



# Your Asylum Claim



# Claiming Asylum in the UK

Thinking about leaving home and your journey to Scotland can be full of difficult memories. Arriving in Scotland may also be a difficult period of time for you. You might not even have heard of Scotland before you arrived! It is important to know that you are safe now and there are lots of organisations and people who can and will help you. Children and young people can be vulnerable, but in Scotland children have rights. (See section on '**Your Rights**')  


When you arrive lots of things will happen quickly and you will meet many new people. The people supporting you should be aware of this and will work with you sensitively. You may find it difficult to trust adults who are trying to help you. All the people supporting you must respect your confidentiality<sup>9</sup> unless you seem to be in danger. Hopefully over time you will be able to share important information so that they can help you.  


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## Why are you called an Unaccompanied Asylum-Seeking Child (UASC) or separated child?

Some people do not use the term 'refugees' and instead they speak of 'asylum seekers'. This is meant to distinguish between those whose asylum claims have been granted (refugee) and those who are still awaiting a decision (asylum seeker). There are also specific terms for children in your position: 'separated children' and 'unaccompanied asylum seeking children' (UASC). The Home Office's<sup>19</sup> definition of UASC is:

*'An unaccompanied asylum-seeking child is a person who, at the time of making the asylum application is, or (if there is no proof) appears to be, under 18, is applying for asylum in their own right and has no adult relative or guardian<sup>17</sup> to turn to in this country.'*

As you can see there are a lot of terms to explain why you are here and what you have to do. It may seem as if people are too ready to label you and forget that being a refugee is an experience that happens to people and not something people choose.

The law can seem frightening and complicated but there are laws to protect and support you. (See section on '**Your Rights**')

## Asylum & the law

In the United Kingdom (Scotland is part of this) you will be recognised as a refugee if you or your family were persecuted for any of the following reasons and feel that you cannot return because you will be in danger:

- > race;
- > religion;
- > nationality;
- > because you or your family were a member of a particular group or had a certain political opinion.

These reasons are part of an international law called the 1951 UN Convention on Refugees.

This law is very limited - and only covers very specific kinds of persecution. You or your family may have been persecuted for different reasons. If the UK government (Home Office<sup>19</sup>) thinks that you should get protection for another reason they may give you another form of temporary leave. (This is explained later in 'Your Asylum Decision')

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**I came to Glasgow from Pakistan, everything was different. I felt lonely, did not understand the language and did not know what to do. I am now well looked after, go to school, have friends and I am beginning to understand the language more and I am very happy now. -Zia**

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## Understanding the asylum process

Claiming asylum can be very complicated. To help you understand better there is a diagram at the back of this pack.



## Seeking asylum

When you ask for this protection it is generally called 'seeking asylum' and there are many complicated laws and regulations. A specific part of the Home Office<sup>19</sup> called the UK Border Agency (UKBA)<sup>21</sup> is responsible for dealing with your case. This may sound frightening but all the people helping you will understand this and should have knowledge of this and be able to provide support and guidance.

## How do you claim asylum?

Making a claim for asylum is not easy – it can also be quite confusing. When you arrive a number of people will ask you about your story, for example your legal representative<sup>24</sup> and the UK Border Agency (UKBA)<sup>21</sup>. The rules and regulations that apply to your case are complex and your legal representative<sup>24</sup> should explain these to you. If you have a question or do not understand it is very important that you say this and it is alright to keep asking questions!

**\*See Glossary at back of guide for numbered word meanings**

## Why do you need a legal representative?

Until now you probably have never had any need for a legal representative<sup>24</sup> and may not even understand what they can or should be doing for you. When you make an asylum claim it is important to know that as an unaccompanied child you do not have to pay for legal help. Your legal representative<sup>24</sup>, who may also be known as a solicitor, lawyer or adviser, is there to support you to make decisions. They are not able to make decisions on your behalf, but to advise you of the process and your options. You are in charge and you need to tell the legal representative<sup>24</sup> what you want to do.

All legal representatives<sup>24</sup> should aim to work in a professional way with you. You can complain to the legal firm directly or through an organisation called the *Office of Immigration Services Commissioner (OISC)*.

If you are unhappy with your legal representative<sup>24</sup> you can contact Scottish Refugee Council to ask for help with changing your legal representative<sup>24</sup>.

For more information on these organisations look at the **Directory** section at the back of this pack.



## **Are you unhappy with your legal representative?**

If you are unhappy with your legal representative<sup>24</sup> and feel that they have represented you badly you can contact these organisations to make a complaint or to find a new legal representative<sup>24</sup>:

### **OISC (Office for the Immigration Services Commissioner)**

This organisation is responsible for ensuring that all immigration advice is of a high standard. Their website provides information in a range of languages. [www.oisc.gov.uk](http://www.oisc.gov.uk)



### **The Law Society of Scotland**

This organisation is responsible for all solicitors practising in Scotland. They have a list of legal representatives<sup>24</sup> practising in immigration advice on their website [www.lawscot.org.uk](http://www.lawscot.org.uk)

## Interpreters

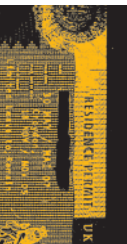
If English is not your first language you must request an interpreter<sup>22</sup> who speaks your language so that you can make yourself understood and understand what is happening. You can ask for a male or female interpreter<sup>22</sup>.

## What happens at your screening interview?

UK Border Agency (UKBA)<sup>21</sup> will want to speak to you and you will be introduced to your case owner<sup>6</sup>. This is the person from the UK Border Agency (UKBA)<sup>21</sup> who will be responsible for your asylum case. You can ask for a male or female case owner<sup>6</sup>. They will ask you personal questions about your family background and how you travelled to Scotland. You will also be photographed and your fingerprints will be taken. This is not because you have done anything wrong  
– it is simply part of the registration process.

You will be given an ARC (Application Registration Card)  
– this card is very important and will act as a form of identity. Make sure that you keep this in a safe place and do not lose it. Check the details (the spelling of your name and date of birth) before you leave. If they are wrong tell someone immediately and ask to get this changed. It can be difficult to change this later and if any of the details are





wrong it can cause problems with your claim.

The screening interview may take several hours and can be very tiring so it is important to prepare for this. Try and talk through the interview with your legal representative<sup>24</sup> or social worker<sup>30</sup> before the appointment. Someone should be present at the interview with you acting as a 'responsible adult' – they are there to support you but cannot speak for you. If you have any concerns about the interview speak to the people supporting you.

You may have been told to say or not say certain things by the people who brought you into the country and you may be scared to say something different. Please remember that there are a number of organisations and people who are interested in your welfare and if you are worried about this you can speak to them. Your legal representative<sup>24</sup> is one of them. It is best to tell the truth from the beginning and try to give as much detail as possible.

You should have an interpreter<sup>22</sup> if English is not your first language. If you would prefer a male or female interpreter<sup>22</sup> you should tell your legal representative<sup>24</sup> or social worker<sup>30</sup>. You should also tell them which language you would prefer the interpreter<sup>22</sup> to use. If you are unhappy with the interpreter<sup>22</sup> at ANY time during the interview you should tell someone immediately.

The interview may be recorded; this is nothing to worry about. It might actually help you remember what you said initially and help you to tell your story consistently. The legal representative<sup>24</sup> will be able to get a copy of the tape.


## Reporting to the Home Office

You may be asked to report to your nearest Home Office<sup>19</sup> reporting centre. Your case owner<sup>6</sup> will decide how often you should report but this should be discussed with you and your social worker<sup>30</sup>.

## Filling in your Statement of Evidence Form (SEF)

At your Screening Interview you will be given this form and will have to complete it with your legal representative<sup>24</sup> within 20 working days. Make sure everyone supporting you knows about this important deadline.

The SEF must be completed in English. Your legal representative<sup>24</sup> will help you and if necessary you will also be given the support of an interpreter<sup>22</sup>.

 <b>Home Office</b> BUILDING A SAFE, JUST AND TOLERANT SOCIETY	<b>Statement of Evidence Form - Children</b> <b>(for self-completion)</b>
<b>NOTES TO HELP YOU COMPLETE THE FORM</b>	

- Before you complete the form, please read these notes carefully. They help you to complete the form and to understand how we treat your application.
- The form asks you to write down why you fear returning to your country and why you claim asylum in the United Kingdom (UK). Please answer in English, using your own words. If you use any other language you must give an English translation.
- If you provide any supporting information, it must be in English or translated into English.
- This form is free of charge.

### When to return the form:

The completed form must reach us on or before 03/05/2006 \_\_\_\_\_ [day, month, year]


### How to return the form:

1. Post it to:  
SEF,  
Asylum Co-ordination Unit (ACU1)  
P.O Box 1234, Croydon CR9 1ZX.
2. Deliver it yourself to:  
The Public Caller Unit,  
Lunar House,  
40 Wellesley Road, Croydon.

You must return the completed form in English by the date above. If you do not, we will consider your application, using only the information we already have about you and your application may be refused. If this happens, any housing or cash subsistence that you get from the UK authorities could be stopped.

If you have any questions about returning the form please phone 0870 606 7766.

You must phone 0870 606 7766 as soon as you think you cannot complete the form by the date above. We will extend the time for returning the form only in exceptional circumstances.



It is important that this form contains all the information relevant to your case so that your legal representative<sup>24</sup> can make the best possible asylum case for you.

It is therefore a good idea to spend some time before you meet with your legal representative<sup>24</sup> preparing your information. Try to write your story, write down dates and times that things happened. You could also draw some pictures, like where your house was in the area that you lived or what clothes people wore, or even just start with your family tree<sup>14</sup>. If some of these memories are upsetting, you can speak to someone about this; they won't be shocked or surprised and will support you. Most importantly they will listen to you and believe what you have to say, as long as you tell them everything as honestly as possible.

The Home Office<sup>19</sup> recognises you as a child. This means that the asylum process<sup>3</sup> should respect you and treat you as a child. This also means that different policies and practices should be followed when it comes to taking your statement, and that any interview e.g. your screening interview, should be conducted by specially trained staff.

It is very important that everyone respects your rights as a child but also as a human being. You have rights and these should be recognised. You have the right to a trained, professional interpreter<sup>22</sup> in all circumstances especially during important meetings and interviews and you have the right for any interviews with UK Border Agency (UKBA)<sup>21</sup> to be recorded on tape. This can be helpful for you to think back over what you have said and check it later with your legal representative<sup>24</sup> if need be.

**\*See Glossary at back of guide for numbered word meanings**

## Your asylum decision

Sometimes it can take a long time before you receive a decision on your asylum claim. Try not to worry. As long as your legal representative<sup>24</sup> is keeping you up to date with your case and you have confidence in them, try and be patient.

The following are the different types of decision that you may be given:

### > **Refugee Status**

Status awarded to someone if the Home Office<sup>19</sup> decides that they meet the definition of refugee as described in the *1951 Refugee Convention*. A person with Refugee Status<sup>28</sup> is also granted the immigration status Limited Leave to Remain in the UK. Limited Leave to Remain has a time limit of up to five years.

### > **Humanitarian Protection**

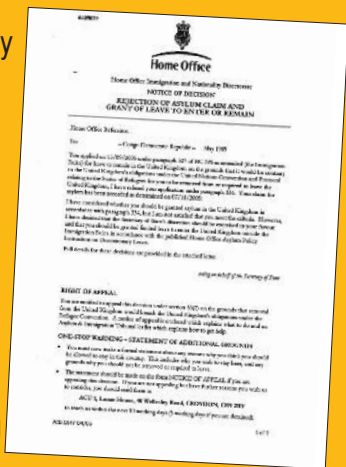
This status is awarded to people who have been refused Refugee Status<sup>28</sup> but cannot be returned to their country of origin as they face serious risk to life or person or inhuman or degrading treatment or punishment. It is usually awarded for 5 years and at the end of this time the case will be reviewed.



## > Discretionary Leave

A status awarded to people who have been refused Refugee Status<sup>28</sup> and do not fulfil the criteria of Humanitarian Protection<sup>20</sup>, but are allowed to stay in the UK temporarily for other reasons. It is only awarded in very limited circumstances and until you are 17½ years old.

If you are granted Discretionary Leave<sup>11</sup> or Humanitarian Protection<sup>20</sup> you will also be issued with a 'Reasons for Refusal letter'. This is a letter from the Home Office<sup>19</sup> that tells you why your asylum claim has been refused under the terms of the 1951 UN Convention on Refugees. It can be difficult and upsetting to read through this but it is important that you read and understand it. Your legal representative<sup>24</sup> should read it with you and explain anything you do not understand.



## Making an appeal

You can only appeal<sup>1</sup> if you have been granted Discretionary Leave<sup>11</sup> for more than 12 months. You will be sent an appeal<sup>1</sup> form and you, your representative and your social worker<sup>30</sup> will discuss whether or not to complete the form and whether to go to a special court to challenge the decision to refuse the asylum case.

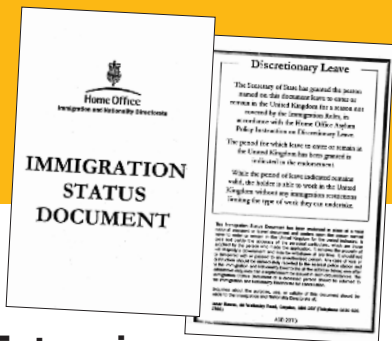
\*See Glossary at back of guide for numbered word meanings

## Keep your official documents safe

When you are granted any type of leave you will be given a status letter and an Immigration Status Document (ISD)

It is crucial that you do not lose these documents.

You should keep the ISD document very safe at all times and you should only ever carry a photocopy.



## Applying for an Extension of Leave/Active Review

If you have been granted some form of limited leave to remain (e.g. Discretionary Leave<sup>11</sup>) until you turn 17<sup>1/2</sup> years old, you will need to think about whether or not you wish to apply for an extension of this leave before it runs out. This means asking the government to give you some further period of leave to remain in the UK.

If you are seeking an extension you will need to contact a legal representative<sup>24</sup> at least two months before your leave runs out. After your initial decision your legal representative<sup>24</sup> will have closed your case. You do not need to go back to the same person or legal firm and can get a new one if you want.

It is your responsibility to contact a legal representative<sup>24</sup> and you MUST do this before your leave to remain finishes. If you do not you will no longer be legally resident in Scotland and this will cause problems.

There are two parts to an Active Review or extension case. You have to prove that you have made an effort to integrate, to fit into Scottish life, that you have, for example, learned or are learning English and are studying. You will also have to show that your country of origin is still too dangerous for you to return.



### **Collecting memories**

You should prepare for applying for an extension long before you have to make an application. Some young people keep a 'memory box' – a record of their activities and achievements. This can include school report cards, certificates from school and college, wage slips or references from teachers, employers, photos and/or references from voluntary or community groups you are involved in.

**\*See Glossary at back of guide for numbered word meanings**

Creating a memory box might help you think through your reasons for wanting to stay in Scotland. Talking about and collecting this information with the people who support you can help you decide what you want and what needs to be done.

### **Tell people what YOU want**

A lot of people can be involved in your case, (working for you and with you), so it's easy to get confused.

Your legal representative<sup>24</sup> is acting on your behalf but you need to instruct him/her. It is about your life and you need to make sure you are getting the appropriate help and support. You need to tell people what you want to do and how you are feeling about things.

### **What happens if your asylum claim is fully refused?**

If you are refused asylum this will be very upsetting but the people supporting you will be there for you to talk to and offer support. You and your legal representative<sup>24</sup> may decide to appeal although this can be a complicated process and can take a long time. Good legal advice is very important. If you do not know what is happening or you do not understand please ask!

If you do appeal you and your representative will go to a special court called the Asylum and Immigration Tribunal (AIT<sup>2</sup>). There is an AIT<sup>2</sup> in Glasgow.



You can have anyone you like with you and there will always be an interpreter<sup>22</sup> present if you need one. The legal representative<sup>24</sup> will prepare you for a court hearing and an independent judge will decide whether your claim for asylum should be allowed or not.

## What happens if you can no longer appeal?

If you are 'Appeal Rights Exhausted' (ARE) the support you are receiving should continue. The Home Office<sup>19</sup> may send you letters encouraging you to return to your country of origin. You should get some advice to help you think about this decision. Remember, returning to your country of origin should not be planned unless it is safe for you to do so and there has been a risk assessment of your situation.

The government's responsibility to you does not end if you have been refused asylum and it must be certain that it is not placing you in danger. Social Work Services<sup>31</sup> should be actively engaged in this. Other organisations will also be interested in this and you can contact them to discuss your situation, for example Scottish Refugee Council.

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**It is very hard being away from home, but we are not safe there. When most people come here, as I did from Uganda we do not know what to do. We do not know how to contact local people or anything about the way they live. - Aisha**

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**\*See Glossary at back of guide for numbered word meanings**

The International Organisation for Migration (IOM) is an organisation that can help people travel back to their home country. However this is not always easy and you should think very carefully about your options.

See the **Directory** at the back of this pack for more information.



## **What if you get a positive decision on your asylum claim?**

If you have been granted asylum Social Work Services<sup>31</sup> should offer you all the help and support that other young people have available. You have the right to a care plan. Make sure that your best interests are being planned for – these include your aspirations and goals. It is your future!

Other organisations can help here too. Scottish Refugee Council and other services can help you think about what you want to do next. For example, they can help identify education, training and employment opportunities and help with benefits and housing issues. They can also refer you to other organisations that can help. Remember you have rights and entitlements. Find out what they are and use them!



## Contacting family members

If you have lost contact with members of your family because of war or disaster then the Red Cross can help you. Through their international network they can help find members of your family so you can send or receive messages from them. Speak to your social worker<sup>30</sup> or legal representative<sup>24</sup> if you would like to try this.

You can contact them at:

### British Red Cross Refugee Unit

Second Floor  
Ashfield House  
402 Sauchiehall Street  
Glasgow  
G2 3JD  
Tel: 0141 331 4170

Scottish Refugee Council works at reuniting families who have been separated. However the rules are very strict and the UK government do not have a rule that says family members of unaccompanied minors can automatically come to the UK. In very exceptional circumstances it may be possible.

If you would like to find out more about this speak to your legal representative<sup>24</sup> or visit Scottish Refugee Council.

For more information on these organisations look at the **Directory** at the back of this pack.

