

Asylum decision

Spring 2007

This section discusses what happens after an asylum applicant is granted a positive decision. It also explores common issues for all refugees and asylum seekers in the UK. For more information, see the *Asylum decision* section of the [Refugee Council Information Service](#).

Warning: This support pack was updated during a time of radical changes within the refugee sector. This includes some significant changes within the Home Office such as:

- The Government body responsible for asylum issues is now the **Border and Immigration Agency (BIA)** – a new executive agency of the Home Office. The Agency assumes the responsibilities of the Immigration and Nationality Directorate (IND) for managing immigration control in the UK, including applications for permission to stay, citizenship and asylum.
- Support for asylum seekers is no longer overseen by the National Asylum Support Service (NASS). Asylum support in this document will now be referred to as **BIA support** and/or **asylum support**.
- In February 2005, the UK Government published a five-year strategy for immigration and asylum which included the development of the New Asylum Model (NAM). The aim of the NAM is to introduce a faster, more tightly managed asylum process with an emphasis on rapid integration or removal.

Note:

Because of all the recent upheaval, the information provided in the support packs are likely to change throughout 2007 as the procedures are implemented, current government consultations are finalised and new policies are introduced. We recommend you check the Refugee Council website for the most current information: www.refugeecouncil.org.uk.

Also, please keep us informed of any changes on the ground and common problems by emailing us on subscriptions@refugeecouncil.org.uk.

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Asylum decisions - overview

To be granted asylum under the 1951 UN Convention Relating to the Status of Refugees (Refugee Convention), the applicant needs to prove they have a well-founded fear of persecution because of their race, religion, nationality, political opinion, or are a member of a targeted social group. They also have to prove they are not able to seek protection from their government.

The Home Office evaluates and investigates each asylum claim individually. They make a decision on whether or not to recognise the individual as a refugee under the Refugee Convention. The Home Office will grant either:

Refugee status	Has met the criteria set out in the Refugee Convention <ul style="list-style-type: none"> • Granted for five years 	Immigration Status Document (states "refugee status" and given along with a United Kingdom Residence Permit endorsement [granted to those without a passport]) or Home Office letter ACD2151 headed "Grant of status (asylum)" [For those granted asylum prior to March 2004]
Humanitarian protection (HP)	Given to those who aren't recognised as refugees under the Refugee Convention but who are at risk of persecution if returned to their country of origin <ul style="list-style-type: none"> • Granted for five years 	Immigration Status Document (states "Humanitarian Protection" and given along with a United Kingdom Residence Permit endorsement [granted to those without a passport]) or Home Office letter ICD0716 headed "Grant of status (humanitarian protection)" [given to those granted asylum prior to March 2004]
Discretionary leave (DL)	Granted to people who do not meet the above criteria, but cannot be removed for some other reason (such as illness) <ul style="list-style-type: none"> • Granted for three years or less • If the applicant is a child it is important to understand the basis on which the DL has been granted – see below 	Immigration Status Document (states "Discretionary Leave" and given along with a United Kingdom Residence Permit endorsement [granted to those without a passport]) or Home Office letter ICD0716 headed "Grant of status (discretionary leave)" [given to those granted asylum prior to March 2004]
Exceptional leave to remain/enter (ELR/ELE)	No longer granted, replaced by humanitarian protection and discretionary leave	Home Office letter headed "Grant of status" (exceptional leave to remain)
Refusal	Home Office does not believe the applicant meets the criteria of the Refugee Convention, humanitarian protection or discretionary leave.	Sent a letter from the Home Office stating that the applicant is refused asylum. The letter will also give details of any appeal rights and time limits at the same time. (see the <i>asylum process</i> section for more information)

For the purposes of this document, a person is granted a positive decision if they receive:

- Refugee status
- Humanitarian protection (HP)
- Discretionary leave (DL)
- Exceptional leave to remain/enter (ELR/ELE)

If your client was supported by the BIA and has received a positive decision, direct him/her to your local One Stop Service agency. They will brief the client on moving on from BIA support. The Refugee Council has a translated leaflet called *Positive decision on your asylum application* that gives an overview of your client's rights and entitlements. Please see our website:

www.refugeecouncil.org.uk > click the language of your choice > positive decision on your asylum application

Review of decisions/status

Refugee Status

Previously, those granted refugee status were also granted Indefinite Leave to Remain (ILR) automatically. This meant that the person could stay in the UK indefinitely without any time limits or other conditions on their stay. On 30 August 2005, the Home Office changed its policy and grants people recognised as refugees five years' limited leave.

The Home Office can review a person's refugee status at any time during the five-year limited leave and decide that the person no longer qualifies for refugee status. This could happen if, for example, the person returned to their home country, has committed a crime or if the situation in the refugee's home country has changed such that the person no longer has a well-founded fear of persecution there.

The Home Office has said that unless circumstances change during the five-year leave for a recognised refugee, it will normally grant the person leave to stay indefinitely provided s/he has applied for indefinite leave to remain (or settlement) before the initial five-year leave period has run out.

Note: People who come to the UK via the UK resettlement scheme, the Gateway Protection Programme, are an exception to this and are granted refugee status with indefinite leave.

For more information, see the Home Office's Immigration Rules paragraphs 338 to 352 (www.ind.homeoffice.gov.uk > law & policy > immigration rules). See also the Asylum Policy Instructions on refugee leave at: www.ind.homeoffice.gov.uk > Law & policy > policy instructions > asylum policy instructions.

Humanitarian Protection

If a person was granted HP before 30 August 2005, s/he was given three years' limited leave and could apply for indefinite leave to remain (or settlement) before their limited leave period ran out without his/her case being reviewed.

A person who is granted HP on or after 30 August 2005, should be granted five years' limited leave. During this time, the Home Office can actively review if someone continues to qualify for HP in more or less the same way as it can review grants of refugee status. If the Home Office decides to

withdraw grants of HP, it will consider if the person could be granted DL instead. The active review involves:

- Looking at the current situation in the applicant's home country
- Considering the applicant's character and conduct during their time in the UK

For more information, see the Home Office's Immigration Rules paragraphs 338 to 352 (www.ind.homeoffice.gov.uk > law & policy > immigration rules). See also the Asylum Policy Instructions on humanitarian protection at: www.ind.homeoffice.gov.uk > Law & policy > policy instructions > asylum policy instructions.

Discretionary leave

DL is a discretionary status because it is granted outside the Immigration Rules. People granted DL normally get three years' limited leave but the Home Office can also grant shorter periods of leave. For example, when an unaccompanied child under 18 is refused asylum, the Home Office will grant DL and limited leave up until they turn 17 and a half, or three years, whichever is the shorter (for more information about discretionary leave for unaccompanied children, see *Asylum process for unaccompanied children*).

Once someone's discretionary leave is about to expire, the person can apply for extended leave and/or settlement. At this point, the Home Office will carry out an active review of the case and consider

- if the criteria for the original grant of DL still apply to the case;
- if there have been any changes in the country the applicant is from which might change the case and warrant grants of HP or even refugee status.
- If the discretionary Leave was granted on the basis that the applicant was a child, see *Asylum process for unaccompanied children*.

For more information, see the Home Office's Immigration Rules paragraphs 338 to 352 (www.ind.homeoffice.gov.uk > law & policy > immigration rules). See also the Asylum Policy Instructions on discretionary leave at: www.ind.homeoffice.gov.uk > Law & policy > policy instructions > asylum policy instructions

What can I do if...

My client has refugee status/HP/DL and his/her case is being reviewed?

- Ensure your client understands that his/her case may be reviewed so that s/he is more prepared if it does happen.
- Ensure your client applies for indefinite leave to remain (ILR), also known as settlement, before his/her leave expires (see the queries below for more details)

My client has refugee status which is about to expire?

If your client has 'completed' five years of refugee status, s/he is eligible to apply for permanent settlement (or ILR).

- To apply for permanent settlement/ILR, your client should speak to his/her legal representative to ensure they have help completing the correct form.

- Ensure your client approaches his/her legal representative in three to four months before the leave is about to expire.
- Your client's case will be actively reviewed. Discuss this with your client so they are prepared for the process.

My client has humanitarian protection which is about to expire?

If your client was granted HP on or after 30 August 2005 and has 'completed' **five** years of leave, s/he is eligible to apply for permanent settlement (or ILR).

- To apply for permanent settlement/ILR, see query above regarding refugee status

If your client was granted HP before 30 August 2005, they would have been granted HP for three years. When the three years is about to expire, your client can apply for permanent settlement without active review.

My client has discretionary leave which is about to expire?

If your client has 'completed' **six** years of discretionary leave, s/he is eligible to apply for permanent settlement (ILR).

- To apply for permanent settlement/ILR, see query above regarding refugee status

If your client has only had discretionary leave for **three** years and it is about to expire, s/he can apply for an extension of leave.

- To apply for extension of leave, there is a form called HP/DL that should be completed for all such cases.
- Your client's case will be actively reviewed. Discuss this with your client so s/he is prepared for the process.

Note: these applications will become part of legacy casework so clients who applied for extension of leave already and have not yet heard will also get a legacy letter which will need to be completed and returned within 14 days. This should also be discussed with your client so s/he looks out for the letter.

- Your client should speak to a legal advisor about the legacy questionnaire.

My client has applied for indefinite leave to remain (ILR). S/he is still waiting for a decision but his/her refugee status/HP/DL is about to expire?

As long as the applicant applied for ILR before their refugee status/HP/DL expired, s/he retains that status until the Home Office has decided on the application for ILR. This does not affect their entitlement to benefits, work or education in any way.

My client wants to appeal his/her refusal of refugee status and grant of HP/DL?

When an asylum applicant is granted HP or DL, their application for asylum has actually been refused, and people can only appeal against the refusal to grant refugee status if the period of HP or DL they have been granted is for more than one year. This is set out in Section 83 of the Nationality, Immigration and Asylum Act 2002. This is significant as refugee status brings greater rights for people as regards family reunion and travel.

- If asylum applicants are not granted asylum, but HP or DL, they should still be given the full reasons in the Home Office decision letter as to why they were not recognised as a refugee and on what basis they were granted HP or DL.

- Your client should speak to a legal advisor about making the appeal.
- If your client was given DL because s/he was under 18, see *Asylum process for unaccompanied children*.

My client received a positive decision while in initial accommodation?

Your client will have 28 days to within which to access mainstream benefits services. Direct them to their local jobcentre or benefits agency immediately.

Your client will not receive a NASS35 letter (now referred to as ARD 35) as they were not yet in receipt of NASS/BIA asylum support. Jobcentre Plus may ask for an ARD35 when your client applies for benefits.

- To help your client apply for benefits without an ARD35, you will need to contact your client's Case Owner to have them write a letter that confirms your client is not receiving BIA asylum support.

Entitlements for those with a positive decision

Family reunion

Adults with refugee status or HP can apply to the Home Office for their immediate family to join them in the UK, known as 'family reunion'.

Refugees

Those granted refugee status can apply for family reunion immediately. Family members who are successful with their family reunion application should normally also be given refugee status unless they do not wish to be recognised as refugees. (They may, for example, want to be able to continue to travel with their own passport). In this case, they should get the same leave as the refugee, (for example, limited leave to remain for five years or indefinite leave to remain)

Humanitarian Protection or Discretionary Leave

Those with HP and DL can only apply for family reunion if they have permanent settlement (ILR). Family members normally must:

- either have been part of the family unit before the person with HP or DL came to the UK; or
- be other family members such as elderly parents with strong compassionate reasons for joining the person in the UK.

What can I do if...

My client wants to apply for family reunion?

- Your client can ask the Home Office for family reunion for close family members. At the same time, the person abroad should apply to the British Embassy or High Commission in their country under the normal immigration rules. Details are on the Home Office's website at www.homeoffice.gov.uk.
- Applying for family reunion can be a time-consuming process and we recommend that your client seek legal advice.
- Your client should not be charged for the visa application unless they are not immediate family members but have reasons to join the refugee in the UK.

My client needs advice about family reunion?

The British Red Cross can provide advice on family reunion. They coordinate applications for travel assistance for family reunion on behalf of the UNHCR (see www.unhcr.org). The British Red Cross also provide a tracing department which helps people find relatives abroad and a message service where communications have broken down due to war or disaster. (See [Contacts](#))

My client's request for family reunion was refused?

Your client can appeal if the Home Office refuses to accept an application for family reunion even though all requirements are fulfilled or if there is a case to be made on the grounds of the right to family life as set out in Article 8 of the ECHR. Again, it is important to get legal advice on this.

My client is an unaccompanied minor?

Unaccompanied children with refugee status or DL-to-17.5 do not have the right to apply for their parents or any other family members to join them in the UK unless there are compelling reasons.

My client is unsure what status her child now has?

- Children of refugees who are born in the UK take on the same immigration status as their parents. But they do not automatically become British citizens.
- Children of asylum seekers who are born in the UK become part of the main applicant's application.
- Children of an asylum-seeking mother and a British father may be able to take the father's nationality. Speak to a legal representative about this.
- If the mother or father has ILR in the UK, then the child becomes a British citizen by right. Note, however, that this status doesn't also transfer to the spouse if s/he has a different status. Speak to a legal representative for more information.

My client receives benefits?

Immediate family members of refugees do not have to show that their partner in the UK can support and accommodate them. They, like the person with refugee status, are entitled to benefits and access to the labour market.

The settled person with HP/DL is expected to show they can look after newly arrived family members who apply to the Home Office as his/her dependants. Individuals who come in through the family re-union clearance will be entitled to all benefits on arrival.

Travel overseas

Those granted a positive decision can apply for permission to travel abroad.

What can I do if...

My client has refugee status and wants to travel?

People with refugee status are not permitted to travel on their national passports because they are no longer under the protection of that country. If a refugee wishes to travel abroad, s/he can apply for a UN Convention Travel Document (CTD) or 'blue document', which gives the right to travel to any country except the one from which s/he sought asylum. There is a fee for a Convention Travel Document.

For details on how to apply for a CTD and to download an application form, go to:

www.ind.homeoffice.gov.uk > applying > travel documents > how to apply for a travel document

My client has HP/DL and wants to travel?

People with ILR or HP/DL can either continue to use their home country passports (if available and valid) or they may apply for a Home Office travel document called a Certificate of Identity, also called the 'brown document'. (This will be changed to 'Certificate for Travel' in August 2007)

- If your client needs a Certificate of Identity, s/he will need to prove to the Home Office that the authorities of his/her home country have refused to issue your client a passport without adequate reason. The Home Office accepts as proof a letter from the relevant embassy or high commission in the UK.
- However, the Home Office will waive this requirement if leave was granted on the basis of the applicant's fear of authorities in his/her country, or there are no consular facilities for the particular country. If this is the case, applicants must include the Home Office decision letter outlining the reasons for granting HP with the completed travel document application form.
- Your client will also need to prove they have at least six months of leave outstanding.

- The Home Office will issue a travel document only in exceptional circumstances. Please see the Home Office website for more information: www.ind.homeoffice.gov.uk > applying > travel documents > certificate of identify – qualifying criteria
- Please note that authorities in some countries do not accept these as valid travel documents. We advise that you check with the national authorities of the country your client intends to visit before applying.
- It can take a very long time to process a travel document application. Your client must make sure that s/he applies for documentation well in advance of the intended visit. There is a fee for a Certificates of Identity

My client intends to travel and is not sure of his/her visa requirements?

Holders of CTDs must check the visa requirements for the country they intend to travel to.

For example, a recognised refugee whose nationality is Algerian and who has not yet applied and been granted British citizenship, is still a national of Algeria and needs to check whether the country s/he is travelling to requires Algerian nationals to apply for a visa before travelling.

The Council of Europe Agreement on the Abolition of Visas for Refugees 1959, sets out that refugees who travel on a CTD should be able to travel to other EU countries without needing a visa if the trip is for less than three months. However, it is strongly advised to check requirements before travelling as some countries are known not to comply with the Agreement.

From 11 February 2003, the UK has suspended its own operation under this Agreement. This means that people with refugee status from other countries travelling on a CTD need a visa in order to travel to the UK.

My client needs to renew his/her travel document?

To renew, replace or change an existing travel document issued by the Home Office, you need to complete a new travel document application and pay the full fee. For details on what to do exactly, go to: www.ind.homeoffice.gov.uk > applying > travel documents > changing or replacing your current Home Office travel document

Naturalisation/British citizenship

Naturalisation is the process of applying for British citizenship. Those granted refugee status or ILR are not automatically granted citizenship. Citizenship is granted on a discretionary basis. People can apply to gain British nationality if they meet the following key requirements:

- have had ILR for at least one year, and
- have lived in the UK continuously for five years already.

Applicants will also have to show that:

- that they are of good character;
- that they have a good enough understanding of English (or Welsh or Scottish Gaelic);
- that they intend to have their main home in the UK;
- (from 1 November 2005) that they have sufficient knowledge about UK life.

For further information, please contact a legal adviser, law centre or visit the Joint Council for the Welfare of Immigrants website at: www.jcwi.org.uk.

What to do if...**My client wants to apply for nationalisation?**

- Forms and information about applying for citizenship can be found on the Home Office website: www.ind.homeoffice.gov.uk > applying > British nationality
- Your client can also call the Nationality Group Call Centre for more information (0845 010 5200 - calls are charged at local rate). Call Centre lines are open from 9am until 9pm Monday to Friday. This number should be for urgent calls only.

My client is unsure how they are to demonstrate knowledge of the English language and life in the UK?

- If your client has an ability in English at or above ESOL Entry Level 3, s/he can take the 'Life in the UK' test to demonstrate both a knowledge of the language and life in the UK. Your client will need to study the Home Office publication *Life in the United Kingdom: A Journey to Citizenship*. The book is available in all major bookshops. You can also order it online at: www.tso.co.uk/bookshop
- If your client is unsure about his/her level of language ability, they can work through the tutorial on the "Life in the UK" test website www.lifeintheuktest.gov.uk. If your client is unable to fully understand the information then it is likely s/he will need to enrol on an ESOL course (with citizenship/information about the UK) before taking the test.
- The www.lifeintheuktest.gov.uk website also contains a full list of centres where you can take the test. Or you can call the Life in the UK Test helpline on 0800 015 4245. There is a fee for taking the test.
- See also the Home Office 'Frequently Asked Questions' section of the website: www.ind.homeoffice.gov.uk > applying > making an application > Introduction of new rules for people applying for settlement

My client's naturalisation application was successful and now has been asked to attend a citizenship ceremony?

An applicant whose application for British citizenship is successful, is required to take an oath or make an affirmation, and make a pledge at a citizenship ceremony. The oath is about allegiance to the Queen. At the ceremony, applicants have to pledge their loyalty to the UK and that they respect UK law and their duties as a British citizen.

My client is married to a British citizen?

The requirements for people applying for British citizenship on grounds of marriage or civil partnership are different. The Immigration Advisory Service has advice information sheets on naturalisation on: www.iasuk.org > Advice

Voting

Those who are granted refugee status or ILR/ELR/HP/DL can only vote for or stand at elections if they are a Commonwealth citizen or if they have applied and been granted British citizenship.

- To help you find out more about your vote, including how to register to vote or apply for a postal vote, visit the Electoral Commission's websites at: www.electoralcommission.gov.uk or www.aboutmyvote.co.uk

Benefits

People with refugee status or HP/DL are eligible for the following benefits:

- Income support (apply at Jobcentre Plus office)
- Income based job-seekers allowance (apply at Jobcentre Plus office)
- Housing benefit and council tax benefit (apply at the local authority housing office)
- Child benefit (apply at Jobcentre Plus office)
- Social fund, including community care grant for furniture etc (apply at Jobcentre Plus office)
- Disability benefits (apply at Jobcentre Plus office)
- Working families tax credit (client should talk to employer)

Backdated payments of income support for refugees

The Asylum and Immigration Act 1996 first made it possible for asylum seekers granted refugee status to apply for a back-dated lump sum of the difference between support received from NASS/BIA and what they would have received on full Income Support (IS) or Child Benefit.

Note: At the time of writing, the Government was in the process of working with the Department for Work and Pensions on setting up the new loan system to replace the right to apply for backdated benefits. It is expected to operate by the end of 2007. Until then, applying for backdated benefits is still possible.

Social Services

People with refugee status, ELR, humanitarian protection or discretionary leave are entitled to access social services in the same way as any other UK citizen. These can include help for people with physical or mental disabilities, services for older people, child and family care, support for carers, home care, support for young people and young parents and support for people with alcohol and drug problems.

- For information on social services contact your local authority.

What can I do if...

My client wants to apply for backdated benefits?

- Direct your client to his/her local Jobcentre Plus office to apply for backdated benefits. This usually happens at the same time as applying for mainstream benefits.

My client wishes to make a claim for back-dated child benefits?

All claims must be made within three months of a decision being issued. Parents or legal guardians of under 16 year olds or between 16 and 19 year olds in full time education are able to make a claim.

- Parents can request a form from the Child Benefits Office helpline (0845 302 1444) or download one from the Inland Revenue website: www.inlandrevenue.gov.uk

My client is over 60 years old?

If your client is over the age of 60, s/he is entitled to State Pension Credit (SPC) which provides a contribution to a guaranteed minimum income. Pension Credit is dealt with by the Pension Service.

- To find out about entitlements to Pension Credit, you can call the Pension Service's freephone helpline on 0800 99 1234 or visit their website at: www.pensionservice.gov.uk

Moving on from BIA support when granted a positive decision

Asylum seekers who have been supported by the BIA and are granted refugee status or HP/DL, have 28 days from the date of notification of the decision to access mainstream welfare benefits. If accommodated by the BIA, the client will have to leave BIA accommodation within 28 days.

What can I do if...

My client received a positive decision and needs to access welfare benefits?

Direct him/her to a jobcentre plus office if your client is in need of support. If your client is in need of accommodation, direct him/her to the local authority homeless persons unit or housing office to apply for housing benefits. A job starter interview with a job centre will include the opportunity to claim all these benefits. Claims should begin from the date the first appointment is made.

My client needs to move from BIA support to benefits, but the jobcentre staff expect documentation?

Official policy states that the Home Office letter granting status (Immigration Status Document) is enough to demonstrate that a person is eligible to receive welfare benefits. The decision letters are to now include notification that BIA support will end. In practice, however, the majority of jobcentre plus staff expect proof of identity and a NASS 35 letter (now referred to as ARD 35 letter) to prove eligibility for welfare benefits.

- The Refugee Council has published a briefing on NASS/ARD 35 and related issues. It includes a letter to Jobcentre Plus reminding them of their responsibilities. The briefing is also available for asylum seekers in a range of key languages. You can download them from our website – www.languages.refugeecouncil.org.uk > English (or your client's language) > Are you supported by NASS and have been granted a positive decision on your asylum application?

My client received a positive decision while in initial accommodation?

If your client received a positive decision while in initial accommodation, BIA will not automatically send your client a NASS 35 as they have not had a decision on their support application.

- Your client will be part of the NAM system and should therefore speak to his/her Case Owner about proving entitlement to mainstream benefits.
- Also, your client can present proof of his/her new status at the local jobcentre plus office and have the Jobcentre Plus staff request a NASS/ARD 35 form from BIA themselves.

My client has waited six or more weeks for his/her NASS/ARD 35 form?

Contact the BIA on 0208 760 4846 or, if a NAM client, speak to the Case Owner.

My client, with his/her dependents, needs housing?

Families with dependent children are entitled to stay in their BIA accommodation until suitable housing is found and therefore are not expected to leave within 28 days of receiving a decision.

My client, who has refugee status/HP/DL, needs housing?

People with refugee status, HP/DL/ELR are entitled to claim housing benefit and can join the local authority waiting list. In order to qualify for council housing an individual or family must be in 'priority need'. This includes being pregnant, having dependant children, being particularly vulnerable, 16-17 year olds and 18-20 year old care leavers.

- If the housing provider has asked your client to leave, s/he should make a claim for homelessness and seek advice from the local authority housing department. The housing department/homeless persons unit should give your client advice on options in his/her local area.
- After receiving a positive decision, your client may need help finding new accommodation. Contact the local authority housing advice service, CAB or other advice agency.
- If your client is receiving income support, income based job seekers allowance or is on a low income, s/he can get help with housing costs through the housing benefit scheme.
- If your client has started to work, they can rent privately (ensure they sign a tenancy agreement to protect their rights)
- If your client was previously supported by NASS/BIA, s/he is unlikely to have had any experience of paying energy bills in the UK and may need help with this.
- If your client is still struggling to find accommodation, encourage him/her to enquire at local refuge community organisations, other community groups, friends, family and so on. Finding council housing, hostels and affordable housing in the UK is a struggle for everyone.

See the Refugee Council leaflet, *A guide to finding a home in England*

(www.languages.refugeecouncil.org.uk > English > Guide to finding a home in England)

My client received refugee status/HP/DL and now wants to leave the dispersal area and settle elsewhere?

Your client should not leave his/her dispersal accommodation until s/he has arrangements for housing elsewhere. Living in dispersal housing establishes a local connection and allows your client to stay in the area and receive housing benefit.

Section 11 of the 2004 Act establishes, for the purposes of housing legislation, the dispersal area as a local connection for a successful asylum seeker. This means that local authorities do not have a legal duty to house someone or place them on the register if they have come from another local authority. In most cases, someone will have had to spend 6 out of the last 12 months, or 3 out of the last 5 years, in an area to qualify for housing. (However if your client has only spent a couple of weeks in the country, his/her local authority should still help as long as it is the area where your client received his/her status papers).

- If your client has a job or family elsewhere (hence giving them a 'local connection' elsewhere), s/he should investigate his/her eligibility to receive local authority housing in the new area before moving.

My client's claim for support is refused?

If your client does not qualify for benefits, s/he can appeal this decision (the appeal must be made within three months).

- To appeal, your client should seek the help of a CAB.
- In some cases, if the claim is refused after an appeal, your client may be able to apply for judicial review with the assistance of a legal adviser.

There is a delay in obtaining benefits?

- Your client may be able to apply for a crisis loan, request an income support/job seekers allowance interim payment, or be referred to social services if there are children for support under section 21 or the Children's Act.

- If this fails or if the delay causes the client to exhaust these temporary measures, then the client should seek legal advice to try to judicially review the delay.

My client wants to complain about how Jobcentre Plus dealt with his/her case?

- Any complaint, including if your client feels that any requests for information in order to prove his/her identity are unreasonable, should be made first to the supervisor at the Jobcentre Plus.
- If not satisfied, your client can complain further to the customer services manager.
- If this does not work, then your client should write to the manager of your district office with details of the complaint.
- If still unsatisfied, your client can ask Jobcentre Plus for an independent review of the complaint.
- They can also approach their local race equality council if they feel they have suffered racial discrimination.

My client was not given a national insurance number when granted a positive decision?

Your client's Case Owner should help him/her obtain a national insurance number. If your client does not have a Case Owner, s/he will have to go through the following steps to be allocated a national insurance number:

1. S/he can go either to a local Jobcentre Plus or Benefits Agency and complete form CA5400 or s/he can apply for it at the same time as applying for benefits.
2. S/he must bring any of the following identity documents:
 - If applicable: passport, birth certificate, or driving licence; and
 - Standard Acknowledgement Letter (SAL) or Application Registration Card (ARC); and
 - Home Office decision letter showing grant of refugee status or HP/DL/ELR; and
 - two proofs of current address (such as utility bills, tenancy agreement, bank statement).
3. S/he will then be asked for an interview to establish that identity requirements have been satisfied.
4. Once the identity requirements have been satisfied, the local Jobcentre Plus office will immediately begin manual payment of benefits.
5. Eventually, the claimant will be issued with a national insurance number and automated payment of benefits will take over.

Staying in the UK

See the sections on *Health, Education to 18, and Adult education and employment* for more information about these entitlements for those with a positive decision. See also the relevant sections in the [Refugee Council Information Service](#).

Integration

On 9 March 2005, the Government launched its complete integration strategy, *Integration Matters – A National Strategy for Refugee Integration*. You can view the strategy at: www.nrif.org.uk/strategy.asp

The Government has also set up a National Refugee Integration Forum (NRIF) to assist in the integration of refugees in the UK. The NRIF is the link between national, regional and local problem solving. Its primary role is to identify and propose solutions to the issues that refugees face. There are five sub-groups:

- Children and Young Persons
- Accommodation and Community Safety
- Community and Media
- Health
- Employment and Training

The Home Office administers general grant schemes for organisations wishing to help refugees integrate. These include the Challenge Fund and the Refugee Community Development Fund. See the NRIF's website at: www.nrif.org.uk

The SUNRISE Project

A key component of the Home Office's integration strategy was the creation of the Strategic Upgrade of National Refugee Integration Services (SUNRISE). Under the scheme, each new refugee who chooses to participate will work with a caseworker to manage the transition from asylum seeker to refugee. Intensive one-to-one work will take place during the statutory 28-day grace period from when they are recognised as refugees to when they are no longer eligible for BIA support (including accommodation). Longer term support will be reviewed over the next 12 months.

The key objective of the scheme is to facilitate smoother and quicker integration into the refugee's new life in the UK enabling them to meet their full potential and contribute to the community as soon as possible. This is done through a personal integration plan, where the SUNRISE caseworker will look at:

- Housing advice
- Entry into employment, this usually means through arranging and ensuring contact with Jobcentre Plus
- Contact with other services, particularly health and education where this has not already been made or where the refugee moves to another locality
- English-language tuition and training opportunities where needed
- Opportunities for volunteering and for being mentored, if desired
- Information on family reunion
- Contacts with community, cultural or faith organisations if desired

At the time of writing, this service is still in the pilot stage in a couple of cities, but should be rolled out to the rest of the UK by the end of 2007.

- NAM Case Owners will refer those who receive a positive decision to SUNRISE. If your client is not part of the NAM system, you can call your local one stop service to find out SUNRISE providers in your area (see *Contacts*)

Bank accounts

The standard evidence for verifying personal identification is a national passport, photocard driving licence, or national identity card. However, other forms of identification may be accepted for refugees and asylum seekers. These are:

- **Asylum seekers:** BIA Application Registration Card (ARC).
- **Refugee status/HP/DL:** Immigration Status Document (ISD), with Residence Permit or BIA travel documents

The guidelines note that refugees are unlikely to have their national passports and will have been issued with Home Office documents confirming their status. This is the ISD which a refugee will receive without charge from the Home Office when granted status.

For more detailed information, see the Refugee Council briefing paper on how to access bank accounts and credit for business start up [March 07]: www.refugeecouncil.org.uk > policy and research > briefings > 2007

Racial harassment

If asylum applicants or refugees have been attacked, intimidated, or insulted because of their race, ethnicity or national origin, they are victims of racial harassment.

You can download an information flyer on racial harassment translated into various refugee languages from the Refugee Council website at: www.languages.refugeecouncil.org.uk > English (or client language) > Are you a victim of racial harassment?

What can I do if...

My client has been racially attacked?

- Your client should be encouraged to contact the police immediately (either by going to the nearest police station or dialing 999). S/he should tell the police that the attack was racially motivated. The police will give them a crime reference number – it is essential that the asylum seeker keep this number as evidence for future investigations and reports.
- If the client is in BIA accommodation, your client should also report the attack to the housing provider. Otherwise, report the incident to the landlord.
- If the client is in BIA accommodation, feels in danger, and needs to be moved, the incident should also be reported to your regional BIA office (see *Contacts*).

My client doesn't want to approach the police?

Many asylum seekers or refugees are hesitant in approaching the police directly for a variety of reasons. An alternative to reporting at a police station is to ask someone else to report on their behalf.

- To report a racial attack or for details on your local community safety unit, please visit the Metropolitan Police website on: www.met.police.uk/csu/index.htm or call 0800 555 111.

Please see *Contacts* for your region for places to report a racial attack or for details on reporting centres.

My client has left his/her BIA accommodation because of racial attacks?

If someone leaves their BIA dispersal accommodation due to racial harassment before reporting the incident(s) to the police, s/he will be sent back to their dispersal accommodation at his/her own expense. Your client will need evidence that s/he tried to sort out the problem locally before BIA will provide them with other accommodation or re-disperse them.

- See BIA policy bulletin 81 for BIA staff guidance on responding to reports of racist incidents, and protocols for recording and disclosing reports: www.ind.homeoffice.gov.uk > applying > asylum > asylum support policy bulletins

Further resources

See Asylum Decisions section (section 8) of the *Refugee Council Information Service*.

www.adviceguide.org.uk

The online CAB service that provides independent advice on your rights. Has practical and translated information on a wide range of topics (benefits, housing, employment and debt, consumer issues).

www.multikulti.org.uk

Culturally appropriate translated information in the following areas of welfare law: debt, employment, health, housing, immigration and welfare benefits.

www.cih.org

The Chartered Institute of Housing is the professional body for people working in housing. See the findings of the 2005 guide *Housing and support services for asylum seekers and refugees: A good practice guide*, to order go to www.cih.org > cih services > publications

www.shelter.org.uk

Advice, information, casework, training and referral for London's homeless and badly housed, their community groups and organisations serving them.

Shelter freephone helpline: 0808 800 4444

National Homeless Advice Service consultancy line: 0845 120 6446 (agencies only)

Refugee Housing Association

Provides housing and support for refugees and asylum seekers

www.refugeehousing.org.uk