

Support for people on or applying for immigration bail

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Factsheet 15

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The information contained in this Factsheet is intended for guidance only. While every effort is made to ensure it is correct at the time of publication, it should not be used as a substitute for legal advice. For client specific advice please contact ASAP

This factsheet looks at support provided under Section 4 (1)(c) of the Immigration and Asylum Act 1999 to those applying for immigration bail or who are currently on bail but need a new address.

Our telephone advice line

If you still have questions or need further information and advice *after* reading this factsheet, please contact our advice line on 020 3716 0283, which is open Mondays, Wednesdays and Fridays from 2pm to 4pm.

What is Section 4(1)(c) support?

People detained under immigration powers can apply for bail. To secure their release one of the things they need to provide is an address. If they don't have one they can apply for s4(1)(c) support from the Home Office prior to the bail hearing. They do not need to have made an asylum application. Bailed detainees can also apply for this support after release, if the original private accommodation they supplied to get bail is no longer available to them.

The decision to award support and the decision to grant bail are made separately. The Home Office determines entitlement to support. The decision on bail is usually made by an immigration judge at the First-Tier Tribunal (Immigration and Asylum).

If s4(1)(c) support is granted, accommodation will normally be offered at one of the initial accommodation centres in the country. The offer will remain open for 30 days, so as to last until after the bail hearing. If bail is refused, a further application for s4(1)(c) can be made in advance of another bail application. Support comprises of no-choice accommodation and voucher support.

Are there any eligibility criteria?

The eligibility criteria and breach of conditions rules that apply to asylum support (eg s95 and s4(2) support) don't apply to s4(1)(c) support. The only criterion for obtaining support is that the person is on immigration bail (or applying for bail if they are still in detention). The Asylum Support, Section 4 Policy and Process instruction at para 5.10.1 refers to the destitution test but this has no basis in the legislation. However, as the provision to grant s4(1)(c) support is a power, not a duty, it could be difficult to argue that s4(1)(c) should be granted to a non-destitute person.

If a person is applying from outside detention they will need to show that the accommodation they had is no longer available to them as well as demonstrating they are still on bail. If support is granted they will also need to apply to the relevant authority to have their bail condition varied. This could be the immigration and asylum tribunal or the Home Office depending on who granted them bail.

There is no power to provide support to dependents under s4(1)(c).

When can support be refused or stopped?

Section 4(1)(c) applications should only be refused if the Home Office is satisfied that the person has an address they could supply or if they cannot find suitable accommodation for someone who has committed a serious criminal offence. The Home Office should write to the applicant and notify them of their reasons for refusing and their right to appeal to the First-Tier Tribunal (Asylum Support) (see Factsheet 3 for information on how to appeal).

Support can be terminated when bail comes to an end or if the person breaches the conditions of support. There is a right of appeal to in these cases too.

How does someone apply?

Detainees or people released on bail need to fill in a 4 page Section 4 bail accommodation form and fax or send it to the details at the end of the form. The form and guidance notes are available here:

<https://www.gov.uk/government/publications/application-for-section-4-bail-address-and-support>