

English

# Migrant Help

Asylum advice





# CONTENTS

<b>Introduction</b>	<b>8</b>
What is Migrant Help? .....	8
<b>Section 1: Claiming Asylum</b>	<b>9</b>
1.1 Do you need to apply for asylum? .....	9
1.2 Where can I claim for asylum? .....	9
1.3 Do you need Asylum Support? .....	10
1.4 Voluntary Return .....	12
<b>Section 2: Prior to Screening Interview</b>	<b>14</b>
2.1 Introduction to Asylum Screening .....	14
2.2 Asylum screening process .....	15
2.3 Need to be truthful .....	16
2.4 Special circumstance .....	17
2.5 Interpreters .....	17
2.6 How to make a complaint .....	17
2.7 Documents to take with you to the interview .....	18
2.8 Accommodation and Asylum Support .....	19
2.9 What if I am unable to look after myself? .....	23
2.10 Documents given at screening .....	23
2.11 Reporting requirements .....	24
2.12 Failure to report .....	25
2.13 Documents you need when reporting .....	26
2.14 Legal advice .....	26
2.15 How to complain about bad legal advice .....	28
2.16 Changes of circumstances .....	28
2.17 Health care .....	29

2.18 Maternity payments .....	30
2.19 Domestic abuse .....	30
2.20 Voluntary return .....	31
2.21 What happens next? .....	31

### **Section 3: Prior to Substantive Interview (Main Asylum Interview) 34**

3.1 Overview of the asylum process.....	34
3.2 Before your interview .....	35
3.3 How your claim is considered .....	36
3.4 Attending your interview .....	37
3.5 During your interview .....	38
3.6 Documents to support your claim .....	39
3.7 Home Office responsibilities .....	40
3.8 After the interview .....	41
3.9 Receiving a positive decision .....	42
3.10 Receiving a negative decision .....	42

### **Section 4A: Post Decision - Positive 46**

4A.1 What does your type of status mean? .....	46
4A.2 If I have not been granted refugee status can I appeal? .....	47
4A.3 What happens when my leave is due to expire? .....	47
4A.4 What paperwork will I be given? .....	48
4A.5 Detail regarding integration loan .....	50
4A.6 End of Home Office support.....	51
4A.7 Accommodation: England and Wales .....	51
4A.8 Accommodation: Scotland .....	53
4A.9 Accommodation: Northern Ireland .....	54
4A.10 Housing Benefit, Local Housing Allowance & Council Tax Benefit .....	54
4A.11 Welfare benefits .....	54

4A.12 Other benefits .....	58
4A.13 Working Tax Credits .....	58
4A.14 Benefit caps .....	59
4A.15 Working in the UK .....	59
4A.16 Rights to British citizenship .....	61
4A.17 Family reunion .....	62
4A.18 English classes .....	62

<b>Section 4B:</b>	
<b>Post Decisions - Refusal</b>	<b>66</b>
4B.1 Options available following a refusal .....	66
4B.2 If you choose to appeal .....	66
4B.3 What if I am refused Legal Aid? .....	67
4B.4 Appeal hearing .....	67
4B.5 Adjournments .....	68
4B.6 During your Appeal hearing .....	69
4B.7 After the decision is made .....	69
4B.8 What happens after my Appeal? .....	70
4B.9 If I choose to leave the UK voluntarily .....	71
4B.10 What is Voluntary Return Service? .....	71
4B.11 What if there are children in my household? .....	71
4B.12 What happens if I don't want to return? .....	72
4B.13 Circumstances for detention .....	72
4B.14 What if I still think it is not safe to return? .....	73
4B.15 Support for failed asylum seekers .....	73
4B.16 Section 4 support .....	73
4B.17 What do I need to do to prove I am destitute? .....	76
4B.18 How do I apply for Section 4 support? .....	77
4B.19 Section 4 support Appeal .....	78
4B.20 Changes of circumstances .....	78

<b>Section 5:</b>	
<b>Other Information and specialist support</b>	<b>82</b>
5.1 Tracing your family .....	82
5.2 Victims of human trafficking and modern slavery .....	82
5.3 Victims of torture .....	83
5.4 Gender based violence, rape, sexual violence .....	83
5.5 LGBT+ asylum seekers .....	84
5.6 FGM (female genital mutilation) .....	84
5.7 Hate crime .....	84
5.8 Reporting crime .....	85
5.9 Education .....	86
5.10 Undertaking employment in the UK .....	86
5.11 Undertaking voluntary work .....	86
5.12 Unaccompanied minors .....	86
<b>Section 6:</b>	
<b>Useful contacts</b>	<b>90</b>

# Asylum Advice

Claiming Asylum



# Introduction

## What is Migrant Help?

Migrant Help is a national charity offering support and guidance to vulnerable migrants, helping them feel protected, informed and safe. We provide advice and guidance to asylum seekers, specialist support to victims of human trafficking across the UK and assist with the Syrian Vulnerable Person Resettlement scheme in the South East of England.

Our asylum services provide free independent advice, guidance and information on the asylum process, accommodation, financial support, finding legal representation and any other asylum related matters.

You can reach us on:

**Asylum Advice UK - 0808 8000 630** - information and advice about the asylum process

**Asylum Support Application UK - 0808 8000 631** - assistance with completing application forms for financial and/or accommodation support

### **Data protection and data sharing**

We may record personal information about you which will be kept on your file. All personal details that you provide will be held as strictly confidential. To provide you with the advice and help you need, we may need to refer you to or liaise with other agencies on your behalf, such as UK Visas and Immigration, welfare benefits agencies, social services or healthcare providers.

Migrant Help will not share your personal details with anyone else unless you agree to it. We will ensure that only relevant information is passed on and care is taken to safeguard client confidentiality. Everything that you say will be treated in confidence unless it is felt that you are a risk to yourself or others. You have the right to access your file at any time.



---

# Section 1: Claiming Asylum

## 1.1 Do you need to apply for asylum?

You should only make a claim for asylum (international protection) if you fear returning to your country. To be recognised as a refugee under the 1951 United Nations Convention Relating to the Status of Refugees, you must have left your country and be unable to go back because you have a well-founded fear of persecution, based on one of the following reasons:

- Your race
- Your religion
- Your nationality
- Your political opinion; or
- Your membership of a particular social group.

If it is decided that you are not a refugee, because your claim is not based on one of the five reasons listed above, but there are other grounds for believing that you would face a real risk of suffering serious harm if you return to your country, then you may qualify for humanitarian protection. If you do not think you have a claim for international protection (asylum or humanitarian protection) but would still like to remain in the United Kingdom (UK) for other reasons, you should seek legal advice.

If your claim for international protection is refused it may affect any further applications for leave to visit the UK.

## 1.2 Where can I claim for asylum?

### **Are you at an airport, seaport or international train station?**

If you intend to claim asylum it is important that you do so as soon as possible when you enter the United Kingdom. If you have fled persecution and are in need of protection then you must ask to see an immigration officer. When you speak to the immigration officer you will need to confirm that you are applying for asylum in the United Kingdom because you are at risk.

### **Are you already in the United Kingdom?**

If you want to claim asylum and you are already in the UK, you must book an appointment to attend the Asylum Screening Unit in Croydon (South-East London). You must attend with any dependants (such as a partner, or children under 18 years old) who form part of your asylum claim. It is important that you make a claim for asylum as

soon as possible after your arrival in the United Kingdom or as soon as you have found out that your circumstances have changed and that you now require international protection. Please note that the Home Office will not pay for your travel to Croydon.

In addition to the above appointment system, the Asylum Screening Unit will assess applicants who attend via the walk-in service. However, there is no guarantee that your application will be dealt with on the same day. You may be advised to make an appointment for your application to be processed on another day.

**Appointment line for the Asylum Screening Unit: 020 8196 4524**

Opening times: Monday to Thursday 9am to 4.45pm and Friday 9am to 4.30pm.

**Asylum Screening Unit is located in Lunar House, 40 Wellesley Road, Croydon CR9 2BY**

If you need to change or cancel your appointment, please telephone as soon as possible on 020 8196 4524.

If you are vulnerable and are in Scotland, you may be allowed to have your screening interview in Glasgow. This, however, is at the discretion of the Home Office and is decided on a case by case basis.

### 1.3 Do you need asylum support?

If you need to apply for asylum support once your claim is registered or you have been given an appointment, then you need to call our FREE helpline:

**Asylum Support Application UK on 0808 8000 631**

This service can be provided in a language you understand.

**Further information regarding asylum support can be found at:**

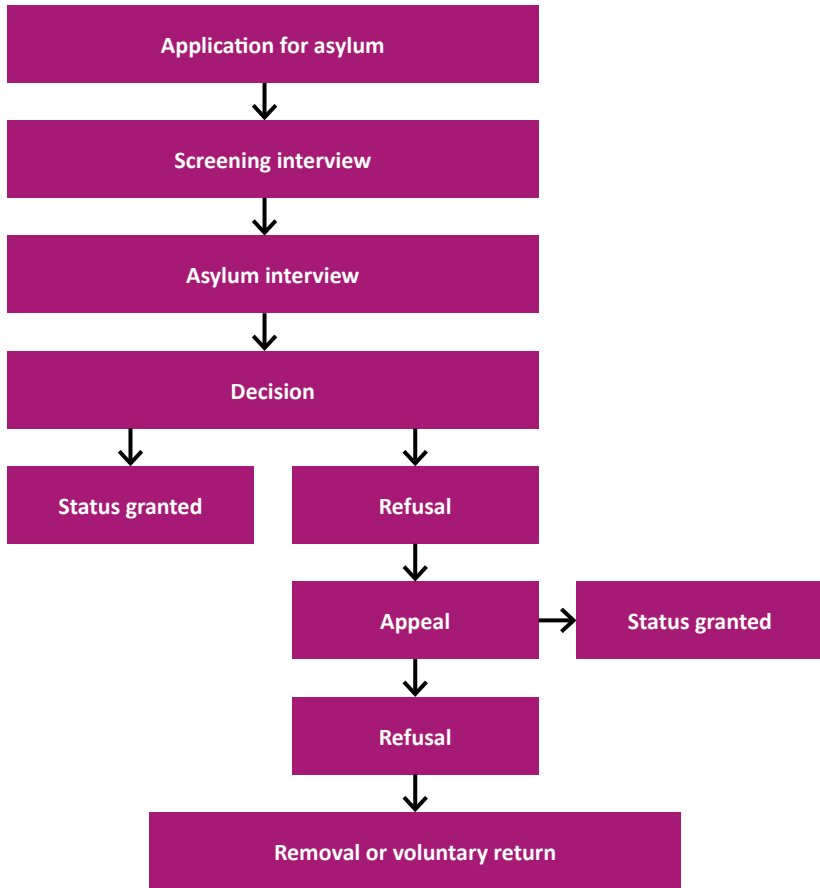
[www.migranthehelpuk.org](http://www.migranthehelpuk.org)

If you are homeless or unable to support yourself please ensure that you make this clear during the asylum screening process. The Home Office will assess whether you require temporary accommodation, which they can provide immediately after screening.

If you have been refused entry to accommodation in your screening appointment, Migrant Help will not be able to assist you to obtain immediate accommodation but can assist you to apply for long term support.

If you have entered the UK on a visa or been self-financing you must give a full account of how you have been supporting yourself. You will need to explain why this support is no longer available. You will need to provide all available evidence of this in your screening interview.

## Asylum process diagram



## 1.4 Voluntary Return

If you decide you want to return home there is help available at any stage of the asylum process. You can make your own arrangements to leave the UK at any time. You will need to inform Home Office of your departure details so any documents can be returned to you and your application closed. If you do not have the funds to book your travel, you may be able to get help from the Home Office's Voluntary Returns Service.

For more information please visit: [www.gov.uk/return-home-voluntarily](http://www.gov.uk/return-home-voluntarily)

Voluntary Returns Service: 0300 004 0202

You can apply online on: <https://visas-immigration.service.gov.uk/product/vrs>

**For further information regarding any part of this section please contact us.**

**[www.migranthelpuk.org](http://www.migranthelpuk.org)**

**Asylum Advice UK 0808 8000 630**

**Asylum Support Application UK 0808 8000 631**

# Asylum Advice

Prior to Screening  
Interview



# Section 2:

## Prior to Screening Interview

### 2.1 Introduction to Asylum Screening

The Home Office is committed to treating you with respect, dignity and fairness regardless of your age, disability, ethnicity, nationality, race, gender, sexual orientation, religion or belief.

UK Visas and Immigration (UKVI), a department of the Home Office, is the part of the Government that is responsible for considering your asylum claim. It will determine whether you are in real danger in your country and need international protection in the UK.

There are several stages in the asylum process. How long this takes depends on your circumstances, but you will not be removed from the UK while your case is being considered.

The first stage is normally a screening interview and this should take place when you first apply for asylum. The main reason for the screening interview is to register your request to claim asylum, establish your identity, how you arrived in the UK and what particular needs you may have.

You will only need to answer basic questions at this stage. Your substantive interview (main asylum interview) will take place at a later date. You will not be asked for in-depth information about your asylum claim at this stage. You will also be asked if you would prefer to be interviewed by a male or a female interviewing officer.

Please note that information you provide at the substantive interview will be checked for consistency against what you said at the screening interview.

You must be truthful in all communications with the Home Office. If you phone to book your screening interview you will be asked some basic questions over the phone, which you will have the opportunity to confirm when you attend your appointment.

Please make the Home Office aware of any vulnerabilities or immediate needs you or your dependents have.

If you would like to speak to the appointment line for the Asylum Screening Unit please call: 0208 196 4524 Monday to Thursday 9am to 4.45pm and Friday 9am to 4.30pm.

---

## 2.2 Asylum Screening Process

If you are applying for asylum at the Asylum Screening Unit and you want any of your dependants (such as a partner, or children under 18 years old) to be part of your asylum application, you **must** bring them with you. You have the right to apply for asylum as a dependant but you may also wish to submit your own separate claim for asylum if you have separate information you wish to be taken into consideration.

On arrival at the Asylum Screening Unit you may need to wait in reception until you are called into an interview room. The screening process can take several hours and so you may wish to take something to eat and drink with you if possible. The Asylum Screening Unit has facilities for families such as family interview rooms that have separate areas for your children to play, draw or watch television. However, you may still wish to take activities with you or take a friend who can help to look after your children.

The asylum screening process is split into several parts. These include:

- Gathering your biometric information (this is taking your fingerprints and photographs). Your biometric information will be collected and stored on a card which will be posted to you shortly after the screening process. This is called an Application Registration Card (ARC). This will confirm that you have claimed asylum and will record the identity you give the Home Office. If you are given a right to stay in the UK, you will receive confirmation of your right to remain via the biometric residence permit card that is given to all foreign nationals who have a right to work and live in the UK. The biometric residence permit card confirms your immigration status and the conditions of your right to stay in the UK.
- Carrying out identity and security checks.
- Confirming whether or not you require accommodation and gathering information to assist with making a decision on where in the UK you will be accommodated.
- Completing a screening interview which will include:
  - Basic questions about your identity and details of your family
  - Confirmation of when you need to report (see reporting section 2.11 - 2.13 for more information)
  - How you travelled to the UK
  - Whether you have any medical conditions
  - To give a brief explanation of why you fled your country

- Questions relating to any criminal convictions you may have and any necessary questions relating to national security
- Whether you would prefer to have a man or a woman to interview you during your substantive interview
- If you are homeless you should inform the Home Office of your family's needs. After your screening interview the Home Office will consider whether to place you in temporary accommodation. Decision will be based on likelihood of destitution. You will need to inform the Home Office of any medical conditions you or your dependants have and;
- If you have run out of medication
- If you are in need of medical attention
- If you are a victim of torture
- If you have been or are being trafficked and/or exploited
- If your children have another parent in the UK
- If any children are doing final exams at school
- If you are pregnant.

The Home Office will look at the information you give them and make a decision about the area in which you will be offered hostel accommodation.

Please note that you have the right to request a copy of your screening interview.

## 2.3 Need to be truthful

Some people may advise you not to tell the Home Office about some aspects of your claim or to provide a completely different story. If you do this it will be detrimental to your case and will likely lead to refusal. It is **essential** that you tell the truth.

If you make an unfounded or abusive asylum claim, including a late or opportunistic claim, it is likely to be refused and you will be liable for removal once your claim has been processed. In certain circumstances appeals can only be made after departure from the UK.

It is a criminal offence to use deception or provide false documents in support of an application for leave to remain in the UK. You may be prosecuted and sent to prison if you do so.



## 2.4 Special circumstance

If you have entered another safe country on your journey to the UK and are known to immigration officers in that country, your case may be referred to the Home Office Third Country Unit. This means that the Home Office may ask officials in that country to consider your claim for asylum there. This may mean you are returned to that country.

The Home Office may also decide that you are from a country that has protection issues and fast track your case to enable a quicker grant of refugee status. The Home Office will only make a decision based on the relevant law.

## 2.5 Interpreters

An interpreter will be made available to you if you need one. You may need to wait for an interpreter to arrive if you are using the walk in service and are being screened on arrival.

The Home Office will provide an interpreter for the screening interview if you need one. The interpreter must interpret what you say accurately so that the Home Office has a full record of the information you provide. You can ask for a male or female interpreter if you prefer this.

Interpreters are required to treat any information you provide as strictly confidential.

Please let your interviewing officer know if you have any concerns about the interpreter, for example, if you have difficulty understanding them. It will not affect how your case is decided or the outcome of your case.

## 2.6 How to make a complaint

If you are unhappy with the services that have been provided, feel that you have not been treated with respect and dignity, or you are concerned with the professional conduct of staff, then you can make a complaint. It is important that you make your complaint as soon as possible. The Home Office will not normally investigate complaints that are more than 3 months old.

You will need to make a complaint in writing. This can only be written in English or Welsh. If you are in the UK, you will need to send this to either:

- Email: [complaints@homeoffice.gsi.gov.uk](mailto:complaints@homeoffice.gsi.gov.uk). The Home Office normally respond quicker to email complaints.
- In writing: UKVI, Complaints Allocation Hub, 11th Floor, Lunar House, Wellesley Road, Croydon, CR9 2BY.

You will need to make sure the following are included:

- your name and full contact details;
- full details of the complaint (including times, dates and places);
- the names or identifying numbers of any UKVI staff or contractors' staff who you have dealt with;
- details of any witnesses (if relevant);
- your Home Office reference numbers.

Your complaint will be managed by one of the Home Office's customer service units (CSUs). They will be responsible for ensuring that your complaint is resolved in a satisfactory and timely manner. The Home Office will send you an acknowledgement, telling you who is dealing with your complaint. They will normally give a full response in 20 days. However, if your complaint alleges serious professional misconduct it may take up to 12 weeks as an independent investigation will take place.

Making a complaint will not affect how your case is decided, or negatively affect the outcome of your case.

If you require any further information regarding making a complaint please contact: Asylum Advice UK on 0808 8000 630.

## 2.7 Documents to take with you to the interview

You should make sure that you provide all available documentation at the earliest opportunity to support your claim for asylum.

**Passport** - your passport and the passports of any dependants who are on your claim for asylum.

**Travel documents** - you should take any tickets and boarding passes you have with you.

**Police Registration Certificates** - if you or your family have any.

**Any other identification documents** - such as identity cards, birth/marriage/school certificates, membership cards, etc. This is to help the Home Office establish your identity and nationality.

**Medical documents** - the Home Office needs to know the details of any medical conditions you have and any medicines you are taking.

**Evidence of your accommodation** – if you have been living in the UK already, the Home Office will ask for documentary evidence of your accommodation such as a tenancy agreement or recent utility bill (for example gas, electricity, etc.) showing your full name and address history in the UK.

If you are living in someone else's house please bring a recent letter from the person you live with confirming whether or not you can stay in their house, AND documentary evidence such as a utility bill showing their full name and address.

If you require temporary accommodation you will need to bring proof of why your existing accommodation is no longer available and why you are unable to support yourself. The Home Office will look into any support and assets you have available in the UK and abroad. The Home Office will take your original documents from you and will keep them while your asylum claim is processed. You may wish to request a photocopy of your documents, as they will only be returned once your case has been concluded.

## 2.8 Accommodation and Asylum Support

When you are in your screening interview you will be asked if you need accommodation and support. Checks will be made to see whether you meet the criteria for support. The Home Office will run credit and other checks to assess your eligibility to support.

### **If you need accommodation and support:**

If you need accommodation it is important that you take all your belongings to the screening interview. If it is accepted that you are in need of accommodation and have no means to support yourself then you will be placed directly into a temporary 'initial' accommodation centre after your screening interview. This may be many miles away. You must inform the officer of any urgent needs you have, as this may affect which centre you are sent to. This is temporary accommodation and it is likely that you will be accommodated for around 21 days. However, this may be longer depending upon your individual circumstances.

It is important that if you cannot support yourself, you are able to prove this to the Home Office. The Home Office will look into your financial situation both in the UK and abroad. If you have any means to support yourself or you have friends or relatives who can provide you with accommodation and food then the Home Office will expect you to support yourself.

The Home Office will expect you to provide the following evidence for you and your dependants:

- Bank Statements – 6 months for all accounts in the UK and abroad. They will

also check to see if any monies have been transferred from your account that you still have access to

- Details of any assets – if these can be sold to enable you to support yourself
- Information about any work you have carried out in the UK – need a copy of the most recent P45 or letter from your employer confirming that this has ended and the date when it ended. You also need either 3 months or 5 weeks' pay slips
- Details of income and how this income has been spent – receipts, agreements, proof of how this money has been spent
- Any valuable jewellery
- Property in the UK and abroad – confirmation of if this can be sold
- Any money you have or had when you entered the UK, where this money is and if it is still available
- Any benefits you are claiming in the UK – proof that this has either stopped or confirmation of the amount and how often this is received.

If you have received any support from friends or relatives whilst staying in the UK, letters from them confirming the date the support started, what support has been provided to date, along with a reasonable explanation as to why they can no longer continue and the date the support will end will be required.

You will need to provide a list of addresses at which you have been staying since entering the UK, details of how long you stayed at each address and why this support can no longer continue. You will also need to provide evidence about your most recent accommodation, where this was and why this accommodation is no longer available to you. This evidence can be a letter from a friend/relative or tenancy agreement and eviction letter if applicable – this needs to cover the last 6 months.

### **Initial accommodation**

Once you arrive in the initial accommodation location, Migrant Help members of staff will be available on site to provide free, independent advice and information. An appointment will be arranged as soon as possible to complete the UK Visas & Immigration Asylum Support Form (ASF1). Please bring all your documents and supporting evidence.

Initial accommodation is hostel type accommodation where basic meals and toiletries are provided. You will not be given any financial support while you are in the initial accommodation. In Scotland initial accommodation is self-catering and claimants are given £5 per day toward the cost of toiletries and food.

### **Dispersal accommodation**

If your application for support is successful you will be moved to your dispersal accommodation. This can be anywhere in the UK and is provided on a no-choice basis. Therefore, it is important that you notify the Home Office of any factors that may affect the area or type of accommodation you are placed in. It is important that you do this when completing the application form otherwise you may find that your accommodation is not suitable for your needs.

Please discuss all of your needs with your caseworker when completing your application for support.

If you are staying with a friend while waiting for accommodation, financial support will not start until you have moved to your long term accommodation.

If you have been residing with friends or family and need to find accommodation somewhere else it is very important to contact Migrant Help on 0808 8000 631 as soon as possible and not wait until you are homeless. If you are staying somewhere temporarily it is generally best to stay there so that the Home Office can process your application, look for most suitable accommodation for you and initiate dispersal to the regions.

### **If you do not require accommodation**

If you are staying with friends or family, you will need to show proof that you can stay there. If they can let you live with them, but offer you no other support then you can apply for financial support from the Home Office. This is called subsistence only.

### **If you require accommodation**

If friends and family can provide you with food or you have a low income, you can apply for accommodation only from the Home Office.

It is important that you contact Asylum Support Application UK to submit an application for support if you require it.

**Asylum Support Application UK - 0808 8000 631**

[www.migranthehelpuk.org](http://www.migranthehelpuk.org)

If you are applying for subsistence only, and are staying with a friend, money support will not start until you have been assessed as eligible for support.

If you have been in the UK for a long time and did not claim asylum as soon as possible, you may be refused Home Office support.

If you can't sufficiently prove that you do not have access to a place to stay and/or have access to items needed for life (food, heating) or that withholding support will breach

your human rights, then the Home Office has a right to refuse support.

### Aspen payment card

If you are eligible for asylum support you, as the main applicant, will be given an Aspen payment card. You will receive the card either at a face to face briefing prior to being accommodated, or – generally if you have not been residing in Initial Accommodation – by post to your dispersal or verified private address. You must activate the card to obtain a secure PIN, which ensures no one else can use the card without your permission.

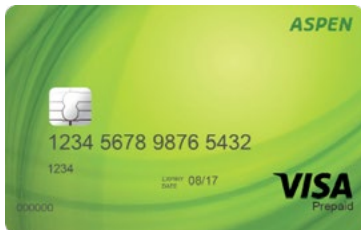
Asylum support is uploaded onto the card on a weekly basis. You may use the card at most retail outlets where Visa cards are accepted. Additionally, if the terms and conditions of your asylum support permit access to cash, you may withdraw any available funds from a cash machine subject to any daily cash withdrawal limits which may apply. The Aspen card allows money in the account to be carried over if not needed in one week.

The Aspen card scheme is managed by the Home Office. Details of the terms and conditions which apply to card usage are issued with the card. The Home Office may suspend or discontinue the payment of support when you cease to be eligible, or should it appear that you have not complied with the terms and conditions. Asylum support may also be recovered in certain circumstances.

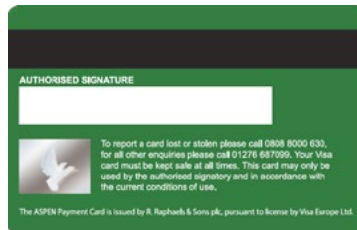
Aspen card does not provide a credit facility and it can't be used for internet and telephone based transactions. Asylum seekers who have difficulties using their Aspen card should contact Sodexo on 01276 687099 or Migrant Help on 0808 8000 630. It is important to keep your Aspen card safe. If your card is lost, damaged or stolen, please contact Migrant Help.

This is what the Aspen card looks like. You will need to sign the back before using the card.

Front of Aspen:



Back of Aspen:



---

### **Additional payments**

If you have exceptional circumstances and needs above your essential living expenses, you may be entitled to additional payments. For example, if you have to make journeys to medical appointments, have education related needs for yourself or your dependants, or have a medical condition requiring special diet. If you think you might be eligible for the additional payments, you need to contact us on 0808 8000 630.

## **2.9 What if I am unable to look after myself?**

The Home Office will assess your needs when completing your screening interview. It may decide that you are not able to look after yourself. This may be because you have a serious illness, physical disability, learning disability, mental health problems or frailty because of old age. If one of these applies, then you may be referred to social service after screening for them to complete a Community Care Assessment. If you have a clear and immediate care need, it is likely that the local authority will have a responsibility to provide you with support. This may include accommodation and financial support.

If you need additional support but do not have a clear and immediate care need, a Community Care Assessment will be completed when you are dispersed to your longer term accommodation. The assessment will decide whether you require any additional support (e.g. equipment).

If there is a child in your household with a clear care need (for example, a severe disability or serious illness) then it will be necessary for the local authority to ensure the appropriate level of care can be provided while you are going through the asylum process. A referral will need to be made to child services to ensure that the correct support is provided.

If you need advice and guidance to do this, please contact us on: 0808 8000 630.

## **2.10 Documents given at screening**

The details you have provided us, as well as your work permission (if any) and your age during the early part of your asylum claim, will be used to produce an Application Registration Card (ARC).

This is a high quality document which shows others that you have made a claim for asylum and what your status is in the UK is. It is not an identity document like a passport and you cannot use it as a travel document.

The document will be posted to you. If you have not received the card after three days please contact Migrant Help who will assist you to report it to the Home Office.

Your ARC contains your personal details and photograph. It is important that you check





If you are an asylum applicant living three miles or more from your reporting centre and you receive Home Office support you may be eligible to receive help with travel tickets for reporting. You will need to attend your first reporting event with proof that you are getting support from the Home Office. You will then be provided with tickets so that you can report. These will normally be given to you at the reporting centre. In most circumstances you will need to arrange your own travel to your first reporting event. You will not receive the cost of this back.

You will need to show your ARC card (if it has been issued) every time you report.

If you are not Home Office supported you may be able to apply for travel tickets if there are exceptional circumstances. You will need to ask for an “Exceptional travel request form” from the immigration officer at your reporting event. You will need to submit a request in writing and evidence that you are not able to fund your own travel.

There is a possibility that you may be detained during your reporting visit, particularly if your application has been refused. Make sure that you tell a friend or a family member before you attend your reporting appointment so they can call your legal representative in case you are detained.

You can apply for immigration bail from the Home Office if you have been detained for seven days or more. If this is refused, you can apply to the First-tier Tribunal for a bail hearing in front of a judge. Automatic bail hearing should be provided for those who have been detained for four months and have not applied for bail themselves.

## 2.12 Failure to report

It is important that you attend each reporting event. If you are unable to report then you must contact the reporting centre (on the number provided by the Home Office) prior to your reporting date and request that reporting be suspended. You must submit evidence to support your request. For example, if you cannot report due to illness you must provide medical evidence.

If you are in the last trimester of pregnancy you can ask for the reporting to be suspended until after the birth of your child. You should attend the reporting centre with your maternity certificate (MAT B1). This is available from your doctor or midwife. The reporting centre should then be able to postpone your reporting until after the birth of your child. If you are unable to attend your reporting event it is important that you contact the reporting centre or contact your legal representative who may be able to assist with this.

## 2.13 Documents you need when reporting

When you attend the reporting centre you will need to take with you the documents given to you by the Home Office and your ARC card. Reporting centres will update your ARC card to confirm that you are complying with your reporting requirements and your admission in the UK. If you fail to report and do not contact the Home Office, then your support will be suspended and in some cases your support may be stopped. You must attend your local reporting centre to get your card updated to enable your support to continue.

## 2.14 Legal advice

It is important that you speak to a legal representative at the earliest opportunity. He/she will be able to assist you with information regarding the asylum process, help you to translate your documents and arrange for any additional reports to be submitted to the Home Office. A good legal representative will give you advice on the strengths and weaknesses of your case, help you prepare for your main asylum interview, provide interpreter for your sessions if needed, represent you in court if you are refused and appeal, and get any further information you may need to explain your claim.

You need to ensure that your legal representative is registered with one of the following organisations:

- Law Society of England and Wales as a qualified lawyer.
- Law Society of Scotland as a qualified lawyer.
- Law Society of Northern Ireland as a qualified lawyer.
- Office of the Immigration Services Commissioner (OISC), which has a register of advisers who are level 2 or 3. Level 2 or 3 means that the adviser is qualified to give you advice regarding your asylum application and represent you in all your asylum matters.
- You should ask your legal representative who they are registered with. The logos of the above organisations should appear on any letters you receive from them. You will also be able to check directly with the organisation that your legal representative is registered with them.

### Free legal advice

As an asylum seeker you may be entitled to free legal advice if you meet the criteria for Legal Aid. You will be classed as an asylum seeker once you have been fully screened. To be eligible for legal aid you will need to prove that you are on a low income and that your case has a realistic chance of success.

### **Legal Aid England and Wales**

The Legal Aid Agency overseas Legal Aid.

#### **To find a legal representative:**

- Law Society: [www.lawsociety.org.uk/find-a-solicitor/](http://www.lawsociety.org.uk/find-a-solicitor/)
- Direct Gov: [www.gov.uk/find-a-legal-adviser](http://www.gov.uk/find-a-legal-adviser)
- OISC- Level 2 | level 3 (Specialist): [www.oisc.homeoffice.gov.uk/how\\_to\\_find\\_a\\_regulated\\_immigration\\_adviser](http://www.oisc.homeoffice.gov.uk/how_to_find_a_regulated_immigration_adviser)

You can also contact:

**Asylum Advice UK – 0808 8000 630**

[www.migranthehelpuk.org](http://www.migranthehelpuk.org)

### **Legal Aid Scotland**

The Scottish Legal Aid Board. Further information on Legal Aid can be obtained on:

**0845 122 8686**

#### **To find a legal representative:**

- Scottish Legal Aid Board:  
[www.slabb.org.uk/public/solicitor-finder/#register](http://www.slabb.org.uk/public/solicitor-finder/#register)
- OISC:  
[www.oisc.homeoffice.gov.uk/how\\_to\\_find\\_a\\_regulated\\_immigration\\_adviser](http://www.oisc.homeoffice.gov.uk/how_to_find_a_regulated_immigration_adviser)
- The Law Society of Scotland:  
0131 226 7411 | [www.lawsocot.org.uk](http://www.lawsocot.org.uk)

### **Legal Aid in Northern Ireland**

The Northern Ireland Legal Services Commission administers Legal Aid in Northern Ireland.

#### **To find a legal representative:**

- Northern Ireland Legal Services Commission:  
[www.nilsc.org.uk/solicitors.asp?on=solicitors](http://www.nilsc.org.uk/solicitors.asp?on=solicitors)
- Law Society of Northern Ireland:  
[www.lawsoc-ni.org/solicitors-directory/how-to-use-the-solicitors-directory](http://www.lawsoc-ni.org/solicitors-directory/how-to-use-the-solicitors-directory)
- OISC:  
[www.oisc.homeoffice.gov.uk/how\\_to\\_find\\_a\\_regulated\\_immigration\\_adviser](http://www.oisc.homeoffice.gov.uk/how_to_find_a_regulated_immigration_adviser)

For help finding a legal representative you can also contact: Asylum Advice UK - 0808

8000 630, [www.migranthehelpuk.org](http://www.migranthehelpuk.org).

## 2.15 How to complain about bad legal advice

If you believe that you have received bad legal advice then you have a right to submit a complaint. You must first submit a written complaint to the firm dealing with your case. You need to include the following:

- your name and full contact details;
- full details of the complaint (including times, dates and places);
- details of any witnesses (if relevant);
- copies of letters or papers that are relevant;
- your case reference number.

Your legal representative should issue you with a client care letter when you first meet. This letter confirms the work they will do for you as well as their complaints procedure. This will also confirm how long it will take to investigate your complaint.

## 2.16 Changes of circumstances

You must notify the Home office of any changes to your circumstances for you and your dependants.

This includes:

- A change to your name
- Receiving or gaining access to money that you have not previously mentioned
- Receiving or gaining access to money after selling something
- Moving to a different address
- Getting married, divorced or separated from a partner
- Forming a civil partnership or deciding to live with your partner
- Being hospitalised
- You (or your partner) becoming pregnant or having a child
- Any of your children leaving school or leaving home
- Any other family members joining or leaving you in the UK
- Anyone else joining or leaving you in your accommodation
- Being imprisoned

- Starting or leaving work
- Pregnancy
- Change from receiving accommodation and financial support to financial support only and vice versa.

It is important that you notify the Home Office of any changes to your circumstances as these may have an effect on your entitlement to support.

Migrant Help will help you to notify the Home Office of any changes to your circumstances. Please contact:

**Asylum Support Application UK – 0808 8000 631**

[www.migranthehelpuk.org](http://www.migranthehelpuk.org)

It is important that you also notify your legal representative and/or the immigration part of the Home Office of any change to your circumstances.

## 2.17 Health care

You are entitled to access National Health Service (NHS) care without charge while your claim or appeal is being considered. If you are housed in initial accommodation, you will be referred for a health screening on arrival.

If you are not in initial accommodation or have been dispersed, you should register with a doctor (known as a general practitioner or GP) as soon as possible, so that you can get medical care if you need it. To register you will need to give your name, date of birth, address and telephone number if you have one, you will also need to complete a new patient record check. You may also be required to show your ARC to prove that you are an asylum seeker and have an entitlement to free health care.

If you are supported under Section 95 of the Immigration and Asylum Act you should receive a health form known as a HC2 certificate. This will either be given to you in initial accommodation or as part of the information you receive 18 days after arriving in your long term accommodation. If you have not received your HC2 certificate after 18 days, please contact Migrant Help on 0808 8000 630 so we can assist you with the request. The HC2 certificate is usually valid for six months.

If you are not receiving Home Office support you need to get a HC1 form. Details can be obtained from a GP or from the Department of Work and Pensions.

To renew an HC2 certificate you will need to complete a new HC1 form. This can be requested from the following link: [www.nhsbsa.nhs.uk/nhs-low-income-scheme/hc2-certificates\\_](http://www.nhsbsa.nhs.uk/nhs-low-income-scheme/hc2-certificates_)

You can also collect the form from a Job Centre, dentist, optician or pharmacy.

A HC2 certificate will entitle you to:

- NHS prescriptions (free to residents in Scotland and Wales)
- NHS dental treatment (non cosmetic)
- Eye tests
- Glasses and contact lenses (the opticians will confirm the maximum cost you can apply for)
- Necessary costs of travel to receive NHS treatment under a consultant
- NHS wigs and fabric supports - for example spinal or abdominal supports or surgical brassieres supplied through a hospital (free to residents in Scotland and Wales).

If you think that you may have tuberculosis (TB) or any other contagious disease you should seek medical assistance immediately. If you are staying in initial accommodation in Scotland you will receive your GP details before leaving the initial accommodation. In Scotland, asylum seekers can access NHS services for as long as they remain in the country whether or not they have an ongoing asylum application.

## 2.18 Maternity payments

A single, one-off maternity payment of £300 may be provided to new mothers receiving asylum support to help with the costs arising from the birth of a new baby. The application must be made in writing no earlier than eight weeks before the baby is born and no later than six weeks after the baby is born. You must include evidence of the date of expected birth (MATB1 form), or the child's full birth certificate. Payment should be made to the value of £300 per child, so if twins are due, £600 will be paid. If you are receiving Section 4 support, request £250 no earlier than eight weeks before the baby is due or no later than six weeks after the baby is born.

All women who are receiving asylum support and who are pregnant or have children under three years of age are entitled to additional payments. An additional £5 a week is available for babies under the age of one. Pregnant women and children between one and three years are entitled to an additional £3 on top of their basic asylum support cash payment.

## 2.19 Domestic abuse

Domestic abuse is any incident of threatening behaviour, violence or abuse between adults who are or have been in a relationship together, family members, or people who live or have lived in the same household/accommodation regardless of their gender or

sexuality. It can be physical, sexual, emotional or financial.

Domestic abuse can affect anybody at any time. Both men and women may be affected by it regardless of who they live with and their relationship with that person. If you are having to live with this behaviour, either as a victim or witness, it is important to realise that you can ask for help. Everyone is entitled to protection from domestic abuse irrespective of their immigration status.

You can report the abuse to: the national domestic violence 24-hour telephone helpline (0808 2000 247 – calls are free of charge), the Police, your doctor, health visitor, refugee agency or a local support group. You can ask to speak to a support worker and/or an interpreter of either gender if you prefer.

## 2.20 Voluntary Return

If you decide that you would like to return home due to a change to your circumstances, and no longer wish to pursue your claim for asylum, then you can contact the Voluntary Returns Service run by the Home Office. For more information and to apply online visit: [www.gov.uk/return-home-voluntarily](http://www.gov.uk/return-home-voluntarily)  
Voluntary Returns Service: 0300 004 0202

## 2.21 What happens next?

After screening a substantive interview will be arranged. It is important to find a solicitor prior to this stage so they can submit any evidence that you have prior to the interview. Please see 'prior to substantive interview' briefing – section 3.

### **Making a complaint about Migrant Help**

Anyone accessing Migrant Help's services may make a complaint. If you experience problems with any of our services, raise the matter as soon as possible with a member of staff or volunteer. If the complaint is not satisfactorily resolved informally, then you can make your complaint in writing, using a complaint form. You can do this by calling the Asylum Advice UK on: 0808 8000 630 or download the form from the website - [migranthelpuk.org/contact](http://migranthelpuk.org/contact).

You will need to address the complaint to the manager of the service you wish to complain about. Complaints do not need to be written in English. They may be written in your language and we will have it translated. The manager will investigate the complaint and provide a response. If we are unable to provide a satisfactory response immediately, we will provide a full written response which will include details of any corrective action within seven working days.

If you are not satisfied with the outcome of your complaint, you can take the matter further by contacting the Complaints Officer, Migrant Help, Charlton House, Dover CT16

1AT. If you are still unsatisfied with this response, the failure to resolve the complaint will be recorded and we will advise you of other possible organisations to which you may report your complaint.

**For further information regarding any part of this section please contact Migrant Help.**

**[www.migranthelpuk.org](http://www.migranthelpuk.org)**

**Asylum Advice UK 0808 8000 630**

**Asylum Support Application UK 0808 8000 631**



# Asylum Advice

Prior to Substantive  
Interview



# Section 3:

## Prior to Substantive Interview (Main Asylum Interview)

This section explains the asylum process so that you know:

- what to expect from the Home Office;
- what happens after your screening interview to help prepare you for your main asylum interview ('the substantive interview');
- what you are expected to do during your asylum interview and;
- how to prepare for the Home Office decision on your claim for asylum.

If you have questions which are specific to your claim you should ask your legal representative.

### 3.1 Overview of the asylum process

The Home Office, part of the United Kingdom (UK) Government, is responsible for considering your asylum claim and must decide whether you are in real danger in your country of origin and need protection in the UK. There are several stages in the asylum process and how long it takes will depend on your circumstances, but you will not be removed from the UK while your case is being considered.

The first stage is normally a screening interview and this should have taken place when you applied for asylum. The main reason for the screening interview is to establish your identity and how you arrived in the UK.

You may have been asked to report to an immigration office on a weekly or monthly basis and it is important that you continue to report while your case is considered. It is likely that all adult dependants in your application will need to report.

You should also have received an ARC card. If you have not received your ARC you will need to contact Migrant Help on 0808 8000 630. An ARC appointment will then be arranged for you.

You have a right to legal advice, which is free if you do not have the financial means to pay for it. We can provide you with contact details of legal advisers if you do not already have one.

The next stage is a substantive interview. This is your opportunity to provide more information to assist the Home Office to decide whether you need protection.

After the interview you should normally receive the Home Office decision together with information about what to do next. This is normally within 4-5 weeks, but in some cases it may take longer for the decision to be made. If your case is delayed you will be able to ask the Home Office about the reasons for the delay.

### 3.2 Before your interview

If you are in receipt of asylum support and have not received travel tickets for your interview, contact Migrant Help on 0808 8000 630 to seek advice. Alternatively, you can ask the Home Office to reimburse the travel fare if you had to buy your own tickets.

You should receive a letter inviting you to attend the interview. A copy of this should be sent to your legal representative if you have one. This letter provides important information about arrangements for your interview. You should make sure your legal representative is aware of your interview date. They may also want to have an appointment with you before your interview.

It is important that you keep both your legal representative and the Home Office up to date with your address. You need to keep both the team dealing with your support (if you have applied for this) and the team dealing with your asylum claim up to date with your address. Please contact Migrant Help to update your address with the asylum support section if you are receiving support. You can update the asylum teams via your legal representative, your reporting centre or online via <https://visa-address-update.service.gov.uk/>.

If you do not do this you may miss important information that has been sent to you. This may have a negative effect on both your case and/or your support.

It is possible for your interview to be tape recorded, but you must ask the Home Office at least 24 hours before your interview if you want this. Please speak to your legal representative should you wish to request this. You should be given a copy of the recording as well as a written copy of your interview.

You can ask for a male or female interviewer and interpreter if this would make you feel more comfortable talking about difficult personal issues. In most cases the Home Office will be able to arrange this for you. Speak to your legal representative for help with this, or directly to the Home Office if you do not have one.

Children should not normally be present during the interview as it could be distressing for them and it may make it difficult for you to be open about all your reasons for

seeking asylum. If you have children you should, if possible, make safe alternative childcare arrangements whilst you attend your interview. If you cannot make any arrangements you should let the Home Office know before the date of your interview.

There may be childcare facilities available to you whilst you are being interviewed. The Home Office cannot guarantee this.

### 3.3 How your claim is considered

The Home Office will consider your asylum application by applying the 'Refugee Convention' and the 'European Convention on Human Rights' to the individual circumstances of your claim.

A refugee is someone who leaves the country they come from because they have a well-founded fear of persecution (being harmed) due to their race, religion, nationality, membership of a particular social group (which can include sexual orientation), or political beliefs.

Those accepted as refugees are allowed to stay in the UK and will not be returned to the country where they face persecution.

If the Home Office does not feel you meet the requirements for refugee status they may grant you humanitarian protection under the European Convention on Human Rights.

The Home Office may choose to grant you discretionary leave to remain if there are other factors which mean you need to stay in the UK.

If you do not qualify for any form of protection or discretionary leave you will be refused. In some cases you may be expected to depart from the UK. You may have a right to appeal a refusal.

#### **Your responsibilities**

When you claim asylum you must be able to show the Home Office that you are in real danger and that you need protection. It is, therefore, important for you to provide information about what has happened to you and why you feel it is not safe to return. You should also provide all information relevant to your claim that you, and if relevant, your family are in danger and why you feel it is not safe to return. Your legal representative may assist you to obtain medical reports and country reports to provide additional evidence and support for your claim if this is necessary.

If you have come to the UK primarily for another reason (such as work or education) and you do not meet the refugee criteria, you should consider options other than

asylum, including whether to leave the UK voluntarily.

If you make an unfounded or abusive asylum claim, including a late or opportunistic claim, it is likely to be refused and you will be liable for removal once your claim has been processed. In certain circumstances appeals may only be made after departure from the UK.

It is a criminal offence to use deception or provide false documents in support of an application for leave to remain in the UK and you may be prosecuted and may be sent to prison if you do so.

### 3.4 Attending your interview

Your interview will take place in a Home Office building near to where you live. If you are receiving asylum support and live more than 3 miles from the interview centre, you should be given a travel ticket to enable you to attend your asylum interview. If it is not the nearest centre, and you have to travel a long way, the Home Office may arrange overnight accommodation. You will need to contact the Home Office to arrange travel. You will need to give as much notice as possible. You can also contact Asylum Advice UK on 0808 8000 630 for assistance with this.

When you arrive you will need to go through security. This is nothing to be alarmed about and is purely for safety reasons. You will be asked to remove any coats, jackets or belts and place them in a tray with the contents of your pockets. Your luggage and bags will be placed through a scanner or hand searched. Any items not allowed will be taken from you and can be collected when you leave. Any items that are deemed to be offensive weapons will be taken away.

You may need to wait in reception until a caseworker calls you (and your representative if you have one) into an interview room.

The Home Office will provide an interpreter for the interview if you need one and they must interpret what you say accurately so that the Home Office have a full record of the information you provide.

Interpreters are required to keep any information you provide strictly confidential. If you have any concerns about your interpreter or do not fully understand their accent or dialect you should raise this with the Home Office caseworker immediately. Please let your caseworker know if you have any concerns about the interpreter. It will not affect how your case is decided or the outcome of your case. You are able to request a break at any time during your interview and this will not affect how your claim is decided.

If you are unhappy with the services that have been provided or feel that the Home

Office staff, interpreters or anyone connected with the Home Office did not treat you with respect and dignity, or you are concerned with the professional conduct then you can make a complaint. It is important that you make your complaint as soon as possible after the event. The Home Office will not normally investigate complaints that are more than 3 months old.

You will need to make a complaint in writing. This can only be written in English or Welsh. If you are in the UK you will need to send this to either:

- Email: [complaints@homeoffice.gsi.gov.uk](mailto:complaints@homeoffice.gsi.gov.uk). The Home Office normally respond quicker to email complaints.
- In writing: UKVI, Complaints Allocation Hub, 11th Floor, Lunar House, Wellesley Road, Croydon CR9 2BY.

You will need to make sure the following information is included:

- Your name and full contact details;
- Full details of the complaint (including times, dates and places);
- The names or identifying numbers of any UK Visas and Immigration staff or contractors' staff who you have dealt with;
- Details of any witnesses (if relevant);
- Copies of letters or papers that are relevant; and
- Your Home Office reference numbers.

Your complaint will be managed by one of the Home Offices customer service units (CSUs). They will be responsible for ensuring that your complaint is resolved in a satisfactory and timely manner. The Home Office will send you an acknowledgement, telling you who is dealing with your complaint. They will normally give a full response in 20 days. However, if your complaint alleges serious professional misconduct it may take up to 12 weeks as an independent investigation will take place. Making a complaint will not affect how your case is decided, or adversely affect the outcome of your case.

### 3.5 During your interview

It is really important to provide as much detail as possible about the reasons why you are in danger and need protection, and how your family has been affected. This will help the Home Office to make an informed decision.

It is important that you provide information about occasions on which you have been harmed or threatened in the country you came from. You may include events since you

left, as well as what you believe will happen to you or to your family if you return there.

You may feel you do not want to talk about certain issues, particularly personal or sensitive matters, but the issues that are often very difficult to discuss can be vital evidence to establish your claim. All the information you are able to provide helps the Home Office to better understand your reasons for seeking protection.

Your interviewer should help you through difficult questions, giving you time to explain what happened, and should be sensitive and offer you a break when talking about difficult issues. Although it may be very difficult, it is important that the Home Office is made aware of any information about incidents of torture, sexual violence, trafficking or abuse by family members or anyone else so that your case can be fully and properly considered.

The information you provide will be confidential and will not be shared with other members of your family, who are not dependant on your claim and will not be shared with the authorities of your country of origin.

You may have been advised not to tell the Home Office about some aspects of your claim or may even have been advised to provide a completely different story. This is damaging to your case and is likely to lead to refusal. It is essential that you tell the truth and provide as much information as you can about what happened to you and why you need protection.

Your interviewer should give you an opportunity to explain any inconsistencies in the information you give and should also give you an opportunity to add anything that has been missed at the end of the interview.

There are organisations that can offer you appropriate support and counselling to help you come to terms with difficult or traumatic events you may have experienced. To find out more information on the support available please contact:

**Helen Bamber Foundation**, [www.helenbamber.org](http://www.helenbamber.org)

**Freedom from Torture**, [www.freedomfromtorture.org](http://www.freedomfromtorture.org)

### 3.6 Documents to support your claim

If you have any official documents that you think may help explain your claim, they should normally be translated into English before the Home Office can consider them. Speak to your legal representative about this.

Documents may include:

- Passports and travel papers

- Birth, marriage and/or death certificates
- Papers related to any arrest/detention
- Papers provided by a court, magistrate or other official documents
- Newspaper articles or internet sites that relate to your claim
- Any other evidence that you may be able to provide (e.g. photographs)
- Any medical evidence to support your claim

Your legal representative (if you have one) will help you translate documents and will be best placed to advise you about what may be relevant. If possible you should try to provide any documents to the Home Office before your interview, including potential written witness statements.

If you have documents in your home country that you think are important, you should discuss this with your legal representative as soon as possible. It may be possible to delay the consideration of your claim while you arrange for these documents to be sent here, providing it is safe for you or your family to do so.

The Home Office will keep any documents you provide safely, whilst your claim is considered. The Home Office will not accept documents that have not been legally translated.

### 3.7 Home Office responsibilities

The Home Office has a responsibility to consider your claim fairly and openly and will make a decision based on the law. It will consider all of the information that you have provided.

The evidence includes information given during your screening interview, your main asylum interview, any documents you provide and general information about your country of origin.

The Home Office will explore the reasons why you need protection in detail. If you appear to be avoiding answering questions relevant to your circumstances or provide inconsistent evidence, you should be given an opportunity to explain.

For example if you told them you were born in one place in your screening interview but say another at your substantive interview, the Home Office should ask you to explain why your answers are different.

The interview is your opportunity to tell the Home Office in your own words why you believe you are in danger in your country of origin but it also enables the Home Office to ask questions so that the important aspects of your case are fully explored.



After your interview, the Home Office will consider your claim. Part of the consideration process is about deciding whether to believe the account you have given. The Home Office may accept some, all, or none of what you say. This is referred to as assessing your credibility.

### 3.8 After the interview

It is important that you keep the Home Office and your legal representative up to date with your details if they change. A letter may be sent to you directly confirming the outcome of your case.

You can update the asylum teams via your legal representative, your reporting centre or online via <https://visa-address-update.service.gov.uk/>.

It is important that you continue to report to your local reporting centre while waiting for your asylum decision in accordance with your reporting paper.

If you are supported by the Home Office and live more than 3 miles from the reporting centre and/or you have exceptional circumstances in your family then you may be eligible to receive help with travel tickets for reporting.

It is important that you contact the reporting centre or your legal representative if you have any difficulties in reporting. Failure to report may affect your access to support and in some circumstances may lead to the discontinuation of support. 'Non compliance' with reporting or other Home Office requests may result in you being detained.

If the Home Office has not made a decision on your asylum application within 12 months or has not interviewed you yet then you can apply to them for permission to work. This may be granted if you are not considered responsible for the delay in decision making. Any permission to work stops once the asylum claim has been finally determined (i.e. when all appeal rights are exhausted).

If you are granted permission to work then you will only be able to partake in employment that is on the Shortage Occupation List (this is a list of work that you are allowed to do) which is available on the Home Office website. Any income may affect your entitlement to asylum support and Legal Aid. You should inform the Home Office support teams and your legal representative if you start work.

As an asylum seeker you are allowed to volunteer while you are in the UK. You can volunteer within public sector agencies, not-for-profit organisations and charities, but there may be some restrictions on the type of activity you are allowed to undertake. You cannot receive payment for your time but can be reimbursed reasonable expenses e.g. travel costs and lunch.

### 3.9 Receiving a positive decision

If it is accepted that you have a well-founded fear of persecution or it would breach your human rights to expect you to return to your country of origin, you will be allowed to stay in the UK for a set period of time.

Family members who are dependant on your asylum claim will also be allowed to stay for the same duration if you are granted leave.

The time you are allowed to stay will depend on what basis you are granted permission to stay.

You will be provided with information telling you what you can and cannot do in the paperwork the Home Office will send with your decision.

Before your permission to stay expires, you must make another application for permission to extend your stay in the UK if you want to stay. You need to remember when your permission to stay runs out and you must apply on time. Your legal representative will be able to help you and you can find all the information you need on the Home Office website.

### 3.10 Receiving a negative decision

If the Home Office refuses to grant you leave to remain, they have to provide you with a letter setting out the reasons why. This will be sent to either you or your legal representative. This letter will be written in English.

You must make contact with your legal representative as soon as you are aware a negative decision has been made. You will need to discuss your options.

You should carefully consider your options at this stage:

- You may be able to appeal the Home Office decision but there are strict timescales for doing so. That means you can ask an Immigration Judge, who is independent from the Home Office, to look at the decision and decide if they agree with it. (See section 4B regarding asylum refusal)
- If you choose not to appeal you will be expected to make arrangements to leave the UK. The Home Office's Voluntary Returns Service (VRS) may be the most suitable way.

For more information about Voluntary Returns Service please visit:

[www.gov.uk/return-home-voluntarily](http://www.gov.uk/return-home-voluntarily)  
Voluntary Returns Service: 0300 004 0202

**For further information regarding any part of this section please contact us.**

**[www.migranthelpuk.org](http://www.migranthelpuk.org)**

**Asylum Advice UK 0808 8000 630**

**Asylum Support Application UK 0808 8000 631**



# Asylum Advice

Post Decision  
- Positive



# Section 4A:

## Post Decision - Positive

This section explains what happens after you have been granted 'leave to remain' in the UK following consideration of your claim for asylum.

### 4A.1 What does your type of status mean?

There are three types of status that the Home Office may grant:

#### 1. Refugee status

If you have been recognised as a refugee it means that the Home Office has decided that you meet the definition of a refugee under the Refugee Convention and accepts that you have a well founded fear of being persecuted due to one or more of the following criteria: your race, your religion, your nationality, your membership of a particular social group or your political opinion.

The Home Office will initially grant you leave to remain (this is the right to stay in the UK) for a five year period. Your biometric and Home Office paperwork will confirm that you have been recognised as a refugee.

Current immigration policy states that after the five year period of refugee status and humanitarian protection you can apply for 'indefinite leave to remain' (leave without time conditions, this is often referred to as settlement).

However, if you or any of your dependants are convicted of a criminal offence this may be refused.

#### 2. Humanitarian protection

This means that the Home Office has decided that you do not meet the criteria for refugee status, but it accepts that there are grounds to show that if you are returned to your country of origin, you would face a real risk of suffering serious harm. This could be because of:

- The death penalty/execution
- Unlawful killing
- Torture
- Inhuman and degrading treatment
- Punishment or a serious and individual threat to a life due to indiscriminate

violence in situations of international or internal armed conflict.

If you are granted humanitarian protection you will be given leave to remain (the right to stay) in the United Kingdom (UK) for five years. Your documentation will confirm that you have been granted leave on humanitarian grounds.

Current immigration policy states that after the five year period of humanitarian protection you can apply for indefinite leave to remain.

### **3. Discretionary leave to remain**

If the Home Office does not accept that you meet the requirements for humanitarian protection or refugee status, but accepts that there are exceptional reasons for allowing you to stay on a temporary basis, you will be granted discretionary leave to remain (right to stay).

Discretionary leave is usually given for a maximum of two and a half years (30 months) at a time. You will be able to apply to extend your leave, and after ten years you can apply for indefinite leave to remain.

## **4A.2 If I have not been granted refugee status can I appeal?**

If you are granted humanitarian protection or discretionary leave to remain, which is for more than 12 months, but you believe that you had strong grounds for refugee status then you can appeal against the Home Office decision. This is called an upgrade appeal; you will need to discuss this with your legal representative. If you are successful you will be granted refugee status.

## **4A.3 What happens when my leave is due to expire?**

Towards the end of your leave to remain period, you will need to submit a further application to the Home Office. You can only submit your application 28 days prior to your leave running out.

It is important that your application is received before your current leave expires. If the Home Office has not made a decision on your application prior to your current leave expiring then you continue to have the same entitlements as before. If your application is received by the Home Office after your leave has expired then you may potentially become illegal in the UK. This means that you lose your rights to work, claim benefits and all entitlements associated with leave. If this happens you will need to obtain urgent legal advice. Information about this can be found on the Home Office's immigration website.

If you have been granted 'discretionary leave to remain' you will need to apply for

further periods of 'further leave to remain/stay'. You will be granted further leave as long as you continue to qualify for it under the policy. You will need to do this until you have had leave for a total of 10 years. Information can be found on the Home Office website regarding applying for further leave to stay at:

[www.gov.uk/browse/visas-immigration](http://www.gov.uk/browse/visas-immigration).

After this point you will be able to apply for indefinite leave to remain. If your application is successful there is no further time limit on your right to stay in the UK.

**Important note: It is important to keep up to date with any changes to immigration policies that may change over time. You can do this by reviewing the Home Office website at:** [www.gov.uk/browse/visas-immigration](http://www.gov.uk/browse/visas-immigration)

## 4A.4 What paperwork will I be given?

### Biometric card

You will receive your biometric residence permit. This document is similar to your ARC. Your biometric residence permit is proof of your right to stay, work and study in the UK. You will need to use your biometric card as a form of ID. You will need to show it when applying for a bank account in the UK. You are not required to carry this all the time but you will need to show it when you have to confirm your rights and entitlement in the UK.

Your biometric card will be posted by secure mail to either you or your legal representative. You will receive a card for each member of your family. Your biometric card shows your name, gender, date and place of birth, your photograph, your immigration status, when your leave expires, details of your entitlement and your signature. The biometric chip on the card contains your fingerprints and a facial image.

**Important note: you need to check that all details are correct on your card. You must report any mistakes to the Home Office immediately. You must report any errors within 10 working days of receiving your card. If you don't, you may have to reapply and pay for a replacement biometric card.**

**You can send your email to:** [BRPError@homeoffice.gsi.gov.uk](mailto:BRPError@homeoffice.gsi.gov.uk)

Include the following in your email:

- your passport number
- your biometric residence permit number
- your case reference number
- your contact telephone number
- details of exactly what information is wrong



---

**What if I lose my biometric card?**

If your biometric card is lost or stolen, you must report this to the Home Office as soon as possible. The Home Office will need to cancel your biometric card. You are required by law to cancel your card and you should notify the Home Office by email at: [BRPLost@homeoffice.gsi.gov.uk](mailto:BRPLost@homeoffice.gsi.gov.uk).

In your email you must state:

- Your full name
- Your date of birth
- Your nationality
- Your passport number
- Your biometric residence permit reference number
- Your case reference number
- Your contact details
- When, where and how the permit was lost or stolen

You must also report the loss or theft to the police and get a police report and crime reference number as soon as possible. If your card has been stolen you should report the crime to your police station. If your card has been lost then you will need to report it via [www.reportmyloss.com](http://www.reportmyloss.com) - it costs £3.95 in most areas to report a loss. You will need a debit/credit card to do this.

You will need to apply for a replacement biometric card. Information regarding this can be found on the Home Office website at: [www.gov.uk/biometric-residence-permits](http://www.gov.uk/biometric-residence-permits)

**National Insurance Number (NINO)**

As part of your substantive interview you should have been interviewed for a National Insurance Number. Your National Insurance Number is a reference number that is unique to you. This is used in the UK in the administration of national insurance and the social security system. You will keep the same one throughout your life. It ensures that the National Insurance contributions and tax you pay are properly recorded against your name. It also acts as a reference number when communicating with the Department for Work and Pensions (DWP) and HM Revenue & Customs (HMRC). National Insurance Numbers are usually issued to persons over the age of 16. Adult dependants are not interviewed for a NINO during the asylum interview. As such they will not receive a NINO automatically. You will need to contact the Department of Work and Pensions and they will arrange a NINO for your dependants.

If you need to apply for a NINO as you are due to start work or wish to become self employed then you need to contact:

**Job Centre Plus**  
**0845 600 0643**

If you are applying for benefits then the Department for Work and Pensions (DWP-Jobcentre) will complete a national insurance form with you during your job centre interview. This form is called a 'DCI 1B form'. This will request that a NINO is given to you.

If you are called for a National Insurance Number interview, you will need to prove your identity and your eligibility to work in the UK. Your biometric residence card will be able to prove this. You may also be asked to take other identity documents with you. A letter will be issued confirming what information you need to take with you.

#### **4A.5 Detail regarding integration loan**

If you have received humanitarian protection or refugee status you will be able to apply for an 'integration loan'. An integration loan is a loan scheme set up by the Home Office to help with the early stages of integration. Loans can be spent on items and activities that facilitate integration such as:

- Vocational training where provision is not available through Job Centre Plus. This should be discussed with your Job Centre adviser.
- A deposit for accommodation;
- Buying essential items for the home; or
- Purchase of tools of a trade.

If you do not have a bank account you will only be able to apply for the maximum of £450.00. It is therefore important to open a bank account if you are applying for more. The loan repayments need to be collected in regular installments by the Department for Work and Pensions (DWP). This will either be directly from your benefits or via a direct debit directly from your bank account. In most cases repayment of the loan will begin six weeks after the funds are released to the individual. You will need to sign a loan agreement form prior to the loan being paid. You will not be able to apply for an integration loan without a National Insurance Number. It will be regarded as incomplete and rejected if you apply without one, and will be returned to you. More information can be found at

[www.gov.uk/refugee-integration-loan/overview](http://www.gov.uk/refugee-integration-loan/overview)

---

## 4A.6 End of Home Office support

The Home Office no longer has a duty to support you 28 days after you receive notification of your status. You will receive a letter both from the Home Office and your accommodation provider (if you are Home Office supported), confirming what date your support will stop and the date you must leave your accommodation. You will need to leave your accommodation and remove all possessions by this date.

## 4A.7 Accommodation: England and Wales

### **Priority need for accommodation (emergency/temporary housing)**

You can ask your local council's housing department for help if you are homeless. The council where you have been living is legally required to give you advice and assistance. Depending on your personal situation, they may have to provide accommodation for you.

If you think you may have a priority need (this can be due to: children in your family, someone suffering from serious mental or physical illness, being at risk from domestic violence), the housing office may have to provide you with accommodation. You will need to submit a homelessness application. The local council will assess this to see if they have a duty to provide you with accommodation. They assess whether you are homeless, are in priority need, made yourself homeless by choice and/or have a local connection.

If the council assesses you as 'priority need' then they will offer emergency or temporary housing. Emergency accommodation is likely to be bed and breakfast (B&B) or hostel accommodation. The law says that councils must not keep families and pregnant women in bed and breakfast accommodation for more than six weeks.

If a council accepts you are homeless and agree that they have a duty to house you, they may offer you:

- 1) Council housing
- 2) Housing association accommodation
- 3) Secure long term private rented accommodation.

The council can offer any of the above type of accommodation. Once a suitable offer has been made their duty will end.

If you believe that the accommodation is not suitable it is important that you seek independent advice before refusing the offer. If you refuse the offer of accommodation and it is deemed suitable for your needs then the council has the right to end their duty to house you. They can terminate any emergency housing as you will have been

deemed to be 'making yourself intentionally homeless'.

**Shelter can give you independent advice regarding all housing rights and can be contacted on: 0800 800 4444**

**You will also be able to find an independent housing advice centres in your area.**

### **Private accommodation**

If you are not deemed to have a priority need then you will need to look into private rented accommodation.

You may be able to appeal if you believe that you are a priority case and have not been accepted by the council. You will need to seek independent legal advice in these circumstances.

If you are to secure accommodation most landlords will require a deposit and a full month's rent. A local housing agency will be able to confirm whether there is any help or assistance available to you with this in your area. There may for example be a local bond or rent deposit scheme. You may also be able to apply for an integration loan for assistance with this.

### **Street homeless**

If you find yourself street homeless there will be organisations in your area that maybe able to assist you.

Your local council should be able to assist you to obtain details of local organisations and/or night Shelters that maybe able to help you. This may be with a safe place to sleep, sleeping bags or hot meals.

**You can also contact Shelter- they can give you independent advice regarding all housing rights and can be contacted on: 0800 800 4444**

You will be able to access:

**Day services** - they can help with food, clothes and showers. They should be able to offer you independent advice.

**Emergency hostels and night shelters** - you may be able to get accommodation for a couple of nights if you find yourself on the streets.

You can also contact **Streetlink** on 0300 500 0914 who will be able to offer you advice.

---

## 4A.8 Accommodation: Scotland

You can ask your local council's housing department for help if you have nowhere to stay. The council where you live is legally required to give you advice and assistance. If you make a homelessness application you will be offered emergency support while the housing department assesses your eligibility. If the council does not have accommodation available in the area they should offer you accommodation out of area.

If they decide that they have a duty to support you, they will offer you permanent accommodation. You will be able to stay in your temporary accommodation until you have been offered permanent accommodation.

If they do not have a duty to offer you long term support then you should be able to stay in the emergency accommodation while you find somewhere permanent to live. If the council does not offer you emergency accommodation then you will need to contact a housing advice agency for assistance.

Emergency housing options if you find yourself homeless:

- hostels, night shelters and winter shelters
- domestic violence and women's refuges
- bed and breakfast hotels

The local council should be able to give you more information. You should also be able to seek assistance from a local housing agency. You will be able to apply for housing benefits to assist with the cost. Some accommodation options may be expensive and so you may need to top up the housing benefit to pay your rent.

**Important note: The local housing department or housing advice centre should be able to confirm if there are any night shelters or hostels in your area.**

**For further information regarding housing, please contact Shelter on: 0800 800 4444. They will be able to give you independent advice and signpost you to the appropriate services.**

## 4A.9 Accommodation: Northern Ireland

The Northern Ireland Housing Executive (NIHE) has a legal duty to provide help and advice if you become homeless. Depending on your personal situation, they may provide accommodation for you.

You will need to submit a homelessness application. NIHE will assess this to see if

they have a duty to provide you with accommodation. They assess whether you are homeless, are in priority need, made yourself homeless by choice and/or have a local connection. They may provide you with temporary accommodation while they investigate your circumstances.

If you are assessed as priority need (this can be due to; children in your family, someone suffering from serious illness - mental or physical, being at risk from domestic violence), and meet the other criteria, NIHE must help you find suitable accommodation. This needs to be available for at least two years. They do not have to provide you with permanent housing.

**For further information call NIHE on 03448 920 920**

## **4A.10 Housing Benefit, Local Housing Allowance and Council Tax Benefit**

If you are on a low income or are claiming welfare benefits, you may be able to get Housing Benefit or Local Housing Allowance to help pay some or all of the rent on your home. You will need to apply to the council for this. You may also apply for assistance with your council tax. Often the Housing Benefit / Housing Allowance is on the same form.

## **4A.11 Welfare benefits**

Please note that if you are applying for welfare benefits at a Jobcentre Plus you should be able to access the vulnerable persons' service which aims to provide additional support to individuals with complex needs to help them claim benefits.

You can use this calculator to find out what benefits you may be entitled to: [www.gov.uk/benefits-calculators](http://www.gov.uk/benefits-calculators).

### **Universal Credit**

Universal Credit is a single monthly payment for people who are out of work or on low income. It replaces Housing Benefit, Child Tax Credit, Income Support, Working Tax Credit, Jobseeker's Allowance and Employment and Support Allowance.

Universal Credit is being introduced in stages. To find out if you live in an area where you can claim Universal Credit see: [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit). If you have questions you can contact the free Universal Credit helpline: 0800 328 9344.

If you live in Scotland: <https://www.moneyadvice.service.org.uk/en/articles/universal-credit-if-you-live-in-scotland>.

If you live in Northern Ireland: <https://www.nidirect.gov.uk/articles/universal-credit>

If you can't claim the Universal Credit then, if eligible, you can claim benefits listed below.

### **Jobseeker's Allowance (JSA)**

This is a benefit for people who are currently looking for work, or on average work less than 16 hours a week.

You will have to complete a jobseeker's agreement or the new claimant commitment form. This sets out what you must do to find work. It states your responsibility to do all you can do to find work in return for the allowance. You must record all your job seeking actions while receiving Jobseeker's Allowance (JSA). If you are not fulfilling your commitment the Jobcentre may suspend or stop your benefits.

You may be able to access job centre training courses. This can include English Classes (ESOL). You will need to discuss this with the Jobcentre.

### **Income Support**

Income Support is a benefit paid to certain groups of people who do not have enough money to live on. It is means-tested, which means that any money you have is taken into account in deciding how much Income Support you should get.

### **England, Scotland and Wales**

To qualify for Income Support you must be all of the following:

- Between 16 and the age of Pension Credit
- Pregnant, or a carer, or a lone parent with a child under 5 or, in some cases, unable to work because you're sick or disabled
- Without any income or on a low income and no more than £16,000 in savings
- Working less than 16 hours a week (and your partner works no more than 24 hours a week).

You also qualify if you're in full-time education (excluding university), are aged between 16 and 20 and are one of the following:

- a parent
- not living with a parent or someone acting as a parent
- a refugee learning English

### **Northern Ireland**

To qualify for Income Support in Northern Ireland you must be all of the following:

- Between age 16 and the age you can get Pension Credit
- On a low income
- Working less than 16 hours a week, depending on the amount of your wage
- Not in full-time study (but there are some exceptions)
- Not in receipt of Jobseeker's Allowance or Employment and Support Allowance
- Not in possession of savings above £16,000
- Living in Northern Ireland

Or

- A lone parent
- On parental or paternity leave
- A carer
- A refugee learning English who arrived less than a year ago

### **Employment Support Allowance (ESA)**

This payment is for people who have an illness or a disability that means they are unable to work, or are limited in the kinds of work they can do. While you are getting the allowance, the Jobcentre will give you a specially trained personal adviser. They may offer you a wide range of other services designed to help you move into suitable work.

The Jobcentre may require you to fill in a questionnaire or go to a 'work capability assessment'. They will also assess whether you can take steps to find work, or if your illness or disability so severely affects your ability to work that taking these steps would not be reasonable.

You may be called to see a doctor or nurse who will complete an assessment and send it to the DWP. It will confirm how your illness or disability limits the amount and type of work you can do, and whether you qualify for Employment and Support Allowance.

There are two types of ESA:

**Work-related activity group** - this is if the DWP believe that you may be able to work in the future. The Jobcentre will expect you to take part in any work-focused interviews they invite you to and you may also need to take part in a work-related activity or they may reduce your benefit.

**Support group** - this means that the DWP has decided that that your condition limits the work you can do. You can take part in work-focus interviews and work-related activities if you choose.



---

## **Child Benefit**

You may be able to get Child Benefit if your child is:

- Aged under 16
- Over 16 but under 20 and is in education or training that counts for Child Benefit
- Under 18 and has recently left education or training, but they must have registered for work, education or training with a careers service, Connexions, local authority support services, Ministry of Defence or similar.

**If you need further advice regarding Child Benefit call: 0300 200 3103**

## **Child Tax Credit**

Child Tax Credit can be paid to people with children who have a low income or are receiving a welfare benefit. For example:

- Children under 16 - you can claim up until the 31<sup>st</sup> August after their 16<sup>th</sup> birthday
- Between 16 and 20 if they're in approved education or training.

## **Responsibility for a child**

You're usually responsible for a child if they:

- Live with you all the time;
- Normally live with you and you're the main carer; or
- Live in Europe but are financially dependent on you

## **If the child is disabled**

You may get extra Child Tax Credits if the child:

- Gets additional benefits due to a disability
- Is registered blind (or was within 28 weeks of your tax credits claim)

**You need to contact the Jobcentre on:**

**Telephone: 0800 055 6688 / Textphone: 0800 023 4888**

**These calls are free from a landline but you may be charged from a mobile. The Jobcentre office will have freephone telephone lines you can use. You may also be able to some applications online.**

**For information on Child Tax Credit, call 0345 300 3900 or for those who are deaf or**

**hearing or speech impaired: 0345 300 3909**

### **Pension Credit**

To qualify for Pension Credit:

- You must live in Great Britain; and
- You or your partner must have reached Pension Credit qualifying age.

The qualifying age for Pension Credit is gradually going up to age 66 in line with the increase in the state pension age for women to age 65, and the further increase to age 66 for men and women.

### **Pension Credit claim line:**

Telephone: 0800 99 1234

Textphone: 0800 169 0133

Monday to Friday, 8am to 6pm

## **4A.12 Other benefits**

You may be able to apply for other benefits if you are sick, have a disabled person in the household, you care for someone or someone cares for you or you have reached old age.

You can contact the Jobcentre who will advise you of this or seek independent advice from your local benefits specialist. Your local Citizens Advice should also be able to assist, see also: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## **4A.13 Working Tax Credits**

If you are working and on a low income, you may also be able to apply for Working Tax Credits. You must work a certain number of hours a week to qualify:

<b>Age</b>	<b>Hours worked a week</b>
25 to 59	At least 30 hours
60 or over	At least 16 hours
Disabled	At least 16 hours
Single with 1 or more children	At least 16 hours
Couple with 1 or more children	Usually, at least 24 hours* (with 1 of you working at least 16 hours)

**To apply or receive further information, contact Tax Credit Helpline:**

Telephone: 0345 300 3900

Textphone: 0345 300 3909

## 4A.14 Benefit caps

The benefit cap sets a limit on welfare payments so that the total amount of benefits that can be received by any individual or family will be limited to a maximum amount of:

- £500 per week for single parents and couples with children
- £350 per week for single people.

Housing benefit will be reduced to prevent the total benefits received going above these limits.

The cap applies if you are out of work and claiming benefits such as Income Support, Employment and Support Allowance and Jobseeker's Allowance. Housing Benefit counts towards the maximum amount of benefits that can be paid, so people paying high rents are more likely to be affected. You may not be included in the cap if you or a member of your family are receiving certain benefits. This does not apply in certain circumstances.

## 4A.15 Working in the UK

Once you have your biometric residence card you are free to work. The UK has a national minimum wage. Please check that your employer meets this rate.

**Important note: If you have wage disputes or there are illegal practices you should contact your local Citizens Advice. Information regarding the nearest centre can be found [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk).**

### Looking for work

If you are looking for work then you can go to your local Jobcentre for a list of job opportunities available to you. There will also be a number of employment agencies in your local area advertising work.

Many local and national newspapers contain job advertisements. It is important to check that the employer is reputable and is paying at least the minimum wage.

### Applying for employment

Employers will stipulate how you need to apply for a job. There are several ways in which you may be asked:

- 1) **A Curriculum Vitae** - you will often hear or see this referred to as a 'CV'. An

employer may ask you to provide a CV. This gives an overview of your experience and other qualifications. You will need to list your personal details, education experience, employment history and voluntary work. Your local Jobcentre may be able to help you with this.

2) **A job application form** - most employers will ask for you to complete a job application form. You will need to telephone or email the prospective employer and give a contact address that they will send a job application pack to. In this pack will be more details about the role. Job specifications will tell you the skills or abilities they are looking for. It is important that you match your skills and experience with the job specification when applying for work.

3) **An interview** - once an employer has considered your application you may be asked to attend an interview to further assess your suitability for the role. This could be with one individual or a panel of people. They may ask you questions relating to your application form, your experience, your skills and why you want the job. It is a good idea to research the company you could be working for before the interview and have a full understanding of the role that you will be asked to do. Think about questions that you may be asked and how you will respond to them.

### **Successfully found a job?**

Your prospective employer will ask you to prove your eligibility for work prior to you starting work. You will need to show your biometric residence card to prove this. You will also need to provide your National Insurance Number, although you do not have to have one in order to start work. Your wages should automatically have tax and national insurance deducted from them. If you have more than one job you need to notify your employer and the tax office so they can change your tax code to ensure that you are not underpaying tax.

### **Self employed / small business**

You may wish to become self employed or set up your own business. Many people do this successfully. You may be eligible to apply for loans or grants to support you to do this. You may wish to seek advice from the local Citizens Advice to see what support is available to help you do this. You also need to talk to the tax office regarding your tax and national insurance.

### **Transferring qualifications**

If you have qualifications that may not be recognizable in the UK, the following organisation may be able to help you:

### **NARIC free advice:**

If you are a refugee you can get free advice about your qualifications on this telephone number: 0870 990 4088.

---

## 4A.16 Rights to British citizenship

There are seven requirements you need to meet before you apply:

- You must be aged 18 or over;
- You must be of sound mind (to have a full understanding of your actions);
- You must intend to continue living in the UK, or to continue in Crown service, the service of an international organisation of which the UK is a member, or the service of a company or association established in the UK;
- You must be able to communicate in English, Welsh or Scottish Gaelic to an acceptable degree;
- You must have sufficient knowledge of life in the UK;
- You must be of good character; and
- You must meet the residential requirements (see below).

### **Immigration time restrictions to British citizenship**

You must be free from immigration time restrictions when you apply for naturalisation. You should have been free from immigration time restrictions during the last 12 months of the residential qualifying period. This means that you can apply 12 months after you have been granted indefinite leave to remain.

You must have been in the UK legally throughout the residential qualifying period. You may be refused your naturalisation application if you have breached the immigration laws during that period. Some discretion may be exercised over this residence requirement depending on what factors caused the breach.

### **Time outside the UK**

You must not have had more than 450 days outside the UK in the five year period before making the application. You must not have had more than 90 days outside the UK in the 12 month period before making the application.

If you do not meet these residence requirements but believe that there are special circumstances in your case, you should explain them when you apply.

### **Good character**

To be of sound character you must show that you have followed the laws and obligations of the UK.

You will not be deemed to be of good character if you have any criminal convictions. These will include prison sentences, fines or community service. You are unlikely to

be granted citizenship until these are spent. (This is the length of time after you have completed your sentence, before they are removed from your record.) This ranges from three years to 15 years. The Home Office is unlikely to grant citizenship to anyone who has been sentenced to four or more years.

### **British citizenship of children**

If you have recently been given indefinite leave to remain (ILR), and you have a child that was born in the UK before this, you will be able to register your child as a British citizen.

If you give birth once indefinite leave to remain is granted then your child will be British from birth. For more information see:

[www.gov.uk/becoming-a-british-citizen/check-if-you-can-apply](http://www.gov.uk/becoming-a-british-citizen/check-if-you-can-apply)

**Please note that there are different fees for citizenship applications.**

## **4A.17 Family reunion**

If you have been granted humanitarian protection or refugee status you will be entitled to apply for family reunion. Family reunion is for a pre existing family member to join you in the UK. They will be able to join you under the same conditions of your leave.

This could include: a spouse, civil partner and unmarried/same sex partners. This will also include children under the age of 18 who were dependant on you and formed part of your family when you fled. This also includes children that were conceived prior to your departure.

The Home office may allow family reunion for other family members if there are compassionate reasons why their case should be considered outside the immigration rules. More information regarding this can be found on the Home Office website at: [www.gov.uk/settlement-refugee-or-humanitarian-protection/family-reunion](http://www.gov.uk/settlement-refugee-or-humanitarian-protection/family-reunion)

## **4A.18 English classes**

You may wish to improve your English skills. This is a great way to understand life in the UK and integrate into your local community. You may want to learn English to help you find work, enable you to study, help with day-to-day living and help you to socialise. You will be able to attend ESOL classes (English for Speakers of Other Languages). You can start at the level that suits you. You will be assessed to see what your level of English is already and placed at a suitable level. You will learn:

- Conversational English
- Listening to English
- Reading and writing English

- Vocabulary
- Punctuation and grammar

In order to apply for an ESOL course you should contact your local further education college.

Courses generally begin in September. If you are having trouble finding a college offering a suitable ESOL course, you should ask your local Jobcentre Plus for assistance.

### **Will I have to pay?**

#### **England**

If you are on Jobseeker's Allowance or receiving employment based ESA then you will be able to access free ESOL classes.

#### **Wales, Scotland and Northern Ireland**

In Wales, Scotland and Northern Ireland ESOL courses are free of charge.

**For further information regarding any part of this section please contact us.**

**[www.migranhelpuk.org](http://www.migranhelpuk.org)**

**Asylum Advice UK 0808 8000 630**

**Asylum Support Application UK 0808 8000 631**





# Asylum Advice

Post Decision  
– Refusal



# Section 4B:

## Post Decision - Refusal

This section explains what happens if your application is refused. If you have questions that are specific to your asylum claim, you should raise these with your legal representative who will be able to give you advice.

### 4B.1 Options available following a refusal

Following your asylum interview the Home Office may decide to refuse your claim for asylum. You may have the right to appeal against the Home Office decision. If the Home Office refuses your claim, it will provide a letter setting out the reasons. The letter will be written in English and you should discuss the contents with your legal representative if you need to. The letter will confirm why the Home Office believes that you do not meet the grounds for asylum or humanitarian protection. You need to carefully consider your options at this stage.

You have the following options:

- You may have the right to appeal against the Home Office decision. This means you can ask an Immigration Judge, who is independent from the Home Office, to look at the decision and decide whether they agree with it. You need to discuss this with your legal representative. Please note that there are strict timescales for appealing against the Home Office decision.
- If you receive a 'certified refusal' this means that you do not have an automatic right to appeal. You may however be able to apply for a Judicial Review. You will need to discuss this with your legal representative. Your legal representative will only be able to apply for a Judicial Review if there are grounds to do so.
- If you do not wish to appeal then the Voluntary Returns Service (VRS) is the most suitable way to leave the United Kingdom (UK). The VRS is run by the Home Office, please see:

[www.gov.uk/return-home-voluntarily](http://www.gov.uk/return-home-voluntarily)  
Voluntary Returns Service: 0300 004 0202

### 4B.2 If you choose to appeal

If your case is refused by the Home Office and you choose to use your right to appeal, you will need to contact your legal representative as soon as you have received notification that your claim has been refused. They will need to arrange an

appointment with you to discuss your refusal and to establish the grounds of appeal. For a legal representative to represent you under Legal Aid (which helps with the costs of legal advice) you will need to show that you are on a low income and that your case has a realistic chance of success. This means that Legal Aid will only be granted if your case has a 50% or more chance of success. Your legal representative will complete a merit test to determine whether this is the case. If you fail the merit test you will be refused legal aid.

### 4B.3 What if I am refused Legal Aid?

You or your legal representative can ask for the refusal of Legal Aid to be reconsidered. Please ask your legal representative about appealing the refusal of Legal Aid.

If you are unable to access Legal Aid and your legal representative is able to work privately for you, you will have to pay for this legal advice. They must explain to you, and you must agree to their terms of business before they can start working for you privately.

If you are refused Legal Aid, and cannot afford to pay for legal advice, you will be able to represent yourself if you choose to.

### 4B.4 Appeal hearing

Appeal hearings are heard at the HM courts and Tribunal Service - Immigration and Asylum Chamber (IAC). There are a number of courts in the UK. You will be notified of which court your hearing will take place in, once your appeal has been submitted. There are two tribunals, a First-tier Tribunal and an Upper Tribunal. There is an Immigration and Asylum Chamber in each. The role of the First-tier Tribunal is to hear and decide appeals against decisions made by the Home Office.

Once your appeal hearing date has been set for you, you will receive a letter confirming the date, time and place of your court hearing. If you are supported by the Home Office then you can apply to it for travel tickets. You will need to send a copy of your hearing letter and a request for tickets. You must do this at the earliest opportunity. Please contact Migrant Help on 0808 8000 630 if you need help and support to do this.

An Immigration and Asylum Chamber may decide (at any time before the substantive hearing) that the issues arising in a particular case are complex and may therefore direct that the case should be heard before an Immigration Panel or before a Senior Immigration Judge.

It is important that you arrive at least 30 minutes before your hearing at the hearing centre. You will need to go through security and find out which room your hearing is taking place in. During your hearing you may find that the following people are in the room:

- Immigration Judge: they will sit in the front of the room on a raised platform. They will lead the hearing and are likely to ask you, your legal representative, and the Home Office Presenting Officer questions about your case.
- Home Office Presenting Officer: you may find that the Home Office has sent a representative to present their side of your case and defend the reasons for not granting you leave to remain in the UK.
- Witnesses: any witnesses called to give evidence in your case.
- Court interpreter: if you have requested an interpreter then they will interpret any questions the judge asks you and interpret your response. They must interpret what you say accurately so that the court has a full record of the information you provide.

Interpreters are required to keep any information you provide strictly confidential. If you have any concerns about your interpreter or do not fully understand their accent or dialect you should raise this with your legal representative and the Immigration Judge as early as possible. It will not affect how your case is decided or the outcome of your case.

Courtrooms are public places so you may also find that there are other people in the room.

## 4B.5 Adjournments

A request for an adjournment (postponement) may be made to the IAC by you or by your representative at any time after the hearing date is set and before your hearing date. The request may be made at the Case Management Review Hearing. You or your representative may argue that more time is needed to obtain evidence to support your appeal (such as a medical report or documents from abroad).

The judge, the Home Office or your legal representative may request an adjournment if an issue comes up during your appeal hearing that needs further investigation.

If you have documents in your home country that you think are important, you should discuss this with your legal representative as soon as possible. It may be possible to delay the consideration of your claim while you arrange for these documents to be sent here, providing it is safe for you or your family to do so.

If the judge decides to adjourn the hearing, a revised date should be given. This should not be more than 28 days after the original hearing date unless there are exceptional circumstances.

The judge may decide not to adjourn and you will have to attend the court. If you do not, your case may still be decided without you being present.

## 4B.6 During your Appeal hearing

You must answer the judge fully and with as much information as you can give. The judge, your legal representative and the Home Office representative may discuss how the law applies in your case.

You may feel that you do not want to talk about certain issues, particularly personal or sensitive matters, but the issues that are often very difficult to discuss can be vital evidence to establish your claim. All the information you are able to provide will help the judge to better understand your reasons for seeking protection.

It is essential that you tell the truth and provide as much information as you can about what happened to you and why you need protection.

You may not know what decision the judge has reached as soon as your hearing has finished. The judge will take your papers away with them and have a look at the case and then make a decision. The decision will then be sent to you.

The judge will consider your asylum appeal by applying the 'Refugee Convention' and the 'European Convention on Human Rights' to the individual circumstances of your claim. They will look to see if you have grounds to stay in the UK.

The judge will send both you (and your legal representative) and the Home Office a copy of the determination (the decision). The determination will confirm whether the judge believes that you meet any criteria for leave to remain. He or she will either allow your appeal or dismiss (refuse) your appeal. The determination will include the reasoning behind the judge's decision.

## 4B.7 After the decision is made

In certain circumstances both you and the Home Office will be able to appeal. If you are in the UK the deadline is 10 days; if you are in detention the appeal deadline is five days, and if you are outside of the UK the deadline is 28 days. An application for permission to appeal will need to be made to the Asylum Immigration Tribunal's Upper Tribunal. At this stage you or the Home Office will only be granted permission if there are grounds to prove that an error in law may have been made in your case.

In England the Upper Tribunal (Immigration and Asylum Chamber) court will deal with:

- appeals against decisions made by the First-tier Tribunal in matters of immigration, asylum and nationality and;
- certain judicial reviews (immigration).

In Scotland your case may appear before the Court of Sessions.

In Northern Ireland this will be with the Queen's Bench Division.

Your legal representative will be able to give you more information about these matters.

Further rights of appeal may exist in some circumstances and you are advised to talk to your legal representative.

If you need assistance to find a legal representative please contact:

**Asylum Advice UK – 0808 8000 630**  
**[www.miganthelpuk.org](http://www.miganthelpuk.org)**

**Please note that we are unable to provide any assistance with your immigration matters.**

## 4B.8 What happens after my appeal?

**Receiving a positive decision** - if you receive a positive determination and your case is allowed, and the Home Office does not appeal, then you should receive confirmation from the Home Office that you have been granted leave to remain in the UK (please read section 4A about positive decisions).

**A further appeal** - if you or the Home Office appeal the decision and permission to appeal is granted, the tribunal will arrange a reconsideration hearing. You will continue to be an asylum seeker while waiting for the tribunal to make another decision. This will either be allowed or dismissed once your case has been heard.

**No further appeals** - if, following the court determination, there are no grounds to appeal, or further permission is refused, then you will become 'Appeal Rights Exhausted' (ARE). This means that you stop being an asylum seeker because your asylum claim has failed.

If you have no further appeals outstanding the Home Office will expect you to leave the UK:

The Home Office will expect you to leave the UK if you:

- are refused asylum and not granted any leave;
- have arrived at the end of the appeal process; or
- withdraw your asylum application.

## 4B.9 If I choose to leave the UK voluntarily

There are two options available to assist you if you choose to return home:

- 1) You can apply to the Voluntary Returns Service via the Home Office, for more information how to contact them visit:  
[www.gov.uk/return-home-voluntarily](http://www.gov.uk/return-home-voluntarily)
- 2) You can make your own travel arrangements. You will need to contact the Home Office before booking your travel, in order to make arrangements to collect your passport, travel and any related documentation prior to departure.

## 4B.10 What is VRS?

The Voluntary Returns Service (VRS) is run by the Home Office. It can help you to return to your country of origin or to another country if you can prove you have the right to live there. For more information please visit:

[www.gov.uk/return-home-voluntarily](http://www.gov.uk/return-home-voluntarily)  
Voluntary Returns Service: 0300 004 0202

## 4B.11 What if there are children in my household?

If you are part of a family you are still liable to be removed. The Home Office will work with you and your family to discuss your options. They will look into the following options:

### **Voluntary Returns Service**

For more information please visit:

[www.gov.uk/return-home-voluntarily](http://www.gov.uk/return-home-voluntarily)  
Voluntary Returns Service: 0300 004 0202

### **Required return**

If you choose not to leave the UK voluntarily the Home Office will write to you to tell you that they require you to return. You will receive a two week notice of return and must fully prepare yourself and your children for return. It is likely that you will have the

option of taking a self check in and managing your own return.

### **Ensured return**

Ensured return is used when other options to return you to your home country have failed. Your case will be reviewed by an independent families return panel if you reach the ensured return stage. The panel will advise the most suitable method of return based upon safeguarding any children.

The Home Office has a family pre-departure accommodation near Gatwick Airport.

## **4B.12 What happens if I don't want to return?**

If you choose not to use any service to assist with your return or do not make the effort to leave the UK, then the Home Office will take enforcement action to remove you. This means forcing you to return to your country of origin.

If the Home Office is considering removing you from the UK, your case will be transferred from the Home Office's UK Visas and Immigration Department to Home Office Immigration Enforcement.

Immigration Enforcement will give you written notice if the intention is to remove you from the UK, and notify you of any right of appeal against this decision. They have to follow a legal process that enables them to force you to leave the UK if you are Appeal Rights Exhausted and you have no further legal basis to be here. This may involve arrest and detention in a secure centre until you leave the country. Alternatively Immigration Enforcement may simply ask you to report to a designated place at a certain time whilst your removal is arranged. The Home Office may detain you without warning while it arranges your removal.

## **4B.13 Circumstances for detention**

The Home Office will look at the following factors in deciding if it should place you in detention. These are:

- Your previous immigration history
- Your country or origin
- Whether you have complied with the conditions of your immigration bail
- The likelihood of your absconding



---

## 4B.14 What if I still think it is not safe to return?

If your asylum case has been fully determined and you have been unsuccessful, it is important that you seek legal advice to see whether any further options are available to you and whether there are any further submissions that can be used in your case.

You should ask your legal representative about this. They must explain all further options to you when closing your case.

You may be able to submit a fresh claim for asylum to the Home Office. To do this you will need to have further evidence to submit to the Home Office. The submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered. The submissions will only be significantly different if the content:

- (i) had not already been considered; and
- (ii) taken together with the previously considered material, creates a realistic prospect of success, notwithstanding its rejection.

## 4B.15 Support for failed asylum seekers

If you are refused asylum, with no dependants under 18 and become appeal rights exhausted or you choose to withdraw your asylum application, you will lose your entitlement to support 21 days after you claim has been fully determined. You will receive a letter from the Home Office and will be given seven days notice to leave your property if you are in Home Office accommodation.

If you have dependants in your household who are currently under 18, your Home Office support will continue until you and your family either return voluntarily, or are removed, or until your dependants turn aged 18.

## 4B.16 Section 4 support

### **Short-term support if your application was unsuccessful**

If your support is terminated you may be eligible for short term support while you are preparing to return to your country. This is known as 'Section 4 support' because it is given under the terms of Section 4 of the Immigration and Asylum Act 1999. Section 4 support is for failed asylum seekers. Section 4 support is different from the support you may have been receiving during your asylum claim (Section 95 support).

There is no cash entitlement with Section 4 support. Support will be given via an ASPEN card. You will not be able to withdraw funds from cash point machines only check your balance. Your card can be used at most retail outlets where Visa cards are accepted.

You must meet strict requirements in order to qualify for section 4 support. You must be destitute and satisfy one of the following requirements:

- 1) You are taking all reasonable steps to leave the UK or you are placing yourself in a position where you can do so; or
- 2) You or a family member cannot leave the UK because of a physical impediment to travel or for some other medical reason; or
- 3) You cannot leave the UK because, in the Secretary of State's opinion, no viable route of return is currently available; or
- 4) You have applied for a judicial review of your asylum application and have been given permission to proceed with it; or
- 5) Accommodation is necessary to prevent a breach of your rights within the meaning of the Human Rights Act 1998.

### **1. All reasonable steps**

To qualify for Section 4 support under this requirement, you must show that you are taking all reasonable steps to leave the UK. The Home Office can refuse support if it believes that you are not following all options available to you. Whether or not a particular step is 'reasonable' will depend on your circumstances. Usually, you will be expected to apply for voluntary return with the Home Office programme, make contact with your country's embassy to arrange emergency passports (if needed).

**Important note: If you believe that you may have grounds to submit a fresh claim it is important that you seek legal advice. Any application for voluntary return even if withdrawn may affect your fresh claim.**

### **2. Physical impediment to travel**

To qualify under this condition you must be unable to travel due to a medical condition. You will need to prove to the Home Office that you or a family member are unable to travel due to a physical or mental health problem. It is not enough to show that you are receiving medical treatment in the UK or that it is your doctor's opinion that it would be preferable that you did not travel. You must have a medical condition that makes you or your family unable to travel.

#### **Evidence required to prove 'physical impediment to travel':**

- Written documentation should be obtained from a medical practitioner specifically stating that you are unable to travel, the reasons for this and the length of time that you are likely to be not fit to travel.
- You will need to get your medical practitioner to complete a 'Section 4 Medical

Declaration' form. This form is available in appendix B of the file at the following web-address: [www.gov.uk/government/publications/asylum-support-section-4-policy-and-process](http://www.gov.uk/government/publications/asylum-support-section-4-policy-and-process). Alternatively, you can contact Migrant Help on 0808 8000 630 who can send you a copy of the form.

### **Pregnancy and physical impediment to travel**

The Home Office policy is that women in the late stages of pregnancy (around six weeks before their expected due date, or earlier if there have been complications), or those with a baby under six weeks old, are automatically accepted as being unable to travel. You will need to submit proof of pregnancy in the form of a maternity certificate, birth certificate and a medical declaration if you are applying prior to six weeks before your expected due date.

### **3. No viable route of return**

This requirement applies to people who are unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available.

### **4. Application for judicial review**

If your legal representative has submitted a judicial review regarding a decision on your asylum claim, they must first apply to the High Court for permission to proceed. Once the High Court has granted you permission, you will be eligible for Section 4 support under this requirement. If you live in Scotland and have submitted the application to the Court of Sessions then you can apply under this section.

You will need to provide a letter from the High Court confirming permission to proceed/confirmation that the application has been submitted (Scotland).

### **Evidence required to prove 'application for judicial review':**

A letter from the High Court confirming permission to proceed/confirmation that the application has been submitted (Scotland).

### **5. Human rights breach**

The Home Office cannot withhold support from you if by doing so, it would cause a breach of your human rights.

Although destitution has in some circumstances been deemed as a breach to a person's human rights, a failed asylum seeker who is deemed not to be making every effort to leave the UK is not entitled to support. This is because the courts have ruled that they are destitute by choice and therefore have no entitlement to support. The Home Office must provide support if your rights under the European Convention of Human Rights (ECHR) would be breached if it withheld support.

For example, if you have submitted a fresh claim for asylum, which remains

outstanding, you could apply under this section. This would also be the case if a judicial review had been submitted but permission to proceed has not yet been granted. You may also be able to apply under this section if your family would become separated by denying some members support.

A legal representative should be able to assist if you have new evidence available as to why you can not return home.

If you have a non-protection based application outstanding with the Home Office then you will not have an entitlement to support. This will not be deemed as a barrier to leave the UK to avoid the effects of destitution.

**Evidence required to prove ‘human rights breach’ includes:**

- Confirmation that a fresh claim has been submitted
- Birth certificates, proof of family life
- Copy of submissions to the High Court

If you require more advice about Section 4 or assistance with finding a legal representative please contact Migrant Help on: 0808 8000 630

## **4B.17 What do I need to do to prove I am destitute?**

The Home Office will consider you to be destitute if you do not have either access to ‘adequate accommodation’ or have no way of meeting your ‘essential living needs’ (such as access to food, light and warmth) now or within the next 14 days.

You need to show that you are currently or are at risk of becoming ‘street homeless’. It is enough to provide evidence that you will not have adequate accommodation or that you will not be able to meet your basic living needs within the next 14 days.

**Destitution checks will still be made which may result in further information requests from the applicant.**

**Evidence required to prove destitution:**

- You will need to provide a list of addresses at which you have been staying since support ended, plus details of how long you stayed at each address, and why this support can no longer continue
- Evidence about your most recent accommodation, where this was and why this accommodation is no longer available to you (letter from a friend/ relative) - this needs to cover the last six months

- Eviction notice
- Evidence of any charitable support you have received or attempts to seek charitable support
- Copy of any bank statements (if any) for the last 6 months
- If you are a lone parent you may be asked for evidence of attempts to seek maintenance from the father of the child
- If you have previously had permission to work or have worked illegally, you may be asked for your latest P60 and/or wage slips, plus evidence that you are no longer working or entitled to work
- If you are living in private rented accommodation, the rental agreement and any requests to leave the property
- If you have previously claimed mainstream benefits, evidence that you are no longer entitled (e.g. letter from the DWP)
- It may also be useful to prepare a personal statement about how you have been surviving since your previous support stopped. These can be important for people who are having difficulties obtaining the required information.

#### 4B.18 How do I apply for Section 4 support?

If you need further information and advice on Section 4 support (including eligibility) then you need to contact Migrant Help on 0808 8000 630 or visit [www.migranthelpuk.org](http://www.migranthelpuk.org).

If you have already decided to apply for Section 4 support and need assistance with the application form, you need to contact Asylum Support Application UK on 0808 8000 631 or visit [www.migranthelpuk.org](http://www.migranthelpuk.org). You need to ensure that you have all required evidence to apply for support.

**Important information: you will not be entitled to support until the Home Office has processed your application. Migrant Help can assist with your support application but you will need to provide evidence and confirmation of how you meet the above criteria.**

**Migrant Help will go through your individual circumstances and confirm the evidence that the Home Office will require to assess your eligibility for support. Once received we can assist your application for support. If the Home Office does not feel you have shown that you are destitute or you do not meet the criteria they will either refuse your application or request further documentation.**

**If you fail to provide evidence as requested by the Home Office your application may be closed with no further action taken.**

## 4B.19 Section 4 support appeal

If your application for Section 4 is refused, there is an entitlement to appeal to the First-tier Tribunal (asylum support).

The Home Office will send a letter refusing support. This letter will stipulate the grounds/reasons for refusal. Appeals need to be submitted within three working days from the date of decision.

You need to contact the Asylum Advice UK line as soon as possible for assistance with an appeal. Migrant Help will confirm if you have grounds to appeal and will go through your options with you.

For more information, see Asylum Support Appeals Project (ASAP) website: [www.asaproject.org](http://www.asaproject.org).

## 4B.20 Changes of circumstances

It is important to keep the Home Office, the courts and your legal representative (if you have one) up to date with your circumstances. This may affect your case. If you fail to notify them of a change of address you may miss important court letters. If you have a baby, and you fail to notify, then the baby will not be added to your asylum application. The Home Office will need to be notified if:

- you change your name
- any of your dependants reach their 18<sup>th</sup> birthday
- you move to a different address
- you get married or divorced, or separate from your partner
- you are hospitalised
- you, or your partner, become pregnant or have a baby
- any of your children leave school, or leave home
- any other family members join you in the UK, or leave you
- anyone else joins you in your accommodation or leaves you
- you are put in prison
- you receive or gain access to money that you had not previously told us about
- you receive or gain access to money after selling something
- you no longer want the Home Office to provide accommodation for you

The above may have implications for your asylum support or will need to be told to the court/your legal representative. Migrant Help can assist you to advise the Home Office asylum support section of a change to the above circumstances.

However, it is important that you also notify the immigration side of the Home Office/courts of these changes. Your legal representative should be able to assist you with this.

**For further information regarding asylum support matters or obtaining legal advice please contact Migrant Help.**

**[www.migranthelpuk.org](http://www.migranthelpuk.org)**

**Asylum Advice UK 0808 8000 630**

**Asylum Support Application UK 0808 8000 631**





# Asylum Advice

Other information and  
specialist support



# Section 5:

## Other information and specialist support

### 5.1 Tracing your family

If you have lost contact with your family, the Red Cross can assist you to get a message to them. We can refer you to the Red Cross who will contact you to arrange an appointment. They have offices throughout the UK which can be found at:

<http://www.redcross.org.uk>

<http://www.redcross.org.uk/What-we-do/Find-my-missing-family>

### 5.2 Victims of human trafficking and modern slavery

Human trafficking is the recruitment, movement or receipt of a person by deception or coercion into a situation of exploitation. For example, you may have been told you were coming to the UK to work legally but once in the UK you have been forced to work as a domestic servant or as a prostitute, with threats of violence if you refused.

Victims of trafficking are often not aware that they have been trafficked. Modern slavery can take many forms including the trafficking of people, forced labour, servitude and slavery.

Those who are responsible for human trafficking or modern slavery are committing a serious crime. Those guilty may face imprisonment for life.

If you think that you, or someone you know, are a victim of human trafficking or modern slavery, specialist help and support is available to you. If you think you are a victim please tell us as soon as possible. If you feel unable to, please speak to your legal representative or the police. You can also contact one of the specialist organisations below.

Modern Slavery Helpline - 08000 121 700, <https://www.modernslaveryhelpline.org/>

The Salvation Army – 0300 303 8151, [www.salvationarmy.org.uk](http://www.salvationarmy.org.uk)

Victim Support - 0808 16 89 111, [www.victimsupport.org](http://www.victimsupport.org)

Migrant Help – 07766 668781, [www.migranthelpuk.org](http://www.migranthelpuk.org)

The TARA Project (Scotland) – 0141 276 7724, [www.saferglasgow.com/service](http://www.saferglasgow.com/service)

## 5.3 Victims of torture

If you have been the victim of torture, you may need help from specialist organisations that support torture victims. Freedom from Torture and the Helen Bamber Foundation are two charities, independent of the Home Office, that can provide medical and social care, practical assistance and psychological and physical therapy.

Freedom From Torture - [www.freedomfromtorture.org](http://www.freedomfromtorture.org)

Helen Bamber Foundation - [www.helenbamber.org](http://www.helenbamber.org)

If you feel you need assistance from one of these organisations, your legal representative, your doctor (GP) or voluntary sector organisations can refer you to them.

If you feel able to do so, you should also inform the officer who interviews you either at your asylum screening interview or at your main asylum interview.

## 5.4 Gender based violence, rape, sexual violence

You may have suffered gender based violence in your home country, in transit to the UK or whilst in the UK. This can include acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion (threats made against you that made you feel like you had no choice) and other deprivations of liberty.

If you have experienced this type of violence you should disclose such information as soon as possible about any rape, sexual violence or other harm that you have suffered either in your country of origin or here in the UK.

If you feel unable to tell a Home Office official, please speak to your legal representative. If the violence has taken place in the UK you should contact the police. You can also contact one of the specialist organisations below for independent advice and support:

Rape Crisis (England and Wales) - 0808 802 9999, [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

Rape Crisis (Scotland) – 0808 801 0302, [www.rapecrisisscotland.org.uk](http://www.rapecrisisscotland.org.uk)

Survivors Trust - [www.thesurvivorstrust.org](http://www.thesurvivorstrust.org)

The Survivors Trust is a national agency for specialist voluntary sector agencies providing support services working with women, men and children who are victims/survivors of rape, sexual violence and childhood sexual abuse.

## 5.5 LGBT+ asylum seekers

LGBT stands for lesbian, gay, bisexual, and transgender, and emphasises the diversity of sexuality and gender identity.

It is important for LGBT asylum seekers to get advice from solicitors experienced in this area of law. Your solicitor should understand the issues faced by people claiming asylum on the basis of their sexual orientation and gender identity.

You can get help from the organisations below.

UK Lesbian & Gay Immigration Group, <https://uklgig.org.uk/>

Stonewall, <http://www.stonewall.org.uk/>

## 5.6 FGM (female genital mutilation)

FGM is the mutilation of the external female genitalia for non-medical reasons. It is sometimes known as female circumcision or 'sunna'.

FGM is illegal in the UK. It is also illegal to arrange for a child to be taken abroad for FGM. Offenders face a large fine and a prison sentence of up to 14 years.

If you are worried about someone who is at risk of FGM or has had FGM after coming to the UK, you must share this information with the police or with social services. They will investigate and protect any girls or women involved.

If you have been affected by FGM you can contact Forward for information on the services available including one-to-one support.

Forward (Foundation for Women's Health Research and Development)

0208 960 4000, [www.forwarduk.org](http://www.forwarduk.org)

The National Society for the Prevention of Cruelty to Children (NSPCC) has a FGM helpline which is a free, anonymous, 24-hour service. You can call the FGM helpline if you're worried a child is at risk of, or has had, FGM.

FGM helpline – 0800 028 3550, [www.nspcc.org.uk](http://www.nspcc.org.uk)

## 5.7 Hate crime

Hate incidents and hate crime are acts of violence or hostility directed at people because of who they are or who someone thinks they are. For example, you may have been verbally abused by someone in the street because you're disabled or someone thought you were gay.

Hate incident is motivated by hostility or prejudice based on one of the following:

- disability
- race
- religion
- transgender identity
- sexual orientation

If you've experienced a hate incident or hate crime you should report it to the police.

Hate incidents can take many forms. Here are examples of hate incidents:

- verbal abuse like name-calling and offensive jokes
- harassment
- abuse based on your religious beliefs
- bullying or intimidation by children, adults, neighbours or strangers
- physical attacks such as hitting, punching, pushing, spitting
- threats of violence
- hoax calls, abusive phone or text messages, hate mail
- online abuse (for example on Facebook or Twitter)
- displaying or circulating discriminatory literature or posters
- harm or damage to things such as your home, pet, vehicle
- graffiti
- arson
- malicious complaints (for example over parking, smells or noise).

If you need further advice or assistance please contact Migrant Help on 0808 8000 630.

## 5.8 Reporting crime

If you are the victim of or witness to a crime, it is important that you report it to the police who will provide assistance to you. You can:

- Go to your local police station
- Telephone 999 or 112 for emergency services and request police assistance for urgent help

## 5.9 Education

If any of your dependants are of compulsory school age, they must go to school.

The compulsory age for a child to start full time education in the UK is the start of the autumn school term after the child's fifth birthday and continues for most children until they are at least 16 years old. In England, young people have to be in school or training until they are aged 18.

Further information can be obtained from your local council authority or the advisory services for asylum seekers.

## 5.10 Undertaking employment in the UK

You are generally not allowed to work while your application for asylum is being considered. If you have valid leave and have been given permission to work in the UK, you should contact the asylum team considering your case to clarify whether you still have the right to work and whether there are any restrictions.

If no decision is made on your initial asylum application after one year (and this delay is not attributed to you) you may request permission to work. This right will cease if your application for asylum is finally determined as unsuccessful.

## 5.11 Undertaking voluntary work

You may undertake voluntary activity for a registered charity or voluntary organisation. However, you should check with the asylum team considering your case before you volunteer, as there are exceptions to this position. Also, the activity must not amount to unpaid employment or payment in kind (you are being given something other than money in exchange for working, including accommodation).

## 5.12 Unaccompanied minors

Applications from those under 18 years of age are considered under a different process from adult applications due to the specific needs and requirements of children.

The Home Office will, when considering applications from children, take into account the need to safeguard and promote the welfare of children in the UK. They will contact your local authority's Children's Services Department on your behalf if you are not already known to them. They will also be responsible for looking after you and giving you accommodation if you are not accompanied by an adult.

If you claim to be under 18 years of age and the Home Office have reason not to believe

you, you will need to provide credible documentary evidence of your age. If you do not have any evidence to prove your age and your physical appearance and/or demeanour very strongly suggest you are significantly over 18 years old, the Home Office will consider your asylum claim under adult procedures, until there is credible documentary or other persuasive evidence to demonstrate your age.

If you disagree with their decision to treat you as an adult, you may approach your local authority's Children's Services Department with a view to them undertaking their own assessment of your age. All applicants will be afforded the benefit of a doubt and treated as children until a professional age assessment has been completed.

If you need further advice or assistance on this matter please contact Migrant Help on 0808 8000 630.

**For further information regarding any part of this section please contact us.**

**[www.migranthelpuk.org](http://www.migranthelpuk.org)**

**Asylum Advice UK 0808 8000 630**

**Asylum Support Application UK 0808 8000 631**





# Asylum Advice

Useful contacts



## Section 6: Useful contacts

### Asylum Support Appeals Project (ASAP)

ASAP is a charity working across the UK with the aim of reducing destitution amongst asylum seekers by protecting their legal rights to food and shelter. ASAP carries out free legal representation and advice to asylum seekers and refused asylum seekers appealing against Home Office decisions to refuse or withdraw their housing, financial subsistence, or both.

Tel: 020 3716 0283 (Mon, Wed, Fri 2 – 4pm), <http://www.asaproject.org/>

### Bail for Immigration Detainees

The organisation provides legal advice and representation to people held in prisons and detention centres under immigration powers to enable them to secure their release from detention and gathers evidence from its research and casework to influence detention policy and practice.

Tel: 020 7456 9750, [www.biduk.org](http://www.biduk.org)

### British Red Cross

The British Red Cross offers practical and emotional support to vulnerable refugees and asylum seekers in the UK. It includes short-term support to newly arrived refugees and services to those who are destitute. The Red Cross also provides family reunion service to those who have been separated around the world and who have been allowed by the Home Office to join their families in the UK. In some cases, they can help pay travel costs.

Scotland 0141 331 4170

North West 0161 888 8932

East Midlands 0116 2710359

West Midlands 0121 7665444

Wales 01792 772 146

East Anglia 01733 557472

London 020 7704 5670

Or visit: [www.redcross.org.uk/What-we-do/Refugee-support/Where-to-find-us](http://www.redcross.org.uk/What-we-do/Refugee-support/Where-to-find-us)

---

## Bryson Intercultural/Migrant Help

Provides information and advice to asylum seekers and refugees in Northern Ireland.  
28 Bedford Street, Belfast, BT2 7FE  
Tel: 028 9031 5744/028 9244 8447, [www.migranthehelpuk.org](http://www.migranthehelpuk.org)

## Children's Society

The Children's Society is a national charity that runs local projects, helping vulnerable children and young people.  
Tel: 0300 303 7000, [www.childrenssociety.org.uk](http://www.childrenssociety.org.uk)

## Emergency services

**Ambulance** – for life threatening emergencies call 999, non-emergency call 111  
**Police** – non-emergency call 101, emergency call 999  
**Fire Service** - 999

## Freedom from Torture

Freedom from Torture is a UK-based organisation that has been working for 25 years to provide direct clinical services to survivors of torture who arrive in Britain, as well as to protect and promote their rights.  
Tel: 020 7697 7777, [www.freedomfromtorture.org.uk](http://www.freedomfromtorture.org.uk)

## Home Office

The Home Office is the Government department responsible for internal affairs and immigration control for example asylum, permission to stay, citizenship.  
[www.gov.uk](http://www.gov.uk)

## Joint Council for the Welfare of Immigrants

Joint Council for the Welfare of Immigrants is an independent national charity which campaigns for justice in immigration, nationality and refugee law and policy.  
Advice line is open on Tuesday mornings between 10am – 12pm.  
Tel: 020 7251 8707, [www.jcwi.org.uk](http://www.jcwi.org.uk)

## Maternity Action

Maternity Action is the UK's leading charity committed to ending inequality and improving the health and well-being of pregnant women, partners and young children.

Open: Wednesdays 10am – 2pm, Thursdays 3pm – 7pm and Fridays 10am – 2pm.  
Advice Line: 0808 802 0029, [www.maternityaction.org.uk](http://www.maternityaction.org.uk)

## Medical Justice

They provide services such as free, independent advice and representation on matters relating to nationality law and immigration directly to members of the public and a support and a referral service to other suitable agencies should an individual require more specialist advice.

Tel: 020 7561 7498, [www.medicaljustice.org.uk](http://www.medicaljustice.org.uk)

## Migrant Children's Project

The Migrant Children's Project offers free initial legal advice on all issues affecting migrants, asylum-seeking and refugee children, young people and families including: immigration, asylum and nationality law, support and accommodation, age, assessment, education, work and training and health care.

Tel: 020 7636 8505

## Migrant Help

Migrant Help is a national charity offering support and guidance to vulnerable migrants across the UK, helping them feel protected, informed and safe. We provide advice and guidance to asylum seekers, specialist support to victims of human trafficking and assist with the Syrian Vulnerable Person Resettlement scheme in the South East of England.

**Asylum Advice/Asylum Support Application helplines** – 0808 8000 630/0808 8000 631

**Refer a victim of human trafficking** - 07766 668 781, [www.migranthelpuk.org](http://www.migranthelpuk.org)

## Migrants Resource Centre

Migrants Resource Centre gives free legal advice and represents the most vulnerable and disadvantaged people seeking asylum in the UK in their asylum applications.

Tel: 020 7354 5620, [www.migrantsresourcecentre.org.uk](http://www.migrantsresourcecentre.org.uk)

## Mind

Mind provides advice and support to empower anyone experiencing mental health problems.

0300 123 3393, text 86463, [www.mind.org.uk](http://www.mind.org.uk)

## Modern Slavery Helpline

0800 121 700, <https://www.modernslaveryhelpline.org/>

## National Domestic Violence Helpline (24 hour)

Free, 24-hour helpline for women experiencing domestic abuse.

Tel: 0808 2000 247, [www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk)

---

## NHS 111 Service

111 is the NHS non-emergency number. It's a service for medical help and advice but it is not for life threatening situations. NHS 111 is available 24 hours a day, 365 days a year. Interpreters are available.

Tel: 111, [www.nhs.uk](http://www.nhs.uk)

## Rape Crisis

Rape Crisis is an organisation that exists to promote the needs and rights of women and girls who have experienced sexual violence

0808 802 9999 12-2.30pm and 7-9.30pm all year (England and Wales), [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

0808 801 0302 (Scotland), [www.rapecrisisscotland.org.uk](http://www.rapecrisisscotland.org.uk)

## Rights of Women

Rights of Women provides free, confidential legal advice and campaigns to ensure that women's voices are heard.

Women's immigration and asylum law helpline: 0207 4907689 (Mon 10-4, Thur 10-4)

Tel: 020 7251 6575, [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

## Samaritans

Samaritans offer a safe place to talk when you are feeling down, are worried, confused and finding it hard to cope.

116 123 (24 hours – UK), [jo@samaritans.org](mailto:jo@samaritans.org), [www.samaritans.org](http://www.samaritans.org)

## Sane

UK-wide charity working to improve quality of life for those affected by mental illness.

Tel: 0300 304 7000, [www.sane.org.uk](http://www.sane.org.uk)

## Stop Hate UK

Stop Hate UK is a charity that provides independent and confidential reporting services for people affected by hate crime including those motivated by hostility towards disability, race, ethnicity or nationality, religion, faith or belief, sexual orientation or gender identity.

Tel: 0800 138 1625, [www.stophateuk.org.uk](http://www.stophateuk.org.uk)

## UK Lesbian & Gay Immigration Group

The UK Lesbian & Gay Immigration Group is a charity that promotes equality and dignity for lesbian, gay, bisexual and transgender (LGBT) people who seek asylum in the

UK, or who wish to immigrate here to be with their same-sex partner. Its asylum related activities include supporting LGBT asylum seekers by providing support and information via their helpline and in person; referring to solicitors; organising a monthly support meeting; visiting detention centres and running other social support projects.

Tel: 020 7922 7812, [www.uklgig.org.uk](http://www.uklgig.org.uk)

## UK Visas & Immigration (UKVI)

UKVI is part of the Home Office. It is responsible for considering asylum applications as well as applications from visitors to come to, or remain in the UK.

[www.gov.uk](http://www.gov.uk)

## Victim Support

Victim Support is an independent charity providing support services to people affected by crime in England and Wales.

Tel: 0808 1689 111, [www.victimsupport.org.uk](http://www.victimsupport.org.uk)

## Women's Therapy Centre

Provides individual and group psychotherapy to all women regardless of cultural or social background, sexual orientation, disability, immigration status or age.

Tel: 020 7263 7860, [www.womenstherapycentre.co.uk](http://www.womenstherapycentre.co.uk)









Other translated information is available at: [migranthehelpuk.org](http://migranthehelpuk.org)



Registered Address: Migrant Helpline Limited (trading as Migrant Help),  
Charlton House, Dour Street, Dover, Kent, CT16 1AT  
Tel: 01304 218 720 Fax: 01304 203 995  
Website: [migranthehelpuk.org](http://migranthehelpuk.org)  
Registered Charity (England and Wales): 1088631  
Company No (England and Wales): 4172880  
Registered Charity (Scotland): SC041022  
OISC registration number: N200100480

### Content revised in 2018



This project is part funded by the EU Asylum, Migration and Integration Fund.  
Making management of migration flows more efficient across the European Union.

Funding for this service is also provided by the Home Office.