

Your guide to Claiming asylum

The UK Border Agency is responsible for dealing with asylum claims in the United Kingdom.

Get advice early

Asylum law is complicated and it is important that you get good legal advice and someone to put your case for you. You should find a solicitor as soon as possible, as there are very short deadlines for providing the evidence needed to support your claim for asylum.

Finding a solicitor in England or Wales

To find a solicitor in England or Wales who deals with immigration and asylum law:

- visit **www.lawsociety.org.uk/findasolicitor** Search under 'Immigration'; or
- phone **020 7320 5650**.

What your solicitor will need to know

You should tell your solicitor the following.

- When you left your home country and arrived in the UK.
- How you got to the UK and the way you came here.
- Why you left your home country.
- Whether you are afraid to return to your home country and, if so, why.
- Your family circumstances.
- What documents you have given to the UK Border Agency.
- Whether you have been given any documents to fill in and return and, if so, when you have to return them.

How your solicitor can help

Your solicitor can:

- help you fill in your asylum claim form if you are given one;
- help write formal statements for you;
- give you advice on how strong your case is;
- apply for you to be released if you are detained (that is, locked up);
- prepare your case and represent you if you appeal;

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- give you advice on what will happen to your case; and
- get any further information you might need to explain your claim, such as a medical report or a report from an expert about circumstances in your home country.

Solicitors' charges

If you have little or no money, you are likely to be entitled to free legal advice to help with your asylum claim. This is known as 'Legal Help'. Your solicitor will explain this, and what she or he can do for you under Legal Help. Your solicitor will tell you how much they will charge you if you cannot get free advice.

Applying for asylum

To be recognised as a refugee, you will need to show that you have a real risk of being persecuted (treated badly) because of your race, religion, nationality, political opinion or membership of a particular social group and that your home government is unable or unwilling to protect you.

When you apply for asylum you will also apply for permission to stay in this country for human rights reasons. If you can show that you would face inhuman or degrading treatment or punishment if you were returned to your home country, then you will have a claim for 'humanitarian protection'.

You may have other reasons, based on human rights law, that mean you should be allowed to stay in the UK. Your solicitor will be able to tell you whether your claim for asylum, humanitarian protection or other permission to stay is likely to succeed.

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Screening interview

You should apply for asylum as soon as reasonably possible. This can be at the airport or seaport where you arrive. If you apply after you have arrived in the UK you have to apply to an Asylum Screening Unit in Croydon.

Either on the same day you apply for asylum or soon after, you will have a 'screening interview' where the UK Border Agency will ask about your personal details and how you arrived in the UK. Your fingerprints and photograph will be taken and you will be given an Application Registration Card (ARC) which proves that you have applied for asylum. The UK Border Agency will then decide how to deal with your claim.

At the interview you will need to show the Border and Immigration Agency a valid passport or another form of identification (ID). If you do not have acceptable identification, get advice from your solicitor straight away.

The asylum process

Each claim for asylum is given a Home Office 'case owner' who will meet you within a few days of you making your claim.

At this stage your case will probably be processed through the New Asylum Model (NAM). If your case is dealt with through the New Asylum Model, a Home Office case owner will meet you within four days of you making your claim and be responsible for all stages of your case, including interviewing you, carrying out any appeal, dealing with housing and welfare support and, if your case is successful, granting you leave and helping you settle in the UK. If your case is unsuccessful the case owner will deal with your voluntary or forced removal from the UK.

Statement of Evidence Form

The UK Border Agency may give you a Statement of Evidence Form (SEF) to fill in. You must fill in the form in English and return it within 10 working days. It is very important that you fill in all parts of the form and return it on time. You should ask your solicitor to help you fill in the form. Not everyone has to fill in this form. Sometimes the UK Border Agency can make a decision simply on the information you give during your asylum interview.

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Asylum interview

After the screening interview, you will probably need to go to a longer interview to explain why you are applying for asylum.

You should give as much information about your claim as you can, including any medical or experts' reports. The interview is important, as the UK Border Agency will use the information you give to make their decision about your claim. If you have filled in a Statement of Evidence Form, the information in it will be compared against what you say in the asylum interview. The interview is important, and you can ask your solicitor whether he or she can go with you, although there is normally no legal aid for this. If your solicitor does not go with you, you should ask for the interview to be tape-recorded.

Detention

You can be detained (locked up) at any stage of your claim. The UK Border Agency must give you their reasons for detaining you. If you are detained, you should immediately contact your solicitor and ask about applying to be released. Instead of being detained, you may be tagged (this means your movements are tracked electronically) or asked to visit a reporting centre regularly.

It is important that you tell the UK Border Agency where they can contact you at all times, and that you also tell your solicitor.

Appeals

If your claim is refused, you should immediately ask your solicitor for advice about appealing against the decision, as there are very strict time limits for appeals. In some cases you can only appeal from outside the UK. Your solicitor may be able to prepare your case and represent you. There is a different form of free legal aid that you may be entitled to called Controlled Legal Representation. Your solicitor will explain this, and will tell you how much they will charge you if you cannot get free advice.

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Money and housing

If you have no way of supporting yourself, you can apply to the UK Border Agency for asylum support. This used to be known as National Asylum Support Service (NASS) support. You may be given cash or temporary housing. You may be sent (dispersed) to another part of the country to be housed. Your solicitor will be able to explain what help you are entitled to.

Fast-track cases

If the UK Border Agency think that your claim is straightforward, they may put your case through a fast-track process, which means that it will be dealt with quickly and you are likely to be detained. You should speak to your solicitor as soon as possible if you are placed on a fast-track scheme.

Being removed from the UK

If your claim for asylum is refused, it is likely that you will have to leave the UK. The UK Border Agency can force you to leave and may detain you in order to do so. It is very important that you contact your solicitor immediately if your application is refused. If you do not cooperate with the government to get a travel document so that you can be removed from the UK, this is a criminal offence.

Finding a solicitor in Scotland

This leaflet is published by the Law Society of England and Wales. To find a solicitor in Scotland:

- phone the Law Society of Scotland on **0131 226 7411**; or
- visit their website at **www.lawscot.org.uk**

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We can make the information in this leaflet available in other formats and languages on request.

Contact us on **020 7320 5832** or email accessibility@lawsociety.org.uk

More information

This is one of a series of free leaflets covering the most common types of legal services that solicitors provide. Other leaflets in the series are listed below.

You can get them from your solicitor or from www.lawsociety.org.uk/commonlegalproblems

Your guide to finding expert legal help

Your guide to buying a home

Your guide to making a will

Your guide to getting a divorce

Your guide to problems at work

Your guide to setting up a business

Your guide to making a personal injury claim

Your guide to financial matters for older people

Your guide to renting out your property

Your guide to renting a home

Your guide to using a solicitor

Your guide to probate

Your guide to setting up home with your partner

Lexcel

Look for Lexcel – the legal quality mark

The Law Society 113 Chancery Lane London WC2A 1PL www.lawsociety.org.uk

While we have made every effort to provide accurate information, the law is always changing and affects each person differently. This leaflet is no substitute for specific advice about you personally and we will not be liable to you if you rely on this leaflet.

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