Discuss how to claim asylum

About this briefing
This briefing is intended to help Asylum Guide volunteers offer information and support to adult clients who have indicated a wish to claim asylum, and:

- Are new arrivals in the UK; and/or
- Have no means of support

If the client...

- Does have means of support, e.g. accommodation, the briefing should be adapted to meet their needs.
- Is a new arrival or is destitute and has no means of support they are permitted to present at the AIU without an appointment. However, the AIU is very busy and clients must arrive early to ensure they are screened on that day.
- Has been in the country in excess of one week, and is not destitute, then they must contact the AIU booking line to make an appointment - appointments may not be available immediately.

Claims for asylum:
If you did not claim asylum at a port of entry, or as soon as you arrived in the UK, your application must be made at the Asylum Intake Unit (AIU), (formerly Asylum Screening Unit (ASU)) in Croydon, South London, between 7:30am and 4pm Monday - Friday.

If you have somewhere to live, you can make an appointment at the AIU.

    AIU Appointment line: 0208 196 4524
    (Mon to Thurs, 9am to 4:45pm; Fri, 9am to 4:30pm)

If you do not have shelter, you can go to the AIU between 7:30 am and 4 pm.

It is important that you bring your documents, medication, important belongings, food, and any children under eighteen and you spouse, if you want them to be part of your asylum claim.

Notes:
Note for volunteers

The italicized sections within this briefing, below, are intended as a guide rather than a script which you must follow word for word. Use the checkboxes to tick things off with the client as you go.

In the case of new arrivals, it is particularly important to not assume understanding or prior knowledge, to clearly explain everything and to check their understanding regularly.

1) Introduction

Things to cover:

- Our charity offers impartial, confidential information on asylum support and refugee issues. We are not a government department and we cannot give legal advice through the asylum guide programme. Everything you tell us here is confidential. That means that we will not share information about you with anyone else unless you give us permission to, or unless there is risk of harm to yourself or others.

- I’m going to give you some information about how to claim asylum and what may happen over the next few days. I can’t give you legal advice about your claim; you’ll need a solicitor for this, which I will tell you about in a moment.

Note for volunteers

Check on your client’s well-being. If they are a new arrival they may be very hungry, confused and tired, so you may need to take breaks or cover less material at first.

2) Claiming Asylum

Important: Do not ask for details of a client’s reasons for claiming asylum. If the client volunteers information about their case, it is important that you listen and empathise with their situation. Do not advise on the specifics of their claim.

Things to cover:

- If you are in the UK because you have a fear of persecution in your own country then you have a right to seek asylum here. The right to claim asylum

Notes:
is enshrined in international law and the UK government is obliged to provide protection to people who meet the criteria for asylum, by recognising them as refugees.

To be eligible you must have a well-founded fear of persecution (being harmed) because of your race, religion, nationality, membership of a particular social group (which can include sexual orientation) or political opinion. This fear of persecution must usually be at the hands of your government and not a domestic issue, unless you can show that your government cannot protect you or that you could not avoid the threat by moving to another part of your country.

If you can show that you meet all the criteria above, then the UK has a duty not to return you to your country. However, if you do not qualify for any form of protection your claim will be refused and you may be expected to leave the UK.

The home office will also look at when you claimed asylum and if you did not claim at the port on arrival or immediately after, this may impact negatively on your case - you should speak to your solicitor if this is the case. This is written into the law in the Asylum Act of 2004, Section 8.

You must apply for asylum to a representative of the government at the Home Office. If you are applying for asylum and you want any of your dependants (such as a partner, or children under 18 years old) to be part of your asylum application, you must bring them with you. Your dependents have the right to submit their own separate claim for asylum if they have separate information they wish to be taken into consideration.

Because claiming asylum is a complex legal process, you will need a solicitor to help you as soon as possible. You will be entitled to some free legal help once you have claimed asylum. Your legal representative may assist you to obtain medical reports and country reports to provide additional evidence and support for your claim if this is necessary.

(only say this if relevant) If you were previously on a student /working/spouse visa and allowed to work this may be affected by claiming asylum. Usually Asylum Seekers are not allowed to work, however if a student visa is still valid and you claim asylum you may still be allowed to work until that previous visa expires. It should tell you on your ARC card if you are allowed to work or not.

Notes:
Note for volunteers
Check that the client understands and if they have any questions

3) How to get to Croydon

- You must make a claim for asylum at the Asylum Intake Unit (AIU), which is in Croydon, South London.

- If the client is a new arrival check if they know where they are in the UK. Do you know where Croydon is? Would you like me to show you on a map in relation to where we are? [https://www.google.com/maps](https://www.google.com/maps)

- The AIU opens at 7:30 am on weekdays. It is very busy and you must arrive early to ensure you are seen that day.

- Check if client has money to pay for bus/ train ticket and signpost or refer to an appropriate organisation if they don’t have enough money and need help getting to the AIU.

- Once you have claimed asylum, you must comply with requests the Home Office might make. If you don’t, the Home Office can treat your claim as withdrawn or refuse your claim for ‘non compliance’

- Failing to do any of the following can lead to a claim being treated as withdrawn or refused on non-compliance grounds
  - ‘make a prompt and full disclosure of material facts orally or in writing,’
  - report for fingerprinting
  - attend an asylum interview
  - complete an asylum questionnaire (Preliminary information questionnaire) or
  - report to an immigration officer for examination

Note for volunteers
Check that the client understands (for example - by asking them where they can claim asylum and if they need to take their family with them) and if they have any questions

Notes:
4) Screening Interview

The purpose of the Screening Interview is to gather personal information about you, and to help the Home Office decide how to proceed with your claim.

Inform the client about what will happen when they arrive at the AIU:

- **When you get to the AIU at Lunar House, you need to tell the reception, “I want to claim asylum”. You will wait in the waiting room to be called by an interviewer. This is called your screening interview. The asylum screening interview is just to register your request to claim asylum, record your personal details and ask brief details about your situation. Your substantive interview (main asylum interview) will take place at a later date.**

- **At the screening, you will be asked some questions about:**
  - Name/date of birth
  - Whether you have any medical conditions
  - How you got to UK/ Have you ever been to the UK before/Which countries did you travel through
  - What documentation you have (original documents may be retained by the Home Office so ensure you have copies)
  - A brief explanation of why you left your country

- **If you don’t understand the questions or the interpreter, or feel unwell you must tell the interviewer. If you have information which is sensitive, you can ask for a male or female advisor. You can also ask for your interview to be recorded on tape.**

- **Make sure you only give dates and details that you are sure of, as the information you give at this interview will be cross checked against your later substantive interview, and if the details are different this could negatively impact your claim. It’s a good idea to think about your claim and the details that are important before getting to Croydon.**

- **Once you have had your interview, your fingerprints will be taken. Fingerprints should be taken as early as possible, but can be taken at any point from the initial claim until it is finally determined, and in some circumstances, afterwards.**

**Notes:**
However they are usually taken when a claimant attends a Screening Interview. All claimants and their dependents (over five years of age) must be fingerprinted.

The screening process can take several hours and so you may wish to take something to eat and drink with you if possible.

You’ll be accommodated in an induction centre for a few days then dispersed to accommodation in another part of the UK (but not London).

There is a chance that the Home Office will detain you after screening. If you are detained the reason for this will be explained to you.

If you have entered another safe country on your journey to the UK, such as another European Union country, and are known to immigration officers in that country, the Home Office may ask officials in that country to consider your claim for asylum there. This may mean you are returned to that country.

### Note for volunteers

Check that the client understands (for example - by asking what the screening interview covers) and if they have any questions.

### 5) Access to Accommodation and Support (If required)

#### Note for volunteers

The IA Assessment (gatekeeping) team based at the AIU in Croydon appears to be requiring a higher threshold of proof, in order for clients to access Initial Accommodation at point of claiming asylum. This is true for new arrivals, but the potential barriers to accessing accommodation are increased for those who have been in the country for some time without claiming asylum. It is therefore important that the client is briefed about their rights, what to expect and what information and documentation they will need to provide to support their access to Asylum Support.

#### Explain to the client that:

- When you are in your screening interview you should be asked if you need accommodation and support. If you need accommodation, then you make this clear and take all your belongings with you. If it is accepted that you are in need of accommodation then you will be placed directly into a temporary accommodation after your screening. This is often called Section 98 Support. You must inform the officer of any urgent needs you have, as this may affect where you are accommodated.

### Notes:
If you are granted this temporary support, an advisor linked to the accommodation will help you to apply for more long term support called Section 95 Support. You will stay in the temporary accommodation until a decision is made on your application for Section 95 Support. If this application is approved, you will be provided with support outside of London (unless you have special circumstances) even if you have been temporarily accommodated within London. This can be anywhere in the UK and is provided on a no-choice basis.

If the client is not a new arrival they must demonstrate that they do not have access to an adequate place to stay and/or have access to items needed for life. For these clients, explain to the client:

- You must give a full account of how you have been supporting yourself and where any money has been spent. You will need to show why this support is no longer available. You will need to provide all available evidence of this in your screening interview. The Home Office will also run credit and other checks to assess your eligibility to support.

Depending on the client’s situation and history in the UK, you could assist them to gather evidence to support their access to initial accommodation. This evidence can include:

- Assist the client to complete a chronology of the support they have received since arriving in the UK and why it is no longer available to them. Ensure clients provide as much information as possible. Refer to letters from friends/charities/family members within this and explain when the support was provided and why the support cannot continue. If the client is unable to get letters from friends, explain within the statement why not. State if client has previously worked in the UK or not. If they have, provide full work history where possible.

- Ask friends/charities/family to write letters outlining the support they were giving, and why the support can’t continue. See guidance ‘Destitution Evidence Needed for S98/S95’.

- 6 months of bank statements: If the account is still open, even if the client is no longer using the account, it will appear on credit checks run by the Home Office. If the client has a bank statement and there have been ongoing payments then they need to explain where this money has come from, what it was used for and explain why they will not be receiving any future payments.
Ideally if someone has been putting money into the account for the client, request a letter from that person confirming this and explaining why they cannot support the client financially any more.

Finally, you may be detained following your screening interview. It may be useful to write down important contacts on paper and to know that you are entitled to legal representation while you are in immigration detention.

**Note for volunteers**

Check that the client understands (for example by asking what they will need to do in order to claim for support) and if they have any questions.

6) What happens next?

Explain that:

- After the Screening Interview you may have to wait for some time for your Substantive Interview.
- This is quite normal as the Home Office has lots of delays in deciding peoples cases.