**URGENT APPLICATION FOR INTERIM RELIEF**

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| **To the Administrative Court:** this application is made in accordance with a procedure authorised by the Divisional Court in R(KMI) v Secretary for State for the Home Department (CO/309/2021) on 11/02/2021. No other forms are required. A copy is being sent to the Honourable Mr Justice Garnham’s Clerk.  **To the applicant:** This procedure is intended for you if:  *(1) you have applied for section 4 support to the Home Office;*  *(2) your application has been refused by the Home Office;*  *(3) the Home Office has accepted that you are destitute; and*  *(4) you do not have adequate accommodation or enough money reasonably available to you (eg from friends, family or charities) to pay for your essential living needs such as food or clothing until your appeal has been determined by the Asylum Support Tribunal. Your appeal will usually be determined by the Tribunal 3 weeks after you have lodged notice of appeal with the Asylum Support Tribunal against the Home Office’s decision.* | | | | | | | | |
| 1. **The applicant’s personal details** | | | | | | | | |
| Your name: | | | | | | | | |
| Your date of birth: | | | | | | | | |
| Your Home Office or Port reference no: | | | | | | | | |
| Your current living address: | | | | | | | | |
| Your telephone number (if any): | | | | | | | | |
| The name and telephone number of your adviser (if you have one): | | | | | | | | |
| 1. **Contact details for applicant to receive court documents** | | | | | | | | |
| Correspondence address (if different from the address given above): | | | | | | | | |
| Email address (if any): | | | | | | | | |
| Telephone number (if different from the number given above): | | | | | | | | |
| 1. **Application for section 4 support** | | | | | | | | |
| Date on which application for section 4 refused: | | | | | | | | |
| Copy of refusal letter attached? | **Yes [please confirm by checking]** | | | | |  |  | |
| Date on which notice of appeal lodged with the Asylum Support Tribunal: | | | | | | | | |
| Copy of notice of appeal attached? | **Yes [please confirm by checking]** | | | | |  |  | |
| Has destitution been accepted by the Home Office? **[please check one option only]** | **Yes** |  | **No** |  | **The refusal letter does not say** | | |  |
| **Complete the next three rows if a decision on destitution has been made by the Asylum Support Tribunal but the appeal has been stayed** | | | | | | | | |
| Appeal reference number: | | | | | | | | |
| Date stay directed: | Evidence of stay attached **[please confirm by checking]** ☐ | | | | | | | |
| Evidence that destitution been accepted by the Asylum Support Tribunal attached **[please confirm by checking]** | | | | | | | | |
| 1. **Your present circumstances & reasons why the intervention of the court is sought** | | | | | | | | |
| *Please answer question 4 below to explain to the Court how you are currently supporting yourself, and why any support you now receive is insufficient to provide for your accommodation and/or essential living needs until your appeal has been determined by the Asylum Support Tribunal. You may attach evidence of your current circumstances – you should list any attachments below, at section 5.*  *Please bear in mind that while it is a necessary condition for destitution to have been accepted by the Home Office or by the Asylum Support Tribunal, that fact alone, without more, is not sufficient to justify an application to the Administrative Court under this procedure. In this regard, the Administrative Court has previously held that:*  *‘****The temporary scheme designed by the Divisional Court in KMI does not, and was not designed to, provide a mean to seek interim relief when homelessness was a future possibility or probability. It presupposes a present state of destitution and homelessness****’.* | | | | | | | | |
| My current situation, and the reasons why I need the court’s intervention in the period between now and the time my appeal is determined by the Asylum Support Tribunal, are as follows: | | | | | | | | |
| 1. **Enclosures** | | | | | | | | |
| *You must enclose a copy of the Home Office’s decision refusing your application for support, and the notice of appeal. Please list any additional documents you are sending with this form:* | | | | | | | | |
| Document | | [check if included] | | | | | | |
| Home Office letter refusing section 4 support | | **☒** | | | | | | |
| Notice of appeal | | **☒** | | | | | | |
| Other supporting documents (please list them) | |  | | | | | | |
| 1. **Costs risk** | | | | | | | | |
| *If you make this application to the Court because you do not have enough income or savings to meet your essential living needs or have any accommodation available to you until your appeal is heard by the Asylum Support Tribunal (usually 3 weeks after you have lodged notice of appeal with the Asylum Support Tribunal against the Home Office’s decision), and if the Home Office has not disputed that you are destitute, then it is extremely unlikely that the Court will make an order that you will have to pay a Court fee for making the application, or the Home Office’s costs of responding to your application. However if you make a false statement about your income or savings or the support that is reasonably available to you (for example, from friends, family members or charities), then the Court may order that you pay a Court fee for making the application and/or the Home Office’s costs of responding to it.* | | | | | | | | |
| 1. **Declarations by the applicant** | | | | | | | | |
| * I have read and understood this application form and any supporting evidence. I believe that the facts stated in sections 1-4 of this application are true. * I have read and understood the information contained in section 6 regarding the risk that I will have to pay costs. * I authorise the adviser named in section 1 (if any) to receive service of court documents on my behalf **[Delete if not applicable]**   Dated:  **Signed by the applicant:**  **[or authorised by telephone and signed on the applicant’s behalf]:**  (if authorised by telephone, please print the name of the person signing on the applicant’s behalf) | | | | | | | | |
| 1. **Declaration by a person making this application on the applicant’s behalf**   **(to be completed if the above declarations were authorised by telephone)** | | | | | | | | |
| * I confirm that I explained the contents of this form and the declarations to the applicant by telephone, and that to the best of my knowledge and belief, the applicant understood them and authorised me to make the application on the applicant’s behalf   Dated:  **Signed:**  *[Print name, and contact details]* | | | | | | | | |

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| ***Notes for guidance***  *Where to send the completed form and enclosures*  *This form and enclosures, including copies of the Home Office refusal letter and notice of appeal to the Asylum Support Tribunal should be sent to all the following (1) the Administrative Court Office (by post or by email), (2) the clerk to Garnham J, (3) the Home Office at the following addresses:*  *the Administrative Court Office:*   * *by email to:* [*generaloffice@administrativecourtoffice.justice.gov.uk*](mailto:generaloffice@administrativecourtoffice.justice.gov.uk)*; or* * *by post to Administrative Court Office, The Royal Courts of Justice, Strand, London, WC2A 2LL*   *the Clerk to the Hon. Mr Justice Garnham,*   * *by email to:* [*Linda.ORegan@justice.gov.uk*](mailto:Linda.ORegan@justice.gov.uk)*; or* * *by post to Administrative Court Office, The Royal Courts of Justice, Strand, London, WC2A 2LL*   *The Home Office:*   * *by email to ALL of the following email addresses:*  1. *Catherine Quinn - Catherine.Quinn@governmentlegal.gov.uk* 2. *Mbeko Sihwa - Mbeko.Sihwa@governmentlegal.gov.uk* 3. *Kathryn Tiley -* [*Kathryn.Tiley@governmentlegal.gov.uk*](mailto:Kathryn.Tiley@governmentlegal.gov.uk)*; or*  * *by post to Government Legal Department, 102 Petty France, Westminster, London, SW1H 9HL*   *What will happen next?*   1. *The court will generally give the Home Office 24 hours to respond to your application (although this is up to the judge in each case).* 2. *After the Home Office responds, the court will make a decision on whether you should be entitled to section 4 support until your appeal has been determined.* 3. *Once the court has made its decision, the judge will notify you (or your adviser, if you have agreed that the decision should be sent to them), and the Home Office. If the court allows your application, it will order that you should be provided accommodation under section 4, most likely within a certain time frame (although it is a matter for the court in each case).* 4. *Your appeal to the Asylum Support Tribunal will continue in the normal way, unless it has been stayed.* 5. *Any support provided is very likely to be ‘standard’ section 4 accommodation wherever it is available, which could be any part of the UK (there is no option just to get money).* 6. *You should keep correspondence from the Administrative Court and the Asylum Support Tribunal under careful review.* |