

Brief Guide to Asylum

November 2019

Who applies for asylum?

In 2018 there were 29,380 applications for asylum in the UK (not including dependants). This represents an increase from 2017 (26,547) but is lower than 2016 (30,747).

Some countries which have regularly featured in the top ten countries of origin of asylum seekers over recent years are Afghanistan, Iran, Bangladesh, Eritrea, and Pakistan. In 2018 there were significant increases in the number of applications from Eritrea, Albania and Iran. Applications from Pakistan and Bangladesh decreased significantly compared with 2017.

The application process

Applications for asylum can be made to an immigration officer at a port of entry into the UK or at the Asylum Intake Unit in Croydon. In very exceptional circumstances, such as someone unable to travel to Croydon, including unaccompanied children, applications can be made at Home Office Local Enforcement Offices. The majority of applications are made via the Asylum Intake Unit.

Asylum applicants have to attend a screening interview, usually soon after making the application. This interview is used to collect basic information such as identity, country of origin, when and how the person arrived in the UK, and what documents they have, such as a passport or other identity papers. The asylum seeker is fingerprinted and a photo is taken which is put on the Application Registration Card (ARC) which is sent to them within a few days of screening. Unaccompanied children have a shorter interview, called a welfare interview.

Each application is assigned to a casework team within UKVI to conduct the interview and make a decision on the claim. These two activities may be conducted by different individuals and may be passed from one team to another.

A second, more detailed interview then takes place, often referred to as a substantive interview. This might be in person or over video link. The basic information from the first interview is checked to ensure a consistent account is given. It is at this interview that the asylum seeker has to provide the evidence to back up his/her asylum claim and show that they are in need of protection and cannot safely be returned to their country of origin.

While the application is under consideration the asylum seeker may be required to report on a regular basis to one of the 15 Reporting Centres across the UK. They are expected to produce their ARC when they report. Failure to report can lead to the withdrawal of any asylum support they have been awarded.

The decision

The caseworker decides whether the applicant qualifies for recognition as a refugee under the terms of the 1951 UN Convention Relating to the Status of Refugees. According to the Convention a person who has reason to fear persecution in their country because of their race, religion, nationality, membership of a particular social group, or political opinion and who cannot be kept safe by that country, should be recognised as a refugee.

Applicants who are granted refugee status by UKVI are given leave to remain in the UK for 5 years. They are free to work, and are eligible for mainstream benefits. If they have a spouse and children outside the UK they can apply to join the refugee in the UK. After 5 years they can apply for indefinite leave to remain, which will normally be granted, the exceptions are usually people who have had serious criminal convictions.

Some people who are not granted refugee status are given permission to remain. A very small number are granted humanitarian protection, which means that UKVI does not believe their case justifies refugee status, but do accept that the person cannot be safely returned to their own country. Humanitarian protection will normally be for 5 years, and at the end of the period the person can apply for indefinite leave to remain.

Others are granted discretionary leave to remain for a time limited period, after which they may be able to apply to extend their leave. In addition a particular type of leave is granted to unaccompanied children seeking asylum who are granted UASC leave to remain to reflect the government's position that lone children will not be returned unless there are adequate conditions for them to be looked after in the country of return. The child will have to make another application to request leave to remain for a further period.

How many people are granted refugee status?

In recent years the percentage of applicants granted refugee status has varied from 25% to 37%. In 2018 it was 26%. The refusal rate has varied from 59% to 68%. In 2018 it was 67%. The remainder have been granted humanitarian protection or discretionary leave to remain.

Appeals against refusal

An asylum seeker whose claim is refused will generally have a right of appeal against the decision. If they do appeal they are also expected to put forward at the same time any other arguments, such as a case based on human rights, as to why they should be allowed to remain in the UK. The decision on the appeal is made by an immigration judge at a tribunal hearing. The proportion of appeals allowed has been in the range 25 – 40% in most recent years, so a significant number of initial decisions are found to be wrong by the tribunal. In 2018 the success rate at appeal was 38%.

What happens to people whose claim is refused and lose their appeal?

People who have been refused, and have either not appealed, or have lost their appeal, are expected to return to their country of origin. Some will return on a voluntary basis, and anyone willing to do this may be eligible to apply for assistance to do so via schemes of assisted return. Otherwise the Home Office will enforce removal from the UK. The exceptions are usually people who UKVI accept cannot be safely returned who may be allowed to remain in the UK until conditions in their country of origin permit safe return.

Although in the past there have been periods when the Home Office has suspended all removals to a particular country and this has been public policy, there are at present no countries which fall into that category.

In 2018 3,809 refused asylum seekers and dependants left the UK, and 54% of these were voluntary departures.

Support and accommodation for asylum seekers

Asylum seekers are not allowed to claim mainstream welfare benefits. They are not allowed to work, unless their application is still undetermined after a year, in which case they can apply for permission to work, but this is granted to very few people.

To qualify for support from UKVI the asylum seeker has to show that they are over 18, have applied for asylum as soon as reasonably practical after arriving in the UK, and are unable to support themselves. Young people under the age of 18 who apply for asylum are supported by local authorities. Asylum seekers applying to UKVI for support can apply for accommodation and cash, or if they have somewhere they can stay with relatives or friends, for cash only support. Someone who has nowhere to stay may be offered initial accommodation on a short term basis while their application for support is decided.

If UKVI accepts an application for accommodation and cash the asylum seeker will usually be offered accommodation outside London and the South East, and will have no choice about where that is. Currently UKVI has contracts with a number of private companies to provide accommodation in different parts of the country. The asylum seeker is allowed to remain there until their claim, and their appeal if they have been refused, is decided.

The level of cash support, as from August 2015 was £36.95 per week for each person. It was increased in February 2018 to £37.75 per person. This means that a couple with no children will receive £75.50, as will a lone parent with one child. For comparison for people claiming a mainstream benefit (income support) the current levels are £114.85 for a couple both over 18, £73.10 for a lone parent over 18 or a single person over 25. People claiming mainstream benefits who have children will also receive child benefit and may be eligible for tax credits.

Support and accommodation for refused asylum seekers

Refused asylum seekers with children under the age of 18 will continue to receive support from UKVI until they leave, or are removed from, the UK. In a few cases, where a child is born or attached to the application more than 21 days after refusal, the child will not qualify and may have to be supported under the Section 4 regulations.

For single people, all that is available is via what is referred to as 'Section 4' support. (This is because it is specified in Section 4 of the 1999 Immigration and Asylum Act). It is only given to people meeting one of a small number of tightly defined conditions. These include demonstrating willingness to leave the UK, having a medical reason not to travel, or being unable to travel because there is no safe route of return. The person must be destitute or about to become destitute.

If UKVI agree to Section 4 support they usually provide basic self-catering accommodation and support to the value of £35.39 per week. The support is not in cash, but is loaded onto the ASPEN support card which can be used like a debit card, although not to withdraw cash. In some cases full board accommodation is provided, which includes meals, and if this is the case then no card will be provided.

At the end of 2018 there were 4,026 people (including dependants) in receipt of Section 4 support. People whose applications for Section 4 support are refused because they do not fit the conditions will generally be left destitute.

There will be changes in the support system arising from some of the provisions of the Immigration Act 2016. These will particularly affect refused asylum seekers as Section 4 support will be abolished and there will also be changes in the support arrangements for families with children. As yet the date on which the changes will come into force has not been announced and it will depend on secondary legislation passing through Parliament.

Detention

Some asylum seekers are detained at the point when they make the application. This used to be mainly through a part of the asylum process known as the Detained Fast Track (DFT). The presumption is that these are cases on which a quick decision can be made. Although the UKVI criteria for suitability do not specify that this means a quick refusal the fact is that cases taken through DFT had a very high refusal rate. In 2014 of 3,865 cases in the DFT only 223 (6%) were granted refugee status, and 1 was granted humanitarian protection or discretionary leave to remain. Of refusals which went to appeal only 13% were successful. However there has been considerable criticism of the DFT, including by the Independent Chief Inspector of Borders and Immigration, who expressed concerns about the number of people having to be released from DFT due to health concerns or evidence related to torture or trafficking. During 2014 there were 612 cases taken out of the DFT before a decision was made on the asylum claim.

Following a court ruling in June 2015 that the appeals part of the DFT was structurally unfair the Home Office announced a temporary suspension of the use of the DFT. It remains suspended.

In policy terms, apart from initial detention, now through Detained Asylum Casework rather than the DFT, the other point in the asylum process at which detention may occur is expected to be at the end of the process when refused asylum seekers may be detained prior to removal from the UK.

However of 13,442 asylum detainees recorded as leaving detention in 2018 only 17% were removed from the UK on leaving detention, and the remainder were released, bailed, granted temporary admission, or even in a few cases granted leave to remain.

In some cases, as an alternative to detention, a refused asylum seeker may be required to report on a regular basis at a Reporting Centre.

Unaccompanied Children

In 2018 there were 3,063 asylum applications from unaccompanied children. 91% of the applications in 2018 came from just 9 countries of origin; Afghanistan, Albania, Eritrea, Iran, Iraq, Sudan, Vietnam, Syria and Ethiopia. The vast majority of child applicants are male, just under 90% of applications in 2018.

Unaccompanied children are looked after by local authorities until they reach the age of 18. In May 2016 the Government agreed to bring to the UK unaccompanied children who were already in Europe. No number was specified at the time although in April 2017 the Government announced it expected to bring a total of 480 after consultation with local authorities.

Women

The proportion of asylum applications made by women has varied in recent years between 21% and 28%. However there are considerable variations from one country to another. For a very small number of countries of origin at least 50% of asylum applications in 2018 were from women; Namibia and Democratic Republic of Congo were examples. On the other hand in the case of Sudan, although 6th overall in terms of asylum applications, only 8% of applicants were women, and for Bangladesh, 9th overall in terms of applications, only 9% of applicants in 2018 were women.

In recent years women asylum seekers have been more likely to be granted refugee status than men, but less likely to be granted humanitarian protection or discretionary leave. Refusal rates have been broadly the same for men and women. Women have also had a higher success rate on appeals. This trend changed in 2015 when the refusal rate for women was significantly higher than for men. In 2018 the refusal rate for men and women was very similar.

Concerns about the way in which women are dealt with during the asylum process have frequently been raised, and whether the process is sensitive to the specific issues faced by women. For example the expectation that at an interview with a UKVI caseworker, a woman who has been the victim of domestic violence or rape will be able to disclose this, has been pointed to as a serious problem.

The Gateway Programme

The Gateway Protection Programme is operated by UKVI in conjunction with the United Nations High Commissioner for Refugees (UNHCR). It creates a route for up to 750 refugees to settle in the UK each year separately from the standard asylum procedures.

Applications are made to UNHCR in a country where they are operating. UNHCR then refer suitable applicants to UKVI. Checks are carried out by UKVI to assess the applicant's refugee status, need for resettlement, family status, and whether they pose a security risk.

Applicants who are accepted and come to the UK are supported on arrival via programmes involving local authorities who have agreed to take part in the programme and a number of NGOs.

Syria

In 2014 the Government established the Syrian Vulnerable Persons Programme to accept some of the most vulnerable Syrian refugees, mainly women and children. During 2018 there were 4,407 refugees from Syria allowed into the UK under this scheme. In the same period 720 Syrians made asylum applications in the UK, having made their own way into the country. In September 2015 the Prime Minister announced an expansion of the scheme that aims to bring an additional 20,000 refugees who had fled Syria from the region before the end of 2020.

Note

UK Visas and Immigration (UKVI) is one of the three units set up within the Home Office (the others the Border Force and Enforcement and Compliance) which have taken over the work which used to be carried out by the UK Border Agency (UKBA).

Further information and links

Refugee Council policy and statistics briefings:

<http://www.refugeecouncil.org.uk/stats>

<http://www.refugeecouncil.org.uk/policy/briefings>

http://www.refugeecouncil.org.uk/policy_research/the_truth_about_asylum

Home Office detailed statistics:

<https://www.gov.uk/government/statistical-data-sets/immigration-statistics-data-tables-year-ending-september-2019>

UKVI The asylum process and asylum support:

<https://www.gov.uk/browse/visas-immigration/asylum>

Asylum Policy and law, staff guidance and instructions, and immigration rules:

<https://www.gov.uk/government/organisations/uk-visas-and-immigration>

Independent Chief Inspector of Borders and Immigration:

<http://icinspector.independent.gov.uk/>

HM Inspector of Prisons reports on immigration removal centres:

<http://www.justice.gov.uk/publications/inspectorate-reports/hmi-prisons>

About the Refugee Council

The Refugee Council is one of the leading organisations in the UK working with asylum seekers and refugees. We give help and support to asylum seekers and refugees, and also work with them to ensure their needs and concerns are addressed by decision-makers.