

# CASE STUDY

## **The problem**

Our client had come to the UK with an academic visitor visa, set to complete his PhD research as part of his role in the military.

When his research could not be completed before the expiry of his visa, he assumed he could apply for an extension as an academic visitor. However, the maximum duration allowed on this visa was 12 months with no option to extend.

The Home Office e-mailed our client stating that his application would fall for refusal, but he had the option to withdraw the application himself first.

Our client was afraid to return to his country as failure to complete his PhD research in these circumstances could lead to possible imprisonment by the military.

The Immigration Rules did not permit our client to stay longer than the validity of his visit visa, but he could not return home for fear of imprisonment, so the most advisable option was to claim asylum.

## **The process**

Our client approached Jamie Langley, Immigration Paralegal, for advice on the asylum process and best evidence to put forward. We worked closely with our client to gather a significant amount of supporting evidence to submit a statement to the Home Office.

This included instructing a country expert to detail the military and disciplinary procedures of our client's home country. We also instructed a translation company to translate the text messages and communications between our client and his military supervisor asking for updates about the research, along with voice messages left by his military superior after our client was expected to return.

Our client attended his first substantive interview with the Home Office and unfortunately the interviewing officer failed to understand why he could simply not return to his home country and explain that the incomplete research was outside his control.

Following the interview, we provided the Home Office with further evidence as to why our client could not return to his home country due to the different processes of the military and that comparing the two countries was entirely inappropriate.

Our client was then called for a second substantive interview with the Home Office for further questioning. At this point further evidence had been submitted from a comrade of our client who attested to the credible character of our client and the reality of their home military.

## The outcome

After further representations, our client waited for just over two weeks for an update from the Home Office. Nine months after our client had first claimed asylum the Home Office e-mailed confirming and granting our client refugee status and permission to stay in the UK.

## Client testimonial

*"I have received an outstanding service with regards to my asylum claim right from the moment I phoned to seek legal advice from Sydney Mitchell LLP.*

*Jamie Langley was a perfect advisor on how to proceed with my case presenting all possible options and advising on the best choice I should make. He has been encouraging me to present as much evidence as I have which helped alot for the final positive decision.*

*He has suggested ideas of getting national report that have helped to the final decision. He have also encouraged me in all the ups and downs of my asylum processes when I felt depressed and sick of the long waiting. Finally, I would like to express my heartfelt thanks to Jamie and all the staff involved for their unreserved effort which ended up in a successful grant of my refugee status. You will be always my choice for any legal assistance I may require.*

*Thank you so much."*

## Get in touch

At Sydney Mitchell we understand the law relating to immigration can often be complicated and very daunting, making it difficult to know which option is best for your individual and business circumstances.

For advice on asylum and refugee status, call our team today on **0808 166 8831** or the number at the top of this page.