

First Decision on an Asylum Claim

You may be waiting a long time for the Home Office to make a decision on your asylum claim. In 2020, most decisions took more than six months. Currently, there are lots of delays and some people are waiting for more than a year for a decision.

This page looks at what happens if the Home Office grant you permission to stay, and what to do if your asylum claim is denied/refused.

It is useful to read this information while you are still waiting for a Home Office decision, so that you can be prepared for when you receive it.

Positive decision

If the Home Office accept your story and evidence and agree you need protection in the UK – they make a positive decision on your asylum claim – you will be granted leave to remain in the UK. You may hear this described as getting “immigration status”, “permission to stay in the UK”, or getting “papers”.

You may be granted Refugee Status or Humanitarian Protection, or sometimes another form of leave to remain.

Refugee Status

If the Home Office decide you have a need for protection because you are at risk of persecution, and your claim falls under the grounds for protection in the Refugee Convention, you will be granted Refugee Status.

Refugee Status currently means five years’ leave to remain in the UK. You will have the right to work and claim benefits, access to mainstream housing, and the possibility of applying for family reunion and a travel document.

After five years of Refugee Status, you can apply for ILR, and after a year of ILR you can apply for British citizenship.

Humanitarian Protection

Refugee Status (see above) should be granted if you can show you are at risk of individual persecution. If you are fleeing war or violence that is threatening/harming many people where you are from – not you specifically – you may not qualify for Refugee Status.

If you are not at risk of individual persecution but you would be at risk of serious threat/harm because of indiscriminate violence, for example during a war or internal conflict, than you may be granted Humanitarian Protection.

Humanitarian Protection normally means five years' leave to remain in the UK and brings almost all of the same rights as Refugee Status.

One exception to these rights is the right to apply for a Refugee Convention travel document. If you are granted Humanitarian Protection you will either need to use your national passport or if you have proof of not being able to do this, you can apply for a Certificate of Travel.

Other leave to remain

In some cases, your asylum claim may be refused but you may be granted other leave to remain.

If you have applied for asylum, and that application is refused, you may be granted leave under the immigration rules (on human rights grounds, for example).

If you are an unaccompanied minor and there are not adequate reception arrangements in your country of origin, the Home Office may grant you limited leave to remain until you are 17.5 years old.

In some modern slavery/trafficking cases, Discretionary Leave may be granted. This may be if asylum is refused or was not sought, but there are particular circumstances meaning that you, as a recognised victim of trafficking need to stay in the UK. This includes situations where you are assisting the police with inquiries, or where there are particularly compelling personal circumstances.

Some medical cases may also result in Discretionary Leave, if removal would breach your Article 3 or Article 8 rights.

In rare circumstances, another kind of leave called Restricted Leave may be granted. For example, if you are excluded from receiving Refugee Status or Humanitarian Protection, but your Article 3 rights would be breached if you were removed from the UK.

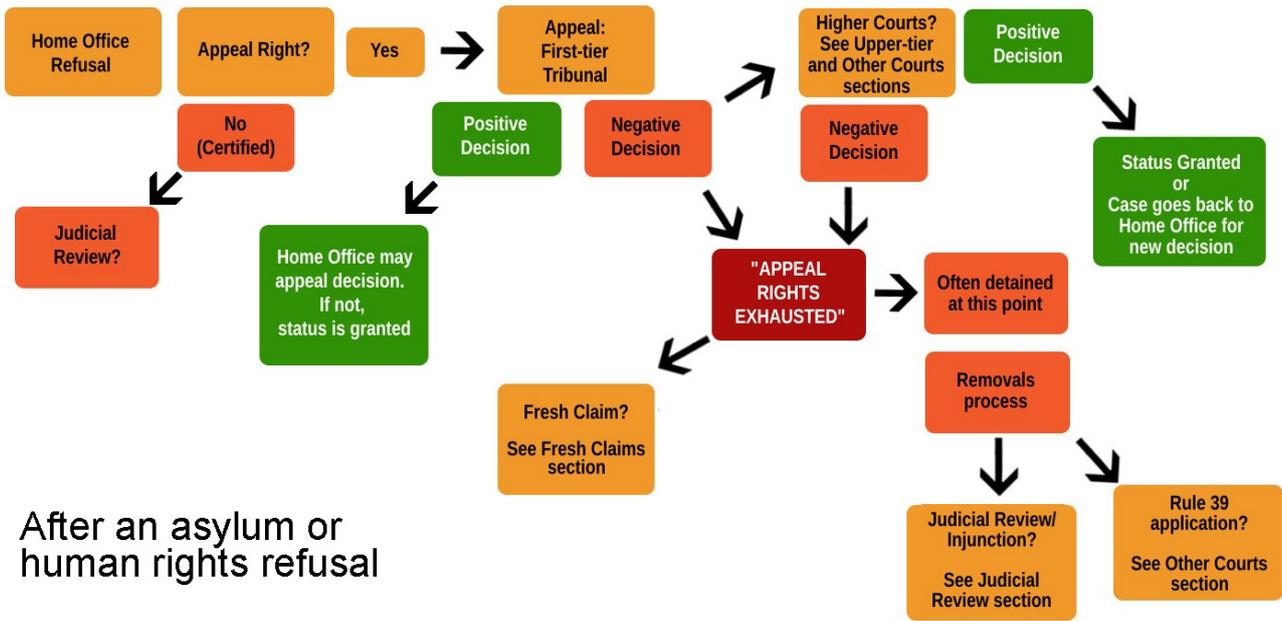
Negative decision - a refusal

If your asylum claim is denied by the Home Office, you should speak to your lawyer as soon as possible. We use the word lawyer to mean the person representing you in your legal case – you may use another word, like “solicitor”.

Your lawyer (or you, if you do not have a lawyer) needs to look carefully at the Home Office decision. Read more about this below.

You may be able to make a formal legal challenge of the Home Office refusal. This is called an appeal.

Read about what you need to do if your asylum claim is denied (refused) by the Home Office on the After Refusal page of this guide and see diagram below.



After an asylum or human rights refusal