

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

The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS:

- provides leaflets with advice on a range of problems, and
- can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

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*Community
Legal Service*



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', which usually lasts for only a year, though it can be renewed.

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 claim asylum by applying either:

- to the immigration officer at the airport or seaport when you first arrive, or
- at a Home Office Asylum Screening Unit if you are already in the UK. There are two units: one in Croydon (in South London) and one in Liverpool.

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 take down your 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 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 may be able try to find your own solicitor if you wish, but you must check they will be able to see you before you have a full interview.

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 in to 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.

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 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' usually lasts for only a year, 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, your husband or wife and any children under 18 will usually also be granted refugee status. If they are outside the UK, you can apply for them to come and live here, though it may take some time to get permission.

If you are granted 'humanitarian protection', you can also apply for your family to join you in the UK. However, you can't do this if you are granted 'discretionary leave'.

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. Often the solicitor or adviser who has helped you with your claim will also help you with your appeal.

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.

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 to help you with your claim. 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 isn't free – but they must tell you that free advice is also available.

Community Legal Advice can give you details of local or specialist organisations that can help. See the opposite page for details of how to contact Community Legal Advice.

If you need help with problems other than your asylum claim, for example, help with housing or money matters, the following two organisations can help:

- Your nearest **Citizens Advice Bureau** should be able to help you find these. Citizens Advice Bureaux are listed in the phone book, or you can check the Citizens Advice website at www.citizensadvice.org.uk.
- **Community Legal Advice** can give you advice over the phone, or give you details of local or specialist organisations that can help (see opposite for details).

Community Legal Advice

You may have other problems, apart from your asylum claim, such as concerns about debt or housing. Community Legal Advice can also help with these. It is a free, independent and confidential advice service paid for by the government.

- If you have a low income, including benefits, and qualify for legal aid, you can call 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 give you details of other organisations, helplines or local advice services that can help. We direct you to other legal information resources.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 6:30pm Monday to Friday. Calls cost no more than 4p per 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, www.communitylegaladvice.org.uk
- Text 'legalaid' and your name to **80010** and we'll call you back within 24 hours.

Help on the internet

If you have internet access, 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.

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, and
- 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/calculator, 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 (available August 09)**
- C17 Removal and deportation (available August 09)**
- C18 Dealing with a will (available August 09)**

You can order any of these leaflets free by:

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

All of 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)

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