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2 May 2023

Dear Mr Griffin and Co-signatories,

Thank you for your letter of 1 March, acknowledging the need to clear the Legacy Backlog and outlining your concerns over the Streamlined Asylum Process.

The Home Office recognises the need to reduce the lengthy delays people face in waiting for an asylum decision and the aim of this policy is to ensure people receive a decision as soon as possible.

I will address the concerns you have raised regarding the use of an Asylum Claim Questionnaire to gather further information in turn.

Withdrawing asylum claims

The rationale of Paragraph 333C of the Immigration Rules and the Withdrawing Asylum Claims policy is to have a clear process to manage asylum claims from those who explicitly inform us they no longer wish to pursue their protection claim in the UK, as well as those who are non-compliant and have absconded to avoid engaging with the asylum process. In addition to the initial questionnaire and the subsequent 10-working days extension (where required), the Home Office will contact claimants and their legal representatives, including issuing reminders, using all the contact methods available such as email and phone.

For those who have been unable to respond to the questionnaire, for example, because they did not receive it and it was through no fault of their own, their asylum claim will not be withdrawn. All information and personal circumstances will be taken into account on a case-by-case basis. This includes the factors you have specifically raised such as mental health, trauma, mental capacity and learning difficulties.

For those whose claims have been withdrawn correctly, but they re-engage with the Home Office at a later date and still wish to remain in the UK on protection grounds, then they can lodge [Further Submissions](#) under Paragraph 353 of the Immigration Rules. For those people whose claims have been withdrawn incorrectly, then the Home Office will reinstate the initial asylum claim where appropriate and provide any additional time as necessary to respond to the questionnaire.

Language of the Questionnaire

The intention of these questionnaires is to enable claimants to provide any further information about their claims which, in turn, could lead to a positive decision being taken without a substantive interview. Protection claims will not be refused without a personal interview unless one of the exceptions in paragraph 339NA of the Immigration Rules applies.

If there is insufficient evidence provided in response to the questionnaire, then the claimant will be invited to a personal interview as soon as possible, to obtain the necessary information to make a decision on the asylum claim.

It is standard practice for the Home Office to communicate with asylum seekers in English. We also require that all correspondence and responses are returned in English so that decision-makers and other members of staff can consider the information that is submitted.

Families and children

We can confirm only the main claimant is required to complete the questionnaire on behalf of their family.

The [Family asylum claims](#) guidance applies where the main claimant and their dependent children have common grounds of alleged persecution, which can be considered as part of a single asylum decision. Streamlined asylum processing will work in conjunction with the family asylum claims policy. Ordinarily the principal claimant will normally be able to set out any protection needs on behalf of their children.

Information regarding dependent children will be gathered during the screening and registration process. In the questionnaire claimants are asked to provide and confirm the details of all their family members who are dependent on their asylum claim. This helps to ensure that all family members receive the correct decision.

Issuing questionnaires to those who are legally represented first

The vast majority of questionnaires have already been sent to the claimants within scope of Streamlined Asylum Processing to enable the Home Office to efficiently decide claims from those who are from high-grant countries. We note that the majority of those who have been sent a questionnaire, have confirmed to the Home Office they have a legal representative supporting them with their asylum claim.

Decline to complete the questionnaire

To help clear the legacy caseload for adult and family claims we will be issuing an asylum questionnaire to claimants who have not yet been substantively interviewed and are nationals of Afghanistan, Eritrea, Libya, Syria and Yemen.

Claimants who receive an asylum questionnaire, will have 20-working days to return this to us. If the questionnaire is not returned within the timeframe, claimants will receive a reminder via post, email or phone (where they have made their contact details available to the Home Office), and a further 10-working days to complete the questionnaire. Extensions can be requested by contacting the relevant team at asylumcustomercommunicationshub@homeoffice.gov.uk, if required. Any explanations for non-return will be considered and asylum claims will not be withdrawn if there is a reasonable explanation. A failure to return the questionnaire without reasonable explanation may result in an individual's asylum claim being withdrawn in line with the

published policy on withdrawing asylum claims: [Withdrawing asylum applications: caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/withdrawing-asylum-applications).

Legal representation

All asylum seekers are entitled to legal representation to support them – including with translation – through Legal Aid. For those that have informed us they have a legal representative, then their legal representatives will also be notified if their client has received a questionnaire.

Whilst we note that people may want to seek legal advice in order to complete the questionnaire, we consider that the questionnaire can be completed without legal advice.

The questionnaire is being used so that the claimant can inform us of the reasons they are seeking protection in the UK. This requires them to provide their basic details, their personal and family circumstances and their own personal account of what has led them to flee their country and seek protection in the UK. Where the claimant is unable to read and or write in English then they could choose to seek support with understanding the language through community links such as charity organisations, non-governmental organisations, friends, family, online translation tools and other networks.

As mentioned in the questionnaire: *“What you provide us with doesn’t need to be perfect: we can always ask you for further details either by writing to you or ringing you to collect further information, or by inviting you to an interview.”*

If someone is unable to read and write in English, then extension requests will generally be granted on the basis that they will require more time to seek support and be able to respond. All extension requests will be considered on a case-by-case basis. The request should include the circumstances as to why an asylum seeker is unable to provide a response within the timescale. Requests should be reasonable and proportionate. If someone has never received the questionnaire, due to circumstances outside of their control, for example postal strikes or the questionnaire being sent to the incorrect address, then this will not be held against them.

Blanket Extension Requests for those without legal representation

We will send out a reminder giving people an extra 10-working days if an asylum seeker does not respond in 20-working days. Extensions can also be requested and will be considered on a case-by-case basis.

Identity documentation

The [Assessing credibility and refugee status guidance](https://www.gov.uk/guidance/assessing-credibility-and-refugee-status-guidance) provides information on how decision-makers are to consider documents that are submitted during the asylum process. Claimants are requested to submit original documentation with accompanied certified translations so that decision-makers can consider evidence that is not in English. Submitting the original documentation also allows decision-makers to consider the reliability of evidence in the round when assessing the claim on a case-by-case basis.

Up-to-date contact details

The Home Office has undertaken a lot of data auditing work to ensure that the records we hold are up to date and accurate.

Asylum seekers should inform the Home Office of their updated contact details as soon as practicable. We would really appreciate if you could please signpost those who you support to update their details using the following link [UKVI - Change your address or your](https://www.gov.uk/guidance/ukvi-change-your-address-or-your)

[legal representative's details - When to use the form \(visa-address-update.service.gov.uk\)](https://www.gov.uk/visa-address-update).

This will enable the Home Office to ensure that all correspondence including questionnaires, are sent to the correct contact details and will also help us issue any necessary reminders as well.

Credibility

The [Assessing credibility and refugee status guidance](#) makes clear that when considering evidence there is a distinction between minor errors in translation and core discrepancies which impact upon someone's credibility. This will be taken into account when deciding all these claims on a case-by-case basis. If there is any information that needs clarifying, then an interview may be conducted.

Refusing claims

Where the Home Office is unable to grant protection status (asylum or humanitarian protection) on the basis of the information available pre-interview (for example the screening interview and questionnaire), then the claimant will be invited to an interview. Any interview must be conducted in accordance with the guidance on [asylum interviews](#). If an interview cannot be conducted (for example medical reasons), then the required information will be sourced via another method, such as writing to the claimant, in line with Paragraph 339NA of the Immigration Rules. A protection claim will not be refused on the basis of the response to the questionnaire alone.

Regulatory requirements

The Office for Immigration Services Commissioner has issued a [statement](#) which confirms, *“while only regulated legal advisers working at Level 2 and above can provide asylum advice to claimants completing the Asylum Claim Questionnaire, you can offer assistance if you are not regulated where this help related to language issues and the technicalities of completing and submitting the forms. Requests for time extensions to complete the forms can also be made by an unregulated person, supporting the claimant.”*

Published Service Standard

The Prime Minister pledged to clear the backlog of the 92,601 initial asylum decisions relating to claims made before 28 June 2022 (“legacy claims”) by the end of 2023. One way in which we will achieve that is via the Streamlined Asylum Process which is centred around accelerating the processing of manifestly well-founded asylum claims.

In order to achieve this commitment, we were required to establish this policy at pace. Any use of further questionnaires will take into account your feedback.

I hope that this alleviates some of the concerns you have regarding the new policy.

Yours sincerely,



Rt Hon Robert Jenrick MP
Minister of State for Immigration