

# ASAP

ASYLUM  
SUPPORT  
APPEALS  
PROJECT

'IF MEETING THE DESTITUTION ELIGIBILITY CRITERIA IS A FUNDAMENTAL PART OF SECTION 4 ASYLUM SUPPORT DECISION-MAKING, WHY IS UKBA NOT APPLYING A FAIR, CONSISTENT AND LEGAL ASSESSMENT OF DESTITUTION? ASAP BELIEVES THAT THIS SITUATION HAS ARISEN PARTLY BECAUSE UKBA CONTINUES TO TREAT SECTION 4 SUPPORT AS A DISCRETIONARY FORM OF SUPPORT, FAILING TO RECOGNISE IT AS A LEGAL ENTITLEMENT. WE BELIEVE THAT THIS IS ALSO EVIDENT IN UKBA'S WIDESPREAD DELAY AND MALADMINISTRATION IN SECURING SUPPORT FOR THOSE WHO UKBA HAS ACCEPTED ARE ENTITLED TO SECTION 4 SUPPORT. IT REGULARLY TAKES DAYS AND SOMETIMES WEEKS FOR THE SUPPORT TO BE PROVIDED DESPITE A DECISION OF ENTITLEMENT.'

From ASAP's report "*Not Destitute Enough*"

## REPORT FROM THE CHAIR

### 'ALTHOUGH LEGAL AID IS NOT AVAILABLE THROUGH THE UK BORDER AGENCY FOR ASYLUM SUPPORT HEARINGS, THE ASYLUM SUPPORT APPEALS PROJECT PROVIDES FREE LEGAL ADVICE FOR THOSE WHO HAVE AN ASYLUM SUPPORT APPEAL HEARING'.

This was the Home Office response to criticism from the Independent Asylum Commission about the lack of public funding for asylum support tribunal hearings.

The suggestion that a small charity like ASAP can replace legal aid representation at asylum support appeals is astounding. (ASAP continues to campaign for fully funded representation). But the statement reflects how far ASAP has come in achieving public recognition, just five years after we started our duty scheme, initially on a voluntary basis. It is also a tribute to our staff, in a year where they have continued to use our combination of advice, representation, training and policy work aiming to reduce destitution of asylum-seekers.

The duty representation scheme is at the heart of our work and thanks to a collaborative project with LawWorks and four law firms, we now offer free legal representation to destitute asylum seekers five days a week at the renamed First-tier Tribunal (Asylum Support). A group of volunteer barristers from several chambers continue to volunteer alongside ASAP's Legal Advisers and we are grateful to them for their commitment.

But destitution, whether as a result of poor implementation or administration of ungenerous laws and policies, continues. Following the publication of our report *"Not Destitute Enough"*, funded by City Parochial Foundation, we liaised with UKBA to try and make concrete changes and they agreed to re-train staff on the definition of 'destitution'. Our Women's Project, funded by Comic Relief, has identified particular needs for women in the late stages of pregnancy and is now trying to secure a change which ensures these women are not left without support when they need it most.

Despite all the successes recorded in this Annual Report, securing funding is a constant battle. The Management Committee recognises that without our Fundraising Sub-Committee, in particular our Director Eiri Ohtani and one of the Management Committee members Maria Dardagan, much of this work would not have been possible. We hope that ASAP's unique work and track record will bring more fundraising successes to the organisation which will enable us to achieve our aim.

As chair of ASAP, I am extremely proud of all we have achieved to date. This is thanks to our creative, committed and dynamic staff team, backed by an enthusiastic Management Committee and an expanding network of volunteers and supporters, and of course our funders. I hope we can continue this important work in the year ahead.

**Sue Willman**, ASAP Chair

#### ASAP Management Committee Members

- Sue Willman (Chair)
- Pascale Vassie (Treasurer)
- Stefanie Borkum (Secretary)
- Maria Gonzalez Dardagan
- Alison East
- Elaheh Mahsoori
- Pauline Nandoo
- Alison Pickup
- Paul Yates

#### ASAP Company Secretary

- Eiri Ohtani

#### ASAP team

- Eiri Ohtani (Director)
- Colin McCloskey (Solicitor)
- Gerry Hickey (Legal Advisor)
- Marie-Anne Fishwick (Legal Adviser)
- Thomas Copeland (Office Administrator)
- Abigail Brunswick (Communications and Training Administrator – until July 2009)
- Sophie Lemberger (Office Volunteer)

# ASAP

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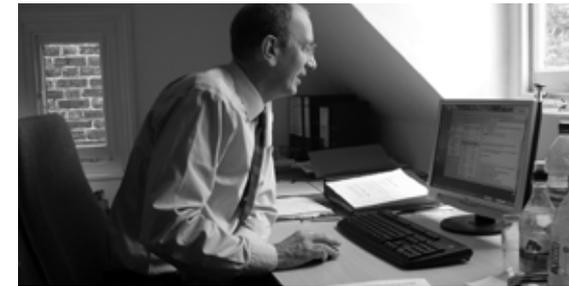
## ASAP DUTY SCHEME 2008/09 - LEGAL ADVICE AND REPRESENTATION FOR ASYLUM SUPPORT APPEALS

**IN 2008/09, ASAP'S DUTY SCHEME ASSISTED A TOTAL OF 298 ASYLUM SEEKERS. WE PROVIDED LEGAL REPRESENTATION FOR 201 APPEALS, WITH AN OVERALL SUCCESS RATE OF 70% (THOSE CASES WHICH WERE ALLOWED OR REMITTED). A FURTHER 97 ASYLUM SEEKERS WERE GIVEN SPECIALIST LEGAL ADVICE ABOUT THEIR ASYLUM SUPPORT APPEALS BEFORE THEIR APPEAL HEARINGS.**

Providing legal representation for asylum support appeals is the core of ASAP's work. Since the launch of our voluntary Duty Scheme in July 2004, ASAP continues to be the only organisation to carry out this vital work for destitute asylum seekers at the First-tier Tribunal (Asylum Support). Public funding is still not available for these appeals and regrettably we expect that our assistance will continue to be in demand by this most disadvantaged group of people in the UK.

Asylum support law is complex and its policies change frequently. This means that many asylum seekers find it difficult to understand why their support is refused or terminated and how to challenge UKBA's decisions. Their difficulty is compounded by a short timeframe for submitting appeal forms and evidence, problems in accessing advice, language barriers, mental and physical ill-health and their destitution.

Without our Duty Scheme, many asylum seekers, whose housing and welfare support has been refused or terminated by UKBA, would have no option but to face their appeal hearings unrepresented. This can be daunting and confusing. Or worse, this can mean that they lose entitlement to their only source of available support and become destitute. (Asylum seekers are normally not allowed to work.)



### What happens at the Duty Scheme?

ASAP's work at the Duty Scheme is very different from normal advice/advocacy work; we have very little time to prepare for an appeal.

Legal Advisers and our Volunteer Advocates meet the asylum seekers for the first time on the day of their appeal hearings at the tribunal. Apart from the name of the appellant, whether the appellant has a representative, the language s/he speaks and the type of the case, ASAP legal representatives know nothing about the case until they start interviewing them at the tribunal building.

Usually, there is 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) and decide 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 we meet an asylum seeker on the day of their hearing, it is often necessary to begin by explaining why they are there; not many people know about asylum support appeals and are confused about the role of the tribunal. We also help them prepare for their hearing by explaining the type of questions they will be asked and take them through the evidence they will need to provide. This type of pre-hearing legal advice can be crucial to the success of asylum support appeals.

## NEWS FROM THE DUTY SCHEME - ASAP'S WORK GETS A BOOST FROM AN INDEPENDENT REPORT WHICH CONFIRMS THAT ASAP'S LEGAL REPRESENTATION SIGNIFICANTLY INCREASES DESTITUTE ASYLUM SEEKERS' CHANCE OF GETTING SUPPORT

The Citizens Advice's recent report, *Supporting Justice*, shows that ASAP's legal advice and representation for asylum seekers at the First-tier Tribunal (Asylum Support) adds a 22–32% 'representation premium' to the outcomes of asylum support appeals. The report calls for publicly funded legal representation for asylum support appeals so that all appellants have a fair hearing at the Tribunal.

ASAP believes that the law on its own cannot automatically and effectively protect people's rights. It is only when people have means and resources to exercise their legal rights that the law becomes meaningful. Although the Tribunal is sensitive to the appellants' needs, we feel that this does not make up for a lack of legal representation.

One destitute asylum seeker who was assisted by ASAP said, 'It is so difficult if you cannot speak English or their (legal) language, so a solicitor helps a lot. If it is a court case type hearing like today, you need a solicitor to represent you.' Another said, 'Had it not been for (ASAP's) help, I would have found it quite difficult to get the Home Office to overturn their decision to discontinue my support.'

ASAP's own evidence and research demonstrates that UKBA's asylum support decisions are often wrong and of poor quality. There is no justice in the current system which systematically denies asylum seekers a fair chance to challenge such decisions. ASAP hopes that the Ministry of Justice responds positively to this report and shows their commitment to justice.

ASAP's Duty Scheme had a successful year (see the news sections) and has recently taken further steps to gear up our tribunal representation work in order to secure more support for destitute asylum seekers. We created a post of Solicitor in April 2009 and put in place a system to proactively identify legal issues which can be challenged at the tribunal. We consolidated our volunteering programme to provide better training and up-to-date information to our Volunteer Advocates. We reorganised reference material and monitoring systems for our tribunal work and streamlined our referral process to improve our efficiency. We hope these will help us bring better results to destitute asylum seekers who use our Duty Scheme.

## NEWS FROM THE DUTY SCHEME - ASAP'S DUTY SCHEME IS NOW OPEN EVERY DAY OF THE WEEK

After years of hard work, ASAP has finally launched its daily Duty Scheme, achieving one of our long-term goals. A party was held in September 2009 to mark the occasion which was attended by many of our friends and supporters.

The Duty Scheme initially started in July 2004 on a fortnightly basis supported by volunteer barristers. As we secured more funding over the last 3.5 years, the Duty Scheme gradually developed into a more regular operation 3 – 4 days a week.

In October 2008, LawWorks and ASAP developed a pilot volunteering programme to recruit and train a large group of solicitors from four law firms in the City: Clifford Chance, Freshfields Bruckhaus Deringer, Herbert Smith and Simpson Thacher & Bartlett LLP. ASAP never worked with private law firms before and benefited immensely from LawWorks' expert guidance and hands-on help for this pilot programme.

After interviews and induction sessions, a total of 17 solicitors started their training programme in October '08. Many have completed their training and assessment process and started volunteering regularly at the Duty Scheme in the summer of 2009. This will significantly increase ASAP's capacity

to assist destitute asylum seekers with their asylum support appeals.

We are currently fundraising to continue to be able to support these volunteers and to recruit and train new ones. We also need additional resources to manage Duty Scheme administration which has become more complex than before. We would like to thank all our volunteers for making it possible for us to run the Duty Scheme every day of the week.



**Speakers at the Daily Duty Scheme Launch Party (left to right)**

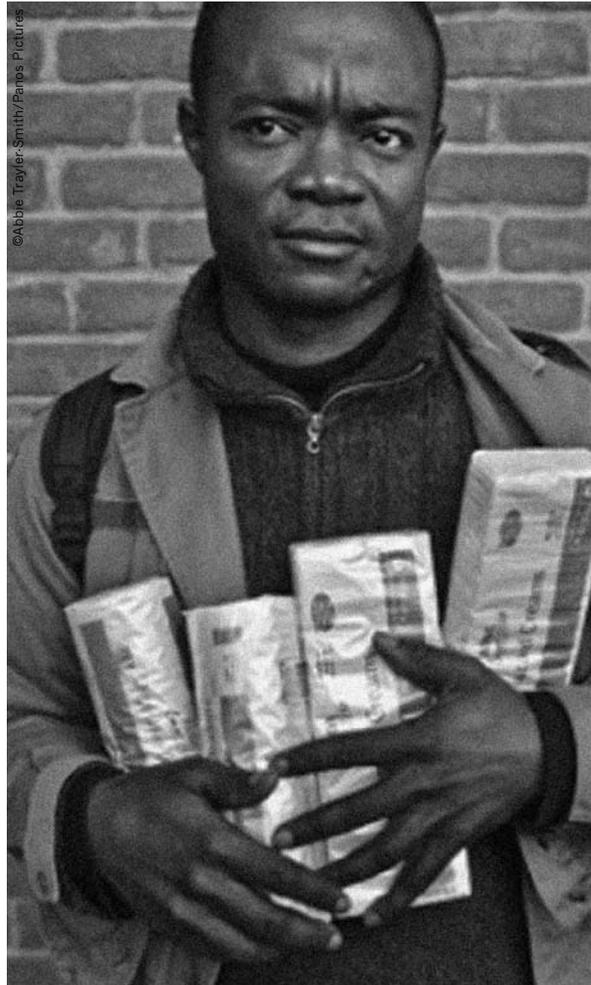
Alasdair MacKenzie, Doughty Street Chambers  
Paul Newdick, LawWorks Chair  
Sue Willman, ASAP Chair  
Anais D'Arville, Freshfields Bruckhaus Deringer  
Eiri Ohtani, ASAP Director

## WHO USES ASAP'S DUTY SCHEME?

- ▣ Our users come from more than 40 countries, mainly from African and Middle Eastern countries. Many come from areas with political instabilities and well-documented human rights abuses, such as Iran (14%), Iraq (14%), Zimbabwe (10%) and Democratic Republic of Congo (9%).
- ▣ They travel from all over the UK to attend their appeal hearings, many come from Yorkshire/Humberside, London, North East and West Midlands. This is because the First-tier Tribunal (Asylum Support), although based in Croydon, is the only tribunal in the country dealing with asylum support appeals. The Tribunal has recently moved to East London (Sep '09)
- ▣ Most have been destitute for long periods before their appeal hearing, ranging from a few weeks to over several years.
- ▣ 26% are female.
- ▣ 26% said they were suffering from significant mental / physical health problems, including HIV, TB and the effects of torture and rape.

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ASAP would like to be able to assist more asylum seekers at the Tribunal in the future. We are aware that, with more resources, more asylum seekers will be able to fully exercise their legal rights during these appeals. Although the number of appeals ASAP has been able to assist has increased over the years, it still represents a very small proportion of all the appeals received by the Tribunal.



## COMMENTS FROM THE ASYLUM SEEKERS THAT WE ASSISTED

*'To be honest since we don't understand legal procedure in this country, as a foreigner it helps me to understand. I think from beginning I've made mistakes because I didn't have anyone to advise me. It was the correct way. Thank you very much.'*

*'It's important and it's helped me a lot. I was worrying and now I'm happy I'm not going back to my husband.'* (domestic violence case)

*'It helped me to have and not be a homeless person.'*

*'Extremely important work. The fact that you asked me those questions made my case more comprehensible to the judge which is why he allowed the appeal. I did trust you that is why I could openly talk to you about my case.'*

*'Really pleased. I am so happy you were here because otherwise I don't know what I would do. I have been crying all day yesterday.'*

## CASE STUDY

**SUPPORT FOR DEPENDENTS?**

ASAP recently helped Mr X to appeal a UKBA decision to refuse his wife support. On arrival in the UK he claimed asylum but his wife was never added as a dependent to his claim. She entered the UK on a visa and had never claimed asylum in her own right. Mr X applied for Section 4 support for himself and his wife. He was granted support as it was accepted he was destitute and had made a fresh asylum claim, but his wife was refused support on the grounds that there was no evidence she was a failed asylum seeker and so did not meet the Section 4 criteria.

The judge allowed the appeal accepting ASAP's interpretation of the regulations. Section 4 regulations state support can be granted to failed asylum seekers and their dependents. Dependent has the same meaning under Section 4 as it does under Section 95 which defines a dependent as a spouse (husband or wife) or civil partner, a child under 18, an adult with serious physical or mental health problems or an unmarried partner, where you can prove you have lived with that person for the last two out of three years.

ASAP argued that, therefore, dependents do not need to meet any other Section 4 requirements such as being a failed asylum seeker, only the main applicant must do so. If the applicant meets the criteria both the applicant and their dependent are entitled to support regardless of the dependents' immigration status.

Currently, the UKBA's policy documents used by officials assessing applications for support are contradictory. One explains the rules correctly ('Dependents on Asylum Support Applications') whereas the other erroneously states dependents must meet the Section 4 criteria ('Section 4 Instructions'). ASAP will write to the UKBA to ask them to amend these guidelines so they are in line with the law.

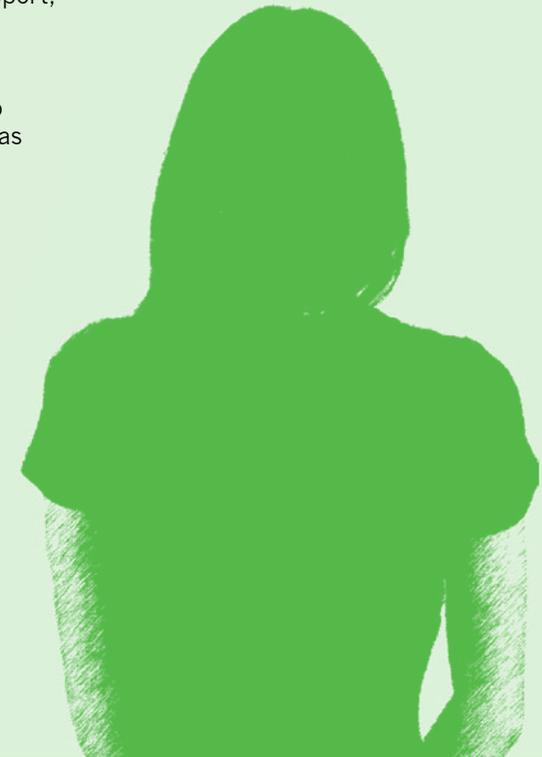
Unmarried couples may also face difficulties in getting Section 4 support, including couples with children. The UKBA often refuses to support the partner of an applicant on the grounds they cannot prove they have lived together for two out of the last three years. ASAP has assisted many couples in this situation and is aware those who have been without formal support for some time have difficulty in meeting this requirement.

## CASE STUDY

**DESTITUTION TEST**

ASAP represented a woman in her early 20s who had an outstanding asylum application with the Home Office. She had been made homeless as a result of domestic violence. For a time she was accommodated in a hostel, but when they established she was not entitled to mainstream benefits, she had to leave. Her mother and young siblings were also housed in London. However, due to the terms of her mother's tenancy agreement she could not live with them permanently. She spent some nights with her family, but every week had to stay with different men who gave her shelter in exchange for sexual favours.

She applied for Section 4 support, which was granted. However, she missed the call from the accommodation provider and was declared to have failed to travel. The offer of support was therefore withdrawn. When she reapplied for support, the Home Office stated that because she had refused to travel and had a mother in London she had alternative accommodation available and, therefore, was not destitute. ASAP successfully represented her case to establish that she was in fact destitute, using evidence supplied by a voluntary sector agency assisting her, her mother, a friend and her oral evidence. The Tribunal Judge granted her support.



## ADVICE LINE AND TRAINING - BUILDING THE CAPACITY OF OTHER ADVICE AGENCIES

THIS YEAR, ASAP'S ADVICE LINE DEALT WITH 574 QUERIES FROM 193 ORGANISATIONS. THE NUMBER OF ORGANISATIONS USING OUR ADVICE LINE INCREASED BY 27% COMPARED TO THE PREVIOUS YEAR.

ASAP's Advice Line, which is open three days a week, provides free legal advice on asylum support and asylum support appeal issues to advisers working in voluntary organisations throughout the UK. Our Advice Line is an effective and efficient way for ASAP to disseminate our legal expertise to front-line agencies so that they, too, can give good advice to asylum seekers. We receive many complex queries from a wide range of organisations working with destitute asylum seekers, often with multiple support needs.

Simultaneously, Advice Line work gives ASAP information about what is happening to asylum support across the country. We are currently looking at ways to analyse this information more systematically so that we can use it for our policy and advocacy work.

The Advice Line also regularly receives requests for immigration advice, rather than asylum support advice. These callers are signposted to other organisations who are able to provide immigration advice.

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**ADVICE LINE 0845 603 3884**

### A DAY IN A LIFE OF ASAP'S ADVICE LINE

- A nurse in a hospital is assisting a destitute asylum seeking woman who became very ill after giving birth. Is she entitled to support?
- A community organisation wanted to find out if one of their clients, who is stateless, can access Section 4 support.
- A refugee organisation called about their female client who is pregnant, has small children and HIV+. They want to know if she can get Section 4 support in the area she currently lives in so that she can continue to receive medical treatment.
- An adviser at university wants to know if one of the students, who is an asylum seeker, can continue to get asylum support because he was awarded a bursary.
- An adviser at a large drop-in centre needs help getting one of his clients to be ready for his asylum support appeal.

### TRAINING

In 2008/09, ASAP was able to train 74% more people than the previous year; we provided a total of 15 training sessions and workshops for 227 participants from 111 organisations. 36% of these organisations specialise in working with refugees and asylum seekers.



### ALSO THIS YEAR:

- Our trainers travelled to Liverpool, Cardiff, Manchester and Leeds.
- ASAP's Women's Project delivered 3 joint training sessions with Rights of Women.
- Tailor-made training sessions were provided to 6 organisations.
- 3 training sessions were held in London (2 of them in conjunction with Rights of Women)

We continue to focus on running training sessions on Section 4 issues as many more agencies are now working with destitute refused asylum seekers.

### QUOTES FROM THE TRAINING PARTICIPANTS

*"Given the vast information and complex subject matter, the training session was excellently delivered."*

*"I think the knowledge and expertise of ASAP is first class."*

*"The training and advice was very informative. I will need to update my knowledge as the system changes."*

*"I think the information is clear and the resources given at the end are very good. Would recommend you coming to Wales more often."*

## ASAP'S STRATEGIC LITIGATION AND POLICY AND ADVOCACY WORK

THIS YEAR, ASAP STARTED DEVELOPING ITS STRATEGIC LITIGATION WORK - TACKLING UKBA PRACTICE AND POLICY BY LEGAL ACTION - IN CONJUNCTION WITH OUR ONGOING POLICY AND ADVOCACY WORK. OUR OVERALL STRATEGY IS TO PURSUE LEGAL ARGUMENTS WITH UKBA TO COMPEL IT TO FULFIL ITS LEGAL OBLIGATIONS TO ASYLUM SEEKERS. HAVING CREATED A SOLICITOR'S POST IN APRIL 2009, WE HOPE TO FURTHER DEVELOP THIS WORK IN THE FUTURE.

ASAP has, for instance, written a number of letters to UKBA explaining in detail its legal obligations and pointing out that judicial review proceedings will be taken by private solicitors unless UKBA changes particular areas of policy and practice including the following issues below:

### **Failure by UKBA to provide support to successful appellants immediately following a successful appeal at the Tribunal.**

UKBA did eventually accept in a letter to ASAP that it has a duty to provide accommodation and support from the date of a successful appeal. UKBA then made some arrangements for successful appellants to be accommodated in Croydon on the day of their appeal. Unfortunately those arrangements regularly break down and for many appellants accommodation in Croydon is of no use as they need to return immediately to their families in the area where they have been living or have left their belongings. So ASAP is still pursuing this with UKBA.

### **Breach by UKBA of the human right to 'Respect for family and private life' (Article 8 of the European Convention on Human Rights)**

UKBA maintains that applicants must move to allocated Section 4 accommodation in order to receive Section 4 vouchers (or cash card facilities under the new Azure Card scheme). UKBA says the law does not allow it to provide Section 4 support without accommodation. This means that a failed asylum seeker cannot live with his/her spouse where their spouse has British nationality or leave to remain in the UK but does not have the means to support the failed asylum seeker.

ASAP believes this clearly breaches Article 8. The law must be interpreted as flexibly as possible in order to comply with the European Convention. Judicial proceedings have already been taken against UKBA on this point and a decision from the court is awaited.

We are also pursuing many other legal issues including; the legality of UKBA's new policy to restrict Section 4 support in some cases to the period of a single application to the International Office of Migration; UKBA withdrawing from many tribunal appeals, robbing destitute asylum seekers of a tribunal decision and prolonging their destitution.

ASAP continued to regularly attend various stakeholder meetings with other organisations in the sector, the Tribunal, the UKBA and other relevant organisations. Our newsletters regularly update our members about these meetings. Based on our research into the quality of asylum support decision making, we produced a report, '*Not Destitute Enough*'

which received very positive feedback from other agencies in the sector. We also wrote a part of a new edition of Migration and Social Security Handbook edited by Child Poverty Action Group.

### **ASAP REPORT 'NOT DESTITUTE ENOUGH'**

In December 2008 ASAP issued its report '*Not Destitute Enough*'. This was highly critical of UKBA's failure to apply the correct legal factors in deciding whether an individual was destitute when applying for asylum support.

Our report showed that out of 40 UKBA decision letters dealing with destitution which we analysed:

- ▣ Only one decision letter outlined the destitution test
- ▣ 22 decision letters did not apply the appropriate and/or separate legal tests of destitution
- ▣ In 16 decision letters, glaring errors or wording of the decision made it impossible to understand on what basis UKBA had decided the person was destitute.

In its response UKBA said it took our criticism seriously and agreed to amend its internal guidance for decision makers and its template decision letters. UKBA also said it would vary training to include specific sessions on the destitution test and would internally circulate our report to assist with UKBA's own monitoring of its decisions.

## ASAP'S PROJECTS - UPDATES

### LONDON PROJECT

The London Project, funded by the London Councils, has been running for over a year now. The project was set up to work with London based destitute asylum seekers, who represented a quarter of the people we assisted on the Duty Scheme last year. It aims to improve their access to advice and representation in their asylum support appeals, through our Duty Scheme, Advice Line, Training and the work of the London Destitution Advice Network (LDAN).

It has been an extremely busy year for the project: In September 2008 we recruited a part-time legal adviser for the project; the project has actively promoted ASAP's work to all the key refugee agencies in London; we have set up a referral system which has been regularly used by law firms, law centres and voluntary sector agencies whose clients have appeals at the Tribunal; we produced multilingual leaflets and posters explaining our Duty Scheme to appellants. The project also facilitates LDAN, a network group of London agencies working with destitute asylum seekers that exchanges information through an email network and meets quarterly. Finally, we have already delivered one training session to London based agencies, with a second one planned for mid-November 2009.

### ADDRESSING THE NEEDS OF SPECIFIC GROUPS OF DESTITUTE ASYLUM SEEKERS

ASAP has been funded by the City Parochial Foundation to carry out policy work to challenge specific barriers certain groups of destitute asylum seekers experience when trying to access support.

As well as looking at the overall poor asylum support decision making (see for instance our report, Not Destitute Enough),

### ASAP HAS ALSO BEEN BUSY ENGAGING VARIOUS STAKEHOLDERS ON ASYLUM SUPPORT ISSUES.

**ASAP continued to attend meetings with the Case Resolution Directorate to pursue Section 4 related matters.**

We met John Vine who is the recently appointed Chief Inspector of UKBA and explained ASAP's role and concerns relating to asylum support. Later we held a training session on asylum support for his team of inspectors, indicating areas where we hope there will be close scrutiny of UKBA's performance.

ASAP's solicitor, Colin McCloskey, spoke at the Immigration Advisory Services (IAS) annual conference in July 2009 sharing the panel with Lin Homer, Director of UKBA, and Alison Harvey, General Secretary of ILPA discussing 'UKBA and the Law'. He forcefully outlined a number of areas where UKBA fails asylum seekers by acting without proper regard for the law.

we have produced advice sheets for community organisations to alert them to any changes in policies surrounding support or specific difficulties they might face. One such advice sheet was aimed at Somali nationals who have been refused asylum in the UK and are destitute. Due to serious security problems in Somalia and difficulties with travel routes at present, this group appear to be currently unable to leave UK. As a result many had been left stranded in the UK without support. The advice sheet provided information on the circumstances under which Somalis could get support. We will soon be working on an advice sheet for immigration detainees.

### WOMEN'S PROJECT

ASAP Women's Project, which is funded by Comic Relief, was set up to work with destitute female asylum seekers who are victims of violence. The aim of the project is to ensure that women in these situations are able to make successful applications for support.

The Project has been focusing on the needs of refused asylum seeking women who are pregnant and destitute. These women will have lost their support from UKBA when their asylum claims failed and the majority will not qualify for support again until six weeks before the birth of their babies. This means that for most of their pregnancy these women will have no rights to housing or support. This poses a serious risk to both their health and the health of their unborn babies. In conjunction with Maternity Action, we will be lobbying UKBA to provide support to women much earlier in the pregnancy and to bring an end to the enforced destitution of this particularly vulnerable group.

The Project has been working closely with the Charter on the Rights of Women Seeking Asylum, which is co-ordinated by Asylum Aid. ASAP's role in relation to the Charter has been to provide specialist advice on the rights and entitlements to support for women at all stages of the asylum process, particularly women who are vulnerable as a consequence of pregnancy, health problems or violence they have experienced in the past.

## FINANCIAL INFORMATION AND TREASURER'S REPORT

The financial statements shown are a summarised version of the financial statements for the year ended 31st March 2009, which were approved by the ASAP Management Committee on 8th September 2009. The financial statements were audited by an independent auditor, Paul Hartley, who issued an unqualified audit opinion on 30th September 2009. The full statutory financial statements, Trustees' Report and Independent Auditor's Report can be obtained by contacting ASAP at 18 Barclay Road, Croydon CR0 1JN. The Trustees' Report and accounts have been submitted to the Charity Commission.

As of 31 March 2009, ASAP's net assets were £58,238, of which £8,628 were restricted funds and £49,610 were unrestricted funds. Restricted funds represented the balance of grants received that are to be spent for specific purposes as laid down by the donor in the next financial year.

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

Pascale Vassie, Treasurer

### Independent auditor's statement

In my opinion the summarised financial statements are consistent with the full accounts that I have audited.

P R Hartley, Registered Auditor

### STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME AND EXPENDITURE ACCOUNT) FOR THE YEAR ENDED 31 MARCH 2009

	Unrestricted Funds £	Restricted Funds £	Total Funds 2009 £	Total Funds 2008 £
<b>Incoming resources from generated funds</b>				
Voluntary income	43,018	133,386	176,404	99,525
Interest received	685	-	685	1,773
<b>Total incoming resources</b>	<b>43,703</b>	<b>133,386</b>	<b>177,089</b>	<b>101,298</b>
<b>Resources expended:</b>				
Charitable activities	18,193	145,169	163,362	97,207
Governance costs	1,755	950	2,705	1,720
<b>Total resources expended</b>	<b>19,948</b>	<b>146,119</b>	<b>166,067</b>	<b>98,927</b>
Net (outgoing)/incoming resources	23,755	(12,733)	11,022	2,371
<b>Net movement in funds</b>	<b>23,755</b>	<b>(12,733)</b>	<b>11,022</b>	<b>2,371</b>
Total funds at 1 April 2008	25,855	21,361	47,216	44,845
<b>Total funds at 31 March 2009</b>	<b>49,610</b>	<b>8,628</b>	<b>58,238</b>	<b>47,216</b>

All of the above results are derived from continuing activities. All gains and losses recognised in the year are included above. The surplus for the year for Companies Act purposes is the same as the net movement in funds for the year.

## THANK YOU

**ASAP WOULD LIKE TO THANK ALL OUR PRESENT AND PAST FUNDERS AND DONORS WHOSE FINANCIAL AND OTHER ASSISTANCE HAS MADE IT POSSIBLE FOR US TO CARRY OUT OUR WORK AND DEVELOP THE ORGANISATION.**

29th May 1961 Charitable Trust  
 A B Charitable Trust  
 Allen Lane Foundation  
 AW.60 Trust  
 Big Lottery Fund  
 Bromley Trust  
 City Parochial Foundation  
 Clifford Chance  
 Comic Relief  
 Doughty Street Chambers  
 Eleanor Rathbone Charitable Trust  
 Estate of Irene Bruegel  
 Freshfields Bruckhaus Deringer  
 Garden Court Chambers  
 Helen Tetlow Memorial Trust  
 Herbert Smith  
 Hilden Charitable Trust  
 J Paul Getty Jr Charitable Trust  
 Jill Franklin Charitable Trust  
 Law Society Charity  
 Leigh Trust  
 Lloyds TSB Foundation for England and Wales  
 London Councils  
 London Legal Support Trust  
 Matrix Chambers  
 Racial Justice Fund

Rowan Charitable Trust  
 Simpson Thacher & Bartlett LLP  
 W F Southall Trust  
 and many individual donors.

**Much of ASAP's work was supported by / in collaboration with a number of other organisations and individuals who work in the asylum and advice field. We would also like to thank the following for their help and generosity during 2008/09.**

AdviceUK  
 ASAP members  
 Asylum Aid  
 Asylum Rights Campaign  
 Asylum Support Partnership  
 BMER Advice Network (BAN)  
 First-tier Tribunal (Asylum Support)  
 British Red Cross (Refugee Unit)  
 Citizens Advice, College of Law  
 Hammersmith and Fulham Community Law Centre  
 Housing and Immigration Group  
 Immigration Law Practitioner's Association  
 Law Centres Federation  
 LawWorks  
 Maternity Action  
 Pierce Glynn Solicitors  
 Rights of Women  
 Southwark Law Centre  
 Still Human Still Here  
 Volunteer barristers and solicitors at the Duty Scheme

ASAP also would like to thank Mary-Louise Wedderburn for helping us with our finance work.



*A large group of ASAP supporters walked 10km at the London Legal Support Trust charity walk and raised over £3,000. A big thank-you to everyone who sponsored us.*



*ASAP legal advisor and volunteers*

# 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. (UK Border Agency has taken over NASS function in Apr '08.)*

*While there is a right of appeal to the First-tier Tribunal (Asylum Support) where support has been refused or withdrawn by UKBA, 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.*

*ASAP formally launched itself as an independent voluntary organisation in June 2005 and has quickly established itself as one of the leading organisations in the asylum sector. ASAP specialises in asylum support appeals and asylum support law which concerns asylum seekers' entitlement to housing and benefits from UKBA. 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 END 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 HOUSING AND WELFARE SUPPORT THEY ARE LEGALLY ENTITLED TO.**

## ASAP SUPPORTS STILL HUMAN STILL HERE

**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

**ASAP encourages other organisations to also support this very important campaign. Visit [www.stillhuman.org.uk](http://www.stillhuman.org.uk) for more information.**

**stillhumanstillhere**  
The campaign to end destitution of refused asylum seekers

# ASAP

ASYLUM  
SUPPORT  
APPEALS  
PROJECT

**Asylum Support Appeals Project (ASAP)**

18 Barclay Road

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Advice Line: 0845 603 3884

Email: [advice@asaproject.org.uk](mailto:advice@asaproject.org.uk)

[www.asaproject.org.uk](http://www.asaproject.org.uk)

Charity Number: 1105625  
Company Number: 04763838