

ILPA information sheet

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Steve Symonds ILPA Legal Officer 020-4790 1553 steve.symonds@ilpa.org.uk

Immigration Law Practitioners' Association www.ilpa.org.uk 020-7251 8383 (t) 020-7251 8384 (f)

Making Asylum Claims and Further Submissions

14th October 2009

On 13 October, the UK Border Agency announced changes to:

- how asylum-seekers can make asylum claims; and
- how refused asylum-seekers can make further submissions, including making fresh claims (see “Fresh Asylum Claims” information sheet of May 2007)

This information sheet provides information on these changes. There are four changes. These are explained under separate headings below. The changes took effect on 14 October 2009.

Where to make an asylum claim

Asylum claims may be made at ports of entry to the UK (at the immigration control desk). An asylum-seeker who enters the UK before making his or her asylum claim may claim asylum at an Asylum Screening Unit (ASU). An ASU is the office of the UK Border Agency at which asylum claims can be received and initial information taken from the asylum-seeker. This includes information about how the asylum-seeker has travelled to the UK, and basic personal information such as the individual's name, nationality and date of birth.

Before 14 October, there were two ASUs. One was in Liverpool, the other in Croydon. From 14 October, the Liverpool office is no longer an ASU. There is now, therefore, only one place in the UK at which an asylum-seeker may go to make an asylum claim. That is Croydon ASU. It is UK Border Agency policy that asylum claims must be made in person. Unless he or she is detained, someone who wishes to make an asylum claim will be expected to travel to Croydon in order to make his or her claim. It does not matter where in the UK he or she is.

The address of the Croydon ASU is: Lunar House, 40 Wellesley Road, Croydon CR9 2BY.

Where to make further submissions

Further submissions (sometimes called further representations) are what someone may make if he or she has been refused asylum and wants to make a new request to the UK Border Agency to permit him or her to stay in the UK. More information is given in the “Fresh Asylum Claims” information sheet.

Before 14 October, further submissions were usually made in writing by fax or by post.

From 14 October, the UK Border Agency has announced that it will not accept further submissions by fax or by post. It now says that:

- Further submissions by someone who made an asylum claim before 5 March 2007 must be made in person at the Liverpool Further Submissions Unit (FSU). This is the UK Border Agency office that used to be the Liverpool ASU. To do so the person must first telephone 0151-237 0980 to make an appointment.
- Further submissions by someone who made an asylum claim on or after 5 March 2007 must be made in person at the reporting centre at which the person regularly reports. If the person reports to a police station, or cannot or does not want to wait for the next time he or she is due to report, he or she should contact the case owner (the UK Border Agency official who is responsible for the person's case) to make an appointment.

There are some exceptions to these new requirements. If someone is arrested or detained by the UK Border Agency, has received removal directions or has an outstanding judicial review claim, these requirements will not apply. If someone cannot attend an appointment because of some physical or mental impairment, the UK Border Agency says that it will consider making an exception in his or her case if medical evidence is provided to show that he or she cannot travel.

Further submissions form and guidance

The UK Border Agency has now issued a form which can be used to make further submissions. However, even if using the form, a person will now need to deliver the form in person as described above. The form is available on the UK Border Agency website.

There is no requirement to use the form.

In the past, the Immigration and Nationality Directorate (the old name for what is now the UK Border Agency) used a standard form for asylum claims. In 2007 the form was abandoned. This was because the form was often unsuitable for presenting information fully and clearly. The new further submissions form suffers from the same problem. It may be better not to use the form. A letter explaining why the UK Border Agency should now give permission for the individual to stay in the UK, referring to any relevant evidence that is relied upon, will often be clearer. If documentary evidence is relied upon and has not been given to the UK Border Agency before, it will usually be necessary to include a copy with the further submissions. If it is not in English, a translation will need to be provided.

Comment

ILPA, and others, have protested to the UK Border Agency about these sudden changes. They are unnecessary, and may prevent some individuals from making their asylum claims or further submissions. This is likely to increase delays and cost in the asylum system. Someone who is unable to make further submissions in person will nevertheless be entitled to make these submissions if and when he or she is detained to be removed from the UK. The UK Border Agency will be required to consider these submissions before any removal continues. It may also prove necessary for legal representatives to bring judicial review challenges against removal in these circumstances in order to ensure that further submissions are properly considered.

ILPA does not consider that these changes are lawful. The Immigration Rules do not specify that the requirements explained in this information sheet can be introduced for further submissions. The Courts have held that further submissions are not required to be presented in any particular form.