

# ASAP

ASYLUM  
SUPPORT  
APPEALS  
PROJECT

## ANNUAL REPORT 2009/2010

*'ASAP is a small national charity specialising in asylum support law. We help some of the most vulnerable people in the UK – street homeless, trafficked women, and people traumatised as a result of rape and torture'*

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



# About ASAP

ASAP is a small national charity specialising in asylum support law. Our aim is to reduce destitution of asylum seekers by defending their legal rights to food and shelter. The asylum seekers we help are extremely vulnerable, sometimes street homeless, and include families, pregnant women and people traumatised as a result of rape or torture. Most come from conflict zones or countries with a well-documented record on human rights abuses. Our work combines free legal representation, second tier advice and training, and policy and litigation to influence and change asylum support policies and procedures.

## What we do

- *Provide free legal advice and representation to asylum seekers via a duty scheme at the asylum support tribunal in Docklands, East London, five days a week*
- *Run an advice line and training on asylum support law and asylum support appeals for refugee organisations, advice agencies and legal practitioners*
- *Engage in policy, advocacy and litigation work to influence and change policies and procedures on asylum support*

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## History

In 2000 the government removed asylum seekers' entitlement to mainstream benefits. Asylum seekers could apply for basic housing and welfare support, and appeal decisions to stop or refuse them support, but they could not access legal representation at appeal hearings as there was no legal aid for this work. Concerned at the prospect of people with little English and no legal knowledge having to make their own case for support, ASAP was set up in 2003 to ensure they had legal assistance at hearings.

Initially run by volunteers once a week, ASAP's duty scheme at the asylum support tribunal expanded as the organisation secured funding, recruited staff and developed a second tier and policy remit. In 2009 the duty scheme started operating five days a week and its expertise was recognised in an independent report from the Citizens Advice Bureau, which concluded that ASAP representation increased asylum seekers' chances of success at the tribunal by over 30%.



Marie-Anne Fishwick, Oliver Griffiths and Mike Spencer

## Our team

**ASAP employs five staff and has two office volunteers. About 30 barristers and solicitors from city law firms and high-profile chambers provide pro bono services. The work is overseen by a management committee that combines expertise on legal advice, asylum support and charity management. Together we share a commitment to ending the destitution of the most vulnerable group of people in the UK today.**



Gerry Hickey – legal adviser



Volunteers – Sri Kambhammettu (standing) and Charlotte Wakam

# A year of achievement and challenge

## **The past year has been one of achievement at ASAP despite the very challenging environment.**

Our duty scheme provided free legal assistance to almost 600 destitute asylum seekers at the First-tier Tribunal (Asylum Support) after extending to a five day week. This meant we were able to make a real difference to the lives of twice as many vulnerable people by helping them secure stable accommodation for themselves and their children – often for the first time in months – which we are very proud of.

This would not have been possible without successful collaboration with four city law firms and leading chambers, which provide solicitors and barristers to work at the tribunal for us pro bono. So it was fitting that our volunteers' expertise and commitment, alongside ASAP's two legal advisers and solicitor who continue to work regularly at the tribunal, were recognised in the LawWorks Pro Bono Awards in June.

Our second tier services underwent similar expansion. The advice line took more than 800 calls, often queries about changes that make it more difficult for asylum seekers and refused asylum seekers to qualify for support under what are already restrictive criteria. The large attendance at our first Destitution Awareness Day reflected the same need for more high quality advice on support issues and we have now made this an annual event.

Over the past year ASAP also developed its ability to bring about a more humane and lawful support system. We highlighted the difficulties caused by the policy that requires refused asylum seekers to travel to Liverpool to submit a fresh asylum claim (which has contributed to the dramatic reduction in numbers on section 4 or 'hard case' support), and supported some legal challenges to it.

Our Women's Project worked closely with others, including the Royal College of Midwives, to highlight the increased

vulnerability to destitution of women, many of whom are trafficked, have experienced domestic violence, are pregnant or have children.

All this was achieved against a backdrop of change. The tribunal moved from Croydon, where ASAP is based, to Docklands in East London, making it more difficult to provide administrative support to the expanded duty scheme. We are grateful to tribunal staff for helping us with this. There were changes too in personnel with the departure of Eiri Ohtani, ASAP's first director, and more recently, founding chair

Sue Willman, who has gone on sabbatical. Both Eiri and Sue have contributed much to the organisation's development and leadership.

Our new team is faced with a challenging environment. ASAP, like many other charities, will feel the impact of public spending cuts, if not directly then through an acutely competitive fundraising environment. The duty scheme may have become a shining example of what volunteering can achieve. Yet it is clear that volunteer programmes are only sustainable with adequate support and coordination and this is something we will continue to fundraise for.

The financial backdrop will also impact heavily on policy making, in particular on the Asylum Improvement Project currently underway, which looks set to determine the future direction and shape of the asylum support system. Driven by the imperative to cut asylum support costs, we hope this will not mean more asylum seekers and refused asylum seekers at risk of destitution.

Whatever the challenges, ASAP will strive to work for a support system that upholds the dignity and rights of asylum seekers under national and international law. To echo the sentiment of one of the duty scheme volunteers quoted later in this report, we believe it is more vital now than ever that ASAP continues to stand up for those who need it most.



Pascale Vassie: ASAP chair



Roseanne Sweeney: ASAP director

# Full time duty scheme has successful first year

**ASAP's duty scheme at the asylum support tribunal provides free legal advice and representation to asylum seekers appealing decisions by the UK Border Agency to stop or refuse basic accommodation and welfare support.**

In September 2009 the duty scheme expanded to a five day week for the first time, which enabled us assist 569 asylum seekers – double the number of the previous year. A total of 367 were represented in their appeals while another 202 received specialist advice. Despite the big increase in numbers, we maintained our high success rate, with two-thirds of those represented successful in their appeals.

Most of the asylum seekers we assist are refused asylum seekers unable to return home for reasons outside their control. Most come from conflict zones or countries with well-documented records of human rights abuses. In 2009/2010 the main countries of origin were Iran (14%), Iraq (14%), Zimbabwe (10%), Democratic Republic of the Congo (7%) and China (5%).

Most of these people are very vulnerable. Often they have serious mental health problems as a result of torture or rape, problems made worse by being destitute for months, or sometimes years, in the UK. In 2009/2010, 28% were women. Many of them were victims of gender-related violence, including female genital mutilation, sexual violence and domestic slavery.

Life became even more difficult for asylum seekers over the past year as the government sought to reduce the cost of asylum support by cutting the numbers on support. This resulted in a big increase in appeal hearings between last December and April. In February alone there were 600 hearings as compared to a total of just over 2,000 appeals for the whole of 2009. The duty scheme's high success rate vindicates ASAP's belief that many asylum seekers continue to be unlawfully and inhumanely denied support.

**'Most of the asylum seekers we assist are refused asylum seekers unable to return home for reasons outside their control'**

The expansion of the duty scheme followed the recruitment of 12 solicitors from four city law firms as pro bono legal advocates. In 2009 we also recruited more volunteer barristers and four chambers now contribute volunteers: Doughty Street, Garden Court, Tooks and Renaissance. The expanded volunteer pool means that as well as operating five days a week, we are able to have two legal advocates at the tribunal on some days to cope with a large number of appeals.

We hope to be able to expand the number of barristers and solicitors working pro bono at the tribunal over the next 12 months so as to extend access to legal representation further.



Judith Seddon (Clifford Chance duty scheme volunteer), Paul Yates (ASAP management committee) and Marie-Anne Fishwick (ASAP legal adviser) receive the highly commended certificate from LawWorks chair Paul Newdick CBE

## ASAP highly commended in LawWorks Awards

**Our duty scheme was highly commended in the LawWorks Pro Bono Awards in June.** The award in the Best In Partnership Pro Bono category was a recognition of the successful collaboration between ASAP and four city law firms that provide us with pro bono legal advocates. The firms are Clifford Chance, Freshfields Bruckhaus Deringer, Herbert Smith and Simpson Thacher & Bartlett.

The award also recognised the challenging nature of the work: legal advocates usually have less than an hour to read through legal documents, take advice through an interpreter and prepare an argument before representing asylum seekers in hearings. Asylum seekers assisted are often very vulnerable, do not speak English and are frightened and tired having travelled long distances to the tribunal in East London. Sometimes they have no option but to bring their children with them.

Before they join the duty scheme, the volunteers attend a two-day training course given by ASAP's solicitor, and shadow experienced legal advocates. They are then assessed to ensure they are ready to start work. Ongoing support is provided in the form of one-to-one support, regular e-bulletins and structured refresher training. This is essential to keep volunteers up to date with important rulings and policy changes.

# Volunteers recount their experience of tribunal work

## Gwawr Thomas – Took's Chambers



*"A man weeps as he clutches a creased photograph of a beautiful baby girl – his daughter, barely months old. 'Is she back home?' I ask. 'No,' he replies, 'she's in London.' I am puzzled. Then the penny drops: this man is appealing the decision to terminate support on the grounds that he has breached a condition of support by exceeding the number of permitted absences from his allocated accommodation in Birmingham to visit his baby girl."*

*"Such are the heart wrenching stories that confront ASAP volunteers on each shift. They are cases which merit hours of meticulous preparation, but as we only meet most of our clients half an hour before the hearing, it is a persistent challenge to get the balance right between gleaning as much information as possible and showing sensitivity to individuals who may well be on the brink of losing – quite literally – everything they have.*

*"Perhaps the hardest task that volunteers face is having to tell those people whose cases seem so deserving, so desperate, that they do not meet the rigid criteria for asylum support. But then this is a system fraught with cruel ironies. A system where clients are by definition destitute, yet denied legal aid to prove they are 'sufficiently' poor. A system where clients come to prove their impending homelessness in plush premises nestled among the lavish Canary Wharf headquarters of some of the world's wealthiest businesses.*

*"It is for these very reasons that volunteering for ASAP is such a rewarding experience. It presents a real opportunity to confront the assumptions and prejudices that surround asylum seekers and give rise to such a negative view of their lives in Britain. At a time when the public perception of immigration issues is so tainted, it is more crucial than ever that ASAP stands up for those who need it most."*

**'At a time when the public perception of immigration issues is so tainted, it is more crucial than ever that ASAP stands up for those who need it most'**

## Anais D'Arville – Freshfields Bruckhaus Deringer



*"I recall an Iranian man who had been sleeping on friends' couches and in parks for months. He had been refused support on the basis that he had stayed with one friend for some time and should continue to stay with that friend. But his friend now had a wife and child and could not continue to accommodate the appellant. The look on that man's face when he realised he would have his own bed to sleep in (no matter where that was) is one I will remember.*

*"Successful cases are only part of the story. Clients may lose because they cannot prove they are 'destitute enough'. Clients may lose because the UK Border Agency is entitled to serve a refusal of their asylum claim, which brings an end to the support claim, on the day of the hearing. There are clients who win their appeal, but this will be no help because the offer of accommodation means they would need to move away from their wife and children.*

*"The duty scheme has benefits for the volunteers. It provides a chance to learn about a new and important area of law. It provides welcome advocacy experience and the chance to develop the ability to think on one's feet. Those skills are magnified by the fact that there is extremely limited time to review the material, interview the client and develop submissions.*

*"But the primary benefit is the opportunity to help people in need. Our clients often speak little or no English and have little understanding of what the tribunal is deciding. They do not have a home, and will often be living on the street. They may have medical problems. And of course, in many cases, the reasons that they have sought asylum are the unspeakable conditions or events in their own country. It is satisfying to be able to use one's skills to help in this small way."*

**'Our clients often speak little or no English and have little understanding of what the tribunal is deciding'**

# Raising awareness about support options and appeals

**One of ASAP's main activities is running training on asylum support law and asylum support appeals for refugee organisations and advice agencies.**

The aim of the training is to raise awareness of the support options available for asylum seekers and to increase the take up of support. We also train advisers on support appeals and how to appeal when support is refused or discontinued. This is important as many of the decisions made by the UK Border Agency are

of poor quality and are very narrow interpretations of the regulations governing support.

The training is meeting a real need, as asylum support law is complex and constantly changing and there are very few agencies with the expertise to provide asylum seekers with high quality advice. Those attending our training come from a wide range of organisations in the advice and refugee sectors, as well as specialist services in the health, criminal justice and women's fields.

## *Types of training courses*

*There are currently two types of training courses: a basic introduction to asylum support and a more specialised in-depth course for experienced advisers*

### **OUR BASIC OVERVIEW COURSE**

aims to increase awareness of asylum support law in the hope that more people will be able to access help.

The course covers entitlements to support for asylum seekers and refused asylum seekers, looks at the application process, and analyses some of the common problems encountered by advisers. It also deals with the appeals process. This course is aimed at smaller advice and refugee community organisations.

### **THE ADVANCED COURSE**

**COURSE** is delivered in-house to specialist advisers who want to explore in more detail some of the more complex aspects of the asylum support system. During these courses we are able to share the expertise acquired through our appeals work at the asylum support tribunal to enable advisers to put up more rigorous challenges to UKBA decision making. These courses are commissioned by larger agencies and course content is tailored to the needs of participants.

ASAP also runs events to raise awareness about asylum support law via workshops and surgeries with community organisations and user-led groups.

## Record of our work

**ASAP ran 10 training sessions in 2009/2010 which enabled us to reach 128 participants from 68 organisations throughout the UK.** The training included a series of regional events in Slough, Leeds, Newcastle, Glasgow and Coventry. In December 2009 we also organised a half-day Destitution Awareness event in London attended by over 70 people from organisations based as far away as Glasgow and Yorkshire. According to training evaluation questionnaires, 98% of participants reported that their knowledge of asylum support law and ability to give advice to asylum seekers about housing and welfare issues had increased as a result of the training.

Comments on feedback forms reflect a high level of satisfaction:

"An excellent qualified professional trainer and ... balance between theory and practical application of the knowledge," was how one participant put it.

Another wrote: "A very useful session ... [the trainer] is very knowledgeable and makes the information practical and accessible."

"As a frontline adviser for asylum seekers, we should get this training regularly," concluded another.

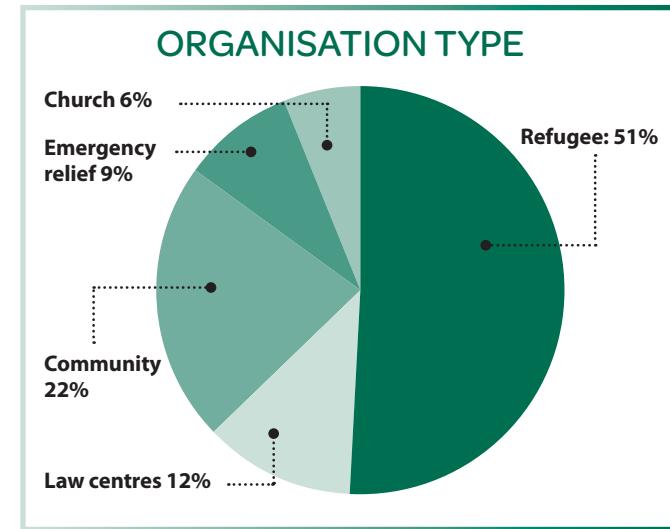
# Disseminating legal expertise to the frontline

**ASAP's second tier advice line provides free legal advice to advice workers on asylum support and support appeals issues three days a week.** This is a highly specialist area and the advice line is an effective way to disseminate legal expertise to frontline agencies so they can give high-quality advice to asylum seekers. Calls to the advice line often involve complex queries from organisations working with destitute asylum seekers with a wide range of support needs.

## Advice line facts

In 2009/2010, the advice line took 807 calls from 230 organisations – a 36% increase on the previous year:

- Most calls were from advice workers working in refugee organisations or advice agencies but we also had calls from law centres, solicitor firms and church groups (see chart and table)
- Sixty per cent of calls were on section 4 or so-called 'hard case' support for refused asylum seekers. Another 17% were on section 95 support for asylum seekers with asylum claims that were outstanding
- Calls were about asylum seekers from 43 countries, most commonly those with well-recognised records of human rights violations: Iran (15%), Zimbabwe (11%), Democratic Republic of the Congo (11%), Somalia (6%), Iraq (6%) and Eritrea (5%)
- Thirty six per cent of female clients had children, compared with just 14% of men; 40% of these had two or more children
- A snapshot survey showed almost 60% of callers had used the advice line in the past; 13% found it through the website, 9% through signposting, 7% through training and 3% through publicity.



## CALL NUMBERS BY ORGANISATION TYPE

Organisation type	Number of calls
Refugee	117
Law centres	28
Community	50
Emergency relief	20
Church	15

## Day in the life of the advice line

**Our advice line takes calls on a wide range of complex issues. Here is a sample of calls from one afternoon.**

- 1 An advice worker enquired about the legal position of a client who the UK Border Agency had agreed to support but at the same time had refused to support her partner, the father of their child, as it said it had not been provided with enough evidence that he was her dependent.
- 2 A call from an advice worker asked about what grounds of appeal to submit to the asylum support tribunal for a Palestinian client whose support was discontinued as he was considered by the UK Border Agency not to be taking enough steps to leave the UK. The client had been advised that there was no possibility of him ever being able to obtain the necessary travel document to leave the UK. He was effectively stateless.
- 3 An agency was looking for advice on behalf of a client and her child who were about to be made homeless. The client appeared to have a fresh claim outstanding with the UK Border Agency but much of the information about the client's stay in the UK was unclear. The challenge of giving accurate advice in cases like this is made more difficult because advice workers often do not have the expertise to gather the correct information about a client's circumstances.
- 4 An agency was looking for advice on the new procedures for submitting fresh claims for asylum seekers who arrived in the UK before April 2007. The questions asked were: at what point can these individuals make a claim for section 4 support and how long will it take for the UK Border Agency to respond to this support application?

# Overcoming unreasonable barriers to support

Refused asylum seekers qualify for support if they are destitute and meet one of a number of narrow criteria. These include that they are taking 'all reasonable steps' to leave the UK, are physically unable to leave the UK or that they are pursuing a fresh asylum claim. Most of the people ASAP assists at the asylum support tribunal are refused asylum seekers who are unable to return home through no fault of their own.



## CASE STUDY

### Not taking reasonable steps

**ASAP helped a man in his 20s who had been refused support on the basis that he was not taking all reasonable steps to leave the UK.**

The man, a Somali, was told that to return home voluntarily he should contact the International Organization for Migration (IOM). On the first occasion he turned up with his suitcase as he thought they could help him there and then, but was told that they could not help him. At the time the IOM was unable to assist people to return to Somalia. They told him to apply for support but his application was refused. The man then went back to the IOM to see if it had started taking people back to Somalia. He also tried to contact the Somali Embassy in London but he found out that the embassy in the UK doesn't exist.

The man had originally been refused support based on the fact that he hadn't contacted his caseworker or foreign embassies. However, at no point had the UKBA stated this in any correspondence to him. Nor was it made clear the exact steps that needed to be taken in order to comply with the reasonable steps for his return. He had made several calls and written letters to try to clarify matters but these had not had a response or had been mishandled. At appeal, ASAP was able to show that the man had been responsible in cooperating with the facilitation of his return. Consequently, the man was awarded support.

## CASE STUDY

### Physical impediment to travel

**ASAP assisted an older women with serious mobility problems to appeal against a decision to discontinue her support. Her support was stopped on the grounds that there was no physical impediment which prevented her from leaving the UK. The appeal took place via video link at a tribunal close to where she lived.**

At the appeal a number of statements were provided by medical practitioners, two of whom saw the woman on a regular basis. They provided medical evidence on her long-standing physical and psychological health problems. In their reports they stated that she was suffering from muscular pain, severe leg and hip pain and was also of a fragile disposition. She had been prescribed morphine to control the pain. In addition they stated that she was unable to sit still for longer than 20 minutes. In fact during her appeal hearing she had to be helped to stand three times in order to ease the pain in her back. The doctor for the UKBA had provided a statement saying that in his opinion the woman would be able to travel if given enough painkillers and was assisted to move around the plane during the flight.

During the appeal ASAP pointed out that the UKBA doctor was not in the best position to make such a statement as he had never seen or examined her. On the other hand, her own doctors, who saw her on a regular basis, were firmly of the opinion that she was unable to travel. The judge hearing the appeal accepted the opinion of her own doctors and found that there was a physical impediment to this women travelling. Her appeal was allowed and her support continued.

**CASE STUDY**

## Destitution

**ASAP represented a mother and daughter who were appealing a decision to refuse asylum support on the grounds they were not destitute.**

At the time of the application they had been living with a friend in a property in a poor state of disrepair infested with mice. Both mother and daughter were very vulnerable on account of the torture and abuse they had suffered in their country. The mother had recently undergone surgery and was having difficulties functioning on a day to day basis and required help with washing and dressing. The daughter was suffering from panic attacks and had a history of self-harming. All agencies working with them had expressed serious concerns about their welfare. ASAP represented them in their appeal and argued successfully that they should be awarded support. ASAP also ensured that the family were provided with accommodation in London so as not to disrupt the treatment they were receiving there. In addition the legal adviser helped them find a new solicitor who specialised in women's asylum claims. They were subsequently granted indefinite leave to remain.

**CASE STUDY**

## Unreasonable evidence

**As well as the narrow criteria around entitlement, ASAP believes one of the barriers to support is the large and unreasonable amount of evidence requested from the UKBA of asylum seekers to back up their applications.**

ASAP represented one woman at the asylum support tribunal who had been refused support twice on the grounds that there was insufficient evidence to prove she was homeless. The woman was single and had a baby. She had been staying with friends but they were unable to accommodate her any longer after the birth of her child because it was too much of a financial burden. She applied for support on the grounds that she had a fresh asylum claim outstanding and was destitute, providing evidence of her asylum claim, a letter from her friend detailing why she couldn't support her any longer, a character reference from her GP and the birth certificate of her child. However, her application was turned down on the basis that the friend who had supported her had not stated exactly when they would be terminating their help. She then gathered further statements from her friends as to why they could not help any longer and resubmitted her application but this was again rejected by the UKBA. She appealed this time and was represented by ASAP at the asylum support tribunal. She won her appeal.

## WHAT THEY SAID ABOUT US

*Some feedback from people we helped at the tribunal*

*'Your work has really helped me. I had no idea how to go about my case. I'm so pleased'*

*'I was dazed and confused and without your help I would have been totally lost'*

*'You helped me a lot with my support matter and gave me very good advice. I really appreciate it. Thanks'*

*'It was very important to have someone here today'*

*'Your advice was very good because it prepared me for possible questions I might expect in the tribunal so I was prepared for it'*

*'I'm very happy. Without your help I don't know what would have happened'*

*'You have helped a lot. Thank you'*

# Destitution: the big issue in London-based appeals

**ASAP's London Project aims to improve the access of London-based asylum seekers to the appeals system and asylum support advice.**

Funded by London Councils, it was set up in July 2008 to cater for the specific needs of London-based asylum seekers. Between 2007 and 2010, a fifth of all ASAP appeals originated from London, making the capital the city that generates the biggest proportion of our appeals work.

Overall, this has been a very successful and busy year for the London Project.

In 2009/2010 the London Project assisted in 84 appeals originating from 24 London boroughs, representing 69 appellants and advising another 15 before their appeals. Individuals assisted were predominantly of African origin and aged between 25 and 34 years; 60% were women, which is significantly higher than our national average of 40%. We won or obtained a remittal in 71% of cases represented, again higher than the national average. A total of 53 referrals to the duty scheme came from 20 London organisations.

The majority of London cases concern the refusal of section 4 support and 45% of those helped had been refused support because it was not believed that they were destitute, making this the single biggest issue in London-based appeals. We won 75% of destitution appeals, demonstrating how often the UKBA's decision making is wrong. This is more than 15% higher than our national success rate and is perhaps indicative of a particular aspect of London-based appeals. We plan to explore these issues in more depth in a policy report that will be published at the end of 2010.



# Helping women escape destitution and exploitation

**Female asylum seekers often struggle to cope with difficulties related to their gender. A significant number have suffered violence either in their own countries or the UK, including rape, domestic violence or other forms of sexual violence. Many are suffering from physical and mental health problems as a result, and have post-traumatic stress disorder or depression. Others may be pregnant or struggling to bring up children on their own.**

ASAP's Women's Project, funded by Comic Relief, works to ensure women who have been victims of violence and exploitation get legal advice and representation to make successful applications for housing and welfare support. Destitution poses particular problems for women as it puts them at risk of violence or sexual exploitation. Many women are caught up in abusive relationships as they have nowhere else to go. Others are forced into sex work as it is the only way they can support themselves and their children.

Securing housing and welfare support is vital to help minimise the risks these women face while in the UK.

## Pregnancy campaign

The Women's Project has been working hard to improve asylum support to refused asylum seekers who are pregnant and destitute. These women lost their support from the UK Border Agency when their asylum claims failed and the majority will not qualify for support again until six weeks before the birth of their baby. This is despite the fact that asylum-seeking women have poorer health and are at increased risk of maternal death than the wider population. Refugee and asylum-seeking women make up 12% of all

maternal deaths in the UK but constitute just 0.3% of the population as a whole.

In 2009, ASAP's Women's Project developed a legal argument at the asylum support tribunal which allowed women to obtain support earlier than the last six weeks of their pregnancy, and we subsequently formed a partnership with Maternity Action and the Royal College of Midwives to develop the campaign at national level, work which is ongoing.

We are also working closely with Refugee Action, the Refugee Council and Asylum Aid to bring about other policy changes, including ending the practice of dispersing pregnant women. This is often done very close to the delivery date, which disrupts the care women are receiving from maternity services and can be detrimental to the wellbeing of both the mother and baby.

## Record of our work

The Women's Project combines providing destitute women with free legal advice and representation at the asylum support tribunal, and training organisations working with women asylum seekers, on advocacy and policy work.

A sample of activities over the last year includes: providing training and one-to-one surgeries to 20 women, mostly from Eritrea, Ethiopia and the Democratic Republic of the Congo at Women Asylum Seekers Together; staging a training event in partnership with Rights of Women; joining a group advising the newly appointed UK Border Agency Gender Champion; and successfully carrying out our first ever video link appeal for an older woman from Western Africa unable to cope with a long distance flight as she had serious mobility problems.

The Women's Project has been working hard to improve asylum support to refused asylum seekers who are pregnant and destitute



# Working for a humane system



**ASAP uses evidence gathered from our duty scheme and second tier advice line to engage in policy and litigation to bring about informed, humane and lawful policies and procedures on asylum support.**

## Highlighting the difficulties caused by the new fresh claims policy

In October 2009 the UK Border Agency announced, without notice or consultation, a new compulsory procedure for refused asylum seekers to lodge fresh representations. Previously, fresh representations – new evidence or arguments that a refused asylum seeker wants the UKBA to accept as the basis of a new asylum claim – could be lodged with the UKBA by post. Under the new policy, failed asylum seekers who made their original asylum claim before March 2007 must make an appointment and travel to the UKBA office in Liverpool to lodge their representations in person.

The new policy is causing extreme difficulties. An appointment in Liverpool must be booked in advance through a designated telephone number

and many applicants have had difficulty in getting through. The UKBA is refusing to pay travel expenses for the journey to Liverpool and most refused asylum seekers do not have the means to buy train or coach tickets. The UKBA is also refusing to consider applications for section 4 support until 15 days after any representations have been lodged in accordance with the new policy. In the meantime, applicants are being left destitute, even street homeless.

ASAP believes that the new policy is illegal as it is inevitably causing breaches in human rights and over the past year we have been instrumental in highlighting our concerns in policy briefings, stakeholder meetings, by writing to the UK Border Agency, and in media articles.

A judicial review claim was issued challenging the UK Border Agency's refusal to grant section 4 support to an applicant who was unable to make an appointment or travel to Liverpool to lodge fresh representations. The claim has been withdrawn, but ASAP is investigating and considering other possible challenges.

## Building our litigation strategy

Litigation, in conjunction with policy and advocacy work, is an important part of ASAP's strategy of encouraging the UK Border Agency to fulfil its legal obligations to asylum seekers. This year, ASAP challenged a range of policies and practices by threatening, instigating and supporting legal action. We have written a number of detailed letters to the UK Border Agency, including pre-action letters threatening legal proceedings, referred clients on to solicitors' firms and provided evidence in support of judicial review challenges. The solicitor's post created in 2009 was instrumental in our ability to carry out this work.

**Over the past year, ASAP has instigated and/or supported four judicial reviews challenging UK Border Agency policy on asylum support:**

- A successful challenge on the interpretation of regulations for asylum seekers seeking section 4 support on the basis of having lodged a judicial review. This has resulted in extending access to support to more refused asylum seekers
- An ongoing challenge, currently in the Court of Appeal, to the UK Border Agency's practice of splitting families by requiring those claiming section 4 support to live separately from their families where their family is not on support
- An ongoing claim on the basis that refused asylum seekers who have lodged fresh asylum claims should be entitled to support under section 95 (cash support) rather than section 4 (accommodation and pre-paid payment card)
- A challenge to the UKBA's recent policy change requiring refused asylum seekers to lodge fresh asylum claims in Liverpool and refusing to grant section 4 support in the meantime.

**Over the coming year, ASAP plans to continue to support existing challenges to UKBA policy, while developing our litigation strategy and pursuing other legal issues with the UKBA. This includes the UKBA's practice of withdrawing from many tribunal appeals, denying destitute asylum seekers a tribunal decision and prolonging their destitution.**

## Financial information

**At 31 March 2010 ASAP's net assets were £78,011, of which £8,628 were restricted funds and £69,650 unrestricted funds**

The financial statements shown are a summarised version of the financial statements for the year ended 31 March 2010, which were approved by ASAP's management committee on 21 September 2010. 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.

### STATEMENT OF ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2010

	Unrestricted funds	Restricted funds	Total funds 2010	Total funds 2009
<b>Incoming resources from generated funds</b>				
Voluntary income	£43,783	£173,537	£217,320	£176,404
Interest received	£702	–	£702	£685
<b>Total incoming resources</b>	<b>£44,485</b>	<b>£173,537</b>	<b>£218,022</b>	<b>£177,089</b>
<b>Resources expended</b>				
Charitable activities	£24,005	£171,064	£195,069	£163,362
Governance costs	£440	£2,740	£3,180	£2,705
<b>Total resources expended</b>	<b>£24,445</b>	<b>£173,804</b>	<b>£198,249</b>	<b>£166,067</b>
Net (outgoing)/incoming resources and net income for the year	£20,040	–£267	£19,773	£11,022
<b>Net movement in funds</b>	<b>£20,040</b>	<b>–£267</b>	<b>£19,773</b>	<b>£11,022</b>
Total funds at 1 April 2009	£49,610	£8,628	£58,238	£47,216
<b>Total funds at 31 March 2010</b>	<b>£69,650</b>	<b>£8,361</b>	<b>£78,011</b>	<b>£58,238</b>

# Acknowledgements

Thank you to our funders, members and many others who supported ASAP during 2009/2010



Pictured outside the Law Society: ASAP's 16-strong team who raised £8,000 in the London Legal Sponsored Walk organised by LLST in May 2010. Thank you to everyone who walked – including Southwark Law Centre's five walkers – or donated or gave the team moral support

## Funders

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London Legal Support Trust  
Matrix Chambers  
Rowan Charitable Trust  
Simpson Thacher & Bartlett  
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## Others

All ASAP members  
Ros Bragg  
Richard Brophy  
Sarah Cox  
Tom Dunn  
First-tier Tribunal (Asylum Support)  
Wesley Harcourt  
Immigration Law Practitioners Association  
Kat Lorenz  
Bob Nightingale  
Pierce Glynn solicitors  
Rights of Women  
Sinjini Saha  
Southwark Law Centre  
Mary-Lou Wedderburn

# ASAP

ASYLUM  
SUPPORT  
APPEALS  
PROJECT

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

## Management committee

**Chair:** Pascale Vassie

**Treasurer:** Charles Ssemppija (since June 2010)

**Secretary:** Stefanie Borkum

Sarah Cutler (resigned March 2010)

Alison East

Maria Gonzalez Dardagan (resigned October 2009)

Elaheh Mahsoori

Pauline Nandoo (resigned October 2009)

Alison Pickup

Sue Willman

Paul Yates

## Staff

**Director:** Roseanne Sweeney (since December 2009)

Eiri Ohtani (until November 2009)

**Solicitor:** Mike Spencer (since August 2010)

Colin McCloskey (until May 2010)

**Women's legal adviser:** Gerry Hickey

**Legal adviser:** Marie-Anne Fishwick

**Administrator:** Oliver Griffiths (since August 2010)

Tom Copeland (until January 2010)

Sophie Lemberger (temporary)

**Office volunteers:** Sarah Awa, Zoumana Diabate,  
Jackie Feldman, Sri Kambhammettu,  
Jessica Taylor-Laybourn, Charlotte Wakam

**Charity number:** 1105625  
**Company number:** 04763838

ASAP is funded by



## Duty scheme volunteers

### Solicitors

Anne Musker (Clifford Chance)

Judith Seddon (Clifford Chance)

Badri Natarajan (Clifford Chance)

Chris Ninan (Clifford Chance)

Anais D'Arville (Freshfields Bruckhaus Deringer)

Cristian Nitsch (Freshfields Bruckhaus Deringer)

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Marina Lin (Simpson Thacher & Bartlett)

### Barristers

Alasdair Mackenzie (Doughty Street Chambers)

Steve Broach (Doughty Street Chambers)

Alex Gask (Doughty Street Chambers)

Alison Pickup (Doughty Street Chambers)

Ben Silverstone (Doughty Street Chambers)

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Mehvish Chaudhury (Renaissance Chambers)

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Terry McGuiness (Tooks Chambers)

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Caroline Cross (One Crown Office Row)