

# The Asylum Claim Questionnaire

- Sue Conlan
- TACTIC for Baobab Women's Project
- 31 March 2023

# Aims of the information session

To look at the Asylum Claim Questionnaire and the questions that have been included as a guide to people when completing it

To identify those parts which are particularly relevant and useful to the Home Office when deciding if a person should be granted asylum

To examine the different parts of the Questionnaire and ways in which to complete it

# Claiming asylum in the UK: an introduction

# Refugee status and Humanitarian Protection

If someone applies for asylum in the UK and their claim is accepted, there are two possible forms of protection that the Home Office can give; either Refugee Status or Humanitarian Protection

- **Refugee status (RS)** is granted if the person has a “*well-founded fear of persecution*” for one or more of the following reasons: race, religion, nationality, political opinion and/or membership of a particular social group; they must satisfy the Home Office that they fear this persecution if returned to their country (even if something has happened in the past) – the test is a “reasonable likelihood” that they will be persecuted
- **Humanitarian Protection (HP)** is granted if the person is not a refugee (e.g. they do not have one of the five reasons for their fear if returned but the Home Office is satisfied that there is a risk of “serious harm”

However, to get to that point, people have to go through an individual, detailed examination of their claim; that is in an environment which is hostile with an assumption for most that they do not need any form of protection in the UK

# Convention reasons

---

**Race:** includes ethnicity, colour, etc.

---

**Religion:** includes theistic, non-theistic and atheistic beliefs

---

**Nationality:** includes those without a nationality or denied citizenship

---

**Political opinion:** NB 'opinion' not activity but opinion must have come/will come to the attention of the authorities

---

**Membership of a Particular Social Group (PSG):** includes women and LGBT people

# The Asylum Claim Questionnaire (ACQ)

# The UK asylum process

Every asylum claim made in the UK receives individual consideration

The Home Office takes into account any information available to it, even if that information has not been provided and is not known to the person claiming asylum

This includes:

- Visa application forms and supporting documents
- Reports from immigration officers who encountered the person
- Interviews (screening and main asylum interview)
- Decisions on trafficking claims
- Statements made by that person or people associated with them (e.g. a relative who has also claimed asylum)

When the Home Office consider the Asylum Claim Questionnaire, they will review the information in it in the light of any other information that they have; information in questionnaires must therefore be consistent with what has been said before or explain the difference in account in the questionnaire

# The ACQ: an introduction

The ACQ has been issued to approximately 12000 people from five countries: Afghanistan, Eritrea, Libya, Syria and Yemen if they applied for asylum before 28 June 2022 and have not had a main asylum interview

The plan is that the Home Office will make decisions on some of those claims without the need for a main asylum interview

Citizens of those five countries have a high acceptance rate when they apply for asylum; in addition, the UK is not currently returning people to those countries

There is a requirement to return the ACQ within 20 working days but there is an option to seek an extension if that is not possible

If the ACQ is not returned, the risk is that the Home Office will treat the asylum claim as withdrawn

**The need to complete the questionnaire and return it to the Home Office does not mean that every question or section needs to be answered; some of them are not relevant to a person's claim**

**It is important to understand what lies behind some key questions, i.e. what is the Home Office looking for?**

**In addition, the ACQ will not be considered in isolation but alongside other information given by or about that person which the Home Office has access to**

# Completing the ACQ

The part that people are asked to complete is only five pages long as printed, with boxes or space that should not be taken as the limit of what should be written

The section about the “*details of your asylum claim*” specifically states: “*You can use as many pages as you need*”. It is this section that refers to the questions which accompany the ACQ

However, there is no explanation behind some of the key questions and some of them, if answered without guidance or support, could lead to the asylum claim being refused

In addition, it is not clear in the form itself, what information should go into each section

The information in these slides is intended to assist those who are completing the questionnaire and/or those supporting them

# Sections in the ACQ

The declaration in the ACQ breaks down the information into the following categories:

- Identity and nationality
- Family
- Reasons for claiming asylum
- Fear on return
- Physical and mental health
- Exploitation
- Other reasons for wanting to stay in the UK

It is not immediately clear which questions in the accompanying letter apply to the above and, for some sections e.g. health and 'other reasons', there is no guidance on what is required or would be useful

# The questions in the accompanying letter (1)

**As a guide only**, the Home Office have set out a series of questions in different sections, some of which will be relevant, others not and some need careful consideration before providing an answer; the following is a summary of those sections with a brief comment on each (more detailed comment in later slides)

1. Who are you and where are you from? Important because nationality is a key criteria in granting asylum; identity is important because it is who someone is; proving identity is useful if it helps establish nationality
2. Who do you fear? Important but it is not always possible to identify a single person or organisation
3. Why do you fear this person/group/organisation? Important but see below about the question being misleading
4. What happened to create this fear? This asks for what events took place but nothing may have happened yet – it may be a fear of something that may happen e.g. if a person remains in their country

# The questions in the accompanying letter (2)

5. Employment in your home country. This asks for details of last employment before leaving the country and the name and address of the employer. This has no relevance **unless** the risk on return relates to that employment e.g. someone who has left the military without consent; this information does not, in most cases, need to be submitted
6. Membership of organisations. This asks for details “*cultural, religious, political, military, other*” organisations. This is not relevant unless the fear on return relates to membership of organisations e.g. member of a Pentecostal church
7. When did key events take place? NB Like number 4 above, nothing may have happened yet; plus the questions asks for dates which some people may not recall and their calendar may be different from the one used in the UK; avoid giving dates unless the person is certain (see slide 28)
8. Where did these events take place? This section is important but it needs some explanation (see slide 29 below)

# The questions in the accompanying letter (3)

9. How did the situation develop? This section asks the question: “*What are the reasons behind the events that took place?*”. Again the events may not have yet taken place; if they have, the person may not know the reasons and should have speculating why they have happened or make it clear that they are speculating and what reasons they have for that e.g. during interrogation, it became clear that a friend had disclosed information which led to their arrest
10. Did you seek help from the authorities in your country of origin? This question is important but needs to be carefully considered – see slide 31 below
11. Did you try to move to another part of your country of origin? This is important – see slide 32 below
12. How did you get to the UK? There are 11 questions in this section. The journey is important because for many they cannot come directly from their country. The questions in this section are examined below (starting at slide 33)
13. Since you arrived in the UK. This section only asks about changes that may have taken place in the person’s country since they left or if they have been involved in activities in the UK which may place them at risk. This may be important e.g. if there has been a change of power in the country or someone has joined an opposition group in the UK; but what is said and what evidence is provided is important (see slide 38 below)

# Identity and nationality

The only place to include information on the questionnaire itself is in the section headed: *Please provide the details of your asylum claim*

Include name, date of birth, nationality and place of birth.

If the person does not have a document to confirm identity and they are from a country where their fear is of the authorities there, include a statement such as:

*"I do not have any documents to confirm my identity. I cannot approach the authorities of my country to apply for a replacement document. This is because I fear the government in my country."*

If the person does have any form of identification then they need to:

1. List the document in the section of the questionnaire headed '*Supporting documents*';
2. In the same section, say how they received or obtained the document;
3. If relevant, send evidence about how the document was received;
4. Obtain a translation of the document, if it is not in English; and
5. Post it with the completed questionnaire

# Reason for claiming asylum

On page 1 of the questionnaire is a box headed '*Reasons for claiming asylum*', followed by a list of what are the Convention reasons (see slide 5 above), the alternative to putting one of more of those five Convention reasons in the box is to write 'None of these reasons'

An example of 'religion' being the reason for applying for asylum is someone who has e.g. either converted from one religion to another or rejected the dominant religion in their country

An example of 'race' is someone who is a member of an ethnic group which is at risk from the authorities or members of an opposing and dominant ethnic group

An example of 'political opinion' is someone who refuses to join the military in their country and faces imprisonment or worse as a result

# Family members

The box on page 1 of the ACQ asks for details of close family members

This section is useful if there is a possibility that the person might, in the future, apply for family reunion i.e. for family to join them in the UK

Automatic refugee family reunion is restricted to partners (including wives/husbands) and children under 18 who were part of the person's family **before** they left their country; other family relationships formed after departure or other relatives such as older children can apply for visas but there are particular requirements to meet

There is no harm in completing this section even if family reunion is not a possibility but not if it means delaying submission of the questionnaire

In addition, there might be other family members that it would be useful to list e.g. a fiancé(e), as it puts an important relationship on record that might be the basis of a future visa application

# Physical or mental health

---

Also in a box on page 1 is a section which asks the person to list physical or mental health conditions, medication taken and/or treatment required; there is no additional information about how this will assist or be used against someone

If there are documents to submit to support any statement about health, then they can be listed in the section headed 'Supporting Documents' with an explanation about how they relate to the person's claim. Alternatively, if there are no documents, it is useful to include information in the section in the 'Please provide details of your asylum claim' section about health

One example is:

*"I have struggled with my mental health for a long time now as a result of the ways that I have been treated since I left Afghanistan and what I have seen and experienced since then. Although I now live with my brothers, I still cannot sleep properly. I don't eat too well either. I don't usually go to sleep until about 2 a.m. and then only sleep for about 4 or 5 hours. I saw a psychiatrist who diagnosed that I was suffering from moderate Post-Traumatic Stress Disorder. Eventually a doctor referred me to Birmingham Healthy Minds. They then referred me to Freedom from Torture. At the time that this statement is being prepared, I am waiting for Freedom from Torture to offer me an appointment so that they can undertake an assessment to see if they can help."*

# Continuing with an asylum claim

There are a series of questions on page 2 of the questionnaire which includes *“Have you left the UK since you claimed asylum?”*; this is followed by other questions if the answer is ‘yes’

It should be noted that, if someone left without permission from the Home Office, then their asylum claim is likely to be considered withdrawn

It also asks for details of any other application submitted or if permission to stay has been granted for some other reason; if the latter then the person needs to indicate if they still wish to have their asylum claim considered – an asylum claim should not be withdrawn without good legal advice

# Addresses in home country

---

Page 2 also asks for addresses in home country over the last ten years and length of time living in them

This has no real relevance to the asylum claim at all, particularly as some people will not have been in their home country for a number of years

It should be sufficient to include the last known address which may well be the one that was always lived in since birth

If there were other addresses and the reason for the move, of the person themselves or their family, relates to fear of persecution or serious harm, then this should be included in the section about reasons for claiming asylum

For example:

*“All of the above family members live in Mazar-i-Sharif. I have regular contact with my family. However, although they still live in Mazar, they have been forced to move three times as a result of an increasingly dangerous situation in Mazar.”*

# Family members with protection status

Under a heading that states: *“What you do not need to tell us”* is the following sentence:

*“If you have family members in the UK who have been granted protection status for similar reasons, please let us know as this may be relevant to your claim”*

In the UK, ‘protection status’ refers to refugee status or humanitarian protection

If there are family members, including extended family members (e.g. uncle/aunt) who have refugee status in **any** country, then they should be listed if they have been granted that status for similar reasons e.g. an uncle in the USA who worked as an interpreter for the British military in Afghanistan which led to problems for the wider family

It may be necessary to explain how the claims relate to each other rather than just listing the details

Be aware that the Home Office may compare statements for consistency between claims

# Details of the asylum claim



# Details: an introduction

The questionnaire refers to the questions as a guide; it does not seek to give any information or advice about what lies behind the questions

In summary, to get Refugee Status, a person has to show that they face persecution in their country for one of the five reasons set out in the Convention (slide 5), that they cannot get protection from the authorities in their country against that persecution and they could not live safely in another part of the country

To get Humanitarian Protection, a person has to show that they would face serious harm if returned

There are certain behaviours e.g. delay in claiming asylum, failure to apply for asylum in another country that they have travelled through, etc. which can be used against someone

The questions in the ACQ are intended to help the Home Office examine all of the above but they do not give any help in understanding which questions particularly relate to the different areas e.g. reasons for claiming asylum

---



# Criminality and security

There are a series of questions on page 2 which it is essential to answer; these relate to possible exclusion from Refugee Status or Humanitarian Protection as a result of conduct or behaviour that a person has been involved in

Unless the answer is 'no' to each of them e.g. about terrorism, then further information is needed

If the answer 'yes' to any of these questions, it is likely to lead to a decision not only that the person should be excluded from refugee status and humanitarian protection but also that person's referral for further investigation for possible criminal offence

---

# Details of asylum claim

The questions referred to in slides 11-13 (numbered in those slides as 2, 3, 4, 7, 8 and 9) form the basis of the questions to be answered in this section of the questionnaire; the questions are a guide only and do not need to be answered in full or at all

There are a total of 9 questions set out in those sections; they cover what has happened in the past that has led to the need to leave and seek asylum

The questions assume that something has happened to the individual person; this is misleading for a number of reasons:

1. Nothing may have happened yet; the person may have left before an 'event' (Home Office word) took place;
2. If something has happened, it may have happened to someone else and not to the person claiming asylum e.g. a family member, a colleague in a political organisation, etc.

In addition, the questions in slide 13 (numbered 10, 11 and 12) can have a significant impact on the Home Office decision; these are considered separately below at slides 31-34

# Fear on return: who?

It is important to note that what the Home Office should be looking at is what may happen in the future; what has happened in the past is important but it is not enough to get Refugee Status or Humanitarian Protection

The questions that are numbered above as 2 – 4 relate to who and why the person fears return and what happened to make the person fearful about returning

The questions about 'who' asks the person to identify a person, group or organisation, the power or influence that they have and whether they are part of the government or authorities in their country

For those who fear the government (and its forces) it is sufficient to say something like: *"I fear that I will be targeted by supporters of Zanu-PF for my association with and support for the opposition party, previously known as the MDC-T, and that this may lead to my death."*

It is not necessary to always identify and name a person, group or organisation; the fear may come from unknown persons e.g. those who attacked a person for converting to Christianity but whose identity is not known

# Fear on return: why?

The actual question used in the ACQ is in two parts:

1. *“Fear of what **would** happen if I returned to my country of origin ...”* (emphasis added)

The phrase is misleading: it is not necessary for someone to show that what they fear **will** happen, only that it **might**

In addition, it does not need to be something that will happen immediately on return; it may be a fear of something that could happen in the future

For example, a woman who is a lesbian may not be immediately identifiable to the authorities as such on return, but when she is back living in a community then she may come to the attention of local people and to those who would attack or imprison her

2. *“... what is the reason this **would** happen?”* (emphasis added)

Again it should not be ‘would’; a better question to answer is ‘why do you believe that you are at risk on return?’

Answers might include: because the government will hold me responsible for the failure of my husband to return for military service; or because I left the country illegally and this is a criminal offence; or because my family will force me to marry or to undergo FGM; or the people who tricked me into leaving my country and forced me to work for them may take action against me because I left without their consent and owing them money

# Fear on return: what happened?

The question is *“What events took place that resulted in your fear of returning to your country of origin?”*

Contrary to the Home Office idea of what a refugee is, not everyone claiming asylum has fled their country because things were happening (e.g. war) that made it impossible for them to stay; the very nature of the country and its government, or what is likely to happen (e.g. conflict between different ethnic groups because of famine etc.) may lead someone to leave **before** they are affected by it; don't create an event to answer this question!

In such cases, it is okay to say something like:

*“I was tired of being threatened because I supported a different party. Sometimes this was when I was on the way to work. I do not know how they knew that I was involved. Maybe it was because of the rallies. Or because of my mum. I was afraid of being raped, hanged, having acid thrown at me or being buried alive. It is not possible to predict if and when this might happen. My mum faced this for years before it eventually happened.”*

# Events: when?

The only question in this section is *“Provide the date when these events took place”*.

The question again assumes that there has been an event and that it took place on a specific date and this does not apply to everyone

There may, instead be a sequence of events e.g. a series of arrests dating back over a period of time, i.e. a cumulative effect leading to a decision that it was no longer possible to stay because of severe consequences if they did

Alternatively, it may have happened to someone else and it is too dangerous to wait and see if they too will be affected e.g. a political colleague is arrested, a lesbian partner is attacked, a friend at school is taken away to do military service, etc.

Avoid dates unless the person is certain of the date(s); it is more important to give an account in a way that is more natural for the person to recall e.g. a colleague was arrested when carrying out election work a week before the national election, a partner was called to a meeting by the village elder during a family event and beaten; a friend reached the age of 16 when he was about to finish school and she was part of a group taken by soldiers who came to school

# Events: where?

There are two questions in this section:

1. About where they took place – in the country of origin or in the UK. They may in fact have taken place on the journey
2. *“Did this happen in one place in your country of origin or does your fear extend to all parts of the country?”*

This second question is, in the minds of the Home Office, tied to a section which asks if the person ever tried to move to another part of the country (see slide 32 below)

Basically, if the person says that they are only at risk in one part of the country but safe in other parts, then they do not qualify for protection in the UK because they should have moved within the country and not left it

# Events: how?

The question asks *“What are the reasons behind the events which took place?”*

Again it assumes that something has happened and it may not have done

But, as importantly, the question is asking the person to give information which may not be available to them e.g. why was a political colleague arrested, why was a partner taken to the village elder and beaten, why was that particular friend taken by the military?

It is essential not to guess, not to try to assume what was in the mind of the person, group or government body that took the action that they did

# Seeking help from the authorities

There are three questions that ask if the person approached the authorities e.g. the police for help and, if they did, what happened and, if they did not, why didn't they

If it is the authorities that are the problem, then the answer is clear – they wouldn't help and it may have made it worse

If the authorities are not the problem, the Home Office will look at whether they could in fact have protected the person rather than them having to leave

There are a variety of reasons why people do not approach the authorities, not least because they know from experience that they will not help or that might make it worse

In addition, if there is no proof e.g. of approaching the police (such as a police record) then the Home Office may doubt that they were contacted

# Moving to another part of the country

The questions in this section tie with those in slide 29 above

The Home Office can refuse an application on the grounds that there was a safe place within the country that the person could have gone to; it doesn't matter that they cannot get there if they are now returned to their country

It is called 'internal relocation' or the 'internal flight alternative'

The questions assume that there was a choice about whether to move to another part of the country or leave the country completely

It is useful to explain why there was no choice e.g. arrest was imminent, there was a risk of attack, there was a real possibility of being taken by the military and, in all cases, the only real option available was to leave the country

In addition, relocating to another part of the country has to be reasonable depending upon the individual circumstances of the person or their family e.g. could they re-establish themselves there, could it lead to other problems which would make it difficult to settle

# Journey to the UK

The questions about the journey are in a section headed *“How did you get to the UK?”*; there are 11 questions in that section

In that section, it is useful to understand what lies behind the questions (next slide)

In addition, the questions are misleading as they may not apply to a person

For example, there is a question that reads *“Did you arrange this journey yourself or did you use an agent?”*; the question implies that the journey was one sequence of events rather than a long process with different reasons for staying in or moving on from a country

# Journey: what lies behind the questions?

The law in the UK directs the Home Office (and Tribunal judges) to conclude that a person's account is lacking in credibility (i.e. cannot be believed) because they could and should have stayed in a 'safe country' having left their own and before arriving in the UK e.g. in Italy or France or, e.g. because they delayed in claiming asylum

Most people claiming asylum have no choice but to travel through other countries

It is important to list the countries and explain why it was not possible to stay there e.g. because of poor treatment in that country (e.g. beaten by the police, forced to work, etc), lack of support (e.g. in Italy, even those with refugee status sometimes have to live on the street)

The following is another example:

*"The countries that I have travelled through before arriving in the UK are: Iran, Turkey, Greece, Macedonia, Serbia, Croatia, Slovenia, Italy and France. It was only in Greece that I was given some form of permission to stay and that was only for 15 days. During that time, I had to make arrangements to leave the country. I have not claimed asylum in any of the countries that I have passed through. I was not the one in control during my journey and stay in various countries. Either the authorities were in control or the people who planned the journeys."*

# Delay in claiming asylum

In the same section about the journey, the final question is *“If you were already in the UK when you realised that you could not return to your country of origin, did you claim asylum immediately? If not, why not?”*

The question assumes that everyone knows what asylum is, that it applies to them and to their situation, how to claim asylum, etc.

People’s knowledge and awareness does not match Home Office assumptions

An example of an answer is:

*“[The solicitor] asked me my story and, having heard about why I and my family had left India, he gave me some information about asylum. He told me, however, that India is considered to be a safe country and that I only stood a 1% chance of being given asylum. I told him that I believed honesty was the best policy. This was the first time that I had heard about such a system. I was able to speak with some other solicitors also who confirmed the information that he gave me and confirmed that there were no other options except to apply for asylum. I then made an appointment for myself and my wife to go to Croydon to claim asylum. This was about three months after we arrived and well before our visitor’s visa expired.”*

# Exploitation

The actual section in the ACQ where exploitation is mentioned states:

*“Were you subject to human trafficking ...or modern slavery ... during your journey to or after your arrival in the UK?”*

1. The exploitation may have taken place in the country of origin and not necessarily on the journey or in the UK; it may in fact be the reason that someone has claimed asylum and fears returning home
2. If the exploitation was not in the home country, then there may be no reason to mention or go into detail as it may be a distraction away from the core issues; alternatively, it may explain the person’s trauma, anxiety, etc.
3. If there has been exploitation then the Home Office may decide to refer that person to a different section to have their trafficking claim considered; this can assist, be used against and/or delay consideration of an asylum claim

**NB adults have a choice about a referral for a trafficking claim to be considered, children do not**



# Children and other dependent relatives

The whole questionnaire is directed at an individual but there may be other members of the family, particularly children, who will be affected by a decision to refuse them permission to stay and, for some, for whom it may not be safe to return (e.g. children who could be taken away by force by other family members because their parents are not considered to be bringing them up properly as members of their religion)

It is important to set out why it is not safe for other family members to return

The Home Office has a particular responsibility to safeguard the welfare of children

Children can be very badly affected by a Home Office refusal and their vulnerability should be made known to the Home Office

---



# Since arrival in the UK

The questions in this section only ask about what has happened in the country of origin since they left or what they may have been involved in since they left which may place them at risk

Changes in the country e.g. deterioration in the political situation making it even more dangerous and changes in the life of the person in the UK e.g. conversion to Christianity are important to note in the reply to the Home Office

However, in addition, there may be other changes e.g. a new relationship, deterioration in health, a child etc. which are also relevant and should be mentioned (see below)

---



# Other reasons for wanting to stay in the UK

There is a small box in the declaration part of the ACQ which is headed “*Other reasons for needing to stay*”. There is no guidance about what could be included about other reasons and no indication as to where this information should be inserted.

These, like all of the answers, could be put in a separate statement (with supporting documents)

- Relationships
  - Length of time in the UK
  - Lack of connection/support in home country
  - Health
-



# Supporting evidence

The ACQ itself has a complete page headed 'Supporting documents' and states: *"If you are sending documents in support of information you have provided, please list them in the box below."*

The part of the accompanying letter on evidence states: *"If you have any documents that support your asylum claim, please submit them with your questionnaire **and explain how they relate to your claim and how the documents were obtained.**"* (emphasis added)

In addition, it is stated that original documents, not copies, must be submitted with an English translation (if needed)

If original documents are being submitted, then they will need to be posted rather than emailed; the postal address is: UKVI – Response, PO Box 7631, Village Way, Bilston WV14 4DL

---

# Thank you!

---

- Information in these training slides is for training purposes only and does not constitute legal advice

- ©TACTIC

- <https://tactic.org.uk/>

