

Applications from abroad

1. Introduction

Applications from abroad are made by persons still present in a third country. The application from abroad is initiated when a British Diplomatic Post refers to the ICD an application for asylum from outside the UK from a person who has not yet been recognised as a refugee by another country or by UNHCR.

For instructions on dealing with applications from persons already recognised as refugees by another country, see the instruction on **Transfer of Refugee Status**.

For guidance on applications from persons recognised as refugees by and under the protection of the UNHCR, see the instruction on **Mandate Refugees**.

1.1. Key points

Although there is no provision in the Immigration Rules for people who are overseas to be granted entry clearance to come to the UK as refugees, Entry Clearance Officers have discretion to accept, outside the Immigration Rules, an application for entry clearance for the UK where:

- A foreign national demonstrates a prima facie case that his/her circumstances meet the definition of the 1951 Convention;
- **and** s/he has close ties with the UK;
- **and** the UK is the most appropriate country of long term refuge.

All such accepted applications must be referred by the post abroad to the ICD for decision on whether to grant Entry Clearance as a refugee.

2. Action at British diplomatic post

When making an application at a post abroad, the applicant will first be asked to complete a visa application form. The applicant will then be interviewed about the asylum claim. Where it is appropriate an applicant will normally be encouraged to approach the local authorities for asylum, or local representatives of the UNHCR.

Under the 1951 Convention, there is no obligation to consider an asylum application made overseas but if, exceptionally, the post accepts the application, the visa application form and the interview record will be forwarded to the ICD for full consideration of the asylum claim. The applicant will be told that the Home Office in the UK will decide whether entry clearance should be granted.

3. Action in asylum directorate

3.1. Considering the claim

The caseworkers must consider whether the applicant:

- i) satisfies the usual criteria for refugee status as set out in the 1951 Convention; **and**
- ii) has close ties with the UK; **and**
- iii) has established that the UK is the most appropriate country of refuge.

The applicant must have strong ties with the UK e.g. close family in the UK or periods spent here as a student. For the purposes of clarifying what constitutes close family the categories are:

- spouse
- Children (minor's)
- Parents/grandparents over 65.

Exceptional Circumstances

The following family members will only meet the close ties requirement in exceptional circumstances:

- parent/grandparent (in the singular) under 65
- family members aged 18 or over: son, daughter, sister, brother, uncle, aunt

(Please refer to IDI 317)

No other categories of family relationship will meet the close ties requirement

Advice on how to grant or refuse Entry Clearance as a refugee can be found in the ICD Process Manual.

Enquiries: Further enquiries should normally be made in writing via a Senior Caseworker to Team 4, APU.

Further advice: see also the instructions on **Transfer of Refugee Status, Mandate Refugees and The Ten or More Plan.**