

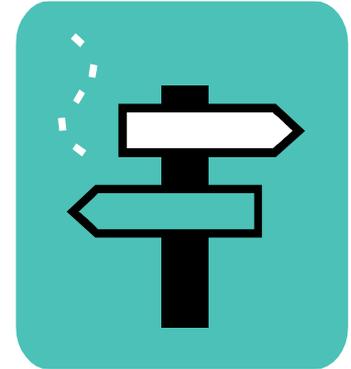
ASAP NEWS - NOVEMBER '07

Asylum Support Appeals Project

Registered charity no. 1105625 Company limited by guarantee no. 04763838

Asylum Support Appeal Advice Map

Find out where asylum seekers can get advice about their asylum support appeals



Many asylum seekers who have appeal hearings at the Asylum Support Tribunal (AST) in Croydon are still getting no legal advice about their appeals. Some are continuing to receive incorrect advice or advice that is now out-of-date. This can result in asylum seekers losing their appeals and becoming destitute.

In order to help asylum seekers access good advice before their asylum support appeals hearings, ASAP will be building an **Asylum Support Appeal Advice Map** over the next four months. The map will show where in the UK asylum seekers can go if they have asylum support appeals. It will also show if advisors can complete section 4 application forms for refused asylum seekers. The map will be available on our website from February 2008 and will be regularly updated.

Starting in November, ASAP will be contacting members and advice agencies that have frequently used our Advice Line to find out if their details can be added to this map. We will be also asking a few questions about the level of advice they can provide to asylum seekers.

We hope that the map will help asylum seekers find a right advisor before their asylum support appeals and also enable agencies to refer their clients to an appropriate advisor.

Asylum support appeals are becoming increasingly complex and it is very important that asylum seekers get good quality advice. Advisors should be aware that asylum support law is different from immigration law and you need to develop specialist knowledge in this area. Please also note that asylum support advice is not regulated by the Office of the Immigration Services Commissioner (OISC).

If you are not sure about any aspect of asylum support appeals or need some advice about your client's case, please call the ASAP Advice Line on 0845 603 3884 and ask for Gerry or Colin.

ASAP has moved to a new office



ASAP moved to its new office at the start of September. It is a 5 minute walk from East Croydon station. Our new contact details are:

18 Barclay Road, Croydon CR0 1JN

Tel 020 8686 1888

Fax 020 8686 1899

All our email addresses, as well as our Advice Line number, remain the same.

ASAP AGM Mon 26 Nov 2007 7:15 - 9:30pm London's Living Room in City Hall

ASAP members and friends are invited to our AGM on Monday 26 November 2007 from 7:15pm to 9:30pm at London's Living Room in City Hall near London Bridge. This year's theme is "*Can we end destitution?*".

We are delighted to welcome Sandy Buchan, Chief Executive at Refugee Action and Dashty Jamal of the Federation of Iraqi Refugees as speakers. Sandy will talk about the level of destitution in the UK, while Dashty will talk about what is happening to refused Iraqi asylum seekers who were returned to Iraq.

We are very grateful to the Refugee Integration Team at the Greater London Authority for letting us use this fantastic venue and providing refreshments for the event. Information on how to get to City Hall can be found here:

<http://www.london.gov.uk/gla/locationmap.jsp>

If you would like to attend the AGM, please complete the form available from our website (please see news section) and fax it to 020 8686 1899. If you would like to become our Management Committee member, please contact Eiri on 020 8686 1888 by 12 November 2007.

We have a limited budget for paying travel expenses for refugee community organisations and asylum seekers to attend our AGM. If you would like to take up this offer, please call our office in advance and speak to Wanda on 020 8686 1888 (Monday and Tuesday only). You can also email Wanda at wandaatasap@yahoo.co.uk



New staff member - Colin McCloskey -

We are delighted to announce that Colin McCloskey has joined ASAP as our part-time Legal Advisor. He will be providing legal representation at the Asylum Support Tribunal, giving advice on our Advice Line and delivering some of our asylum support training sessions.

Colin has over 15 years of experience of giving legal advice in mental health, community care and housing law. Prior to joining ASAP, Colin was working as a Consultant Solicitor with the legal aid firm J. Everett & Co. in Streatham. In private practice he represented many asylum seekers in judiciary proceedings challenging refusal or withdrawal of support.

Colin says :

“ We were all upset at Everett & Co. that we had to close because of the impossibility of continuing under the burgeoning legal aid scheme. I am delighted to be able to continue working in the area of asylum support law at ASAP ”.

ASAP's current staff members are Eiri Ohtani (Co-ordinator), Gerry Hickey (Legal Advisor) and Colin McCloskey (Legal Advisor). We are also supported by our volunteer Wanda Jewasinski (Mon/Tue).

We have a very small team and most of us are part-time staff members. This means that there is often only one staff member in the office. So if no one answers the phone, please leave a message on our ansaphone. It is likely that the remaining staff member is on another line. Please bear with us if we are not able to return your call immediately.

London Destitution Advice Network (LDAN) meetings

The members of the London Destitution Advice Network are continuing to meet bi-monthly to discuss section 4 and community care advice for refused and destitute asylum seekers. Advising refused asylum seekers can become complex. However our members have found it useful to share up-to-date information and case studies so that each of our organisation can identify what can be done practically to address the issue of destitution.

We have decided to approach funders in the next calendar year so that the LDAN can continue to meet and play a more active role in ensuring that appropriate support is provided to refused asylum seekers promptly. For more information about LDAN, please contact Eiri at Eiri@asaproject.org.uk.



LDAN meeting in June 2007

Asylum Support Tribunal User Group Meeting News

Asylum Support Tribunal hosts quarterly meetings for tribunal users. The last meeting was held on 27 September 2007.

During the meeting, a representative from the BIA's Section 4 team (which has now moved to Case Resolution Directorate) said that they are considering providing refreshment vouchers to appellants who must travel many hours to attend asylum support appeal hearings in Croydon. ASAP would welcome such provision as many appellants arrive at the court exhausted and hungry, which makes it difficult for them to give evidence during their appeal hearings.

We also had a discussion on what advice agencies can do to ensure that the appellants (asylum seekers) come to the court prepared for their appeal hearings.

It is unfortunate that not many voluntary sector organisations working with the appellants (asylum seekers) attend these AST User Group Meetings. ASAP, British Red Cross, Methodist Church and Refugee Action were the only voluntary sector organisations who attended the last meeting.

If your organisation is based outside London and would like ASAP to raise any issues at the next User Group Meetings, please contact Eiri Ohtani at Eiri@asaproject.org.uk or on 020 8686 1888. The next User Group meeting will take place in January 2008.

ASAP Duty Scheme at the Asylum Support Tribunal (AST) in Croydon

Now open on Monday, Tuesday and Thursday!



The most important part of ASAP's work takes place at the ASAP Duty Scheme at the Asylum Support Tribunal (AST) in Croydon. Every year, our Duty Scheme provides free legal advice and representation to around 200 asylum seekers who have appeal hearings. We are pleased to announce that our Duty Scheme is open again 3 days a week, Monday, Tuesday and Thursday.

If your organisation is working with an asylum seeker who has an oral appeal

hearing at the AST and your client needs legal representation for his/her appeal, please contact ASAP on 0845 603 3884. We will do our best to represent your client at the AST in Croydon. Sometimes, we also take referrals for cases which take place on Wednesday and Friday.

Most of the asylum seekers who are appealing against the BIA's decisions to stop or refuse their housing and welfare support (including section 4 support) are destitute. They experience many difficulties when they try to prove to the BIA that they are in fact entitled to support.

For instance, destitute asylum seekers do not have address to have their documents sent to. They have no money to make phonecalls or take a bus to visit an advice agency. All the letters from the BIA are written in English, which makes it difficult for them to understand.

If your organisation needs help preparing for an asylum support appeal, do feel free to call our Advice Line on 0845 603 3884.

Please note however:

ASAP does not give immigration advice! Therefore we are not able represent individuals with their immigration/asylum appeals.

ASAP's Duty Scheme is open only at the Asylum Support Tribunal (AST). We are not able to offer appointments or see clients at our office.

Our Advice Line is open on Mon, Wed and Fri. Please

Asylum Support Advice and Immigration Advice Do you know the difference?

There is some confusion about the difference between asylum support advice and immigration advice. To clarify, asylum support is the term used to describe the benefits and housing given to asylum seekers and some 'failed' asylum seekers. Therefore asylum support advice covers everything relating to both Section 95 support and Section 4 support. It also covers asylum support appeals which are appeals against the decision by the Borders and Immigration Agency's (BIA) to either refuse or withdraw a person's support.

It is important to note that those providing advice on asylum support matters do not need to be registered with the Office of Immigration Service Commissioner (OISC).

Borders and Immigration Agency replaces NASS



The Home Office has been undergoing many changes over the past year. As part of these changes the National Asylum Support Services, or NASS as it is commonly known, has been abolished and replaced by the Borders and Immigration Agency (BIA). It is now BIA, not NASS, who deal with applications for both Section 95 support and Section 4 support. They are also responsible for decisions to refuse or remove a person's support and for asylum support appeals.

Please note that despite the changeover some decisions about support are still being sent out on NASS headed note paper.

Free Training Sessions on Section 4 Support in Hull and Bradford - 28 and 29 November 2007



Photos from our past training sessions in London

ASAP are delighted to extend our successful asylum support law training to regional areas outside London for the first time. This time, we are visiting Bradford and Hull. We are very grateful to the Allen Lane Foundation for supporting this extremely valuable work and we hope to meet as many Refugee Community Organisations and other advice agencies working with refused asylum seekers in these areas.

We are holding two FREE training sessions on Section 4 support at the end of November 2007 in Hull and Bradford.

Hull - Wed 28 Nov at ARKH, 22- 23 Albion Rd, Hull, HU1.

Bradford - 29 Nov in Bradford at the Carlisle Business Centre, 60 Carlisle Rd, Bradford, BD8 8BD.

Both sessions are aimed at Refugee Community Organisations who are based in or around Hull and Bradford. The training sessions will cover:

- Introduction to Asylum Support (housing and benefits for asylum seekers)
- What is Section 4 support?
- Criteria for Section 4 Support
- Making applications for Section 4 Support
- Appealing against Refusals or Withdrawal of Section 4 Support

If you are interested in attending either of these courses please call us on 020 8686 1888 or email Gerry@asaproject.org.uk.

Case study from the ASAP Duty Scheme Section 4 support for a refused asylum seeker who was unable to travel on mental health grounds

Mr M was a failed asylum seeker who applied for Section 4 on the basis that he was 'unable to leave the UK by reason of a physical impediment to travel or for some other medical reason'. This basically means that person has to prove that they are too ill to travel. As a result of a high court decision called Osman, individuals applying under this criteria have to provide medical evidence from either a doctor or a consultant, which states that they are unable to travel and the medical reasons why they are unable to travel.

Mr M had been suffering from serious mental health problems for some years. This had resulted in him being hospitalised on one occasion for five months. He was taking a series of medications and had regular contact with his psychiatrist. Although his conditions were controlled, his doctors had provided evidence which stated that he was vulnerable to relapses particularly if he experienced stressful events. M's medical reports also showed that he had a history of self harm and had become suicidal following the refusal of his asylum appeal.

Although Mr M did not have medical evidence that specifically stated he was unable to travel, we argued that he met this criteria, not because he had physical health problems that prevented him from travelling, but because the idea of returning to his country would be so traumatic for him that he was likely to cause himself serious harm were he forced to do so.

Unfortunately his appeal was unsuccessful due to lack of evidence stating he was unable to travel. However in other cases involving mental health issues it may be possible to obtain the necessary medical evidence. Those helping clients to apply on this basis should ask the doctor or consultant for their opinion as to what effect the prospect of returning to their country of origin will have on their client's mental state.

We also believe that the definition of inability to travel needs to be interpreted more broadly to include cases like these. The only way to do this may be to challenge the refusals to support in the higher courts.

If your agency is working on a similar case and would like to receive advice, please call ASAP Advice Line on 0845 603 3884. Our Advice Line is open on Mon, Wed and Fri.

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 Advice Line
0845 603 3884
advice@asaproject.org.uk

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

The Advice Line is closed on:
Tuesdays and Thursdays

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

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.

Eiri Ohtani - Co-ordinator

Eiri@asaproject.org.uk

Gerry Hickey - Legal Advisor

Gerry@asaproject.org.uk

Colin McCloskey - Legal Advisor

Colin@asaproject.org.uk

=====
Asylum Support Appeals Project (ASAP)
18 Barclay Road, Croydon CR0 1JN
www.asaproject.org.uk

ASAP's past and present supporters include:

29th May 1961 Charitable Trust
A B Charitable Trust
Allen Lane Foundation
AW.60 Trust
Big Lottery Fund
Bromley Trust
City Parochial Foundation
Doughty Street Chambers
Eleanor Rathbone Charitable Trust
Garden Court Chambers
Hilden Charitable Trust
Helen Tetlow Memorial Fund
Jill Franklin Charitable Trust
Law Society Charity
Leigh Trust
Lloyds TSB Foundation for England and Wales
London Legal Support Trust
Matrix Chambers
Racial Justice Fund
WF Southall Trust
Many individual donors
Volunteer barristers at the Duty