

Asylum Questionnaires

Frequently Asked Questions

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Who is this FAQ for?

This FAQ is for you if you have been asked by UKVI to complete an asylum questionnaire, either online or in paper form.

UKVI is 'UK Visas and Immigration.' It is the part of the Home Office which deals with asylum claims. The Home Office is a government department.

This FAQ may become irrelevant to you if you arrived in the UK on or after 7 March 2023 and the [Illegal Migration Bill](#) is passed by both houses of parliament. For now, if you have been asked to complete an asylum questionnaire, you should assume it is relevant.

What are the most important things to know?

- If you receive an asylum questionnaire, there is a deadline to submit it
- We recommend that you ask a regulated immigration adviser to help you fill it out
- If you can't find a regulated immigration adviser, you can request an extension to the deadline
- Charities and refugee community organisations can help you to request an extension
- If you do nothing, your claim can be treated as withdrawn - this is bad!
- The Home Office are treating different nationalities differently; their approach is not always consistent and may change.

What is an asylum questionnaire?

An asylum questionnaire is a part of the asylum process. It has questions about you and about your asylum claim. The questions are in English and you are asked to respond in English. UKVI will use your answers to make a decision on your claim.

Another way the UKVI can get the information they need is to invite you to an interview with an interpreter. They will often do both.

Why are UKVI sending out questionnaires now?

Currently the UKVI have more than 100,000 claims that they need to decide. They are using questionnaires to try and make decisions more quickly.

What happens if I don't complete and return the questionnaire?

If you do not complete and return the questionnaire on time UKVI can **'treat your claim as withdrawn.'**

This is worse than a refusal:

- There is no right of appeal
- You will no longer have a pending asylum claim
- You may no longer qualify for asylum support
- There will be no legal barrier to your removal
- If you claimed before 28 June 2022, you may lose any benefits of having done so.

There may still be a way around this (see below) but it will take longer and may result in a less favourable status.

You can ask for an extension to the deadline, if you cannot find someone to help you in time.

Will UKVI treat my claim as withdrawn if I don't respond?

There is no easy answer to this question.

In February 2023 the UKVI sent out around 12,000 questionnaires to people from Afghanistan, Eritrea, Libya, Syria, and Yemen and published a policy that said they would treat their claims as withdrawn if they failed to respond without any explanation.

In May 2023 the UKVI indicated that they would send more questionnaires, this time to people from Iran and Iraq, but told some refugee support organisations that they would not treat claims as withdrawn if people failed to respond.

If they intend to treat your claim as withdrawn, it should say so in the letter that asked you to complete the questionnaire.

Therefore, we recommend that you:

- Check your paperwork carefully to see what it says

- If you are still not sure, assume that you need to respond – you can try requesting an extension while you look for legal advice

The remainder of this FAQ talks about how you can respond if you are given an asylum questionnaire.

Can I complete and submit the form myself?

Yes you can. However, it will usually be better to get a regulated immigration adviser to help you. This is because there are risks to you if you get something wrong in the form.

See below for more information on regulated immigration advisers.

What are the risks of completing the questionnaire?

When it comes to filling out the questionnaire, there are a few things that you can do wrong:

- Leave out important information
- Make 'factual errors' (i.e. mistakes about your life)
- Include irrelevant information
- Be unclear or confusing
- Say something untrue or conceal information

These things can affect:

- Whether UKVI believes your history
- Whether UKVI thinks you are a national of the country you claim to be from
- Whether UKVI thinks think you need protection
- Any future applications your family members might make to join you in the UK if your claim succeeds

For example, UKVI may think you are not telling the truth if:

- You say something different to what you said in earlier or later interviews or questionnaires without any explanation
- You say conflicting things in your questionnaire
- If you say something that does not match information UKVI has, including information about your home country

- If you try to conceal something that UKVI knows about from another source
- If you fail to explain something you have done in the past that UKVI knows about
- If you use incorrect words in English, or if an online translation tool alters the meaning of your words

If they think you are not telling the truth, they may refuse your claim. They may even doubt your nationality.

There are other examples of things that can go wrong:

- If you leave out important information, UKVI may think that you are not in danger and refuse your claim for that reason
 - They may also think you're not telling the truth if you add it later
- If you are unclear or confusing, or put in lots of irrelevant information, you will make it harder for them to make the right decision - they may misunderstand your claim
- If you forget to mention family members who are outside the UK, those family members are more likely to be refused when they apply to join you

These kinds of things can happen, whether you are completing the questionnaire yourself or with the help of someone else. However, regulated immigration advisers should be careful and try to ensure there are no mistakes.

How can a regulated immigration adviser help?

A regulated immigration adviser should:

- Help you to understand whether or not information is important or relevant
- Check earlier interviews and papers and ask you about any inconsistencies
- Ensure that the questionnaire is filled out clearly, accurately and as fully as necessary (or they may attach a statement that is clear and complete and answers the questions)
- Help you to decide what evidence you should include, if any
- Not make significant mistakes
- Never purposefully deceive or conceal relevant information
- Confirm with you that the information you have given is correct before they submit it

They have a duty to act in your best interests (as defined by you!) You can complain to their regulator if they do something that harms your claim. However, they rely on what you tell them, so if you make a mistake they cannot be held responsible - you need to be careful too!

In most circumstances, it is a criminal offence for an unregulated person to provide this kind of help.

I have a regulated adviser - what do I do?

Excellent! Contact them straight away and see if they will give you an appointment to complete the form.

Be patient - they may have many other clients in this situation.

They might be able to request an extension to the deadline to submit the form if they don't have capacity to see you straight away.

I don't have a regulated adviser - how do I find one?

This is difficult at the moment. There is a shortage of free immigration advice in most parts of the country. You may have to wait for months for an appointment.

Legal Aid Lawyers

The best option is to find a legal aid lawyer. You will be entitled to legal aid if you are receiving asylum support. You can also be entitled in other circumstances, if you do not have much in the way of income or savings.

Also:

- Legal aid lawyers have to pass immigration exams, so they have been tested on their knowledge
- Legal aid can also pay for interpretation, translations and expert reports, if needed.

[You can find a legal aid lawyer here.](#) Enter your postcode. Make sure you check the box that says "Immigration or Asylum."

OISC advisers

OISC advisers specialise in immigration and also have to pass exams. You need an adviser who is qualified at Level 2 in the Asylum & Protection category.

There are two types of OISC adviser: fee charging and non-fee charging. Fee charging means you have to pay in most circumstances.

[You can find an OISC adviser here.](#) Enter your postcode. Select "L2 Casework" from "Types of advice." Select "Asylum And Protection Advice" from "Asylum or Immigration." Select "Fee Charging or Not Fee

Charging” according to your needs. Fee charging advisers are likely to be unaffordable if you are on asylum support. You should not have to borrow money or get into debt when you are eligible for legal aid!

Non-fee charging OISC advisers tend to work in charities that help specific communities or vulnerable groups (e.g. people in a specific town or area, refugees, women, children etc.) Also, they may only offer a very specific or limited service. They may not have the capacity to help you with the questionnaire. However, they may still be able to help with other things, such as finding a legal aid lawyer or requesting an extension.

Other Lawyers

[You can find solicitors on the Law Society website](#), including legal aid solicitors. Those who do not do legal aid will charge you in most cases. The fees are likely to be unaffordable if you are on asylum support. There are other types of lawyers who may be able to help, but these are comparatively few and far between!

Can I ask my friend to help me?

This is usually a bad idea. However, it is not illegal for a friend to help you fill out the questionnaire or to decide what to put in it, provided:

- You do not give them any money or gifts (not even to say thank you!)
- They are not working or volunteering for an organisation that is supporting you in any way
- They are not helping lots of other people in similar circumstances or with other asylum or immigration problems

If any one of the above apply, your friend may be committing a criminal offence and could be fined or imprisoned if convicted.

Why is it usually a bad idea to ask a friend to help?

There are many reasons:

- Your friend’s English may not be good enough, or they may not speak your language well enough
- Your friend may not be as careful as a trained professional - they may make mistakes or misunderstand you and put wrong information down
- Your friend may not know what is relevant or important to include

- Your friend may not understand the legal jargon and concepts involved and may mis-translate or misinterpret the questions, causing you to give wrong answers
- You may have to tell your friend things that are difficult or embarrassing - it can affect your relationship with them
- You may be placing an unreasonable burden on your friend - it is a lot of work and they will feel responsible if your claim is delayed or does not succeed
- If they are merely an acquaintance or a friend of a friend, then they will have little motivation to be careful or act in your best interests

There may be more reasons!

Can a local refugee organisation help me?

Local refugee organisations and other charities can only help you to complete the form if they are regulated by the Office of the Immigration Services Commission (OISC) at Level 2 or above (see above.) Few organisations fall into this category. Even where they do, they will not be able to help everyone who needs it.

There are well over 100,000 people who may be given one of these forms to complete. Each form will take an unknown number of hours to complete. Most organisations who are regulated to give immigration advice are already working to capacity and struggling to meet existing demand.

Local refugee organisations may be able to do some things to help, for example:

- Refer you to regulated immigration advisers, where possible (although, often it will not be possible in the short term)
- Help you to request an extension of the deadline to complete the form while you look for an adviser to help you

They may be able to read the form to you in a language that you understand. However, given the length of the form, this might cost them a lot in interpreters fees, and they may refuse to do this.

If they are not regulated, they should not help you to fill the form in.

If I return the questionnaire, when can I expect a decision?

The short answer is, we don't know.

If you are from Afghanistan, Eritrea, Libya, Syria, or Yemen then they may make a decision without inviting you for an interview first. This is because most people from these countries are granted asylum.

If you are from another country, they are likely to invite you for an interview after they have read your form, so that they can ask you further questions.

I've requested an extension – what do I do next?

The Home Office should reply to the request. If you made the request yourself or with the help of a friend or local charity, **you must check your post, e-mail etc. for replies.**

If they reply, they may grant a shorter extension than you have asked for. You may have to request an extension more than once.

Lastly, the purpose of this is for you to find a legal representative, so please keep looking!

What can I do if my claim is treated as withdrawn?

There is no right of appeal. If you have missed the deadline, you can write to the Home Office (asylumcustomercommunicationshub@homeoffice.gov.uk) to ask for your claim to be reinstated and explain the reasons why you could not return the questionnaire in time.

if they refuse, this leaves two possibilities:

- To go through the Judicial Review process
- To make 'further submissions on a fresh claim'

What is a Judicial Review?

You can apply to the court for a Judicial Review when a government body (in this case UKVI) does something which is illegal, irrational or at least very unreasonable. If you are among the first people to have your claim treated as withdrawn, there should be solicitors willing to help you. However, if the first Judicial Reviews of these decisions fail, then it may no longer be an option.

Judicial reviews are expensive. They begin with a letter to UKVI asking them to withdraw their decision rather than go to court. If UKVI refuses, then you apply to the court. Only a solicitor or barrister can represent you in

an application to the court. A Level 3 OISC adviser can write the initial letter for you. You can get legal aid to pay for your legal representation if your case is strong enough.

If your Judicial Review succeeds, you will not be granted status. Instead, you will be back in the position you were in before your claim was treated as withdrawn - with a pending asylum claim that has not been decided.

There is a time limit to apply for Judicial Reviews - you must do it as soon as possible and within 3 months of receiving the decision to treat your claim as withdrawn.

What are 'further submissions on a fresh claim'?

'Further submissions' are just new evidence and legal arguments on why you should be recognised as a refugee, even though you have been refused asylum or your claim has been treated as withdrawn. You have to submit them in person to the Home Office, usually in Liverpool.

When the Home Office receives further submissions they can do one of three things:

- Grant you refugee status or humanitarian protection
- Refuse the submissions, but recognise there is a fresh claim; this means you will have a right of appeal
- Reject the submissions as not amounting to a fresh claim

For further submissions to amount to a fresh claim, they must be something new that has not already been considered. If your claim was treated as withdrawn then UKVI will not have considered anything, and so anything will be new. Therefore you *should* get a right of appeal if they are refused.