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## Asylum seekers

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An **asylum seeker** is someone whose application for refugee status has been recorded by the Home Secretary, and has not yet had the final decision on it. A person remains an asylum seeker while the application or the **appeals** on it are continuing.

A person can apply for asylum when they arrive in the UK (called **“on-entry”** or “port” applications), and be given **temporary admission** to the UK while the asylum application is dealt with (this is on a form called IS 96). The temporary admission usually continues until they have failed to comply with directions for their removal from the UK. On entry asylum seekers get an Asylum Registration Card (ARC, which contains digitised information and can be read in Home Office machines) in exchange for any passports or other identity documents.

People who apply after they have arrived in the UK are called **“in-country”** applicants. They may have applied while their previous stay (as a student or visitor for example) was still in force, or may apply after “overstaying” for a period, or apply in country having entered illegally (hiding in a lorry, for example). Any Foreign National can apply for asylum at any time, but the longer they wait after arrival in the UK, the greater the risk that their application will be seen as ‘late and opportunistic’ and therefore less credible.

However, it is not always the case that a late application will fail; all asylum applications should be given fair consideration of whether they meet the criteria for a successful claim regardless of when they are made, and it should be noted that often there are reasons why a person has not applied for asylum at an earlier time (e.g. fear, lack of knowledge or understanding of the asylum system or hoping that circumstances will change so that they can return home). In country asylum applicants also get an ARC in exchange for any passports or identity documents.

It is important to note that formally “asylum seeker” is not an immigration status: it simply describes someone who has applied for an immigration status. While waiting for a decision on their asylum application, asylum seekers are barred from access to welfare benefits or council housing and may apply for asylum support.

If an asylum application is successful, the person will be given refugee status, humanitarian protection or discretionary leave. An appeal against a negative

decision is possible.

## **Who can get asylum support?**

Generally, asylum support is available to an adult who has an asylum claim pending, and his/her family/household (which may include non asylum seekers). The claim must be recorded.

An asylum claim is recorded:

- When an application for asylum is made in person on entry to the UK
- As a first claim for asylum in person by appointment or on a walk in basis at the Asylum Screening Unit in Croydon
- Exceptionally as a first claim it may be recorded at a local immigration Enforcement Office if the claim is made by an unaccompanied Minor or a person whose condition is such that they cannot be expected to travel to the ASU (documented or apparent disability or illness)
- When a first application for asylum is made by post only when either medical evidence is available that the person is physically unable to travel or the person is in prison or detention
- As a further submission (fresh claim made on the basis of new evidence that will make a difference to the final decision) if made by a failed asylum seeker whose case is managed by the CRD when made in person at the Liverpool further submissions Unit
- As a further submission by post if unable to travel (similar to above)
- As a further submission as part of a judicial review or other litigation by post
- As a further submission via the case owner if removal directions have been set or the applicant has been accepted on a charter flight
- As a further submission to HOIE staff if the applicant comes to light through enforcement action or through conviction for an offence

Asylum support is provided in different ways:

- Initial accommodation (S98 Immigration and Asylum Act 1999) is used to accommodate those who have just made an application for asylum and are being assessed for further support
- Dispersed accommodation (S95) is offered to whose applications are under consideration (including any appeals made in time) and to those with children whose applications have ended but who have not left the UK

An FNP who is released into the community and has an ongoing asylum case should be able to apply for asylum support.

## **Refused asylum seekers**

A person who has applied for asylum but has not been granted any leave to remain in the UK and has no ongoing asylum application is referred to as a refused or failed

asylum seeker. Many refused asylum seekers remain in the UK for some period of time after they have been refused, usually because they do not have the means or motivation to effect their own removal from the UK and the Home Office lacks the capacity to effect removals.

**Support for refused asylum seekers**

A refused asylum seeker in many cases will have no further entitlement to support and any support that they were receiving from the Home Office will cease when their asylum case is refused.

In some very limited circumstance they may have an entitlement to a form of asylum support known as s4 support.

S4 accommodation and support (cashless via the azure card) is provided to those whose asylum applications have been refused and who have no further appeal rights, but who either sign up for voluntary return or cannot travel to their home country, or, those who at the point that their asylum claim was refused have dependent children under the age of 18 years.

When an asylum seeker makes a further submission, s/he may also apply for asylum support. Asylum support is not granted until the Case Owner has assessed the case to decide whether it fits the definition of a fresh case (which s/he does before considering the merits of the case). If the Case Owner cannot make a decision on this within a reasonable time (15 days) then S4 support is given. Once it is accepted that a fresh claim exists, it is processed like a normal asylum claim and the applicant is entitled to S95 support.

**Employment, Education and Training**

In general, asylum seekers are not permitted to work. They can take up voluntary work if they so wish.

Most higher and further education and any training which has as a qualifying requirement being in receipt of benefits will not be accessible to asylum seekers.

Some community and migrant organisations have courses or activities which can be accessed by asylum seekers and/or refused asylum seekers. However, it may be difficult for an asylum seeker to travel to access courses and activities due to the very low levels of support provided ,currently (Jan 2014) £36.62 per week for a single person over 18, and impossible for a refused asylum seeker who, even if in receipt of support, will not be provided with cash to pay fares.

**Healthcare**

A person with an ongoing asylum claim should be treated by health services as a

person who is 'ordinarily resident' in the UK and should therefore be able to access both primary and secondary health care in the same way as a UK citizen.

The following bullet points are taken from a British Medical Association (BMA) briefing, 'Access to healthcare for asylum seekers and refused asylum seekers – guidance for doctors', November 2012.

- All asylum seekers and refugees are entitled to register with a GP and to receive free NHS hospital treatment.
- GP practices retain the discretion to register refused asylum seekers to the same extent that they have this discretion in relation to registering any patient, regardless of his or her residency status.
- Treatment of certain specified communicable diseases (for example tuberculosis (TB), Hepatitis B and measles), compulsory mental health treatment and treatment provided in an accident and emergency department are exempt from charges for all patients.
- Health professionals must not discriminate against asylum seekers or refused asylum seekers by unfairly prioritising other patients in preference to them.
- In England, refused asylum seekers and asylum seekers who are not receiving benefits may still be entitled to free prescriptions. Prescription charges have been abolished in Wales, Scotland and Northern Ireland.
- Different entitlements to free hospital treatment for refused asylum seekers exist in each of the UK nations.
- It is not the responsibility of doctors to make decisions on the eligibility of patients for free NHS hospital care.
- Refused asylum seekers who were undergoing a course of hospital treatment at the time their claim for asylum was rejected are entitled to receive that period of treatment free of charge until completion.
- Asylum seekers and refused asylum seekers have the same rights to medical confidentiality as other patients.

The situation with regard to refused asylum seekers is somewhat more complex.

As noted above, there is no restriction on any GP registering a refused asylum seeker.

In respect of hospital care, there are some forms of hospital care which are always free to anyone. They are:

- accident and emergency services (excluding treatment provided after a patient has been admitted as an in-patient or is given an out-patient appointment)
- family planning services
- treatment of certain communicable diseases such as measles, tuberculosis and pandemic flu
- treatment for sexually transmitted diseases (see below for HIV)
- treatment required under mental health legislation or by order of a court.

In England, treatment for HIV is free for anyone. Elsewhere in the UK, HIV treatment for non-exempt overseas visitors can be restricted to the initial diagnostic test and associated counselling.

All other hospital treatment will be free to refused asylum seekers who are in receipt of s4 support, but other refused asylum seekers will not be entitled to any hospital support which is not deemed immediately necessary and may be charged for any services provided.

**Resources**

The Home Office has funded a charity called Migrant Help to provide advice and assist with applying for asylum support. They can provide assistance by telephone in a range of languages on the telephone numbers\* below:

**English (and any other language) - 0808 8000 631**

**Albanian - 0808 8000 621**

**Amharic - 0808 8000 623**

**Arabic - 0808 8000 625**

**Bengali - 0808 8000 627**

**Chinese Mandarin - 0808 8000 629**

**Farsi - 0808 8000 633**

**French - 0808 8000 635**

**Punjabi - 0808 8000 637**

**Pushto - 0808 8000 639**

**Somali - 0808 8000 641**

**Tamil - 0808 8000 643**

**Tigrinya - 0808 8000 645**

**Urdu - 0808 8000 647**

**Vietnamese - 0808 8000 649**

\* Please note that these calls are not free from most mobile telephone providers.