

This leaflet was produced by the Refugee Women's Resource Project at Asylum Aid as part of its campaign to raise awareness of the Home Office Gender Guidance. For more information go to www.asylumaid.org.uk

The full Gender Guidance is called *Gender issues in the asylum claim* Asylum Policy Instruction (API) Home Office (March 2004). It can be found at: www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/genderissueintheasylum.pdf?view=Binary

Are you a woman seeking asylum in the UK?

This leaflet is
available in Amharic,
Arabic, Chinese,
Farsi, French, Pashto,
Somali, Tigrinya,
Turkish, Urdu and
Vietnamese



Asylum Aid

Protection from Persecution

Charity Number 328729

English

Go to www.asylumaid.org.uk

Email: info@asylumaid.org.uk

This leaflet is to help women who are claiming asylum

- It tells you what you can expect when you claim asylum.
- It tells you what you can expect at your interview with the Home Office.
- It tells you what the Home Office will consider when making a decision on your asylum claim.

The Home Office has guidance to help its staff to deal with women's asylum claims. This is called Gender Guidance. This leaflet explains what HO caseworkers need to consider when they assess your asylum claim. It focuses on the standards outlined in the Gender Guidance.

There are several stages when you claim asylum in the UK

SCREENING

Your first interview with the Border and Immigration Agency (BIA) is called a screening interview. It is held at an Asylum Screening Unit (usually in Croydon or Liverpool). At this interview you will be asked to provide personal details such as your name, address and nationality and those of your family.

- If you need an interpreter at the screening interview and would prefer a female, in special cases the BIA will try to organise this.
- You can ask to be allocated to a female Case Owner and the BIA will do their best to provide this.
- If you wear a hijab, you will be asked to have your photograph taken showing your full face.

After screening you may be detained at Yarl's Wood or Oakington Immigration Removal Centres or you will be allocated to an asylum team in Central or West London, Solihull, Leeds, Liverpool, Glasgow or Cardiff.

If you are not detained, you will be given a form to apply for accommodation and money if you need it. For help with this application, contact your lawyer, the Refugee Council, Refugee Action, Migrant Helpline, Welsh Refugee Council or Scottish Refugee Council.

You can claim asylum in your own right, not just as a dependent of your husband or father (or other male relative). If you want to consider this, you need to discuss it with your lawyer.

THE FOLLOWING STAGES APPLY TO PEOPLE WHO ARE NOT DETAINED

FIRST REPORTING EVENT

You will be allocated to a Case Owner who will be your main point of contact throughout the whole of your asylum claim. Again you can ask for a female Case Owner and interpreter if you want one and the BIA will do their best to provide this.

At the first reporting event your Case Owner will explain the asylum process to you and you will be able to raise any concerns or ask questions relating to your asylum support (accommodation and money). If you require assistance with legal representation, the Case Owner will give you the relevant information.

INTERVIEW

Within about a week you will be called for a full asylum interview with your Case Owner (see next page). If you have not been allocated a female Case Owner and would prefer one, you can ask to postpone your interview.

DECISION

Shortly after your full asylum interview, you will receive the decision on your asylum claim. If you are refused asylum, you may be able to appeal to the Asylum and Immigration Tribunal. You should contact a lawyer immediately to get help with your appeal.

If you are detained you will go through a similar process but much faster.

Children are dealt with by a different process, not covered by this leaflet.

Full asylum interview

At your full asylum interview, you will be asked to give more information about your asylum claim. Some women who have suffered sexual violence find it easier to tell their full story to another woman.

A
You can ask for a female Case Owner if you want one and the Home Office will do their best to provide this.

B
You can ask for a female interpreter if you want one and the Home Office will do their best to provide this.

C
You can ask for the interview to be taped and can then ask for the tape to take away with you.

(it is best to make all such requests in advance)

D
If you have suffered from sexual assault or other traumatic experiences, the caseworkers should recognise that you may have difficulties with concentration and memory. They should also recognise that it is hard to tell other people what happened to you. During the interview you can ask for a break if you want one. If you are not emotionally ready for an interview and you can get a note from your doctor confirming this, you can ask if it could be postponed.

E
If possible try to arrange for your children to be looked after whilst you are at the interview.

F
You should be interviewed alone, not with any relatives or children.

G
Your lawyer may be able to attend your interview with you, particularly if you are vulnerable.

What the Home Office will consider when making a decision on your asylum claim

According to the Gender Guidance, when you claim asylum Home Office caseworkers should take into account if

A
You were persecuted for political activities even if these were at a low level such as giving people shelter or providing food

B
You were persecuted because of your husband's/father's/brother's (or other male relative's) political activities or because it was assumed that you had the same political opinions as them

C
State officials (eg military, police) persecuted you in a way that mainly affects women, such as through sexual violence or threats of sexual violence

D
You were punished for not following rules of dress in your country like wearing hijab (scarf)

E
Your country's laws allowed you to be discriminated against because you are a woman (eg inheritance laws, custody laws)

F
Members of your family or your community harmed you (eg domestic violence, forced marriage or honour crimes) and state officials were unable or unwilling to protect you.

It is also relevant if you have feared such persecution, even though this has not actually happened to you.

When making a decision on your claim, the Home Office caseworkers should show that they have looked at information about women's rights in your country of origin. If they find that you cannot return safely to where you came from, they will still consider whether you could go to another part of your country. They should look at the country information to check whether a woman in your situation would be safe in another part of your country. If you disagree with their conclusions, your lawyer may be able to help you to dispute this.

It is important to give a full account of what has happened to you and what you fear if you are returned to your country of origin. It is also important to give any reasons as to why you think you have been or might be harmed.

Legal advice

If you have any questions about anything in this leaflet, please talk to your legal representative or contact an advice line on one of the numbers below.

You are recommended to get legal advice from a lawyer throughout the asylum process. Your lawyer should be regulated under the OISC (Office of the Immigration Services Commissioner). The Legal Services Commission pays lawyers to give free legal advice to people who have no income or a low income. This is called Legal Aid. Lawyers can give you free advice for your initial asylum claim if your claim for protection is reasonable. Lawyers can give you free advice at the appeal stage if your case has a reasonable prospect of success. You can seek another lawyer's opinion if your lawyer does not think your case has a reasonable prospect of success.

Your lawyer should go through all the reasons why you are claiming asylum with you. They should discuss with you all the issues mentioned in this leaflet, i.e. the persecution you suffered or feared, the reasons why you were persecuted, the protection provided by authorities to women like you in your country, and the possibility of your living safely in another part of your country.

In addition, your lawyer should make sure that the Home Office caseworkers are following their Gender Guidance.

Asylum Aid	020 7354 9264 • Mondays 2.00 – 4.30 and Thursday 10.00 – 12.30 www.asylumaid.org.uk
Immigration Advisory Service	020 7967 1200 • Monday 10 – 1.00 and Wednesday 2.00 – 5.00 www.iasuk.org
Refugee Legal Centre	020 7780 3220 • Monday, Wed, Friday 10.30 – 1.00 and 2.00 – 4.30 Free advice service for detainees 0800 592398 www.refugee-legal-centre.org.uk