



## National Unit Specification: general information

**UNIT** Asylum Seekers and Refugees: Asylum Seekers and the Law  
(SCQF level 5)

**CODE** F542 11

### SUMMARY

This Unit is designed to introduce candidates to the asylum process within the UK. Candidates will develop an awareness of the reasons why people seek asylum and their individual responsibilities when doing so. Candidates will learn about the law which relates to asylum seekers and their rights within the law.

This Unit is suitable for both volunteers and paid staff who may come into contact with asylum seekers in the course of their day-to-day work.

### OUTCOMES

- 1 Investigate the reasons for seeking asylum.
- 2 Identify and describe the law relating to Asylum Seekers.
- 3 Describe the Asylum Process in the United Kingdom.

### RECOMMENDED ENTRY

Entry is at the discretion of the centre.

Some experience of working with, or having contact with, asylum seekers would be beneficial.

---

#### Administrative Information

**Superclass:** PN

**Publication date:** July 2008

**Source:** Scottish Qualifications Authority

**Version:** 01

© Scottish Qualifications Authority 2008

This publication may be reproduced in whole or in part for educational purposes provided that no profit is derived from reproduction and that, if reproduced in part, the source is acknowledged.

Additional copies of this Unit Specification can be purchased from the Scottish Qualifications Authority. Please contact the Customer Contact Centre, telephone 0845 279 1000.

## **National Unit Specification: general information (cont)**

**UNIT**       Asylum Seekers and Refugees: Asylum Seekers and the Law  
(SCQF level 5)

### **CREDIT VALUE**

1 credit at Intermediate 2 (6 SCQF credit points at SCQF level 5\*).

*\*SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

### **CORE SKILLS**

This information will be provided by the NQ Product Team.

## **National Unit Specification: statement of standards**

### **UNIT       Asylum Seekers and Refugees: Asylum Seekers and the Law (SCQF level 5)**

Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit Specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

#### **OUTCOME 1**

Investigate the reasons for seeking asylum.

##### **Performance Criteria**

- (a) Explain why people leave their country of origin.
- (b) Identify the main groups seeking asylum in the United Kingdom.

#### **OUTCOME 2**

Identify and describe the law relating to Asylum Seekers.

##### **Performance Criteria**

- (a) Identify the current asylum law in the United Kingdom.
- (b) Describe the rights given to asylum seekers.
- (c) Describe the responsibilities of asylum seekers.

#### **OUTCOME 3**

Describe the Asylum Process in the United Kingdom.

##### **Performance Criteria**

- (a) Describe the main stages in the asylum process.
- (b) Describe the main stages the appeals process.
- (c) Describe the process of voluntary return and enforced removal.

#### **EVIDENCE REQUIREMENTS FOR THIS UNIT**

Written and/or recorded oral evidence is required to ensure that the candidate has achieved all Outcomes and Performance Criteria.

## **National Unit Specification: statement of standards (cont)**

### **UNIT**      Asylum Seekers and Refugees: Asylum Seekers and the Law (SCQF level 5)

#### **Outcome 1 — Written/Oral evidence**

Evidence for Outcome 1 will be gathered in open-book conditions at appropriate points throughout the Unit. Evidence will be gathered in a candidate folio. Candidates will be given a project brief.

Candidates are required to:

- ◆ explain **three** reasons for people leaving their country of origin
- ◆ identify three groups who may seek asylum in the United Kingdom

#### **Outcome 2 — Written/Oral evidence**

Evidence for Outcome 2 will be gathered at an appropriate point during the Unit. Evidence will be gathered in open-book conditions with candidates having access to notes.

Candidates are required to:

- ◆ identify two laws relating to asylum seekers in the United Kingdom
- ◆ describe three rights given to asylum seekers
- ◆ describe two responsibilities of asylum seekers

Examples of legislation and rights and responsibilities are provided in the support notes.

#### **Outcome 3 — Written/Oral evidence**

Evidence for Outcome 3 will be gathered at an appropriate point during the Unit. Evidence will be gathered in open-book conditions with candidates having access to notes.

Candidates are required to:

- ◆ describe the main stages in the asylum process
- ◆ describe the main stages the appeals process
- ◆ describe the process of voluntary return and enforced removal

Further information on the asylum process is provided in the support notes.

## National Unit Specification: support notes

### UNIT Asylum Seekers and Refugees: Asylum Seekers and the Law (SCQF level 5)

This part of the Unit Specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

#### GUIDANCE ON THE CONTENT AND CONTEXT FOR THIS UNIT

This Unit has been designed as part of The National Progression Award: Working with Asylum Seekers and Refugees but can also be taken as a free-standing Unit. It is suitable for volunteers or staff who come into contact with asylum seekers in the course of their day-to-day work.

Candidates should be given an introduction to the Asylum Process within the UK and will explore the reasons for seeking asylum.

**Outcome 1** — This Outcome is intended to provide an introduction to the reasons why people leave their country of origin to seek asylum in the UK. This is an ever-changing area regarding regulations. Therefore centres must ensure that they refer to the most up-to-date legislation.

The right to claim asylum is enshrined in international law. Governments are obliged to provide protection to people who meet the criteria for asylum. The UK has signed these international laws and they are part of UK law. If someone is at risk of being persecuted in their own country, they may go abroad and ask for asylum in another country. Granting ‘asylum’ means giving someone permission to remain in another country because of that risk of persecution. Many different nationalities are represented amongst the asylum seeking community in the UK and the reasons for seeking asylum include ethnic and religious strife, civil war, political oppression and civil rights abuses. At the time of writing the main countries from which people seek asylum are:

- ◆ Eritrea
- ◆ Afghanistan
- ◆ Iran
- ◆ China
- ◆ Somalia
- ◆ Zimbabwe
- ◆ Pakistan
- ◆ Iraq
- ◆ Nigeria
- ◆ India

## National Unit Specification: support notes (cont)

### UNIT Asylum Seekers and Refugees: Asylum Seekers and the Law (SCQF level 5)

**Outcome 2** — This Outcome is intended to provide an introduction to the law relating to asylum seekers. The following information is accurate at the time of writing.

People seeking asylum in the UK must request asylum as soon as they enter the UK, either at the port or airport of entry or in person at the offices of the Borders and Immigration Agency if they have entered illegally. Once their claim has been made it enters the asylum process during which time it is checked against UK legislation on asylum. The condition for asylum to be granted is that the applicant should have a well-founded fear that if they returned to their country of origin they would be persecuted because of their race, religion, nationality, membership of a particular social group or political opinion.. At the time of writing relevant legislation includes:

- ◆ Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
- ◆ Immigration and Asylum Act 1999
- ◆ Nationality, Immigration and Asylum Act 2002

Asylum seekers are forced migrants who are making a claim for refugee status. They apply to a body under the direction of the Home Office, the Borders and Immigration Agency, for basic housing and social security benefits (routinely paid (70% of income support). To be eligible for support individuals must be destitute and, accept dispersal to a location over which they have no choice. BIA houses asylum seekers by subcontracting to a mixture of providers including local authorities. Asylum seekers are not allowed to work while their claim is being processed but they have full access to medical treatment, English classes and education for their children. They are obliged to conform to the laws of the UK.

**Outcome 3** — This Outcome is intended to provide an introduction to the asylum process. The following information is accurate at the time of writing.

#### Refugee status

An asylum seeker who is recognised as a refugee is granted indefinite leave to enter or remain in the UK. They are also entitled to apply for a Convention travel document and for family reunion ie the right to bring immediate dependant family from the home country. Recognised refugees are entitled to the same social and economic rights as UK citizens. They have full access to medical treatment, housing, education, and employment. They are obliged to conform to the laws of the UK.

#### Humanitarian Protection and Discretionary Leave

In some cases, applicants who are refused asylum can be granted Humanitarian Protection. This is a grant of limited leave made to someone who hasn't been granted asylum but has been able to demonstrate a need for protection in the United Kingdom. A person who is not able to demonstrate a need for protection under either the asylum or Humanitarian Protection provisions may qualify for a grant of Discretionary Leave. The Discretionary Leave procedures are more focussed than the exceptional leave procedures and are at the discretion of the Home Secretary.

## **National Unit Specification: support notes (cont)**

**UNIT** Asylum Seekers and Refugees: Asylum Seekers and the Law  
(SCQF level 5)

### **Appeals**

If asylum is refused, details of any appeal rights and the procedures to follow will be provided at the same time as the decision is notified. Asylum seekers have the right to apply for legal aid to be represented during the appeals process.

### **Voluntary Return**

A refugee or asylum seeker may decide to leave the UK and return to their country of origin. There are also assisted return programmes which offer help to leave the UK and assistance back in the country of return.

### **Removals**

Asylum seekers who are refused refugee status or exceptional leave to remain and have no other basis to stay are expected to leave the UK. If they do not do so, they may be detained until they can be removed.

Legislation is ever changing and teachers/lecturers must ensure the accuracy and currency of information. Useful websites include:

Home Office Country of Origin information service:

[http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

Refugee Council: <http://www.refugeecouncil.org.uk/>

Amnesty International <http://www.amnesty.org.uk>

International Organisation for Migration <http://www.iomlondon.org>.

## **GUIDANCE ON LEARNING AND TEACHING APPROACHES FOR THIS UNIT**

In delivering this Unit there should be a combination of teacher/lecturer presentation and candidate centred learning.

### **Outcome 1**

Candidates must explain why people leave their country of origin to seek asylum in the UK in relation to three main groups. Candidates will require to gather information from a variety of sources. This could include:

- ◆ visiting speakers
- ◆ internet research
- ◆ interviews with asylum seekers
- ◆ library

## National Unit Specification: support notes (cont)

### UNIT Asylum Seekers and Refugees: Asylum Seekers and the Law (SCQF level 5)

It may be beneficial for candidates to work in groups and share information although the final submission must be the candidate's own work. Candidates should discuss and agree with the teacher//lecturer a suitable format for presenting the information.

#### Outcome 2

Candidates must identify current legislation and outline the rights and responsibilities of asylum seekers.

#### Outcome 3

Candidates are required to describe the stages in the asylum process. Evidence could be presented in the form of a flow chart or diagram illustrating the possible Outcomes of an asylum application. Candidates are encouraged to work in groups and share information.

Delivery of this Unit could incorporate a variety of teaching and learning methods including:

- ◆ group discussions
- ◆ case studies
- ◆ individual or group research
- ◆ using audio visual materials as a stimulus for class or group discussions
- ◆ lectures
- ◆ use of candidates' own experiences
- ◆ visiting speakers

### OPPORTUNITIES FOR CORE SKILL DEVELOPMENT

In this Unit candidates will be involved in an investigation. There may be opportunities for candidates to work with others which would enable them to develop effective communication and interpersonal skills. If the candidate uses a computer while undertaking any part of this Unit, they will have the opportunity to develop *Information Technology* skills.

### GUIDANCE ON APPROACHES TO ASSESSMENT FOR THIS UNIT

#### Opportunities for the use of e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by information and communications technology (ICT), such as e-testing or the use of e-portfolios or e-checklists. Centres which wish to use e-assessment must ensure that the national standard is applied to all candidate evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. Further advice is available in *SQA Guidelines on Online Assessment for Further Education (AA1641, March 2003)*, *SQA Guidelines on e-assessment for Schools (BD2625, June 2005)*.

## **National Unit Specification: support notes (cont)**

### **UNIT**      **Asylum Seekers and Refugees: Asylum Seekers and the Law** (SCQF level 5)

The evidence will be gathered in open-book conditions at appropriate points throughout the Unit with candidates having access to relevant learning and teaching materials. Candidates will be given a project brief and structured questions.

Evidence should be gathered in an individual folio of evidence which should include the following information:

- ◆ explanation of three reasons for people leaving their country of origin
- ◆ identification of the main reason for seeking asylum in the United Kingdom in relation to three groups
- ◆ rights and responsibilities of asylum seekers under the law

Evidence for Outcome 3 should include information on the asylum process and possible Outcomes for individuals seeking asylum.

Candidates should be given a choice as to their preferred method of submission. Evidence could be presented in the following formats:

- ◆ written information
- ◆ diagrams or charts
- ◆ an electronic slide show
- ◆ leaflet or poster
- ◆ multimedia presentation

### **CANDIDATES WITH DISABILITIES AND/OR ADDITIONAL SUPPORT NEEDS**

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* ([www.sqa.org.uk](http://www.sqa.org.uk)).