

# Refugee agencies help and advice



October 2008

English

## Applying for asylum

When you apply for asylum in the United Kingdom (UK), you are asking the authorities (the Home Office) to recognise you as a refugee. The definition of a refugee comes from a piece of international law called the 1951 United Nations Convention Relating to the Status of Refugees. The UK government will decide if you qualify for protection as a refugee or not. To qualify as a refugee the UK Government must think that you have a reason to fear persecution in your country because of your race, religion, nationality, membership of a particular social group or political opinion.

Alternatively, you may have other humanitarian or compelling reasons why you need to stay in the UK, the denial of which may violate your human rights under the European Convention on Human Rights. Your legal representative should be able to tell you whether this applies to you. Asylum and human rights laws are complex. It is vital that you get good legal advice and representation. For more information about legal advice and representation, see page 5 of this leaflet. When you apply for asylum, the authorities will refer to you as an 'asylum seeker'.

If you are under 18, and are applying for asylum on your own, you will normally be put in touch with social services or a refugee agency.

### Who deals with asylum applications?

In the UK, the UK Border Agency (UKBA) at the Home Office is the government body responsible for interviewing asylum applicants, and assessing their asylum applications.

### How do I apply for asylum?

You can apply for asylum

- to the immigration officer on arrival at the port of entry, for example, at an airport or seaport.
- you can also apply for asylum in person at the nearest UK Border Agency office in Croydon or Liverpool after you have entered the UK. You may, for example, have entered the country illegally or legally on a student, visitor or business visa.

It is important that you apply for asylum as soon as you enter the UK and that you seek legal advice as soon as possible.

### What happens when I apply for asylum?

The Home Office processes asylum applications in different ways. Some asylum applications are dealt with very quickly. The Home Office will decide how to deal with your application after the first

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interview which is called the screening interview. An interpreter will be provided should you need one. You can request a female or male interpreter if you prefer this.

**If you made your asylum claim after the 5<sup>th</sup> March 2007**, please read below – the Home Office is likely to deal with your application as described in this leaflet.

**If you made your claim before the 5<sup>th</sup> March 2007**, it is very likely that your application is being considered separately by the Case Resolution Directorate at the UKBA. Asylum applications made before 5th March 2007 are often referred to as older cases and include all unresolved asylum applications. If your application is in this category you can find out more about how the UKBA is dealing with these applications in the leaflet 'Have you applied for asylum before 5<sup>th</sup> March 2007 and have not been granted the right to stay in the UK?' at <http://languages.refugeecouncil.org.uk>

### What happens at the screening interview?

The purpose of this interview is for the Home Office to ask basic questions about your personal details and how you arrived in the UK. They should not ask you detailed questions about why you are applying for asylum.

#### **Personal details and documentation**

During the screening interview the Home Office will take your fingerprints and a photo of you which will be put on your application registration card (ARC). This card proves that you are an asylum seeker and you can use it to obtain services like financial support. Any dependants, for example your partner or children, should accompany you to this interview so that their details are included in your application. In some cases, the Home Office will not be able to give you an ARC. Instead, you will receive a Standard Acknowledgment Letter which acknowledges your asylum claim.

Most asylum seekers get a letter called IS96. It means that that you have been admitted temporarily to the UK while the authorities are deciding on your asylum application and you will be expected to report regularly to a reporting centre during this time.

The authorities will check if you have a valid document with your name and nationality written on it, and which you used to enter the UK. This could be a passport or other identity document. If you don't have a valid identity document, you should explain in as much detail as possible why you do not have one.

#### **Where you came from**

At the screening interview the authorities will decide if another country, not the UK, may be responsible for considering your asylum application. For example, this may be because you travelled through another country where the Home Office thinks you could have applied for asylum.

#### **Can your application be dealt with quickly?**

If the authorities decide that they can deal with your application quickly then your application will be put through a fast decision procedure. If this is the case, the authorities may move you to the Harmondsworth Removal Centre (if you are a man) or to Yarl's Wood Removal Centre (if you are a woman) until your asylum case is completely decided. If you are detained in one of these centres then a legal representative should be provided but your asylum application will be determined very quickly. However, not all asylum applicants whose cases are determined very quickly are detained.

#### **Have you applied for asylum as soon as possible?**

The Home Office will check if you applied for asylum as soon as you could after your arrival in the UK. If the answer is 'no', you may not receive government help with accommodation and/or living expenses. For more information on how you can apply for asylum support, see leaflet entitled 'Applying for asylum support' at <http://languages.refugeecouncil.org.uk>

**In addition, the following is likely to happen at the screening interview:**

- You should be given the name and telephone details of the Home Office official, called 'case owner', who will be responsible for your asylum claim from start to finish. The case owner is responsible for interviewing you and making the decision on your application. The case owner will also deal with your welfare needs and will arrange integration into life in the UK if you are granted a positive decision on your asylum application, or removal, if your application is rejected. The case owner is the main point of contact for you or your representatives.
- Arrangements to receive legal representation vary. You may be given contact details and a date to see a legal representative or you may be given a list of representatives to contact.
- You should be given a copy of your screening interview notes.
- The authorities should tell you to report for 'induction' to receive vital information you need to know about the asylum process and life in the UK.

The authorities should inform you within 15 days about services (for example, financial support and accommodation) to which you may be entitled. They should also give you information about non-governmental organisations which you can consult for advice and details of other organisations providing legal advice.

**What happens at the asylum interview?**

After the screening interview, the authorities will ask you to attend a longer interview to ask you about your reasons for claiming asylum. It is important to try to see a legal representative before the interview. You should give as much detail about your asylum application as possible. You should submit any additional evidence, for example medical records or newspaper reports relating to what happened in your country. It is very important that any information and evidence that you give is not contradictory and supports your claim.

Your legal representative is unlikely to attend your asylum interview (For more information about legal advice, see page 5). If no legal representative is present during your interview, you can ask the authorities to tape-record it. You should tell them 24 hours before the interview if you want the interview tape-recorded. If after the interview you think you have missed out any relevant information, you must tell your legal representative as soon as possible. Your legal representative only has five days to submit extra information.

**Detention and reporting**

The authorities have the power to detain some asylum seekers at any stage in their asylum application but they must show that your detention is necessary. Very often, the authorities will detain people if they think they can decide on their asylum application quickly or if they think the person will not stay in touch with them. If the authorities decide to detain you, they must tell you in writing why they are detaining you. You may be able to challenge this decision. You should get legal advice to try to negotiate your release. An organisation called Bail for Immigration Detainees (BID) or visitors' groups, who visit people in detention, can give you information about how you can negotiate your release. Please see BID's website at: <http://www.biduk.org> or telephone 020 7247 3590.

Most asylum applicants who are not detained are expected to report to a reporting centre. If you have to travel more than three miles to report you can apply for assistance to pay for your travel.

**What happens while I wait for a decision?**

You must attend all the interviews that the authorities ask you to attend. You must complete and return any forms which they give within the prescribed time limit. Failing to do so may mean that the

authorities will refuse your asylum application because you did not comply with their requirements. It is important that during this time you inform the authorities if your address changes. You can do so yourself or you can ask your legal representative to do it on your behalf.

## Appeal

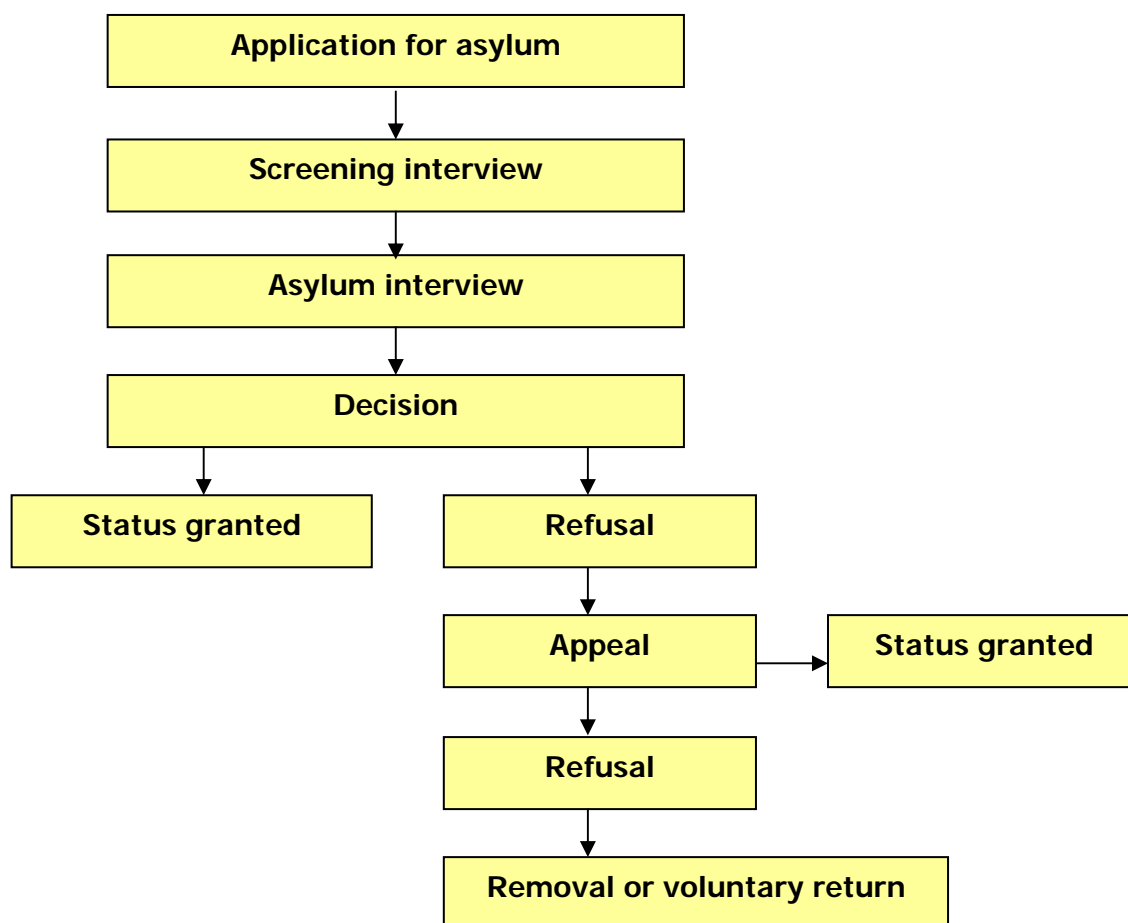
Most asylum applications are refused although some applications are successful at appeal. If the authorities refuse your asylum application, you will be able to appeal against the refusal, although some asylum seekers will only be able to appeal once they have left the UK. If there are other reasons why you should be allowed to stay, for example, that making you leave the UK would be in breach of your human rights, these should be put on your appeal. It is important that you contact your legal representative immediately to help you lodge an appeal because you will have to do so within a strict time limit.

## What happens if my appeal is refused?

If your appeal is refused, the Home Office will expect you to leave the country. The authorities may try to remove you forcibly if you don't go voluntarily.

### Asylum process

This diagram shows the general route an asylum application would take. Yours may be different – please ask an advice worker or a legal representative for more information about your case.



## Legal advice

You can get legal advice from a legal representative. Legal representatives may call themselves solicitors, lawyers or legal advisers. If you do not have enough money, you may not have to pay for legal advice. Your legal representative can ask the Government to pay for their fees and expenses. This is called legal aid. Legal representatives should arrange an interpreter if you need one.

If your asylum application has been refused and you wish to appeal, a legal representative can refuse to take on your case if he or she feels you don't have a reasonable chance of winning the appeal. If this happens and you feel you have a strong case, you can challenge your legal representative's decision by appealing to the Legal Services Commission. Your legal representative must give you the appeal form and give you information about how to submit it. There are different legal arrangements if you are in Scotland. Scottish Refugee Council may be able to advise you.

In some parts of the UK there are a limited number of legal representatives doing asylum work. This means that you may have to travel to see a legal representative in another area. If you are receiving asylum support and there is no legal representative in your area your legal representative may pay the travel costs for your visits to him.

If you have moved to another area since you originally claimed asylum you may want to find a more locally based legal representative as travelling to appointments can be difficult.

It is important that you get good quality legal advice. Your legal representative should be from an organisation which has a contract with the Legal Services Commission (LSC) in immigration law or is an adviser registered with the Office of the Immigration Services Commissioner (OISC).

These organisations should have one or both of these logos displayed:



You can also contact the OISC for a list of approved organisations which give advice about asylum law. Telephone: 0845 000 0046 or visit <http://www.oisc.gov.uk>

### Legal advice in England and Wales

The Community Legal Advice publishes a list of legal representatives in England and Wales. Telephone: 0845 345 4345 or visit <http://www.communitylegaladvice.org.uk>

### Legal advice in Scotland

The Law Society of Scotland publishes a list of legal representatives in Scotland. Telephone: 0131 226 7411 or visit <http://www.lawscot.org.uk>

### Legal advice in Northern Ireland

The Northern Ireland Legal Services Commission publishes a list of legal representatives in Northern Ireland, visit <http://www.nilsc.org.uk>

## Other ways to find a legal representative

**Asylum Aid** – <http://www.asylumaid.org.uk>

Advice line: 020 7354 9264 Monday: 2pm – 4.30pm, Thursday: 10am – 12.30pm

**Immigration Advisory Service** – <http://www.iasuk.org>

**Immigration Law Practitioners Association** – <http://www.ilpa.org.uk>

**Joint Council for the Welfare of Immigrants** – <http://www.jcwi.org.uk>

**Law Centres Federation** – <http://www.lawcentres.org.uk>

**Refugee Legal Centre** – <http://www.refugee-legal-centre.org.uk>

**Are you unhappy with your legal representative?**

If you are unhappy with your legal representative and feel that they have represented you badly you can make a complaint to the Office of the Immigration Services Commissioner. Phone 0845 000 0046 or visit their website at [www.oisc.gov.uk](http://www.oisc.gov.uk)

*Information in this leaflet is not a full explanation of the law but a guide only. Please seek legal advice for detailed advice.*

Asylum Support Partnership consists of:

Migrant Helpline, charity number: 1088631 [www.migranthepline.org.uk](http://www.migranthepline.org.uk)

Refugee Action, charity number: 283660 [www.refugee-action.org.uk](http://www.refugee-action.org.uk)

Refugee Council, charity number: 1014576 [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

Scottish Refugee Council, charity number: SC008639 [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)

Welsh Refugee Council, charity number: 1102449 [www.welshrefugeecouncil.org](http://www.welshrefugeecouncil.org)