

ASAP NEWS - APRIL 07

Asylum Support Appeals Project

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ASAP response to the Joint Committee on Human Rights' report *The Treatment of Asylum Seekers*

The Joint Committee on Human Rights (JCHR) published a report on 30th March on the treatment of asylum seekers in the UK. The report made recommendations which includes advising that the Government provide public funding for legal representation for asylum support appeals which are currently unfunded. The report calls the asylum support system "a confusing mess" and is critical of the way that asylum seekers are not getting adequate information and advice about their legal entitlements to food and shelter. They conclude that the Government policy is making many asylum seekers destitute and that the inhumane and degrading treatment of these asylum seekers potentially breaches their human rights.

ASAP welcomes the JCHR's recommendation. ASAP has always maintained that the current asylum support system is inadequate and asylum seekers need good, free legal representation in their asylum support appeals and had provided evidence to that effect to the JCHR.

There is currently no public funding available for legal representation during asylum support appeals. As a result, when asylum seekers challenge the National Asylum Support Service's decisions to terminate or refuse housing and benefit support, the vast majority must represent themselves in court. The JCHR report points out that these asylum seekers experience many barriers to access to justice: lack of command of English, unfamiliarity with the system and physical and/or mental health problems. The report questions whether the current system safeguards these individuals' rights to a fair hearing.

ASAP are pleased that the JCHR recognises the unfairness of the current government policy and the asylum support appeal system, which are forcing many vulnerable asylum seekers into destitution. The recommendations of the JCHR clearly mirror the evidence ASAP submitted.

ASAP highlighted the issue at the end of March in their Destitution Awareness Week. Destitution Awareness Week is a regular event where ASAP aims to provide free legal advice and representation to all people who have an asylum support appeal in a given week. By providing free legal representation to all asylum seekers at the court in one week ASAP raises awareness of the need for all asylum seekers to have access to legal representation rather than just those we manage to help. Eiri Ohtani, ASAP Co-ordinator said "It is a tremendous boost to know that the JCHR agrees with our view. Tens of thousands of people are destitute today and they should not be made to wait any longer for a solution".

ASAP's work so far has shown that legal representation significantly increases chances of asylum seekers avoiding destitution. The charity's recent report *Failing the Failed?* uncovered the poor quality of asylum support decisions: 80% of the decisions letters surveyed contained misapplications and/or misinterpretations of law and policy.

ASAP urges the government to act on the JCHR's report and introduce public funding for asylum support appeals as soon as possible....*turn the page to see how you can help...*

ASAP response to the JCHR report *The Treatment of Asylum Seekers* (continued from page 1...)

How can YOU help?

While there is no public funding available for asylum support appeals there is lots that refugee community organisations and advice workers like you can do to make sure that asylum seekers know about the asylum support they are entitled to and what to do if they are refused support and have to appeal. Not many people realise that you don't have to be a solicitor or registered with the Office of Immigration Service Commission to give advice on asylum support. You can help your clients by advising them how to get support and how to appeal when they are refused. ASAP can help you do this.

- Call ASAP's helpline on 0845 603 3884 — our legal advisors are available every day between 9.30am and 4.30pm to answer your questions on asylum support, community care and support for asylum seekers in general. If you have a general question or a question about a specific client, we can answer it!
- Help your clients complete the appeal form when they are refused support. You can again call our helpline to get advice on how to complete the appeal form.
- Attend ASAP training. ASAP offers training course on everything from a basic introduction to asylum support to how you can represent your client in person in their appeals. ASAP can also come to you and offer training to suit your needs. If you are interested in this, please contact us.

Following the JCHR report ASAP believes the government should be encouraged to follow the JCHR recommendations and provide public funding for asylum support appeals. You can raise the issue yourself by writing to your MP. You can find out who your MP is and how to contact them at www.theyworkforyou.com.

ASAP DUTY SCHEME TO INCREASE TO 3 DAYS A WEEK FROM APRIL!

To show its continuing commitment to providing free legal advice and representation to asylum seekers in their asylum support appeals, ASAP is increasing their duty scheme at the asylum support tribunal from 2 days to 3. We will be there on Mondays, Tuesdays and Thursdays from April. Remember if you have an appeal on one of these days or any other day of the week you can call us and ask us to represent your client. We prioritise women, people with children and people who are vulnerable as a result of physical and mental health problems or survivors of rape and torture. If you wish to refer a client to us for representation please contact us. We will accept referrals subject to a representative being available.

ASAP—FREE TRAINING!

ASAP are offering the following training sessions for our member organisations.

Wed 30th May 2007

**Support Options for Failed Asylum Seekers (Introduction to NASS Support)
(this course is also available to organisations outside London as well)**

Session 1: 9.45 - 13.30 (registration from 9.30)

Session 2: 1.30 - 4.30 (registration from 1.15)

We are repeating the same session in the morning and in the afternoon.

“Support Options for Failed Asylum Seekers” is ideal for those working with destitute asylum seekers. It will mainly focus on Section 4 support but will also discuss support from Social Services and who may qualify for Social Services support.

ASAP can also come direct to your organisation and offer training to your staff and volunteers on asylum support issues. Our trainers can design and provide training to suit your needs. Please contact us to discuss further if this is something you would be interested in on 020 8684 5873.

Please note that our training courses are only open to members. Membership is free and members get regular updates of what is happening in asylum support, newsletters, details of ASAP events and an invitation to our AGM. For information on how to become a member please contact us on 020 8684 5873.

CHANGES AT ASA AND NASS

The Asylum Support Adjudicators (ASA) are changing. The ASA have always been part of the Home Office but from the 1st April 2007, they are moving to be part of the Department for Constitutional Affairs. This means they will be entirely independent from the Home Office. They are also changing their name to the Asylum Support Tribunal (AST). Apart from this they will operate in the same way and users should not notice any difference. Look out for the new name from 1st April.

NASS are changing too. From 1st April 2007 all new asylum claims will go through the New Asylum Model (NAM). A NAM caseworker will make asylum decisions and all asylum support decisions. People who made their claims before NAM was introduced will continue to have their decisions made in the same way. A Section 4 team will still exist to decide whether failed asylum seekers are entitled to Section 4 support. This means that NASS as it has been known will no longer exist. ASAP will continue to use the term NASS however until it becomes clear how the new system will operate. We will update you in our next newsletter so watch this space!

A fair hearing for destitute asylum seekers? ASAP's Destitution Awareness Week 26th—30th March 2007

Between the 26th and the 30th of March ASAP held its second Destitution Awareness Week. As featured in our January newsletter we held the first of our Destitution Awareness Weeks in December 2006.

Our aim during these Destitution Awareness Weeks is to raise awareness of the difficulties both asylum seekers and failed asylum seekers face when appealing against the decision to either refuse or remove their support. The difficulties mainly stem from the fact that asylum seekers are not entitled to legal aid for representations with their appeals, despite the fact that asylum seekers are amongst some of the most vulnerable members of our community. Statistics show that those who are represented with their appeals have over a 50% chance of winning, as opposed to a 20% success rate for those without representation.

It is our intention during these weeks to represent as many destitute asylum seekers as possible with their appeals. This is done with the assistance of a dedicated group of barristers and solicitors who regularly volunteer their time to assist asylum seekers with their appeals at the Asylum Support Tribunal.

During our latest Destitution Awareness Week we assisted nine individuals with their appeals. Of these, 5 had their cases allowed, 2 were dismissed and we provided advice only to another 2. The low numbers of appeals taking place that week was due to a high number of last minute withdrawals and no shows on the day.

ASAP intends to continue with this initiative in the future. As outlined earlier in this newsletter, we have already increased our duty scheme at the Asylum Support Tribunals to three days a week. In addition, our concerns about increasing the representation available for these appeals was echoed in the recent report released by the Joint Committee for Human Rights who recommended that legal aid be made available for asylum support appeals.

Case Study—Destitution Awareness Week

During our second Destitution Awareness Week the project represented an African woman who was appealing against the refusal by NASS to award her Section 4 support. ASAP is particularly concerned about the plight of women who are destitute because, as the following case studies shows, women on the street are often less able to fend for themselves and more vulnerable to being attacked.

Ms A had applied for Section 4 as she was destitute and her solicitor had recently submitted a fresh claim for asylum on her behalf. NASS refused her support on the grounds that she had failed to provide evidence proving her destitution and that her fresh claim for asylum had a limited prospect of success.

When we met Ms A at the Asylum Support Tribunal she had been street homeless for just under three weeks. She informed us that she had been sleeping rough at a bus station in Birmingham and was surviving on small amounts of food and cash she had been receiving from a local homeless charity.

Ms A was visibly distressed throughout our interview and, although she had only been in the UK for about 9 months, she had difficulties remembering the events that led to her current situation. At one point during the interview she showed us a serious burn she received to her chest and arm whilst sleeping rough. She was unclear how exactly this happened but she thought she might have poured hot water on herself when she 'lost her mind'

Ms A appeal was allowed as the Adjudicator found that she was in fact homeless and that her fresh claim contained new evidence .

Following the hearing we conducted a questionnaire with Ms A to find out what she thought about asylum support appeal procedures and how she coped with being destitute.

Ms A told us that she found the appeal procedures very difficult. This was made worse by the fact that a person only three days to complete an appeal once they are refused. Being fairly new to the country she did not speak much English and did not know where to go for advice on completing the appeal form. In the end members of her church and other people who had been through the same procedures helped her complete the forms.

With regard to her experience of destitution she stated that *"I have slept outside for the last 20 days and also for some time when I first lost NASS support (NOV 2006). I feel very bad and very upset about sleeping outside. As a woman I feel very scared.*

With regards to the particular risks facing women she stated that *'women sleeping on the street are at risk of being attacked by men and by drunk people. They have problems with their health and with their safety.- it is not a nice thing to experience. It is bad enough to be away from your country but here there is no one to help you and I don't understand the language and it makes me feel very depressed'*

London Destitution Advice Network (LDAN)

At the most recent meeting on 27th March 2007, the LDAN decided to make a formal request to IND/BIA (the Home Office) for a seat at the asylum and asylum support stakeholder meetings. We understand the IND/BIA has not finalised their plan for how stakeholder meetings will be organised with the introduction of NAM (New Asylum Model). These stakeholder meetings were previously attended by large organisations who hold NASS contracts as well as by a selection of other agencies.

Members are concerned that small advice agencies who deal with many asylum and asylum support related queries on daily basis are not given a chance to feedback to the IND/BIA about their experiences and concerns. Members believe there should be better communication between the IND/BIA and those small independent advice agencies.

LDAN is an informal network of independent advice agencies in London who work with destitute asylum seekers. If you are interested in being a part of the Network, please contact Eiri Ohtani on 020 8684 5873 or at Eiri@asaproject.org.uk. LDAN's next meeting will be in early May.

Still Human Still Here campaign – end destitution of refused asylum seekers NOW

The **Still Human Still Here** campaign is dedicated to highlighting the plight of tens of thousands of refused asylum seekers who are being forced into abject poverty in an attempt to drive them out of the country. Many organisations, including ASAP, are supporting this campaign.

ASAP knows that many small RCOs and charity organisations have first-hand experience of helping destitute asylum seekers. Please take your stories to your local MP and ask him/her to influence the Government to change this inhumane policy.

For more information on how to lobby your MP, please visit www.stillhuman.org.uk. If your organisation wants to sign up to this campaign, please contact Eiri@asaproject.org.uk.

stillhuman
stillhere
The campaign to end destitution of
refused asylum seekers

Raise money for ASAP by walking 10km on 14 May 2007!

ASAP is again taking part in a charity walk hosted by the London Legal Support Trust on 14 May 2007. The walk is 10km long and starts at 5:30pm at the Royal Court of Justice on Strand and finishes at the Law Society. ASAP's team raised over £1,600 last year and we hope to raise more this year. If you want to sponsor one of our walkers or walk with us (which is fun!), please contact Eiri at Eiri@asaproject.org.uk. We now have 9 walkers, but we want to recruit at least 11 more people. You can also donate online at www.justiving.com/ASAP07. Please support our work!



ASAP's team last year—at the end of the walk looking a little fat so we need to walk again!

ASAP receives new grants!!

ASAP has recently learned that some of our grant applications were successful.

The City Parochial Foundation, whose support was crucial in setting up ASAP, agreed to fund our policy work to improve asylum support policy. **The Lloyds TSB England and Wales** is going to make a contribution towards the Co-ordinator's post so that ASAP can develop as an organisation. **The Allen Lane Foundation** will help us expand our training service to organisations based in the regions. **A B Charitable Trust, 29th May 1961 Charitable Trust, W F Southall Trust, Hilden Charitable Fund and Jill Franklin Trust** will support our free legal representation work. We are also grateful to **AW. 60 Charitable Trust and Racial Justice Fund** for agreeing to support our work.

Our initial 2-year grants from the Big Lottery Fund and the City Parochial Foundation will expire in summer this year. ASAP is continuing with our fundraising efforts to secure enough resources to continue to expand our service to destitute asylum seekers.

Free ASAP factsheets

- No 1: introduction to NASS support
- No 2: Introduction to Asylum
- No 3: Making an Appeal to the ASA
- No 4: After a Negative Decision at the ASA
- No 5: Section 4 Support for Failed Asylum Seekers
- No 6: Section 4 Support and Community Activities
- No 7: Section 9 Withdrawal of Support for Failed Asylum Seeker Families
- No 8: Breach of Conditions of Asylum support
- No 9: Introduction to Community Care
- No 10: The European Convention on Human Rights and The Human Rights Act 1998
- No 11: Introduction to Judicial Review

If you would like a copy, you can ring us on 020 8684 5874 or download them from our website which is www.assproject.org.uk

ASAP Advice Line 020 8684 5972

If you are advising asylum seekers about their asylum support problems and need help, you can always call our Advice Line. Our Advice Line is open:

Mon 2pm to 4pm

Tue 10am to 12:30pm, 2pm to 4pm

Wed 10am to 12:30pm

Thu 2pm to 4pm

Fri CLOSED

Our legal advisors are available to answer your queries and help you help your clients. Occasionally we might be able to represent your clients at the hearing in Croydon. **Please note that we do not provide immigration advice.**

ASAP aims to reduce destitution of asylum seekers in the UK by protecting their legal rights to food and shelter. We believe that all asylum seekers have a right to competent, free legal advice and representation on asylum support issues. We run an Advice Line, a duty scheme at the Asylum Support Adjudicator and training courses for refugee community organisations.

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