

Asylum Decision

You should be informed of the Home Office decision on your asylum claim within **six months** of your substantive interview.

The Home Office says that it may take longer than this if your supporting documents need to be verified, if you need to attend more interviews, or if your personal circumstances need to be checked, for example if you have a criminal conviction or you're currently being prosecuted.

Positive decision

If the Home Office make a positive decision on your asylum claim, you will be granted leave to remain in the UK. You will be granted Refugee Status or Humanitarian Protection, (see the Toolkit section *Asylum Introduction*) or sometimes another form of leave to remain.

Refugee status

If the Home Office decide you have a need for protection, 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, you can apply for indefinite leave to remain (ILR), known as settled status, and after a year of ILR you can apply for British citizenship.

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. Someone granted Humanitarian Protection will either need to use their national passport or if they have proof of not being able to do this, 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).

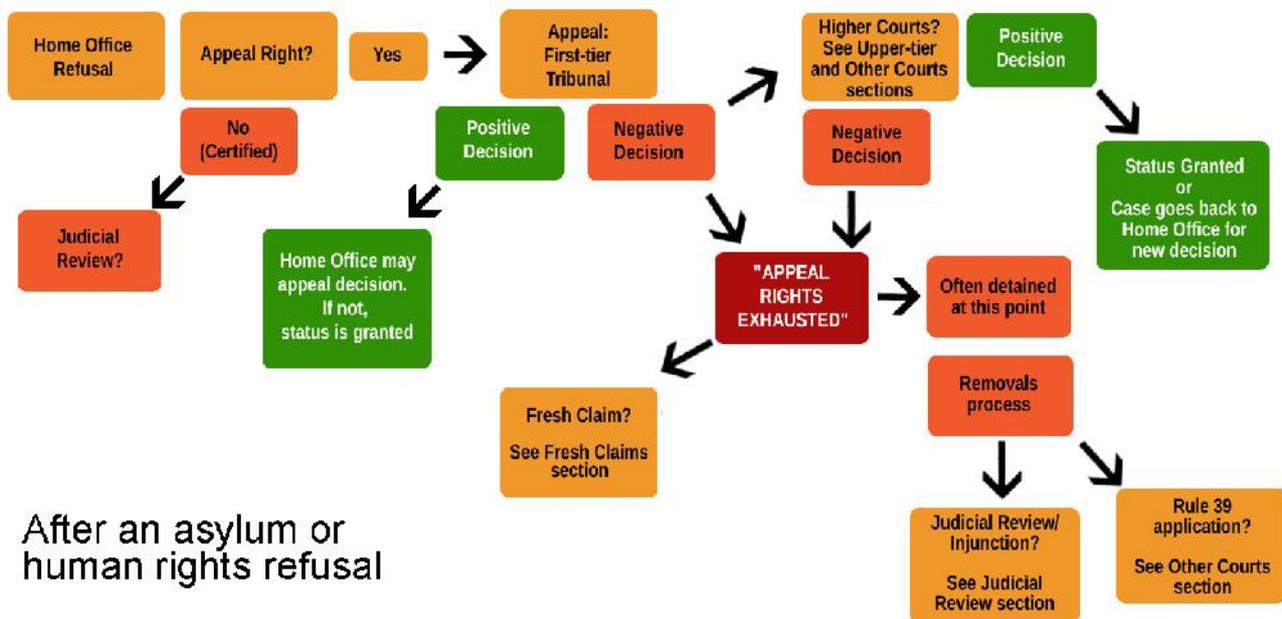
If you are unaccompanied minor and there are not adequate reception arrangements in your country of origin, the Home Office may grant you limited leave to remain until you are 17.5 years old.

In some modern slavery/trafficking cases, discretionary leave may be granted. This may be if asylum is refused (the Home Office do not accept you are at risk of re-trafficking in the future) 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.

There are other rare circumstances in which discretionary leave may be granted. For example, if you are excluded from receiving refugee status or humanitarian protection, but your Article 3 rights under the European Convention on Human Rights would be breached if you were removed from the UK (e.g. if you would be tortured on return).

Some medical cases may also result in discretionary leave, if removal would breach Article 3 or Article 8 rights. See the Toolkit section *Human Rights* for more on this.

Negative decision - a refusal



See also:

- Other Courts section →
- Fresh Claims section →
- Judicial Reviews section →
- Upper Tribunal →

Next section: *After a Refusal*