

Claiming asylum

what to do if you are here as a refugee

How do I claim asylum?

What will I live on while my claim is looked at?

Where can I get help with my claim?



0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone numbers and website addresses

A free and confidential advice service paid for by Legal Aid

community
legal advice

Community Legal Advice

This guide has been produced by Community Legal Advice (CLA), a free and confidential advice service paid for by legal aid.

Community Legal Advice provides:

- advice leaflets on a range of topics
- a helpline **0845 345 4 345**
- a website

www.communitylegaladvice.org.uk

People on a low income can get free, specialist legal advice from the CLA helpline.



Who can be granted asylum?

Asylum allows people who are refugees to stay in the UK. A refugee is someone who leaves the country they come from because they fear persecution (being harmed) because of their race, religion, nationality, membership of a particular group, or political beliefs.

If you are a refugee, you cannot be sent back to a country where you could be persecuted.

However, when you say you are a refugee and apply for asylum, you must be able to show the UK government that you are in real danger and need protection.

In some cases, if the government does not regard you as a refugee, it may allow you to stay in one of two other ways:

- 'humanitarian protection', which gives you similar rights to those of a refugee, or
- 'discretionary leave'.

Proving that you are in danger and need to stay in the UK is often difficult. Your asylum application is likely to involve many legal issues. It is vital to get specialist help.

To find a solicitor with expertise in asylum cases, contact **Community Legal Advice** on **0845 345 4 345** or visit

www.communitylegaladvice.org.uk In most cases, you will not have to pay for a solicitor's advice.

What does it mean if I am granted asylum?

If you are granted asylum, you will be given 'leave to remain' here for five years.

You can work or study, and have the same rights to receive benefits (welfare) as British citizens do. You can get a loan to help you with the cost of settling here.

You can get a travel document that allows you to travel anywhere except to your country of origin (the country you claimed asylum from).

After five years' asylum as a refugee, you can apply to stay here.

How do I claim asylum?

You must normally claim asylum by applying either:

- to the immigration officer at the airport or seaport when you first arrive, or
- at the Home Office Asylum Screening Unit in Croydon, South London, if you are already in the UK.

You should apply as soon as you can, because if you delay:

- the authorities may not believe you are really a refugee, and
- you may not get support (money to live on) while they look at your application.

What happens when I apply for asylum?

You go through several stages while your case is decided. These stages, and how long they take, will depend on your circumstances.

- Normally you start with a 'screening interview' as soon as you apply, where an officer will write down information about you, including personal details and how you arrived in the UK.
- In many cases, you will then be told to report to an immigration office. There they will arrange for you to get some money to live on and will find you somewhere to stay, if you have no money and nowhere to go. They will also explain where and when you must report while your case is being considered.

Instead of having to report to an immigration office, you may be sent to an immigration detention centre – see 'Will I be free while the government considers my case?' on page 04.

- The next stage is a full interview, where you must give more information about your claim. The Border Agency (part of the UK government) will consider your claim. To make sure you tell the authorities everything that could help your claim, you should try to get expert advice from a specialist solicitor before going to this interview.

See 'Where can I get help and advice?' on page 09 for how to find a solicitor.

If you are at a detention centre, the authorities there should offer you a meeting with a specialist solicitor. You can try to find your own solicitor if you wish, but you must check they will be able to see you before your full interview with the Border Agency.

Will I be free while the government considers my case?

You may be able to live in a hostel or other address while your case is considered, as long as you report regularly to the immigration office and keep to other rules. But depending on your situation, the government may detain (hold) you at an immigration detention centre while they look at your case.

While you are detained or in temporary accommodation, you will have the full interview described on page 03.

What will I live on while my claim is looked at?

You are not allowed to work while your claim is being considered. However, if the authorities take more than a year to consider your application, you can then apply for permission to work. Ask your solicitor or adviser about this.

If you have no money and nowhere to live, you can usually get some support or somewhere to stay, or both, while the authorities consider your case. You have to apply for this help by filling in a long form in English. If you can't fill in the form yourself, you will be given names of organisations that can help you when you get the form.

If you are given somewhere to live, to begin with it will usually be in a hostel near where you make your claim. Later you may be sent to live somewhere else in the country. You cannot normally choose where you would like to stay.

What if my claim succeeds?

If your claim succeeds, you will be allowed to stay in the UK. If the government regards you as a refugee, you will be given 'leave to remain' for five years. You can work and study, and travel abroad (except to your country of origin).

If you are granted 'humanitarian protection', you will also be allowed to stay for five years and you will have similar rights to those of a refugee.

'Discretionary leave' is usually granted for a shorter period, though it can be renewed.

After five years, you can apply to stay here permanently, called 'indefinite leave to remain'. The authorities may look at your case again and see whether it would be safe for you to return to your home country, and whether you have other ties here. You must also show you can speak some English (or Welsh or Scots Gaelic) and have learned about life in the UK.

What about my family?

If your claim is successful, then in most cases the government will also grant refugee status to your husband or wife and any children under 18 who are with you and are part of your asylum application. This is also true if you are granted 'humanitarian protection' or 'discretionary leave'.

If you have been granted asylum or humanitarian protection and your husband or wife and any children under 18 are outside the UK, you can apply for them to come and live here. However, it may take some time to get permission.

If you have been granted discretionary leave, you can't normally apply for your family to join you in the UK.

What if my claim is refused?

Having your asylum claim refused will obviously be upsetting. But you can usually appeal against the decision, which means your case will be considered again.

However, there is a strict time limit for making an appeal, so you need to get expert advice as quickly as possible if your claim is refused. To help you with your appeal, you can use the same solicitor or adviser who helped you with your claim.

You will not normally have to pay for legal help to appeal, as long as you have a reasonable chance of winning your case.

The appeal process can have several stages, and can take longer than the first decision on your claim.

What if I appeal and my appeal fails?

If your appeal fails, you will normally have to leave the country. If you don't go yourself, the authorities may force you to go.

For more about your rights if you are told you must leave the UK, see the Community Legal Advice Leaflet 'Removal and Deportation'.

Where can I get help and advice?

If you do not have enough money to pay for legal help, you should be able to get free expert advice. This is available through solicitors and voluntary organisations who are approved by a government organisation called the Legal Services Commission.

Other solicitors may offer advice that is not free – but they must tell you that free advice is also available.

Community Legal Advice

Community Legal Advice is a free, independent and confidential advice service paid for by the government. It can put you in touch with organisations that can give you free advice about asylum.

If you have a low income and qualify for legal aid, you can also call us for independent advice about debt, education, benefits and tax credits, employment and housing problems.

If you do not qualify for legal aid, or if you have another type of problem, we can put you in touch with other organisations, helplines or local advice services that can help.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 8pm Monday to Friday or 9am to 12.30pm Saturday. Calls cost no more than 4p a minute from a BT landline. Calls from mobiles are usually more. Worried about the cost? Ask an adviser to call you back.
- Request a callback through our website at www.communitylegaladvice.org.uk
- Text 'legalaid' and your name to **80010** and we will call you back within 24 hours.

Help on the internet

Our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law
- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

Citizens Advice

Citizens Advice is an organisation that can give help and advice with a range of problems, including, for example, help with housing or money matters. There are Citizens Advice Bureaux (offices) in many areas, which you can visit for face-to-face advice. They can also often put you in touch with local support groups who can provide personal and practical help.

Citizens Advice Bureaux are listed in the phone book, or you can check the Citizens Advice website at www.citizensadvice.org.uk

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have
- whether there is a reasonable chance of winning your case, and
- whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing with rent problems**
- C2 Domestic abuse**
- C3 Fair treatment at work: your rights if you are disabled**
- C4 Your rights at work**
- C5 Dealing with debt**
- C6 Losing your home**
- C7 Claiming benefits**
- C8 Problems with school**
- C9 Mental health laws**
- C10 Community care**
- C11 Divorce and separation**
- C12 Living together**
- C13 Medical accidents**
- C14 Dealing with the police**
- C15 Care proceedings**
- C16 Claiming asylum**
- C17 Removal and deportation**
- C18 Dealing with a will**

You can order any of these leaflets free by:

- phoning **0845 3000 343**
- faxing **0845 5438 258**, or
- emailing orderleaflets@communitylegaladvice.org.uk.

All these leaflets are also available in Welsh, Braille and Audio.



The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

This leaflet is published by the Legal Services Commission and the Ministry of Justice (MoJ).

CLAC16E V1 JUNE 2010

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