

Appendix: Migrant terms and definitions

Table 1: International Organisation of Migration Group and Sub-Group Terms

IOM Migrant groups term¹	IOM Definition²	Sub-group³
Assisted voluntary return	Administrative, logistical, financial and reintegration support to rejected asylum seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.	<ul style="list-style-type: none"> • Rejected asylum seekers assisted to return • Victims of trafficking assisted to return • Migrants unable or unwilling to remain in the host country assisted to return
Asylum seeker	A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds.	<ul style="list-style-type: none"> • Appeal rights exhausted (ARE) • Refused/failed asylum seeker⁴ • Rejected applicant • Humanitarian protection • Discretionary leave • Unaccompanied asylum seeking children
Documented migrant	A migrant who entered a country lawfully and remains in the country in accordance with his or her admission criteria.	<ul style="list-style-type: none"> • Documented migrant • Student

¹ The breakdown of migrant groups is taken from the International Organisation for Migration's (IOM) *Glossary on Migration* (2nd Edition, 2011), unless otherwise stated.

² All definitions are taken directly from the *Glossary on Migration* (2nd Edition, 2011). Any reference to another organisation (e.g. United Nations) within the definition is because it was included in the IOM text.

³ The sub-groups have been taken from the *Glossary on Migration and Establishing Migrants' Access to Benefits and Local Authority Services in Scotland* (COSLA, 2012). See Table 3 for definitions.

⁴ Refused asylum seekers are sometimes known as appeal rights exhausted (Scottish Refugee Council). The Scottish Refugee Council prefers the term 'refused' to 'failed'. See appendix 1 for fuller definitions.

Economic migrant	A person leaving his or her habitual place of residence to settle outside his or her country of origin in order to improve his or her quality of life. This term is often loosely used to distinguish from refugees fleeing persecution, and is also similarly used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It may equally be applied to persons leaving their country of origin for the purpose of employment.	<ul style="list-style-type: none"> • Regular economic migrant • Irregular economic migrant
Irregular migrant	A person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term "irregular" is preferable to "illegal" because the latter carries a criminal connotation and is seen as denying migrants' humanity.	<ul style="list-style-type: none"> • Irregular migrant • Persons unlawfully in the UK
Migrant	<p>At the international level, no universally accepted definition for "migrant" exists. The term migrant was usually understood to cover all cases where the decision to migrate was taken freely by the individual concerned for reasons of "personal convenience" and without intervention of an external compelling factor; it therefore applied to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.</p> <p>The United Nations defines a migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. Under such a definition, those travelling for shorter periods as tourists and businesspersons would not be considered migrants. However, common usage includes certain kinds of shorter-term migrants, such as seasonal farm-workers who travel for short periods to work planting or harvesting farm products.</p>	<ul style="list-style-type: none"> • Person residing in a foreign country for more than one year • Regular migrant • Irregular migrant • Shorter-term migrants

Refugee	A person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. (Art. 1(A)(2), Convention relating to the Status of Refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol). In addition to the refugee definition in the 1951 Refugee Convention, Art. 1(2), 1969 Organization of African Unity (OAU) Convention defines a refugee as any person compelled to leave his or her country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality." Similarly, the 1984 Cartagena Declaration states that refugees also include persons who flee their country "because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order."	<ul style="list-style-type: none"> • Refugee • Indefinite leave to remain (ILR)
Skilled migrant	A migrant worker who, because of his or her skills or acquired professional experience, is usually granted preferential treatment regarding admission to a host country (and is therefore subject to fewer restrictions regarding length of stay, change of employment and family reunification).	<ul style="list-style-type: none"> • Skilled migrant
Temporary migrant worker	Skilled, semi-skilled or untrained workers who remain in the destination country for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise. Also called contract migrant workers.	<ul style="list-style-type: none"> • Skilled contract migrant workers • Semi-skilled contract migrant workers • Untrained contract migrant workers
Trafficking in persons	"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against	<ul style="list-style-type: none"> • Trafficked people

	Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character.	
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Table 2: Additional terms and definitions identified used in Scottish policy documents

Additional term	Source	Definition (if given)	Group or sub-group
Limited leave to remain	Individuals recognised as refugees or given humanitarian protection from August 2005, and other continuing exemptions from NHS charges, CEL 37 (2010)	From August 2005 those granted refugee status or humanitarian protection status are given limited leave to remain for 5 years (previously it was Indefinite Leave to remain). People must apply for Indefinite Leave to Remain one month before their limited leave expires	Sub-group of refugee
Vulnerable Person Relocation Families	Syrian Vulnerable Persons Relocation Scheme – Healthcare Framework	No definition given	Sub-group of refugee
Complementary protection	New Scots: Integrating Refugees in Scotland's Communities	The criteria for protection under the Refugee Convention is strict. States have recognised that a number of people who do not fall within its scope may nevertheless be in need of protection. Such protection is known as 'complementary protection'.	Sub-group of refugee
Destitute asylum seekers	New Scots: Integrating Refugees in Scotland's Communities	No definition given	Sub-group of asylum seeker
People working on a ship registered in the UK	Healthcare for people coming to Scotland to work	No definition given	Sub-group of documented migrant and economic migrant
People working offshore in UK territory			
People working unpaid as a volunteer providing services within or similar to health or social services			

Table 3: Migrant sub-groups definitions

Migrant sub-groups	Definition
Appeal rights exhausted	This applies to someone who has applied for asylum but has been refused a form of protection by the UK Government and whose case does not attract any further right of appeal. See also refused asylum seeker. (Scottish Refugee Council (SRC))
Discretionary leave	This is a status awarded to people who have been refused refugee status and who do not fulfil the criteria for HP but are allowed to stay in the UK for other reasons. It is only awarded in very limited circumstances, primarily to separated young people (unaccompanied minors – under the age of 18 who have made an application for asylum in the UK before they reach 17 years of age). People who receive this status are awarded limited leave to remain for a three-year period in most cases. Recipients are allowed to work and access mainstream welfare benefits. (SRC)
Failed asylum seeker	A failed asylum seeker is a person who has come to the end of their asylum claim and has not been granted any leave to remain and has no further in-country right of appeal. Failed asylum seekers are not generally entitled to support from the UK Border Agency (UKBA) and are expected to return to their country of origin. In some circumstances they may be able to claim support under section 4 of the Immigration and Asylum Act 1999. This is known as section 4 support or 'hard cases support'. Section 4 support consists of accommodation and vouchers only, with no cash support. (COSLA)
Humanitarian protection	A person with humanitarian protection (HP) is someone the UKBA recognises has fled serious human rights abuse, but who does not fit the legal definition of 'refugee'. People with either HP have the same entitlements to benefits and services as refugees. But they are not allowed to backdate any claims to the date of the asylum claim. (COSLA)
Indefinite Leave to Remain (ILR)	Someone who has Indefinite Leave to Remain (or Indefinite leave to enter) the UK has no conditions attached to their leave and can access benefits if eligible. Indefinite Leave to Remain (ILR) is sometimes called 'settlement'. (COSLA)

Persons unlawfully in the UK	This group are often called ‘illegal immigrants’ but this term has no definition in UK immigration law. Persons unlawfully in the UK include those who have entered the UK illegally (illegal entrants) and those who may have entered the UK legally but whose stay is now outside their conditions of stay (overstayers). Local authorities have a duty to inform the UKBA of any persons unlawfully in the UK (COSLA)
Refused asylum seeker	The Scottish Refugee Council prefers to say ‘refused’ instead of ‘failed’. Sometimes known as appeal rights exhausted (ARE), this applies to someone who has applied for asylum but has been refused a form of protection by the UK Government and whose case does not attract any further right of appeal.(SRC)
Rejected applicant	In the migration context, an applicant refused by a consulate or embassy, as not meeting the criteria for migration to its country. (IOM)
Student	A person who visits the UK to study from outside the EEA usually has a student visa under the old immigration rules (until 29 March 2009) or has come in as a student under tier four of the points based system. There are some shorter visas available for people coming to study on short courses (student visitor visas) or coming to finalise arrangements for their studies. Students are given leave to enter or remain subject to restrictions on working hours and on the condition that they have no recourse to public funds. The general terms of their leave will be stated on their visa. (COSLA)
Unaccompanied asylum seeking children	The UKBA defines an unaccompanied asylum seeking child (UASC) as a child who is; applying for asylum in their own right; and; separated from both parents and is not being cared for by an adult who by law has responsibility to do so. (COSLA)

References

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2. COSLA. *Establishing Migrants' Access to Benefits and Local Authority Services in Scotland – A Guide for Local Authorities*. Glasgow: COSLA; 2012
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4. Public Health England, *Migrant Health Guide*, <http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/MigrantHealthGuide/> (accessed 15th October 2014)