



Refugee FAQs

On Asylum Seekers and Refugees in the UK

1. What are the main reasons that people become refugees, and what other reasons drive people from their homes and across borders?

There are many reasons. But a refugee is always someone facing persecution in his or her country of origin/nationality for one of five reasons – these include political opinion, religion and race. Normally, those forced to move by natural disaster are not refugees, though in the popular media, this term is often used to describe such people. Those fleeing from a civil war may also not be refugees if none of the specific reasons applies to the undoubtedly very serious harms that they are at risk of in their country of origin/nationality.

2. Is seeking asylum legal?

While it is lawful to seek asylum, an asylum-seeker may need to break immigration laws to get to another country to make an asylum claim. The UK, will not normally accept asylum claims from outside the UK. It's immigration laws require most migrants to obtain permission before travelling to the UK. There are some exceptions to this, but those countries from where permission is not required to travel to the UK, tend to be countries from which someone is unlikely to need or want to seek asylum – e.g. Australia, Canada, USA etc. The UN Refugee Convention requires that a State should not penalise refugees for having to cross borders in breach of immigration laws in order to seek asylum.

3. What's the difference between an asylum seeker and a refugee?

An asylum-seeker is someone asking for asylum, asking another country that is not their country of origin/nationality, to permit them to live and receive the protection of that other country. A refugee is someone who is outside their country of origin/nationality and is at risk of persecution if returned to that country, as defined more fully by the UN Refugee Convention. In the UK, most refugees are people who are either seeking asylum or have sought asylum and then formally been recognised

as being refugees. Many asylum-seekers are refugees, of whom in due course the UK Home Office should recognise their status as refugees and grant them asylum.

4. Are the terms refugee and asylum seeker mutually exclusive? May an asylum seeker who is waiting for their asylum application to be processed also be a refugee?

The terms are not mutually exclusive. A person is a refugee by virtue of meeting the UN Refugee Convention definition. Subject to the provisions of that Convention they should be granted asylum. A refugee, therefore, may seek asylum (i.e. ask that another country, e.g. the UK, formally recognises his or her refugee status). Thus, the UK does not (and cannot) give or refuse refugee status. It does operate a system to determine whether someone is or is not a refugee and if accepting the person is a refugee it usually provides them an immigration status permitting them to live in the UK (refugee leave). It does not thereby grant refugee status. Rather it acknowledges its international obligations to the refugee and grants a UK immigration status to reflect those obligations.

5. If someone's asylum application is not approved, what are they?

If someone is refused asylum, they are just that – a person refused asylum. In some cases, the refusal is incorrect and the person remains a refugee but is yet to be recognised as having that status. Those refused asylum usually are permitted to appeal within the UK. They continue to be treated as asylum-seekers unless and until their appeal is finally decided. If the appeal is dismissed, they will be treated differently – as refused asylum-seekers – though in some cases, a refused asylum-seeker may once again become treated as an asylum-seeker if he or she makes a fresh asylum claim setting out new material or information to establish their entitlement to asylum.

6. How come asylum seekers and refugees get priority access to housing and benefits, i.e. get put above British people on the council housing list.

They do not. Asylum-seekers do not have access to council housing or to social security benefits. If an asylum-seeker is recognised to be a refugee, they will be granted refugee leave (permission to remain in the UK) and then may be entitled to council housing and/or social security benefits on the basis of the very same criteria as British citizens. Asylum-seekers, whose asylum claims or appeals remain outstanding, can (if they would otherwise be destitute and homeless) receive

accommodation and support from the Home Office at rates substantially below that for social security. Most asylum-seekers access this support because they are not permitted to work in the UK, so cannot support themselves. Refused asylum-seekers may be entitled to some support from the Home Office if they are for the time being unable to return to their country of origin/nationality.

7. Do refugees and asylum seekers have the right to work in the UK?

Asylum-seekers are normally refused permission to work in the UK. They may be permitted to take work if they have been waiting for more than a year for a decision on their asylum claim (i.e. the decision by the Home Office before any appeal). This is now very rare. If an asylum-seeker is recognised to be a refugee, and granted permission to remain in the UK, then he or she will be free to work like any British citizen.

On Refugees

8. What percentage of refugees are able to return home?

A refugee is someone who cannot return home safely. If someone is no longer at risk of persecution in his or her country of origin/nationality, he or she ceases to be a refugee. However, this does not mean it will be appropriate to expect them to return home. Much will depend upon what has happened in the intervening period – how settled have they become in the country in which they have sought asylum (e.g. the UK), to what could they return in their country of origin/nationality. Consider: their family may now be settled in the UK, they may have established a new family in the UK, and they may have no family or community left to return to.

9. How do refugee children get access to education and schooling in the UK?

The UN Refugee Convention includes that refugees should have the same access to elementary education as citizens of the country in which they have sought refuge. As regards all other education, it says that refugees should have at least as good access (including as regards remission of fees) as the most favoured foreign nationals in that country. In the UK, education up to aged 18 years is available to all children regardless of immigration status, so child asylum-seekers up to this point should have access to education provided by a local authority. In practice, older children sometimes face bureaucratic difficulties, especially where a school is not properly aware of its obligations. Some local authorities provide alternative projects for children while they are waiting to find a school place. However, refugees may have

difficulty accessing higher education (or post-18 further education) – either because it is not clear whether they will be in the UK to complete a course, or because they cannot afford a fee and cannot obtain a fee exemption. Once a refugee is formally recognised by the Home Office to be a refugee, these difficulties should be resolved. Someone granted refugee leave (the immigration status given to a refugee once the UK has acknowledged the person to be a refugee) should be treated as a home student, so may be eligible for any fee remission on the same basis of the same criteria as a home student. In some circumstances, other asylum-seekers may also be eligible to be treated as a home student – e.g. if they have not been recognised to be refugees, but have been granted permission to remain in the UK for an extended period such as may happen when someone is at risk of serious harm if returned to his or her country of origin/nationality but not for one of the five specific reasons relating to refugees.

10. What difficulties are faced by refugees in seeking asylum in the UK etc.?

There are many difficulties, and some may be greater for some refugees than others. Many refugees have suffered traumatic experiences. They may have been tortured, they may have suffered during their journeys to the UK (e.g. think of those who have survived when boats have sunk in the Mediterranean.), or they may have become separated from family and not have any news about family members or witnessed family members being killed. Many refugees also find the system and their treatment in the UK to be traumatising, being isolated, not familiar with the culture or language, being asked to retell their story repeatedly – including traumatic events, being ‘dispersed’ (see below), being detained, being racially abused, or being unable to work or fill their days with meaningful occupation. Thus, many refugees (including after they have been recognised to be refugees and granted permission to remain in the UK) suffer significant mental health difficulties. Refugees also have difficulty getting good immigration advice and representation. This is particularly problematic because poor advice or representation may cause their asylum claim to be refused, and lead to them being detained and facing being returned to the country where they face persecution. Dispersal can exacerbate some of these problems. Refugees are not normally allowed to work unless and until their refugee status has been formally recognised by the Home Office. Hence, most refugees must rely upon the Home Office to provide accommodation and some financial support. Home Office accommodation is provided in different parts of the country, and while they are still seeking asylum refugees may be moved to accommodation far from friends, community, lawyers and other supporters (including healthcare providers). This

experience is for many quite disorientating. As for financial support, this is provided at far below the level of social security benefits provided to British citizens (the basic rate for otherwise destitute asylum-seekers is just over £5 per day). Some refugees find themselves homeless and destitute; and some are or become vulnerable to labour or sexual exploitation.

On Refugee and Migrants

11. How does the treatment of irregular migrants and regular migrants differ?

A regular migrant in the UK is someone permitted to be in the UK. There may be conditions on that permission, and it may only last for a limited period of time. For so long as the migrant keeps to any conditions and while his or her permission (called leave) continues, the migrant is free to remain in the UK.

An irregular migrant has no permission to be in the UK. Unless they are able to regularise his or her status (i.e. become a regular migrant by applying for permission to remain in the UK), they may be detained and removed from the UK. The irregular migrant will also be subject to laws, which mean they cannot lawfully work in the UK, and an employer may in future be fined for employing such a person. The Government has recently passed laws to extend these sorts of difficulties so that some landlords may be fined for providing accommodation to irregular migrants; and intends to extend laws to exclude these people from free emergency and other healthcare.

12. Can refugees be regular or irregular migrants?

Some refugees will be regular migrants and some will be irregular migrants. 'Regular' here simply refers to whether a migrant is complying with domestic immigration laws – so in the UK, if the person needs a permission (e.g. a visa) to travel to the UK do they have permission? And if they need permission to remain in the UK have they got permission? There may be conditions on any permission that a migrant may have been granted, about whether they are permitted to work or not or how long they are permitted to stay in the UK. For most refugees there is no permission, they can obtain travel to enter and stay in the UK before arriving here. Most refugees, however, come from 'visa countries'. Which are countries that the UK requires a person to obtain a visa before travelling there. When most refugees travel to the UK, and many of those who enter the UK and then claim asylum - do so as irregular migrants. Some refugees are 'resettled' to the. In 2014 the UK resettled a small

number of Syrian refugees. It also has a relatively small programme with UNHCR to resettle refugees from elsewhere in the world in the UK. Resettled refugees are agreed to be taken by the UK before they arrive here or travel to the UK. So they are regular migrants. Some refugees may also qualify to migrate to the UK as students or to work. They may never even seek asylum, because they have an alternative regular migrants' route to escape from persecution – though if the period for which they are permitted to be in the UK comes to an end and the risk to them continues - they may then need to seek asylum.

13. Are refugees treated differently to other irregular migrants?

Remember that some refugees will be regular migrants. For the many refugees that travel and/or arrive in the UK as irregular migrants, they are in a different position to other irregular migrants. The UN Refugee Convention provides that they should not be penalised for having broken immigration laws in order to seek asylum. In the UK, there is a specific defence in criminal law relating to breaches of immigration law, which is intended to protect refugees from prosecution. However, the Convention does not provide a blanket protection for any refugee to breach immigration laws –it merely seeks to ensure that immigration laws are not used to prevent or penalise the refugee who needs to breach these laws in order to obtain asylum. Even so, there have been several instances in recent years where refugees have been wrongly prosecuted and convicted of immigration-related offences despite this protection. This remains a serious concern.

On Amnesty International's work with Refugees

14. What is Amnesty doing to help refugees in the UK?

Since 2006, Amnesty has joined together in a coalition of organisations campaigning to end destitution among asylum-seekers and those refused asylum (including those who have been wrongly refused – e.g. because they received poor legal advice or representation). This coalition is called Still Human Still Here. More information about Still Human Still Here is available at: <http://stillhumanstillhere.wordpress.com/> Over the last decade, Amnesty has conducted and published research relating to detention, destitution and poor quality decision-making on refugees' asylum claims. Some general information about Amnesty International UK's work relating to refugees is available at: <http://www.amnesty.org.uk/refugee-asylum-seeker-migrant-human-rights>