migration and honours a variety of international agreements the UK is signatory to.<sup>26</sup> Details are available on the UK Border Agency website and are outlined in Rice and Angus (2011).

There are six categories:

- creative and sporting;
- charity worker;
- religious worker;
- government authorised exchange;
- international agreement; and
- the Youth Mobility Scheme.

#### 2.4.1.1 POINTS-BASED SYSTEM SPONSORS

All PBS applicants, except those entering under Tier 1, require a sponsor prior to arriving in the UK and must obtain a Certificate of Sponsorship (COS) (Tiers 2 and 5) or a Confirmation of Acceptance for Study (CAS) (Tier 4) from a sponsor licensed by the UK Border Agency. The sponsor is an organisation in the UK that wishes to employ or provide education to a migrant.

Sponsors must be registered with the UK Border Agency and be a legitimate organisation, working within UK law. Sponsors must have good human resource systems to monitor and keep records of the migrants they employ or who are studying at their institution, and must report anyone who ceases to attend. Failure to follow correct procedures may result in the loss of their right to sponsorship and, in certain circumstances, employers/education providers may also face criminal action and fines.

Sponsoring employers must ensure a migrant worker is legally allowed to do the job and has the right registration or professional accreditation where needed by law. They must also keep a copy of the registration document or certificate and make it available to the UK Border Agency on demand.

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<sup>26</sup> These agreements include the General Agreement on Trade in Services (GATS) as well as agreements referring to employees of overseas governments and international organisations, and private servants in diplomatic households.

In April 2010 the UK Border Agency launched a register of Highly Trusted Sponsors (HTS) for Tier 4 education providers. To qualify as an HTS, an education provider must have a proven track record in recruiting genuine international students who comply with the Immigration Rules whilst in the UK. Compared with other Tier 4 sponsors, an HTS can offer a wider range of courses to international students. They can offer courses at National Qualifications Framework (NQF) level 3 and equivalents and courses below degree level that encompass a work placement. Other Tier 4 sponsors cannot offer these courses, other than foundation degree courses containing work placements.

HTS status is valid for one year and needs to be renewed at the end of this period.

Any Tier 4 sponsor who has been licensed for 12 months or more must apply for and achieve HTS to keep their sponsor license and to be able to sponsor Tier 4 students. Inspections and reviews of educational standards in private institutions offering further education are conducted by the Quality Assurance Agency and the Independent Schools Inspectorate.

#### **2.4.2 Other (non-Points-Based System) work visas**

- **Seasonal and Agricultural Work Scheme (SAWS) and Sectors-Based Scheme (SBS)**

These are strictly temporary labour migration schemes in the low-skilled sector. A progressive phasing out of non-EU participation in these schemes has been undertaken since EU enlargement in 2004 and participation is currently limited to Bulgarian and Romanian nationals only.

Details of the following (non-PBS) work visas are included in Appendix B:

- **UK ancestry;**
- **overseas domestic workers (ODWs);**
- **Representatives of overseas business; and**
- **Turkish European Community Association Agreement (ECAA) business** (see also Section 3.1.4).

#### **2.4.3 Family migration**

Family visas are for:

- partners of British citizens and people settled in the UK;
- children of British citizens and people settled in the UK; and
- elderly dependent relatives and other dependants.

A new English language requirement for migrants who want to enter or remain in the UK as the partner<sup>27</sup> of a British citizen or a person settled here has been introduced. Partners must show they have basic English language skills – A1 level of the CEFR.

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<sup>27</sup> Spouse, civil partner, fiancé(e), proposed civil partner, unmarried partner or same sex partner of a British citizen or permanent resident.



Further changes to the family route are planned. A public consultation on changes to family migration routes was launched in July 2011 and closed on 6 October 2011 (UK Border Agency, 2011a). Results of the consultation exercise will be published on the UK Border Agency website. Key proposals included:

- defining what constitutes a genuine marriage to help identify sham and forced marriages;
- introducing a new minimum income threshold for sponsors of spouses and partners and their dependants. The Migration Advisory Committee has advised on the threshold;
- extending the probationary period before spouses, partners and dependants can apply for settlement in the UK from two to five years. This will test how genuine relationships are;
- requiring spouses, partners and adult dependants applying for settlement to demonstrate they can understand everyday English;
- exploring the case for making ‘sham’<sup>28</sup> a lawful impediment to marriage in England and Wales and giving the authorities the power to delay a marriage from taking place; and
- working closely with local authorities to ensure that vulnerable people are not forced into marriage.

#### 2.4.4 Visitors

A third country national coming to the UK as a visitor is generally allowed to stay for up to six months. However, reasons a visit visa may be required include if the applicant is:

- a citizen of one of the visa states listed in the Immigration Rules (see Appendix A);
- applying to visit the UK in order to get married;
- applying as a student visitor to undertake an English language course that lasts longer than 6 months and no more than 11 months; or
- applying as a prospective student.

Some visit applicants can stay up to 12 months, but a visa is required for academic visitors; the parents of children at school; visitors taking part in archaeological excavations; and visitors coming for private medical treatment.

There are several categories of visitor visas, including for general visitors (those coming to the UK as a tourist or to visit friends), family visitors (those coming to the UK to visit a family member<sup>29</sup>), sports visitors, entertainers, and several categories of business visitors. There are a number of categories for ‘special visitors’, which include visitors coming to get married/register a civil partnership, visitors coming for private medical treatment, or parents of children at school in the UK, child visitors, student and prospective student visitors and prospective entrepreneurs. An explanation of each category is included in Appendix B.

A general visit, business, entertainer or sports visit visa may be valid for 1, 2, 5 or 10 years, but an individual is only entitled to stay in the UK for a maximum of 180 days (6 months) on each visit.

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28 A marriage involving someone from outside the EU marrying someone from Europe as means to be allowed to stay in the UK long term with the right to work and claim benefits.

29 Defined as: spouse, father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister, uncle, aunt, nephew, niece or first cousin; spouse’s father, mother, brother or sister; the spouse of their son or daughter; stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister; or a person with whom they have lived as a member of an unmarried couple for at least two of the three years before the day on which the application for entry clearance was made.

## 2.4.5 Other visas

Other visa categories include:

- **visitors under the UK/China Approved Destination Status (ADS) Agreement;**<sup>30</sup>
- **European Economic Area (EEA) family permits; and**
- **returning residents.**

Details of these visa categories can be found in Appendix B.

## 2.4.6 Settlement

Once an individual has lived in the UK for a certain period of time they may be entitled to apply for permission to settle here (also known as indefinite leave to remain). This means the individual has permission to stay permanently in the UK.

The main routes eligible for settlement include family, workers under Tier 1 and Tier 2 of the PBS, third country nationals who have formed a relationship with an EU national and individuals granted settlement before entering the UK (for example, individuals joining family members who have been granted asylum or humanitarian protection, the spouse of a person already settled in the UK).

The provisions under which those admitted as an ICT could qualify for settlement were abolished in April 2010.

From April 2011 the route to settlement for investors and entrepreneurs (Tier 1) was accelerated. Those who invest £5 million can now gain settlement after three years, and those who invest £10 million or more, after two. Previously there was a minimum five-year requirement. Entrepreneurs are able to settle in the UK more quickly if they create ten jobs or turn over £5 million in a three-year period (Home Office, 2011b).

There are additional requirements for some applicants for settlement, outlined in Appendix B.

In 2011 a consultation on employment-related settlement made proposals aimed at breaking the link between coming to work in the UK and staying on permanently, and to accord settlement to the brightest and the best. The consultation closed on 9 September 2011. Approximately 12,500 responses were received, alongside a number of additional comments. The results of the consultation were published on the Home Office website in February 2012<sup>31</sup> and outlined a number of changes to be introduced from April 2012, including:

- to continue to provide a route to settlement for the best Tier 2 migrants, if they meet a minimum salary threshold of £35,000;
- to allow those who enter as PhD-level scientists and researchers to qualify for settlement without having to meet the £35,000 minimum salary threshold;
- to make all workers in shortage occupation jobs (currently including specialist nurses, teachers and social workers) exempt from the minimum settlement salary threshold of £35,000.

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<sup>30</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:083:0014:0021:EN:PDF>.

<sup>31</sup> <http://www.homeoffice.gov.uk/publications/immigration/employment-related-settlement/>

### **2.4.7 Extensions and switching**

Visitors cannot extend their stay beyond the maximum limit (6 or 12 months depending on category) and, in most cases, cannot switch to another visa category – they must leave the UK at the end of their visit. The exceptions include prospective entrepreneurs who can switch to Tier 1 Entrepreneur, prospective students who can switch to Tier 4, and sports and entertainer visitors who can switch to Tier 5 (creative and sporting).

Those with PBS Tier 1, Tier 2 or Tier 4 visas can extend their stay and can switch to another visa category, with the exception of Tier 1 post-study work visa holders, who cannot extend and must switch to another PBS category to stay in the UK.

The Government recently consulted on limiting Tier 1 exceptional talent and Tier 2 temporary leave at five years, after which the migrant would be expected either to apply successfully for settlement or to return home. The consultation results were published on the Home Office website in February 2012. The Government decided to leave Tier 1 arrangements as they were. Tier 2 migrants will be allowed to extend their temporary permission to stay in the UK up to maximum of six years.

From April 2011 there have been maximum limits on the length of stay for ICTs – one year for those paid between £24,000 and £40,000, and five years for those paid £40,000 or above.

In PBS Tier 4, students are granted visas for the length of their course. For study below degree level, this is limited to a maximum of three years. From April 2012, study at degree level will also be limited, to five years.

Tier 5 visas cannot be extended beyond a maximum stay of one or two years (depending on the category) and holders must leave the UK at the end of their visa or switch to another visa category. There is no right to settlement for Tier 5 visa holders and the time spent in the UK under any Tier 5 category will not count towards any settlement applied for in the future. The exceptions are overseas government employees and private servants in diplomatic households applying under the International Agreement sub-category, who are currently able to extend their stay up to a maximum of six years, with private servants able to apply for settlement after five years.

Migrants on non-PBS work visas (UK ancestry, ODWs, representatives of overseas businesses or Turkish ECAA) can extend their stay and they must be in the UK to apply for an extension. Those in the UK for five years through UK ancestry, ODWs and representatives of overseas businesses may be able to apply for settlement. Those in the UK through the ODWs route cannot switch (in-country) to another employment category.

# 3. Agreements with third countries

## 3.1 BILATERAL AND MULTILATERAL AGREEMENTS

The UK does not routinely enter into bilateral visa facilitation agreements and, as a non-Schengen state, does not participate in EU visa arrangements.

The UK has the following bilateral and multilateral agreements in place with respect to visas.

### 3.1.1 Medical Training Initiative (Points-Based System Tier 5)

The Medical Training Initiative (MTI) accommodates overseas postgraduate medical specialists to undertake a fixed period of training and experience in the UK for up to two years, normally within the National Health Service. The Academy of Royal Medical Colleges is the national sponsor of participants of the MTI scheme, and is responsible for the administration and monitoring of participants. The MTI visa category was established in 2006 and is now a licensed scheme within PBS Tier 5.

It is a strictly temporary route that seeks to promote circular migration so that participants return to their home country to apply the skills and knowledge developed during their time in the UK. This ensures the continued exchange of medical expertise and experience.

### 3.1.2 International Agreement (Points-Based System Tier 5)

The International Agreement sub-category of PBS Tier 5 covers employees of overseas governments; employees of international organisations; private servants in diplomatic households; and migrants who are working in the UK under the General Agreement on Trades in Services (GATS) or other international agreements. It was designed to honour the UK's commitments under GATS<sup>32</sup> and other similar trade agreements, as well as under the Vienna Convention on Diplomatic Relations (VCDR) 1961.<sup>33</sup>

The eligibility requirements, application process, and rules on extension, dependants and supplementary working are broadly similar across the Tier 5 sub-categories. In general, individuals entering the UK under the International Agreement sub-category have the right to work in the UK for a period of up to 24 months as specified in their visa.<sup>34</sup> Those whose job requires frequent cross-border travel can be granted a 'multiple entry certificate of sponsorship' by their sponsor. The sponsorship role is fulfilled by means appropriate to the specific agreement.

### 3.1.3 Youth Mobility Scheme (Points-Based System Tier 5)

The Youth Mobility Scheme is limited to young people from a list of Organisation for Economic and Cooperation Development (OECD) countries. Although individuals entering the UK under this scheme are permitted to spend part of their time working in the UK, the purpose of scheme is to broaden young people's horizons rather than representing an avenue to fill labour shortages. Participants are allowed to remain in the UK for up to two years. To ensure they return and to avoid overstaying, governments in countries and territories of origin are required to act as sponsors and there are no provisions for entrants to bring their spouse or dependants. Currently only Australia, Canada, Japan, Monaco, New Zealand and Taiwan participate.

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<sup>32</sup> [http://www.wto.org/english/docs\\_e/legal\\_e/26-gats\\_01\\_e.htm](http://www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm).

<sup>33</sup> [http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf).

<sup>34</sup> Overseas domestic workers (ODWs) in diplomatic households can currently stay for up to six years, and settle after five.

### **3.1.4 Turkish European Community Association Agreement business (Non-Points-Based System labour migration)**

The ECAA with Turkey aims to support Turkey's bid for membership of the EU by improving economic and social links between Turkey and the EU. An Association Council was established by the ECAA to oversee implementation.

### **3.1.5 Approved Destination Status Agreement with China (visitors)**

The Chinese Government controls the overseas travel of the vast majority of its citizens. This Memorandum of Understanding (MOU) on visa and related issues allows nationals of the People's Republic of China to enter the UK for a short visit of 30 days or less as a member of tourist group of 5 people or more. It also allows the UK to open a tourism office in China and promote travel to the UK.

## **3.2 PARTNERSHIP WORKING AND COOPERATION WITH THIRD COUNTRIES**

The UK pursues political and practical cooperation with partner countries to promote safe and well-managed migration and to tackle irregular migration to the UK. Examples of cooperation with respect to visas include the following.

- **Police referral programme.** The UK Border Agency has established a police referral programme in over 30 countries, where potential irregular migrants using false documentation to support visa applications or to board flights may be referred to local police or immigration authorities. This acts as a strong deterrent to potential irregular migrants.
- **Country planning programme.** The UK Border Agency uses a country planning approach to coordinate and drive delivery of cross-cutting migration issues in priority countries. This includes strategic oversight of a range of migration issues, including visas, returns and tackling immigration and customs crime. The country plans identify priorities and areas where the UK can work with international partners to meet key objectives.

# 4. Overview of visa procedures

## 4.1 APPLYING FOR A VISA

The UK Border Agency has over 250 visa application centres worldwide 101 of which are run by commercial partners VFS Global<sup>35</sup> and WorldBridge Service.<sup>36</sup> Visa applications are processed and decided by UK Border Agency staff. The commercial partners provide information, check (but not complete) visa applications and supporting documents, collect the visa fee and biometrics, enter data onto the casework system and submit the application to the decision-making post.

Visa applications should be:

- submitted online or in person (to the visa section or visa application centre) in the applicant's country;
- completed in English, or submitted with a certified translation;
- accompanied by original (translated) supporting documents (or certified copies) on official letter-headed paper or stationery, to demonstrate the applicant meets the requirements of the Immigration Rules; and
- supported by a sponsor licensed by the UK Border Agency and accompanied by a Certificate of Sponsorship (COS) – for applications under PBS Tiers 2 and 5 – or Confirmation of Acceptance for Study (CAS) – for applications under PBS Tier 4.

Applicants, save for those benefiting from a limited number of exemptions and exceptions, are required to provide biometric data (a ten-digit finger scan and a digital photograph).<sup>37</sup> The main exemptions are for those aged less than five years, certain diplomats, and government officials.

Details of the UK visa system, immigration controls and restrictions are available on the UK Border Agency website<sup>38</sup> and include a section specifically on visa information.<sup>39</sup>

### 4.1.1 Fees

Visa fees are regularly reviewed and are shown on the UK Border Agency website.<sup>40</sup>

Dependants are charged the same fee as the main applicant, unless stated otherwise. All dependants who are travelling must pay the fee whether or not they are included in the main applicant's passport.

A fee will be refunded only if the application is withdrawn in writing prior to any processing of the application and biometrics have not been taken, or if the applicant does not provide biometrics. Refunds will not be given if long-term visit visas are granted for less than the period applied for.

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35 <http://www.vfsglobal.com/Index.aspx>.

36 [https://www.visainfoservices.com/Pages/dest\\_org.aspx](https://www.visainfoservices.com/Pages/dest_org.aspx).

37 Under the provision of the Immigration (Provision of Physical Data) Regulation 2006, which came into force on 4 July 2006.

38 <http://www.ukba.homeoffice.gov.uk>.

39 <http://www.ukba.homeoffice.gov.uk/visas>.

40 <http://www.ukvisas.gov.uk/en/howtoapply/visafees/>.

## 4.2 EXAMINATION OF VISA APPLICATIONS

In most cases, Entry Clearance Officers (ECOs) make a decision based on the documents submitted with the visa application, immigration history, and background checks. If an ECO cannot make an immediate decision the applicant may be asked to attend an interview. This is done within 15 working days from the date the ECO assessed the application.

ECOs:

- may verify information contained in submitted documents by contacting the issuing authority;
- check the annual limit (for categories subject to this) has not been reached; and
- check each applicant meets the entry requirements for the visa applied for as set out in the Immigration Rules, for example, whether the applicant:
  - has the required number of points under the PBS;
  - has met the English language requirement;
  - has enough funds to support themselves and their activities in the UK;
  - has a valid relationship; or
  - has a valid COS or CAS.

ECOs are trained to spot false documents. Applicants who submit false documents, lie, or withhold relevant information will automatically be refused and have future applications refused for ten years.

PBS Tier 4 applicants must also show (from November 2011) that funds are held in a suitable financial institution. The UK Border Agency has published an initial list of financial institutions in some countries that do not satisfactorily verify financial statements<sup>41</sup> – and are hence not suitable.

From the end of October 2011 the UK National Health Service (NHS) has provided information to the UK Border Agency on outstanding payments for health care. Anyone owing the NHS £1,000 or more will not normally be granted permission to return to the UK until the debt is paid (UK Border Agency, 2011c).

A notice of refusal is sent to failed applicants that lists the reasons for refusal and explains the right to appeal.

Certain categories of visa application, including family visits and settlement, attract full rights of appeal. Applications in other categories attract limited rights of appeal if refused. For example, refused applicants for a visa under the PBS do not have a full right of appeal, but they can apply for an administrative review. An administrative review request notice and guidance notes are sent with the refusal notice.

More information on appeal rights and procedures are contained in Appendix C.

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41 Available at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/>

## 4.3 EXAMINATION ON ENTRY TO THE UK

The security of the UK border is a joint operation involving the work of several government agencies: the UK Border Agency, Ports Policing, and the Security Service (MI5). The strategic management of the UK border lies with the Home Office, which is responsible for immigration and passports, drugs policy, crime, counter-terrorism and the police, among other issues.

Border Force Officers (BFOs) examine those who arrive at the UK border to establish whether they require leave to enter and to grant, refuse, suspend or cancel leave to enter as appropriate. They also have powers to arrest immigration offenders.

The following checks are carried out on passengers of any nationality.

- Checking personal details against a central information system, which alerts the BFO if the passenger is perceived as a security threat or has any adverse immigration history (such as overstaying, working illegally, or being refused entry in the past).
- Checking documents by eye, to establish the passenger is the rightful holder and not travelling on a passport belonging to another person, or one that has been issued by a country other than the passenger's own.
- Checking documents have not been forged or tampered with.

The following checks may also be undertaken on non-EEA passengers.

- Asking passengers about various issues, including their reasons for seeking entry to the UK and their personal circumstances.
- Checking landing cards and other documents (for example, evidence of their reason for coming to the UK, letters from their sponsor or businesses they are visiting, schools they will study at and other documents they presented with their visa application).

For visa holders, the following additional checks are carried out.

- Checking the visa was genuine, was not obtained through deception, that the circumstances of the passenger still applied, or that the purpose for which the visa was granted had changed. This would be grounds to refuse entry.
- Where technology allows, checking biometrics (two fingerprint scans) with those held against their visa application.

Some additional checks are conducted before the passenger arrives at the UK border.

- Carriers check passengers' travel documents and visas prior to travel. Penalties are given to carriers that bring passengers to the UK who do not hold a valid passport and, if required, a visa. Carriers (or their agents) may be required to remove inadequately documented arrivals who travelled to the UK on their carrier and were refused leave to enter at the UK border. The cost of removal will normally fall on the carrier.
- Travel Document Information (TDI) and Other Passenger Information (OPI)<sup>42</sup> are checked through e-Borders against watchlists and targeting rules (on routes covered by e-Borders), and details of passengers who merit further scrutiny are provided to UK Border Agency staff and police officers.

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<sup>42</sup> Called, respectively, Advance Passenger Information and Passenger Name Records in EU acquis.



A BFO can hold a passenger for further questioning should they have any concerns, can institute a baggage search, or undertake a full case investigation.

Any decision to refuse leave to enter the UK must be authorised by a Chief Immigration Officer and the passenger given a written notice explaining the reasons they have been refused entry. Individuals refused leave to enter are encouraged to leave at the earliest opportunity.

Travellers to the UK who produce a false travel document or passport to the UK immigration authorities for themselves and/or their children are committing an offence and can face up to two years in prison or a fine (or both).

## **4.4 VISA PROCEDURES IN-COUNTRY**

### **4.4.1 Biometric Residence Permits**

Migrants who have come to the UK through a route that allows extension may apply for ‘further leave to remain’ (FLR). Applications to extend leave must be submitted to the UK Border Agency before the existing leave expires. The applicant’s existing immigration status continues until the FLR application is decided, even if the decision is not made until after the end of the applicant’s leave expires.

When applying to extend their stay in the UK, the following categories of migrants are required to apply for a biometric residence permit:

- any category of the PBS (including postgraduate doctors and dentists);
- representatives of an overseas business and sole representatives of an overseas firm;
- domestic workers in private households;
- migrants through the UK ancestry route;
- academic visitors (if they are applying to extend their stay in the UK to more than six months);
- visitors for private medical treatment;
- husbands, wives, civil partners, unmarried partners or same-sex partners of a British citizen or a person who has settled in the UK; and
- dependants of main applicants (over the age of six) in a category requiring a biometric residence permit.

Biometric residence permits contain biographic details (name, date of birth) and biometric information (fingerprints and facial image) and show the immigration status and entitlements of the holder. Applicants are able to enrol their biometrics at a number of biometric enrolment centres or at one of 17 Post Offices.

Biometric information is checked against a range of police and immigration databases, for example, to check the applicant is not: subject to a deportation order; an absconder from a detention centre or on bail; recorded under another identity; an illegal entrant or a failed asylum seeker.

#### 4.4.2 Revoking entry clearance

Any visit entry clearance can be revoked by an ECO under paragraph 30A of the Immigration Rules. Other categories of entry clearance can be revoked by an ECO if the leave has not been ‘activated’ by a BFO.

The grounds for revoking entry clearance are as follows.

- False (inaccurate) representations or material facts not disclosed for the purpose of obtaining entry clearance.
- A change of circumstances since the entry clearance was issued that has removed the basis of the holder’s claim to be admitted to the UK.<sup>43</sup>
- The holder’s exclusion from the UK would be conducive to the public good. This may be in the light of the person’s character, conduct, associations, criminal history, etc.

#### 4.5 EXIT

Some exit checks are already carried out through e-Borders. The UK Border Agency has committed to reintroducing exit checks for all passengers by 2015.

If a third country national has overstayed their permission to stay in the UK, breached their visa conditions, or entered the UK without legal documentation, it is the UK Border Agency’s role to remove them by voluntary or involuntary means. The UK Border Agency promotes the use of voluntary return schemes for third country nationals, as these are more dignified than an enforced return for those involved, and less costly for the Agency.

Those who are removed from the UK are subject to a re-entry ban. The length of the re-entry ban depends largely on the manner in which they left the UK.

- Those who leave the UK voluntarily at their own expense are subject to a one-year re-entry ban.
- Those who leave the UK voluntarily but at the expense of the UK, including those leaving under an Assisted Voluntary Return (AVR) scheme, are subject to a two- or five-year re-entry ban, depending on how soon they leave the UK.
- Those who leave the UK as the result of an enforced removal by the UK Border Agency are subject to a ten-year re-entry ban.
- Those who are removed from the UK as the subject of a deportation order are banned from entering the UK for as long as the order remains in force.

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<sup>43</sup> Except where the change of circumstances amounts solely to their exceeding the age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance. A non-exhaustive list could include: the withdrawal of an offer of employment; the withdrawal of sponsorship; the permanent departure of the sponsor from the UK. See: <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part8/children/>

# 5. Specific visa procedures for facilitating legal migration and preventing irregular migration

In addition to the procedures outlined in Section 4, specific operational visa procedures at different stages of the immigration process aim to strengthen the capacity of staff dealing with visa applications, to facilitate legal migration (by streamlining visa procedures) and prevent irregular migration.

Further details of the measures undertaken to reduce irregular migration to the UK, and information on their effectiveness and impact, can be found in Toms and Thorpe (2012).

## 5.1 APPLYING FOR A VISA

### 5.1.1 Guidelines

The UK Border Agency has integrated all its online information into one single site to provide improved quality of information for applicants. This provides easier access to information on legal migration to the UK to help facilitate migration for eligible individuals. The UK Border Agency website<sup>44</sup> was relaunched in 2011 with a new homepage and navigational structure to reflect the needs of the overseas audience.

Visa guidelines are updated following changes to visa policy and are published on the UK Border Agency website for reference by applicants, legal representatives, etc., as well as by UK Border Agency staff and officials (for example, Entry Clearance Officers (ECOs) and sponsor compliance officers).

### 5.1.2 Work in countries of origin

The UK Border Agency works with key overseas partners, such as the Foreign and Commonwealth Office (FCO), British Council, Visit Britain and UK Trade and Investment, to improve visa compliance by providing information to applicants in their country of origin. UK Border Agency overseas communication teams regularly attend student fairs and conferences with immigration agents to provide advice and guidance on visa requirements.

Information about legal immigration and the importance of complying with the UK Immigration Rules is provided through a range of channels. For example, a leaflet 'Your Stay in the UK' is available on the UK Border Agency website and provided in hard copy to successful visa applicants. By March 2012, 900,000 hard copy leaflets will have been distributed to visa holders. The leaflet provides advice for visa nationals about the terms of their visa and how to ensure they do not abuse them, as well as information about arriving at the UK border and what they are allowed to bring into the UK.

Television series looking at the work of the UK Border Agency such as 'UK Border Force', 'Nothing to Declare UK' and 'Smugglers' continue to be shown on television channels around the world. The programmes show how the UK Border Agency enforces immigration and customs rules, helping both to raise awareness of the rules and deter people from breaking them by demonstrating effective enforcement. Press releases in countries of origin also work towards the same aim, for example, highlighting detection of forged visas, enforcement activity, and 'myth-busting'.

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<sup>44</sup> <http://www.ukba.homeoffice.gov.uk>

### **5.1.3 Online applications**

The UK's online visa application system is called Visa4UK. Visa4UK currently handles around 60 to 65 per cent of all visa applications overseas. In most countries worldwide, Visa4UK can be used to apply for a UK visa over a secure internet connection. In many countries, it is also possible to pay the application fee and book an appointment at a visa application centre. The number of online visa applications has steadily increased since its introduction to more than 1.5 million in 2011 (up to September 2011).

### **5.1.4 Mobile biometric clinics**

The UK Border Agency has been pioneering the use of mobile enrolment centres in the Americas. This has extended biometric enrolment coverage to more remote locations previously not reached. It has also helped to retain coverage in existing locations that otherwise would have to be closed. Mobile biometric clinics have allowed the enrolment of biometrics in places like the Bahamas, the Cayman Islands and the east coast of Canada. It is beneficial for the applicant because it does away with the need to travel to enrolment centres in other nearby countries or cities.

### **5.1.5 Streamlining the visa application process for selected migrants**

- **Business Express Programme**

Pioneered in India, these programmes were created to provide accredited businesses and their employees with a number of service advantages, including less paperwork, priority processing of visa applications, and a dedicated service to respond to the needs of those within the programme. The UK Border Agency audits Business Express Programme (BEP) members to ensure they are complying with the rules and that companies undergo an annual health check (Vine, 2010).

BEP members are reported as being in favour of the programme and regarded it as working well. UK Border Agency staff working on BEP also felt there was little abuse of Tier 2 from BEP companies and worked closely with them so members knew the procedures and what they were required to submit (Vine, 2010).

- **Tier 4 students from low-risk countries or territories**

See Section 7.1 for details.

## **5.2 EXAMINATION OF VISA APPLICATIONS**

### **5.2.1 Training – Entry Clearance Officers**

All ECOs are required to successfully complete a three-week assessed training course before they are able to make decisions on entry clearance applications. The course enables officers to deal competently with entry clearance work. Emphasis is placed on developing assessment and drafting skills, and the ability to elicit and analyse the information required to reach fair and lawful decisions, in accordance with the 'Immigration Rules and Entry Clearance Guidance'.

## **5.2.2 Immigration Case Work programme**

The UK Border Agency will implement a new end-to-end, electronic Immigration Case Work (ICW) programme by 2014. The system will enable customers to complete and submit their application, make payments, book premium appointments (where the service is available) and check the progress of their application through a customer account online. The system will be driven by business and legal rules that will guide caseworkers through the decision-making process and ensure robust and consistent decisions are made.

## **5.2.3 Immigration and Asylum Biometric System**

The Immigration and Asylum Biometric System (IABS) is delivering biometric technology to replace the existing immigration and asylum fingerprint system. It is used to record, store and match biometric information from visa applicants, asylum seekers, individuals applying for biometric residence permits, and all fingerprints taken for immigration purposes. The system is used:

- to check if an individual is known to the UK Border Agency to help visa application decisions;
- to check identity and to check for multiple identities;
- to check if asylum applicants have entered another EU Member State before arrival in the UK;
- to check for multiple asylum applications, using multiple identities; and
- during embarkation operations to target people who are leaving the UK, to identify irregular migrants.

The biometric information is stored on a database in the UK and held strictly in accordance with UK legislation, including the Data Protection Act 1998. Biometric information may be shared with other foreign governments with the purpose of helping them and the UK Border Agency to perform their functions, and is kept for ten years.

## **5.2.4 Checks on non-Home Office/UK Border Agency databases**

Verification Plus (V+) uses data from across the UK Government held by Her Majesty's Revenue and Customs (HMRC), the Department for Work and Pensions (DWP) and the NHS to expand the range of checks available to visa officers overseas dealing with the highest-risk applications. It has improved the quality of visa decision-making and has been particularly useful in places where decision-making is usually very difficult.

## **5.3 EXAMINATION ON ENTRY TO THE UK**

### **5.3.1 Training – Border Force Officers**

On joining the UK Border Agency, Border Force Officers (BFOs) are assigned to a port of entry and undergo a six-week period of intensive training, covering all aspects of their new role. During this time, BFOs are instructed in the legislative framework, IT systems, and control desk duties (including how to check documents, interview passengers, establish credibility, conduct a baggage search, write up cases, and deal with asylum applications). Immediately after the training course, recruits start their posting at port and are allocated a mentor for the first four to six weeks. Mentors are usually experienced BFOs who provide guidance, support and advice to new members of the team. New recruits can also seek guidance from their line managers and duty Chief Immigration Officers.

Once they are in post, BFOs receive information on an ongoing basis, to assist them in their role. For example, they are notified about changes to immigration laws, rules, and procedures. They also receive intelligence reports and briefings about trends in immigration breaches and refusals.

### **5.3.2 Juxtaposed controls**

To help to prevent illegal entry, the UK has juxtaposed controls at points of departure in Belgium and France. This is where immigration (and other) controls are conducted by UK officials on Belgian and French territory, before the passenger leaves Belgium/France for the UK. These have been highly successful and instrumental in reducing illegal crossing of the Channel (see Toms and Thorpe, 2012).

### **5.3.3 e-Borders**

e-Borders facilitates the collection and processing of both Travel Document Information (TDI) and Other Passenger Information (OPI).<sup>45</sup> These details are automatically checked against watchlists and details of passengers who merit further scrutiny are provided to UK Border Agency staff and police officers.

In 2010–11 e-Borders alerts led to 2,800 arrests after details of 126 million passengers were checked against watchlists of suspects (known criminals, terror suspects and illegal migrants) (Home Office, 2011c). Since it was established in 2005 the e-Borders system has enabled more than 10,000 arrests for murder and rape, seizures of Class A drugs, and the refusal of entry to the UK for immigration offenders (facilitators of irregular migrants, inadequately documented arrivals, those using fraudulently obtained passports/visas) and overstayers. Travellers to the UK who produce a false travel document or passport to the UK immigration authorities are committing an offence. People found guilty of this offence face up to two years in prison, deportation, a fine or all three. See Toms and Thorpe (2012) for further information.

## **5.4 VISA PROCEDURES IN-COUNTRY**

### **5.4.1 Sponsor duties**

Applicants for Tiers 2, 4 and 5 of the PBS must have a sponsor. The sponsorship system puts the responsibility of checking that students and employees are complying with the Immigration Rules on educational institutions and employers. See Section 2.4.1.1 for more details.

## **5.5 CROSS-CUTTING MEASURES**

### **5.5.1 Risk and Liaison Overseas Network**

The UK has over 100 staff posted to 50 locations overseas as part of its Risk and Liaison Overseas Network (RALON). RALON staff have four key roles, all of which support the UK visa regime:

- improving visa decision quality by providing information about potential abuse and producing risk profiles that enable ECOs to prioritise checks on high-risk applications;

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<sup>45</sup> Called, respectively, Advance Passenger Information (API) and Passenger Name Records (PNRs) in EU acquis.

- working with airlines, other international liaison officers and overseas border authorities to prevent passengers who do not hold the correct travel documents – either a genuine passport or visa – from travelling to the UK. RALON staff offer a rolling programme of formal training for airline staff on UK passport and visa requirements, and on forgery awareness, and they provide advice on individual passengers. RALON staff have no legal powers overseas but act as document advisers. The airline or the local border authority makes the decision on whether to carry a passenger;
- supporting UK and overseas law enforcement partners to target criminal enterprises that attempt to circumvent UK border controls; and
- supporting the UK Border Agency intelligence operation (see Section 5.5.2) by providing information on overseas threats to the border.

### **5.5.2 Intelligence**

The security of the UK border is a joint operation involving the work of several government agencies: the UK Border Agency; Ports Policing; and the Security Service (MI5). These agencies work together to align more closely their respective work on disrupting and preventing smuggling and immigration crime, and to share intelligence. This enables the targeting of visa applicants and arriving passengers who may pose a security, immigration or criminal risk.

As outlined earlier, all visa applicants and people arriving at the UK border are checked against watchlists and other databases.

Some specific units and programmes have been set up to share information and intelligence within the UK and with international partners:

- UK Border Agency Intelligence and Visa Services groups cooperate to detect visa applications supported by forged documentation.
- The UK's Police Referral Programme cooperates with local law enforcement agencies to take action against those who present forged documentation. The programme operates in 33 countries. Last year over 3,500 cases were referred.
- Joint Operational Co-ordination Centre (JOCC) acts as the central point of contact for all agencies operating within Calais with access to shared information, which enables immediate communication on risks and threats.

# Part B: Changes in visa policy – impact of research and analysis

This section outlines how research and analysis have been informing changes in visa policy – both in terms of facilitating legal migration and preventing irregular migration. Evidence of visible impacts within available migration data is also explored, including evidence from a case study on the lifting and implementation of visit visa regimes.

## 6. Challenges and successes in developing visa policy to facilitate legal migration

Several studies examining migration to the UK have identified challenges for visa policy and fed into recent changes in visa policy. With regard to facilitating legal migration, the evidence has highlighted:

- the benefits of PBS for visa applicants, and aspects of the system that are useful to visa applicants (for example, online applications, provision of easier to understand information, user-friendly, transparent and fairer process);
- the challenges surrounding the use of PBS Tier 1 to facilitate entry to the UK of high-value migrants;
- the benefits of the PBS Tier 4 sponsorship regime (for educational institutions) for ensuring students are coming to study at bona fide educational institutions and are studying legitimate courses, as well as demonstrating the low risk that students from some countries represent, see Section 7.1; and
- the minimal immigration and crime risk posed by Taiwan passport holders, which has allowed the lifting of the visitor visa regime for Taiwan passport holders. Details of this are presented in the case study (Section 8).

### 6.1 ESTABLISHING HIGH LEVELS OF SATISFACTION WITH THE POINTS-BASED SYSTEM

Shortly after the introduction of the PBS, surveys of Tiers 1, 2 and 5 applicants, their sponsors and representatives, and UK Border Agency staff were conducted to explore how the PBS was being received by those using it in its early stages and to identify potential areas for improvement (Home Office, 2011d).

There was a high level of satisfaction with the PBS application and sponsorship processes across all of the groups surveyed. Applicants and sponsors generally agreed the PBS was meeting its objectives (easy to understand, open/transparent, user-friendly, efficient and fair). The PBS was perceived as better than the system by those who had come to the UK on an earlier occasion. One of the most favourable aspects of the application process for respondents to the survey was the points-based calculator, which helps applicants to check the number of points they have and their eligibility before applying. Being able to apply online was also viewed favourably and Tier 1 respondents expressed a preference for this. Tier 1 respondents generally felt they understood the process well before beginning their application, whereas Tier 5 respondents were split between feeling the PBS was easier to understand and thinking it was less easy to understand than the previous system.

#### 6.1.1 Impacts on visa policy

There was little evidence from these surveys to suggest the PBS itself encouraged migrants to apply; most applicants stated they would have applied anyway. However, the study demonstrated the PBS generally made the visa process for applicants easier to understand, transparent, user-friendly and efficient and fair. This helps to facilitate the entry of those migrants who are eligible to come to the UK.



The positive response from sponsors also indicates the UK Border Agency is striking a balance in ensuring compliance activities are undertaken by sponsors, but the activities are not too complicated or lengthy, and inadvertently preventing sponsors from hiring workers needed from overseas.

The favourable response to being able to apply online also boosted the UK's move to an online visa application system.

The importance of ensuring potential applicants and sponsors understand and comply with UK Border Agency requirements is evident in further changes being made to facilitate legal migration. For example, the consolidation of information on visas into a single UK Border Agency website and the distribution of the leaflet 'Your Stay in the UK' to successful visa applicants (the leaflet is also available on the UK Border Agency website).

## **6.2 USING TIER 1 OF THE POINTS-BASED SYSTEM TO FACILITATE ENTRY OF HIGH-VALUE MIGRANTS**

A study of migrants who had entered the UK through PBS Tier 1 was conducted in June 2010 to look at the jobs these migrants had obtained and were doing in the UK (UK Border Agency, 2010a). The study found that of the 1,184 records analysed (compared with almost 19,000 Tier 1 visas issued during the year 2009) a sizeable proportion of the cases (29% or 347 individuals) were employed in unskilled roles that would neither satisfy the earnings threshold to warrant an extension under Tier 1 (General) nor meet the Tier 2 (sponsored employment) requirements. Unskilled employment included roles such as shop assistants, security guards, supermarket cashiers and care assistants. All 347 'unskilled' visa holders fell within the Tier 1 (General) and Tier 1 (Post-study work) sub-categories.

It was not clear whether these migrants were entering the UK deliberately to take up low-skilled jobs or whether they were unable to take up high-skilled employment once they were here (for example, if employers did not recognise their qualifications). However, the study raised concerns that the route was being used as a means to enter the low-skilled jobs market and that some highly-skilled migrants were not being effectively utilised in the UK labour market.

### **6.2.1 Impacts on visa policy**

In November 2010 it was announced that PBS Tier 1 would be restricted to all but entrepreneurs, investors and people of exceptional talent to ensure the route is being used only for high-value migrants. Tier 1 (General) was closed in April 2011 and the post-study work sub-category will be closed from April 2012. Migrants who could previously apply under Tier 1 may now apply under Tier 2, requiring them to have a sponsor. This helps to ensure skilled migrants are filling jobs the resident and EU labour force cannot fill and that best use is being made of migrants' skills. Feedback from some employers was they would rather have Tier 2 demand-led migration than Tier 1 supply-led migration (Migration Advisory Committee, 2010). In addition, this change is expected to contribute to a reduction in the overall level of net migration and to ensure that those who come to the UK represent 'the brightest and the best'.

For changes to the **Tier 4 sponsorship regime** and the **lifting of the visitor visa regime** see Sections 7.1.1 and 8.2 respectively.

# 7. Challenges and successes in developing visa policy to prevent irregular migration

Research and analysis have also highlighted areas of potential abuse in the migration system. With regard to preventing irregular migration studies have identified:

- the high immigration and crime risk posed by nationals from some countries without a visitor visa regime. Details of this are presented in the case study (Section 8);
- abuse of the student route, by students and educational institutions;
- abuse of the family migration route;
- the use of temporary migration routes to gain permanent residency; and
- how operational processes can help to prevent irregular migration.

In most areas it is still too soon to assess the effects of these changes, but impacts noted so far are outlined below. Discussion of other measures undertaken to reduce irregular migration to the UK, and information on their effectiveness and impact, can be found in Toms and Thorpe (2012).

## 7.1 IDENTIFYING ABUSE OF THE STUDENT ROUTE (POINTS-BASED SYSTEM TIER 4)

A number of analyses have been conducted looking at student migration through the PBS Tier 4 to increase understanding of migration through this route and to try to prevent abuse.

In 2010 a study of over 5,500 students at privately and publicly funded institutions found compliance<sup>46</sup> was lower for students at private institutions than at public institutions (Home Office, 2010a; UK Border Agency, 2010b). In a separate analysis of a random sample of 1,000 students at private institutions, attendance rates at private institutions were found to vary by nationality, between institutions, and by visa length (UK Border Agency, 2011d).

- Non-attendance rates for Pakistani and Indian students in the sample were the highest. These nationalities also had the greatest numbers of students studying at private institutions. Students from the USA were the lowest risk, with all 82 students in the study attending their course.
- Levels of non-attendance also varied widely from one college to another. One college reported that 51 per cent of the 57 students from the sample were not in attendance, while others reported 100 per cent attendance rates.
- The non-attendance rate for two- to three-year visas was greater than for shorter length visas, and also greater than the relatively small number of visas for more than three years in this study.

Management information for PBS Tier 4 also highlighted the high forgery detection rates and port refusal rates for Tier 4 visa holders (UK Border Agency, 2011d).

- Tier 4 applications were responsible for 41 per cent of all forgery detections in applications for visas made in 2010, compared with 27 per cent for visit visas, and 3 per cent for Tier 1. This represented a total of just over 10,500 forgeries detected, which equates to just fewer than 4 per cent of all Tier 4 applications.<sup>47</sup> The vast majority of forgeries related to supporting documents, mainly bank statements submitted as evidence of funds.

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<sup>46</sup> A student was deemed non-compliant if there was no record of them leaving the UK and they did not have a valid reason to remain.

<sup>47</sup> It should be noted that not all documents are verified and the total number of forgeries submitted is not known.

- Tier 4 visa holders were responsible for 41 per cent of the 2,086 refusals at ports linked to visa holders in 2010. The next highest was 31 per cent, for visit visa holders; Tier 1, 2 and 5 visa holders were responsible for less than 1 per cent each (figures are for main applicants only in each case). Anecdotal evidence suggests that many Tier 4 visa holders refused entry at port are refused because the BFO determined they could not speak English to the standard required and the college had subsequently withdrawn their sponsorship.

### 7.1.1 Impacts on visa policy

A number of changes were introduced for PBS sponsors and students between April 2010 and November 2011, with further changes planned for 2012.

#### FOR SPONSORS

The register of sponsors, created at the launch of Tier 4 in 2009, reduced the number of institutions accredited to recruit international students by around one-half. This eliminated a large number of ‘colleges of concern’ found to be sponsoring students in the UK. Further policy tightening took place in 2010, and again in April and July 2011. Since then, over 400 colleges have lost their right to recruit international students after they failed to sign up for a more rigorous inspection system (UK Border Agency, 2011e). Further targeted UK Border Agency investigations into more than 115 colleges have led to 51 having their licences revoked. The investigations followed a spike in applications from South Asia just before the English language requirement rules were tightened in 2010. More than 4,500 applications to study were refused or withdrawn as a result of the inspection. Examples of bogus colleges included one that advertised classes even though its website said that it was shut for maintenance, while another could not produce a list of students enrolled, attendance records, or a timetable of classes.

Under the most recent reforms the sponsorship regime was tightened up, and the HTS category was made mandatory.

#### FOR STUDENTS

Changes already introduced for students include further restrictions on work and rights to bring dependants, and changes to English language requirements.

Areas for **facilitating student migration** emerged as a result of work on students. In July 2011 the application process for students who are nationals of 14 low-risk countries<sup>48</sup> and who are coming to study with an HTS was streamlined, providing a swifter turnaround time for the applicant and aiming to attract the ‘brightest and best’ students to the UK. These students will no longer routinely need to present original financial and educational documents, which will make the application process significantly easier for these applicants (Secretary of State for the Home Department, 2011).

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<sup>48</sup> Argentina; Australia; Brunei; Canada; Chile; Croatia; Hong Kong, Japan; New Zealand; Singapore; South Korea; Taiwan; Trinidad and Tobago, and the USA.

Nationals from the locations selected are non-visa nationals (so they do not require visas for visits of less than six months) and demonstrate:

- low levels of fraud and forgery in Tier 4 applications;
- high levels of student compliance; and
- low refusal rates both at the application stage and at the border.

The scheme will be reviewed annually to re-assess risks, respond to any abuse of the system that may have occurred, and to re-evaluate which countries are eligible.

The Asia-Pacific region, which has the largest number of locations benefiting from the policy, has had positive feedback across the spectrum from applicants, students' agents and government partners. Media coverage in the key student markets that benefit from this new policy has also been positive (UK Border Agency, 2011f).

In terms of **minimising abuse of the student migration route**, further changes were implemented.

PBS Tier 4 applicants must show that funds are held in a suitable financial institution. In November 2011 the UK Border Agency published an initial list of financial institutions in some countries that do not satisfactorily verify financial statements.<sup>49</sup> This aims to ensure that students hold the required maintenance funds to support themselves and pay for their course in the UK. The list will be kept under review and additions or deletions will be made as appropriate.

The following changes will be implemented in April 2012.

- All sponsors must have become an HTS to be able to sponsor students (see Section 2.4.1.1 for details of the Tier 4 sponsor requirements).
- Inspections and reviews of educational standards in private institutions offering further and higher education will be conducted by the bodies performing this function in the publicly funded sector, where the levels of immigration compliance have been higher. These will mainly be carried out by the Quality Assurance Agency and the Independent Schools Inspectorate.
- The time students can come to the UK will be limited to three years at lower levels, as now, and five years at higher levels. There will be exceptions for longer courses, such as medicine, veterinary science and PhD study.
- The amount of work that can be done on work placement courses for non-university students will be reduced from one-half study:one-half work to two-thirds study:one-third work.
- The post-study work route will be closed. From April 2012 only those who have an offer of a skilled graduate-level job from an employer that is licensed by the UK Border Agency will be allowed to stay. Post-study migrants must be paid at least £20,000 a year, or the appropriate rate for the occupation as set out in the relevant code of practice, whichever is higher.

Many of the changes to Tier 4 visa policy are recent and more are planned, so a comprehensive assessment of the impact of the policy changes has not yet been made. However, there is evidence that the reforms are having some success. For example, there has been a major reduction in the number of poorly completed applications

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49 The list of institutions can be found at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/>

from China since the Tier 4 student visa reforms were introduced, with around 60 per cent fewer applications from students wanting to study low-level language courses. This gives an initial indication that the reforms are working as intended, eliminating abuse and helping to prevent irregular migration to the UK.

## **7.2 IDENTIFYING POSSIBLE ABUSE OF THE FAMILY MIGRATION ROUTE**

Analysis of UK Border Agency management information and of visa application forms was undertaken to examine the scale and nature of family migration to the UK, and to provide information on the characteristics of family visa applicants and their sponsors. This analysis aimed to inform family migration policy, including policy to tackle sham<sup>50</sup> marriages (Home Office, 2011e; Achato et al., 2010).

The work included analysis of remarriages, where individuals who had gained settlement as a spouse of a British citizen went on to sponsor another migrant as their new spouse. The analysis looked at the time between these two events. It identified 719 cases in which a marriage visa was followed by settlement and then an application to sponsor a new spouse. In nearly one-half (47%) of these cases someone who had originally gained settlement as a spouse went on to sponsor another migrant as their new spouse within 3 years of gaining settlement. Around one-fifth (19% or 133 cases) appeared to sponsor a migrant spouse within 2 years of settlement and 34 cases (around 5%) within 1 year (Home Office, 2011e).

In addition, management information on ‘section 24’ reports<sup>51</sup> was used to provide a possible indication of sham marriage in the UK. There were 928 ‘section 24’ reports in 2010; 38 per cent of these reports involved sponsors who were British citizens, with 52 per cent being EEA nationals and 10% non-EEA nationals (Home Office, 2011e).

### **7.2.1 Impacts on visa policy**

A public consultation on changes to tackle sham and forced marriages and measures to ensure that family migrants can integrate into society and are not a burden on taxpayers, was launched on 13 July 2011 and closed on 6 October 2011 (UK Border Agency, 2011a). Results of the consultation exercise will be published on the UK Border Agency website, see Section 2.4.3.

The EMN is also conducting a short focused study in 2012 on family reunification and false declaration of parenthood, which will include a discussion of abuse of family migration routes.

## **7.3 IMPROVED UNDERSTANDING OF MIGRANT BEHAVIOUR**

In 2010 analysis of UK Border Agency administrative data was conducted to help to understand migration patterns through the immigration system. Although this was a study of legal migration it greatly improved understanding of migrant behaviour and helped to inform policy to ensure that temporary migration routes are not used to gain permanent residency in the UK. Data on grants of entry clearance (visas) were matched to data on grants of further leave to remain, to provide details of all types of leave granted to a migrant from the point

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50 Someone from outside the EU marrying someone from Europe solely to be allowed to stay in the UK long term with the right to work and claim benefits.

51 Used by marriage registration officers to notify the UK Border Agency if they believe a marriage they have been asked to officiate at may not be genuine.

that they received entry clearance until they were granted settlement, or their last recorded leave expired (Achato et al., 2010).

The aims of the ‘migrant journey’ analysis were to provide evidence on:

- the behaviour of migrants entering the UK immigration system in the major non-visit visa routes; and
- the common pathways through the immigration system that result in settlement.

The study examined the behaviour of two cohorts of migrants: those granted leave to enter the UK in 2004 and those granted settlement in 2009.

- Around 40 per cent of migrants in the work (leading to settlement) route in 2004 were still in the immigration system at the end of 2009. Of those with valid leave at the end of 2009, almost three-quarters had reached settlement, most obtaining this after the five-year qualifying period.
- The majority of migrants who entered the UK in the work (not leading to settlement) route in 2004 appeared to stay in the UK for a relatively short period of time. After 2 years, 84 per cent no longer had valid leave to remain in the UK. By the end of 2009 just over ten per cent still had valid leave, the majority having moved into the work (leading to settlement) route. Around three per cent of migrants who entered the UK in this route had obtained settlement by the end of 2009.
- After 2 years, 59 per cent of the migrants who entered the UK on a student visa in 2004 were no longer in the immigration system. At the end of 5 years almost 80 per cent no longer had valid leave to remain. Those who remained in the UK tended to have moved into the work (leading to settlement) route, were still students, or had changed into the family route (for marriage). Very few of these students (3%) had reached settlement after 5 years in the UK.
- The analysis of those granted settlement in 2009 found the largest proportion had entered the UK via the work (leading to settlement) route and the family route. The migrants in the 2009 cohort who entered the UK through a route that did not lead to settlement tended to move directly into one of the immigration categories with a route to settlement, before applying for permanent status.

More in-depth analysis included some case-file analysis (*ibid.*).

- Around 21 per cent of all students in the 2004 cohort still had valid visas after 5 years (including the 3% who had gained settlement). The top 5 countries within this group showed differing results with between 5 per cent and 47 per cent having either settled or valid leave five years after entry.
- The data did identify that 6 per cent of students (11,760 individuals) were still students 5 years after their initial visa grant in 2004. A random sample of 219 of these cases was analysed. The vast majority of the migrants in this sample appeared to progress through the education system. However, there was some evidence indicating a lack of progression or possibly prolonging a stay in the UK by continual study.
- The top countries for long-term students reflect the patterns reported in the country-specific analysis of end-of-year immigration status. Migrants from China and Pakistan tended to stay in the system longer, whereas students from Russia and the USA tended to leave the immigration system earlier. Notable differences were Bangladesh and Nigeria, which did not appear in the top five intakes via the student route in 2004, but were more prominent amongst this smaller number of long-term students.

### **7.3.1 Impacts on visa policy**

The two studies detailed above formed part of the evidence base behind several visa policy changes, such as abolishing the provisions under which those admitted as an ICT can qualify for settlement, and limiting the length of time that students can come to the UK. These are key aspects of the policy drive to limit net migration by promoting temporary over permanent migration.

## **7.4 CHANGES TO OPERATIONAL PROCEDURES – IMPROVING THE QUALITY OF VISA DECISIONS**

### **VERIFICATION PLUS**

Verification Plus (V+) uses data from across the UK Government joining up information from Her Majesty's Revenue and Customs (HMRC), DWP and the NHS about migrants and their sponsors, and expands the range of checks available to visa officers overseas dealing with the highest-risk applications.

### **BIOMETRICS**

Biometric technology uses unique physical identifiers, such as fingerprints and facial images, to fix identities to individuals. Every visa applicant is required to provide biometrics, which are then checked against a range of police and immigration databases (see Section 4). This enables the UK Border Agency to check a person against existing records and it is more difficult for individuals to use false identity documents when the document includes a unique biometric identifier.

### **RISK AND LIAISON OVERSEAS NETWORK**

RALON and UK visa sections are working together in regions of the world with high levels of irregular migration to the UK to eliminate abuse and to help prevent irregular migration to the UK (see Section 5.5).

### **7.4.1 Impacts on visa decisions**

These operational changes have improved the quality of visa decision-making at the visa application stage and on entry to the UK.

### **VERIFICATION PLUS**

The refusal rate using V+ was found to be higher than the average refusal rate for selected visa issuing posts and visa categories. But there was also evidence of lower than average refusal rates where checks positively verified the information provided by the applicant.

Through V+ the quality of decision-making for both visas granted as well as those refused has significantly improved and the appeal rate has declined. It was found that the additional checks conducted influenced the decision to refuse in 60 per cent of cases and influenced the decision to issue in 35 per cent of cases. Appeals rates during an exercise on settlement applications declined by around 53 per cent. Results of V+ have been most beneficial in those places where decision-making is usually very difficult (for example, South Asia and West Africa).

V+ is not just useful for the UK Border Agency, but also for other government departments. For example, it has facilitated the identification and collection of monies owed to the NHS from visa applicants who received NHS treatment to which they were not entitled (£840,000 between November 2010 and November 2011) and the identification of HMRC/DWP fraud being committed by UK sponsors of visa applicants.

## BIOMETRICS

Biometrics provide greater certainty around identity and mean ECOs and BFOs are not only able to make better decisions on refusing suspect applicants/entrants, but are also able to make quicker decisions for legitimate travellers. Since the rollout of biometric visas for overseas applicants in January 2008 (as at the end of October 2011):

- more than 10 million fingerprints have been collected overseas;
- more than 50,000 individuals overseas have been matched to biometrics taken in the UK in connection with previous asylum applications or other immigration matters; and
- more than 7,000 people who have 'swapped' biographical details have been detected.

On average around 1,200 applicants a year whose prints reveal a criminal record are refused entry to the UK.

The UK Border Agency has been issuing Biometric Residence Permits (BRPs) since November 2008 and has rolled these out to all in-country applicants extending their stay in the UK for more than six months under the PBS and a number of other categories, including spouses and partners. As the in-country rollout is completed in 2012, increasing numbers of non-EEA foreign nationals in the UK will be required to provide their fingerprints and digital facial image as part of their immigration application. Following the success of a pilot for third party enrolment services with the Post Office Ltd, the number of locations providing this service will be expanded. The Post Office Ltd was the successful bidder following the tendering process that followed the pilot. This indicates the success of the rollout of BRPs, as it incorporates biometrics as a standard identity management tool in-country, whilst not requiring major changes in infrastructure.

## RISK AND LIAISON OVERSEAS NETWORK

Working closely with visa teams RALON has improved the quality of visa decisions in high-risk regions, reduced the level of irregular migration to the UK, and helped to prevent abuse of vulnerable people looking for a better life in the UK. For example, a high proportion of visa applications received in Guangzhou (China) in 2010 (mainly in the student and visitor categories) were refused as investigations by RALON and visa teams showed that many were from people who were planning to work illegally in the UK.

The RALON team works closely with the UK Serious and Organised Crime Agency (SOCA), for example, on an on-going police referral programme that is helping to identify and tackle the criminal networks that facilitate illegal migration.

In 2010:

- staff detected over 27,000 visa applications that were supported by forged documentation. These included over 700 forged travel documents and over 26,500 cases of false supporting documents; and
- 15,800 airline staff and handling agents were trained in forgery awareness and document security to enhance forgery detection capabilities.



# 8. Case study: Developing visa policy to facilitate legal migration

## 8.1 A GLOBAL REVIEW OF SHORT-STAY VISA REGIMES

A global review of UK short-stay visit visa regimes was conducted between 2007 and 2009 and informed changes in the visa regimes for seven countries or territories. After their introduction, these changes were evaluated to assess their impact on visitor flows. In the case of Taiwan, where visit visa requirements were lifted, the evaluation clearly showed how visa policy can be used to facilitate legal migration. An overview of the visa waiver test (VWT) and the impact of the resulting visa regime changes is provided below, followed by a more detailed discussion of the situation for Taiwan.

### 8.1.1 Visa waiver test

The UK Border Agency, jointly with the Foreign and Commonwealth Office (FCO), conducted a global review of the UK's existing short-stay visitor visa regimes for all non-EEA countries and territories (Home Office, 2009). The aim of the test (the VWT) was to assess whether the UK's visitor visa regimes were aligned so that risks to the UK were minimised, while facilitating legitimate travel.

The VWT was designed to be a transparent and objective test for evaluating non-EEA countries, based on a range of risk factors. It was conducted in two stages. Stage one of the test involved a quantitative assessment of the risk posed to the UK by each country and territory on issues such as illegal immigration, crime and security. Stage two looked in more detail at the economic and political consequences of introducing or lifting visa regimes.

The test concluded that visitor visa regimes should be introduced for six countries or territories (Bolivia, Jamaica, Lesotho, South Africa, Swaziland and Venezuela (holders of non-biometric passports only) and lifted in Taiwan.

Reasons for the introduction of visa regimes included high levels of immigration abuse from nationals of some of the countries (for example, evidence of exploitation of the transit without visa concession to enter and remain in the UK illegally), poor border control and passport issuing processes and availability of forged or improper supporting documents, such as birth certificates and passports (Secretary of State for the Home Department, 2009).

Reasons for relaxing the visa regime for Taiwan passport-holders were general compliance with the Immigration Rules and minimal levels of immigration and crime risk (Home Office, 2009).

### 8.1.2 Impact on visa policy

Between March and July 2009 visa requirements for travel to the UK were changed for seven countries or territories. A requirement for visas for all those visiting the UK for less than six months was introduced for Bolivia, Lesotho, South Africa, Swaziland and Venezuela. This included tourist, business and family visits. For Venezuela, visitors with biometric passports issued since 2007 were allowed to continue to enter without a visa. For Bolivia, Jamaica, Lesotho, South Africa, Swaziland and Venezuela, the requirement for a transit visa for those wishing to pass through the UK was also introduced.

For Taiwan, the visit visa regime was lifted so visas were no longer required for visitors coming for less than six months and who did not intend to work in the UK.

### **8.1.3 Evaluating the changes**

An evaluation of the changes following the VWT examined the impact of imposing or lifting a visa regime on visitor volumes. The analysis suggested changing a visa regime has a significant impact on the volume of visitors coming to the UK from that country or territory.

The number of visitors from countries where a visa regime had been introduced declined. For the majority of countries the distribution between types of visitor did not change, indicating all visitor types were affected by the visa imposition. This was expected to have an impact on the UK tourism industry and carriers in the short term as fewer visitors come to and spend money in the UK. Over the long-run, however, it is expected that the economy will adjust and the impact will be minimal.

The impact of the lifting of the visa regime for Taiwan is discussed in more detail below and is the main focus of this case study.

## **8.2 FACILITATING LEGAL MIGRATION FROM TAIWAN**

### **8.2.1 Findings of the visa waiver test**

The VWT showed that Taiwan passport holders had very low levels of pre-, during- and post-entry immigration abuse; almost non-existent recorded criminal activity in the UK; and represented a low security threat to the UK. In addition, no major concerns about security of Taiwanese passports were raised from the test. This suggested that it may be suitable to lift the visa regime for Taiwan passport holders.

Evidence suggested there may be an increased economic benefit to the UK of lifting the regime, as it may increase the attractiveness of the UK as a destination of choice for business and might increase tourism from the region in the short term. For example, it was considered that tourists from Taiwan on a European tour may previously have been put off from visiting the UK due to the additional visa requirement.

### **8.2.2 Impact on visa policy for Taiwan**

As a result of the VWT the visa regime for visitors coming to the UK for less than six months who were holders of Taiwan passports was lifted in March 2009. The UK does not recognise Taiwan as a sovereign state and does not have full diplomatic relations with Taiwan so an informal protocol to lift the requirement for visitor visas was negotiated, which commenced in March 2009.

As well as increasing the attractiveness of the UK, the lifting of the regime allowed the UK Border Agency to focus more resources on higher-risk travellers and to target resources, for example, RALON) more effectively.

Visitors from Taiwan still need to be able to show border officials that they meet admission requirements and carry with them any necessary documentation to show the purpose of their visit. In addition, those whose passport does not contain a personal identification number still need to apply for a visa prior to travelling to the UK.

Following the lifting of the visa regime direct flights commenced between London and Taipei.

### 8.2.3 Evaluating the change

The number of passengers travelling to the UK holding Taiwan passports increased after the change in visa regime. The increase was primarily due to an increase in visitor numbers, mainly an increase in ‘ordinary’ (non-business) visitors, although there was also an increase in passengers coming to study (Table 1).

Table 1: Permissions to enter the UK by purpose of journey, Taiwan passport holders, 2004 to 2010<sup>1</sup>

Year	Total permissions to enter the UK	Employment	Study	Family	Visitors – total	Ordinary visitor	Business visitor	Other
2004	53,800	285	7,780	60	27,300	17,500	9,810	18,400
2005	52,700	215	7,040	75	26,900	17,800	9,090	18,400
2006	61,100	270	8,770	95	32,600	22,200	10,400	19,400
2007	58,400	335	6,610	100	31,300	22,300	8,990	20,100
2008	52,000	315	5,950	90	26,100	18,700	7,440	19,500
2009	80,900	480	6,960	75	54,200	46,700	7,450	19,200
2010	83,300	405	8,120	80	56,100	47,700	8,380	18,600

1. Data not available before 2004  
Source: Cooper and Mieske, 2010

An evaluation of the change in regime was conducted in March 2010 and again in September 2011 to look in more detail at changes in passenger flows to the UK following the change in visa regime (Cooper and Mieske, 2010; Cooper, 2011). The evaluation involved two methods – a time series analysis and a fixed effects modelling to check the robustness of the analysis.

The two analyses produced results of a similar order of magnitude and with a similar range of confidence intervals, suggesting that the estimates from the analysis were robust. The time series evaluation was updated in September 2011 and the findings are presented here.

Figure 1 shows the total passengers with Taiwan passports recorded as entering the UK in each quarter from January 2007 to April 2011.

There was a significant increase in visitor volumes from Taiwan passport holders after the visa regime was lifted in March 2009. The increase was smaller in the subsequent year. This may be due to the 2009/2010 period being artificially high due to pent up demand being met when the visa regime was lifted or may be related to a downturn in international travel as a result of the global recession – data from the Civil Aviation Authority (CAA) show that the overall volume of passengers travelling through UK airports has fallen in every year since 2007/08 (Civil Aviation Authority, 2011).

It was estimated that the volume of visitors increased by around 800 per month since March 2009.<sup>52</sup>

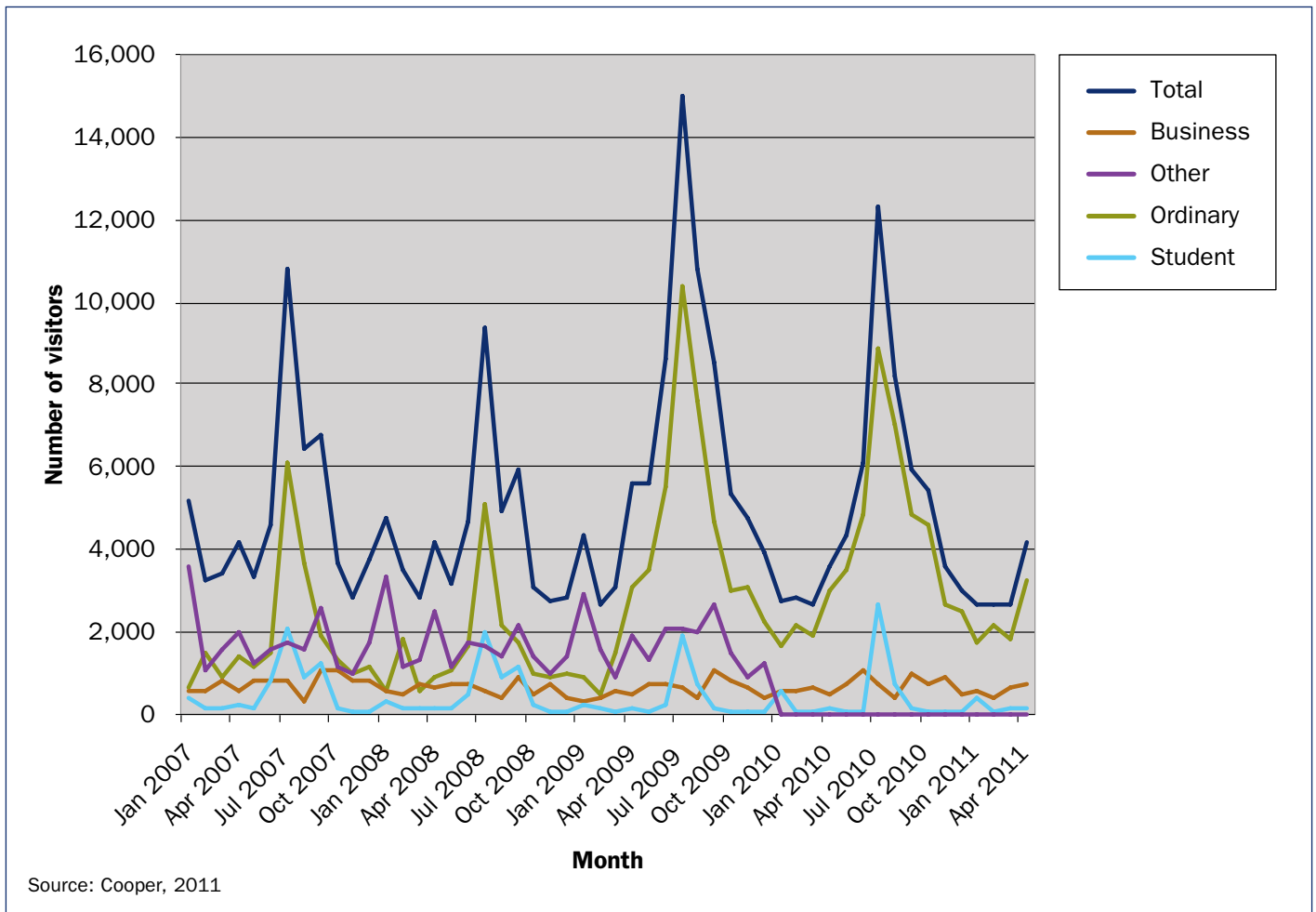
<sup>52</sup> These estimates have a 95 per cent confidence interval of between 500 and 1,100 additional visitors per month.

Although separate evaluations have not been undertaken, the data suggest there was very little change in the number of business and study visitor numbers when the visa regime was lifted. Almost all of the change seen was in ordinary visitors, suggesting a visit visa regime has a greater impact on tourist decisions than business decisions (Figure 1).

Analysis of the impact of the visa regime change on tourism expenditure was also conducted. Average expenditure for each visitor was calculated from the International Passenger Survey (IPS). The increase in visitors from Taiwan following the lifting of the visa regime was estimated to represent an additional £10 million per annum income from tourism and expenditure with airline carriers in the short term (based on an average spend in the UK of £1,058 per visit). However, it is expected that the economy will adjust and resources will be redeployed over the long term and consequentially no long-term impact on the UK economy is expected.

Another possible assessment of the regime change is to examine the numbers of Taiwan passport holders refused entry at the external UK border. However, the numbers are very small (85 refusals in 2010). The numbers did increase after the visa regime was lifted, but previously some cases would have been refused at the visa application stage rather than at the border so this is unlikely to indicate an increase in abuse of the route. The main reason for refusal was lack of sufficient funds for subsistence during their stay.

Figure 1: Taiwan passport-holder visitor volumes by type of visitor, January 2007 to April 2011



### 8.3 CONCLUSIONS

The change in visa regime had a significant impact on the volume of visitors from Taiwan to the UK and suggested a visit visa regime has a greater impact on tourist decisions than business decisions.

Since the change in regime the number of 'ordinary' visitors (that is not student or business visitors) to the UK from Taiwan has significantly increased. However, up until 2011 there has been very little change in business and study visitor numbers. Although it may be too early to have seen significant changes in business behaviour this suggests that a visa regime has a greater impact on tourist decisions than business decisions (Cooper and Mieske, 2010; Cooper, 2011).

Initial analysis of visitor data from countries where a visitor visa regime was imposed suggests imposing a visa regime reduced the number of travellers arriving in the UK. It is also expected that immigration abuse will have decreased following the introduction of new visa requirements. However, an assessment of immigration abuse was not carried out as part of this evaluation due to the significant time lag in enforcement data.

Although the lifting of the visa regime for Taiwan passport holders was based on an objective worldwide review of UK visa policy against strict criteria rather than a specific aim to increase visitors, it has demonstrated how visa policy can be used to facilitate, and increase, legal movements.

Following the change in the UK, New Zealand, the Schengen area and other EU Member States (Bulgaria, Cyprus, Ireland and Romania) have also lifted the visa regime for Taiwan passport holders visiting their countries.

# 9. Data and empirical evidence: Visa applications and issuance, passenger arrivals, border control and illegal immigration

## 9.1 VISA APPLICATIONS, ISSUANCES AND MIGRATION FLOWS

### 9.1.1 Applications and issuances

Between 2004 and 2010 the UK received around 2.5 million visa applications per year, with over 80 per cent of decisions resulting in a visa being issued (see Appendix D, Table D.1).

Entry clearance visas cover a range of permitted lengths of stay, which can be classified into three categories:

- ‘temporary’ whereby the applicant has met the requirements for admission to the UK (such as a visitor, student or temporary worker) and must renew the visa before it expires;
- ‘leading to settlement’ (for example, PBS Tiers 1 and 2, and pre-PBS equivalents) where at the end of a certain length of time, usually between two and five years, the applicant can make an application for ‘indefinite leave to remain’; and
- ‘settlement’, a visa permitting a person to remain indefinitely in the UK (for example, some family visas<sup>53</sup>).

In 2010 the UK issued 2.1 million (non-transit) visas to non-EU nationals, compared with 1.9 million in 2004 (see Appendix D, Table D.1). Whilst the total number of visas issued has fluctuated between 2004 and 2010 (around 2 million per year) the large majority (around 70%) continue to be issued to visitors (see Appendix D, Table D.2; Home Office, 2011e).

If the visas issued to visitors and transit passengers are excluded, the main reason that non-EU nationals were granted visas in 2004 was for work (42%); this compares with 27% in 2010. This fall mainly reflects the large increase (67%) in non-EU nationals being granted visas to study within the UK. In 2010, 56 per cent of visas issued were for study purpose compared with 36 per cent in 2004 (see Figure 2; Appendix D, Table D.2).

### 9.1.2 Passenger arrivals and residence permits

The trend in reasons why passengers enter the UK broadly matches the type of visa issued: there have been large increases in non-EEA nationals entering the UK to study (74%) and a decrease in those entering for employment (30%) (see Figure 3).

A significant proportion of the increase in those entering for study since 2007 is due to the rules surrounding the introduction of a new ‘student visitor’ category in September 2007 for students coming to the UK to study for less than six months.

The decrease in numbers entering for work reasons will be in part due to countries joining the EEA in May 2004 and January 2007. However, there have also been significant decreases in passengers arriving from Africa, Oceania and the ‘Remainder of Asia’ (Home Office, 2010b).

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53 For more information see the User Guide to Home Office Migration Statistics, available at: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/user-guide-immig-statistics?view=Binary>

Data supplied to Eurostat for residence permits, which concentrates upon individuals (rather than journeys), also showed that a greater proportion of third country nationals entered the UK to study as opposed to work between 2008 and 2010 (see Appendix D, Tables D.3 and D.4). However, such data<sup>54</sup> also show that there were over 50,000 changes to immigration permits in 2010, for example, individuals were able to change the broad reason for their permission to reside within the UK. The most common reason (74%) was individuals changing from education to remunerated activities (for example, work).

Figure 2: Total number of entry clearance visas issued between 2004 and 2010<sup>1</sup>

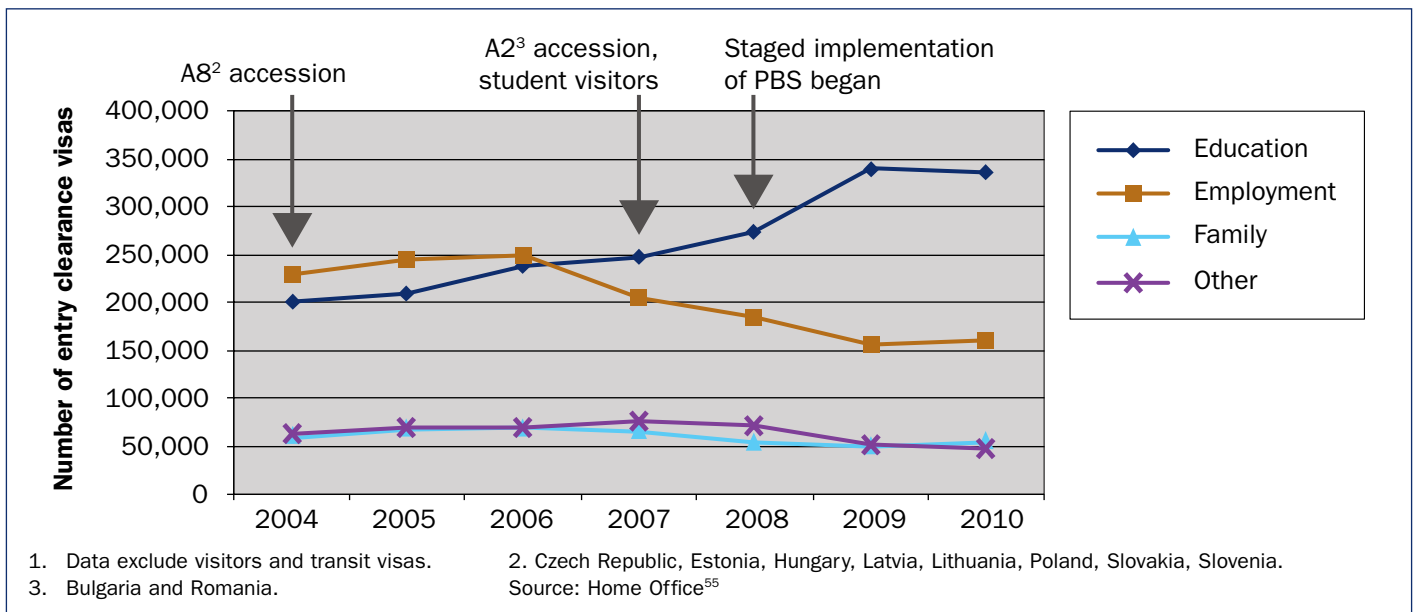
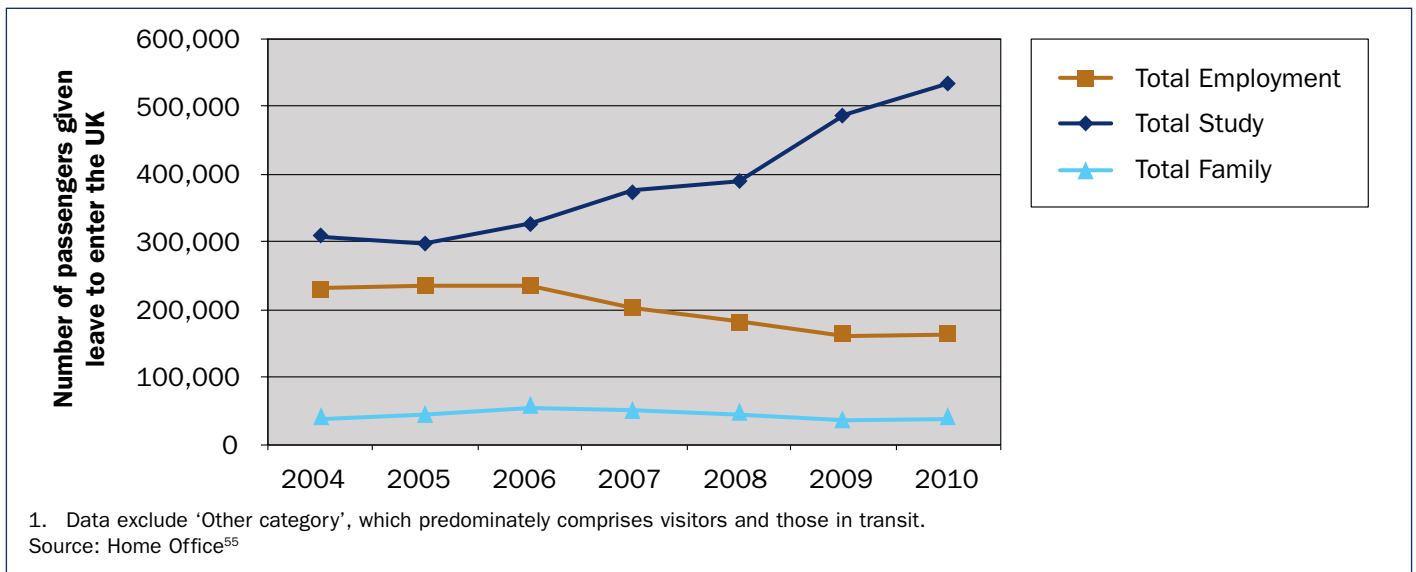


Figure 3: Total numbers of passengers given leave to enter the UK between 2004 and 2010



<sup>54</sup> Data supplied by the UK to Eurostat in June 2011.

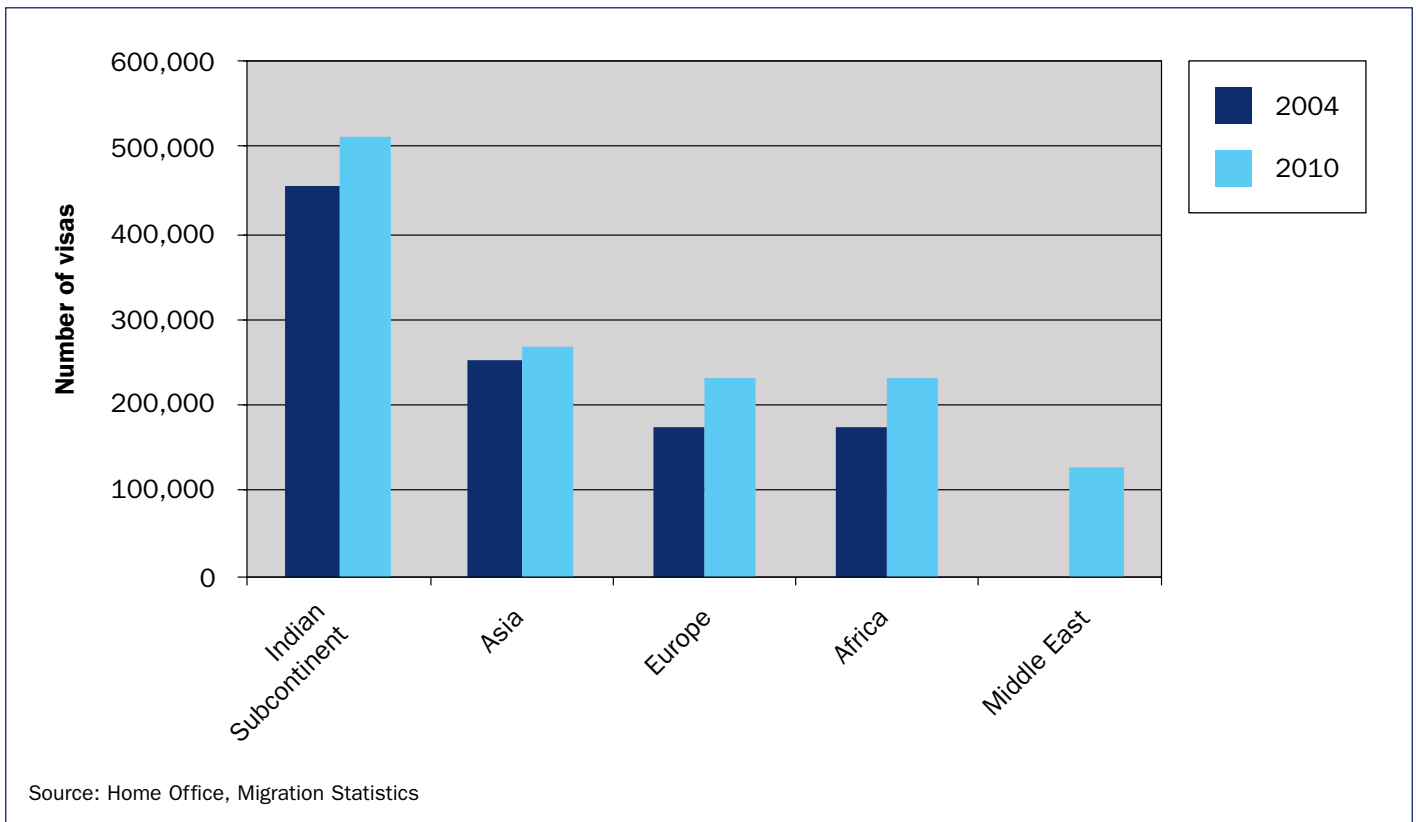
<sup>55</sup> For more information see Immigration Statistics (data tables) available at: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q2-2011v2/admissions-q2-11-tabs?view=Binary>

### 9.1.3 Nationality trends

In 2010 nationals from the top ten countries being issued visas made up 65 per cent of all visas issued by the UK, compared with 55 per cent in 2004. The top ten countries of citizenship for visas issued have remained relatively stable since 2004 (see Appendix D, Table D.5). The proportion of visas issued to nationals from the Indian subcontinent has decreased from its peak of 46 per cent in 2006 to 37 per cent in 2010. There has been an increase in nationals from the Middle East being issued visas from four per cent in 2005 to nine per cent in 2010, due to an increase in visitors. This may reflect recent historical, social and economic variables affecting migration between the UK and these countries, for example, relative economic growth, the cost of travel to the UK, and the development of business and tourist networks between the UK and these countries.

South Africa appears in the top ten for the first time in 2009, reflecting the introduction of a new visit visa regime (see Section 8).

Figure 4: Number of visas issued to nationals of the top ten countries, by broad groups of countries, 2004 and 2010





Nationals from Turkey, Saudi Arabia, Thailand and Kuwait appear within the top ten countries due to the large number of visas issued for visiting (see Appendix D, Table D.5). But, if ‘other visas’ (the majority of which are for visits) are excluded (see Table 2) these do not appear within the top ten countries for routes allowing longer stays, such as study, work or family. Rather, nationals from a variety of other countries account for a large proportion of visas issued within these categories. For instance, nationals from the USA appear across all three routes (study, work, family) and nationals from Australia and Canada appear within the top ten visas issued for work. This is likely to reflect a variety of reasons, for example, Americans, Australians and Canadians do not require a visa for visits if they come to the UK for less than six months and they are more likely than some other nationalities to come to the UK for work or study due to the shared language.

Nevertheless, nationals from the Indian subcontinent, especially India and Pakistan, continued to dominate all of these less temporary routes between 2004 and 2010.

## **9.2 RELATIONSHIP BETWEEN VISA POLICY, VISAS ISSUED AND MIGRATION FLOWS**

In general it is very difficult to measure and isolate the relationship between changes in visa policy, visas issued and migration flows, as impacts are often obscured or accentuated by other external factors. These factors can include:

- economic climate and labour market conditions, both in the UK and other countries;
- situational, environmental or political conditions driving migration in source countries;
- changes in operational activities within the UK Border Agency impacting on processing times and decision-making; and
- changes in the recording of administrative and statistical information within the Home Office and the UK Border Agency.

In some cases it is possible to see where visa policy and entitlement clearly influenced visa applications and issues. For instance, Nepalese nationals were the second most common nationality to be granted a visa under the family route in 2010. This is likely to reflect recent changes in the visa entitlement of such nationals and their dependants, as those who have served within the British armed forces are now entitled to apply to live or join family members within the UK (Table 2).

Table 2 Top ten numbers of visas issued, by country and reason, 2004 and 2010

**Top 10 non-EU nationalities – 2004**

Study			Work			Family		
1	China	23,298	1	India	40,017	1	Pakistan	9,078
2	India	19,414	2	Australia	31,158	2	India	5,450
3	Pakistan	13,650	3	South Africa	29,313	3	Somalia	3,293
4	Russia	10,295	4	Philippines	13,887	4	USA	3,005
5	Taiwan	9,490	5	USA	11,086	5	Zimbabwe	2,631
6	USA	9,082	6	New Zealand	8,989	6	Thailand	2,265
7	Japan	8,813	7	Ukraine	8,570	7	Bangladesh	1,941
8	Nigeria	8,125	8	Canada	7,304	8	Turkey	1,848
9	Korea (South)	7,680	9	Bulgaria	5,860	9	South Africa	1,659
10	Hong Kong	5,932	10	Russia	5,687	10	Australia	1,590
<b>115,779</b>			<b>161,871</b>			<b>32,760</b>		

**Top 10 non-EU nationalities – 2010**

Study			Work			Family		
1	India	52,741	1	India	53,860	1	Pakistan	6,700
2	China	51,672	2	Australia	17,899	2	Nepal	4,752
3	Pakistan	26,796	3	USA	14,975	3	India	4,673
4	Saudi Arabia	18,377	4	Philippines	7,855	4	USA	2,628
5	USA	15,340	5	Pakistan	6,685	5	Somalia	2,028
6	Nigeria	15,104	6	Canada	6,009	6	Philippines	1,945
7	Russia	11,379	7	New Zealand	5,832	7	Thailand	1,799
8	Turkey	10,824	8	China	5,132	8	Zimbabwe	1,792
9	Bangladesh	10,259	9	Japan	4,304	9	Bangladesh	1,703
10	Sri Lanka	9,543	10	Nigeria	3,930	10	Nigeria	1,490
<b>222,035</b>			<b>126,481</b>			<b>29,510</b>		

Source: Home Office

Further examples of this are evidenced in relation to the visa waiver test and changes in Taiwan (see Section 8). However, the statistical data display more complex changes that cannot solely be attributed to a specific change in policy.

For example, as described above, the number of employment visas issued has decreased as student visas have increased. The falls in the numbers of employment visas issued from 2006 may partly reflect changes to the working holidaymaker scheme, which became more restrictive in 2005. Recent falls in the numbers of employment visas issued may reflect the introduction of the PBS (from 2008) and displacement into other routes and the recent economic downturn. However, the accession of Bulgaria and Romania to the EU in 2007 also complicates the picture, as their visa requirements changed.

From September 2007 all students and prospective students intending to take employment or wishing to seek an extension of stay beyond their initial grant of leave were required to apply for entry clearance before travelling to the UK. This accounts for much of the increase in numbers in 2007. The increase in 2009 was largely driven by an increase in students from Asia (Home Office, 2011f). It is also possible that changes to the classification of different types of student (for example, student visitors and Tier 4 students) have impacted on the numbers.

Policy focus is now on understanding the large increase in the number of student visas issued more recently, with a view to preventing abuse of this route and ensuring that it is not being used to enter the UK for economic reasons.

The number of visas for settlement have fluctuated in recent years but are at much lower levels than between 2004 and 2006 (see Appendix D, Table D.2). Numbers are linked to the number of work visas (or other 'leading to settlement' route visas) issued and the number of people reaching the minimum time limit to apply for settlement. It is likely that numbers granted settlement in the future will reduce further, reflecting the more restrictive visa policy for routes eligible for settlement (predominantly migrants coming through Tier 1 and Tier 2, and family migrants), the reclassification of other routes as strictly temporary routes, and the recent changes to the rules around settlement (see Appendix B).

### **9.2.1 Operational changes**

The specification for this study suggested exploration of visas issued in accordance with overseas posts. For the UK, the majority of visas are issued by a small number of overseas posts, over one-half of which in 2010 were processed by the top ten posts, compared with just over one-third in 2004 (see Appendix D, Tables D.6 and D.7). However, changes in the number of applications processed within these posts is unlikely to reflect changes in the nationality or area from which migrants travel. The operational network for visa processing has changed significantly over the period 2004 to 2010, with decisions being taken at a decreasing number of processing centres. Apparent changes in volumes at specific posts are likely to be explained by changes to the local visa operational network. As a consequence posts do not necessarily reflect the country in which an applicant lives or where the application was initially lodged, as many posts act as central processing centres (applications are sent to these posts from smaller and/or more remote locations).

### 9.3 BORDER CONTROL AND ILLEGAL IMMIGRATION

Data on border control and illegal immigration are outlined below. Whilst it is evident, for example, that refusals at the border have decreased, it is very difficult to assess how visa policy changes alone contributed to this, and to preventing irregular migration more generally. This is largely because of the difficulties in measuring irregular migration itself. Visa policy changes are also unlikely to occur in isolation and will be influenced by a range of other practical measures to tackle irregular migration occurring at the same time, see Toms and Thorpe (2012) for further information.

- Individuals seeking to enter the UK are obliged to satisfy a BFO that they meet the relevant criteria for entry on arrival at a 'port of entry' (air, sea or land ports). A person who is initially refused entry may subsequently be detained or granted temporary admission to the UK. This may be due to: an outstanding asylum claim;
- an appeal against a refusal to enter; or
- allow travel arrangements to be made or removal directions to be set.<sup>56</sup>

In 2010, 16,805 third country nationals<sup>57</sup> were refused at the border (air, land or sea) compared with 23,640 in 2008 (a 30% reduction). This may reflect, in some part, the success of RALON which works to prevent inadequately documented passengers from leaving their country of origin for the UK.

In 2010, 97 per cent of refusals were to single individuals (16,365)<sup>58</sup> (Table 3). Overall, in 2010 the majority of nationals were refused at the air border (76%, 12,555) and the most common reasons for refusal were: 'no valid visa' (48%, 7,830) and 'no sufficient means of subsistence' (42%, 6,920). These were similar to previous years.

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<sup>56</sup> For more information see the User Guide to Home Office Migration Statistics, available at: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/user-guide-immig-statistics?view=Binary>.

<sup>57</sup> Data exclude the EU-27, EEA and European Free Trade Area (EFTA) nationals.

<sup>58</sup> Data as published by Eurostat are not directly comparable between 2008/09 and 2010. This is because from 2010 onwards data relate to individuals rather than incidents (as in 2008 and 2009). However, in 2010 only a small proportion of refusals related to multiple incidents (3%).

Table 3 Volumes of third country nationals refused entry to the UK in 2010, by type of border

Ground for refusal	Total persons refused entry	%	Type of border		
			Refused at the land border	Refused at the sea border	Refused at the air border
No valid visa or residence permit	7,830	48	755	1,000	6,075
No sufficient means of subsistence	6,920	42	585	695	5,640
No valid travel document(s)	1,215	7	150	570	490
Person considered to be a public threat	195	1	5	35	155
Purpose and conditions of stay not justified	110	1	10	0	105
An alert has been issued	90	1	0	5	85
<b>Total</b>	<b>16,365</b>		<b>1,510</b>	<b>2,305</b>	<b>12,555</b>

Source: Eurostat (Home Office)

Note: As the UK is not a Schengen state, it is not always possible to match the reasons why the UK refuses entry to the nine reasons identified under Schengen. For instance, the UK does not refuse entry due to a 'person having stayed three months in a six-month period' or 'a false residence permit' as these are not applicable to the UK immigration system.

In 2010 the top ten nationalities refused entry made up 53 per cent of all of third country nationals refused entry at the UK border, with citizens from the USA and Brazil being the two most common individual nationalities refused (13% and 10% respectively). Similarly, the top ten countries made up over one-half of all incidents of refusal in 2009 and 2008 (53% and 56%) (see Appendix D, Tables D.8 to D.11). Citizens from the USA and Brazil accounted for around one-quarter of third country nationals refused entry in 2009 and 2008 (28% and 25% respectively). However, US nationals (along with other non-visa nationalities) are less likely to require a visa to travel to the UK compared with nationals of some other countries (for example, those coming to the UK for less than six months). This will tend to increase the numbers refused at the border (rather than through the visa application process).

Between 2008 and 2010, the top ten countries made up over 60 per cent of all nationals apprehended in-country, that is, found to be illegally present after entering the UK and subsequently ordered to leave (see Appendix D, Tables D.12 and D.13). However, whilst some of the nationalities identified reflect the number of visas issued (for example, nationals of the Indian subcontinent and China are some of the most common nationalities that apply for, and are issued with, visas) other nationalities are less likely to apply. For instance, nationals from Afghanistan, Brazil, Iran, and Zimbabwe were within the top ten nationalities found to be illegally present in 2010. Whilst there are a variety of reasons for an individual to be apprehended and ordered to leave the UK, current data suggest around one-half in 2010 were classified as overstayers. The prevalence of such nationalities may therefore reflect wider issues, such as the stability of their countries or the route through which they entered the UK, rather than specific visa policies.

# 10. Effects of EU policy and legislation

Relevant EU measures the UK has opted-in to since 2001 are outlined in this section.

As discussed in Section 2.1, the UK does not participate in EU visa issues for third country nationals. Instead UK visas (and UK border control) are based on UK domestic legislation. However, EU policy, particularly in relation to free movement and labour market access, impacts at the national level.

## Passenger Name Records<sup>59</sup>

The UK (in May 2011) opted-in to the draft EU Directive on PNR<sup>60</sup>. This directive will require air carriers to pass on data about those they are carrying, and will provide the UK with better intelligence to fight terrorism and other serious crime. The EU Directive will provide an unequivocal legal framework at EU level for the collection and sharing of PNR data. The UK proposes to collect data only on high-risk routes, in order to ensure that the approach is proportionate, and will back stringent data protection requirements – with time limits on retaining information – to ensure that people’s rights are protected.

## Uniform format for passports and travel documents

There is an agreed uniform format for passports, travel documents and residence permits for third country nationals. The format of the visa is outlined in European Council (EC) Regulation No 1683/95, May 1995.<sup>61</sup> The regulation sets out technical specifications for elements that are clearly visible to the eye, and for elements that aim to prevent counterfeiting and fraud. The UK implemented the regulation on 9 September 1996. There was a subsequent amendment in 2004, which enabled an image to be included.

## Combating illegal immigration

The UK has also opted-in to some EU measures that aim to combat ‘illegal immigration’, including the Carriers Sanctions Directive (2001).<sup>62</sup>

### 10.1 EU BORDER MEASURES WITH A SECURITY DIMENSION

Although the UK does not participate in all aspects of Schengen, many of the UK’s visa policy measures are similar to the provision in the EU Directive. For example, those applying for visas to the UK are required to provide biometric data and these are checked against a range of police and immigration databases.

- The UK has challenged its legal exclusion from three EU border measures with a security dimension: the creation of Frontex (the EU’s external border agency);
- EU measures on biometric passports; and
- the decision allowing police services access to data in the EU Visa Information System.

However, the Court of Justice confirmed that the UK’s participation in new aspects of the Schengen system is in effect subject to prior approval of the other Member States regarding the UK’s participation in the

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<sup>59</sup> Called Other Passenger Information (OPI) in UK policy and legislation.

<sup>60</sup> [http://ec.europa.eu/home-affairs/news/intro/docs/com\\_2011\\_32\\_en.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/com_2011_32_en.pdf).

<sup>61</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995R1683:EN:HTML>.

<sup>62</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A32004L0082%3AEN%3AHTML>.

relevant rules on borders (Case C-77/05 ‘UK v Council’ 18 December 2007 and Case C-137/05 ‘UK v Council’ 18 December 2007; Riipma 2008; Case C-482/08, UK v Council 26 October 2010). In effect, the UK cannot expect to participate in border control/enforcement measures that are framed as ‘Schengen-building’ without adopting the underlying rules on border crossings first (Costello, 2011).

## 10.2 E-BORDERS

The UK continues to discuss the implementation of e-Borders and the collection of TDI<sup>63</sup> from EEA nationals with the European Commission. In 2009 the European Commission stated that e-Borders was compatible with EU legislation on data protection, but said that the UK needs to get the agreement of data protection agencies in all other EU Member States to transfer data.

The Commission also ruled that e-Borders was legally compatible with free movement. However, it said EEA nationals should only have to provide the data required by their carrier to make a booking (which could just be an initial and surname). This would not allow the full range of e-Borders’ advance watchlisting to take place. In addition, it stated the UK could not prevent EEA nationals travelling because they chose not to provide their TDI<sup>64</sup> and could not impose sanctions on EEA nationals if they travelled without doing so.

Impacts of e-Borders are outlined in Toms and Thorpe (2012).

## 10.3 IMPACT OF FREE MOVEMENT

Although the UK does not participate in EU visa issues, EU policy, particularly in relation to free movement and labour market access, impact at the national level. This report focuses on the relationship between visa policy and migration for non-EEA nationals. However, an issue beyond the scope of this report is the relationship between the movement of EU nationals within Europe and the setting of visa policy for non-EEA nationals.

As the EU expands (for example, the recent accession of Bulgaria and Romania) and considers further expansion (for example, Croatia) the UK needs to monitor any emerging migration issues or risks and to consider any amendments to immigration policy to ensure that migration continues to meet its needs. While the terms of accession may permit the application of transitional restrictions on nationals of new Member States, enlargement of the EU labour market and the principle of Community preference may equally argue for reducing or curtailing schemes that provide for the admission of non-EU migrant labour. Tier 3 (low-skilled work) of the PBS (low skilled work) has never been open given the ability of EU citizens to meet labour shortages at lower skill levels and there has been a raising of the skills threshold for migrants coming to fill job vacancies through PBS Tier 2 (General). The UK has also closed the SAWS and SBS to non-EU nationals, and has restricted these schemes to participants from Bulgaria and Romania only. Understanding better how EU nationals substitute for non-EEA nationals in the labour market and the impacts on visa policy could be explored further.

The risks also need to be considered. Changes to EU membership and free movement rights may result in new migration routes and patterns. The UK will monitor any such trends and work closely with its European partners to monitor the situation and propose solutions where appropriate.

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63 Called Advance Passenger Information in EU acquis.

64 Called Advance Passenger Information in EU acquis.

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# Appendix A: Nationals requiring a visa for entry to the UK, as listed in the Immigration Rules<sup>65</sup>

Afghanistan	Haiti
Albania	India
Algeria	Indonesia
Angola	Iran
Armenia	Iraq
Azerbaijan	Ivory Coast
Bahrain	Jamaica***
Bangladesh	Jordan
Belarus	Kazakhstan
Benin	Kenya
Bhutan	Korea (Dem. People's Rep.)
Bolivia**	Kosovo
Bosnia-Herzegovina	Kuwait
Burkina Faso	Kyrgyzstan
Burma (Myanmar)	Laos
Burundi	Lebanon
Cambodia	Lesotho*
Cameroon	Liberia
Cape Verde	Libya
Central African Republic	Macau (travel permit only)
Chad	Macedonia
China, People's Rep. of	Madagascar
Colombia	Malawi
Comoros	Mali
Congo, Dem. Rep. of	Mauritania
Congo, Rep. of	Moldova
Cuba	Mongolia
Cyprus, northern part of	Montenegro
Djibouti	Morocco
Dominican Republic	Mozambique
Ecuador	Nepal
Egypt	Niger
Equatorial Guinea	Nigeria
Eritrea	Occupied Palestinian Territories
Ethiopia	Oman
Fiji	Pakistan
Gabon	Peru
Gambia	Philippines
Georgia	Qatar
Ghana	Russia
Guinea	Rwanda
Guinea Bissau	Sao Tome & Principe
Guyana	Saudi Arabia

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65 Available at: <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/>

Senegal	Togo
Serbia	Tunisia
Sierra Leone	Turkey
Somalia	Turkmenistan
South Africa*	Uganda
Sri Lanka	Ukraine
Sudan	United Arab Emirates
Surinam	Uzbekistan
Swaziland*	Vatican City (Holy See Service and Temporary Service passport holders only)
Syria	Venezuela**
Tajikistan	Vietnam
Tanzania	Yemen
Taiwan – <b>but only if:</b> visiting for longer than six months; or intending to work; or passport does not include a personal identification number	Zambia
Thailand	Zimbabwe

\* Since 1 July 2009, nationals of Lesotho, South Africa and Swaziland need a visa to enter or transit through the UK.

\*\* Since 18 May 2009:

Nationals of Bolivia: Need a visa to enter or transit through the UK.

Nationals of Venezuela: Holders of the new Venezuelan biometric, machine-readable passports issued from 2007 will no longer require a visa to enter the UK for a visit lasting no more than six months, unless the category they are entering under requires a mandatory visa under the Immigration Rules.

Venezuelan nationals holding passports issued before 2007, which are not biometric, machine-readable, will still need a visa to enter the UK no matter which category of entry clearance they are apply for.

\*\*\*Since 3 March 2009, nationals of Jamaica need a visa to enter or transit through the UK.

# Appendix B: Other visa categories and additional requirements for settlement

## WORK VISAS (NON-POINTS-BASED SYSTEM)

- **Seasonal and Agricultural Work Scheme (SAWS) and Sectors-based Scheme (SBS).** These are strictly temporary labour migration schemes in the low-skilled sector. A progressive phasing out of non-EU participation in these schemes has been undertaken since EU enlargement in 2004 and participation is currently limited to Bulgarian and Romanian nationals only.
- **Overseas Domestic Workers (ODWs).** ODWs provide a personal service linked to the running of their employer's household, for example, chauffeurs, gardeners, cooks, nannies.
- **Representative of Overseas Business.** This visa allows applicants to undertake permit-free employment, for example, as a sole representative of an overseas company in the UK, a representative of an overseas newspaper, news agency and broadcasting organisation, and as a dependant of any of these workers.
- **Turkish European Community Association Agreement (ECAA) Business**<sup>66</sup> Turkish citizens who wish to establish themselves in business in the UK can apply to enter or stay through the ECAA with Turkey. Permission as Turkish ECAA businessperson is for 12 months and can then be extended. After four years as a business person Turkish citizens can apply for settlement.

A Turkish citizen who is already working legally in the UK can apply to extend their leave with reference to a decision by the Association Council of the ECAA. The first extension allows them a further extension with the same employer, a further extension allows them to remain in the same type of employment with a different employer if they wish, and the final extension allows full access to the labour market. Turkish citizens awarded this visa are not able to apply for settlement, but can apply for permission for their dependants to remain in the UK with them.

## VISIT VISAS

There are several categories of visitor visas.

- **General visitors.** For those coming to the UK as a tourist or to visit friends.
- **Family visitors.** For those coming to the UK to visit a family member.<sup>67</sup>
- **Business visitors.** For those coming to the UK for business, for example, to attend meetings or conferences; arrange deals, negotiate or sign trade agreements or contracts; undertake fact-finding missions, check details or goods; conduct site visits and promotional activities.
- **Business visitors – academic visitors.** A person on sabbatical leave from an overseas academic institution who wishes to make use of their leave to carry out research here (for example, to do research for a book) or an academic (including doctors) taking part in formal exchange arrangements with UK counterparts; or an eminent senior doctor or dentist coming to take part in research, teaching or clinical practice.
- **Business visitors – doctors** coming for Professional and Linguistic Assessment Board (PLAB) test.
- **Business visitors – doctors** undertaking clinical attachments, **dentists** undertaking clinical observer posts.
- **Business visitors – visiting professors** accompanying students undertaking study abroad programmes.

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<sup>66</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61997J0001:EN:HTML>

<sup>67</sup> Defined as: spouse, father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister, uncle, aunt, nephew, niece or first cousin; spouse's father, mother, brother or sister; the spouse of their son or daughter; stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister; or a person with whom they have lived as a member of an unmarried couple for at least two of the three years before the day on which the application for entry clearance was made.

- **Business visitors – religious workers.** This visa is for religious workers coming to the UK for a business visit (for example, to attend a conference) and to undertake some preaching or pastoral work during the visit.
- **Sports visitors.** A sports visitor is someone who is visiting UK to take part in a particular sporting event, tournament or series of events, including charity events and personal appearances, training. Individuals may also apply as a sports visitor if they are a member of the technical or support staff of amateur or professional sportspeople, and they are attending the UK with them for the same event or series of events; or an official attending the same event or series of events as the sports person, for example, as an umpire.
- **Entertainer visitors.** This is for an individual coming to the UK for major arts festivals, music competitions and charity events. Members of the technical or support staff of amateur or professional entertainers who are attending for the same event may also apply for this visa.
- **Special visitors.** The category of special visitors encompasses a number of groups.
  - Special visitors – visitors coming to get married or register a civil partnership.
  - Special visitors – visitors coming for private medical treatment.
  - Special visitors – parents of children at school in the UK.
  - Special visitors – child visitors. This is for child visitors travelling to the UK without an adult.
  - Special visitors – student visitors. This category is for those who wish to undertake a short course of study whilst visiting the UK, for example, a beginner’s English language course or a work-related training course.
  - Special visitors – prospective students. Prospective students may come to the UK for up to six months to complete their arrangements for their course of study.
  - Special visitors – prospective entrepreneurs. This visa category enables individuals who are in discussions with one or more Financial Services Authority (FSA)-registered venture capitalists<sup>68</sup> or UK government departments<sup>69</sup> to enter the UK to secure funding in order to join, set up or take over, and be actively involved in the running of, a business in the UK. This should enable prospective entrepreneurs to meet the financial criteria for the Tier 1 Entrepreneur route within six months.
- **Visitors under the UK/China Approved Destination Status (ADS) Agreement<sup>70</sup>.** For nationals of the People’s Republic of China who are visiting the UK for a period not exceeding 30 days and intend to enter, leave and travel within the territory of the UK as a member of a tourist group of five or more people under the ADS Memorandum of Understanding.

## EUROPEAN ECONOMIC AREA FAMILY PERMITS

An EEA family permit is for nationals of countries outside the EEA who are family members of EEA nationals. There is no application fee for an EEA family permit.

## UK ANCESTRY

A UK ancestry visa gives permission to stay and work for five years and is for those who are a Commonwealth citizen, have a grandparent who was born in the UK, the Channel Islands or the Isle of Man or have a grandparent who was born in what is now the Republic of Ireland before 31 March 1922.

<sup>68</sup> A definition for venture capitalists can be found on the Business Link website. Venture capitalists must be regulated as venture capitalists by the FSA. See FSA website.

<sup>69</sup> Please see Directgov website for information on UK government departments.

<sup>70</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:083:0014:0021:EN:PDF>.

## **RETURNING RESIDENTS**

People may return to the UK as a resident if they were settled in the UK when they last left, they have been away for two years or less, are returning to live here permanently and were not given public funds to pay the costs of leaving the UK. People who have been away for more than two years may still qualify to return to live in the UK if, for example, they have strong family ties here or have lived here most of their life.

## **ADDITIONAL REQUIREMENTS FOR SETTLEMENT**

There are some additional requirements for settlement for applicants in specific immigration categories.

### **Tier 1 Exceptional talent**

- The individual should still be economically active in their field of expertise.
- Their application for settlement should not be opposed by the designated competent body that endorsed their initial application.
- They must have spent all five years of the qualifying period in the Tier 1 (Exceptional talent) category, and not in any other immigration category.

### **Tier 2**

The sponsor who issued the certificate of sponsorship for the individual's current job must:

- certify in writing that they still need that person in the job; and
- confirm that they are paid at or above the appropriate rate for the job as stated in the codes of practice for Tier 2 sponsors.

The Migration Advisory Committee (MAC) have recently submitted a report to the Government suggesting a minimum annual pay threshold for Tier 1 and Tier 2 applicants for settlement (Migration Advisory Committee, 2011b) of between £31,000 and £49,000 per year. This is being considered by the Government.

### **ODWs**

To apply for settlement, domestic workers must have:

- been in the UK as a full-time domestic worker throughout the five years;
- have maintained and accommodated themselves and any dependants without the use of public funds; and
- must intend to continue as a domestic worker in the household of their current employer.



## **Representatives of an overseas business**

To qualify for settlement, they must:

- have permission to stay in the UK as a sole representative of an overseas business or as a representative of an overseas newspaper, news agency or broadcasting organisation;
- have maintained and accommodated themselves and any dependants without the use of public funds throughout the five years; and
- still be required for the employment for which they have had permission to stay in the UK, as certified by their employer.

The majority of applicants who apply for settlement in the UK need to demonstrate their knowledge of language and life in the UK. In addition, applicants need to be clear of unspent convictions when they apply for settlement. Tier 1 (General) migrants must meet the same income criteria that applied when they last extended their permission to stay in the UK<sup>71</sup> and migrants who have been in Tier 2 (General) or Tier 2 (ICT), or who have held work permits, must be being paid the appropriate rate as stated in the UK Border Agency codes of practice.

In specific circumstances settlement may be ceased or invalidated, for example, if a fraudulent application is uncovered, if the person resides outside of the UK for more than two years, or as a result of a criminal conviction that results in a Deportation Order coming into force.

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<sup>71</sup> Tier 1 (General) closed to new applicants in April 2011 so this applies to entrants through this route prior to this.

# Appendix C: Appeal rights and processes

Certain categories of visa application, including family visits and settlement, attract full rights of appeal if refused. Applications for visas to enter the UK in other categories attract limited rights of appeal if refused.

Appeal rights are set out in the applicant's notice of refusal. From 19 December 2011 there is a charge for lodging an appeal – £140 for an oral hearing and £80 for a determination on the papers. If the appeal is allowed the Judge has the power to award costs against the UK Border Agency up to the amount of the fee paid.

The deadline to appeal is 28 calendar days from the date the applicant receives their Notice of Decision. An applicant who wishes to appeal must submit a notice of appeal (form IAFT-1) and any supporting documents to the First-tier Tribunal (Immigration and Asylum Chamber [IAC]).

Appeals are determined in the UK by an Immigration Judge appointed by the Lord Chancellor. When the IAC receives an appeal it sends a Notice of Receipt to the visa section that refused the application. An Entry Clearance Manager (ECM) at the visa section reviews the decision in light of the Notice of Appeal and any supporting documents. If the ECM is then satisfied that the application meets the Immigration Rules, the original decision may be overturned and entry clearance issued.

If the ECM does not overturn the decision, an Entry Clearance Officer (ECO) will write a statement to explain why the ECM decided to uphold the decision to refuse the application. This will be sent to the IAC within 20 working days for non-settlement cases and family visit cases. For settlement cases, the papers will be prepared and sent within 90 working days. These timings exclude postage and times to or from the visa section.

The IAC will then set the appeal down for oral hearing or determination on the papers and send copies of all the relevant papers, including the ECO's written statement and supporting documents, to the Home Office and to the appellant and their representative or sponsor. An Immigration Judge hears the appeal and considers the evidence sent in by the appellant or their representative, as well as by the ECO to determine the appeal on the individual details of the case in line with the Immigration Rules. If the appeal is set down for an oral hearing the Judge may hear oral evidence and oral submissions on behalf of the parties to the appeal. The Immigration Judge has ten days after the hearing or determination on the papers to inform the parties to the appeal of their decision.

If the appeal is allowed the determination will be sent to the relevant visa section, which will in turn contact the applicants. It can take up to four weeks for allowed determinations to reach the relevant visa section and a further eight weeks to process the determination.

An applicant can challenge a decision made by the First-tier Tribunal by applying to the Upper Tribunal if they consider that the First Tier Tribunal has made a material error in law. The UK Border Agency may also similarly apply to the Upper Tribunal to challenge a First-tier Tribunal decision.

If an appeal has been considered by the Upper Tribunal it may be possible to challenge the decision by applying for permission to appeal to the Court of Appeal on the basis that the Upper Tribunal made a material error in law.

The UK Border Agency has an Allowed Appeals Customer Service Standard, and aims to conclude 90 per cent of all applications where the appeal has been allowed by an Immigration Judge, no more than eight weeks from the date when the visa section that processed the application received the official copy of the determination from the UK Border Agency.

# Appendix D: Statistical data

## DATA ON ENTRY CLEARANCE VISAS ISSUED

The UK is not a Schengen state and therefore data on visas issued by the UK are not directly comparable with data on visas issued by other EU Member States. The UK can separately identify visas issued for transit (Type A). However, all other visas issued are placed with Type D (that is, longer than six months) in the statistical tables included in the report. This is because entry clearance visas issued by the UK are valid for a variety of time periods and the UK is currently unable to provide a reliable breakdown of the length of time a visa is issued for – that is, to match the Schengen visa's length or purpose.

The data represent the number of visas issued. Not all applicants who are granted a visa will attempt to enter the UK.

## DATA ON MIGRATION FLOWS

In order to estimate the number of passengers who enter the UK, passenger arrivals (permission to enter) data are used. Passenger arrival data are derived from landing cards presented to Border Force Officers (BFOs)<sup>72</sup> at the border crossing point by non- European Economic Area (EEA) nationals.<sup>73</sup> Landing card data count journeys made. Therefore a person who makes more than one journey is counted on each occasion.

## RESIDENCE PERMITS

Unlike many countries within the EU, the UK does not issue residence permits.<sup>74</sup> Such permits would comprise all initial permissions granted for an individual to reside within a country for at least three months and would exclude visitors. Whilst the UK does provide estimates of 'residence permits' for third country nationals who are granted permission to reside in the UK by reason (see Appendix D, Table D.3), the UK system is actually designed to count decisions rather than the movement or residence of individuals. As a consequence, UK passenger arrivals (permissions to enter) are used to count the total numbers of passengers who enter the UK.<sup>75</sup> Data on migrants who 'switch' their migration status or reason for staying in the UK are also included in 'residence permit' data.

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72 BFOs are also sometimes referred to as Immigration Officers (IOs).

73 The number of passenger arrivals derived from landing cards exclude non-EEA nationals, passengers who enter as members of HM and NATO forces, officers or members of the crew of ships, aircraft or Channel Tunnel trains; those who land briefly in the UK in transit without passing through immigration control and any passengers who enter the UK from other parts of the Common Travel Area (comprises the UK, the Channel Islands, the Isle of Man and the Republic of Ireland) as these groups are not required to complete a landing card. Total passenger arrivals can be derived from the count of those arriving at ports, submitted to the Home Office by the port authorities.

74 As defined by the Migratory Statistics Regulation EC No 862/2007.

75 For more information see the User Guide to Home Office Migration Statistics (Admissions), available at: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/user-guide-immig-statistics?view=Binary>.

Table D.1: Total number of visas issued, by type and year<sup>1, 5-8</sup>

		Total A (Transit) <sup>2</sup>	Total C (short-stay, up to 3 months) <sup>3</sup>	Total D (more than 3 months in a 12-month period) <sup>4</sup>	Total D (less than 6 months)	Total D (6 to 12 months)	Total D (more than 12 months)
<b>2004</b>	Applied	67,493	n/a	2,440,352	:	:	:
	Issued	61,984	n/a	1,926,089	:	:	:
	Rejected	3,421	n/a	415,735	:	:	:
	Withdrawn	870	n/a	21,157	:	:	:
<b>2005</b>	Applied	60,271	n/a	2,512,332	:	:	:
	Issued	54,756	n/a	2,018,808	:	:	:
	Rejected	4,226	n/a	455,196	:	:	:
	Withdrawn	695	n/a	19,236	:	:	:
<b>2006</b>	Applied	59,992	n/a	2,684,987	:	:	:
	Issued	53,743	n/a	2,187,492	:	:	:
	Rejected	5,103	n/a	474,467	:	:	:
	Withdrawn	643	n/a	13,648	:	:	:
<b>2007</b>	Applied	45,441	n/a	2,504,565	:	:	:
	Issued	40,236	n/a	2,030,680	:	:	:
	Rejected	4,348	n/a	465,457	:	:	:
	Withdrawn	734	n/a	12,628	:	:	:
<b>2008</b>	Applied	36,518	n/a	2,402,408	:	:	:
	Issued	32,511	n/a	1,920,850	:	:	:
	Rejected	3,180	n/a	425,641	:	:	:
	Withdrawn	566	n/a	13,493	:	:	:
<b>2009</b>	Applied	36,339	n/a	2,409,969	:	:	:
	Issued	32,299	n/a	1,962,321	:	:	:
	Rejected	3,352	n/a	425,425	:	:	:
	Withdrawn	605	n/a	17,794	:	:	:
<b>2010</b>	Applied	32,153	n/a	2,497,084	:	:	:
	Issued	28,952	n/a	2,115,227	:	:	:
	Rejected	2,576	n/a	388,683	:	:	:
	Withdrawn	458	n/a	25,958	:	:	:

Source: Home Office – Entry Clearance Visas

: Data not available

Notes:

1. While European Economic Area (EEA) nationals are not required to hold visas, the UK visa data contain some applications from and issues of visas to EU, EEA and Swiss nationals. This table excludes the EU-25, and Bulgarian and Romanian nationals are excluded from 2007 onwards (following accession).
2. This includes third country nationals in transit within the UK (other visitors are excluded).
3. The UK does not issue visas for only up to three months
4. Although entry clearance visas issued by the UK are valid for a variety of time periods, a proportion can have a range of lengths of stay attached to them. Therefore, the UK is currently unable to provide a reliable breakdown of the length of time a visa is issued for to match visas as defined by Schengen Member States.
5. Data extracted in April 2011 and are comparable with data included in Control of Immigration: Quarterly Statistical Summary, UK (Quarter 1, 2011). However, such statistics are a snapshot of the data at a particular point in time and are subject to revisions over time, for example, due to late-entered data and data cleansing exercises.
6. Due to a change of database in 2004, comparable data are not available prior to 2004.
7. Data include main applicants and dependants.
8. Figures for number of applications, issue of, withdrawal and rejection of entry clearance visas reflect the year in which these took place. Total number of applications will not match total number of decisions within each year.

Table D.2: Total D visas (more than 3 months in a 12-month period)<sup>1</sup>, issued by reason<sup>2-4</sup>

	<b>Total</b>	<b>Education</b>	<b>Employment</b>	<b>Family</b>	<b>Other reasons: Total</b>	<i>Other reasons: Settlement</i>	<i>Other reasons: Other temporary</i>	<i>Other reasons: Visitors</i>	<i>Other reasons: Dependants joining/ accompanying</i>	<i>Other reasons: Humanitarian/ international protection reasons</i>
<b>2004</b>	1,926,089	200,956	229,290	57,993	1,437,850	8,166	29,345	1,374,714	25,515	110
<b>2005</b>	2,018,808	210,003	243,732	66,572	1,498,501	8,985	31,421	1,429,452	28,472	171
<b>2006</b>	2,187,492	237,826	250,036	70,212	1,629,418	8,685	33,005	1,559,758	27,611	359
<b>2007</b>	2,030,680	247,934	205,981	64,432	1,512,333	4,765	30,036	1,434,971	42,092	469
<b>2008</b>	1,920,850	274,121	184,614	53,506	1,408,609	2,987	26,420	1,336,998	41,431	773
<b>2009</b>	1,962,321	340,969	155,638	49,456	1,416,258	4,090	28,679	1,365,120	17,475	894
<b>2010</b>	2,115,227	334,713	160,694	53,727	1,566,093	2,651	28,962	1,518,362	15,352	766

Source: Home Office – Entry Clearance Visas

: Data not available

Notes:

1. UK entry clearance visas are issued for a variety of durations. It is not possible to provide a reliable breakdown for the length of visa in order to match visas as defined by Schengen Member States for the purposes of this report.
2. While European Economic Area (EEA) nationals are not required to hold visas, the UK visa data contain some applications from and issues of visas to EU, EEA and Swiss nationals. This table excludes the EU-25, and Bulgarian and Romanian nationals are excluded from 2007 onwards (following accession).
3. Data extracted in April 2011 and are comparable with data included in Control of Immigration: Quarterly Statistical Summary, UK(Quarter 1, 2011). However, such statistics are a snapshot of the data at a particular point in time and are subject to revisions over time, for example, due to late-entered data and data cleansing exercises.
4. Due to a change of database in 2004, comparable data are not available prior to 2004.

Table D.3: 'Residence permits',<sup>1</sup> by reason<sup>2,4</sup>

	<b>Total</b>	<b>Education</b>	<b>Employment</b>	<b>Family</b>	<b>Other reasons: Total</b>	<i>Other reasons: Humanitarian/international protection reasons</i>	<i>Other reasons</i>
<b>2008</b>	633,170	222,710	139,735	117,040	153,685	5,895	147,790
<b>2009</b>	671,325	268,505	116,670	121,270	164,880	6,610	158,270
<b>2010</b>	732,280	271,285	121,390	125,380	214,225	5,180	209,045

Source: Eurostat (Home Office)

Notes:

1. The UK does not have information on 'residence permits'. Such permits would comprise all initial permissions granted for an individual to reside within a country for at least three months and would exclude visitors. For the purposes of providing estimates of residence permits to Eurostat, UK passenger arrivals (permissions to enter) are used to count the total number of passengers who enter the UK (excluding visitors, passengers in-transit, and other obvious short-term arrivals). A pro-rata exercise (using visa issuance data) excludes an estimate of those staying in the UK for less than three months. Data on migrants who 'switch' their migration status or reason for staying in the UK are also included in the Eurostat 'residence permit' data, but not within this table.
2. Figures are rounded to the nearest five. Totals may not sum to their components due to independent rounding.
3. Countries are ordered by total number of permissions to reside within the UK.
4. Data for 2008 and 2009 extracted from Eurostat in August 2011; 2010 comprises data submitted to Eurostat in June 2011. All data may be subject to further revisions.

Table D.4: 'Residence permits',<sup>1</sup> by reason and top ten countries of citizenship<sup>2-4</sup>

	Position of the country	Country	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Humanitarian/ international protection reasons	Other reasons
<b>2008</b>	1st	USA	115,220	28,225	22,575	7,500	56,920	0	56,920
	2nd	India	92,675	27,160	30,355	21,455	13,705	15	13,670
	3rd	China <sup>5</sup>	41,230	30,425	3,320	3,645	3,840	110	3,730
	4th	Australia	30,250	1,680	20,765	2,340	5,465	0	5,465
	5th	Pakistan	25,425	8,030	1,875	11,205	4,320	120	4,200
	6th	South Africa	19,885	645	11,530	3,470	4,240	5	4,235
	7th	Nigeria	18,980	9,750	1,495	4,065	3,670	45	3,625
	8th	Philippines	16,125	5,505	5,185	3,285	2,155	0	2,155
	9th	Saudi Arabia	14,700	9,265	130	4,220	1,080	0	1,080
	10th	Canada	14,595	3,805	6,415	1,475	2,895	0	2,895
<b>2009</b>	1st	India	120,940	53,565	27,075	23,840	16,460	15	16,445
	2nd	USA	118,450	24,150	19,490	6,340	68,470	0	68,470
	3rd	China <sup>5</sup>	47,700	38,685	3,245	3,480	2,295	85	2,210
	4th	Philippines	27,005	7,000	4,440	3,135	12,430	0	12,430
	5th	Pakistan	25,765	9,540	2,950	10,410	2,865	95	2,770
	6th	Australia	23,430	1,465	15,875	2,360	3,730	0	3,730
	7th	Nigeria	19,865	10,570	2,065	5,450	1,780	35	1,745
	8th	Bangladesh	19,835	14,115	1,625	3,270	830	45	785
	9th	Saudi Arabia	17,170	10,535	255	5,140	1,240	5	1,235
	10th	Nepal	14,675	8,630	535	3,215	2,295	*	2,295



	Position of the country	Country	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Humanitarian/ international protection reasons	Other reasons
<b>2010</b>	1st	USA	154,170	31,680	23,515	6,705	92,270	0	92,270
	2nd	India	127,755	44,180	29,870	27,595	26,110	15	26,095
	3rd	China <sup>5</sup>	57,080	47,360	3,140	3,590	2,985	110	2,875
	4th	Pakistan	44,455	22,600	2,565	12,515	6,775	125	6,650
	5th	Philippines	32,715	4,270	5,195	3,100	20,150	0	20,150
	6th	Australia	22,765	1,705	16,065	2,120	2,870	0	2,870
	7th	Nigeria	21,715	10,625	2,010	7,315	1,765	55	1,710
	8th	Saudi Arabia	14,445	8,230	240	4,640	1,340	5	1,335
	9th	Bangladesh	14,310	9,725	650	3,110	830	50	780
	10th	Canada	13,820	3,910	6,100	1,330	2,475	0	2,475

Source: Eurostat (Home Office)

Notes:

1. The UK does not have information on 'residence permits'. Such permits would comprise all initial permissions granted for an individual to reside within a country for at least three months and would exclude visitors. For the purposes of providing estimates of residence permits to Eurostat, UK passenger arrivals (permissions to enter) are used to count the total number of passengers who enter the UK (excluding visitors, passengers in-transit, and other obvious short-term arrivals). A pro-rata exercise (using visa issuance data) excludes an estimate of those staying in the UK for less than three months. Data on migrants who 'switch' their migration status or reason for staying in the UK are also included in the Eurostat 'residence permit' data, but not within this table.
2. Figures are rounded to the nearest five with '\*' = 1 or 2, and '0' = nil. Totals may not sum to their components due to independent rounding.
3. Countries are ordered by total number of permissions to reside within the UK.
4. Data for 2008 and 2009 extracted from Eurostat in August 2011; 2010 comprises data submitted to Eurostat in June 2011. All data may be subject to further revisions.
5. China includes Hong Kong

Table D.5: Total D visas (more than 3 months in a 12-month period),<sup>1</sup> issued by reason and top ten countries of citizenship<sup>2-6</sup>

	Position of the country	Country/territory	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary <sup>6</sup>	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/ international protection reasons
<b>2004</b>	1st	India	321,685	19,414	40,017	5,450	256,804	237	251,978	4,589	
	2nd	Pakistan	132,981	13,650	4,031	9,078	106,222	144	103,610	2,468	
	3rd	Nigeria	132,616	8,125	2,940	1,337	120,214	361	119,622	231	
	4th	China	131,322	23,298	3,606	1,082	103,336	30	103,065	241	
	5th	Russia	121,458	10,295	5,687	930	104,546	281	103,912	353	
	6th	Turkey	52,753	4,402	1,381	1,848	45,122	32	44,844	246	
	7th	Thailand	41,457	5,206	1,162	2,265	32,824	125	32,373	326	
	8th	Taiwan	39,914	9,490	507	75	29,842	3	29,783	56	
	9th	Ghana	39,455	2,626	4,479	1,238	31,112	28	30,860	224	
	10th	Philippines	37,891	2,042	13,887	1,154	20,808	19	20,526	263	
<b>2005</b>	1st	India	362,921	21,700	51,350	6,204	283,667	252	279,283	4,132	
	2nd	Russia	139,010	13,201	7,878	911	117,020	260	116,399	361	
	3rd	Nigeria	136,745	7,643	3,469	1,219	124,414	219	124,040	155	
	4th	Pakistan	134,241	9,767	4,480	9,166	110,828	170	105,854	4,804	
	5th	China	121,336	19,120	4,781	954	96,481	27	96,217	237	
	6th	Turkey	67,339	7,676	2,060	1,908	55,695	29	55,473	193	
	7th	Kuwait	40,638	741	48	4	39,845	87	39,565	193	
	8th	Thailand	39,203	4,920	1,195	2,098	30,990	184	30,456	350	
	9th	Philippines	38,051	1,499	14,140	1,502	20,910	21	20,577	312	
	10th	Taiwan	37,898	9,546	319	91	27,942	0	27,891	51	

	Position of the country	Country/territory	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary <sup>6</sup>	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/ international protection reasons
<b>2006</b>	1st	India	421,373	24,519	65,470	5,907	325,477	232	323,233	2,012	
	2nd	Pakistan	158,883	13,356	4,570	9,224	131,733	190	127,253	4,290	
	3rd	Russia	155,495	22,349	7,516	936	124,694	208	124,188	298	
	4th	China	151,859	22,036	6,569	1,176	122,078	30	121,724	324	
	5th	Nigeria	118,052	7,914	4,919	1,613	103,606	271	102,943	392	
	6th	Turkey	78,281	8,945	2,435	2,422	64,479	21	64,138	320	
	7th	Saudi Arabia	43,089	5,549	571	11	36,958	127	35,845	986	
	8th	Philippines	41,809	897	15,457	1,830	23,625	29	23,266	330	
	9th	Kuwait	40,963	884	61	3	40,015	102	39,699	214	
	10th	Taiwan	40,592	9,767	360	96	30,369	0	30,322	47	
<b>2007</b>	1st	India	408,594	24,687	54,572	5,204	324,131	168	310,155	13,808	
	2nd	China	162,904	25,503	6,199	1,197	130,005	21	129,494	490	
	3rd	Russia	158,209	23,765	7,377	833	126,234	54	125,833	347	
	4th	Pakistan	125,231	12,318	3,663	10,145	99,105	126	94,824	4,155	
	5th	Nigeria	116,134	10,137	3,080	1,652	101,265	162	98,162	2,941	
	6th	Turkey	79,622	8,828	2,541	2,214	66,039	24	65,754	261	
	7th	Saudi Arabia	47,720	9,005	496	10	38,209	49	38,071	89	
	8th	Thailand	41,216	5,401	940	2,540	32,335	22	31,908	405	
	9th	Philippines	39,260	1,293	9,544	1,801	26,622	18	23,488	3,116	
	10th	Taiwan	36,960	7,381	829	86	28,664	0	28,609	55	

	Position of the country	Country/territory	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary <sup>6</sup>	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/ international protection reasons
<b>2008</b>	1st	India	390,981	31,910	52,832	4,326	301,913	117	288,474	13,322	
	2nd	China	146,206	32,667	6,468	1,157	105,914	21	104,749	1,144	
	3rd	Russia	138,775	11,421	6,329	745	120,280	37	119,995	248	
	4th	Nigeria	111,534	14,215	2,811	1,655	92,853	123	89,858	2,872	
	5th	Pakistan	103,029	9,874	3,455	7,907	81,793	84	78,240	3,469	
	6th	Turkey	83,740	11,298	2,570	1,912	67,960	13	67,710	237	
	7th	Saudi Arabia	63,733	19,518	227	8	43,980	31	43,810	139	
	8th	Thailand	41,248	5,134	908	2,304	32,902	17	32,510	375	
	9th	Kuwait	40,771	1,827	41	3	38,900	75	38,816	9	
	10th	Philippines	39,609	6,042	7,372	1,452	24,743	15	21,792	2,936	
<b>2009</b>	1st	India	400,395	66,807	50,096	4,231	279,261	133	277,193	1,935	
	2nd	China	159,855	42,164	4,809	1,144	111,738	22	111,272	444	
	3rd	Russia	120,142	9,886	3,192	696	106,368	23	106,227	118	
	4th	Nigeria	115,407	14,173	3,813	1,401	96,020	140	95,637	243	
	5th	South Africa	102,145	769	4,444	1,365	95,567	303	94,583	681	
	6th	Pakistan	83,446	13,949	6,523	6,456	56,518	76	55,051	1,049	
	7th	Turkey	79,432	10,885	1,013	1,387	66,147	14	65,847	286	
	8th	Saudi Arabia	75,920	20,916	501	13	54,490	30	54,240	220	
	9th	Thailand	45,993	5,651	619	1,943	37,780	16	37,435	329	
	10th	Kuwait	44,424	1,881	31	6	42,506	103	42,388	15	

	Position of the country	Country/territory	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary <sup>6</sup>	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/ international protection reasons
<b>2010</b>	1st	India	413,819	52,741	53,860	4,673	302,545	130	301,276	1,139	
	2nd	China	214,092	51,672	5,132	1,372	155,916	47	155,407	462	
	3rd	Russia	142,291	11,379	3,277	667	126,968	17	126,841	110	
	4th	Nigeria	125,136	15,104	3,930	1,490	104,612	99	104,264	249	
	5th	South Africa	108,532	744	3,290	1,261	103,237	362	102,187	688	
	6th	Pakistan	96,357	26,796	6,685	6,700	56,176	76	55,051	1,049	
	7th	Turkey	87,617	10,824	1,234	1,361	74,198	9	73,742	447	
	8th	Saudi Arabia	76,999	18,377	411	9	58,202	14	57,878	310	
	9th	Thailand	51,931	6,349	536	1,799	43,247	17	42,916	314	
	10th	Kuwait	48,186	2,049	30	3	46,104	121	45,962	21	

Source: Home Office – Entry Clearance Visas  
: Data not available

Notes:

1. UK entry clearance visas are issued for a variety of durations. It is not possible to provide a reliable breakdown for the length of visa in order to match visas as defined by Schengen Member States for the purposes of this report.
2. While European Economic Area (EEA) nationals are not required to hold visas, the UK visa data contain some applications from and issues of visas to EU, EEA and Swiss nationals. This table excludes the EU-25, and Bulgarian and Romanian nationals are excluded from 2007 onwards (following accession).
3. Data extracted in April 2011 and are comparable with data included in Control of Immigration: Quarterly Statistical Summary, UK (Quarter 1, 2011). However, such statistics are a snapshot of the data at a particular point in time and are subject to revisions over time, for example, due to late-entered data and data cleansing exercises.
4. Due to a change of database in 2004, comparable data are not available prior to 2004.
5. Data include main applicants and dependants.
6. Includes entry clearance visas issued to visitors and those granted entry clearance for the purposes of short temporary visits to the UK (for example, clinical attachment) and EEA family permits. While EEA family permits are different to entry clearance visas, for the purposes of their issue they are administrated through the UK entry clearance system.

Table D.6: Total D visas (more than 3 months in a 12-month period),<sup>1</sup> issued by consular posts<sup>2</sup> and by reason<sup>3-6</sup>

	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary	Other reasons: Dependants joining/ accompanying	Other reasons: Humanitarian/ international protection reasons
2004	1,955,199	203,177	234,335	60,299	1,457,388	8,455	1,421,976	26,847	110
2005	2,029,279	212,862	243,640	65,834	1,506,943	9,059	1,469,001	28,702	181
2006	2,183,382	239,685	247,276	68,683	1,627,738	8,722	1,590,159	28,504	353
2007	2,025,292	247,432	204,970	61,970	1,510,920	4,636	1,463,737	42,068	479
2008	1,944,114	279,311	189,637	57,756	1,417,410	3,125	1,371,949	41,577	759
2009	1,951,364	338,778	148,646	48,879	1,415,061	3,974	1,394,060	16,133	894
2010	2,096,377	331,127	160,985	47,563	1,556,702	2,549	1,538,896	14,487	770

Source: Home Office – Entry Clearance Visas

: Data not available

Notes:

1. UK entry clearance visas are issued for a variety of durations. It is not possible to provide a reliable breakdown for the length of visa in order to match visas as defined by Schengen Member States for the purposes of this report.
2. Total number of visas issued by consular post will differ to visas issued as these include European Economic Area (EEA)/EU and Swiss nationals.
3. Data extracted in April 2011 and are comparable with data included in Control of Immigration: Quarterly Statistical Summary, UK(Quarter 1, 2011). However, such statistics are a snapshot of the data at a particular point in time and are subject to revisions over time, for example, due to late-entered data and data cleansing exercises. <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/indbodies/chiefspector/>
4. Due to a change of database in 2004, comparable data are not available prior to 2004.
5. The UK does not participate in the EU's working party on the 'Exchange of statistical information on uniform visas' as it is a non-Schengen country, see: [http://register.consilium.europa.eu/servlet/driver?page=Result&lang=EN&ssf=DATE\\_DOCUMENT+DESC&fc=REGAISEN&srm=25&md=400&typ=Simple&cmsid=638&ff\\_TITRE=statistical+information+on+uniform+visas&ff\\_FT\\_TEXT=&ff\\_SOUS\\_COTE\\_MATIERE=VISA&dd\\_DATE\\_REUNION](http://register.consilium.europa.eu/servlet/driver?page=Result&lang=EN&ssf=DATE_DOCUMENT+DESC&fc=REGAISEN&srm=25&md=400&typ=Simple&cmsid=638&ff_TITRE=statistical+information+on+uniform+visas&ff_FT_TEXT=&ff_SOUS_COTE_MATIERE=VISA&dd_DATE_REUNION)
6. Data include main applicants and dependants.

Table D.7: Total D visas (more than 3 months in a 12-month period),<sup>1</sup> issued by reason and top ten countries of consular posts<sup>2-7</sup>

	Position of the consular post	Name of the consular post	Country of consular post	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/international protection reasons
<b>2004</b>	1st	Islamabad (BHC)	Pakistan	104,889	12,168	3,172	9,144	80,405	414	77,112	2,869	10
	2nd	Mumbai (BHC)	India	98,208	6,200	12,243	2,449	77,316	1,588	74,576	1,152	0
	3rd	Moscow (BE)	Russian Federation	92,049	7,841	3,420	603	80,185	218	79,744	223	0
	4th	Lagos (BDHC)	Nigeria	88,267	5,547	2,210	956	79,554	301	79,148	105	0
	5th	New Delhi (BHC)	India	85,151	4,274	7,152	2,474	71,251	90	70,353	808	0
	6th	Chennai (BDHC)	India	63,650	6,096	15,333	456	41,765	107	39,489	2,169	0
	7th	Beijing (BE)	China	55,597	11,253	1,552	367	42,425	43	42,301	81	0
	8th	New York (BCG)	USA	47,909	4,801	6,677	1,632	34,799	355	32,622	1,822	0
	9th	Kuwait City (BE)	Kuwait	41,252	978	1,474	38	38,762	141	38,293	328	0
	10th	Bangkok (BE)	Thailand	39,815	5,261	1,115	2,254	31,185	167	30,688	330	0
<b>2005</b>	1st	Mumbai (BHC)	India	112,996	7,975	15,917	2,674	86,430	1,273	84,262	895	0
	2nd	Moscow (BE)	Russian Federation	103,811	9,572	4,053	634	89,552	221	89,067	261	3
	3rd	New Delhi (BHC)	India	99,704	4,866	8,998	2,530	83,310	63	82,236	1,002	9
	4th	Islamabad (BHC)	Pakistan	88,646	7,673	2,674	9,055	69,244	403	64,043	4,798	0
	5th	Lagos (BDHC)	Nigeria	87,371	5,223	2,766	948	78,434	171	78,058	205	0
	6th	Chennai (BDHC)	India	74,683	6,560	20,096	599	47,428	54	45,824	1,550	0
	7th	Beijing (BE)	China	51,799	8,435	2,403	383	40,578	23	40,463	92	0
	8th	Kuwait City (BE)	Kuwait	46,808	899	1,690	39	44,180	92	43,759	329	0
	9th	New York (BCG)	USA	46,653	5,121	7,245	1,762	32,525	382	30,425	1,718	0
	10th	Canberra (BHC)	Australia	38,757	665	30,640	1,496	5,956	2,363	2,268	1,325	0

	Position of the consular post	Name of the consular post	Country of consular post	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/international protection reasons
<b>2006</b>	1st	Mumbai (BHC)	India	129,870	9,415	19,622	2,156	98,677	664	97,700	313	0
	2nd	Moscow (BE)	Russian Federation	118,468	18,092	4,079	632	95,665	272	95,182	210	1
	3rd	New Delhi (BHC)	India	112,881	5,255	11,207	2,532	93,887	131	92,850	906	0
	4th	Islamabad (BHC)	Pakistan	107,293	11,244	2,248	9,998	83,803	438	77,900	5,465	0
	5th	Chennai (BDHC)	India	92,500	7,606	27,029	742	57,123	109	56,690	324	0
	6th	Lagos (BDHC)	Nigeria	75,096	5,278	3,372	1,034	65,412	301	64,476	635	0
	7th	Beijing (BE)	China	65,128	9,850	3,118	398	51,762	28	51,631	103	0
	8th	Istanbul (BCG)	Turkey	51,394	5,253	1,377	921	43,843	63	43,692	88	0
	9th	New York (BCG)	USA	47,616	5,337	8,530	1,687	32,062	352	29,977	1,733	0
	10th	Kuwait City (BE)	Kuwait	46,625	1,032	1,548	24	44,021	109	43,657	255	0
<b>2007</b>	1st	Mumbai (BHC)	India	123,686	8,759	19,526	1,955	93,446	498	92,710	238	0
	2nd	Moscow (BE)	Russian Federation	120,366	18,959	4,835	577	95,995	185	95,505	305	0
	3rd	New Delhi (BHC)	India	108,698	6,006	9,828	2,530	90,334	134	88,337	1,863	0
	4th	Chennai (BDHC)	India	97,200	7,609	18,094	628	70,869	124	59,788	10,957	0
	5th	Islamabad (BHC)	Pakistan	87,150	9,038	1,886	9,927	66,299	463	60,960	4,876	0
	6th	Beijing (BE)	China	71,243	13,994	2,954	377	53,918	31	53,769	118	0
	7th	Lagos (BDHC)	Nigeria	69,220	5,124	1,849	999	61,248	207	58,848	2,193	0
	8th	Istanbul (BCG)	Turkey	53,520	5,595	1,530	1,077	45,318	96	45,116	106	0
	9th	New York (BCG)	USA	43,225	6,344	9,042	1,390	26,449	349	24,828	1,272	0
	10th	Kuwait City (BE)	Kuwait	41,862	1,638	1,358	26	38,840	51	38,758	31	0



	Position of the consular post	Name of the consular post	Country of consular post	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/international protection reasons
<b>2008</b>	1st	New Delhi (BHC)	India	116,722	8,115	9,618	3,238	95,751	170	90,638	4,943	0
	2nd	Chennai (BDHC)	India	116,174	16,714	22,913	695	75,852	84	67,483	8,285	0
	3rd	Mumbai (BHC)	India	114,090	10,008	17,705	1,606	84,771	633	83,744	394	0
	4th	Moscow (BE)	Russian Federation	111,399	9,441	4,424	588	96,946	109	96,646	191	0
	5th	Islamabad (BHC)	Pakistan	85,790	9,265	2,524	10,287	63,714	454	58,520	4,740	0
	6th	Istanbul (BCG)	Turkey	78,787	11,535	2,707	2,161	62,384	229	61,853	302	0
	7th	Beijing (BE)	China	63,957	18,363	3,053	434	42,107	32	41,408	667	0
	8th	Lagos (BDHC)	Nigeria	59,897	5,638	1,791	1,054	51,414	234	49,395	1,785	0
	9th	Riyadh (BE)	Saudi Arabia	54,808	13,444	4,635	87	36,642	29	36,457	156	0
	10th	Kuwait City (BE)	Kuwait	46,620	2,096	1,384	33	43,107	99	42,977	31	0
<b>2009</b>	1st	New Delhi (BHC)	India	148,549	34,703	8,198	5,203	100,445	151	98,175	2,119	0
	2nd	Chennai (BDHC)	India	118,007	25,514	23,632	1,269	67,592	95	67,219	278	0
	3rd	Mumbai (BHC)	India	117,385	26,423	11,908	1,294	77,760	643	76,971	146	0
	4th	Moscow (BE)	Russian Federation	112,837	9,647	2,977	655	99,558	155	99,300	103	0
	5th	Pretoria (BCG)	South Africa	107,701	1,828	5,105	3,208	97,560	1,231	95,506	823	0
	6th	Riyadh (BE)	Saudi Arabia	82,493	19,651	4,941	91	57,810	35	57,545	230	0
	7th	Abu Dhabi (BE)	United Arab Emirates	82,332	15,150	7,563	277	59,342	35	58,846	409	0
	8th	Istanbul (BCG)	Turkey	74,104	10,544	1,321	1,480	60,759	233	60,156	369	1
	9th	Beijing (BE)	China	73,107	24,296	2,250	473	46,088	55	45,818	215	0
	10th	Lagos (BDHC)	Nigeria	62,164	5,753	1,986	998	53,427	259	53,068	100	0

	Position of the consular post	Name of the consular post	Country of consular post	Total	Education	Employment	Family	Other reasons: Total	Other reasons: Settlement	Other reasons: Temporary	Other reasons: Dependants joining/accompanying	Other reasons: Humanitarian/international protection reasons
<b>2010</b>	1st	New Delhi (BHC)	India	145,977	20,067	10,936	5,222	109,752	223	108,168	1,249	112
	2nd	Abu Dhabi (BE)	United Arab Emirates	138,190	30,150	10,363	919	96,758	189	96,310	259	0
	3rd	Moscow (BE)	Russian Federation	134,961	11,125	2,965	613	120,258	191	119,969	98	0
	4th	Chennai (BDHC)	India	129,139	29,745	27,767	1,610	70,017	79	69,604	334	0
	5th	Pretoria (BCG)	South Africa	115,103	2,068	3,905	2,705	106,425	1,239	104,348	837	1
	6th	Mumbai (BHC)	India	111,528	12,269	13,097	1,279	84,883	904	83,873	106	0
	7th	Beijing (BE)	China	108,286	34,304	2,441	546	70,995	76	70,723	196	0
	8th	Riyadh (BE)	Saudi Arabia	89,854	19,172	4,824	103	65,755	33	65,387	335	0
	9th	Istanbul (BCG)	Turkey	85,466	11,403	1,706	1,365	70,992	234	70,280	478	0
	10th	Abuja (BHC)	Nigeria	61,833	12,283	3,225	277	46,048	98	45,899	51	0

Source: Home Office – Entry Clearance Visas

: Data not available

Notes:

1. UK entry clearance visas are issued for a variety of durations. It is not possible to provide a reliable breakdown for the length of visa in order to match visas as defined by Schengen Member States for the purposes of this report.
2. Total number of visas issued by consular post will differ to visas issued as these include EEA/EU and Swiss nationals.
3. Data extracted in April 2011 and are comparable with data included in Control of Immigration: Quarterly Statistical Summary, UK (Quarter 1, 2011). However, such statistics are a snapshot of the data at a particular point in time and are subject to revisions over time, for example, due to late-entered data and data cleansing exercises.
4. Due to a change of database in 2004, comparable data are not available prior to 2004.
5. The UK does not participate in the EU's working party on the 'Exchange of statistical information on uniform visas' as it is a non-Schengen country, see: [http://register.consilium.europa.eu/servlet/driver?page=Result&lang=EN&ssf=DATE\\_DOCUMENT+DESC&fc=REGAISEN&srm=25&md=400&typ=Simple&cmsid=638&ff\\_TITRE=statistical+information+on+uniform+visas&ff\\_FT\\_TEXT=&ff\\_SOUS\\_COTE\\_MATIERE=VISA&dd\\_DATE\\_REUNION](http://register.consilium.europa.eu/servlet/driver?page=Result&lang=EN&ssf=DATE_DOCUMENT+DESC&fc=REGAISEN&srm=25&md=400&typ=Simple&cmsid=638&ff_TITRE=statistical+information+on+uniform+visas&ff_FT_TEXT=&ff_SOUS_COTE_MATIERE=VISA&dd_DATE_REUNION)
6. Data include main applicants and dependants.
7. The operational network for UK visa processing has changed significantly over the period 2004 to 2010. Apparent changes in volumes at specific posts are likely to be explained by changes to the local visa operational network. Figures do not necessarily reflect where the application was initially lodged as many posts act as central processing centres (applications are sent to these posts from smaller and/or more remote locations).

Table D.8: Third country nationals refused entry at the external border<sup>1-5</sup>

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 <sup>b</sup>
Total number of refusals	:	:	:	:	:	:	:	23,640	20,460	16,365

Source: Eurostat (Home Office)

: data not available

b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes:

1. Figures are rounded to the nearest five. Totals may not sum to their components due to independent rounding.
2. Data extracted from Eurostat in August 2011 but may be subject to further revisions.
3. The UK has no legal jurisdiction to refuse entry to anyone in the transit zone (that is airside). Anyone who approaches a UK Immigration Control is seeking leave to enter the UK; even if passengers are in transit, they have formally sought entry to the UK. If they do not qualify for entry they fail to be refused and removed. So data on all persons refused entry at UK ports of entry have been included here.
4. The data are taken from the UK Border Agency (UKBA) Case Information Database (CID) and as such are subject to data quality limitations. The information provided is as accurate as the information recorded on CID as at the time of extracting the information.
5. Figures relate to non-asylum passengers initially refused leave to enter.

Table D.9: Third country nationals refused entry at the external border, main ten countries of citizenship<sup>1-6</sup>

	Position of the country of citizenship	Country of citizenship	Total
<b>2008</b>	1st	Brazil	4,030
	2nd	USA	2,650
	3rd	Nigeria	1,350
	4th	South Africa	890
	5th	India	890
	6th	Pakistan	855
	7th	Canada	750
	8th	Malaysia	700
	9th	China <sup>7</sup>	640
	10th	Australia	595
<b>2009</b>	1st	USA	2,855
	2nd	Brazil	2,305
	3rd	India	1,165
	4th	Pakistan	830
	5th	Nigeria	805
	6th	Canada	720
	7th	Australia	565
	8th	South Africa	535
	9th	China <sup>7</sup>	520
	10th	Malaysia	485

	Position of the country of citizenship	Country of citizenship	Total
<b>2010<sup>b</sup></b>	1st	USA	2,190
	2nd	Brazil	1,645
	3rd	India	1,230
	4th	Nigeria	740
	5th	Pakistan	665
	6th	Canada	545
	7th	Bangladesh	485
	8th	Malaysia	380
	9th	Australia	375
	10th	China <sup>7</sup>	370

Source: Eurostat (Home Office)

: data not available

b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes:

1. Figures are rounded to the nearest five. Totals may not sum to their components due to independent rounding.
2. Data extracted from Eurostat in August 2011 but may be subject to further revisions.
3. The UK has no legal jurisdiction to refuse entry to anyone in the transit zone (that is airside). Anyone who approaches a UK Immigration Control is seeking leave to enter the UK; even if passengers are in transit, they have formally sought entry to the UK. If they do not qualify for entry they fail to be refused and removed. So data on all persons refused entry at UK ports of entry have been included here.
4. The data are taken from the UK Border Agency Case Information Database (CID) and as such are subject to data quality limitations. The information provided is as accurate as the information recorded on CID as at the time of extracting the information.
5. Figures relate to non-asylum passengers initially refused leave to enter.
6. In 2009 and 2010 stateless nationals were the 8th highest category to be refused entry (550 and 395 respectively).
7. China includes Hong Kong.

Table D.10: Third country nationals refused entry at the external border due to the absence of a valid visa or residence permit, overall trend<sup>1-5</sup>

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 <sup>b</sup>
Total number of refusals due to the absence of a valid visa or residence permit	:	:	:	:	:	:	:	8,585	9,200	7,830

Source: Eurostat (Home Office)

: data not available

b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes:

1. Figures are rounded to the nearest five. Totals may not sum to their components due to independent rounding.
2. Data extracted from Eurostat in August 2011 but may be subject to further revisions.
3. The UK has no legal jurisdiction to refuse entry to anyone in the transit zone (that is airside). Anyone who approaches a UK Immigration Control is seeking leave to enter the UK; even if passengers are in transit, they have formally sought entry to the UK. If they do not qualify for entry they fail to be refused and removed. So data on all persons refused entry at UK ports of entry have been included here.
4. The data are taken from the UK Border Agency Case Information Database (CID) and as such are subject to data quality limitations. The information provided is as accurate as the information recorded on CID as at the time of extracting the information.
5. Figures relate to non-asylum passengers initially refused leave to enter.

Table D.11: Third country nationals refused entry at the external border due to the absence of a valid visa or residence permit, main ten countries of citizenship<sup>1-6</sup>

	Position of the country of citizenship	Country of citizenship	Total
<b>2008</b>	1st	Nigeria	930
	2nd	Pakistan	765
	3rd	India	740
	4th	USA	595
	5th	China <sup>7</sup>	355
	6th	Ghana	295
	7th	Russia	235
	8th	Philippines	235
	9th	Ukraine	220
	10th	Turkey	195
<b>2009</b>	1st	India	990
	2nd	Pakistan	740
	3rd	USA	630
	4th	Nigeria	605
	5th	South Africa	340
	6th	China <sup>7</sup>	325
	7th	Venezuela	295
	8th	Turkey	230
	9th	Bangladesh	220
	10th	Russia	215
<b>2010<sup>b</sup></b>	1st	India	1,095
	2nd	Pakistan	590
	3rd	Nigeria	540
	4th	USA	445
	5th	Bangladesh	420
	6th	China <sup>7</sup>	225
	7th	Turkey	220
	8th	South Africa	200
	9th	Russia	190
	10th	Ukraine	185

Source: Eurostat (Home Office)

: data not available

b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes:

1. Figures are rounded to the nearest five. Totals may not sum to their components due to independent rounding.
2. Data extracted from Eurostat in August 2011 but may be subject to further revisions.
3. The UK has no legal jurisdiction to refuse entry to anyone in the transit zone (that is airside). Anyone who approaches a UK Immigration Control is seeking leave to enter the UK; even if passengers are in transit, they have formally sought entry to the UK. If they do not qualify for entry they fail to be refused and removed. So data on all persons refused entry at UK ports of entry have been included here.
4. The data are taken from the UK Border Agency Case Information Database (CID) and as such are subject to data quality limitations. The information provided is as accurate as the information recorded on CID as at the time of extracting the information.
5. Figures relate to non-asylum passengers initially refused leave to enter.
6. In 2008 and 2009 stateless nationals were the 5th highest category to be refused entry (425 and 495 respectively). In 2010 they were the sixth highest (355).
7. China includes Hong Kong.

Table D.12: Third country nationals found to be illegally present, overall trend<sup>1-6</sup>

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 <sup>b</sup>
Total number of third country nationals found to be illegally present	:	:	:	:	:	:	:	69,840	69,745	53,700

Source: Eurostat (Home Office)

: data not available

b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes:

1. Figures are rounded to the nearest five. Totals may not sum to their components due to independent rounding.
2. Data extracted from Eurostat in August 2011 but may be subject to further revisions.
3. The figures provided for third country nationals found to be illegally present in the Member State territory do not constitute part of National Statistics as they are based on internal management information. This information has not been quality assured under National Statistics protocols, and should be treated as provisional and subject to change.
4. The data provided include persons served in 2009 with enforcement papers, persons served with a notice of intention to make a Deportation Order, persons identified under the Facilitated Return Scheme and persons identified as subject to automatic deportation in 2009 (introduced in August 2008).
5. The issue of a notice of intention to make a Deportation Order is the point at which a decision is made to pursue deportation. It is possible that such a decision can be overturned at a later date (for example, if the subject is successful at appeal).
6. The data are taken from the UK Border Agency Case Information Database (CID) and as such are subject to data quality limitations. The information provided is as good as the information entered onto CID. The CID database is refreshed at midnight, which means that data are apt to change as information is added to, or removed from, the database. As a result of this, the data are used to give a snapshot of the situation at the time of extracting the information.

Table D.13: Third country nationals found to be illegally present, main ten countries of citizenship<sup>1-6</sup>

	Position of the country of citizenship	Country of citizenship	Total
<b>2008</b>	1st	India	6,405
	2nd	Afghanistan	6,095
	3rd	Nigeria	4,900
	4th	Pakistan	4,690
	5th	Zimbabwe	4,055
	6th	Iraq	3,810
	7th	Eritrea	3,630
	8th	China <sup>7</sup>	3,415
	9th	Bangladesh	3,135
	10th	Iran	2,750
<b>2009</b>	1st	Afghanistan	7,320
	2nd	Zimbabwe	6,365
	3rd	India	6,105
	4th	Nigeria	4,550
	5th	Pakistan	4,510
	6th	China <sup>7</sup>	3,790
	7th	Bangladesh	3,775
	8th	Vietnam	3,660
	9th	Brazil	2,955
	10th	Eritrea	2,505
<b>2010<sup>b</sup></b>	1st	India	5,895
	2nd	Nigeria	4,975
	3rd	Pakistan	4,750
	4th	China <sup>7</sup>	3,840
	5th	Bangladesh	2,800
	6th	Afghanistan	2,360
	7th	Vietnam	2,205
	8th	Brazil	2,135
	9th	Iran	1,955
	10th	Zimbabwe	1,760

Source: Eurostat (Home Office)

: data not available

b = break in the series. From 2010 onwards data relate to individuals rather than incidents.

Notes:

1. Figures are rounded to the nearest five. Totals may not sum to their components due to independent rounding.
2. Data extracted from Eurostat in August 2011 but may be subject to further revisions.
3. The figures provided for third country nationals found to be illegally present in the Member State territory do not constitute part of National Statistics as they are based on internal management information. This information has not been quality assured under National Statistics protocols, and should be treated as provisional and subject to change.
4. The data provided include persons served in 2009 with enforcement papers, persons served with a notice of intention to make a Deportation Order, persons identified under the Facilitated Return Scheme and persons identified as subject to automatic deportation in 2009 (introduced in August 2008).
5. The issue of a notice of intention to make a Deportation Order is the point at which a decision is made to pursue deportation. It is possible that such a decision can be overturned at a later date (for example, if the subject is successful at appeal).
6. The data are taken from the UK Border Agency Case Information Database (CID) and as such are subject to data quality limitations. The information provided is as good as the information entered onto CID. The CID database is refreshed at midnight, which means that data are apt to change as information is added to, or removed from, the database. As a result of this, the data are used to give a snapshot of the situation at the time of extracting the information.
7. China includes Hong Kong.





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