



Bishop's Advisor for Refugee

Fact sheet for asylum seekers

Definition

ASYLUM SEEKER: A person who has made a claim for asylum in the UK under the UK's responsibilities pursuant to the Refugee Convention 1954 based on a genuine fear of persecution in the person's home country on one of the below grounds:

race

religion

nationality

political opinion

anything else that puts the asylum seeker at risk because of the social, cultural, religious or political situation in your country, for example, your gender, gender identity or sexual orientation

Fleeting conflict/war is not a ground for asylum unless a person can prove genuine fear of persecution based on one of the above grounds.

REFUGEE: A person whose asylum claim has been granted

HUMANITARIAN PROTECTION: A person fleeing war/conflict can apply for Humanitarian Protection

ASYLUM SEEKER'S RIGHTS

RIGHT TO PAID WORK for over 18 year olds

Entered the UK with a visa that allowed them to work and made a claim for asylum before such leave had run out? Yes

Entered the UK without a visa or permission to enter the UK from the Home Office? Not for the first 12 months – after the first 12 months, asylum seekers awaiting an initial decision or failed asylum seekers whose further submissions have been outstanding for more than 12 months can apply for the right to work.

The Home Office must consider best interest of a child when considering an application for right to work even during the first 12 months

Children under the age of 18 cannot apply for right to work

Asylum seekers awaiting an initial decision on their claim or failed asylum seekers who have

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Church House Guildford, 20 Alan Turing Road, Guildford, Surrey, GU2 7YF

outstanding further submissions should submit any request for permission to work by post to:

Permission to Work Team

Level 0

Capital Building

Old Hall Street

Liverpool

L3 9PP

RIGHT TO VOLUNTEERING/UNPAID WORK

All asylum seekers over the age of 18 have a right to carry out unpaid work as volunteers. They should not be remunerated through money or benefits in kind.

Children under the age of 18 can only undertake work placement or unpaid work if that relates to their education

RIGHT TO RENT

Asylum seekers over the age of 18 who entered the UK without permission from the Home Office (visa/entry clearance) do not have the right to rent. If they want to rent accommodation, they must apply to the Home Office for the right to rent.

All asylum seekers who are under the age of 18 can rent accommodation. Such a right will continue when they turn 18.

However, if a person were granted leave to enter the UK as a visitor, worker, student, etc they would normally have the right to rent. If such a person applies for asylum before their visa expires, the right to rent will continue.

The right to rent requirement does not apply to holiday accommodation or a house guest.

RIGHT TO OBTAIN A UK DRIVING LICENCE

Did the asylum seeker have valid leave to enter or remain in the UK for six months or more before making the claim for asylum? If so, then they will have right to drive; otherwise, they will not

RIGHT TO HAVE BANK ACCOUNT

Ditto as above

RIGHT TO STUDY

All asylum seekers have right to study at schools, colleges, and universities unless they have a “no study” bail condition on your Bail 201 letter

*The above Face Sheet is provided **by Attieh Fard**, a solicitor and Immigration/Refugee advisor to the Bishop of Guildford attieh.fard@cofeguildford.org.uk This document is not immigration advice. Immigration legislation, immigration rules and Home Office guidance may change from time to time. It is therefore important that this document is used as preliminary guidance only and that legal advice is sought for any particular case.*