

## **Asylum and claiming asylum – First steps**

This article seeks to assist those who may wish to find out more about what asylum is, who may wish to claim asylum and how to go about claiming. Asylum, as an issue, is never far away from the headlines and often receives a bad press. This may deter some genuine claims from people perhaps intimidated by asylum, the process of claiming asylum and what the consequences may be for claiming asylum. However, with the right legal advice, a person wanting to claim asylum can obtain guidance that will provide clarity to the process.

### **What is asylum?**

In basic terms, asylum is where refuge is provided for a person fearing persecution or serious harm in their home country seeks refuge in another country. A person who enters the process of claiming asylum is known as an asylum seeker.

### **How to claim asylum?**

It is the UK Border Agency (part of the Home Office) that determines asylum claims in the United Kingdom.

As of 14 October 2009, the UK Border Agency has made changes as to how to claim asylum in the United Kingdom. Previously a person wishing to claim asylum was required to attend an Asylum Screening Unit (ASU) in either Liverpool or Croydon (near London).

However, it is no longer possible to claim asylum at Liverpool ASU. A person seeking to claim asylum must therefore attend Croydon ASU which operates both an appointment system and a walk-in service.

Details of the addresses and times that a person may claim asylum can be found on the UK Border Agency website at:

<http://www.ukba.homeoffice.gov.uk/asylum/claimingasylum/howtoclaim/>

Asylum claimants will need to take identity documents (if available) and any family members they wish to be included on their claim. Asylum claimants are now required to provide four passport sized photographs and evidence of accommodation. At Croydon ASU, the asylum claimant will be asked to provide basic information such as name, nationality and addresses. At this stage, the specific reasons for why a person is claiming asylum will not be sought. However, it may be that the UK Border Agency undertakes a Screening Interview when a person claims asylum or it may be carried subsequently depending on their available resources. Whilst the Screening Interview is not where full details of a person's asylum claim will be sought, information obtained by the UK Border Agency may nevertheless be utilised throughout the asylum process. It therefore carries importance and advice should be sought in advance of attending any such interview.

The asylum claimant will also be asked to provide their fingerprints and usually photographed, following which an Asylum Registration Card (ARC) will be issued confirming a claim of asylum.

There may be exceptional factors where a person may not have to claim asylum at Croydon ASU:

- those held in an immigration or criminal detention centre who have not previously claimed asylum who will be able to claim whilst in detention;
- unaccompanied asylum seeking children are now required to attend Croydon ASU in all but exceptional cases, for example: where the distances to travel are too far or the child's circumstances are such that they cannot to travel; and
- those who have a disability/severe illness and are physically unable to travel.

If you are thinking of claiming asylum, you should think about obtaining legal advice earlier rather later, especially in light of the recent changes. A legal advisor will be able to provide more details as to the merits of an asylum claim as well as guide an asylum claimant through what may be the unfamiliar and complex process of claiming asylum.