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## Emergency accommodation after a successful Section 4 appeal

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**Options following a successful appeal**

Appellants who win their appeals and can continue to stay where they have been living for a little while longer (or elsewhere) may choose to return there. The offer of support and accommodation following a successful appeal should of course happen quickly, but in practice there is often a further delay. The waiting times vary. Under the Home Office's (HO) contract with the accommodation providers, the delay should be no longer than 9 working days, but in practice it often is, and requires chasing. Successful appellants will not receive any financial support during this time. This option may be preferable for those who are not street homeless and who wish to retain ties to the area where they have been living and hope to be offered accommodation there.

Alternatively, they can request emergency accommodation, which will be provided on the day of their hearing. Appellants who ask for this will be housed temporarily in London and then later dispersed anywhere in the UK.

***Appellants should consider their circumstances carefully before coming to London for their appeal. If they will want the IA option, in the event that they win their appeal, they must bring all their belongings with them.***

**Emergency accommodation**

Emergency accommodation is normally provided in Barry House, a full board hostel in South London (Barry House and Brigstock House are the London Initial Accommodation (IA) centres for asylum-seekers).

The HO will not pay for transport for appellants to travel back to their previous address to pick up their belongings and the offer of emergency accommodation will not be available to them at a later date.

If their appeal was heard through a video link from a court outside London, and they require emergency accommodation it will be provided at the closest IA to them, which might be in a different city.

**The process**

Appellants receive a letter from the HO enclosing their tickets and instructions on how to travel

to the Tribunal. This letter also states:-

*If your appeal is successful and you are street homeless on the day of the appeal hearing, you may ask at the end of the hearing to be allowed access to emergency accommodation that night, until such time as other appropriate accommodation is allocated to you. If your appeal hearing takes place at the Asylum Support Tribunal in London, any emergency accommodation that may be provided will be in London.*

The wording of this letter is inaccurate in that it is not necessary to be street homeless. In the event that the appeal is successful, and emergency accommodation is required, then appellants must tell the Presenting Officer (the person who is speaking for the HO in the hearing). The Presenting Officer will make the Barry House booking and show them how to get there on public transport. It is preferable for the appellant to raise the issue in the hearing, so that the judge is also aware.

If there is no Presenting Officer in their hearing, they should tell a Tribunal usher (the person who escorts them to and from the Court room) that they need emergency accommodation and the usher will contact the HO and ask them to make the necessary arrangements. They will also explain to the appellant how to travel there using public transport.

If they are being represented by ASAP, then the ASAP advocate can assist the appellant in communicating with the Presenting Office or the Tribunal usher. ASAP has no power to make the booking.

Appellants travel to Barry House using the travel ticket they were given to get to the Tribunal. Barry House is in London Travel Zone 3 and their ticket will cover travel there.

If the appeal was heard through a video link from a court outside London, at the end of the hearing the appellant must tell the Presenting Officer or Tribunal usher (who will be in London) that they need emergency accommodation. They will usually be collected from the court and taken to the emergency accommodation.

### **What happens once the appellant has gone to Barry House?**

The waiting times for the HO to provide dispersal accommodation varies, but it is likely they will remain in emergency accommodation for several weeks. It may depend on whether they have any specific needs.

Asylum Support accommodation is offered on a 'no-choice basis'. There are exceptions to this policy, such as for people receiving treatment from Freedom from Torture or the Helen Bamber Foundation.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597382/Allocation-Of-Accommodation-v5\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597382/Allocation-Of-Accommodation-v5_0.pdf)

Therefore it is crucial that the HO is informed in advance of reasons why an appellant needs to remain in the London area.

### **Is the Barry House option in HO's policies?**

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.

Yes, and it can be found on p7 of the [Asylum support, section 4\(2\): policy and process](#), version 1, and is set out below:

*Access to emergency accommodation*

*Where a street homeless appellant attends the Asylum Support Tribunal in London for an oral hearing of an appeal against a decision to refuse or discontinue support, and the appeal is allowed, they may request emergency accommodation until other accommodation is arranged for them.*

*In general, the emergency accommodation will be provided in London. Appellants who are both street homeless and vulnerable, who attend an oral hearing of their appeal via video conferencing and whose appeal is allowed, may also request emergency accommodation until other accommodation is arranged for them.*

It is inaccurate (in the same way as the travel letter) as it is not necessary to be street homeless prior to the hearing.

**Section 95 appellants**

The emergency accommodation policy specifically applies to s4 appellants. Section 4 applicants cannot apply for interim accommodation pending a decision on their application. Whereas s95 applicants can apply for s98 accommodation, and are placed in IA. However, some s95 appellants are evicted from IA following a refusal on their s95 application and so are street homeless at the time of their Tribunal hearing. If they win their appeal, they should also request that they are housed immediately. The Presenting officer or Tribunal usher may agree to make the Barry House booking.