

ASAP NEWS FEBRUARY '08

Asylum Support Appeals Project

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ASAP's Annual General Meeting



Over 70 people attended ASAP's AGM at the City Hall in London on 26 November 2007. The theme for this year's AGM was "How can we end destitution?". Speakers for the evening were Sandy Buchan (Refugee Action) Dashty Jamal (Federation of Iraqi Refugees) and Richard Stanton (Greater London Authority).

A film, *Still Human, Still Here*, made by documentary maker Nick Broomfield for Amnesty International was also shown at the event.

The Management Committee and staff members are grateful to our members, supporters and interagency partners who continue to support our work. We were also very pleased to welcome members from outside London to the event, including people from Hull, Birmingham and Portsmouth.

ASAP's very limited resources means that we remain a micro organisation, but we hope to make a bigger impact in future years with the support from our colleagues and members.

ASAP would like to thank the Greater London Authority for letting us use a magnificent venue overlooking the Thames for our AGM.

Feedback from Training Sessions - prize draw!

To improve the training ASAP offers, we are collecting feedback from people who have attended training sessions over the last year.

If you've been on a training session, you'll receive a short form in the post. Just fill in the questionnaire and return it to ASAP to be entered into a **free prize drawer!** There are three £10 Marks and Spencer vouchers up for grabs – so make sure you get your form in by the end of February.



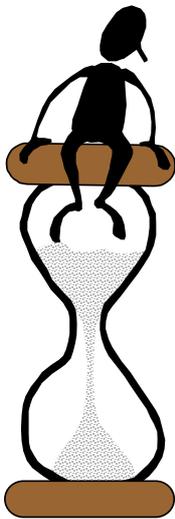
Ongoing Delays with Section 4 Support

We know from our own clients, and from the organisations that use our Advice Line, that those applying for Section 4 continue to experience serious delays, both when they first apply for support and when their applications are successful.

In response to previous complaints about delays back in 2005, the Borders and Immigration Agency (BIA), then called NASS, gave an undertaking that people who were street homeless/ pregnant or had mental or physical health problems would have their applications for support assessed within 48 hours. These became known as Priority A cases. All other applications were to be assessed within 5 days.

Despite these assurances, our own statistics show that a very high proportion of individuals who apply for Section 4 are waiting anything up to two weeks for a response from BIA. This includes those who are considered to be priority A cases.

“Our own statistics show that a very high proportion of individuals who apply for Section 4 are waiting anything up to two weeks for a response from BIA”



In addition to delays when first applying, our records also show that once an individual has been accepted for Section 4 support, they are again being forced to wait several days before accommodation is allocated to them.

These ongoing delays are unacceptable and ASAP have now written to BIA outlining our concerns and asking that they address these problems immediately. Along with other agencies, we also raised the matter at a recent National Asylum Stakeholder Forum (NAFT) which is chaired by Matthew Coates, the strategic director of the BIA. At that meeting they gave us assurances that procedures would be put in place to speed up the processes for dealing with Section 4 applications. We will keep you updated on BIA progress in handling these delays.

New Volunteer - Abigail Brunswick

ASAP is very pleased to welcome Abigail who joined ASAP in January as a volunteer. She will be acting as an assistant to the Co-ordinator for 6 months.

Abigail says: 'I'm really happy to be working with ASAP. I think the organisation does excellent work and I'm looking forward to helping out as much as I can.'

ASAP will be looking for more volunteers/interns in the near future. If you are interested, please check our website www.asaproject.org.uk for further details.

Domestic Violence and Section 4?

Policy Bulletin 70 contains internal guidelines produced by BIA which provide advice to their own staff, and accommodation providers, on how to deal with individuals or families who are experiencing domestic violence in **both** Section 95 or Section 4 accommodation.

If you are advising an individual who is experiencing violence in their accommodation, the procedure is to either contact the persons accommodation provider or their local One Stop Services (such as Refugee Action, Refugee Council etc) and request that the person is transferred to alternative accommodation immediately.

Both the accommodation providers and the One Stop Services have systems in place for dealing with such requests and should be able to respond very quickly. They will also be able to refer the person to other sources of advice such as refugees, victim support, health workers or, where appropriate, the police. Policy Bulletin 70 can be found on the BIA website at <http://www.bia.homeoffice.gov.uk>.

If you would like advice on this issue please contact our advice line on 0845 603 3884

NEW! ASAP's Women's Project

ASAP has just received a grant from the Comic Relief to start a new project targeting the needs of destitute female asylum seekers who have been victims of sexual violence. The grant lasts for three years.

The project will start in April 2008 and will work with women's organisations throughout the UK which are supporting female asylum seekers. We recognise that destitute female asylum seekers have particularly complex needs and are vulnerable.

The project will ensure that these women's access to asylum support will be improved and that organisations working with them know more about how to access asylum support.

ASAP is looking forward to working with women's organisations across the country so that vulnerable female asylum seekers can get better information and advice about their housing and welfare rights.

More details of the project will be sent to members in April 2008. If you have any questions, please contact us at office@asaproject.org.uk

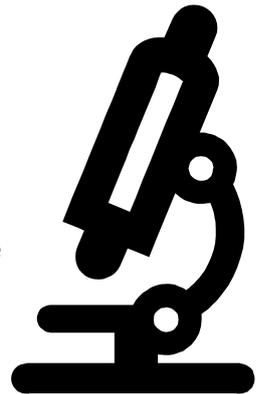


ASAP Research on the Failures of Section 4 Support

ASAP is carrying out research on Section 4 support to highlight the fact that it is failing to support many thousands of individuals who cannot leave the UK through no fault of their own.

One of the ways a refused asylum seeker can get Section 4 support is by taking all reasonable steps to return. To qualify under this criterion the person is normally expected to either sign up to return voluntarily with the International Organisations for Migration (IOM) or to approach their embassies for assistance with obtaining travel documents to return.

ASAP has become aware that there are many nationalities who are unable to leave the UK as their embassies are either unwilling or unable to provide them with the travel documents they require to re-enter their countries. This is particularly true in the case of Palestinians, Eritreans, Algerians, Iranians, Liberians, Sierra Leones and Chinese. Individuals who are stateless, or where there is a dispute surrounding their nationality, will also encounter serious difficulties when trying to leave the UK.



“the rigid approach to the meaning of reasonable steps to return ignores the various practical barriers many refused asylum seekers face around returning to their country of origin”

Whilst BIA will often provide support initially to those who they consider as taking reasonable steps to return, due to the way Section 4 regulations are applied, this support is often withdrawn at a later date.

ASAP has represented several individuals who were having their Section 4 support terminated as they were considered to not be taking enough steps to return. Many of them would have registered with IOM but would have had their applications withdrawn (normally after three months) as IOM had been unable to assist them due to problems with travel documents. Following a withdrawal by IOM, BIA will often write to the individuals informing them that they are considering discontinuing their support on the grounds that they are not taking enough steps to return.

These individuals will often be advised that they either need to approach their embassies for assistance with obtaining travel documents or, alternatively, to present themselves to Immigration Services to be removed. Failure to comply with these requests can and does lead to the person losing their support. However this rigid approach to the meaning of reasonable steps to return ignores the various practical barriers many refused asylum seekers face around returning to their country of origin. (continue to next page)

ASAP's research will highlight the failure by the Border and Immigration Agency (NASS) to take into account these practical barriers and the fact that many thousands will become destitute as a result. We hope to use the research to lobby for an extension of the current criteria for Section 4 support so that it covers individuals who are unable to leave the UK through no fault of their own. If your organisation would like to provide evidence on the particular problems faced by your community in relation to Section 4 please contact us on 020 8686 1888 and speak to Gerry.

Extra vouchers now available for those receiving Section 4 Support - please read carefully

On 31 January 2008 new Section 4 regulations were introduced which means that extra vouchers will be available to pregnant women, new mothers, children and other who have extra needs who are being supported under Section 4. There will also be extra vouchers available for essential travel and phone calls. Below is a brief list of the new vouchers available and how much people will receive:

Pregnant Women: This group can claim £3.00 extra a week in vouchers during their pregnancy

Pregnant Women/ New Mothers: A one-off supply of maternity vouchers worth £250 can be given to pregnant or new mothers to help them buy essential items such as cots, prams, clothes etc

Children's Clothes: Parents and guardians who are receiving Section 4 support can apply for £5.00 extra a week for clothing for each dependent child (under 18) who is living with them.

Children under Three: Parents or guardians can apply for weekly extra vouchers for supported children up to the age of three. The amounts are £5 extra a week for babies under one and £3 for children over one up until their third birthday.

Essential Travel or Exceptional Specific Needs: Those receiving Section 4 support can now apply for assistance with travel to health appointments, to register the birth of a child or for some other exceptional reasons, such as attending a funeral. The assistance given here is likely to be in the form of travel tickets etc.

How to Apply

There is now a special Section 4 application form available to apply for these extra vouchers. These should be available from the person's accommodation provider or from their local One Stop Services such as Refugee Council, Refugee Action. The decision on whether to grant these extra vouchers will be made by the Section 4 team at BIA. If the person is refused extra vouchers there is no right of appeal but we would advise that the person seeks advice from their local refugee agency.

National Asylum Stakeholder Forum (NASF) Meeting on 24 January 2008

NASF meetings are attended by senior BIA officials, large voluntary sector organisations and other relevant agencies. ASAP is normally not invited to these meetings but was allowed to attend this particular meeting because section 4 was on the agenda.

At the meeting, voluntary sector organisations highlighted 5 problems about section 4:

1. Delays in response / decision from BIA on s4 applications
2. Delays in allocation of s4 accommodation and support
3. Inadequate arrangements (travel, accommodation and subsistence) for appellants' attendance at Asylum Support Tribunal (AST) in Croydon
4. Withdrawal of support despite outstanding AST appeals
5. Particular difficulties for detainees trying to access section 4 (1) sup-

At the meeting, it was agreed that Emily Miles, Director of Case Resolution Directorate where section 4 team belongs, would provide written responses to the points raised.

Voluntary sector organisations have already informed the BIA of many of these problems in the past. It is therefore disappointing that the BIA has not been able to resolve these problems. ASAP keen to see if this latest meeting with the BIA will improve section 4 provision.

If any members would like to add any views on this matter, please let us know.

Eiri@asaproject.org.uk

Referring your clients to ASAP Duty Scheme

If you have a client who has an oral hearing at the Asylum Support Tribunal in Croydon and wants one of ASAP Legal Advisor to represent, please call us on 0845 603 3884 first to discuss the case. It helps us to have as much information as possible before the hearing.

ASAP Duty Scheme runs on **Mondays, Tuesdays and Thursdays**. We are normally able to represent 2 - 3 cases a day.

Please note that we are unable to offer any appointments to the clients at our office. Please also note that we do not give immigration advice.



NEW! Training: Support Options for Failed Asylum Seekers in Liverpool and Birmingham



We are planning more free regional training sessions in spring / summer 2008. Our next locations will be Liverpool and Birmingham.

**Liverpool:
15 April 2008
50-54 Mount Pleasant
L3 5SD**

The date and location of the Birmingham training will be confirmed shortly.

If your organisation is based nearby and would like to receive more information, please contact office@asaproject.org.uk.

In November 2007, ASAP delivered its first regional training in Hull and Bradford. 22 people from 18 local organisations attended *Support Options for Failed Asylum Seekers* training sessions. One participant said *"Most of the issues we touched on have been problems that most of our clients have had problems with but could not find an organisation that has the right information to help service users"*. A big thank you to ARKH and Bradford Action for Refugees who facilitated the training sessions.

Asylum Support Tribunal User Group Meetings

Can your organisation come to these meetings?

Asylum Support Tribunal hosts regular User Group meetings in London. The meeting is attended by the Adjudicators and representatives from some organisations whose work involves asylum support appeals. ASAP regularly attends these meetings as we regularly provide legal representation during appeals.

Recently the number of voluntary sector organisations attending these meetings has been decreasing. This is very unfortunate; unless voluntary sector organisations come to represent destitute asylum seekers' views, the real "user" view will not be heard at these meetings. Also ASAP does not deal with all appeal cases, so views from other voluntary sector organisations are vital.

If you want more information about the User Group or have any suggestions about how to make these meetings more useful and accessible, please contact Eiri@asaproject.org.uk.

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 8686 1888 or download them from our website : www.asaproject.org.uk

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.

ASAP staff members and volunteers are:

Eiri Ohtani - Co-ordinator

Gerry Hickey and Colin McCloskey

- **Legal Advice, Representation and Training**

Abigail Brunswick and Wanda Jewasinski

- **Office volunteers**

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Asylum Support Appeals Project (ASAP)
18 Barclay Road, Croydon CR0 1JN
020 8686 1888, advice@asaproject.org.uk
www.asaproject.org.uk

ASAP Advice Line

0845 603 3884

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:

Monday, Wednesday and Friday

From 10am-4pm only

The Advice Line is closed on:

Tuesdays and Thursdays

Our legal advisors are happy to answer your queries and help you help your clients. If no one answers the phone, please leave a message on our ansaphone. **Please note that we cannot give immigration advice.**

ASAP's current and past supporters are:

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Comic Relief
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Eleanor Rathbone Charitable Trust
Garden Court Chambers
Hilden Charitable Trust
Helen Tetlow Memorial Fund
Jill Franklin Charitable Trust
J P Getty Jr Charitable Trust
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Thank you for your support!