

# ASAP

ASYLUM  
SUPPORT  
APPEALS  
PROJECT

## ANNUAL REPORT 2012/2013

*'The Asylum Support Appeals Project (ASAP) is a small national charity that uses its niche legal expertise, access to evidence and links to a large number of organisations and legal practitioners to reduce the destitution of asylum seekers across the UK, many of whom are left in limbo as they are unable to return home, denied work in the UK and prevented from accessing support and healthcare'*

**[www.asaproject.org.uk](http://www.asaproject.org.uk)**



## About ASAP

The Asylum Support Appeals Project (ASAP) is a small national charity working to reduce the destitution of asylum seekers by defending their legal rights to food and shelter. We represent some of the most vulnerable and poorest people in the UK, many of whom are unable to return to their home countries, are denied work in the UK and are prevented from accessing support. Most come from conflict zones or countries with a well-documented record of human rights abuses, yet find themselves street homeless in the UK, surviving on charitable donations.

**ASAP**

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## OUR HISTORY

In 2000 the government removed asylum seekers' entitlement to mainstream benefits. Asylum seekers could apply for basic housing and welfare support and appeal decisions to stop or refuse them support, but they could not access legal representation at appeal hearings as there was no legal aid for this work. Concerned at the prospect of people with little English and no legal knowledge having to make

their own case for support, ASAP was set up in 2003 to ensure they had legal assistance at hearings.

Initially run by volunteers twice a week, ASAP has grown from strength to strength over the past ten years and since 2009 we have operated a daily duty scheme providing free legal representation.

After securing funding we added a policy remit to our work and expanded advice and training

provided to frontline organisations.

Since ASAP began the duty scheme, we have provided more than 3,000 asylum seekers with advice or representation, and the scheme has enjoyed success rates of over 50% annually. Representation by ASAP can increase appellants' chances of success by 21–31%.\*

\* Supporting justice: the case for publicly-funded legal representation before the Asylum Support Tribunal (CAB, 2009)

## What we do

- Provide free legal representation and advice to asylum seekers appealing against Home Office decisions to refuse or withdraw support, at the asylum support tribunal in East London
- Deliver training and run an advice line for frontline organisations and legal practitioners working with asylum seekers
- Engage in policy, advocacy and litigation work to influence and change policies and procedures on asylum support



Hazel Williams, director

## Our team

ASAP employs seven staff, and about 35 barristers and solicitors from city law firms and high-profile chambers represent on a volunteer basis. The work is overseen by a management committee that combines expertise on legal advice, asylum support and charity management. Together we share a commitment to ending the destitution of the most vulnerable group of people in the UK today.



Left: Alice Webb, women's legal adviser; Below (l to r): Deborah Gellner, solicitor; Anna Dixie, duty scheme coordinator; Dianah Rouse, finance and operations officer  
Bottom (l to r): Marie-Anne Fishwick, legal researcher; Mark Rogers, legal researcher (maternity cover); Milad Yousefi, duty scheme intern



## A big voice for a small organisation



I am very proud to have taken over the role of chair of ASAP since January 2013, following the decision of Sue Willman, our

founding chair, to step down after ten years at the helm. ASAP is immensely grateful for all that Sue has done for ASAP since its inception. She has left the organisation in a strong position: our duty scheme has grown from an ad hoc scheme operating two or three days a week to a full time scheme, supported by about 35 volunteer solicitors and barristers, aiming to represent the majority of appellants. ASAP is widely recognised in the sector as expert in asylum support law and our second-tier advice line continues to be very busy with calls from advisers and others who encounter destitute asylum seekers.

For a small organisation, we have a big voice in our policy work, and over the year we have worked on developing our contacts with the Chief Inspector of Borders and Immigration and his team, as well as continuing to have a dialogue with the asylum support policy teams within the UK Borders Agency (prior to its abolition in March 2013) and an excellent working relationship with tribunal staff, to whom we are grateful for the administrative support which enables the duty scheme to function.

The year 2012/13 was one of consolidation for ASAP and we are looking forward to the continuing development of our services in pursuit of our overall aim: securing asylum seekers' legal rights to food and shelter. We were delighted to secure funding over three years from the Samuel Sebba Charitable Trust, Unbound Philanthropy and the Metropolitan

Migration Foundation to enable us to expand our staff team by recruiting a legal researcher to work alongside our duty scheme coordinator and solicitor to increase our capacity to represent at the tribunal and to pursue strategic litigation and policy work on key issues arising from the appeals we work on at the tribunal. The interview with a client in this report shows just how important the work we do at the tribunal continues to be (see page 7).

The year 2012/13 was key for ASAP's Comic Relief-funded women's project as additional funding allowed Gerry Hickey, our women's legal adviser up until September 2013, to increase capacity building and outreach work by meeting with and training women's organisations throughout the UK and providing training directly to asylum-seeking women. And working in partnership with Maternity Action with funding from the Strategic Legal Fund for Vulnerable Young Migrants, Gerry developed a strategic legal challenge to the Home Office's policy on providing Section 4 support for women in the late stages of pregnancy.

Both of these projects highlight what I believe are ASAP's key strengths: its niche focus on asylum support appeals, and its evidence-based approach to

**'In this time of swingeing cuts to the independent advice sector, partnership working between organisations able to draw on different expertise and reach different communities is likely to remain key and ASAP is well placed to contribute'**

policy and influencing work, drawing on our day-to-day experience of asylum support appeals to inform our strategic litigation and policy work, and to provide expert second-tier advice to smaller or more generalist organisations. In this time of swingeing cuts to the independent advice sector, partnership working between organisations able to draw on different expertise and reach different communities is likely to remain key and I believe ASAP is well placed to contribute.

We are grateful to our interim directors, Eiri Ohtani and Abigail Stepnitz, for steering ASAP through the year following the departure of Roseanne Sweeney, and we are delighted to welcome Hazel Williams who joined us as permanent director at the beginning of April 2013. Thanks are also due to Gerry Hickey, and to Rossen Roussanov, a former office volunteer who stepped up to the role of duty scheme coordinator during Marie-Anne Fishwick's maternity leave, and to Mike Spencer, our solicitor, who left after more than two years of stellar work developing our strategic litigation and training and supervising our duty scheme volunteers. Thanks are also due to all our duty scheme volunteers, members, management committee members, staff and funders, without whose support and belief in our work we could not have achieved what we have.

**Alison Pickup, ASAP chair**

**'ASAP's work is vital in helping to keep asylum seekers out of destitution and street sleeping in the UK. The British Red Cross knows of no other organisation who can provide adequate legal representation'**  
– Red Cross, 2013

## ASAP's duty scheme – providing access to justice

**ASAP's duty scheme at the First-tier Tribunal (Asylum Support) provides free legal advice and representation to asylum seekers appealing decisions by the UK Border Agency (UKBA – which in April 2013 was split into two units within the Home Office) to refuse or stop basic accommodation and subsistence support.**

As the only organisation providing free legal representation and advice to appellants at the tribunal, ASAP continued to provide much needed access to justice, representing and advising 441 people at the tribunal in 2012/13. Representation and advice was provided during the year by 37 volunteer solicitors and barristers and four staff – the dedicated team of volunteers work on a rota basis, each appearing about every six weeks at the tribunal. In 2012/13 we significantly increased the capacity of our duty scheme by recruiting and training a further nine solicitors.

Of those we represented we continued to have a good success rate, with 54% appeals allowed that resulted in a destitute asylum seeker being accommodated. We also saw a high number of remittals in the cases we represented, with 13% appeals remitted by the tribunal for the UKBA to reconsider; in most cases this results in an appellant being accommodated.

The number of those appellants represented was slightly lower than the previous year due to a reduced number of appeals and disruption as a result of the Olympics in August 2012, and also a high number of appeals being withdrawn by the Home Office before appeal (around 20–25%).

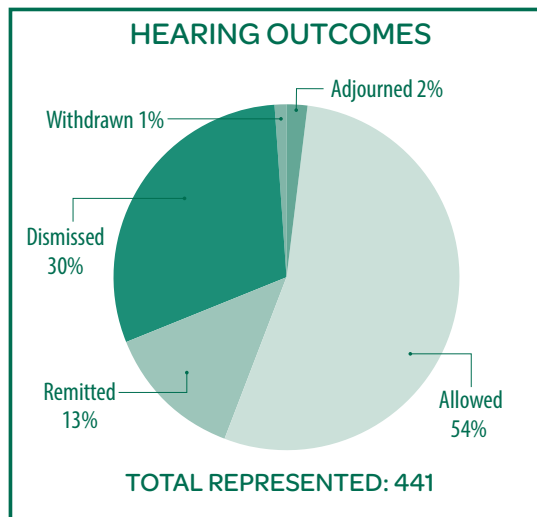
In total, 283 appeals were referred to ASAP's duty scheme by advice agencies, refugee community organisations, solicitors and appellants themselves. Receiving referrals in advance of the hearing allows

our representatives to prepare the case and arguments before the hearing.

The vast majority of the clients we represent are refused asylum seekers who are unable to return home for reasons beyond their control, who then find themselves destitute. They come from countries with well-documented histories of conflict or human rights abuses. The top five nationalities were:

- Iran
- Zimbabwe
- Iraq
- Eritrea
- China/Somalia (equal).

Some 12% of appellants presented with mental health problems, and 16% with physical health problems – this is a significant increase from previous years as we are seeing a trend of more complex cases. Our clients were mostly men; 28% of those we assisted were women. This is a slight increase from previous years.



On duty: Bryony Poynor, barrister at Garden Court Chambers, ASAP duty scheme volunteer at the tribunal



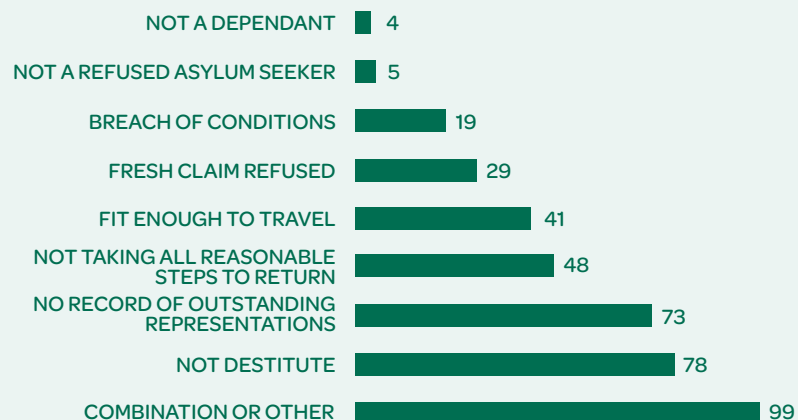
## ASAP's duty scheme – areas of work at the tribunal

Section 4 support concerned 88% of the appeals we represented. People applied for support for a variety of reasons but the most common were:

- They had outstanding representations and fresh evidence for their asylum claim
- They had medical problems that prevented them from travelling
- They were taking steps to return home.

The issue of proving the destitution of appellants continued to be a significant issue in appeals, although not the most common.

### Reasons for Section 4 refusal

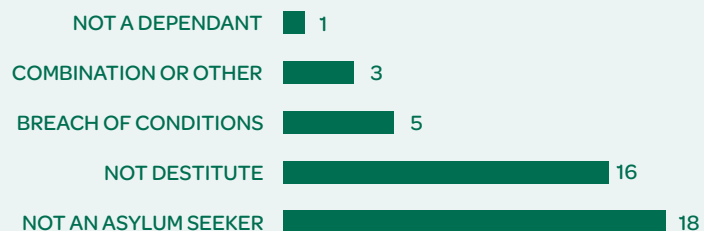


### About Section 4

Section 4 is support provided by the Home Office for destitute asylum seekers who have had their asylum claim refused. It provides for basic often shared accommodation and food voucher style support via an Azure card, which provides £35 per week worth of credit to use in specific supermarkets for specific items.

Appeals regarding Section 95 support, which is basic accommodation and cash support (or just cash support – subsistence only) for those asylum seekers whose cases were still to be decided by the Home Office, mainly centred on the question of whether or not they were asylum seekers or whether they were destitute.

### Reasons for Section 95 refusal



‘It helped me 100%, which was very important for me today. I cannot do anything without this. Before, I was tired – I slept in the train station last night. But now I feel like I could fly like a bird’

Client at the tribunal, July 2012

‘I appreciate and thank you very much. You helped and treated me with respect when going to court, and I thank you from the bottom of my heart’

Client at the tribunal, July 2012

‘Yes, it is important because it provides people with professional help and inside knowledge. It also gives confidence that someone is willing to stand up on my behalf’

Client at the tribunal, October 2012

# Representing for ASAP: the volunteer experience

## CLAIRE WHITTLE, ASSOCIATE AND SOLICITOR ADVOCATE IN THE LITIGATION DEPARTMENT AT HERBERT SMITH FREEHILLS

### First case: 'M' from Zimbabwe

I arrive at the tribunal and await the arrival of 'M', whose appeal hearing is at 10am.

The only information I have is that M's appeal relates to him being a failed asylum seeker and because he has not been referred to ASAP in advance of the appeal I am unable to review his appeal documents until he arrives and gives me the go ahead to do so. This gives me a short time to gain an understanding of his case.

M is from Zimbabwe, where he worked for the government authorities before arriving in the UK and claiming asylum. His previous support from the UK government consisted of accommodation and vouchers for food, known as Section 4 support, but this has now been discontinued by the Home Office, despite its acceptance that M is destitute.

The most important thing for me is trying to advise clients of what the strengths and weaknesses of their cases are and advising them very honestly of what I think the most likely outcome will be. You want them to be supported and you want their case to be successful but that can only happen if the facts and legal scenario are presented and are correct.

In this case I am able to provide evidence that M has taken all reasonable steps to leave the UK or place himself in a position in which he is able to leave

the UK. This is accepted by the tribunal judge, who reinstates his Section 4 support. However, this will be reviewed again in three months' time to ensure M continues to satisfy the criteria to receive support.

### Second case: 'S' from Sri Lanka

As I finish this hearing and advising M, I start to prepare the next hearing at 11.30am with 'S', who has been referred to ASAP in advance, so I have time to go through her papers. The Home Office discontinued S's accommodation and food voucher support, deeming her to no longer satisfy the eligibility criteria. However, evidence provided to ASAP in advance of the hearing shows that she has lodged an appeal and is therefore entitled to support. S is an example of some of the particularly vulnerable clients we work with as she has been diagnosed with severe post-traumatic stress disorder, resulting directly from the events that led to her seeking asylum in the UK and leaving her home in Sri Lanka.

S's hearing takes place by videoconference, as she is too vulnerable to travel to the tribunal in London alone. However, she does not speak any English and the court interpreter does not arrive for the hearing. Despite this, the tribunal judge proceeds with the hearing and remits the decision for the Home Office to take a new decision on S's eligibility for support, in light of the evidence.

While this is preferable to the appeal being dismissed, it is very unfortunate that S is unable to understand the proceedings.

'Volunteering for ASAP is a challenging but enjoyable and fulfilling way to spend one day every few weeks. It is really rewarding working with ASAP because you are helping individuals who would not otherwise be helped'



Claire Whittle, Herbert Smith Freehills

### A rewarding partnership

For me, volunteering for ASAP is a challenging but enjoyable and fulfilling way to spend one day every few weeks. It is really rewarding working with ASAP because you are helping individuals who would not otherwise be helped.

When an ASAP volunteer is representing the case, there is a much better chance of support being awarded but, even when support is not given, without ASAP the tribunal process would be a much more confusing process for those whom we are advising and representing.

There are many similarities between the work we do at Herbert Smith Freehills and the work of ASAP and that is one reason why we want to work with the project, so we can use the skills that we have for the benefit of others.

## How ASAP helped me win support

Martin (not his real name) is from East Africa. He came to the UK when he was 16 years old, fleeing his home country where he had lost his family and been forced into working as a child soldier. On arriving in the UK he had initially been supported by social services and lived in foster care. When he was 18 years old Martin was refused asylum and found himself unsupported and living on the streets.

Years later he was supported by the Baobab centre (a therapeutic and support service for young people in exile) to find a legal representative who submitted further representations for him, and helped him access Home Office support.

Martin shared some of his experiences about homelessness in London, attending the asylum support tribunal and life on asylum support.

### What was it like for you living on the streets?

You make friends and get by depending on people and learning about which spots you can stay in and the usefulness of newspapers to keep warm at night. I used to do small jobs to get food or somewhere safe to stay. One man used to let me sleep in his shop at night if I cleaned for him. Through the day I looked normal walking about with my bag, but at night I joined so many other forgotten people on the streets.

### What was the tribunal like to attend and how did ASAP assist you?

In August 2012 I was refused my first application for asylum support. Baobab helped me submit an appeal. The first time I attended the tribunal, I had no idea what to expect. The ASAP representative helped prepare me and went through the type of questions which the judge would ask me. This really assured me and I felt prepared for the hearing. When we went in, the Home Office representative did not seem

prepared as they did not have all their papers; they kept asking me about my asylum case and the judge had to ask them to stop.

In the end I was successful and was granted support. I cannot imagine how hard it would have been going into the hearing on my own – I would not have understood what was happening or the questions.

Later that year just before Christmas – on 23 December 2012 – the Home Office wrote to me saying they were stopping my support. I had no idea why this was happening. Baobab helped me appeal and again I attended the tribunal. Although I knew what to expect I was quite stressed as I actually had a place to stay; they had given me something I had not had for such a long time, and now they wanted to take it away from me and uproot me again.

I was met at the tribunal by an ASAP representative. She was very welcoming and talked me through the arguments of the Home Office. It put me much more at ease. Thanks to ASAP's representation and Baobab I was successful at the appeal, and did not find myself on the streets again over the New Year.

### What is the accommodation and support you receive from the Home Office like?

Due to the therapy I receive at Baobab around three times a week the Home Office agreed to give me accommodation within five miles of its office within a week of my appeal. The room I have is pretty run down – it's in a shared house with some strange people, but it's my own space and when I lock my bedroom door it's just me. After living on the streets for such a long time, having heating was amazing and when it came to Christmas I cooked myself a chicken, a real treat.

I receive £35 a week on an Azure card – it was really embarrassing using the card at first as not all the people on the checkout know what it is and they ask



Peter Melleney, barrister at Charter Chambers, advises a client in ASAP's room at the tribunal

**'I cannot imagine how hard it would have been going into the hearing on my own, I would not have understood what was happening or the questions'**

you lots of questions loudly and then make a big deal about you being an 'asylum seeker'. After a while you learn to let go of the things you have no control over, and you work out ways to cope. Now I always try and go to the same shops and same checkout people so they know what the card is and don't make a scene.

### What do you hope for the future?

I never chose to be here and to be an asylum seeker. But London is my home now, having spent my adult life here. When I was rock bottom, living on the streets with the forgotten people, I knew I wanted to get out of the situation, and the thing I knew to do was to pursue my education. By accessing some form of accommodation and getting support from Baobab I was able to get funding to start a university degree.

I am now coming to the end of my first year of university here in London studying engineering. I enjoy studying, but my life is still so uncertain – until I get asylum I cannot plan or make foundations, so it's hard to hope for the future. The best I do is hope for tomorrow and do the best for that day.

**'By accessing some form of accommodation and getting support from Baobab I was able to get funding to start a university degree'**

# Holding the tribunal and Home Office to account

**Lobbying for changes in policy and legal action to challenge unlawful policy and practice (litigation) is a vital strand of ASAP's work, as we use our experiences and access to evidence at the asylum support tribunal to ensure that asylum seekers can access the support they are entitled to.**

During the year we identified 13 decisions of the tribunal which featured potentially unlawful policies or practice, and referred these to solicitors to be challenged by judicial review. In nine of these referrals, proceedings were issued, meaning the application was progressed to the next stage.

All of these cases were settled between the parties at various stages, and so (unfortunately) there has been no new binding asylum support case law. The good news is that in all but one case, the proceedings led to support being granted for the destitute asylum seekers whether by an order for interim relief or consent.

Permission to proceed to a full hearing was granted in two of the cases. One was regarding the reasonable steps an Iranian must take to return home, in order to be entitled to support. We were involved in preparing to intervene with expert evidence in this case; however, this was also settled before going to the hearing.

ASAP works closely with nine law firms around the UK to ensure that when cases are identified for possible challenge they can be referred quickly. We then support the solicitors to ensure they can access the right evidence and information.

**See page 9 for more litigation success ►**

We were particularly active in the area of entitlement to support based on clients taking 'all reasonable steps' to leave the UK, which has led to the Home Office improving its guidance to decision makers on this complex issue.

We have continued to be successful at the tribunal in obtaining support for some clients applying for support based on Article 8, the right to private and family life. In one case which was refused at the tribunal, we referred the matter for judicial review, and the High Court judge ordered that the client should be supported.

ASAP's solicitor had the idea of investigating whether a legal challenge could be brought regarding the current very low rates asylum seekers receive on Section 95 support (accommodation and cash support). He picked up on a successful case in Germany on the same issue and chaired a series of strategy meetings between agencies and lawyers and also attempted in meetings to persuade the Home Office to examine the issue. When this proved fruitless, ASAP then supported Refugee Action and the Migrants' Law Project in preparing the legal challenge.



Anchorage House, East India Dock, East London, home of the First-tier Tribunal (Asylum Support)



## Policy work

As well as using litigation to challenge unlawful policies and practices, ASAP works with partner agencies to lobby for change. Over the past year ASAP has continued to be an active member of the following stakeholder groups. We use these platforms to share information and influence policymakers to ensure a fairer asylum support system.

- National Asylum Stakeholder Forum (NASF)
- Tribunal User Group at the First-tier Tribunal (Asylum Support)
- Refugee and Asylum Forum, Independent Chief Inspector of Borders and Immigration
- Still Human Still Here
- Housing Immigration Group
- Migrants' Law Project meetings
- Charter of Rights of Women Seeking Asylum at Asylum Aid
- Black and minority ethnic Advice Network (BAN – pictured below)
- London Destitution Advice Network (LDAN) run by ASAP: this brings together voluntary sector advisers working with destitute asylum seekers to share information



## ASAP supports litigation success to reduce destitution

ASAP played a key role in the 2012 judicial review of MK and AH v SSHD and Refugee Action (intervener). This concerned the Home Office's unpublished policy of an inbuilt delay in processing Section 4 applications from refused asylum seekers who had made further representations (submitted fresh evidence for asylum claim) to the Home Office. The policy entailed a delay of 15 working days from the date the further representations were submitted.

The rationale behind the delay was that the Home Office could (in theory) make a decision on the representations during that period instead. However, in practice it meant that this category of asylum seekers were left destitute for at least three weeks longer than necessary.

Refugee Action and ASAP presented evidence that the previous policy was leading to widespread homelessness and destitution. ASAP had been monitoring the policy since its inception in 2009 and collecting evidence on delays from tribunal cases. The research had previously been filed as evidence in other court cases which settled.

However, in 'MK' the asylum support system was examined in detail and the policy found to be unlawful. We coordinated advice agencies and lawyers to ensure full evidence and arguments were before the courts.

As a consequence, the Home Office issued new guidance on dealing with applications for Section 4 accommodation on the basis of outstanding further submissions. According to the new guidance "as a general rule" applications for support made by refused asylum seekers with a fresh claim must be decided within five days, or two days if the applicant is particularly vulnerable.

In detail, according to the new Home Office policy instruction:

- a) Home Office caseworkers must make every effort to consider the further submissions at the same time as consideration is given to the Section 4 application
- b) The decision regarding support should not be delayed because of administrative or other problems in assessing the merits of the further submissions
- c) "As a general rule", case workers must make a decision on support applications made on the basis of further submissions within five working days
- d) Where the application is a higher priority, the case owner must make "every reasonable effort" to decide the application within two working days
- e) There is a non-exhaustive list of cases requiring extra prioritisation, which includes people who are street homeless, families with minors, disabled, elderly, pregnant and potential victims of torture and trafficking
- f) Case workers are required to "check that the further submissions are not clearly abusive, manifestly unfounded or repetitious".

This case is a great example of how litigation can reduce the destitution of asylum seekers.

# Sharing our asylum support expertise

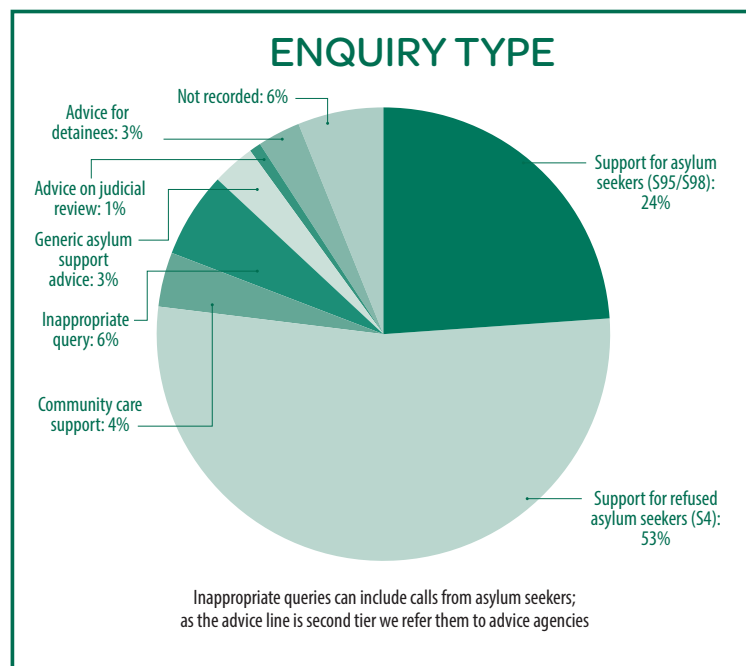
**ASAP's second tier advice line provides free legal advice to advice workers on asylum support and support appeals issues, three days a week. The advice line is operated by our expert legal team, who are specialists in this complex and fast changing area of law.**

## Advice line facts

In 2012/13 we took 663 calls from 171 organisations around the country. Most of the calls were from advice workers in refugee agencies; some were also from solicitors and community organisations. The majority of calls related to Section 4

support, and 48% of calls were made on behalf of persons who were destitute. More than a third of enquiries were regarding persons with additional particular vulnerabilities either because of a health problem or because they had been victims of violence. Some 38% of calls related to women and 22% of calls concerned families with children.

We received calls about asylum seekers from 64 countries, most commonly from those with well-documented records of human rights abuses: Iran (8%), Zimbabwe (5%), Democratic Republic of Congo (5%), Eritrea (4%) and Pakistan (4%).



## Hour in the life of the advice line

**2pm** The advice line opens.

**2:07pm** An advice worker calls to ask if they can apply for bail for someone who, aside from being in detention, would otherwise be eligible for asylum support. We advise that they can apply for a form of asylum support called Section 4(1)(c). We explain that to qualify, you must be in detention and need an address for bail. We send the advice worker a copy of the relevant Home Office form and policy guidance.

**2:24pm** A community organisation is assisting a victim of domestic violence who has a seven year old child. Social services has refused to help her on the basis that having made an asylum claim, she is entitled to asylum support. We explain that she is not an asylum seeker until her claim is recorded, so until that happens she should still be entitled to social services support.

**2:32pm** A refugee organisation calls about an Egyptian client whose appeal was dismissed by the tribunal. They would like to know about the steps the tribunal judge recommended to improve his chances of a successful application. We confirm he should contact the Egyptian embassy about issuing a passport and his local immigration team for assistance in obtaining new travel documents.

**2:41pm** A charity case worker asks for advice about an Iranian client who obtained Section 4 support when she was pregnant. Her child was placed into the care of social services at birth, but there is a hearing to decide whether the child can be returned to her. Her solicitor is proposing a residential period in a mother/baby unit but the case worker is concerned this would affect her client's Section 4 support. We explain that the Home Office needs to act in the best interests of the child. We agree to give more advice in the light of more information, but we also recommend contacting a specialist solicitor.

**2:53pm** A refugee agency calls about a client who is 27 weeks pregnant and staying in temporary housing. There are complications with the pregnancy. We advise that she applies for Section 4 support, citing the Home Office's guidance instruction, explaining her housing situation and asking the Home Office to prioritise her case. We ask to refer the appeal to us if the application is refused.



# ASAP's training – and raising awareness

ASAP provides specialist training on asylum support law and asylum support appeals to refugee and advice agencies across the UK. The aim of the training is to strengthen their capacity to advise asylum seekers by increasing their knowledge of asylum support law and how to make an asylum support appeal. We provide a basic introduction to asylum support law and more specialised in-depth training for experienced advisers. As the only agency with a specialist knowledge of asylum support appeals, this training meets a real need for advisers to understand asylum support law and appeals, to ensure they can give the asylum seeker they advise the best chance of accessing support.

In 2012/13 ASAP ran 11 training sessions to over 200 individuals from 86 organisations in London, Cardiff, Sheffield, Slough, Plymouth, Birmingham, Belfast and Newcastle. We trained a wide variety of advice workers from the larger refugee agencies such as Refugee Action, Refugee Council and Red Cross to smaller community and refugee organisations.



## Factsheets

We published four factsheets in 2012/13 which were distributed to over 500 organisations and individuals working with refugees and asylum seekers across the UK. Our factsheets are designed to digest often complex information in an easy to use format for advisers and policy workers.

**Factsheet 14** – Section 4 support for pregnant refused asylum seekers

**Factsheet 15** – Section 4 support and families with dependent children

**Factsheet 16** – Getting support for dependants under Section 95 and Section 4 support

**Factsheet 17** – Section 4 support for people on Temporary Admission

## ASAP's Destitution Awareness Day in Manchester

In February 2013 ASAP jointly hosted a Destitution Awareness Day in Manchester with ASHA, a charity in Manchester which helps asylum seekers whose applications have been refused and fully determined, and whose status renders them homeless and destitute. The event was attended by 60 people and included asylum seekers, and was the first time ASAP has held a Destitution Awareness Day outside London.

The day consisted of speakers and workshops that provided practical information for those living in destitution as well as information on the eligibility criteria for Section 4 support. A choir from Women Asylum Seekers Together (WAST) provided entertainment.

**'It's the most useful training ever'**  
Newcastle

**'An excellent overview of asylum and immigration support. I feel a lot more confident to advise clients in this area going forward. Thank you'**  
London

**'ASAP has a clear and comprehensive understanding of all aspects of immigration and asylum support, so I shall definitely contact ASAP in the future if I have any queries'**  
London

**'I had little knowledge of this area (asylum support) prior to the training. It has really helped me so that I will be comfortable advising clients whom I come across in the future'**  
Belfast

# Improving women's access to support

**ASAP runs a women's project with a specialist women's legal adviser. The need for this was identified because there were low numbers of women attending the tribunal, and it was recognised that women face additional barriers in accessing support which relate specifically to their gender. Often they are lone parents, pregnant or have serious physical and mental health problems. Destitution also poses serious risks for this group as it can expose them to violence and sexual exploitation.**



Gerry Hickey, ASAP's women's legal adviser until September 2013, developed our women's project

## REPRESENTING WOMEN AT THE TRIBUNAL

ASAP represented 118 women at the tribunal, 56% of whom won their appeal and a further 13% had their cases remitted to the Home Office for a fresh decision (which usually resulted in them being supported). ASAP continues to prioritise representing women at the tribunal in recognition of the additional support needs many will have.

## TRAINING

In total 65 people from 30 organisations attended three training events delivered by the women's legal adviser covering support options for refused asylum seekers with a particular focus on women and families in the support system. One was in London in conjunction with Rights of Women (ROW) for women's organisations; others took place in Sheffield and Plymouth.

## Achievements

*The project has worked hard over the year to ensure that women can access the support they are entitled to, through high-quality legal advice and representation, and training on asylum support to local organisations supporting women.*

## INFORMING ASYLUM SEEKING WOMEN ABOUT THEIR RIGHTS

ASAP ran a series of workshops for asylum-seeking women on their rights to asylum support, enabling them to access advice in an informal and safe environment. These took place in Scotland, London, Huddersfield and Cardiff, with about 70 women and 10 support workers attending.

## SPECIALIST BRIEFINGS

ASAP produced three factsheets and two briefing papers on issues pertinent to women asylum seekers. They were distributed to about 400 organisations and networks. The factsheets covered:

- Getting support for dependants under Section 4 and Section 95 support
- Access to support for pregnant refused asylum-seeking women
- Section 4 support and families with dependent children.

# Lobbying for a more gender sensitive asylum system

**We have worked closely with our colleagues in the Women's Asylum Charter, which was drawn up in 2008, to successfully lobby the Home Office to improve women's experience of the asylum system. There are now new Home Office instructions for dispersing asylum seekers and refused asylum seekers (in receipt of Section 4) with health needs, including women who are pregnant or are new mothers.**

For some time, ASAP, with Maternity Action and others, had been lobbying the Home Office to improve the situation for pregnant women in the support system.

One of our key requests has been to suspend the dispersal of pregnant women who were already tapped into their local maternity services, and provide them with accommodation in that area so they can continue their care. Asylum-seeking women can have very poor maternal outcomes so it is vital that they receive regular, uninterrupted care from maternity services.

After various meetings with the Home Office, and production of evidence on the area, they agreed to identify a 'protected period' when the dispersal of pregnant women or new mothers should be deferred. This will normally run from four weeks before the woman's expected due date (EED) until four weeks after the birth. During this period it was noted that women should be allowed to remain in the Initial or Temporary Accommodation provided by the Home Office. The Home Office issued new 'Healthcare needs

and pregnancy dispersal guidance', replacing Policy Bulletin 85: (Dispersing asylum seekers with health care needs) and Policy Bulletin 61: (Pregnancy).

On page 11 of the new guidance the Home Office states that: "Where a heavily pregnant applicant for Section 4 support is street homeless, or imminently street homeless (24-48hrs), and is not registered with any maternity services, caseworkers may consider placing the applicant in Initial Accommodation."

This is an important concession as it recognises the risks that destitution poses for pregnant women.

The wording suggests that women in the late stages of pregnancy who make an application for Section 4 support and are homeless can be placed in Initial Accommodation normally reserved for those claiming Section 95 support.

The instructions also say pregnant women and new mothers should be given at least ten calendar days' notice by the Home Office before they are dispersed to new accommodation. The notice period is to enable women to obtain their medical records and for care to be arranged in the dispersal area.

In addition if there are complications with the pregnancy, or the mother or baby are not fit to travel, then the Home Office will consider delaying dispersal beyond the protected period.

All this was possible due to joint lobbying work, and with this new guidance some of the risks faced by asylum-seeking women when pregnant will be reduced. However, there is still much to be done to ensure that these risks are further reduced and asylum-seeking women can access asylum support within a safe environment.

'For some time, ASAP, with Maternity Action and others, had been lobbying the Home Office to improve the situation for pregnant women in the support system'

## Coming next year – ASAP's Pregnancy Project

ASAP has started a project with Maternity Action, funded by the Strategic Legal Fund for Vulnerable Young Migrants, which is looking at access to Section 4 support for pregnant refused asylum seekers. The current Home Office policy restricts pregnant refused asylum seekers to accessing support six weeks before or six weeks after their due date, based on the assumption that it is unsafe for them to fly during this period. ASAP will be gathering evidence from an expert in the field to assess whether it is actually unsafe for this group of women to fly earlier in pregnancy. With this evidence we will be looking at how this policy can be strategically challenged. Contact us to hear how the project is progressing.



ASAP's 2012 Destitution Awareness day highlighted refused asylum-seeking women's barriers to accessing asylum support

## Financial information

**At 31 March 2013, ASAP's net assets were £150,606 all of which were unrestricted funds.**

The financial statements shown are a summarised version of the financial statements for the year ended 31 March 2013, which were approved by ASAP's management committee on 5 October 2013. The full statutory financial statements, trustees' report and independent auditor's report can be obtained by contacting ASAP at Oxford House, Derbyshire Street, London E2 6HG.

### STATEMENT OF ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2013

	Unrestricted funds	Restricted funds	Total funds 2013	Total funds 2012
<b>Incoming resources from generated funds</b>				
Voluntary income	£98,097	£160,772	£258,869	£235,580
Investment income	£173	–	£173	£33
<b>Other incoming resources</b>	–	–	–	–
<b>Total incoming resources</b>	<b>£98,270</b>	<b>£160,772</b>	<b>£259,042</b>	<b>£235,613</b>
<b>Resources expended</b>				
Charitable activities	£52,377	£170,871	£223,248	£227,246
Governance costs	£3,702	£3,023	£6,725	£5,317
<b>Total resources expended</b>	<b>£56,079</b>	<b>£173,894</b>	<b>£229,973</b>	<b>£232,563</b>
Total funds at start of year	£108,415	£13,122	£121,537	£118,487
<b>Total funds at end of year</b>	<b>£150,606</b>	<b>nil</b>	<b>£150,606</b>	<b>£121,537</b>

# Acknowledgements

Thank you to our funders, members and the many others who have supported ASAP during 2012/2013



2013 LEGAL SPONSORED WALK Pictured outside the Law Society in London: ASAP staff, volunteers, trustees and supporters complete the London Legal Sponsored Walk in May 2012. The 16 strong team included walkers from Deighton Pierce Glynn Solicitors and Garden Court Chambers. Thank you to everyone who walked, donated or came to cheer us on.

## Funders

AB Charitable Trust	Lloyds TSB Foundation
AW 60 Charitable Trust	London Councils
Clifford Chance	London Legal Support Trust
Comic Relief	Metropolitan Migration Foundation
Diana Princess of Wales Memorial Fund	Samuel Sebba Charitable Trust
Dove Trust	Sigrid Rausing Trust
Freshfields Bruckhaus Deringer	Strategic Legal Fund for Vulnerable Young Migrants Trust for London
Garden Court Chambers	Tudor Trust
Herbert Smith Freehills	Unbound Philanthropy
Joseph Rowntree Charitable Trust	
J Paul Getty Jnr Charitable Trust	

## Others

Adrian Berry	Housing and Immigration Group (HIG)
ASAP members	Immigration Law Practitioners' Association
Asylum Aid	London Destitution Advice Network (LDAN) members
Asylum Support Housing Advice (ASHA)	Maternity Action
BAN (Black and minority ethnic Advice Network)	Migrants' Law Project
Bob Nightingale	Office of Independent Chief Inspector of Borders and Immigration
British Red Cross Refugee Support	Oxford House
David Waters	Refugee Action
Deighton Pierce Glynn solicitors	Refugee Council
First-tier Tribunal (Asylum Support)	Rights of Women
Fran Smith at MigrationWork	Sarah Hopkins at Herbert Smith Freehills
Hannah Tye at Freshfields Bruckhaus Deringer	Still Human Still Here
	Tom Southerden

# ASAP

ASYLUM  
SUPPORT  
APPEALS  
PROJECT

[www.asaproject.org.uk](http://www.asaproject.org.uk)

## Management committee

**Chair:** Sue Willman (until 10 December 2012),

Alison Pickup (from 10 December 2012)

**Vice chair:** Paul Yates from 10 December 2012)

**Treasurer:** Charles Ssempijja (since June 2010)

**Deputy treasurer:** Maziar Jamnejad

Carolina Gottardo

Daniel Silverstone (appointed April 2013)

Kat Lorenz

Onike Gollo (appointed March 2013)

Pascale Vassie (resigned July 2012)

Richard Orton

Stephanie Borkum (resigned April 2012)

## Staff for 2012/13

**Interim director:** Eiri Ohtani (January 2012-June

2012), Abigail Stepnitz (June 2012-March 2013)

**Women's legal adviser:** Gerry Hickey

**Legal researcher and adviser:** Marie-Anne Fishwick

**Duty scheme coordinators:** Rossen Roussanov and

Sophie Wickham

**Administrator:** Sinead Parsons (contract finished

November 2012)

**Finance and operations officer:** Dianah Rouse

**Solicitor:** Mike Spencer (until January 2013)

**Volunteers:** Maya Pritchard and Rossen Roussanov

**Charity number:** 1105625

**Company number:** 04763838

## Duty scheme volunteers

Alasdair Mackenzie, Doughty Street Chambers

Alison Pickup, Doughty Street Chambers

Anais D'Arville, Freshfields Bruckhaus Deringer (retired)

Anish Bhasin, Herbert Smith Freehills

Anne Musker, Clifford Chance (retired)

Ardil Salem, Herbert Smith Freehills

Bryony Poynor, Garden Court Chambers

Claire Stirrup, Herbert Smith Freehills

Claire Whittle, Herbert Smith Freehills

Daniel Hoyle, Herbert Smith Freehills

Daniel May, Herbert Smith Freehills

Daniel Sills, 1 Pump Court

Darren Meale, SNR Denton

George Richards, Freshfields Bruckhaus Deringer

Georges Chalfoun, Freshfields Bruckhaus Deringer

Greg Fullelove, Osborne Clarke

Gwawr Thomas, 1 Mitre Chambers

James Hain-Cole, Freshfields Bruckhaus Deringer

John Eames, Garden Court (retired)

John Lane, Freshfields Bruckhaus Deringer

Kevin Whibley, Freshfields Bruckhaus Deringer (retired)

Lucy Hopkins, Herbert Smith Freehills (on maternity leave)

Mark Rogers

Michelle Knorr, Doughty Street Chambers

Nick Stern, Freshfields Bruckhaus Deringer

Nicolai Geoke, Freshfields Bruckhaus Deringer (retired)

Nicolas Gray, Lloyds Banking Group

Oliver Marsden, Freshfields Bruckhaus Deringer

Patrick Taylor, Freshfields Bruckhaus Deringer

Paul Yates, Freshfields

Peter Melleney, Charter Chambers

Rachit Buch, One Crown Office Row (retired)

Rebecca Filletti, The Chambers of Mark Love

Rebecca Sambrook, Freshfields Bruckhaus Deringer

Russell Hopkins, Herbert Smith Freehills

Siobhan Lloyd, 1 Mitre Chambers

Sophie Thomas, Herbert Smith Freehills

Steve Broach, Doughty Street Chambers