

Mandate refugees

This guidance replaces the previous Asylum Instruction on Mandate Refugees, which has been withdrawn for review with immediate effect.

Its purpose is to provide advice on the consideration by the UK Border Agency of asylum claims lodged in the UK by mandate refugees, including

- the weight to be given to the fact of mandate status and
- the impact upon the assessment of credibility and protection needs

Enquiries about this aspect of guidance on mandate refugees should be made to the NAM+ Protection inbox.

Further information on UK Border Agency resettlement schemes (the Gateway Programme and the Mandate Scheme), pending a review of guidance, may be found in the UK Country Chapter of the [UNHCR Resettlement Handbook](#) (which was revised by UK Border Agency in August 2011).

Asylum Quality & Improvement
UK Border Agency
1st June 2012

Consideration of asylum claims in the UK by mandate refugees

1. All applications for asylum by mandate refugees will be considered within the normal asylum process.
2. Mandate refugees have no entitlement to asylum in the UK and UNHCR recognition of mandate refugee status is not binding on the UK. However the UK Border Agency accepts that in determining the asylum claim of a mandate refugee the decision maker must give mandate status due weight and take it into account when assessing credibility and determining the risk on return.
3. The point of the weight to be accorded mandate refugee status was considered by the Court of Appeal in its judgment on [MM \(Iran\) v SSHD 2010](#). The Court said:

“In reality, a decision by the UNHCR as to refugee status will, given the UNHCR's particular expertise and responsibilities under the Refugee Convention, be given considerable weight by the Secretary of State (and the tribunal) unless in any particular case the decision taker concludes that there are cogent reasons not to do so on the facts of that individual case.”

4. Applicants may make a claim to asylum, based upon a fear of persecution in the country of origin, **and/or** a claim based on a fear of persecution in the country in which they were recognised as refugees under UNHCR's mandate.

5. It will be important to examine both aspects at the asylum interview, whether or not the applicant has raised them when registering the claim to asylum, in order to determine whether the applicant still has a well-founded fear of persecution in the country of origin and also a well-founded fear of persecution in the country from which they have come (usually the one in which mandate status was recognised by the UNHCR). Decision makers should, at the earliest opportunity:

- confirm with UNHCR Legal Protection team in London at gbrlo@unhcr.org that the applicant has been recognised as a mandate refugee and request any available information as to the reasons for doing so. It will assist the UNHCR if the following information is provided:

- 1) UNHCR office / camp registered with -
- 2) UNHCR Registration Number -
- 3) Approximate date of arrival -
- 4) Approximate date of registration;
- 5) Approximate date granted refugee status -
- 6) Approximate date of departure -
- 7) Scanned copies of any available relevant supporting documents, in particular, UNHCR registration papers; and
- 8) A waiver of confidentiality signed by the applicant.

- obtain Country of Origin information (COI) on the protection given to refugees and asylum seekers by the country in which the individual previously resided;

- obtain information about the status of the individual in that country and his re-admissibility to it; this may be best done at the asylum interview.

6. UNHCR recognition of the applicant as a mandate refugee and any opinion or information that it provides will form part of the information available to the decision-maker. The decision-maker may not always know the basis on which the claim was accepted by the UNHCR or what evidence was in its possession when it did so. Nevertheless, the fact of UNHCR recognition and any accompanying information made available will be part of the decision-maker's assessment of the application. Once established, the fact of mandate status will go some way towards establishing the credibility and protection needs of the individual vis-à-vis the country of origin and the decision maker must not lightly set aside that status in reaching a decision.