



Asylum & Immigration

Information for people (adults) from abroad who have experienced human trafficking and/or exploitation, on your rights and support in Scotland.

Have you experienced human trafficking or exploitation?

Being trafficked or exploited can have a long-term impact on you and affect many parts of your life. You may also find it difficult to adjust to living in a new country or place. But you are not alone. There is help for you to start recovering from your experiences and help you settle into your new life.

JustRight Scotland can give you advice and information on any of the issues discussed in this factsheet connected to your trafficking and/or exploitation.

You can find us at:

bit.ly/JustRightScotland

ASYLUM

If you believe you will be at risk of serious harm if you return to your home country, you may need international protection. You can seek international protection in the UK by making a claim for asylum. By making a claim for asylum, you will be asking for permission to stay in the UK for your own safety as a Refugee or by being granted Humanitarian Protection.

Claiming asylum is a complicated process and you have the right to legal advice. **If you claim asylum after 28 June 2022, your claim will be treated differently to claims made before this date.** It is very important that you have a solicitor to advise and help you with your asylum claim and that you get legal advice as soon as possible (see below for information on finding a solicitor). You can also get information on claiming asylum from:

- ▶ **Migrant Help Asylum Helpline:**
0808 8010 503 (24 hours)
www.migranthelpuk.org

Migrant Help can give you information on:

- ◇ How to claim asylum
- ◇ The asylum process
- ◇ Applying for asylum support including accommodation
- ◇ Finding legal representation
- ◇ Accessing healthcare

FAMILY REUNION

If you have been granted Refugee status or Humanitarian Protection before 28 June 2022 you have the right to make an application to bring your spouse/unmarried partner and children under the age of 18 living abroad, to join you in the UK. Limited family reunion is possible for those who arrived in the UK without permission/visa on or after 28 June 2022.

It is important to get legal advice and assistance in making an application for Family Reunion.

You can also find our Family Reunion Factsheets helpful:

- ▶ **What is Family Reunion:**
www.justrightscotland.org.uk/wp-content/uploads/2020/07/SFRS-Factsheet-Family-Reunion-Oct-2018.pdf
- ▶ **Rights of Reunited Family Members:**
www.justrightscotland.org.uk/wp-content/uploads/2020/07/SFRS-Factsheet-Reunited-Family-Members-July-2020.pdf

EU/EEA CITIZENS

The UK left the European Union (EU) on 31 January 2020. This process is known as 'Brexit'. From 1 January 2021, the rights of EU nationals living in the UK have changed.

EU, EEA, or Swiss citizens and their family members who were living in the UK on 31 December 2020 and wanted to stay in Scotland/UK must have applied to the EU Settlement Scheme (EUSS) BEFORE 30 JUNE 2021, for either:

- ▶ **Settled Status (indefinite leave to remain);**
or
- ▶ **Pre-Settled Status**
(limited leave to remain for 5 years)

If you are an EU citizen or the family member of an EU citizen and did not apply to EUSS before the 30 June 2021 deadline, you may not have the right to stay in the UK after 1 July 2021. If you want to continue to stay in Scotland/UK, you should get urgent legal advice (see below).

If you are an EU citizen who arrived in Scotland/UK after 1 January 2021 you cannot apply for Settled Status or Pre-Settled Status, and you may be subject to the new immigration rules that came into place on 28 June 2022.

The rules and rights for EU citizens and their family members are complicated and you should get legal advice to understand your rights.

You can also get free and confidential advice from:

- ▶ **Citizens Advice Scotland:**
www.citizensadvice.org.uk/scotland
- ▶ **Positive action in Housing (PAIH)**
0141 353 2220
www.paih.org/our-services/help-for-new-migrants/

You can also find information on the UK Government Website at:

- ▶ www.gov.uk/settled-status-eu-citizens-families/join-EU-EEA-Swiss-family-member

You can also find factsheets on the rights of EU Citizens in Scotland at:

- ▶ **JustCitizens**
www.justcitizens.scot/eu/

LEGAL ADVICE

If you have an issue with any of the areas mentioned in this factsheet, it is very important that you get legal advice from the right solicitor (lawyer) for your legal needs. This will depend on what sort of case you have.

If you cannot afford to pay for a solicitor, you may be eligible for legal aid. Legal aid is available regardless of your immigration status. Legal aid in Scotland is provided by the Scottish Legal Aid Board. You can check the Scottish Legal Aid Board website (www.slab.org.uk/) to see if you can get legal aid, before contacting a solicitor. The Scottish Legal Aid Board has online calculators so you can check if you are eligible:

- ▶ www.slab.org.uk/new-to-legal-aid/eligibility-estimators/estimator-civil-legal-aid/
- ▶ www.slab.org.uk/new-to-legal-aid/eligibility-estimators/estimator-childrens-legal-aid/

You can look for a solicitor to help you at:

- ▶ **Law Society of Scotland website:**
www.lawscot.org.uk/find-a-solicitor/
- ▶ **Scottish Legal Aid Board**
www.slab.org.uk/new-to-legal-aid/find-a-solicitor/

IMMIGRATION STATUS/RESIDENCE PERMIT

You may need to renew your immigration status/residence permit or get advice on the conditions of your permission to stay in the UK. A solicitor can help you with this.

Residency permits are only being issued until 31 December 2024, after which a new online system will be used. The date restriction does not change your entitlements and your leave will not expire after this date.

Last updated 28 October 2022