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## Duty Scheme Highly Commended in Awards

*Collaboration between ASAP and City Law Firms recognised by LawWorks*

ASAP's Duty Scheme was highly commended in LawWorks Annual Awards in June. The award in the Best In Partnership Pro Bono category was an acknowledgement of the successful collaboration between ASAP and four City Law Firms which pro bono legal advocates for ASAP's work at the asylum support tribunal. This allowed ASAP expand the Duty Scheme from a 3 to a 5 day week and double the number of asylum seekers assisted over the last year. The firms involved are Clifford Chance, Freshfields Bruckhaus Deringer, Herbert Smith and Simpson Thacher & Bartlett.

The work of the Duty Scheme was highly commended because:

- Almost 600 asylum seekers were given legal advice and representation in 2009/2010 - twice the previous years figure
- Despite the large increase in numbers, two thirds of asylum seekers represented by ASAP were successful in their appeals
- The work is very challenging as legal advocates have less than an hour to read through legal documents, take advice through an interpreter and prepare an argument before representing asylum seekers in hearings.

The collaboration also allowed ASAP respond to the recent large increase in appeal hearings by having two legal advisers at the tribunal on busy days. We are now in the process of training a new intake of solicitors to work on the scheme over the next year. About 10 barristers from leading human rights chambers, including Doughty Street and Garden Court, also provide pro bono legal advocates for ASAP's tribunal work.

## Duty Scheme Wins First Video Link Appeal

ASAP has conducted - and won – its first video link appeal. The appellant who had severe mobility problems was appealing a decision to refuse support on the grounds that they were not able to travel back to their country of origin. They had requested, through their representatives, that their hearing take place at a local tribunal via a video link, which the asylum support tribunal, along with other tribunals, is set up to do. The hearing went smoothly though a grainy picture made it difficult to see the appellants' facial expressions or any small movements made. The judge granted the appellant support.

## Need advice on asylum support law?

ASAP's second tier Advice Line provides expert advice on asylum support law and asylum support appeals three days a week.

The Advice Line is open Mon/Wed/Fri between 2 and 4pm.

The Advice Line number is 0845 603 3884

## Landmark Ruling Ends Hope of Section 95 Extension

Asylum seekers granted section 95 support after a controversial ruling in March have had it withdrawn following a new landmark ruling. In June the asylum support tribunal made a landmark ruling confirming that refused asylum seekers who have submitted fresh representations are eligible for section 4 and not section 95 support. The decision overturned an earlier ruling that asylum seekers who have submitted fresh representations are entitled to and should apply for section 95 support. Some did and were granted section 95 support only to have it withdrawn following the new ruling. Despite arguments that the decision to grant section 95 support should stand unless there was a change in individual circumstances, the tribunal has upheld the UK Border Agency's decision to withdraw support in a number of cases.

Meanwhile, following a drop in demand, the UKBA has announced that fresh claims appointments in Liverpool can be booked seven days in advance via its telephone line, down from 10 days when the new policy was introduced. The UKBA says it is aiming to process fresh submissions within 15 working days when support is being applied for.

## Health Consultation Highlights Support Flaws

*Proposals extend free healthcare only to refused asylum seekers receiving support*

All refused asylum seekers are entitled to free medical healthcare and should be exempted from charges. This is one of the main points made in ASAP's response to the Department of Health's review of Access to the NHS for Foreign Nationals. The DoH is proposing exempting only refused asylum seekers who are receiving support from charges.

ASAP's consultation response also points out that:

- Using the UK Border Agency's support system as the framework for determining whether someone is entitled to free medical care is unethical as the system is badly administered, riddled with inefficiencies, and characterised by poor decision making, as the high number of successful appeals at the tribunal shows.
- Refused asylum seekers are not in a position to pay for healthcare and pursuing them for payment will be both costly and futile. Many of those applying for support at the asylum support tribunal have been destitute for months and sometimes years. Most are living a hand to mouth existence and are dependent on informal and intermittent support from charities and church groups for survival.
- Expecting health professionals to assess whether someone is able to return home as part of the eligibility test for urgent treatment - as proposed - is ill judged and unrealistic, as the ability to return home can be contingent on many factors.
- Maternity care should be exempted from charges as asylum seekers face higher risks of mortality during childbirth and complications during pregnancy than the wider population. ASAP is calling on the UKBA along with Maternity Action and the Royal College of Midwives to extend support entitlement to refused asylum seekers who are pregnant beyond the last 6 weeks of their pregnancy.

To read ASAP's consultation response click [here](#)

## Need Training on Asylum Support Law?

Last year ASAP trained over 62 organisations on asylum support law. We can design courses tailored to your work and advice workers knowledge and skills base.

Call us on 020 8686 1888 for more information

## Appeal Numbers Stabilise After February Peak

The number of appeals at the tribunal has stabilised in the past few months after a huge upsurge at the start of the year. Appeal numbers vary but they are averaging at about 15 a day – down on over 30 a day at the start of the year. This led to a record 600 appeal hearings in February which put large strains on the tribunal infrastructure and increased the wait for a tribunal date. One of the main reasons behind the surge appears to have been the discontinuing of support in many “legacy” or older asylum cases.

## UKBA Blocks Purchase of Gift Tokens with Azure Cards

From 1 July gift tokens can no longer be purchased with Azure cards. The UK Border Agency has instructed staff in shops where Azure cards are accepted to refuse purchases of gift tokens with the cards. Following the introduction of the cards earlier this year for asylum seekers on section 4 support, some people had used them to buy gift tokens and then exchange them for cash, as restrictions on where the cards could be used made it impossible to buy essential services like bus travel. Buying gift tokens also helped mitigate problems caused by the restriction on the amount of cash that could be carried over into the following week on Azure cards. The new prohibition makes it even more difficult to get by on a day-to-day basis.

## New Palestinian Policy “Confusing and Unreasonable”

The UK Border Agency has produced a new policy for Palestinians taking *all reasonable steps to leave the UK*. This recognises that Palestinian nationals have particular problems obtaining the necessary documents to leave the UK, so those who apply to the International Organisation for Migration (IOM) for assistance to return will initially receive support for six months, rather than three which is the case for other nationalities.

The document states they will have their Section 4 support reviewed after six months, and if they can show that they were exceptional reasons why they are unable to return, such as being unable to obtain a travel document, they may be granted support for a further six months. A third period of support will be considered but only on production of evidence which shows there are exceptional reasons why they have not left the UK. Overall - despite acknowledging that some Palestinians will be unable to return through no fault of their own - support will be granted for a maximum period of 12 months or, in very exceptional circumstances, 16 months.

ASAP considers the new policy to be confusing and potentially unlawful. Section 4 support regulations do not state that individuals applying for support on the basis of taking all reasonable steps to return can only receive support for a limited period. If a Palestinian, or any other national, has been doing all they can to leave the UK, which includes registering with IOM and co-operating with attempts to obtain a travel document, they then they should continue to qualify for Section 4 support until the situation that is preventing from returning to their country of origin ends.

## Personnel Changes on ASAP Staff and MC

ASAP is recruiting two new staff – a solicitor and administrator. This follows the departure of solicitor Colin McCloskey in May. Colin's expertise on asylum support law was of immense benefit to ASAP and we are pleased he can continue to work with us, training barristers and solicitors for the Duty Scheme. Sue Willman, ASAP's long standing chair, is also on the move and is taking a year's sabbatical in the United States. Everyone wishes her good luck with her studies. Pascale Vassie will take up the position of chair, Alison Pickup becomes vice-chair, while Charles Ssempijja takes over as treasurer. Thanks to volunteers Jackie Feldman, Charlotte Wakam, Zoumana Diabate and Sri Kambhammettu for keeping the office ticking over in recent months.

## ASAP Team Raises £8,000 in Sponsored Walk

A big thank you to everyone who helped us raise a record £8,000 in the London Legal Sponsored Walk in May. Sixteen walkers, including a contingent from Southwark Law Centre, took part in the event, along with almost 4,500 other walkers from the judiciary, solicitor firms and barristers chambers. Donations from Freshfields Bruckhaus Deringer and Simpson Thacher & Bartlett helped swell the total raised from friends and supporters.



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**SPONSORED RUN:** Finally, thank you to ASAP treasurer Charles Ssempijja and two colleagues from accountancy firm Gotham Erskine, Andy Nash and John Ellis, who ran ASICs 10K London Run in under an hour earlier this month, raising £400 for ASAP.