Claiming Asylum

Legal Routes for young people claiming asylum in the UK
What is a claim for asylum?

Your case may fall under the 1951 UN Refugee Convention if:

• You have a well-founded fear of persecution

• for reasons of race, religion, nationality, political opinion or membership of a particular social group

• you are outside your country of origin or normal residence

• and you cannot get protection in your own country.
Asylum Process

Book appointment for Screening Interview at Home Office

Appoint solicitor/ get ARC card

SEF and statement (solicitor)

Asylum Interview at Home Office

NRM referral?

Further reps to Home Office (solicitor)

Conclusive Grounds Decision

Asylum Decision

Refugee Status (BRP)  Refused: Discretionary Leave (BRP) Appeal
Refugee Status

- A grant of 5 years leave to remain in UK
- Travel document
- Family reunion
- Right to work/education/healthcare/benefits

After 5 years, you can apply for indefinite leave to remain (ILR), known as settled status, and after a year of ILR you can apply for British citizenship.
Humanitarian Protection

E.G. If you are fleeing war or violence that is threatening/harming many people – not you specifically- you may qualify for Humanitarian Protection

Humanitarian protection normally means 5 years leave to remain in the UK and brings almost all of the same rights as refugee status.

• No travel document. Someone granted Humanitarian Protection will either need to use their national passport or if they have proof of not being able to do this, apply for a Certificate of Travel
Asylum Refusal

• Unless certified, you will be granted right of appeal

• Whether we can represent you at appeal will depend on the merits test enforced by the Legal Aid Agency – there are different tests for this depending on whether you are a child or an adult at the date of the asylum decision

• If there are low prospects of success we will inform you: you can seek 2\textsuperscript{nd} opinion

• Appeal is heard at a Tribunal by independent Judge
Discretionary leave until 17.5

• Your asylum claim is refused
• You are under 18- with no adequate reception arrangements
• You have the right to work/education/health etc
• You must apply for this to be extended just before you are 17.5
• Same rights will continue whilst further leave to remain is being considered
• Funding for these further applications – currently exceptional case funding where no asylum issue. Changes pending to bring in scope.
Trafficking/Modern Slavery

• Most cases will be referred automatically after Asylum Interview
• Two stage process
• Conclusive Grounds decision will need to come before asylum decision
• Can lead to discretionary leave
• Decision on trafficking/modern slavery shared with asylum team
Is it covered by Legal Aid?

YES:
• Any asylum application (up to advice on asylum decision) is covered under Legal Aid
• This includes funding to attend an interview where you are a child
• Appeals funding depended on merits assessment

NO:
• Applications for further leave – subject to changes
• Any other settlement applications (ILR, Citizenship)
• Any family life or family reunion claims
Voluntary Returns

• Only worthwhile considering once all other options have been exhausted
How to best support young people through the legal process

• Book screening interview and solicitor as soon as possible after arrival in UK
• Encourage person only to seek legal advice from solicitor
• Keep close eye on expiration of leave- must apply for further leave whilst current leave is valid
• Engage young people in counselling/mental health support as soon as possible