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There may be an updated version on the website at [righttoremain.org.uk/toolkit](http://righttoremain.org.uk/toolkit)

### *Illegal Migration Act 2023*

A new law called *The Illegal Migration Act 2023* has recently come into force. The Act has brought about significant changes to the UK asylum and immigration system for people who arrive in the UK on or after 20 July 2023. We are in the process of updating the Toolkit to reflect these developments. For now, please be aware that some of the information in the Toolkit may be out-of-date for people who arrived in the UK after that date. To stay up to date with any changes to the Toolkit, please sign up to our newsletter.

## What happens when you claim asylum

If you have come to the UK and you need to stay because you would be in danger in your country of origin or residence because of who you are specifically, and you want the UK to grant you international protection, you may claim asylum.

Claiming asylum in the UK is a difficult process with many stages, and unfortunately, many delays. To learn more about what asylum is, and whether you are eligible to make a claim, read our 'What is Asylum?' Toolkit page.

On this page, you will find the following information:

- How/where do you claim asylum?
- What is the asylum process?
- Lawyers and legal advice
- Asylum support and accommodation
- What is a Section 120 'one stop' notice?
- Who can receive a Section 120 notice?
- How do I respond to a Section 120 notice?
- What happens if I do not respond to a Section 120 notice?
- Reporting
- Detention
- The Inadmissibility Rules
- Actions you can take

## How and where to claim asylum

Some people claim asylum immediately on entering the UK, at the port at which they arrive (this means the airport, train station, or when they reach the UK from the sea). They do this by telling the immigration officials there that they wish to claim asylum. If you do this, you will usually have your first interview to gather basic information about you and your journey – your screening interview – that day or soon after. You can learn more about the Screening Interview in our Toolkit page.

If you don't claim asylum immediately on entering the UK, you will generally need to register your asylum claim by telephoning to make an appointment to claim asylum at the Asylum Screening Unit (ASU) in Croydon – it is also

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sometimes called the Asylum Intake Unit. This is the same for adults and children. Use the following details to make an appointment to claim asylum:

Asylum intake unit appointments line

Telephone: 0300 123 4193

Monday to Thursday, 9.00am to 4.45pm

Friday, 9.00am to 4.30pm

To learn more, you can visit the Home Office website.

In the case of unaccompanied children, however, they should have their welfare interview locally rather than having to travel to Croydon if that is not the nearest Home Office branch. If you are (or work with) an unaccompanied minor (under the age of 18), you should take a look at our Young Asylum Guide which goes through the asylum process for young people.

If you have nowhere to live, you do not need to telephone first to register your asylum claim – you can just present yourself by going to the Asylum Screening Unit in Croydon.

The exception to this process for claiming asylum is if you arrive in the UK in Northern Ireland – in this situation you claim asylum at the Home Office at Drumkeen House in Upper Galwally, Belfast.

You cannot claim asylum at a police station – though in some cases people who make themselves known at a police station may be directed to the Home Office.

If you are picked up by immigration enforcement teams before you have arranged to claim asylum, you need to tell them you wish to claim asylum.

## What is the asylum process?

After claiming asylum, you will have your first (short) interview, which is called the Screening Interview. Basic information will be taken from you during this interview. You can read more about this on the Screening Interview page of this guide.

Once you have had your screening interview, you should be sent an Application Registration Card, or “ARC” card. This is an identity card. It is plastic, and has your photograph on, and shows you have claimed asylum. You can read more about ARC cards on the Home Office website.

Some time after your screening interview, you will then have your asylum Substantive Interview. This is the long, in-depth interview where you explain why you would be at risk if returned to your country. Read more about the

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substantive interview, and how to prepare for it, in our Toolkit page.

The time period between the screening interview and substantive interview can vary. It can be many months, and at the time of writing, some people are waiting more than a year. You can read more about delays people are facing in the asylum process by reading our Legal Updates blog.

You may want to submit evidence to the Home Office that supports your claim, at or soon after your substantive interview. If you have a lawyer, make sure you discuss this with them first. Read our Toolkit page to find out what evidence is and how to gather it.

After your Substantive Interview, the Home Office will consider your claim and whether it believes that your asylum claim is successful and that you should be granted refugee status. Some people wait many months, or even over a year, to receive this decision. This can be very distressing.

If the Home Office accepts your asylum claim, you will be granted refugee status in the UK. You may be given Group 1 or Group 2 refugee status, or another type of immigration status. You can learn more about Home Office decisions in asylum claims by reading our Toolkit page.

If your asylum claim is refused, you may have the right to appeal the refusal in the courts. The first place you would appeal is the First-tier Tribunal. You can read more about this in our Toolkit page.

## Lawyers and legal advice

It is important to note that it is currently very difficult to find an immigration or asylum lawyer to represent you. This is because of a number of reasons: the backlog caused by the COVID-19 lockdown, the crisis in Afghanistan, the war in Ukraine, and the need for EEA (or EU) nationals to apply for immigration status in the UK after Brexit.

If you have no or little income, you may be able to get legal aid to get free legal advice.

If you claim asylum immediately or soon after arriving in the UK, you will usually be able to meet with a legal aid lawyer after your screening interview and before your substantive interview.

You will not be automatically allocated a lawyer, but you can find out more by reading our Toolkit page.

## Accommodation and financial support

If you do not have anywhere to live and you have no money to support yourself, you need to tell the Home Office this when you claim asylum. At this point of the legal process, you will be entitled to housing and a small amount of money, but you will have no choice where in the country you live, unless you know someone who will let you stay in their house.

To learn more about the type of housing and financial support that the Home Office provides while you are waiting

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for a decision, and whether or not you can work, read our Toolkit page.

## What is a Section 120 'one stop' notice?

Section 120 notices (also known as 'one stop notice' or 'request for statement of additional grounds') come from Section 120 of the Nationality, Immigration and Asylum Act 2002. This says that:

A person may be served with a one stop notice under s.120 of the 2002 Act where:

- (a) they have made a protection [asylum] claim or a human rights claim,
- (b) they have made an application to enter or remain in the United Kingdom, or
- (c) a decision to deport or remove them has been or may be taken.

A one stop notice asks you to submit a statement of additional grounds to the Home Office that includes any new reasons or evidence you have as to why you should remain in the UK.

We know that it can be unsettling to receive one of these notices, at whatever stage of the asylum or immigration process you might be at. However, it is important to know that if you have a lawyer, they can help you to submit a response – but equally, you do not need to have a lawyer to be able to respond appropriately.

You can view an anonymised example of a Section 120 one stop notice [here](#).

It is important to note that the request for a statement of additional grounds is requesting new information, not information that you have already provided to the Home Office in your claim.

## Who can receive a Section 120 notice?

People facing deportation cases usually receive this notice, but anyone who has an asylum or human rights application (or their dependant) may receive one. If you receive a section 120 notice, you must respond to it and notify the Home Office about any changes in your circumstances.

## How do I respond to a Section 120 notice?

The Section 120 notice will usually include a deadline by which you will need to respond – and this is usually within 20 working days (this means days of the week, not including weekends or public holidays).

Bail for Immigration Detainees (BID) have drafted a simple, accessible leaflet guide to Section 120 notices which you can access [here](https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2_assets/files/1462/one_stop_leaflet_July_2023.pdf): [https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2\\_assets/files/1462/one\\_stop\\_leaflet\\_July\\_2023.pdf](https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2_assets/files/1462/one_stop_leaflet_July_2023.pdf)

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The guide includes information about how to reply if you receive a Section 120 notice.

## What happens if I do not respond to a Section 120 notice?

Home Office policy guidance on Rights of Appeal says (on page 21, 'Late Claims'), that if a person makes a late human rights or asylum claim that could have been earlier, and is now resisting removal from the UK, their claim could be 'certified'. This means that their claim could be considered unfounded (without merit). It is always best to respond to notices from the Home Office as quickly as possible if this is an option for you. However, if this is not possible for you, you must let the Home Office (or court) know in writing the reason for your delay or inability to respond to the notice, with good reasons.

## Reporting to the Home Office

If you claimed asylum and have not yet received a decision, or have had your asylum claim refused, you may have to report (sign) at the Home Office at a specified time every week, every two weeks, or every month. Some people are never required to report.

Sometimes these reporting requirements may not be set up by the Home Office until after you claim asylum.

If you are asked to report, this should be at the nearest immigration office to you – either a branch of the Home Office, or an immigration desk at a nearby police station.

At these appointments, you may just be asked to sign your name. Sometimes, the immigration officer may ask you questions. Although the appointment might only last a matter of minutes, the Home Office takes it seriously and may use it against you if you do not attend. At the later stages of your asylum case, you are also at risk of being detained at one of these appointments. See below.

Read about being prepared in case of detention on the Detention page of this guide.

## Detention

If you are subject to "immigration control" it is possible that at some point during the legal process, you could be held in immigration detention. The detention centres, known officially as "Immigration Removal Centres", are like prisons.

You could be detained at any time during your claim, but there are several points in the asylum process when it can be more likely to happen.

The Home Office may detain you after you claim asylum, if they say that they are considering whether your asylum claim is "inadmissible". See section on the inadmissibility rules above.

You may also be detained if the Home Office says your asylum claim is refused.

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If you are not detained when you claim asylum, you will usually not be detained until after a refusal of your asylum claim and a dismissal of an appeal at the First-tier Tribunal if you had an appeal right. This is when you are what the Home Office calls “appeal rights exhausted”. Read more on the Appeal Rights Exhausted page of this guide.

There is currently no time limit on adult detention in the UK – you can be detained indefinitely (with the exception of pregnant women, who can usually only be detained for up to 72 hours).

## The Inadmissibility Rules

In January 2021, the UK government introduced new rules through which they can decide that an asylum claim is “inadmissible”. This means that, for reasons explained on this page, the UK will try not to consider that person’s asylum claim in the UK. These rules replace the Dublin Regulations, which no longer operate in the UK after Brexit.

In your asylum screening (first) interview, you will be asked about your journey to the UK. One of the reasons why you are asked questions about this is to determine whether the UK is responsible for considering your asylum claim. There will be questions about whether you have claimed asylum or been granted Refugee Status in any other country; and if you passed through other countries before reaching the UK, why you did not apply for asylum there. Read more about this in the sections below.

If the Home Office thinks that you travelled through a “safe country” on your way to the UK, they can decide to investigate whether your claim should be treated as inadmissible. While your claim is being considered under these rules, your asylum claim will not move forward in the UK.

However, at the time of writing, though people who have claimed asylum in the UK have been issued notices of inadmissibility, there is currently no country that they can be sent to. This means that the Inadmissibility Rules policy has not been carried out fully. Read our Toolkit page to better understand what really happens if someone’s claim is flagged as potentially inadmissible.

### **ACTION SECTION**

Start to make contacts in your new local area as soon as you can. It is very difficult to go through the asylum process without support. In the ACTION SECTIONS throughout this guide, there are suggestions of actions that you and the people around you can take, to help you get through the process.

Most towns and cities in which people seeking asylum are accommodated have community centres where you can meet other people seeking asylum, and volunteers who will be able to help and advise you. When you arrive in a new place, ask other people and look for these places, until you find one or more that you like.

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Prepare for what is coming next. If you have not yet had your asylum substantive interview, start preparing for it now. See Substantive Interview page. Most people who apply for asylum are refused asylum by the Home Office. Make sure you know what your legal options are if this happens.

Have good people around you who can support you. It is not a nice experience to be told by the Home Office, and maybe by the courts as well, that you are not telling the truth. With people standing by you in solidarity, you are more likely to be able to keep going, and keep fighting for justice in your case.

Find out who your local MP is. Your MP will depend on the constituency you live in or have strong connections to. A constituency is an area of the UK where the voters elect one MP. You can find out who your local MP is, and how to contact them, at [TheyWorkForYou.com](https://TheyWorkForYou.com). It's never too early to start thinking about meeting your MP. If they already know you, they will be more likely to want to help if you go to speak to them when something has gone wrong in your case. It's better to try and meet them in person than to phone or email. You can meet them during their "surgery" where they meet members of their constituency face-to-face to talk about local issues. If you're a member of a local group, you might like to invite your local MP to one of the group's events. If you later approach the MP for help, your connection to that group may be a positive factor and may encourage them to help you.