



WALES REFUGEE AND ASYLUM SEEKER ADVOCACY FORUM MINUTES



Topic: Claiming Asylum & Ukrainian Permission Extension 24th of March 2025, 1-3pm

Venue: Online Zoom Meeting

Names and specifics have been removed to preserve the anonymity of members and guests. Where these remain, permission has been granted. Some of the statements are paraphrased, with the initial point being intact, for documentation purposes. If a matter has been returned to through the duration of the forum, the information provided is summarized under a single point within this document.

Minutes taken by: Andrii Zhuravskiy – Refugee Advocacy Officer (andrii@dpia.org.uk)

Guest Speakers:



Organisation	Name	Role
Welsh Refugee Council	Nicholas Wysoczanskyj	Ukraine Manager

Contact details and links provided throughout the forum are shared at the end of this document.

Proceedings



1. Andrii introduces the advocacy forum and the session begins.



2. Nick begins presenting:

“Today we will be speaking about the general process of applying for asylum in the UK, how that is specific to Ukrainians and what are options regarding the UPE.

Firstly, we will talk about the general asylum system in the UK and then how exactly it works and affects Ukrainians. Most people apply for asylum when arriving to the UK. They then become asylum seekers. Generally, they arrive in the UK, claim asylum and are required to attend a screening interview. Then they are usually moved into initial accommodation. After that, they are dispersed to Home Office Accommodation (NASS). Then, after some time, they are invited to a more substantial interview, the Substantive Interview, where they are questioned in detail about one’s personal case. After that, a person receives a positive or negative decision regarding their claim. In case of a positive decision, one receives one of the statuses allowing them to stay in the UK. In case of a negative decision, one can appeal, which can then lead to a positive decision or dismissal. In case of dismissal, another appeal is possible to an Upper Tribunal. If the appeal is successful, the case returns to a First Tier Tribunal or is heard immediately.

If appeal options are exhausted, one receives the status of the same name (Appeal Rights Exhausted), leading to the No Recourse to Public Funds status, meaning being unable to receive benefits or any type of public funds. In that case, one must prepare and submit a fresh claim.

Going through the court and asylum system is very expensive and time consuming. The average price for an immigration lawyer is from 150-250 pounds per hour + taxes. When you have received a positive decision, you can receive one of the several statuses in the UK. You start as an asylum seeker, but you can receive the refugee status, humanitarian protection or discretionary leave to remain.

When you are an asylum seeker entering the UK, you have no right to work and need to wait at least for a year before applying for the permission to work, which even then is limited in terms of available job options due to the immigration salary list. Asylum seekers do not have access to benefits or social housing.

People who have been granted the refugee status usually receive it under the 1951 Refugee Convention. Normally they receive a 5 year leave to remain,

having access to work, public funds, social housing, education and so on.

People who receive humanitarian protection receive it under the European Convention of Human Rights. The criteria are less strict than the Refugee Convention. This type is the one most Ukrainians would apply for. Usually, people with humanitarian protection are given 5 years to remain in the UK. After that time, they might be given permission to apply for indefinite leave to remain. Like refugees, they have no restrictions to accessing work, benefits, social housing, education, etc.

If you do not qualify for either of the above, you might get Discretionary Leave to Remain. Typically, people with this status are only granted the right to remain in the UK for 2.5 years, but it depends on personal circumstances. Some of these individuals can apply for indefinite leave to remain after 10 years. There might be some restriction on work and benefits, but it's on a case-by-case basis.

Currently 133.000 in the UK are expecting an asylum decision.

What are the challenges you would face in this process?

There would be multiple important deadlines that you would have to adhere to, but you would need to ensure you meet each in a timely fashion.

Now regarding the UPE Scheme and nuances for Ukrainians. Most people claiming asylum enter the UK with no rights. Ukrainians in the UK are mostly under one of the Ukraine schemes. So, you already have very good rights within the UK. You have full access to work, benefits and education. If you were to make an asylum claim while your visa is still valid, you will retain the rights you currently have while the application is being processed. Currently people who are unsuccessful are being allowed to return to the scheme they were previously on. This is because the number of applications is very small. We do not know what the Home Office's reaction will be if the number of applications rises.

The majority of those who applied have received humanitarian protection. In addition, one might be granted 5 years permission, but it might be shorter. After 5 years, you may apply for Indefinite Leave to Remain, but there is no guarantee it will be so. If you claim asylum or humanitarian protection, you won't be able to go to Ukraine. If you do, it would be considered that you do not require humanitarian protection.

If your visa in the UK ends and you apply for asylum then, you will have the general asylum experience, e.g. no right to work or benefits in the UK. Hence, it is important you maintain your visa status.

This brings us to UPE. The scheme allows you to extend your visas for 18

months and is free to apply for online. If you are considering one of the options for asylum, I cannot give you advice, but I would recommend not making decisions without consulting an immigration lawyer. The UPE has the advantage that you can do it yourself.

Who can apply? Anyone on a Ukraine scheme can apply but family members who are not Ukrainian nationals would need to prove their family ties. You must be within the UK to apply. You can only apply 28 days before your visa ends. If you apply early, it will probably be rejected. If your visa expires before you apply, you will lose all current rights within the UK. So please be aware of your expiry date that you can check in your UKVI account. This is also important if you consider an asylum application, as otherwise you would not retain the rights under the Ukrainian Schemes. If you consider applying for asylum at some point, protect the rights you have by applying for UPE first.

To apply, you need to have your UKVI and e-visa access. If you have your expired BRP, it can be very useful. You would also need proof of living in the UK, such as a renting contract, bank statements, etc. You might also need birth certificates and proof of marriage if your partner is not Ukrainian. If you apply for your children, you can do so for children born after 18.03.2022 - they must live with you, and you must be their legal guardian.

You will be asked to provide biometric data, but you might be able to use the biometrics you provided before. Checking this can be done via the ID Check app. Some are asked to attend UK Visa Centres in-person to resubmit biometrics.

At the end of the application process, if your biometrics are needed again, you would be guided towards an appointment at a visa centre. People are usually being sent to centres local to them.

While you are waiting for a decision, do not travel outside of the UK and plan your application before your visa expires.

In summary, check when your visa expires via UKVI, work out the 28-day period during which you can apply, gather the documents you need and apply online.

Let's move onto questions. I cannot answer individual immigration questions. If you want advice on asylum applications, you need to speak to a solicitor".



3. A forum member asks:

"Is there a share code that is generated during an application?"



Nick replies:

“No, there is no share code associated with the application process itself”.



4. **A forum member asks:**

“If the parent and child have different surnames, how does proving connection work?”



Nick replies:

“Every application would require a birth certificate or parents’ ID that should prove familial connection”.



5. **A forum member asks:**

“If I apply for humanitarian protection first, could I then apply for UPE?”



Nick replies:

“You can only apply for one thing at a time. If you want to apply for humanitarian protection and the application is under review, you cannot apply for anything else. If you applied for UPE and that was accepted, you can then apply for humanitarian protection separately. You can apply for humanitarian protection at any time, but if you apply while you have rights in the UK, you can protect those rights while your application is under review. If you lose those rights, the asylum system is not something you want to experience”.



6. **A forum member asks:**

“Where would you recommend looking for solicitors?”



Nick replies:

“We can provide details for the legal aid immigration solicitors in Wales that we are aware of. We cannot recommend any particular solicitor. If you have money for a solicitor, any immigration specialist would be suitable. Contact us and we’ll try to guide you in the right direction”.



7. **A forum member asks:**

“Whilst I wait for the extension to be granted, do I have the right to work? “



Nick replies:

“Yes, you do. If you apply in time, your current rights will continue while a decision is being made”.



8. **A forum member asks:**

“Are the asylum and humanitarian protection applications made as two different claims?”



Nick replies:

“No, claiming asylum is one application. The status you would then receive is determined based on your individual circumstances”.



9. **A forum member asks:**

“As I’m claiming asylum, is there a share code or something I can show to prove my status?”



Nick replies:

“It’s complicated and depends on an individual basis. Your eVisa would reflect your current status. The rights you have as an individual would remain the same as when you applied. If someone would require you to prove your status, you would do so by showing them a share code generated by your eVisa. It's difficult, as Ukrainians in the UK already have visas, so it will stay as is until a change to the status.



10. **A forum member asks:**

“If my visa expires in June, can I generate a share code then?”



Nick replies:

“A share code is only valid when it is requested. Unfortunately, the Home Office currently isn’t updating eVisas to reflect the status of your application. It is a problem, and we are working to change that, hopefully as soon as possible”.



11. **A forum member asks:**

“Is this the last extension?”



Nick replies:

“We don’t know. My guess that the world is not in a position where those visas would not suddenly end in 1.5 years. We don’t know what will happen next week, so it is hard to comment”.



12. A forum member asks:

“If I receive humanitarian protection, would I be able to continue studying under the same grants and rights as I have at the moment?”



Nick replies:

“You would have the same rights under humanitarian protection as you do under a Ukraine scheme, so there wouldn’t be any change to your education”.



13. A forum member asks:

“How can I present my right to work whilst I wait for the decision on the extension?”



Nick replies:

Currently, there is no good answer. It’s a known issue as currently eVisas do not reflect continued statuses, like being under application. We are doing our best for the Home Office to reflect that in the online cabinets. It is currently a known big issue that causes people not being to access work, education, renew rental contracts, etc”.



14. A forum member asks:

“Do I need to show payslips or proof of paying rent to apply for an extension, like when I show things in the JobCentre?”



Nick replies:

“The conditions and required evidence in this case is different. You would just need to prove your residence as of now and where you have been in the last three years. If you have been absent for long periods of time, you would need to explain absences from the UK”.



15. **A forum member asks:**

“How long could it take to be granted humanitarian protection for a Ukrainian? From your experience, how long does the process usually take?”



Nick replies:

“Usually a decision takes 6 to 12 months, but it all depends on individual cases. We had cases lasting 2 months and 13 years”.



16. **A forum member asks:**

“If I receive humanitarian protection, would I be able to stay in social housing?”



Nick replies:

“Most likely, yes, as you would retain your rights. Currently Home Office is monitoring how many Ukrainians apply for humanitarian protection. How these would be reviewed might change if the number of applications surges. Home Office also recently published new guidelines regarding Ukrainians, so that can affect cases as well. At the moment, there are a lot of things we do not know and will need time to see the results. So, the general advice is applying for UPE and then consulting a lawyer if you want to change onto another scheme. Do not make rush decisions”.



17. **A forum member asks:**

“If I'm living with my sponsors at the moment, can they provide written evidence on their behalf as well?”



Nick replies:

“In the application, you would specify that you are a tenant living with a sponsor for free. The sponsors can provide a letter to confirm that if needed”.



18. **A forum member asks:**

“Lot of people say that if a lot of Ukrainians apply for asylum, they would cancel the Ukrainian schemes as a whole”.



Nick replies:

“We do not know. The Ukrainian scheme was created to avoid large numbers of Ukrainians entering the asylum system. We know that that method can work if it provides longer term guarantees, but we feel that the new extension of 18 months is very short, hence why people consider other options, in comparison to when the scheme lasted 3 years before. We hope the UK government would recognise that, change the scheme, make further extensions, etc. While I can’t provide advice, there is currently an easy and free option to extend being in the UK for 1.5 years, when you would then be able to make more informed choices. So, I would recommend to wait”.



19. **A forum member asks:**

“If I apply for humanitarian protection, would my passport be taken?”



Nick replies:

“They will take your passport, and you can get it returned after receiving humanitarian protection. It would require writing to the Home Office – some solicitors charge extra for that, and some do not engage anymore after their client receives a status. If you decide to travel without a passport, that would be at your own risk. Travelling to Ukraine would nullify your humanitarian protection status – passport data is tracked, and it will be flagged if you did enter Ukraine”.



20. **A forum member asks:**

“What about travelling to other countries besides Ukraine?”



Nick replies:

“You can travel to other countries. Usually only the country you request protection from is restricted. Mind that if you do not get your passport back and apply for a travel certificate instead, not all countries accept the humanitarian travel document, such as Germany”.



21. **A forum member asks:**

“When the extension term is finishing, would one be able to apply for humanitarian protection by the end of the term, like in the end of the 1.5 years?”



Nick replies:

“Yes, but make sure that you apply while you still have an active visa under the Ukrainian scheme to retain your rights. Otherwise, you will have to go through the usual asylum process with your rights being a lot more restricted”.



22. Andrii thanks everyone for attending and closes the forum.

Contacts & Links

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