



'In the light of the evidence presented, the Committee concludes that by refusing permission for asylum seekers to work and operating a system of support which results in widespread destitution, the Government's treatment of asylum seekers in a number of cases reaches the Article 3 ECHR threshold of inhuman and degrading treatment.'

A quote from *The Treatment of Asylum Seekers, Tenth Report of Session 2006–07* by the Joint Committee on Human Rights, published in March 2007

Asylum Support Appeals Project

The beginning of the end for destitution?

Case study from the Tribunal

“I have slept outside in the pouring rain — I had nowhere else to go.”

Helen (not her real name) is a refused asylum seeker from Africa. She is in her mid-50s. Her section 4 application was refused and she was appealing against the decision.

When ASAP met Helen at the Asylum Support Tribunal in Croydon, she appeared very exhausted and was very weak because she had not eaten properly for a long time. She fell asleep several times in the tribunal building and while the ASAP Advisor was taking evidence from her to prepare her case.

Helen said:

“I have been destitute since July 2005 (she was interviewed in December 2006). I have had help from the Red Cross, churches, friends and day centres. Without support, I can’t rest properly.

“I am restricted all the time. I have problems eating properly – I can’t really eat what I need such as fruit and vegetables. I have to eat anything I am given. I have health problems, swollen feet, a bad throat and a cough I cannot get rid of, because I can’t rest properly.”

We asked her how she found out about section 4 support and what happened when she applied for support.

“My solicitor wrote to the Refugee Council and found out about section 4. Refugee Council helped me to apply. Because I had help, it was not too difficult to apply.

I cried when I received the (negative) response from NASS. I needed a place to stay and I was lost. I thought, now what do I do?”

Helen did not know about asylum support appeals until she received the refusal letter from NASS. She said:

“(Only 3 days to complete the appeal form) is too fast. I needed more time to get evidence together, needed to get support. They need to give people more time.”

Helen also said that she did not have enough time to respond to the directions from the court. Directions are the list of documents and evidence that the court asks asylum seekers to submit before the hearing. Normally asylum seekers have less than a week to act on these directions. She summarised her experience of the NASS appeal system and the current government policy on asylum support as follows:

“When they make decisions, they do not always have all the information. They should keep supporting people. What is the alternative for me? They should offer other types of support especially in the wintertime. I have slept outside in the pouring rain – I had nowhere else to go.”

During the appeal hearing, the ASAP Advisor helped Helen put forward her evidence and argued that the original NASS decision was wrong. Helen’s appeal hearing took 2.5 hours and the Adjudicator found that she was in fact entitled to support and upheld her appeal. The ASAP Advisor and staff members at the British Red Cross Refugee Unit spent the next few days trying to get NASS to accept Helen into the emergency accommodation that she was legally entitled to.

Helen was eventually given accommodation 3 days after her appeal and after 17 months of homelessness.

Many of ASAP’s service users are from countries with well documented human rights abuses or political instabilities. Having claimed asylum in the UK, they are now destitute.

Chair's report

56% of the cases ASAP represented at the Asylum Support Tribunal in 2006/07 had successful outcome. Without access to good legal representation and advice, asylum seekers struggle to get housing and welfare support that they are legally entitled to.

The second year of ASAP's operation was also the beginning of the destitution debate. As details of the painful and degrading lives of rejected and destitute asylum seekers began to appear in print, there was an even greater demand for our services.

Despite increased awareness of the issue of destitution, asylum seekers continue to experience serious difficulties when trying to access competent legal advice about housing and welfare entitlements, let alone representation at an asylum support appeal. Their situation is made worse by the fact that the supply of good-quality immigration solicitors is drying up rapidly as a result of a series of legal aid cuts.

It is in this context that ASAP continued our unique free legal advice and representation service at the Asylum Support Tribunal in Croydon, ensuring that those who are entitled to housing and welfare support actually get it. Of those ASAP represented at the Duty scheme, 56% won their appeals or had their cases remitted for a new decision. Others received specialist legal advice at the tribunal prior to their appeal hearings. Our statistics continue to show that this work significantly reduces destitution.

Using primary evidence from our tribunal work, ASAP conducted ground-breaking research into the quality of NASS (National Asylum Support Service*) decision-making in 2006. The resulting report *Failing the Failed?* revealed an appalling picture: over 80% of initial NASS decision letters terminating or refusing support to asylum seekers contained misinterpretation of law or their own policies (see page 12 for more on this).

ASAP's second-tier advice and training also went from strength to strength, disseminating our expertise to many generalist advisors working for a wide range of organisations: drop-in centres, refugee advice agencies and large One Stop Services. The current funding climate is generally unfavourable to charities working with destitute asylum seekers. We have witnessed several of our second-tier user organisations — small, grassroots organisations — lose funding and reduce or stop their advice provision. This year it has been a challenge to obtain new funding so we are extremely grateful to all our funders (see page 15). I would also like to particularly thank our proficient co-ordinator, Eiri Ohtani and those of our management committee who have guided ASAP through the highs and lows of the fundraising labyrinth.

Finally I would like to recognise all the work of our experienced staff team, committed management committee and network of volunteers and supporters who are listed at page 15. The excellent work of our Legal Advisors, Gerry Hickey and Lisa Woodall has enabled ASAP to develop into what it is today. After Lisa left ASAP in July 2007, we welcomed Colin McCloskey (formerly of J Everett & Co.) as a part-time Legal Advisor, bringing a wealth of legal expertise to the team. ASAP is committed to continuing to defend asylum seekers' legal rights to food and shelter. I hope you will work with us to make 2007-08 the beginning of the end for destitution.

Sue Willman
ASAP Chair



* In this report we have used the term 'NASS' to refer to the part of the Border and Immigration Agency which processes asylum support decisions.

Support ASAP

Become a member

ASAP welcomes both individuals and organisations to become a member and support our work. In particular, we would like to encourage more Refugee Community Organisations to join ASAP. ASAP members receive quarterly newsletters with useful updates on asylum support issues and invitations to our Annual General Meeting. If you would like to become a member, please go to our website at www.asaproject.org.uk where you can download our membership form. Membership is currently free.

ASAP's new website and free factsheets

— www.asaproject.org.uk

ASAP launched our website in November 2006. The website is easy to navigate and packed with lots of practical advice and information about asylum support issues.

Advisors working with asylum seekers can download our free factsheets which are regularly updated. Each factsheet tackles different asylum support issue, such as eligibility for section 4 support, how to fill in asylum support appeals form and how to prove someone is 'destitute' for the purpose of asylum support. Since its launch, our website has attracted average of 400 visitors per month.



ASAP supporters at the London Legal Support Trust 10km charity walk



Audience at the ASAP AGM in Nov 2006



ASAP's Management Committee and staff members

What next for ASAP?

In May 2007, our grant from the Big Lottery Fund ended, which represented over 80% of ASAP's income. ASAP's new three-year Business Plan reaffirmed the need to continue and expand ASAP's work to meet the growing need for our services. Some of the areas of work we are currently developing are:

- **Full-time Duty Scheme at the Asylum Support Tribunal** — There is still no public funding for asylum support appeals. In the light of this, ASAP will continue to do our best to set up a full-time Duty Scheme.
- **'Right of reply' project** — The Government's view remains that asylum appeals are simple. Through the 'Right of reply' project, ASAP will encourage the tribunal users — asylum seekers — to articulate their experiences of asylum support appeals and lobby for their own rights to legal representation.
- **Women's project** — More than 40% of ASAP's service users at the AST are women and they are exposed to secondary victimisation as a result of destitution, including deterioration in mental and physical health, prostitution, sexual and other exploitation, self-harm etc. ASAP is developing a project to specifically work with these women.

Any other needs we have not identified? Let us know at advice@asaproject.org.uk

Expert legal advice and representation for asylum support appeals –

ASAP Duty Scheme

In 2006/07, ASAP's Duty Scheme helped 201 people. 161 of them received free legal representation for their appeals. A further 40 people received specialist legal advice about their asylum support appeals.

A significant part of ASAP's services is the Duty Scheme we run three days a week at the Asylum Support Tribunal (AST) in Croydon. Under the Scheme we provide free legal advice and representation to asylum seekers and refused asylum seekers, who are appealing against NASS decisions to either refuse or discontinue their asylum support (housing and welfare support). In 2006/07, the Tribunal dealt with 1949 such appeals.

Why do we need the Duty Scheme?

Asylum support law is complex and constantly changing because of frequent hardenings of policy to make more people destitute. Therefore provision of competent legal advice and representation is crucial when defending these individuals' right to food and shelter.

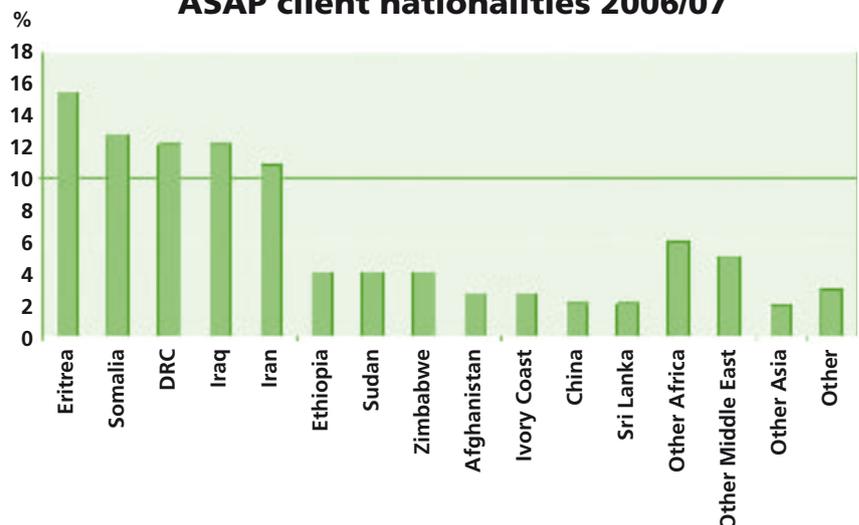
However, the lack of legal aid for asylum support appeals means that the majority of those appealing will have received little or no specialist legal advice before lodging their appeals, and consequently lose their appeals.

Who uses the Duty Scheme?

Asylum seekers from all over the UK come to the AST in Croydon for their asylum support appeal hearings because the AST is the only court in the country which deals with these type of appeals. Although London produces the largest number of appeals, around 80% of appeals originate from areas outside London. Many of the users are from major dispersal areas such as Yorkshire and Humberside and the Midlands.

A large number of our service users are from countries with well documented human rights abuses or political instabilities, such as Eritrea, Democratic Republic of Congo (DRC), Iraq, Somalia, Iran, Ethiopia, Sudan and Zimbabwe. We have also assisted people from Afghanistan, Algeria, Angola, Burundi, China, India, Ivory Coast, Kuwait, Liberia, Nigeria, Pakistan, Palestine, Russia, Serbia, Sierra Leone, Sri Lanka, Syria, Turkey and Uganda. 44% of our users are female.

ASAP client nationalities 2006/07





Most of our service users have been destitute for long periods before their appeal hearing. Many have experienced problems finding enough to eat; they have been surviving on as little as one meal a day and are reliant on food parcels or emergency food provision provided by homeless projects. Others are forced to rely on members of their own communities for support, including those who are in receipt of NASS support themselves. Some have no choice but to sleep rough on the street, in the park, in stations etc.

Many service users are suffering from physical or mental health problems. Often these illnesses have arisen as a result of their destitution and have worsened due to the stress of trying to survive on so little. Worryingly, we also see destitute individuals who are suffering from serious medical conditions such as diabetes, TB and HIV. Often these illnesses are poorly controlled, as a lack of an address can make it difficult to access medical care.

These asylum seekers are simply worn down by the constant need to find food and shelter, so it is not surprising that many express feelings of hopelessness and despair.

What do Legal Advisors do at the Duty Scheme?

Legal Advisors meet the asylum seekers for the first time on the day of their appeal hearings at the AST, which makes the Duty Scheme very pressurised. Apart from the name of the appellant, whether the appellant has a representative, the language s/he speaks and the type of the case, Legal Advisors know nothing about the case until they start interviewing them in one of the consultation rooms in the AST building.

Usually, there are only between 30 and 45 minutes to interview the asylum seeker, take evidence, review the documents they have brought (which can be between 30 to 200 pages long), decide on how to represent the case before going into the hearing room with the person making an appeal. From start to finish each case takes from 2 hours to 3.5 hours. Some cases are more complex and require a lot of follow-up work, such as referrals to solicitors or liaising with advice agencies near where the asylum seeker is staying. These cases can take days or even weeks until they are resolved.

When ASAP Advisors first meet asylum seekers on the day of their hearing, it is often necessary to begin by explaining why they are there and the reasons they have been refused support. ASAP's role is also to help them prepare for their hearing by explaining the type of questions they will be asked and to take asylum seekers through the evidence they will

"I am too much happy with the service. Thank you."

"My advisor treated me very well and was really friendly and treated with respect. I was extremely satisfied. Thank you."

Quotes from our Duty Scheme service users

Legal representation significantly reduces destitution. The success rate of our Duty Scheme representation for 2006/07 was 56%. The management information from the Asylum Support Tribunal also shows that the success rate for those asylum seekers who received advice and/or representation (from ASAP and other agencies and advisors) was 26%, while for those who received no advice it was only 8% (Oct 2006 – Mar 2007). This means that access to legal advice and representation triples asylum seekers' chance of succeeding with their asylum support appeals.

"I could not have done this alone. Thank you."

"Very helpful and educative for my case. She (ASAP Advisor) was an excellent advisor regardless of the outcome of my case."

Quotes from our Duty Scheme service users

need to provide for their hearing. This type of pre-hearing legal advice can be crucial to the success of asylum support appeals.

The Duty Scheme also provides follow-up advice. This consists of providing asylum seekers with advice on how they could meet the criteria for support in the future or, where appropriate, about the other support options that are open to them such as support from social services.

Section 4 support

Currently the majority of appeals heard at the AST are section 4 support appeals. Section 4 support is provided to refused asylum seekers who meet very narrow criteria. Home Office statistics show that around 9000 individuals are currently in receipt of section 4 support. This represents the tip of the iceberg if we compare it to the tens of thousands of refused asylum seekers who are thought to be in the UK and who, for various reasons, are unable to return to their country of origin.

Forced removals are currently suspended to some of the countries these refused asylum seekers come from. In the case of Zimbabwe and DRC there are High Court orders preventing them from doing so. Despite these serious security concerns, most refused asylum seekers from these countries are refused section 4 support on the basis that they do not meet the criteria for support.

ASAP would like to thank our volunteer barristers and solicitors at the Duty Scheme.

John Beckley, Adrian Berry, Seema Farazi, Kevin Gannon, Marisa Leaf, Shu Shin Luh, Colin McCloskey, Alasdair McKenzie, Anisa Niaz, John Nicholson, Wendy Pettifer, Ranjeev Thacker, Joanna Wood, and many others.

A fair hearing for destitute asylum seekers?

ASAP's Destitution Awareness Week,
4 – 8 December 2006

ASAP's Destitution Awareness Week took place between 4 and 8 December 2006, to raise awareness of the difficulties destitute asylum seekers face when appealing against NASS decisions.

Every day during the week, ASAP provided free legal advice and representation to every destitute asylum seeker who had an appeal hearing at the AST in Croydon. Eight volunteer barristers and solicitors generously donated their time to support this initiative. Of the total of 13 appeal hearings which took place during the week, ASAP represented 10 people and advised 2 people. 1 person declined our service. 50% of the cases we represented were successful and as a result five destitute asylum seekers finally got their NASS support. An error in a NASS decision can mean a vulnerable person having to sleep on the street with no food. ASAP believes it is unreasonable to expect asylum seekers to represent themselves in court.

Stories of destitute asylum seekers

"I cannot live like this."

Mustafa

Case study — Mustafa

Mustafa (not his real name) was from a country which continues to experience brutal ethnic violence and massacres. He came to the UK a few years ago and was detained for nearly a year.

When Mustafa was given bail from detention, one of his friends who stood as surety had offered him floor space to sleep in his one room flat. Mustafa recently managed to find an immigration solicitor who had put together new evidence for his fresh asylum claim. Now, his friend had asked Mustafa to leave the flat to make room for his family who were joining him from their home country.

The letter from his doctor stated that Mustafa was suffering from post traumatic stress disorder relating to the torture he had experienced back in his home country. The letter from his friend said that Mustafa was finding it difficult to sleep because of nightmares and often shouted in his sleep.

Mustafa applied for section 4 support from the Home Office as he was going to be destitute very soon and had a fresh claim for asylum, which means that his application meets the criteria for support. Mustafa did not understand why this was happening to him. Before his hearing, the ASAP Advisor examined his paperwork and explained to Mustafa why NASS was refusing to support him. She also explained what questions the Adjudicator was likely to ask and what evidence he needs to present to the court to show that the NASS decision was wrong.

When the Adjudicator asked Mustafa to explain his situation, there was a long pause. Mustafa looked down and said in a very quiet voice through an interpreter "I have nothing and I must depend on my friend for everything. You see me wearing these clothes. They are not mine. I borrowed them from my friend. These shoes are not mine either. I feel ashamed to be here wearing my friend's clothes. I have nothing." The advisor had noticed that his shoes appeared brand-new but ill-fitting. His clothes also did not seem to "fit" — they suggested an urban young man, but Mustafa himself was a tired-looking older man.

Being prompted by the ASAP Advisor, Mustafa, haltingly and with long silences in between, continued to explain how he went without any food, sometimes for a few days, and that he relied on food parcels from charities. Mustafa said that unless he leaves the flat, his friend cannot bring his family to the UK. He produced a letter from his friend to verify this point. Mustafa added that he did not want to be a burden on his friend any more.

The Adjudicator, however, decided that Mustafa was not destitute and was not entitled to section 4 support. Mustafa's friend's letter did not state exactly by which date Mustafa would have to leave the flat and the Adjudicator understood it as meaning that Mustafa could continue to stay with his friend.

Outside the hearing room, Mustafa sat down with his head in his hands. He continued to mutter to no one in particular, "It is better to be in the detention centre. I cannot live like this."

Immediately after the appeal hearing, the ASAP Advisor helped Mustafa to obtain a new letter from his friend and referred the case to a solicitor. The solicitor then approached NASS with this new letter and demanded that they give Mustafa section 4 support within the next 2 days. The solicitor reiterated that if the support is not provided within the given timeframe, she would challenge the delay with a judicial review. Mustafa was finally given section 4 support.

Stories of destitute asylum seekers

Mary was a refused asylum seeker and had been homeless for two years. She was so scared of being attacked on the streets she used to sit at crowded bus stops throughout the night so she wouldn't be alone.

Case study — Mr M

Mr M (not his real name) was a refused 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 means that persons have to prove that they are too ill to travel. He was refused section 4 support and ASAP assisted him in appealing this decision.

Mr M was referred to ASAP from a Law Centre in London which was worried about his ability to cope with his hearing at the AST. We met him at the court an hour before the hearing. Mr M was visibly distressed both during our interview with him and at the hearing itself. Mr M was distracted and could not remember things. The appeal hearing was forced to adjourn for 10 minutes as Mr M became too upset to continue at one point.

We learnt that 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 various medications to control his symptoms and had regular contact with his psychiatrist. Although his illness was controlled, his doctors had provided evidence which stated that he was vulnerable to relapses, particularly if he experienced stressful events. Mr 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. During the five years he has been in London he had moved around six times. He could not understand why he could not get 'permanent' accommodation and stated that he would be better off in the hospital.

ASAP argued during Mr M's appeal hearing that he met one of the section 4 criteria, 'unable to leave the UK by reason of a physical impediment to travel or for some other medical reason', 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 to be forced to do so because of his mental health condition.

Unfortunately his appeal was unsuccessful due to a lack of evidence specifically stating that he was unable to travel. It is extremely important in these cases that doctors or consultants clearly outline the extent of the problems and the effect on the client's mental health if the person was forced to consider returning. However, a tight timeframe for gathering evidence for appeals makes it very difficult for asylum seekers to liaise with their supporters and get appropriate documents they need.

Case study — Mary

Mary was a refused asylum seeker and had been homeless for two years. She had one friend who would give her food and shelter a couple of nights a week in exchange for child care. The rest of the week Mary had to sleep rough. She was so scared of being attacked on the streets she used to sit at crowded bus stops throughout the night so she wouldn't be alone. She got food most days at a drop-in centre. Mary couldn't go back to her country because she had serious mental health problems which meant she was a suicide risk and couldn't fly. With the help of an advice agency she got medical evidence which clearly stated her mental health problems prevented her from flying. NASS on two occasions rejected medical evidence and refused to provide her with support. Mary came to the ASAP Duty Scheme on the day of her appeal. With the help of ASAP's legal representation, Mary won her appeal and was granted support. Three months had passed between making her initial application for support and winning her appeal.

Empowering advisors and building the capacity of advice agencies —

Second-tier advice and training

ASAP values collaboration with other agencies, via second-tier advice and training, for a very practical reason: defending asylum seekers' legal rights to asylum support is such a huge task that we know we cannot do it alone. ASAP's second-tier work therefore pays particular attention to building the capacity of community organisations so that they can play a more active role in advocating on behalf of asylum seekers' rights to food and shelter. Asylum support law is becoming increasingly complex and this can be a barrier to advisors new to asylum support appeals. ASAP is therefore committed to providing legal advice and training in a manner that is easy to understand and practical to the service user.

Advice Line

0845 603 3884

ASAP's Advice Line gives free legal advice on asylum support and asylum support appeal issues to advisors working in voluntary organisations. A total of 132 organisations used our Advice Line 249 times in 2006/07. Users included a small grassroots organisation providing a drop-in service in a church, immigration advisors in large not-for-profit organisations and One Stop Service providers who are funded by the Home Office. 53% of calls were from organisations based outside London.

Feedback from our users was very positive and many identified our Advice Line as the only source of specialist legal advice in asylum support law.

One user said *"First contact with ASAP led to a homeless client being able to apply for Section 4 support. We were not aware of this possibility at the time as had been under a misconception (about Section 4 support criteria). For this client, accessing support also gave him access to the health care system which he desperately needed for several severe conditions. Since then, some more clients have also benefited from applying for this support in this manner."*

"ASAP's service has helped us to lodge some successful appeals against section 4 refusals. If ASAP were to close, our clients would suffer."

A quote from our second-tier service user, a refugee advice agency



The flyer features the ASAP logo at the top right. The main title is "Advice line for advisors" in large green text. Below this, it lists questions such as "Do you work with asylum seekers?" and "Do you need independent legal advice on their rights to housing and benefits?". A bulleted list of services provided is included, such as "Who qualifies for NASS support and how to apply?". At the bottom, it states "If so, call our advice line on 0845 603 3884" and "www.asaproject.org.uk".

Training

ASAP's training sessions on asylum support law continued to be popular in 2006/07. We provided 17 training sessions for 201 participants from 149 organisations. We also ran several workshops at various conferences.

Review of the previous year's training sessions, analysis of Advice Line queries and the cases dealt with by the duty scheme identified the need to increase voluntary sector advisors' knowledge on section 4 support. Therefore we ran a greater number of half-day sessions on "support options for refused asylum seekers" while reducing the number of more advanced sessions such as "how to complete appeal forms" and "representing clients at the AST". We prioritised providing in-house training through existing refugee community networks. We also continued to offer voluntary sector advisors opportunities to observe AST hearings in Croydon.

Each training session contains games, quizzes and case studies so that



ASAP training in progress

the participants can check their own understanding of the subject matter and can relate to their own work with their clients.

All training participants reported on their evaluation forms that their knowledge and confidence in dealing with asylum support issues had increased as a result of attending ASAP training sessions. Impact assessments after six months showed that they have used the skills and expertise gained from the training sessions to advise asylum seekers and, on average, each organisation has provided better quality asylum support advice to 20 asylum seekers. We assume therefore that about 3000 asylum seekers benefited indirectly from our second-tier training work.

New in 2007/08 – regional training

ASAP will be travelling to the regions to run our training sessions in 2007/08 and the preparations are now underway. Our first regional training sessions will take place in Bradford and Hull where there is a shortage of asylum support advice. We are very grateful to the Allen Lane Foundation for supporting this vital work.

Example of collaborative work — Leaving Detention Advice Project by the London Detainee Support Group

London Detainee Support Group is a small charity providing emotional and practical support to immigration detainees in detention centres in London. Through a series of training sessions and one-to-one coaching over the Advice Line, ASAP has assisted LDSG to develop their new asylum support advice service in the detention centres.

Many refused asylum seekers in detention were not able to apply for bail (permission to leave detention) because they did not have an address to be released to. Aoife O'Higgins of LDSG said "Most people in detention don't know that support is available to them from NASS. The training and support that we receive from ASAP has allowed us to help a huge number of our clients."

As a result of their work with ASAP, LDSG has now run 6 NASS advice surgeries in detention centres as pilot and made over 100 section 4 applications. In over 80 of these cases support was granted to the detainees. LDSG is now seeking funding to cope with a growing demand for their asylum support advice service.

In 2006/07, our Advice Line dealt with 249 queries from 132 organisations. We also delivered 17 training sessions which trained 201 people from 149 organisations.

For better asylum support policy —

ASAP's policy work

Our hard work of building up expertise and gathering evidence in 2005/06 paid off and, in 2006/07, ASAP was able to widen the scope of our work and start influencing policy.

Failing the Failed?

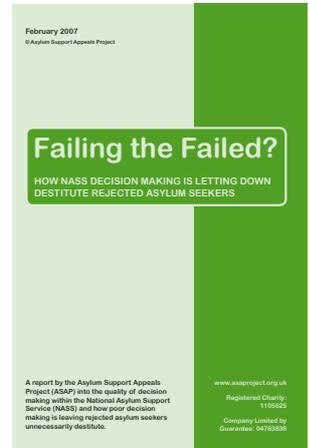
How NASS decision making is letting down destitute rejected asylum seekers — ASAP's research into the quality of asylum support decision making process

In February 2007, ASAP published our first major report *Failing the Failed?*, which examined the quality of asylum support decisions by NASS in 2006. We found that over 80% of these decisions either misapplied or incorrectly interpreted the law, leaving many people unnecessarily destitute. As of end of March 2007, 8,780 refused asylum seekers, excluding dependants, were in receipt of section 4 support.

The report made five recommendations.

- All asylum seekers reaching the end of the asylum process be informed of the support that is available to refused asylum seekers and how to qualify for it.
- NASS adopt a clear, consistent approach to decision making.
- NASS caseworkers receive regular training to allow them to be up to date with changes in the law.
- Refusal letters be translated into the language of the recipient.
- Public funding be available for asylum support appeals.

You can download the report from our website www.asaproject.org.uk



ASAP believes that NASS should make consistent, clear and accurate decisions in line with their own policy and the law. It is unacceptable that NASS' errors are making asylum seekers unnecessarily destitute.

ASAP in other organisations' reports

Finally, the sheer scale of destitution amongst asylum seekers prompted various organisations to publish reports on destitution in 2006/07. ASAP's work and/or report was highlighted in *Down and Out in London* by Amnesty International, *Shaming Destitution* by Citizens' Advice and *Destitution in Leeds* by the Joseph Rowntree Charitable Trust. Other reports published in the same period include *The Destitution Trap* by the Refugee Action and many others.

The most significant report to come out in 2006/07 was *The Treatment of Asylum Seekers, Tenth Report of Session 2006-07* by the Joint Committee on Human Rights (JCHR) published in March 2007, after a lengthy inquiry into this issue which examined written and oral evidence from many stakeholders.

The final report included a recommendation that the Government provide public funding for legal representation for asylum support appeals. This echoed the evidence ASAP submitted to the JCHR on the inadequacy of the asylum support appeal system. The JCHR report points out that these asylum seekers experience many barriers to access to justice: lack of command of English, unfamiliarity with the system and physical and/or mental health problems. It also questions whether the current system safeguards these individuals' rights to a fair hearing.

The JCHR report calls the asylum support system “a confusing mess” and is critical of the way that asylum seekers are not getting adequate information and advice about their legal entitlements to food and shelter. They conclude that the Government policy is making many asylum seekers destitute and that the inhumane and degrading treatment of these asylum seekers potentially violates their human rights.

Advocacy through stakeholder meetings

In 2006/07, ASAP have been active participants in the Asylum Support Tribunal User Group and NASS Women’s Group regularly. These stakeholder meetings were useful occasions to flag up issues regarding asylum support appeals from the users’ point of view. They included the lack of subsistence provision for those who must travel on long coach journeys, and delays in provision of asylum support after appeals were allowed by the Adjudicators. From April 2007, ASAP has become an email member of the National Asylum Stakeholder Forum. Finding ways to improve asylum support policy in ever changing Border and Immigration Agency structures will be a challenge for ASAP in 2007/08.



A presentation on destitute asylum seekers’ healthcare issues at one of the LDAN meetings

London Destitution Advice Network (LDAN)

ASAP initiated the London Destitution Advice Network (LDAN) in January 2007. LDAN now has 20 members who are independent advice agencies in London and are mostly ASAP’s second-tier users. Members are keen to find out what can be done on a practical level to reduce destitution. LDAN aims to improve the quality of and increase the quantity of asylum support and community care advice aimed at refused destitute asylum seekers to reduce their destitution. Members have met bi-monthly to share good practice through peer-to-peer workshops on issues such as community care and health provision. They also share up-to-date information about section 4 and community care and have started referring clients to each other to provide more comprehensive services to their common beneficiaries.



Gerry Hickey (second from left) at one of the Iraqi meetings

Destitution among the Iraqi community

A large number of advice queries and asylum support appeals handled by ASAP concern refused Iraqi asylum seekers. The high numbers of refused Iraqi asylum seekers reflect the low recognition rate for this group. Since the overthrow of the Saddam Hussein regime in 2003 the numbers of Iraqis awarded leave to remain has declined sharply. There are now many thousands of destitute Iraqis refused asylum seekers in the UK.

ASAP has been working closely with the Iraqi community, solicitors, barristers and other advice agencies to challenge the policy that it is now ‘safe’ for all refused Iraqi asylum seekers to return. We are seeking a change in policy both through legal remedies and by raising awareness of the plight of Iraqi asylum seekers in the UK.

Financial information and Treasurer's report

The financial statements shown are a summarised version of the financial statements for year ended 31st March 2007 which was approved by the ASAP Management Committee on 14th September 2007. Our auditor, Mary-Lou Wedderburn, issued an unqualified audit opinion on 30th September 2007. Notes can be found within the full copy of the financial statements which can be obtained by contacting ASAP at 18 Barclay Road, Croydon CR0 1JN.

As of 31st March 2007, ASAP's net assets were £44,845, of which £37,513 were restricted funds and £7,332 were unrestricted funds. Restricted funds represented grants paid in advance, to be utilised in the next financial year.

I would like to thank our funders and donors for their invaluable assistance during the year.

Noeleen Adams
Treasurer

STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME AND EXPENDITURE ACCOUNT) FOR THE YEAR ENDED 31 MARCH 2007

	Unrestricted funds	Restricted funds	Total funds 2007	Total funds 2006
	£	£	£	£
Incoming resources from generated funds				
Voluntary income	4,397	140,085	144,482	131,024
Interest received	-	116	116	101
Total incoming resources	4,397	140,201	144,598	131,125
Resources expended:				
Charitable activities	-	133,107	133,107	104,745
Governance costs	-	1,249	1,249	1,013
Total resources expended	-	134,356	134,356	105,758
Net incoming resources	4,397	5,845	10,242	25,367
Net movement in funds	4,397	5,845	10,242	25,367
Total funds at 1 April 2006	2,935	31,668	34,603	9,236
Total funds at 31 March 2007	7,332	37,513	44,845	34,603

Thank You

ASAP would like to thank our past and present funders and donors whose financial assistance has made it possible for us to carry out our work.

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



We would also like to thank the following for their help and generosity during 2006/07.

advicenow	Hammersmith and Fulham Refugee Forum	Refugee Action
adviceUK	Housing and Immigration Group	Refugee Council
British Red Cross (Refugee Service Unit)	Immigration Law Practitioners' Association	Slaughter and May (Nick Mumby and Lisa Moffett)
London Councils (formerly ALG)	J Everett & Co.	Southwark Day Centre for Asylum Seekers
ASAP members	Law Centres Federation	Southwark Law Centre
Asylum Aid	LawWorks	Southwark Refugee Communities Forum
Asylum Support Tribunal	London Detainee Support Group	Still Human Still Here
British Red Cross	Marisa Leaf and Shu Shin Luh	Volunteer barristers and solicitors at the Duty Scheme (John Beckley, Adrian Berry, Seema Farazi, Kevin Gannon, Marisa Leaf, Anisa Niaz, Shu Shin Luh, Colin McCloskey, Alasdair McKenzie, John Nicholson, Wendy Pettifer, Ranjeev Thacker, Joanna Wood, and many others).
Citizens Advice	Mary-Lou Wedderburn (our auditor)	
College of Law	No Recourse to Public Funds Network	
Cornerstone House and Croydon Voluntary Action	Pierce Glynn Solicitors	
Evelyn Oldfield Unit	RAMFEL (formerly Redbridge Refugee Forum)	
Federation of Iraqi Refugees		
Hammersmith and Fulham Community Law Centre		

Still Human Still Here campaign calls for the Government to:

- End the threat and use of destitution as a tool of Government policy against refused asylum seekers
- Continue financial support and accommodation to refused asylum seekers as provided during the asylum process and grant permission to work until such a time as they have left the UK or have been granted leave to remain
- Continue to provide full access to health care and education throughout the same period



Visit www.stillhuman.org.uk

ASAP Management Committee Members 2006/07

Chair

Sue Willman

Pierce Glynn Solicitors

Treasurer

Noeleen Adams

Law Centres Federation

Secretary

Stefanie Borkum

Evelyn Oldfield Unit

Committee

Alice Webb*

Asylum Aid

Dashty Jamal

Federation of Iraqi Refugees

Hugo Tristram*

Inter Agency Partnership

Maria Gonzalez Dardigan

Asylum Aid

Nancy Fancott

Hammersmith and Fulham Community Law Centre

Nancy Kelly

Refugee Council

Pascale Vassie

Southwark Refugee Communities Forum

Pauline Nandoo

Southwark Day Centre for Asylum Seekers

Rita Chadha

RAMFEL - Refugee & Migrant Forum of East London

Roudabeh Shafie

Hammersmith and Fulham Refugee Forum

**Management Committee members who resigned during the course of the year*

ASAP Company Secretary

Stefanie Borkum

Eiri Ohtani (from January 2007)

ASAP Staff members

Eiri Ohtani Co-ordinator

Gerry Hickey Legal Advisor

Lisa Woodall Legal Advisor (resigned July 07)

Colin McCloskey Legal Advisor (from Oct 07)

Asylum Support Appeals Project (ASAP)

18 Barclay Road, Croydon CR0 1JN

Tel: 020 8686 1888

Fax: 020 8686 1899

Advice Line: 0845 603 3884

Email: advice@asaproject.org.uk

Website: www.asaproject.org.uk

Charity Number 1105625

Company Number 04763838

History of ASAP

In 1999, the UK government decided to revolutionise asylum-seekers' housing and support by establishing the National Asylum Support Service (NASS). Under this new scheme, asylum seekers who require accommodation now face compulsory dispersal to the regions outside London and receive financial support which is set at 70% of Income Support level. As of March 2007, 48,800 asylum seekers are supported by NASS.

While there is a right of appeal to the Asylum Support Adjudicators (ASA) where support has been refused or withdrawn by NASS, no public funding is available for legal representation for asylum seekers at these hearings. As a result many appellants attend their hearings unrepresented and unadvised, leaving them unable to defend themselves adequately against possible destitution and homelessness.

In 2000, concerned law practitioners, advice agencies and voluntary organisations started lobbying the Legal Services Commission for proper funding. When this was unsuccessful, they constituted themselves as a registered charity in 2004, became trustees of the charity and started seeking funding to set up Asylum Support Appeals Project to fill this gap. Among them, these trustees have expertise in asylum support law and advice, knowledge of working with asylum seekers and refugee community organisations, setting up new projects, and above all, a shared commitment to safeguarding the rights of the most vulnerable group of individuals in the UK today - asylum seekers.

After five years of dedicated hard work by the trustees, ASAP formally launched itself as an independent voluntary organisation in June 2005 with the help of generous funding from the Big Lottery Fund, the City Parochial Foundation and others.

ASAP specialises in asylum support appeals and asylum support law which concern asylum seekers' housing and benefits entitlements from NASS. ASAP combines free legal representation, second-tier advice, capacity-building training and policy work in order to defend asylum seekers' legal rights to food and shelter.

ASAP works to reduce destitution of asylum seekers in the UK by defending their legal rights to food and shelter.

We combine free legal representation, second-tier advice and training on asylum support law and policy work to ensure that asylum seekers are able to access the housing and welfare support they are legally entitled to.

ASAP

ASYLUM
SUPPORT
APPEALS
PROJECT