

# Handbook: UK Immigration Options for Afghan Citizens

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## Who is this guide for?

This handbook is for Afghan nationals in the UK who need information on the available immigration options for themselves or for their family members in Afghanistan. It can also be used by people who are advising or giving information to Afghan citizens in the UK. However, if you are not a regulated immigration adviser, you can only read or translate extracts of this handbook - you **should** not try to explain further.

The handbook is divided into 6 parts, as follows:

- **Part 1: Claiming Asylum** (for people in the UK who do not already have refugee status or humanitarian protection - this part also looks at alternatives to claiming asylum)
  - **Part 2: Claims in Progress** (for people who are waiting on a decision or an appeal on their asylum claim)
  - **Part 3: Fresh Claims** (for people who have been refused asylum and have run out of options to pursue an appeal)
  - **Part 4: Family Outside the UK** (for people who want to sponsor family members to come to the UK)
  - **Part 5: Becoming British** (for people who are settled in the UK - settled means having no expiry date on your permission to stay in the UK)
  - **Part 6: Professional Immigration Advisers** (for everybody - find out who can give immigration advice, where to get free advice, how to find an adviser and what to expect)
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Who is this guide for?

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Disclaimer: This guide is not a substitute for professional legal advice. It is intended to give you an idea of what options may be available and where you may be able to find appropriate advice.

If you would like to comment, correct or contribute in any way, please e-mail: [JamesC@refugee-action.org.uk](mailto:JamesC@refugee-action.org.uk).

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## Part 1: Claiming Asylum

*This section is for people who are in the UK who are worried about their own status. You can skip this section if you have already been granted refugee status.*

# Should I claim asylum?

## \*\*\*Kabul Evacuees\*\*\*

If you were evacuated from Kabul Airport in Operation Pitting in August 2021, you should have been given permission to be in the UK for six months. By now, most people who were evacuated should have been granted 'indefinite leave to remain' which is permission to stay in the UK permanently.

If you have been granted indefinite leave to remain, you do not need to worry!

**If your permission is due to run out, you have not been granted indefinite leave to remain and you have not already submitted an application or been contacted by the Home Office to make an application, you should consult a professional immigration adviser as soon as possible before your permission runs out.** See part 6 of this guide for details.

Updated 3 February 2022

## Why claim asylum?

When you claim asylum, you are claiming that you will be persecuted or harmed if you return to Afghanistan. The reason for claiming asylum is to be recognised as a refugee. If successful, it will lead to you being granted permission to stay in the UK for 5 years. You will be allowed to work, study, claim benefits and access healthcare free of charge. You will be entitled to a travel document that you can use to travel to other countries. You will also be entitled to family reunion for certain family members (usually your spouse or partner and any children, provided they were part of your family before you came to the UK to claim asylum.) At the end of the 5 years, you will be able to apply for settlement. Settlement is permission to stay in the UK for as long as you want without having to make further applications.

Some people who claim asylum are granted something called 'humanitarian protection' instead of refugee status. This comes with most of the same benefits mentioned above, but there are some minor differences, for example for you are not automatically entitled to a travel document, and the travel document you can get is more expensive and less useful. If you wish to study in the first three years of the grant, it will be more expensive and you will not be able to access loans. It may also be slightly easier for the Home Office to revoke your status.

*Note: There are plans to change these entitlements for people who arrive illegally after passing through 'safe' countries such as France. This hasn't happened yet.*

Asylum claims can also result in outright refusals or less generous grants of permission to stay. There is no way to guarantee that an asylum claim will succeed.

People who have committed war crimes, acts of terrorism or serious crimes may be excluded from refugee protection. They may still get short grants of permission to stay if their immediate removal would be inhumane or lead to them being tortured.

You should consider claiming asylum if:

- You have not already been recognised as a refugee or granted humanitarian protection
- You do not have permission to be in the UK, or your permission will run out soon and cannot be easily extended.
- You are afraid you will be harmed if you return to Afghanistan

You may wish to claim asylum if you have permission to stay for a longer time, but want the benefits of refugee status. For example it may be easier to sponsor family members to join you in the UK if you are a refugee.

If you have permission to stay, it is important to make your decision and act on it before your permission runs out.

[You can find out a lot more about claiming asylum from the Right to Remain Toolkit.](#)

## **Are there reasons not to claim?**

This depends on your circumstances. For some people, there may be alternative ways of getting permission to stay in the UK. If there are no alternatives, then claiming asylum will be the only possibility to stay in the UK lawfully. However, there are downsides to claiming:

- You will usually have to explain what has happened to you and why you are afraid to return - this may involve reliving painful experiences in interviews with lawyers and immigration officials.
- It may take a long time for the Home Office to make a decision. If they refuse you, you can appeal, but this can take even longer and is not guaranteed to succeed. As yet, the Home Office does not appear ready to accept that all Afghan nationals in the UK will be at risk in Afghanistan. They may never do so.
- Unless you already have permission to be in the UK, you will not be able to work or claim benefits while your claim is ongoing. You are entitled to accommodation and a small amount of financial support, but this is very difficult to live on.
- The UK authorities can be very reluctant to grant people asylum. They look for reasons to refuse. They often say that people are not telling the truth, which can be very upsetting. Depending on who you fear, they may also say that you

can move to another part of Afghanistan, or get help from the government. With the fall of Kabul to the Taliban, it may be harder for them to refuse people for these reasons. However, it is unlikely they will accept that it is unsafe for everyone in Afghanistan. A lot will depend on how the situation evolves.

- If you already have permission to be in the UK before you claim asylum you should not be detained while claiming asylum. (Permission to be in the UK is sometimes called 'leave to enter' or 'leave to remain'.) However, if you do not have permission or if your permission has run out, you *can* be detained. While the UK Authorities are not returning people to Afghanistan, you should not be detained. That is *provided* you don't have a criminal record and you don't pose a threat to national security.

If you are granted refugee status or humanitarian protection you must not return to Afghanistan *or travel on your Afghan passport*. If you do, you are very likely to lose your status. This is because your actions will be taken to mean that you would be safe in Afghanistan and no longer require protection. You might be able to argue that there are exceptional circumstances that necessitated your travel. Even then, you may still lose your status. **You may be unable to return to Afghanistan until you become British. In most cases it takes a minimum of six years, although it can be less.**

## Where can I find further information?

- You can find the [government advice on claiming asylum on GOV.UK](#). This tells you a little bit about the process and [how to claim asylum](#). However it is not the full story.
- The [Right to Remain Toolkit](#) is an excellent resource. It has information on every stage of the process and on your rights at each stage. There is a drop-down menu that allows you to view the pages in Pashto. It is well worth taking the time to read!

## Alternatives to Claiming Asylum

*This section is for people who are in the UK. You can skip this section if you have already been granted refugee status.*

### Introduction

To decide whether or not you want to claim asylum, it helps to know what alternatives there may be. Often, there will not be any good alternatives. This section will help you

work out whether there might be. It contains a brief summary of the likely alternatives. It does not cover every possibility.

If there is more than one way you can get permission to stay in the UK, then you need to think about which option is best. You should ask:

- How much will it cost?
- How likely are you to succeed?
- What will you have to go through to apply?
- What evidence will you need?
- How soon can you settle?
- What other things can you do if you succeed?

Most of the alternatives are pretty complicated. We have simplified them as much as we can. However, we cannot answer every question. You may need advice from a [professional immigration advisor](#) before deciding what to do.

## Kabul Evacuees: Afghan Relocations and Assistance Policy (ARAP)

The [Afghan Relocations and Assistance Policy \(ARAP\)](#) scheme is for locally employed staff. It allows some people who were employed "*directly by the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development or the Foreign, Commonwealth and Development Office*" permission to stay along with their partner and any children under 18 years old. The scheme was previously only open to people who were still in Afghanistan. [The Home Office factsheet on next steps for people who were evacuated from Kabul](#) indicates that some evacuees will be eligible for this scheme.

On 14 december 2021 the eligibility criteria were narrowed to "*limit eligibility to those who furthered the UK's military and national security objectives.*"

If you think you are eligible, you can e-mail [localstaff-afghanistan@mod.gov.uk](mailto:localstaff-afghanistan@mod.gov.uk).

If you apply successfully, you should now be given indefinite leave to remain in the UK with the right to work and access to education, healthcare and benefits.

It is unlikely that you will be able to apply for this if you arrived in the UK by any other means.

## Kabul Evacuees: Afghan Citizens' Resettlement Scheme (ACRS)

The government has said that "[Vulnerable and at-risk individuals who arrived in the UK under the evacuation programme will be the first to be resettled under the ACRS.](#)"

[A policy document on the ACRS Scheme](#) states the scheme will prioritise:

- a. *those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women's rights and freedom of speech, rule of law (for example, judges, women's rights activists, academics, journalists); and*
- b. *vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT).*

A January 2022 update on the ACRS states:

*"Vulnerable and at-risk individuals who arrived in the UK under the evacuation programme will be the first to be settled under the ACRS. Eligible people who were notified by the UK government that they had been called forward or specifically authorised for evacuation, but were not able to board flights, will also be offered a place under the scheme if they subsequently come to the UK. The first Afghan families have been granted ILR under the scheme."*

How you can be considered for resettlement and whether you will need to make an application is currently unclear. It may not be necessary. However you will not know until you are granted resettlement.

If you are granted resettlement under the scheme, you will be given indefinite leave to remain in the UK with the right to work and access to education, healthcare and benefits.

It is unlikely that you will be able to apply for resettlement or be granted resettlement if you arrived in the UK by your own means without being evacuated from Kabul by the UK government.

## Kabul Evacuees: Other Routes

It is possible that some people evacuated from Kabul will not be eligible for the ARAP or ACRS schemes. [The Home Office have a factsheet on next steps for people who were evacuated from Kabul](#). It suggests that some people may have to apply for asylum, or as family members of British Citizens, refugees, etc. (see below)

There is a helpline: Telephone 02475 389 980 and select option 1 (Monday to Sunday, 6am to 6pm)

## Family Reunion: Partners and Children of a Refugee, etc.

You can apply under the Family Reunion rules if:



- You are the spouse or partner of someone who has refugee status or humanitarian protection in the UK, or
- You are under 18 and one of your parents has has refugee status or humanitarian protection in the UK

In both cases, you must have been related to the person (your sponsor) before they came to the UK.

This may be quicker and easier than claiming asylum, but may be difficult if you have no documents. The main thing you will need to prove is that you are related and were related before your sponsor came to the UK. DNA testing can help prove some relationships, but this is expensive and may not be necessary.

If you succeed:

- Your status will depend on your sponsor, which may be a problem if your relationship breaks down
- Your permission to be in the UK will run out when their permission runs out.
- You will be able to apply for settlement as their dependent
- You will be able to work, study and claim benefits, but
- You will not be able to sponsor other family members under these family reunion rules.

If your sponsor is your parent, but you are already married or have children of your own, you may not qualify for family reunion. It may be better to claim asylum.

## Family Reunion: Other Children

There is a rule you can apply under if:

- You are under 18,
- You are separated from your parents, and
- You have another adult family member in the UK (e.g. an aunt or an uncle) who already has refugee status or humanitarian protection (your sponsor.)

This is a little more tricky:

- Your sponsor must not be settled.
- They must be able to house, clothe and feed you without additional support from the government
- They must be willing, able and suitable to care for you.
- You have to persuade the UK authorities that it is necessary.

However, it may still be quicker and easier than claiming asylum

Once again you may not qualify if you are already married or have children of your own.

## Other Family Applications: Partners and Parents

You cannot apply for family reunion if:

- Your sponsor is British
- Your sponsor is settled and is not a refugee
- Your relationship with your sponsor began after they were granted refugee status

However if you are a spouse or partner, you can still apply on the basis of your relationship with your sponsor.

You can also apply if you are the parent of a child who is under 18 and in the UK.

The process for applying can be more straightforward and much quicker than claiming asylum. However, there are problems:

- You will have to pay fees - although you can apply to have these waived
- The rules are more complicated and there are many more requirements, particularly around money.

If you can meet all of the requirements, then you will be granted permission to stay for 2½ years. You can renew that permission by applying again before it runs out. After 5 years, you can apply to settle. However, if you can't meet all the requirements, for example because:

- Your sponsor does not earn enough money or have enough savings
- You do not speak English well enough
- You do not have permission to be in the UK when you make your application
- You are a parent and your child is not British and has not lived here for 7 years

Then you will have to persuade the Home Office that your family life is very important and must take place in the UK. Also, you will not be able to apply for settlement until 10 years have passed. You will have to keep re-applying until you reach the 10 years threshold.

If you are granted permission to stay as a partner, child or parent you will be able to work and study. However you will not be able to claim benefits, unless you ask for this when you apply and show that it is necessary.

## Other Family Applications: Children

If you are applying as a partner or a parent (as above) you can include your children as dependents. If your application succeeds then their application should also succeed. If your sponsor is your partner, they may need to have even more money for you to be

able to settle in 5 years rather than 10. Your children do not need to be able to speak English.

If you are a child and all your parents who are in the UK are British or settled, you can apply for settled status. If you have a parent who is not in the UK you will need to show why you need to live in the UK rather than with your other parent outside the UK.

You may not qualify if you are already married or have children of your own.

## **Other Family Applications: Parents, Grandparents, Adult Siblings, etc.**

It is almost impossible to qualify if:

- You are an adult
- The family member who would sponsor you is also an adult, and
- They are not your spouse or partner

However if:

- You are related to someone who is British, Settled or has refugee status or humanitarian protection (your sponsor), and
- You have very serious health issues and need the personal care of your sponsor.

You might be able to qualify. This is very complicated and you would need further advice if it could apply to you..

## **EU Settlement Scheme Applications**

(With thanks to Chetal Patel of Bates Wells Solicitors)

You may qualify to live and work in the UK if:

- You were living here by 31 December 2020, and
- You are a national of one of these countries: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland.

You may also qualify to live and work in the UK if:

- You are the family member of someone who was living here by 31 December 2020;

- They are a national of one of these countries: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and
- Your relationship with them must have started by 31 December 2020 and must still exist (although this does not apply to children born or adopted after this date).

To qualify as a 'family member', you must be a:

- Spouse, civil partner or unmarried partner;
- Child, grandchild or great-grandchild under 21 years;
- Dependent child, grandchild or great-grandchild over 21 years; or
- Dependent parent, grandparent or great-grandparent.

You may still qualify if you are a family member of someone who is not a national of one of these countries but is married to someone who is. Their marriage must have taken place by 31 December 2020.

Although the deadline for most people to apply was 30 June 2021, the Home Office is still accepting applications if there are reasons for applying after this date. If you apply, you should explain these reasons in detail and provide evidence.

Applications under the EU Settlement Scheme are free. You can apply online or by completing a paper form.

[You can apply and find more information about the EU Settlement Scheme on GOV.UK.](#)

## Business, Work and Study Applications

(With thanks to Chetal Patel of Bates Wells Solicitors)

**If you are in the UK without permission then a business, work or study application is not likely to be a viable option.**

If you are in the UK with a business, work or study visa already and this is close to expiry, you may be eligible to apply to extend your visa, switch to a different visa or apply for settlement in the UK.

You may also be eligible to switch into one of these visas if you are in the UK under another category. Please be aware that not all these routes lead to settlement in the UK.

Visa categories you may wish to consider are:

- [Skilled Worker](#);
- [Intra-Company](#);
- [Representative of an Overseas Business](#);
- [Start-up](#);
- [Innovator](#);
- [Global Talent](#);
- [Tier 1 \(Investor\)](#);
- [Student Visa](#); and
- [Graduate Visa](#)

These routes allow you to sponsor partners (spouse, civil partner or unmarried partner where you have lived together in a relationship for at least two years) and dependent children (children aged under 18 (unless already in the UK as a dependant child of their parent) who do not have a partner, are living with their parent(s), are not in full-time employment and are wholly or mainly dependent on their parent(s) for financial and emotional support) to join or remain in the UK with you. There will be fees to pay for this, including the Immigration Health Surcharge, on top of the application fee itself and the fees for yourself.

Any dependents you may wish to bring to the UK will also have to attend a Visa Application Centre and submit their documents and biometrics prior to receiving a visa – which may cause issues if the centres are not open or processing applications.

For Skilled Worker, Intra-Company Transfer and Student visas, sponsorship will be required and you will need to have an offer of employment or be offered a place on a course by an eligible employer or institution.

Whilst Representative of an Overseas Business, Start-up, Innovator, Global Talent and Investor visas do not require sponsorship, they do have their own stringent requirements that must be met and can document heavy or complex applications to submit.

Most of these routes also have additional English language requirements that may involve paying fees to sit an approved test (although this does not apply to your dependents).

There are also financial requirements under these routes that mean you must be able to show you have funds to support yourself and your dependents – you cannot rely on public funds.

Please note, this guide is only meant as an overview for you and is not intended as legal advice. Further information on these routes and the requirements can be found by following the links to the guidance.

## Part 2: Claims in Progress

*Read this bit if:*

- *You have already claimed asylum and are waiting on a decision*
- *You have had your asylum claim refused and are waiting on an appeal*

### Numbers: Delays, Backlogs, Success Rate

You may find it helpful to know where you fit in the national picture. The following statistics may be useful.

On 31 June 2021, there were more than 70,000 people of all nationalities in the UK waiting for a decision on an asylum claim. However some of these people were dependents. The actual number of outstanding applications on that date was 56,617. That's still a lot, and the backlog of undecided claims was still rising.

[Source: [GOV.UK: How many people do we grant asylum or protection to?](#)]

According to the BBC, on 31 March 2021 there were 3,117 Afghan nationals waiting for a decision on an asylum claim and 2,200 of those had been waiting for more than 6 months. It is unclear whether these numbers include dependents, although it seems likely they do.

[Source: [BBC: Afghanistan: How many asylum seekers has the UK taken in?](#)]

A quick analysis of the latest data tables shows that in the year ending 31 June 2021:

- Of all the decisions made on Afghan asylum claims (1,089 decisions), roughly 46% were grants of asylum or humanitarian protection
- Of all the appeals decided (171 appeals), roughly 56% were allowed (i.e. successful)

These outcomes relate to the time before the fall of Kabul. Claims that are decided or appeals that are heard now, *might* be more likely to succeed, but we don't know this for certain. [You can find the asylum data tables here.](#)

## Accessing Legal Advice

If you have a pending asylum claim or a pending appeal, you should get a professional immigration adviser to advise and represent you. In most cases, you can get 'legal aid' to pay for this. (See the section on professional immigration advisers for more details about immigration lawyers and legal aid.)

Before the fall of Kabul, if you were refused asylum and had to appeal, you might have been turned down by a legal aid lawyer because they thought your claim was not strong enough. Circumstances have now changed and you may now find it easier to get legal aid. If you got on well with your lawyer, you could go back to them to ask if they can represent you again. If you did not, it may be better to approach someone new. However, in some places it can be very difficult to find any legal aid lawyer.

[You can find a legal aid lawyer here.](#) Enter your postcode or town, leave the next field blank and check the box for 'immigration and asylum' before hitting the search button.

## Action You Can Take

For most people, waiting for a decision on an asylum claim is very stressful and very frustrating. It is not very different if you have been refused and are waiting for an appeal. It is a form of limbo. In most cases you cannot work. It can feel like you have no power to move forward or improve your situation.

There are a few actions you can take:

1. Consult a professional immigration adviser
2. Ask to your local MP to help
3. Apply for permission to work
4. Read the Right to Remain Toolkit

## Consulting a professional immigration adviser

This should be the first thing you do!

The fall of Kabul to the Taliban means that your asylum claim may be stronger now than it was when you first claimed. This *may* open up some new possibilities for getting the Home Office to make a decision. However there is still a lot we don't know about how the Home Office and the UK courts will respond.

If you do not currently have an immigration adviser, then you should find one as soon as possible (see above.)

If you already have a solicitor or immigration adviser and you haven't spoken to them since the fall of Kabul, then you should contact them. They should know your case and any specific actions you might be able to take.

However, immigration advisers cannot simply wave away a backlog of 56,000+ cases. There may be nothing they can do but wait and send an occasional letter to remind the Home Office about your case. The Home Office routinely ignores this kind of correspondence. There may be more scope for your immigration adviser to do something, if you have already had a decision and are waiting on an appeal.

You should be considerate when consulting your immigration adviser, particularly if they are a legal aid adviser. They will be very busy and will have many other cases to worry about. The time they spend talking to you is time they are not working on someone else's case. They will not be able to give you weekly updates when nothing may happen for many months.

You should try and agree with your immigration adviser when and how often you will speak. You should not contact them outside those times unless something happens that you think affects your case. If nothing has changed, your conversation will be very short. If your immigration adviser receives any news about your case they should contact you to tell you.

## Writing to your MP

MP means 'member of parliament.' An MP's role is to represent the people in their local area (their 'constituents' - whether or not those constituents voted for them!) They do this by attending parliament and discussing new laws and other things. However they can sometimes help with problems that a person might have. They can raise those problems with government departments. Government departments will usually respond to an MP.

You can contact your local MP if you have been waiting for a long time. **However, you should speak to your immigration adviser about this first** if you have one.

[You can find out who your local MP is here.](#) If you type in your postcode, it will tell you who your MP is, which political party they belong to, and how to contact them.

[The Right to Remain website has a page with advice on contacting your MP.](#)

Contacting your MP will not necessarily lead to a decision being made, but it should force the Home Office to say *something* in response.



## Applying for permission to work

It is very difficult to get permission to work that is useful. However, that does not mean you shouldn't try.

If you have claimed asylum and have been waiting for more than a year for the Home Office to make a decision, you can apply for permission to work. ([You can read the rules on permission to work here.](#)) However, there is a problem. When the Home Office give you permission to work, it is usually restricted to the '[shortage occupation list](#).' This is a list of jobs for which there aren't enough people in the UK with the right skills. Typically they are high-skilled jobs that require particular qualifications. Most people do not have these skills, so are still unable to work. However, there are some roles that have recently been added that *might* be achievable for someone without professional qualifications, for example:

- Laboratory technicians (occupation code: 3111)
- Senior care workers (occupation code: 6146)
- Nursing auxiliaries and assistants (occupation code: 6141)

### [Who is this guide for?](#)

To find out the qualifications you need for a particular role, you can put the "Occupation Code" from the [shortage occupation list](#) into this [occupation coding tool](#).

In theory, the Home Office can grant a more generous permission to work. Recent court decisions suggest they should be doing this more often. However, according to the current policy, you have to show that there are 'exceptional circumstances' why you should be given a more generous permission to work.

You could argue that the situation in Afghanistan combined with your personal circumstances justifies you being given a more generous permission. It would be best to ask your immigration adviser if they can help you with this. In any case, you should consult them before making this kind of argument, as any information you give the Home Office can be used to make a decision in your asylum claim. There is no guarantee that any argument you make will get you permission to work outside the shortage occupation list.

It is possible that an application for permission to work, or an application to change your permission will lead to the Home Office making a decision on your asylum claim instead. This may be a refusal of your claim.

To apply for permission to work, you can e-mail [AomPTW@homeoffice.gov.uk](mailto:AomPTW@homeoffice.gov.uk) or write to:

Permission to Work Team  
Asylum Operations

Department 139, The Capital  
Old Hall Street  
Liverpool, L3 9PP

There is a different address to write to if your claim has been refused and you are making a fresh claim: [rcmptw@homeoffice.gov.uk](mailto:rcmptw@homeoffice.gov.uk).

You may be able to get your immigration adviser to help you.

## Reading the Right to Remain Toolkit

When you get advice from an immigration adviser, you are likely to be bombarded with information that is entirely new and unfamiliar. There is a lot that needs explaining and you won't be able to take it all in. Unfortunately, your immigration adviser won't have time to repeat themselves.

You can help yourself and your immigration adviser by reading up on asylum. [The best source of information for asylum seekers is the Right to Remain Toolkit](#). It is available in many languages through Google Translate. If you start reading up on the law and the processes yourself, the advice your immigration adviser gives you will make a lot more sense. You will have a better understanding of what is happening. You will be better able to do things that may improve your chances of being granted asylum.

## Unaccompanied Children in the Asylum Process

An unaccompanied asylum seeking child or UASC is a child who is claiming asylum on their own without their parents.

If you are an unaccompanied child and you are waiting for a decision on your asylum claim then you want a decision to be made as soon as possible. This is because your asylum claim will be at its strongest while you are still a child. If the Home Office does not make a decision until after you turn 18, some of the strongest arguments for giving you permission to stay in the UK will be gone.

The actions suggested above still apply. You should consider consulting a professional immigration adviser and writing to your MP (see above.) If you are still in full time education, it may not be appropriate to request permission to work. However it is always a good idea to read the Right to Remain Toolkit!

## Part 3: Fresh Claims

*Read this bit if you have been refused asylum, and you no longer have any option to pursue an appeal. If this happened before Kabul fell to the Taliban, you can ask for your claim to be reconsidered taking this and other recent events into account.*

### What is a Fresh Claim?

When an asylum claim has been refused and all appeals have been unsuccessful, it is sometimes possible to make 'further submissions.' This means delivering a letter to the Home Office which presents new evidence and explains why you should now be granted asylum, given the new evidence. An immigration adviser can write such a letter for you. However you will probably have to travel to Liverpool to deliver it in person.

Colloquially, we call this 'making a fresh claim.' However, the correct legal term is 'making further submissions on a fresh claim. Unfortunately, it isn't actually a fresh claim until the Home Office decides that it is!

When you make further submissions there are three possible outcomes:

1. You can be granted asylum, or some other form of permission to stay in the UK
2. The Home Office can refuse you, but accept that there is a fresh claim. This allows you to lodge a new appeal and have your claim heard again in court, taking the new evidence into account.
3. The Home Office can refuse you with no right of appeal. There is another way of challenging this, but it is beyond the scope of this document.

The key thing you need for a fresh claim is something new that the Home Office has not already considered. You cannot simply ask them to think again.

New evidence might be:

- Documents from Afghanistan that prove something that the judge did not believe
- Medical evidence from the UK that shows you were harmed or injured in the way you said you were
- Country evidence that shows that the judge misunderstood your situation or misunderstood how things work in Afghanistan
- Country evidence to show that the situation has changed since your case was decided
- Evidence of things that have happened to you or your family since your case was decided
- Evidence of things you have done in the UK.

A good fresh claim will usually be based on many different pieces of evidence, not just one.

[You can find more information on making fresh claims in the Right to Remain Toolkit](#)

The Taliban's takeover of Afghanistan is a new circumstance that may have a bearing on your case. You may be able to use this information to raise a fresh claim. However it may not be enough to just provide some newspaper articles and human rights reports that talk about the Taliban takeover and the human rights abuses they commit. You need to explain how this will affect you and convince the Home Office that what you say is correct. Your ability to do that will depend on:

1. What the country evidence says about life in Afghanistan under the new Taliban government
2. What you have already told the Home Office about yourself,
3. How much of this was believed by the judge in your appeal (if there was an appeal), and
4. Whether the the country evidence shows that the Taliban, or others in Afghanistan are likely to persecute the person the judge believed you to be

#3 above is perhaps the hardest thing to understand: it is not what you know to be true that matters - it is what the judge has accepted as true in your appeal determination. If the judge did not accept anything you said as being true, you may be in a very difficult position.

If a judge did not believe you about something, you cannot just say that they are wrong. You have two options:

1. Try to find new evidence that shows the judge was wrong.
2. Accept what the judge has said, and try argue that whatever the judge did believe or did not dispute means you would still be at risk of persecution.

## **If you did not have an appeal**

If you did not have an appeal, then you may be in a slightly better position.

Firstly, you might not have to make a fresh claim. You might be able to lodge a late appeal instead. However, you need to be able to show a good reason why you are lodging your appeal late.

Secondly, if you did not have an appeal, then you don't have to worry about what the judge thought. You only have to worry about what the Home Office thought. It is hard to disagree with a judge because judges are trusted to be independent and make

reasonable decisions. It is easier to disagree with the Home Office, because the Home Office is not independent - they are the opposing party in an appeal.

Even so, if you did not have an appeal, it does not mean everything you say will now be believed. You still need to worry about what the Home Office did or did not believe and look for good evidence to support your case!

## **Immigration Advice for Fresh Claims**

You will usually need help from a professional immigration adviser to work out what sort of evidence you need to find. Theoretically, you can get a legal aid lawyer to help you. However, legal aid lawyers may be reluctant to take on this work - it can be very time consuming, and if they cannot find enough evidence to make a viable fresh claim, they will not get paid for the work they have done. Legal aid lawyers do not get paid that much to begin with and if they get paid nothing, they will go out of business and be unable to help anyone. It is worth noting that some legal aid lawyers are now very willing to help Afghan nationals with fresh claims. If you had a legal aid lawyer previously and you had a good relationship with them, it may be worth approaching them first.

There are some refugee organisations that help people to gather evidence and put together fresh claims. When they have enough evidence, they can then refer you to a legal aid lawyer. You can ask the organisations that are supporting you if anyone in your area does this work.

You should be wary of advisers that charge fees to help you make a fresh claim. Some of these advisers are good, but not all of them. A likely warning sign is if the adviser:

- does not ask you any detailed questions about your case and why it was refused, and
- does not discuss with you what documents or evidence you might be able to obtain about yourself.

It is possible that a fresh claim might succeed based entirely on new reports about Afghanistan, but it is not very likely. It will be a much stronger claim if it is focussed on you and on your circumstances.

## **Accommodation and Support**

If you make further submissions, you may be eligible for accommodation and financial support while you wait for a decision. A local refugee support agency may be able to help you make an application.

## Unaccompanied Children and Fresh Claims

An unaccompanied asylum seeking child or UASC is a child who is claiming asylum on their own without their parents.

If your asylum claim was refused and you are less than 17½ years old, you will probably have been granted something called UASC leave. This means:

- You have been refused asylum
- You have been refused humanitarian protection
- You have permission to stay in the UK, but only until you reach the age of 17½
- The reason you have been given permission to stay in the UK is that you are a child and the UK government cannot be sure there is anyone to look after you properly in Afghanistan
- When you become an adult, there may be no reason for the UK government to grant you permission to stay

If you did not have a good immigration adviser, this may not have been properly explained to you. You may not have appealed against the refusal of your asylum claim. If this is the case, then you should speak to a different professional immigration adviser and ask them about lodging a late appeal.

If you did have an appeal and it was unsuccessful, or if you have been told you cannot do a late appeal, then you should look at making a fresh claim.

It is important to do something now, while you are still a child. Your asylum claim will be stronger, the younger you are.

## Part 4: Family Members Outside the UK

*Read this bit if you have family members who want to join you in the UK.*

### Introduction

There are lots of different ways a family member might be able to join you in the UK. However they are all very restrictive in one way or another and it may not always be possible to find a way for your family members.

One thing that may determine whether family members can join you is your status:

- You will not be able to sponsor people at all if you have no status and are still waiting on a decision on your asylum claim.
- If you are a refugee or you have humanitarian protection (HP), you can sponsor certain family members without paying any application fees.
- If you are a British Citizen or have indefinite leave to remain but not as a refugee or with HP, you can still sponsor certain family members. However, there are high fees to pay and strict requirements to meet.

Another problem is the type of family relationship. It is extremely difficult to sponsor adults, whether they are your brothers, sisters, adult children or elderly parents or grandparents.

There are some possibilities that do not depend on your status at all. However, they are usually very narrow and only apply to small groups of people - for example people who worked for the UK government in Afghanistan.

## Immigration Advice: Availability and Limitations

### Legal Aid

You will likely need a professional immigration adviser to advise you on how your family members can join you in the UK. Unfortunately family applications do not automatically qualify for legal aid.

You should be able to get legal aid if:

- You are a separated child living in the UK and you want to sponsor your family to join you.
- You are a parent or relative of a separated child living outside the UK and you want to sponsor that to come to the UK.

A separated child is a child who has been separated from their parents. They may be living alone or with someone who is not the best person to care for them.

In other cases, there is a form of legal aid available called [exceptional case funding](#) or ECF. However you usually have to apply for it successfully before a legal aid lawyer will be able to help you. You may be able to get help to do this from a local refugee or migrant organisation.

If you are a separated child or you have been granted ECF, [you can find a legal aid lawyer here](#). Enter your postcode or town, leave the next field blank and check the box for 'immigration and asylum' before hitting the search button.

## Other Free Advice

There are some projects offering free advice and representation on family reunion. However, their capacity is very limited.

- NATIONAL: [The British Red Cross offer some help and support via their Local Refugee Services](#). The link takes you to a list of all their offices around the UK with e-mail and telephone contact details.
- EAST OF ENGLAND: [The University of Bedford runs a Refugee Legal Assistance Project](#)
- NORTH WEST: [The University of Liverpool runs a Law Clinic that offers immigration advice](#), including advice on family reunion
- NORTH WEST: [Greater Manchester Immigration Aid Unit](#) may be able to provide free advice in some circumstances
- SCOTLAND: [JustRight Scotland run the Scottish Family Reunion Service \(SFRS\)](#) in collaboration with the British Red Cross
- SOUTH WEST: [The Migrant Legal Project offers free advice on family reunion](#) and has offices in various locations in the South West
- SOUTH WEST: [The University of Plymouth run an Immigration and Refugee Law Clinic](#)
- YORKSHIRE & THE HUMBER: [Sheffield Hallam University runs a Refugee Family Reunion Clinic](#)

## Limitations of UK Advisers

Most immigration advisers are only experts in UK law and procedures and in dealing with UK institutions such as the Home Office.

Sometimes there are fundamental difficulties in the place where your family is. For example, your family may need to cross borders or pass through checkpoints to attend appointments or they may need to approach the authorities of a country to obtain documents.

A UK immigration adviser *may* be able to

- Liaise with the Home Office to help keep dangerous journeys to a minimum. (However they may not be able to eliminate the need altogether.)
- Tell you about local or international organisations that can help and maybe contact those organisations for you.
- Tell you where to find information about a problem in a country. (However, they won't be able to guarantee the information is reliable or will help, and they will not be responsible for the safety of your family.)



Sometimes you and your family will have to rely on your own knowledge, resources and connections in the country where they are living.

## Finding Family Members

If you have lost touch with your family members, the Red Cross / Red Crescent may be able to help you. They are an international organisation with a presence in most countries, including Afghanistan and the surrounding countries.

[You can find out how the Red Cross can help you find your family here.](#)

## Routes to the UK for Family Members

### Afghan Citizens' Resettlement Scheme (ACRS)

The government has announced an [Afghan Citizens' Resettlement Scheme \(ACRS\)](#). Unfortunately, this is not a scheme that your family members can simply apply for. People who were called for evacuation but did not make their flights may be resettled. Otherwise it will be down to third party organisations to identify people who are suitable for the scheme. Third party organisations will be:

- The UNHCR (United Nations High Commission for Refugees)
- Other "*international partners in the region*" (i.e. in Afghanistan and the surrounding countries).

This suggests that to access the scheme, family members will need to be in touch with the UNHCR, or another international partner.

[A policy document on the ACRS Scheme](#) states the scheme will prioritise:

- a. those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women's rights and freedom of speech, rule of law (for example, judges, women's rights activists, academics, journalists); and*
- b. vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT).*

Regardless of your own immigration status in the UK, this route is one potential way that your family members *might* be reunited with you in the UK.

The UN High Commission for Refugees (UNHCR) works to resettle refugees to many countries, not just the UK. They may be more likely to prioritise someone for resettlement to the UK if they know that person has family members in the UK.

If your family members are brought to the UK as resettled refugees, they will be given indefinite leave to remain with the right to work and access to education, healthcare and benefits.

Resettlement has often been a slow process, with a high demand for a very small number of resettlement opportunities. If you can sponsor a family member to come to the UK by other means (see below), this may be quicker. However, in many cases it will result in a less favourable immigration status.

Potentially, a family member who is waiting to be resettled can still apply to join you in the UK under the refugee family reunion rules (if you are a refugee) or under the general family migration rules. It may be a faster option.

If the application is successful, it should free up resettlement places for other vulnerable people.

## **Afghan Relocations and Assistance Policy (ARAP)**

This is a means by which 'locally employed staff' can come to the UK with their spouse and any children under the age of 18. You can find links to further information at the end of this section.

[You can find rules for the ARAP scheme here](#) Scroll down to the section on limited leave to enter for relevant Afghan citizens. The rules will be updated on 6 October 2021 to allow people to apply from outside of Afghanistan and be granted indefinite leave to enter. However, it is already Home Office policy to do this.

Controversially, the scheme has been restricted to staff directly employed by:

- The Ministry of Defence, the Foreign and Commonwealth Office
- The Department for International Development or the Foreign
- Commonwealth and Development Office

This has ruled out people who were employed indirectly, through contractors. It is unclear whether indirectly employed staff will be able to use the scheme in future, or will have to rely on the resettlement and other routes.

The ARAP scheme may be able to help your family if:

- You were locally employed staff member admitted under the scheme, and you want to sponsor your spouse and children under the age of 18
- One of your family members outside the UK was a locally employed staff member

On 14 December 2021 the eligibility criteria were narrowed to *"limit eligibility to those who furthered the UK's military and national security objectives."*

You can find out more here:

- [Further information about the scheme can be found on the Home Office Blog.](#)
- [Details of how to apply under the ARAP scheme and a link to the application form can be found on GOV.UK](#) (see link in the 4th paragraph for the application form)
- [Garden Court Chambers have published a factsheet about the ARAP Scheme](#) (1st link on the page)

Please note, all these links pre-date the change in eligibility criteria and so will not be completely up to date.

## Refugee Family Reunion

### A Word of Caution

The Home Office will routinely compare information you gave when you claimed asylum with information you and your family members provide in their family reunion applications. If there are any discrepancies it may lead to their applications being refused. In very rare cases, it may also put your own status at risk.

- If there are any family members you did not mention when you claimed asylum, you will need to explain why you did not mention them.
- If there is any conflict between what you said in your asylum claim and what you or they are saying now, this will also need to be explained.

Therefore it is important to have the papers from your asylum claim. You can get your papers:

- From your own papers. In theory, you should have been given copies of all interviews and decisions when they happened.
- From your previous immigration adviser, if you had one. You should simply be able to ask for your file. However if your case is more than 6 years old, they may have destroyed it.
- By making a '[subject access request](#)' to the Home Office. There are three types of request. Ideally you will want to make a detailed request. Subject access requests can take a while, so it is important to do this as soon as possible. Unfortunately, the Home Office will sometimes redact (hide) the details of family members, so the previous immigration adviser is the better source.

## Spouses and Minor Children

If you have refugee status or humanitarian protection, then you may be able to sponsor your spouse or unmarried partner and any children. However this is only possible if they were your family members before you first came to the UK as a refugee or to claim asylum.

These applications are free and you do not need to show that you can support your family in the UK.

If you met your spouse after you claimed asylum in the UK, then they and any children you have together will have to use the ordinary family migration routes (see below.)

## Children of Relatives

Sometimes you may be responsible for a child who you are related to but is not your own. You may be the only family member who can care for them. The child might be a grandchild, nephew or niece.

If you are a refugee or have humanitarian protection, you may be able to sponsor that child to come to the UK. However, there is a fee to pay and you have to show:

- Why the child needs to be cared for in the UK rather than elsewhere
- The child will be properly cared for in the UK
- You can support the child without claiming additional benefits

## Other Relatives 'outside the rules'

It is likely that you will have family members who don't fit under these narrow options. Sometimes they can apply 'outside the rules.' This means asking the Home Office to make an exception for them because of your circumstances or theirs.

One circumstance that has been successful in the past is where one of your children has turned 18. Another is where you are a child who has been granted refugee status, you are on your own in the UK and you want to sponsor your parents or siblings.

Whatever the circumstances, you always need to make the strongest case possible for family members who don't fit within the normal rules. This means getting as much evidence as possible of:

- What their life will be like if they stay where they are while other family members come to the UK
- Anything that makes them especially vulnerable, such as a health condition or a disability
- What separation will mean for you, for them and for every other member of the family, particularly any children under 18 in the family

These are extremely difficult applications and you will need a professional immigration adviser to help you. However you can begin looking for evidence while you are also looking for an adviser. Among other things, an immigration adviser may be able to commission country reports and expert reports to strengthen your case.

### Further Information on Family Reunion

The following documents give more information on family reunion:

- [Garden Court Chambers factsheet on family reunion](#) (download from the third link on the page)
- [JustRight Scotland leaflet on family reunion](#) - this tells you more about the circumstances in which your family can apply (dated October 2018)
- [JustRight Scotland leaflet on the rights of reunited family members](#) - this tells you about what they are entitled to when they get here.

### Other family migration routes

Your family members will not be eligible for refugee family reunion if:

- You are a British Citizen
- You are settled, but not as a refugee or with Humanitarian Protection (HP), or
- You are a refugee, or you have HP, but your family members did not become part of your family until after you arrived in the UK

In these circumstances, you can sponsor your family members under the 'normal' family migration routes. There are routes for:

- Your partner - i.e. your spouse, civil partner or a person you have lived with as if married for more than two years
- Your children
- Your parents - if you are a child
- Other adult relatives - if they need your care because they are elderly, disabled or have serious mental or physical health issues

You can also sponsor your partner and your children if you are here as a student or a worker or similar and haven't been granted settlement yet.

These routes all have a few things in common:

- High fees and surcharges
- Strict requirements for things like your finances and their language skills, in many cases.

Occasionally, you can get around requirements that you cannot meet by showing that your or your family's human rights would be breached. However this is very difficult to do.

If you are a national of an EEA state or Switzerland and you were living here before 1 January 2021, you may be able to sponsor a wider range of family members. It may also be much cheaper and easier, providing you can get the right evidence together.

You will probably need help from a professional immigration adviser to identify the best routes for your family members and put together a good application that is likely to succeed. For family migration routes, legal aid is not normally available. However you can apply for 'Exceptional Case Funding' (see above.) If you have enough money, you can also pay for advice.

## Other Immigration Routes

Some people may be able to qualify to come to the UK for reasons that are nothing to do with family or vulnerability. For example they may be able to come as students or workers. However this will always require a valid passport. The only potential exception to this rule would be for existing Chevening Scholars. There will also be other requirements to meet, such as being sponsored by an employer or educational establishment and having enough money.

# Part 5: Becoming British

## Effect on Rights to Family Reunion

If you are a Refugee or a person with Humanitarian Protection (HP) you can sponsor certain relatives under the rules on Refugee Family Reunion. **You will lose that right if you become a British Citizen.** If you have family members outside the UK who you wish to sponsor under the Refugee Family Reunion rules, you should not apply for British Citizenship for yourself. If you do, it may be harder to sponsor your family members.

If you do not want to apply for citizenship for yourself, you can still apply for citizenship for your children in some circumstances.

# Children applying for Citizenship

## Children who are born British

If your child was born in the UK and you had settled status (indefinite leave to remain) or were British at the time of their birth, then your child is already British. They can apply for a British passport. You will need to prove that you are a parent. You will also need to provide evidence of your status at the time of their birth.

If your child was born anywhere else in the world and you were British at the time of their birth, your child will be British. They can apply for a British passport. You will need to prove that you are a parent and that you had British Citizenship at the time your child was born.

[You can find out how to apply for a British passport for a child who is in the UK here.](#)

[If your child is not in the UK you can find out how they can apply for a passport here.](#)

It may be a difficult process. If your child is in Afghanistan, they may need to travel to Pakistan.

## Children who can apply to become British

If your child was born in the UK and you were granted settled status after they were born, your child can apply to register as a British Citizen. The same is true if their other parent was granted settled status after they were born and you were not. The child must be under 18. You will need to prove that you are a parent. You will also need to provide evidence of your current settled status.

- [To apply you will have to fill out Form MN1](#)
- There is a fee of £1,012.00
- The child will need to enrol their biometrics - this costs an extra £19.20

If your child was born in the UK and has lived here for the first 10 years of their life, they can also apply to register as a British Citizen in most cases. It doesn't matter what your status is or if you have no status in the UK. However if the child has been absent from the UK for more than 90 days in any given year, they will not be eligible. You will need to show that the child has lived here for the first 10 years of their life. If the child has been outside the UK during those ten years, you will need to provide evidence of when they left and when they returned. You will need to do this for each time they left the UK.

- [To apply you will have to fill out Form T](#)
- There is a fee of £1,012.00

- The child will need to enrol their biometrics - this costs an extra £19.20

If your child was not born in the UK but has lived here a very long time or has very strong ties here, they may be able to register as a British Citizen. This is complicated and you should seek further advice before applying, as applications are expensive and you might lose your money.

- To apply you will have to fill out Form MN1
- [You can find Form MN1 here](#)
- There is a fee of £1,012.00
- The child will need to enrol their biometrics - this costs an extra £19.20

## Help and further information

The [Project for the Registration of Children as British Citizens](#) (PRCBC) has [information on registering children as British](#). They can sometimes [help children who are destitute or from low income families](#).

Some other charities and community organisations have [OISC-registered immigration advisers who can help you for free](#).

- Follow the link to search for an organisation by postcode
- If your child was born in the UK, you can leave the type of advice at "All levels"
- If your child was born outside the UK, select "L2 Casework" under type of advice
- Select "Immigration Advice under categories"
- Select "Not fee charging"
- Press search!

You can also pay an immigration adviser to help you, if you have enough money.

## Adults applying for Citizenship

If you are an adult you can become British by a process called 'naturalization.'

However, in most cases:

- You must have been settled in the UK for at least a year
- You have lived here for 5 years lawfully
- You must not have been absent for more than 90 days in the last year
- You must not have been absent for more than 450 days in the last 5 years
- You must have been in the UK exactly 5 years ago on the date you make your application
- You must be 'of good character.' Things like criminal offending, breaching immigration control or running up large debts may mean that you are not of good character.



- You must show a knowledge of English - this may involve taking a test.
- You must show a knowledge of Life in the UK - this will involve taking a test!

There are some exceptions to the last two items on the list for people who are elderly or who have disabilities or learning difficulties or similar that prevent them from taking a test.

[You can find about 'good character' here.](#)

In practice most adults take at least 5 years to get settled status, so will have to wait another year before they can apply to become British. This means most people will take at least 6 years to become British. However, people who are granted settlement straight away will be able to become British after 5 years.

If you are married to a British Citizen the requirements are slightly different:

- You must be settled in the UK (but not for a whole year!)
- You have lived here for 3 years lawfully
- You must not have been absent for more than 90 days in the last year
- You must not have been absent for more than 270 days in the last 3 years
- You must have been in the UK exactly 3 years ago on the date you make your application

The requirements for 'good character' knowing English and knowing about life in the UK are the same.

Again, most adults take at least 5 years to get settled status and so will have to wait at least 5 years before they can become British. However, people who are granted settlement straight away will be able to become British after 3 years, if they are married to a British Citizen.

- [To naturalise you will have to fill out form AN.](#)
- [Or apply for naturalisation online.](#)
- There is a fee of £1,330
- You will also need to enrol your biometrics - this costs an extra £19.20

[You can find further information about naturalisation as a British Citizen here.](#)

## Part 6: Professional Immigration Advisors

*Sometimes it is best to get a 'professional immigration advisor' to help you. This section tells you what that means and who is a professional immigration adviser. It also tells you about when and where you may be able to get advice for free.*

## Introduction

The laws and processes for immigration to the UK are complex. There are many pitfalls. You are likely to need someone to help you navigate them. UK immigration law makes all migrants vulnerable. Unfortunately, there are people that try to exploit that vulnerability. The best way to avoid these people is to make sure that:

- You are dealing with a regulated professional, and
- You know how regulated professionals are supposed to behave.

Immigration advice is a regulated profession. This means there are standards that immigration advisors must work to. Notably, they must:

- Act in your best interests
- Keep your information confidential
- Be honest with you and with other parties (e.g. government departments and courts)

There are also regulators you can complain to if your immigration advisor doesn't behave the way they should. If an immigration advisor acts against your interests, tells people about your case without your permission or tells lies to you or to others, they can be punished by their regulator. [This leaflet tells you more about how professional immigration advisers are supposed to behave, and how](#) you can work with one to get the best possible outcome.

If an immigration advisor is not regulated, then they are breaking the law and can be fined or sent to prison if found out.

## Types of Regulated Immigration Adviser

There are different types of regulated immigration advisers:

- Solicitors
- Barristers
- OISC Advisers
- Legal Executives

There are some solicitors and charities that offer free immigration advice. However there is a huge demand for free advice and these solicitors and charities are under a lot of pressure. It is important to treat them with respect at all times and to avoid being angry or abusive. However, this does not mean you cannot complain if they do something wrong.

## Solicitors

Solicitors are the most common. They usually work in a private firm offering legal services for fees. Some solicitors may be able to help you free of charge under 'Legal Aid' (see below.) Solicitors can work in any area of law, but some specialise in immigration. Sometimes solicitors can supervise trainees and other non-solicitors to give immigration advice.

Solicitors in England and Wales are regulated by the [Solicitors Regulation Authority](#) or SRA. [You can find out if a firm is regulated by the SRA here](#). If you search for the name of a firm, it will tell you who works for them, what legal services they offer and whether they have had any disciplinary actions against them.

In Scotland they are regulated by the [Law Society of Scotland](#). You can do a postcode search of solicitors near you from the main page. [You can also look up a firm or person by name](#).

In Northern Ireland they are regulated by the [Law Society of Northern Ireland](#). You can search for a solicitor by name, category of law or location from the main page.

## Barristers

Barristers usually represent people in court. A solicitor will often ask a barrister to come to court to represent you rather than turning up themselves. This is because barristers are experts in court procedures and are very good at thinking quickly and speaking to judges. Sometimes barristers can work with you directly, but this is not very common.

Barristers can work in any area of law, but some specialise in immigration.

Barristers are regulated by the [Bar Standards Board](#) or BSB

In Scotland they are called Advocates, rather than Barristers, and are regulated by the [Faculty of Advocates](#).

In Northern Ireland they are still called Barristers and are regulated by [the General Council of the Bar of Northern Ireland](#).

## 'OISC Advisors'

OISC advisors are regulated by the "[Office of the Immigration Services Commissioner](#)"

They always specialise in immigration. Some work for private fee-charging firms. Others work for charities and community organisations and can provide advice for free. There are different levels of OISC advisers:

- Level 1 advisers can help you with straightforward nationality applications, but can't do asylum claims.
- Level 2 advisers can help you with asylum claims and fresh claims, but can't help you if you have to go to court for an appeal.
- Level 3 advisers can help you in court with an appeal or a bail application.

Some OISC advisers do general immigration work (e.g. family, work and study visas.) Others specialise in asylum. Some do both.

[You can find or look up OISC advisers here.](#) There are two tabs, one for searching by location and another for looking up an organisation or person by name. The default tab is highlighted in blue and is labelled "Location and/or Type of Advice". The other tab in grey is "Organisation and/or Adviser." Click on it if you want to search for this.

## Legal Executives

Legal Executives are regulated by the [Chartered Institute of Legal Executives](#) or cILEX. There aren't many who practice immigration.

## Free Legal Advice

### Legal Aid

Legal Aid is where the government pays for advice for people who cannot afford it. You should be able to get legal aid if you have claimed asylum. However legal aid is not available for everything. It is hard to get legal aid for family immigration applications. It is extremely unlikely you will get legal aid for nationality applications.

[You can find a Legal Aid Lawyer here.](#) Enter your postcode, town or city, leave the next field blank and check the box next to "Immigration and Asylum" You can get legal aid for asylum claims, but there are some things that you can't easily get legal aid for. Legal aid solicitors tend to be very busy and may not be able to take on your case.

To get legal aid, you need to show that you do not have enough money to pay for legal advice.

If you have problems getting legal aid, a charity supporting refugees or migrants may be able to help.

Legal Aid Solicitors are usually the most experienced in dealing with asylum claims and human rights matters. Unless you have a lot of money you can spare, it is better to have a legal aid solicitor than one that you pay for yourself. This is because if you are paying yourself, you are not just paying your solicitor's fees. You are also paying for interpreters, translations, and any reports that need to be commissioned to help your case. There will also be more fees if you have to appeal a refusal. It can cost thousands of pounds. If you have funds and you decide to pay for an adviser yourself, make sure you find out:

- How much your adviser will charge you for the initial application
- How much you will have to pay for an appeal, if your initial application is refused.
- How much you will need to pay in interpreting fees
- Whether there are any other costs you might be expected to pay

## Other Free Advice

Some charities offer free immigration advice. [You can find organisations offering free advice here](#). Enter your postcode, town or city, select the level of advice you need and select 'Not Fee Charging.' A Level 1 adviser may be able to help you with applications for British Citizenship and some applications based on family life where your sponsor earns enough money. For other things, you will usually need a Level 2 adviser. If you cannot find a Level 2 adviser yourself, a Level 1 adviser may be able to help you find one.

Not every organisation that comes up on the search offers a full service. Some will only offer advice on particular things or to particular people. You may have to speak with several organisations before you find one that can help you.

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