

Asylum Support Partnership

help and advice



March 2009

English

Positive decision on your asylum application

When the UK Border Agency (UKBA) decides on your asylum application and grants you permission to stay, you will be given one of the following:

- Refugee status
- Humanitarian protection
- Discretionary leave

When you are given one of the above statuses it does not mean that you are allowed to stay in the UK permanently. You can stay permanently only when the UKBA gives you indefinite leave to remain, also called 'settlement'.

Have you been granted refugee status?

If you were granted refugee status it means that you have been recognised as a refugee within the meaning of the 1951 Refugee Convention.

When the UKBA gives you refugee status, it gives permission to stay for five years. When at the end of this period you apply for extension the UKBA should allow you to stay in the UK indefinitely provided that during the five years:

- The conditions in your country have not improved significantly;
- You have not been involved in actions which are against the Refugee Convention principles and
- You pass the Life in the UK Test which is a test about knowledge of language and life in the UK or take combined English as a Second Language and citizenship classes.

It is very important that you apply for an extension of your five year permission to stay before it expires. If you apply for an extension after your current permission has expired the UKBA will carry out an in-depth review of your refugee status. An application after your permission has expired may also affect your right to work or apply for welfare benefits although this is not clear at this time.

The UKBA may review your case before the five year period ends and decide that you no longer need protection in the UK. This may happen if the conditions in your country have improved significantly (and there has been a UK government announcement about this) or because of your own actions which are against the Refugee Convention principles. You will have a right of appeal against this decision.

When the UKBA decides that you no longer need protection it may grant you humanitarian protection or discretionary leave or decide that you should leave the country.

Other translated leaflets are available at <http://languages.refugeecouncil.org.uk>

If your husband or wife, and your children who are under 18 years old came with you to the UK, they will be given the same status. If your husband or wife, and your children who are under 18 years old are not with you in the UK, you can apply for them to join you.

If you wish to travel to other countries you should apply for the Refugee Convention travel document from the UKBA. You may use your travel document to go to any country except the one from which you feared persecution.

Have you been granted humanitarian protection?

If you do not qualify for refugee status, the UKBA may give you humanitarian protection. This status is given when the UKBA recognises that it is unsafe for you to return to your country but you do not meet the refugee status criteria. People can also be granted humanitarian protection because of non-asylum reasons.

Humanitarian protection is given for a period of five years. If your husband or wife and your children under 18 years old are not with you in the UK, the UKBA will allow for them to join you if you apply for permission for them to do so.

It is important that you apply for an extension of your five year permission to stay before it expires. When at the end of the five year period you apply the UKBA should allow you to stay in the UK indefinitely if it thinks that you still need protection. If the UKBA decides that you still need protection, it should allow you to stay indefinitely provided that you pass the Life in the UK Test. If the UKBA decides that you no longer need protection you may have a right of appeal against this decision but at the time of writing this remains unclear.

The UK Border Agency may review your case before the five year period ends and decide that you no longer need protection. This may happen if the conditions in your country have improved significantly (and there has been a UK government announcement about this) or if you have been involved in actions which are against the Refugee Convention principles. We understand that the government aims to provide right of appeal against such decisions but at the time of writing this remains unclear. If the UKBA decides that you no longer need humanitarian protection, it may grant you another status called discretionary leave or decide that you should leave the country.

If you wish to travel to other countries you will be expected to use a passport from your home country. If you do not have a passport, you can apply for a travel document from the UKBA called the Certificate of Travel. Please note that there are a number of countries which do not accept these as valid travel documents. Check if this is the case with the embassy of the country you intend to visit before applying for a Certificate of Travel.

Have you been granted discretionary leave?

If you do not qualify for refugee status or humanitarian protection, the UK Border Agency may grant you discretionary leave, which is usually given because of non-asylum reasons. This status is granted for three years or less.

When, at the end of three years of discretionary leave, you apply for an extension, the UKBA will review your case. If your circumstances permit, the UKBA can extend your discretionary leave for a further three years. After six years with discretionary leave, the UKBA should allow you to stay in the UK indefinitely provided that you pass the Life in the UK Test.

The UKBA will usually allow for your husband, wife and your children under 18 years old to join you after you have been given indefinite leave to remain. If you apply earlier, your family can only join you if there are compelling or compassionate circumstances. When you apply for your family to join you, you will have to show that you can accommodate and support them financially.

If you wish to travel to other countries you will be expected to use a passport from your home country. If you do not have a passport, you may be able to get travel document from the UKBA called the Certificate of Travel. When you apply for the UKBA travel document, you will have to prove that your national authorities have unreasonably refused you a passport. Please note that there are a number of countries which do not accept UKBA travel documents as valid travel documents. Check if this is the case with the embassy of the country you intend to visit before applying for a Certificate of Travel.

What other rights do I have?

If you have refugee status, humanitarian protection or discretionary leave you have broadly the same rights and entitlements to services as all other UK residents and citizens.

Can I work?

Your permission to work is contained in a letter you receive from the UK Border Agency. You should contact your local Jobcentre Plus office. You can find out where these offices are from the local library, telephone directory or from <http://www.dwp.gov.uk> For more information about your employment rights and what options are available to you when accessing training see *Refugees' guide to training and employment* at <http://languages.refugeecouncil.org.uk>

If you are in Scotland, see *Finding Work: A Guide for refugees in Scotland* at:

http://www.scottishrefugeecouncil.org.uk/Employment_Toolkit

Can I use health services?

You are entitled to free health care provided by the National Health Service. This includes emergency and routine medical treatment, prescriptions for some medicines, child health and maternity services, family planning, dental treatment, eye tests and glasses.

Can I apply for welfare benefits?

If you are not ready to look for work, and have very little or no income you can apply for welfare benefits, also called social security benefits. To apply, you should contact your local Jobcentre Plus office. You can find out where these offices are from the local library, telephone directory or from <http://www.dwp.gov.uk> You can find more information about the welfare benefits in *Refugees' guide to welfare benefits* at <http://languages.refugeecouncil.org.uk>

How can I find somewhere to stay?

If you are staying in accommodation provided by the UKBA, you will have to move out and find your own accommodation, once the UKBA gives you a positive decision. You will have 28 days to move out. You should contact your local authority or housing office to discuss what options you have. If you have nowhere to stay or you may become homeless in the near future you can also call Shelter helpline on 0808 800 4444.

When you find your accommodation, you will either have to pay rent or apply for housing benefit. If you have been staying with friends or relatives, and want to continue to stay there, you may do so, but you should check with an advice agency about how this will affect your rights to welfare and housing benefits. You can find more information about your housing rights and options in *Refugees' guide to housing* at <http://languages.refugeecouncil.org.uk>

Housing laws are different in Scotland. If you live in Scotland or wish to move there, please contact the Scottish Refugee Council on 0800 085 6087 or visit <http://www.scottishrefugeecouncil.org.uk>

Can I improve my education or receive skills training?

There are many courses and many places in which you can study. These are usually the responsibility of the local education authority for the area in which they are held. Your local library or local authority's website has contact details of various educational institutions in your area.

You can find more information about training options available to you in *Refugees' guide to training and employment* at <http://languages.refugeecouncil.org.uk>

Other information

You may need help and advice about how to use services mentioned above. Organisations such as Citizens Advice Bureaux provide advice and information on any subject. Many organisations can arrange for an interpreter if you need one. There may be a refugee community organisation in your area which helps and supports refugees from your country. For details, visit the local library, see the telephone directory or check your local authority's website. Your local One Stop Service may be able to give you contact details of local organisations providing advice.

Your documents

When you apply for services you may need to show your letter from the UKBA giving you permission to stay. You may also need to show the letter from the UKBA called NASS 35 saying that they are no longer supporting you.

Waiting for an extension of permission to stay

When you are waiting for the Home Office to make a decision whether to extend your permission to stay, you have the same rights to services as you had before you applied for the extension, as long as you applied before your permission to stay ended.

Tracing family members

If you lost contact with your family abroad, the Red Cross may be able to help you find them. For details of a local branch of the Red Cross see www.redcross.org.uk

Life in the UK Test

If you are applying for indefinite leave to remain (settlement) you will need to show that you know about life in the UK. You can do this by taking the Life in the UK Test or by taking English as a Second Language and citizenship classes. For more information see <http://www.lifeintheuktest.gov.uk>

Refugee Integration and Employment Service

If you were granted refugee status or humanitarian protection after 1st October 2008 you may be entitled to a service provided by refugee agencies to help you integrate smoothly into life in the UK. Contact your case owner at UKBA or local refugee agency to check if you are entitled. You can find contact details of refugee agencies at <http://languages.refugeecouncil.org.uk/english/services.htm>

Information in this leaflet is not a full explanation of the law but a guide only. Please seek legal advice for detailed advice. For more information about how to find a legal representative see Applying for asylum leaflet at <http://languages.refugeecouncil.org.uk>

Asylum Support Partnership consists of:

North of England Refugee Service, charity number: 1091200 www.refugee.org.uk
 Refugee Action, charity number: 283660 www.refugee-action.org.uk
 Refugee Council, charity number: 1014576 www.refugeecouncil.org.uk
 Scottish Refugee Council, charity number: SC008639 www.scottishrefugeecouncil.org.uk
 Welsh Refugee Council, charity number: 1102449 www.welshrefugeecouncil.org