

Chapter 30 – Index

30	Grant of asylum or exceptional leave to remain - Refugee status
30.1	Humanitarian protection and discretionary leave (HP/DL)

30. Grant of asylum or exceptional leave to remain - Refugee status

Where the relevant casework section decides that an asylum applicant is a refugee and grants leave to remain on that basis, the decision will be communicated to the enforcement office. The following action should then be taken:

- ◆ discontinue enforcement action;
- ◆ Do not return the person's passport.

The relevant casework section will invite the person to withdraw any outstanding appeals. If the person requests the return of his passport once asylum has been granted, refer the request to the relevant casework section.

30.1 Humanitarian protection and discretionary leave (HP/DL)

Exceptional leave to remain was granted pre 01/04/03 in some cases where asylum had been refused. Two types of leave, Humanitarian Protection (HP) and Discretionary Leave (DL) have since replaced this. HP is granted to those unable to demonstrate a claim for asylum but who would face a serious risk to life or person arising from;

- ◆ The death penalty;
- ◆ Unlawful killing;
- ◆ Torture, inhuman/degrading treatment or punishment.

HP can be granted for a period of up to 3 years after which, following an active review, if it were decided that further protection is required ILR would be granted. DL may be granted for a limited number of specific reasons. These people will either not be considered to be in need of international protection, or will have been excluded from such protection.

DL may be granted to:

- ◆ An article 8 claimant;
- ◆ An article 3 claimant, only on medical grounds or severe humanitarian cases;

- ◆ An unaccompanied asylum seeking child for whom adequate reception arrangements in their country are not available;
- ◆ Someone who would qualify for asylum or HP but has been excluded;
- ◆ Someone who is able to demonstrate particularly compelling reasons why removal would not be appropriate.

DL is granted for 3 years, then renewable for a further 3. After 6 years ILR may be granted.