

# FAQs for LGBTQ+ Asylum Seekers

## What steps can I take to be granted asylum in the UK?

This advice is only for people who are in the UK already.

To be granted asylum in the UK, you must have left your home country and be unable to go back because you have a well-founded fear of persecution for one of a number of reasons. This could be due to your race, religion, nationality, membership of a particular group (such as the LGBTQ+ community) or political opinion.

Please see a [fantastic guide on applying for asylum](#) from Rainbow Migration, a charity that supports LGBTQI+ community through the asylum system.

The UK Government has a number of "Safe and Legal Routes," which are approved immigration provisions that provide access to the UK for humanitarian reasons. These are set out below.

### The UK Resettlement Scheme (UKRS)

- This programme offers protection to the most vulnerable refugees, usually located in countries neighbouring crisis areas, having fled conflict or persecution in their home state. Specifically, these schemes are open to refugees who have been assessed for resettlement by the UNHCR. UNHCR assess those living in formal refugee camps, informal settlements, and host communities and evaluate whether an individual is recognised as a refugee and is able to be prioritised for a resettlement place based on their specific level of risk.

### Community Sponsorship

- Community Sponsorship enables civil society- friends, neighbours, charities and faith groups- to directly support refugees to settle in the UK as they start their new lives in safety. Community Sponsorship is accessible to refugees under the same criteria as the UKRS (as above), and thus refugees settled through this scheme complement those settled to local authorities through the UKRS.

### Refugee Family Reunion Visas

- If you are the immediate relative (partner or children under 18, and over 18 in exceptional circumstances) of a person granted refuge in the UK, you may be eligible to join them under the family reunification scheme, provided you formed part of their family unit before they left their country to seek protection. Extended family members may also sponsor children to join them in the UK if there are serious and compelling circumstances. In addition, refugees can sponsor adult dependent relatives living overseas to join them where, due to age, illness, or disability, that person requires long-term personal care that can only be provided by relatives in the UK. In exceptional circumstances, extended family members may also be considered for reunification.

### Nationality Specific bespoke immigration routes

- These specific routes are available to Afghans (see [here](#)), Ukrainians (see [here](#)) and people from Hong Kong (see [here](#)), launched by the UK government in response to humanitarian crises in the regions.

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1. Created 2024. For guidance purposes only. Please refer to [www.gov.uk](https://www.gov.uk) for up to date advice

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Not all of the routes give beneficiaries refugee status and the associated rights and entitlements specified in the 1951 Refugee Convention. Equally, each route has specific eligibility criteria and conditions attached to the permission to stay in the UK, meaning you may not qualify to enter the UK under one of these categories.

## **Labour Mobility – Talent Beyond Boundaries**

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In July 2021, the UK Government launched the Displaced Talent Mobility Pilot, designed in collaboration with Talent Beyond Boundaries (TBB). The pilot aims to identify and address the administrative and legal barriers that refugees and other forcibly displaced job seekers face when seeking to move internationally as skilled workers.

The pilot will give primary applicants and their families the opportunity to move to the UK for work in a variety of critical fields including IT, construction and engineering.

TBB is a nonprofit organization committed to opening labour mobility pathways for refugees and other displaced people. TBB does not work on refugee resettlement but rather connects refugees with international employment opportunities so that they may work in countries where they can access full rights and stability.

If you are a skilled professional, you could consider signing up to the TBB's 'Talent Catalog'. Through this Talent Catalog, TBB connects refugees with jobs internationally.

You are eligible to [register on the Talent Catalog](#) if:

- You are a refugee, a stateless person, or in a situation where you are displaced from your home country and unable to return because you would face danger there; and
- You are in a country where you do not hold legal status that allows you to work.

Note: You do not need to have legal identification documents in order to register. If you are hired by an employer overseas, you'll be assisted to obtain the documents necessary for immigration.

Sources:

[Entering the UK to claim asylum – Right to Remain](#)

[Indefinite leave to remain \(permission to stay as a refugee, humanitarian protection or Discretionary Leave\): Family reunion – GOV.UK \(www.gov.uk\)](#)

[UK policies to deter people from claiming asylum – Migration Observatory – The Migration Observatory \(ox.ac.uk\) CBP-9747.pdf \(parliament.uk\)](#)

[Safe and legal routes to the UK for people seeking protection – House of Commons Library \(parliament.uk\)](#)

[Resettlement \(publishing.service.gov.uk\)](#)

## **When arriving in the UK my personal items such as ID and medication have been taken off me, is this lawful?**

When you make a UK visa application, you will likely be asked to hand over documents such as your ID to the UK Home Office. If you have claimed asylum, whilst your asylum claim is pending you will be provided with an Application Registration Card (ARC) which will act as your ID card and show that you have claimed asylum. Once your claim has been decided, the Home Office will return your documents to you. If you need your documents back urgently whilst your claim is pending, you may be able to get these, however you will likely have to withdraw your asylum claim.

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Your Human Rights protections under the European Convention of Human Rights (ECHR), which the UK government has transposed into law under the Human Rights Act 1998 affords you key human rights protections, including Article 8 which ensures the right of respect for private and family life.

In March 2022, a court case ruled that the UK government's blanket policy of seizure and retention of mobile phones from asylum seekers arriving on boats and extraction of phone data amounted to a breach of Article 8 ECHR as well as data protection laws and so was unlawful. The case confirmed that section 48 Immigration Act 2016 does not authorise a search of individuals, but is confined to the search of premises. This case suggests that any seizure of personal items must not disproportionately infringe your rights under Article 8. However, despite this case, at present the law is uncertain in this area.

If your personal items are taken, you may wish to make a complaint to the Home Office.

Sources:

[What you can do if things are seized by HMRC or Border Force - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Immigration Act 2016 \(legislation.gov.uk\)](https://legislation.gov.uk)

[UK High Court rules blanket seizure of asylum seekers' phones breached Article 8 ECHR | Electronic Immigration Network \(ein.org.uk\)](https://ein.org.uk)

## **I am currently trying to claim asylum, what type of evidence will help my case?**

Firstly, if you need assistance with your asylum claim, you should contact [Rainbow Migration](#) - a charity that provides legal and emotional support to LGBTQI+ people seeking asylum. Their website has a very helpful guide on [how to apply for asylum](#) and [useful FAQs](#).

### Timeline of Document submission

Evidence should ideally be brought to your initial registration appointment. If you are not able to do this, you should provide this evidence at your substantive (main) asylum interview.

### Identity Documentation

You should bring identity documents for yourself and your dependents (partner and children under 18) to your asylum screening. These might include, if you have them: passport and travel documents and identification documents (e.g. identity cards, birth and marriage certificates or school records).

### Medical and Accommodation Documentation

If you are already in the UK, you and your dependents must bring documents to prove your UK address. If you are living in your own accommodation this might include, a tenancy agreement, recent utility bills, council tax notice, bank statements or housing benefit books. If staying at someone else's address, you'll need to provide a recent letter (from the last 3 months) from the person you're staying with to confirm their permission to stay, and documents showing the full name and address of the person you are staying with (e.g. a council tax notice, tenancy agreement, or household bill). You will also be required to bring medical records if you have them.

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## Helpful Supporting Evidence

Other documents which can evidence your persecution and the reason you cannot return to your home country can also be submitted to help your case.

## Testimony

At the early stages of your claim, evidence may just be your personal testimony (story) about what happened to you or what you think might happen, why that means it is not safe to return to your country, and why that means you need to be in the UK specifically.

To succeed in your asylum claim you will want to show that you have a “well-founded fear” of persecution if you were returned to your home country. You do not need to prove that the persecution definitely *would* happen, but that there is a *real risk* it could happen.

## Documentary Evidence might include:

- witness statements;
- documents proving events (including arrest warrants, birth certificates, court documents, letters from friends/ organisations showing you are in danger);
- newspaper coverage of an event or reports of mistreatment of individuals e.g. who are part of the LGBTQ community; or
- a human rights report discussing the situation your country is in.

The UK Home Office Country Guidance can be useful to refer to for example where the law in your country criminalises being LGBTQ. Other evidence could include photographs or other documentation showing you socialising with the LGBTQ community or online dating profiles showing records of communication with other LGBTQ members.

If your evidence originated outside of the UK, you may also be required to prove its genuineness and how you received it. It is, therefore, important to think about where evidence came from and whether its source will be considered trustworthy by the Home Office/ Courts.

If evidence is written in a different language, you must also have these translated by a certified translator. The translator must sign the translation and certify that it is accurate to the best of their knowledge.

Sources:

[Evidence for asylum, immigration and human rights cases – Right to Remain](#)

[Nationality and Borders Act 2022 \(legislation.gov.uk\)](#)

[What is Asylum? – Right to Remain](#)

## **My appointed legal adviser isn't helpful or is dismissive, what can I do about this?**

If you are receiving a bad service from an adviser registered with the Office of the Immigration Services Commissioner (OISC), you, or someone else on your behalf, may make a complaint.

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You may complain about poor advice or service; unreasonable fees; an adviser claiming you'll be successful; an adviser charging for work not done; an adviser missing deadlines or failing to appear in court; or the adviser's behaviour more generally. You are normally only able to make a complaint about an incident that has occurred within the last 12 months, although in certain cases the OISC may accept claims on older incidents.

The easiest way to complain is to download and fill in the complaints form available at [gov.uk](http://gov.uk), include any documents that are relevant to your complaint, and to send the complaint form and documents to [complaints@oisc.gov.uk](mailto:complaints@oisc.gov.uk) or by letter.

You may also complain by letter or email, providing as much detail as possible about who you're making the claim against and what the claim is about. Advice and support on making a complaint can be received, depending on your location within the UK, from the Refugee Council England, Welsh Refugee Council, Scottish Refugee Council, and Citizens Advice Northern Ireland.

After lodging your complaint, you will receive a letter with a decision on your complaint case within 5 months.

Sources:

[Find an immigration adviser: Search for an adviser - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Find an immigration adviser: Complain about an adviser - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### **The housing provided to me while claiming asylum cannot meet my needs or I am unsafe here, what can I do?**

Contractually, all accommodation providers are required to provide "Safe, Habitable, Fit for purpose, and Correctly Equipped," accommodation which meets the "essential living needs of the eligible asylum seekers." Indeed, under section 4 or section 95 (depending on the stage of your asylum claim) of the Immigration and Asylum Act 1999, the Home Office is legally required to provide you with such adequate accommodation.

#### Migrant Help

Therefore, if provided accommodation is falling below this required standard, you will be able to provide feedback, request assistance or make a complaint to Migrant Help. Under their contract with the Home Office, they are required to provide impartial and independent advice, guidance and assistance. You may contact Migrant Help by phone, or via digital communication on their outward facing website.

After you have made your complaint, Migrant Help are required to classify and record the issue, refer it to the appropriate party, and record the activities taken to resolve the complaint and the date it was resolved. The accommodation provider will then be required to respond and resolve the issue within five working days of receiving the referral, and within one working day they should set out to you the timeline of any actions they will take to resolve the complaint.

If, after this, your complaint has not been resolved to your satisfaction, the time allotted for resolving the complaint has elapsed, or if the accommodation provider cannot demonstrate to Migrant Help that they have started to take action to resolve the complaint within five working days of it being referred, you may inform Migrant Help who are responsible for the escalation process.

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If Migrant Help consider the Accommodation provider's actions inappropriate, insufficient, or incomplete they will advise the provider of the actions necessary and a reasonable timeframe within which to resolve the complaint. You will be made aware of these details. If the Accommodation provider does not agree to implement these actions, Migrant Help should escalate the complaint to the Home Office to investigate. You will also be informed of this action if it is to take place.

## Escalation within the Home Office

If your issue is not solved by Migrant Help, complaints may be escalated to the level of the Home Office as they, ultimately, may be failing in their legal duty to provide you with adequate accommodation. In this case, you may receive the assistance of a lawyer to send a pre-action protocol letter to the Home Office outlining the details of your case.

The Home Office will have a maximum of 14 days to respond in full to the matters raised in the letter and are under a legal "Duty of Candour" to investigate the claim and provide you with whatever relevant material they find. This means that, within 14 days, they must either take urgent steps to accommodate you in adequate accommodation, or else respond with clear reasons for alternative actions/decisions, as well as answering any questions you may have asked.

## Micro Rainbow

[Micro Rainbow](#) are a non-profit organisation supporting LGBTQ asylum seekers. They created a Safe Housing scheme specifically for LGBTQ asylum seekers who were forced to share housing with others who had LGBTQ phobic views and abused or discriminated against them. Micro Rainbow have 21 safe houses that can house up to around 100 LGBTQ homeless migrants per year.

## Sources:

[Allocation of accommodation \(publishing.service.gov.uk\)](#)

[The-Asylum-Accommodation-and-Support-Contracts-A-Guide.pdf \(asylummatters.org\)](#)[The-Advice-Issue-Reporting-and-Eligibility-Contract-A-Guide.pdf \(asylummatters.org\)](#)[Judicial reviews, injunctions and applications to the European Court of Human Rights\\_ in relation to enforcement of immigration removal and deportation \(publishing.service.gov.uk\)](#)

## **What am I financially entitled to when claiming asylum?**

### Eligibility

The rules governing the form of financial support you may receive will depend on the stage of your asylum application. Asylum support is provided under section 98 (temporary: beginning on the day you register your asylum claim), section 95 (whilst waiting for an asylum decision) or section 4 (after an asylum claim has been rejected) of the Immigration and Asylum Act 1999.

An application for support can be refused if you did not claim asylum "as soon as reasonably practical" after entering the UK. This period is usually considered to be three days. However, if you would be made street homeless (eg living on the streets day to day with nowhere to go at night) without asylum support, this exception should not be applied to you.

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To be eligible for asylum support, you will need to prove to the Home Office that you are experiencing “destitution.” This is the case when a person does not have adequate accommodation or any means of obtaining it; or has adequate accommodation but cannot meet their other essential living needs.

## Financial Support

If eligible as above, you are normally entitled to £49.18 per week for each person in your household. This will help you pay for things such as food, clothing and toiletries. Your allowance will be loaded onto a debit card (ASPEN card) each week, and you will be able to use this card to get cash from a cash machine. However, if your accommodation provides your meals, you will instead receive £8.86 per person in your household each week.

## Extra Money for Mothers and Young Children

You'll receive extra money to buy healthy food if you're pregnant or a mother of a young child. Pregnant mothers and those with a child aged from 1 to 3 years will receive £5.25 extra per week. Mothers with a baby under 1 year will receive £9.50 extra per week.

## Maternity Payment

You may also apply for a one-off £300 maternity payment if your baby is due in 11 weeks or less, or if your baby is under 6 months old. You will need to request form MAT B1 from your doctor to apply for the payment. You can apply for the maternity payment at the same time you apply for general financial asylum support.

## Education

All children between 5 to 17 must attend school. All state schools are free and your children may be able to get free school meals.

## Financial Support Entitlement if you have been refused asylum

If your asylum claim is refused, section 95 support will stop after 21 days. There is no right of appeal if this happens. However, you may be eligible for section 4 support. Under section 4, you are still entitled to claim financial support if you are homeless, do not have any money to buy food, and can show that there's a reason why you cannot leave the UK yet. You will be provided with short term housing, help with prescriptions for medicine, dental care, eyesight tests and glasses, and £49.18 per person on a payment card for food, clothing and toiletries. However, you will not be given the payment card if you do not take the offer of somewhere to live. No cash will be given.

You may also apply for a one-off £300 maternity payment if your baby is due in 11 weeks or less, or if your baby is under 6 months old. You apply for the maternity grant in the same way whether you are an asylum seeker or have been refused asylum.

## Financial Support Entitlement If/When Asylum is granted.

If the Home Office grants you leave to remain the UK, your section 95 support will end after 28 days. This is because you will be allowed to work and claim mainstream benefits.

## Subsistence-only or Accommodation-only Support



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If you are able to stay with a friend, family member or community for the long-term, you may request “subsistence-only” asylum support under section 95. This means you will be provided with money for basic living expenses, not with accommodation.

It is also possible to apply for accommodation only support, if friends and family can provide you with food, or if you have a low income, although this situation is quite unusual.

Sources:

[Asylum support: What you'll get - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/asylum-support-what-youll-get)

[Asylum Support: financial support and accommodation – Right to Remain](#)

## **What support am I legally entitled to for medical support when seeking asylum?**

Whilst seeking asylum, you are entitled to free National Health Service (NHS) healthcare. You are entitled to receive primary care free of charge in the same way as any other patient in any nation of the UK. Primary care is defined as care at the first point of contact, including, for example, registering and using a GP service, and visiting dentists and pharmacists. Under this entitlement, you will gain access to free prescriptions for medicine; free dental care; free eyesight tests; and assistance paying for glasses.

Equally, all refugees and asylum seekers with an active application or appeal can access the full range of secondary care services free of charge in any nation of the UK. Secondary care, sometimes referred to as “hospital and community care” includes planned (elective) care (e.g. cataract operations), or urgent and emergency care, (e.g. treatment for a fracture).

### Medical Support after Asylum has been refused

In all UK nations, refused asylum seekers can receive primary care services at no charge, as can any other patient regardless of immigration status. In Scotland, Northern Ireland, and Wales any person who has previously made a formal application for asylum, regardless of the outcome, is also entitled to access secondary care free of charge.

In England, if your asylum request has been refused, you can continue to seek, free of charge, any course of treatment already underway before your application was refused. Refused asylum seekers can also receive free secondary care for: accident and emergency services; the diagnosis of infectious diseases (even if there is a negative result); and the treatment of infectious diseases if they test positive. Victims of certain types of violence (such as sexual violence) are also treated free of charge.

However, for other new courses of treatment, you may lose your entitlement unless other forms of specific support are provided to you by the Home Office or a local authority.

Payment is generally required in full in advance of treatment where clinicians consider the treatment to be non-urgent. However, where treatment is necessary or urgent, treatment will be provided even if you have not paid in advance and you will be asked for payment afterwards.

### Maternity Support



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Maternity care will always be provided, even when charges apply. You cannot be refused care if you cannot pay at the time you receive care as there should never be upfront charging for maternity care. If you are asked to pay after receiving care, you should ask for an itemised bill to ensure that you have only been charged for services you have actually received, and should talk to the hospital's Overseas Visitors Manager (OVM) if you disagree with the amount you have been charged. You may also speak to the OVM about repayment options. For example, if you are unable to cover the cost, you can ask to repay the debt through regular monthly payments, which should be based on your income and expenses, so even a small monthly repayment (e.g. £5) should be accepted if that is all you can afford. Hospital trusts have a duty to recover charges, but should not go beyond what is reasonable when pursuing charges. If the trust or a debt collector is aggressively pursuing payment, then you can make a formal complaint to the trust.

### Children Act 1989

Furthermore, under section 17 of the Children Act 1989, you may also be entitled to additional accommodation and financial support from the social services department of your local government authority if you, or someone in your family, has a serious illness, physical disability, learning disability, mental health problems, or frailty because of old age. The local authority should conduct a "Community Care Assessment" to decide what support you need.

### Sources:

[Asylum support: How to claim - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Asylum Support: financial support and accommodation - Right to Remain](#)

[Refugees' and asylum seekers' entitlement to NHS care - Refugee and asylum seeker patient health toolkit - BMA](#)

[The NHS provider sector - NHS Providers](#)

[NHS entitlements: migrant health guide - GOV.UK \(www.gov.uk\)](#)

### **I would like to volunteer whilst awaiting the outcome of my asylum claim, can I do this?**

Whilst not permitted to work, asylum seekers are encouraged to volunteer whilst their claim is being considered. Volunteering involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives. It is the responsibility of the individual to ensure that they are simply a volunteer and are not a "worker" or "employee." Therefore, you must make sure that your volunteer commitment is free from any contractual obligations or entitlements. Equally, whilst you may be reimbursed for expenses incurred whilst volunteering (e.g. travel and food), you may not be paid.

Volunteering can take place at any point in the asylum process, so long as the activities do not interfere with scheduled events such as the substantive asylum interview.

### Sources:

[Permission to work and volunteering for asylum seekers \(accessible\) - GOV.UK \(www.gov.uk\)](#)