‘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’
About ASAP
ASAP is a small national charity which aims to reduce destitution among asylum seekers by protecting their legal rights to food and shelter. We work with organisations around the UK assisting persons seeking asylum who are in need of support. We also work with people who have been forced to flee their home countries, denied the right to work in the UK and prevented from accessing support. Most come from conflict zones or countries with a well-documented record of human rights abuses yet they can find themselves street homeless in the UK, surviving on charitable donations.

What we do

- Provide free legal representation and advice to asylum seekers appealing against Home Office decisions to refuse or withdraw their asylum support, via pro bono representation (the duty scheme) at the Asylum Support (First-Tier) Tribunal in East London.
- Deliver training and run an advice line for frontline organisations, advice agencies and legal practitioners working with asylum seekers.
- Engage in policy, lobbying and litigation to improve policies and procedures on asylum support.

Our values

- We believe in human rights and the rights of all persons seeking asylum in the UK to have shelter, food and support and not to live in destitution.
- We believe in access to justice, holding the Home Office and Tribunal to account, and the importance of ensuring dignity and equality for the persons we serve.
- We believe in maintaining our independence.
- We believe in collaboration with other organisations and value openness and transparency.
- We value listening to the asylum seekers we work with, enabling them to explain their perspective in a complex and intimidating system of support.

Our team: 2015/16
In 2015/16 ASAP employed eight staff; 38 barristers and solicitors from law firms and high-profile chambers provide pro bono services. Strategic direction and oversight is provided by a management committee that combines expertise on legal advice, asylum support and charity management.

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 12 years and since 2009 has operated a daily duty scheme providing free legal representation. The duty scheme has assisted over 5,000 asylum seekers through the provision of advice or representation, with success rates in excess of 60%.
ASAP has also developed its policy work, using its operational evidence to identify issues and publish research in order to advocate for policy change.
Our work in supporting frontline organisations through our advice line, training and via our electronic network group has continued to develop, embracing technology through the use of webinars and a Google group to ensure we can reach as many frontline organisations as possible.
Yet another record breaking year for ASAP

2015/16 was another record-breaking year for ASAP. We were able to assist more asylum seekers than ever before through representation at the Tribunal, while maintaining a high level of success. As well as the increase in numbers, we are proud to have been able to assist 70% of all those whom we could have helped at the Tribunal. We continue to see high numbers of calls to our second-tier advice line and receive consistently positive feedback about the value of this service.

ASAP was awarded a grant by the Big Lottery Awards for All to develop a webinar programme in 2015/16, which has been highly successful. We were lucky enough to recruit the brilliant Jennifer Ang on a fixed term contract to lead this project, establishing the procedures and training the legal team in delivering webinars. The success of this project means we are able to provide expert training, which draws on our experience at the Tribunal and the advice line, to greater numbers of frontline advisers.

I am extremely pleased that ASAP’s successes continue to receive external recognition. We were delighted to be awarded the prestigious Andy Ludlow homelessness award in October 2015. The award has been used to fund a part time consultancy to carry out legal research to support our work on the Immigration Bill, and to provide extra capacity to represent at the Tribunal during a period when there were higher numbers of appeals going through the system.

In September, ASAP obtained the Advice Quality Standard, which provides external assurance of the quality of our systems and procedures to ensure that the advice we provide is reliable. We were one of the first organisations to be accredited by the London Legal Support Trust as a ‘Centre of Excellence’ and were delighted to be awarded a major Big Lottery Fund grant through its ‘Help Through Crisis’ programme to develop the capacity of the sector in Yorkshire and Humberside to deliver advice and support to destitute asylum seekers.

Our policy work has achieved notable successes in our key areas of focus, particularly a change in the procedure for allocating accommodation to successful appellants post-appeal, reducing the time which destitute asylum seekers are left without support. We have continued to build on our collaboration with other organisations in the sector and a constructive working relationship with Home Office policy teams by chairing the National Asylum Stakeholder Forum’s asylum support group.

It was a challenging year with the passage of the Immigration Act 2016. ASAP played a leading advocacy role during the passage of the Act and is as well placed as possible to continue to provide expert support and advice to asylum seekers when the Act’s support provisions are brought into force.

As ever, none of this would have been possible without the brilliance, dedication and unrelenting commitment of our staff team and volunteers. The management committee has continued to provide excellent strategic direction and support to me and ASAP’s director. I would like to particularly thank Charles Ssempijja who resigned as treasurer at the end of 2015/16, and whose enthusiasm, detailed knowledge of charity accounting and meticulous attention to detail has been a wonderful help.

And thanks to our funders, without whose generosity and support ASAP could not achieve all that it does.

Alison Pickup, ASAP chair

Key facts and figures form 2015/16 include:

- We represented and advised 836 destitute asylum seekers, a 24% increase on the previous year and the highest number in our history.
- Our overall success rate (appeals won and remittals) at the Tribunal was 70%.
- We received 818 referrals to our duty scheme service, an increase of 43% on the previous year.
- We represented 70% of appellants at the Asylum Support Tribunal that we were allowed to represent.
- Calls to the advice line increased by 9% totalling 717 calls from 154 agencies.
- Over 100 people attended our Action Against Asylum Homelessness Conference.
- We delivered 14 face to face training sessions to 237 people from 56 organisations. This represents a 91% increase in the number of people accessing our training sessions.
- We delivered seven webinars to 141 people from 74 organisations.
- We obtained the Advice Quality Standard in September 2015.
- In October 2015 we were honoured to be awarded the prestigious London Homelessness Award in memory of Andrew Ludlow.

725 PEOPLE REPRESENTED
111 PEOPLE ADVISED
836 TOTAL HELPED BY ASAP
717 ADVICE LINE CALLS
38 DUTY SCHEME VOLUNTEERS
378 PEOPLE ACCESSED TRAINING
ASAP’s duty scheme

ASAP’s duty scheme at the Tribunal offers free legal representation to asylum seekers appealing decisions by the Home Office to refuse or discontinue their asylum support.

In 2015/16 ASAP was based at the Tribunal in Tower Hamlets where our team of four legal advisers and 38 volunteer solicitors and barristers give their time for free advising and representing destitute asylum seekers. We are the only organisation in the UK offering this unique service, which fills a significant gap.

Without us, each year over 800 destitute asylum seekers would have to navigate the court system on their own. They would have to explain their case to a judge without a thorough understanding of the law to pick out the relevant legal arguments to argue their case effectively.

In addition, the court setting can be incredibly intimidating for many of our vulnerable clients who may already be suffering from post-traumatic stress or other mental health issues. Without ASAP to advise and represent them, many clients would be more likely to leave the Tribunal with a negative decision, facing destitution and homelessness.

Our duty scheme coordinator works with agencies around the UK assisting destitute asylum seekers, to improve the quality of the appeals they submit as well as encouraging them to refer cases to us in advance of appeal hearings. Early referral enables volunteer advocates to prepare cases more thoroughly, rather than having very limited time on the day.

Highlights for the duty scheme in 2015/16

- There were 38 volunteers on the scheme, recruited, supported and coordinated by our duty scheme coordinator.
- We received 818 referrals from organisations around the UK, a 43% increase from the previous year.
- We represented and advised 836 asylum seekers, a 24% increase on last year.
- We achieved a successful outcome for 70% of the clients we represented at the Asylum Support Tribunal.

WHAT IS ASYLUM SUPPORT?

Asylum seekers are not allowed to work or access mainstream benefits. The Home Office provides Asylum Support in the form of basic no-choice accommodation and £36.95 per week in cash to cover food and essential living costs. Asylum support for those who have had their initial asylum claim refused consists of shared accommodation and a payment card providing £35.39 per week for food and essential living costs.

REGIONAL REPRESENTATION

- Scotland 7%
- Wales 7%
- North East 10%
- North West 15%
- Yorkshire and Humber 13%
- East Midlands 10%
- West Midlands 13%
- London 16%
- South East 2%
- South West 4%
- Eastern 2%

HEARING OUTCOMES

- Dismissed 25%
- Allowed 55%
- Remitted 16%
- Other 2%

REASONS FOR SUPPORT REFUSAL

- S4 FURTHER SUBMISSIONS: 323
- NOT DESTITUTE (S2 S4, 69 S95): 121
- DESTITUTION PLUS ELIGIBILITY OR OTHER REASON (40 S4, 1 S95): 41
- S4 MEDICAL: 40
- BREACH OF CONDITIONS (9 S4, 23 S95): 32
- S95 NOT AN ASYLUM SEEKER: 25
- S4 TWO OR MORE ELIGIBILITY CRITERIA: 19
- S4 REASONABLE STEPS: 18
- S4 TEMPORARY ADMISSION: 15
- S4 ARTICLE 8 APPLICATIONS: 12

S4 = SECTION 4
S95 = SECTION 95
Our work at the Tribunal

Mr A – mental health problems
Mr A suffered from serious mental health problems as well as dementia brought on by substance abuse. As a result he was considered to lack the capacity to represent himself in ongoing family court proceedings.

He also suffered from diabetes, heart and liver problems. He was initially granted Section 4 support in 2011 on health grounds immediately following the refusal of his asylum claim. His support was reviewed and reinstated on two occasions. In February 2016 an ASAP volunteer advocate represented him in a discontinuation appeal. A key problem in his case was the lack of up to date medical evidence. He explained that he had been unable to produce this because his GP would not write a report free of charge. In the hearing the Home Office presenting officer said that the Home Office couldn’t help with the cost of these reports.

In fact, it has always been the case that the Home Office Section 4 team was prepared to pay a limited amount for the cost of obtaining medical evidence. However, this did not appear in any of its published policy so his advisers had not known this. The appeal was remitted so that he could be helped in obtaining more medical evidence and his support continued. The following month, following representations by ASAP, the Home Office confirmed in its Section 4 policy that it was able to pay for medical reports.

Ms B – serious physical and mental health problems
Ms B suffered from serious mental and physical health problems which have left her wheelchair bound. Her further submissions had been refused by the Home Office and her Section 4 support terminated.

Her solicitors had advised her that the refusal of her further submissions could not be judicially reviewed. She immediately sought a second opinion from another firm who wrote to the first solicitor to request her file. Our volunteer advocate and the Home Office presenting officer made lengthy submissions on whether or not a person in her circumstances qualified for support.

The judge agreed with the ASAP representative that she had acted promptly to pursue her asylum claim. The fact that she had received negative advice from her solicitor didn’t mean that she couldn’t rely on the further steps she had taken to pursue her claim. In addition, she still had two months to challenge the Home Office refusal of her further submissions. All of which meant she was still entitled to support.

What clients say

“Your work is very very important. I was helped so effectively and quickly and I ask for help last minute but did get an excellent representer who did her best the very last minute. I was homeless but now I am going to have a place to put my head, a roof and food. It is important and there’s a lot of people like me out there that need your help”

“A second time user of your service, I am with the view that your work is very important. Asylum seekers are vulnerable and often left without representation in asylum support appeals because Legal Aid wouldn’t pay for this job to one’s legal reps. Your help at no cost is so overwhelming”
Key topics

In 2015/16 ASAP identified four key areas where poor and unlawful decision-making were preventing or delaying applicants accessing asylum support:

1) Delays in access to accommodation post-appeal within the Home Office timescales.
2) Access to Section 4 support for applicants with outstanding claims based on Article 8 – right to family life.
3) Earlier access to Section 4 support for refused, pregnant asylum seekers.
4) Ensuring that the Home Office policy on accommodating persons who have been subject to domestic violence provides adequate protection from further risk.

Achievements

These key areas became the focus of our policy, lobbying and strategic litigation work. Our policy work achieved the following in 2015/16:

- Publication of our research report 'The Waiting Game' in February 2016 looking into the delays in accessing accommodation following a successful appeal hearing. The report found systematic delays in the accommodation booking process. See panel (right) for more details about this report.
- Clear policy successes on the back of our research into Home Office delays in providing accommodation after appeals (a long awaited written policy on the provision of support for successful appellants, and a commitment to change the process of booking accommodation).
- A change in Home Office Section 4 policy instructions to make it clear that the Home Office can pay for medical reports (previously it was not stated).
- Building a stronger relationship and more effective dialogue with the Home Office through co-chairing the National Asylum Stakeholder Forum (NASF) asylum support sub-group.

Policy and strategic litigation work

stating that refused asylum seekers with outstanding Immigration applications (for example Article 8 claims) may be eligible for Section 4 under regulation 3 (2)(e).

- ASAP played a leading role to influence the passage of the Immigration Bill on asylum support issues, through the provision of briefings and formal responses.
- Publication of our research report 'Destitution: Unchecked, Unbalanced' in September 2015. The report built on a series of previous publications aimed at highlighting concerns over the quality of Home Office decision making. The report’s findings have been acknowledged by the Home Office and will feed into its continuous improvement programme. See the panel (right) for more details about this report.

Reports on key issues

Destitution: Unchecked, Unbalanced

The report examines the quality of Home Office decision making on destitution. It found that while the Home Office has made some improvements there were still concerns:

- Home Office caseworkers were still not considering some or all of the evidence attached to the application.
- There were discrepancies between questions on the ASF1 application form and the accompanying guidance.
- The format of decision letters still lacked consistency.
- The Home Office was not explaining how it had met its statutory duty to consider the best interests of the child when making decisions involving children.

The Waiting Game: Delays in providing asylum support after appeals

This report looked at the delays in accessing accommodation following a successful appeal hearing. Legal entitlement to accommodation and support begins on the day the Tribunal allows a person’s appeal. The report found that many applicants were subject to delays in excess of the nine days that providers have to arrange accommodation, and:

- On average, appellants waited 18 days for support to start and more than half waited more than two weeks.
- We were not able to identify specific patterns in the appellants’ circumstances that would explain the delay.
- Street homeless people were dealt with more quickly but still faced 14 days average wait for support. Other categories of vulnerable people don’t appear to have been prioritised.
- We identified two stages where appellants were without support because they were waiting for the Home Office to progress their case.
- Clients who took up emergency accommodation waited on average seven weeks for dispersal.
ASAP’s specialist training

ASAP has continued to provide specialist training on various topics relating to asylum support. We offer a variety of different training models for agencies providing advice and support to asylum seekers, from a basic introduction to asylum support to tailor-made in-house training or more specialised technical legal training.

In 2015/16, 378 people improved their knowledge and understanding of asylum support issues through accessing our training programmes.

We ran 14 face to face training sessions for 237 people from 56 separate organisations. These sessions took place in Birmingham, Derby, Liverpool, London, Leeds, Glasgow and Coventry. Our training helps to build capacity within the refugee sector, increasing the number of organisations delivering advice on asylum support issues, and making referrals to our duty scheme.

In addition to the face to face training sessions, we developed a new webinar programme through a ‘Big Lottery – Awards for All’ funded post. The project enabled us to establish a programme of online webinar training. In our first year of delivering webinars we delivered seven online webinars to 141 people from 74 organisations.

The webinars are proving to be an increasingly popular means of accessing training, and will be developed further over the coming year.

Our second tier advice line

ASAP’s free second tier advice line runs three days a week. It is operated by our expert legal team who are available to answer queries relating to asylum support.

- We received 717 calls to our advice line, a 9% increase from last year.
- These calls came from 154 organisations, mainly advice agencies but also solicitors and community organisations.
- We receive proportionally more calls relating to women on the advice line (36.5%) than appeals represented (27%).
- 45% of calls related to Section 4 support.
- 35% of calls related to Section 95 support.
- Top three callers were the Red Cross (195 calls from all offices), Refugee Action (29 calls from all offices), and PAFRAS (23 calls).
- We saw a significant spike in calls during June and July, largely due to the impact of the Home Office decision to clear the further submissions backlog.

Quotes from advice line callers

“They’ll talk me through everything that I need to do to make a good appeal on behalf of my clients. But I have to ask less and less because of how much they’ve helped in the past. They are experts and very approachable”

“The ASAP advice line provides such an important port of call for many of us working here. The advisers go out of their way to give you the best advice specific to your clients. The advice line provides an invaluable source of advice that time and again has helped our clients to be successful on appeal”

Alice Webb, women’s legal adviser, running our advice line
The Women’s Project at ASAP provides individual representation to destitute women at the asylum support tribunal. But the work of the project also has a broader impact through our training and policy work.

We work to raise awareness about the rights of women in the UK asylum system and to bring out positive change in the government policies that have a huge impact on the lives of these women.

For much of 2015/16, the project had no secure long-term funding, however we continued to represent women at the tribunal, to train advice organisations across the UK on the rights of women in the asylum support system and to urge the Home Office to improve the way it responds to women facing domestic violence.

In the meantime, we applied for further funding to continue the work of the project. We were absolutely delighted when, in September 2015, Comic Relief agreed to fund the project for another three years. Part of our plan for the three year project is to train and raise awareness with groups of advisers and professionals who we have not yet reached. As part of this, we ran our first ever training session for over 20 midwives in February 2016.

Case study

In April 2015, our women’s legal adviser represented a woman with a four week old baby who had been refused accommodation and financial support because the Home Office did not believe she was destitute. She had been trafficked into the UK and had been working in the sex trade prior to claiming asylum.

At the time of the hearing, she and her baby were being housed in a tiny room in B&B accommodation, paid for on an emergency basis by the Salvation Army. In the previous two weeks, she and her baby had been forced to move between different B&Bs on multiple occasions. Although there was a considerable amount of evidence about her financial circumstances and multiple supporting statements from the Salvation Army, the Home Office maintained its decision to refuse her support. She arrived at the hearing with her small baby and almost all her possessions in a couple of bags.

The women’s legal adviser was able to convince the judge that she was destitute and that the Home Office had failed in its legal duty to consider the impact on the baby of its decision. The judge agreed that the evidence the woman had provided, in combination with her oral evidence at the hearing, was sufficient to prove that she was destitute. The judge ordered the Home Office to provide immediate accommodation and financial support for the woman and her child.
Financial information

As of 31 March 2016 ASAP’s net assets were £180,576.

The financial statements shown are a summarised version of the financial statements for the year ended 31 March 2016. The full statutory report can be obtained by contacting ASAP at Studio 11/12, Container City Building, 48 Trinity Buoy Wharf, London, E14 0FN.

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<th>Total funds 2015</th>
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Management committee 2015/16

Chair: Alison Pickup
Vice chair: Paul Yates
Treasurer: Charles Ssempijja (until March 2016), Genevieve Seddon (from March 2016)
Deputy treasurer: Genevieve Seddon (until May 2016)

Carolina Gottardo
Daniel Silverstone
Kat Lorenz
Onike Gollo (until July 2015)
Richard Orton
Dave Garratt
Joana Ball
Nicola Parker (from January 2016)

Current staff

Interim director: Andy Hewett (from May 2016, covering Hazel Williams on maternity leave)
Solicitor: Deborah Gellner
Duty scheme coordinator: Anna Dixie
Duty scheme assistant: Kama Petruczenko
Women's legal adviser: Alice Webb
Legal researcher and adviser: Marie-Anne Fishwick
Legal adviser: Mark Rogers
Training coordinator: Aideen Woods
Finance and operations officer: Dianah Rouse

Asylum Support Appeals Project (ASAP)
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Charity number: 1105625
Company number: 04763838