

Asylum in the UK

Information for Lesbian,
Gay, Bisexual, Transgender
and Intersex (LGBTI) People

July 2014

The logo for the Scottish Refugee Council, featuring the text "scottish refugee council" in a lowercase, sans-serif font, enclosed within a white square with a thin blue border. The logo is positioned in the bottom right corner of the cover, overlapping the white and blue sections of the stylized flag.

scottish
refugee
council

What is asylum?

Asylum is protection offered by another country because a person is in fear of being persecuted in their own country.

If you are in Scotland or any part of the United Kingdom (UK) and fear going back to your home country because of persecution that you would face there, you may be granted asylum and given protection by the UK Government.

Scotland has its own parliament and government with responsibility for issues such as health, education and justice. However Scotland is part of the UK, which retains power over a number of areas including immigration and asylum. This means that if you are in Scotland and claim asylum, it will be the responsibility of the UK Government to decide whether you will be granted asylum.

To be granted asylum you would need to satisfy the Home Office (the department of the UK Government that deals with claims for asylum) that you meet the definition of a 'refugee' set out in the 1951 UN Refugee Convention. Under this definition, you have to show that you have a *well-founded fear of persecution* in your country based on one of the following reasons:

-  Your race;
-  Your religion;
-  Your nationality;
-  Your political opinion; or
-  Your membership of a particular social group.

Can I be recognised as a refugee if I face persecution in my country because of my sexual orientation, gender identity or sex?

If you are afraid that you are at risk from serious harm if you go home because you are gay, lesbian, bisexual, transgender or intersex (LGBTI) then you may qualify for asylum.

You would need to demonstrate however that the conditions in your country for those who are open, or perceived to be open about their sexual orientation, gender identity or sex, amount to persecution in law.

It is important to note that whilst you may think that it will be much easier for you to live a more open life in the UK than in your country, this alone does not mean that you will be granted asylum by the UK Government.

What do I need to prove to be recognised as a refugee on the basis of my sexual orientation or gender identity?

You need to convince the Home Office that because you are LGBTI that there is a reasonable degree of likelihood that you would face serious harm if you go home.

Serious harm includes violence, acts of torture, lengthy imprisonment or death. As well as physical danger, very severe discrimination may amount to serious harm in some cases.

You also need to show that there is no protection against persecution in your country because you are gay, bisexual, lesbian, transgender or intersex. This means showing that the threat of serious harm comes from your government or groups

and individuals in your country from which your government is not willing or is not able to protect you.

You will need to be clear what the serious harm is that you fear and that this is justified and objective. This could be by showing that you have been persecuted in the past or if you have not been persecuted by showing that you would be in real danger upon your return to your home country by giving evidence of the current situation in your country.

Claiming asylum is not an easy way to remain in the UK. Many cases for asylum are refused for a number of different reasons: the Home Office may believe people's claims lack credibility; people's fear of returning home is 'not well-founded'; or what people fear is not serious enough to qualify as persecution. You should only make an asylum application if your fear of persecution is real.

I am not open about being LGBTI. Can I still apply for asylum?

You cannot be expected to return to your country and keep your sexual orientation, gender identity or sex secret to avoid persecution. This is the case if you are open about who you are or if you have kept your identity secret. If you kept your identity secret in your country and a part of the reason why you did this was to avoid persecution, then you may qualify for asylum.

How do I apply for asylum?

You should contact Migrant Help by telephone: 0808 8000 630. Migrant Help is an independent organisation funded by the Home Office to provide information and advice to people seeking asylum. They will tell you how to register your claim for asylum.

If you are afraid for your safety in Scotland then you should approach the police.

To register a claim for asylum, you will first go through a process called screening where you will need to tell an immigration officer who you are, how you arrived in the UK and basic information about why you are claiming asylum. You will be interviewed in detail about your asylum claim at a later date, known as the substantive asylum interview.

Home Office policy states that people who wish to claim asylum after entry into the UK have to register their claim at the Asylum Screening Unit in Croydon. In very exceptional cases asylum claims can be registered locally. This means that although you are in Scotland and you wish to claim asylum it is likely that you will have to travel to Croydon, in South London.

You can either make an appointment in advance at the Asylum Screening Unit or attend a walk-in service. If you want to guarantee that you will be seen on a particular day, it is recommended that you make an appointment.

Phone: **020 8196 4524** for appointments

Address: Lunar House, 40 Wellesley Road, Croydon CR9 2BY

When is the Asylum Screening Unit open?

The appointment line is open Monday to Thursday, 9am to 4.45pm and Friday, 9am to 4.30pm.

The Asylum Screening Unit is open between 7.30am and 4.00pm, Monday to Friday.

How long does it take to register an asylum application?

The process of registering an asylum application at the Asylum Screening Unit can take up to 4 hours to complete. There is also a possibility you may be detained. If immigration officers decide to detain you, they will give you a letter explaining why.

How do I get from Glasgow to Croydon?



You can get an overnight bus from Glasgow (Buchanan Bus Station) to London (Victoria Coach Station). The journey takes 8 hours. A ticket costs approximately £36-£40. This is the cheapest way to travel from Glasgow to London. Once you arrive at Victoria Coach Station, you will need to walk approximately 5 minutes to Victoria Train Station to buy a train ticket to East Croydon Station. Tickets generally cost £4.40-£6.00. Trains run every 15 minutes. The journey takes around 20 minutes. Once you arrive in East Croydon Train Station, make your way to the Asylum Screening Unit (Lunar House) on 40 Wellesley Road. It is approximately a 10-minute walk from East Croydon Station to the Asylum Screening Unit.

Will the Home Office pay my travel costs?

The Home Office does not refund travel costs or provide any financial assistance to travel to the Asylum Screening Unit.

Will I receive financial support or somewhere to live?

You are usually not allowed to work during your asylum claim. If you do not have any savings or anywhere to stay, you will be entitled to accommodation and financial assistance from the Home Office. Accommodation will be provided on a 'no-choice' basis. This means that you may be given accommodation in any part of the UK.

Should I speak to a lawyer about my asylum claim?

Applying for asylum is a complicated process and you have a right to legal advice.

It is very important that you find a legal representative (solicitor, lawyer or qualified immigration advisor) and get legal advice as soon as possible because there are very short timeframes for providing evidence needed to support your claim for asylum.

If you have little or no money, you are likely to be entitled to free legal advice to help with your asylum claim. Your legal representative will explain this, and identify what they can do for you.

If you are in Scotland you can find contact details of legal representatives in Scotland (Glasgow and Edinburgh) who specialise in asylum cases on Scottish Refugee Council's website:

www.scottishrefugeecouncil.org.uk/how_we_can_help

The Scottish Legal Aid Board (SLAB) and the Law Society of Scotland also provide lists of solicitors.

www.slab.org.uk/public/solicitor-finder/

Law Society of Scotland:

www.lawscot.org.uk/wcm/lssservices/find_a_solicitor/Core/directory.aspx

If you are in other countries of the UK (England, Wales, Northern Ireland) you should contact Migrant Help on **0808 8000 630**.

What information do I need to give to the Home Office during my asylum interview?

You will be interviewed by a Home Office caseworker dealing with your claim who will ask you to explain why you fear being persecuted. This will involve you giving a detailed account of your experiences. You should be prepared to talk about your identity and how the situation in your country affects how you can express yourself.

You do not need to talk about sexual acts to prove whether you are LGBTI. However it is important to talk about how your identity was formed and how it has made you different.

You will need to explain in detail about any persecution that you have experienced in the past. If you have not suffered persecution in the past, you must explain why you believe that you will be persecuted in the future.

You should provide objective information from the media or human rights organisations showing that the kind of persecution you describe does in fact occur in your country. It will help your case if you have evidence that demonstrates that your fear of persecution is real and other people similar to you have been persecuted because of their sexual orientation, gender identity or sex. Your legal representative can help you with this.

Your legal representative may also discuss with you whether the grounds for your asylum claim should be made on your race, religion, nationality, or your political opinion rather than because you are LGBTI.

What happens if my claim for asylum is refused?

If your claim for asylum is refused by the Home Office, then you will have the right to appeal this decision to an independent judge in the immigration and asylum tribunal.

What happens if my claim is successful?

If you are recognised as a refugee then you will be granted refugee status and given leave to remain in the UK and have many rights similar to citizens of the UK. If you are in Scotland, Scottish Refugee Council can assist you to find accommodation and to access welfare benefits, education and employment.

I know no-one in Scotland. Where can I get support?

There are a range of LGBTI support organisations in Scotland who you can turn to for support. These agencies and groups will respect your privacy and will not discuss your details with anyone unless you agree for them to do so.

- 🚩 Unity LGBT group is a support group for Lesbian, Gay, Bisexual and Transgender asylum seekers and refugees in Glasgow. They meet twice a month, usually on a weekend. Contact them for more information at lgbtunityglasgow@gmail.com or call **0141 427 7992**.

👉 LGBT Youth Scotland is the largest youth and community-based organisation for lesbian, gay, bisexual and transgender (LGBT) people in Scotland. **www.lgbtyouth.org.uk** or **0141 552 7425**. Facebook and Twitter: **lgbtys**

LGBT Youth Scotland offers local groups and drop-in sessions, where young people can meet their LGBT or questioning peers in a safe and friendly space, or seek advice and support from trained youth workers.

👉 Stonewall Scotland: **www.stonewall.org.uk/scotland** works for lesbian, gay, bisexual and transgender equality. Their website provides information on a range of topics, including hate crime, housing, asylum, health and adoption and fostering. They have produced more detailed information about LGBT and asylum **www.stonewall.org.uk/documents/stoasylum_guide.pdf**

👉 The Equality Network: **www.equality-network.org** works for lesbian, gay, bisexual, transgender and intersex (LGBTI) equality and human rights in Scotland. They run a number of projects and their website provides information on LGBTI rights, news and events. The Scottish Transgender Alliance, part of the Equality Network, works to improve gender identity and gender reassignment equality, rights and inclusion in Scotland: **www.scottishtrans.org**

For information on support in other parts of the UK, go to: **www.uklgig.org.uk**

Further information on asylum:

Home Office:
www.gov.uk/claim-asylum

Migrant Help:
asylumhelpuk.org/

UK Lesbian and Gay Immigration Group:
www.uklgig.org.uk/asylum.htm

Scottish Refugee Council:
www.scottishrefugeecouncil.org.uk

LGBTI describes a diverse group of people who do not conform to conventional or traditional notions of male and female gender roles. LGBTI people are also sometimes referred to as “sexual, gender and bodily minorities”. A **lesbian** is a woman whose enduring physical, romantic and/or emotional attraction is to other women. **Gay** is often used to describe a man whose enduring physical, romantic and/or emotional attraction is to other men, although the term can be used to describe both gay men and lesbians. **Bisexual** describes an individual who is physically, romantically and/or emotionally attracted to both men and women. **Transgender** describes people whose gender identity and/or gender expression differs from the sex they were assigned at birth. The term **intersex** covers bodily variations in regard to culturally established standards of maleness and femaleness, including variations at the level of chromosomes, gonads and genitals. **Homosexual** refers to women or men who are attracted primarily to people of the same sex. The term is considered by many to be derogatory.

Sexual orientation refers to each person’s capacity for emotional, affective and sexual attraction to, and intimate relations with, individuals of a different or the same gender or more than one gender. **Gender identity** refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth. **Gender expression** refers to each person’s external manifestation of gender, which can correspond or not with culturally normative expectations in terms of masculinity or femininity. **Sexed bodies** (defined broadly by each person’s chromosomes, genitals and gonads) may vary from culturally established standards of maleness and femaleness, and constitute a key component of **bodily diversity**.

Adapted from UN High Commissioner for Refugees (UNHCR), *Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement*, 2011

In 2015 Scottish Refugee Council will celebrate 30 years of working to ensure that all refugees in Scotland are treated fairly, with dignity and that their human rights are respected.

Our vision is for a Scotland in which all people seeking refugee protection are welcome.

As an independent charity, we're here to provide essential information and advice to people seeking asylum and refugees in Scotland where we can. But that's just part of the story: We also campaign for political change, raise awareness about issues that affect refugees; and we work closely with local communities and organisations.

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