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Policy Changes: Fresh Claims and Section 4 Support

Unfair Treatment of Failed Asylum seekers who want to make a Fresh Asylum Claim.

A new system has been introduced by the UK Borders Agency (UKBA) from 13th October for fresh representations. The new system will cause extreme difficulties for many applicants. Some may find it impossible to make fresh representations. This new system has been severely criticised as oppressive and unlawful.

Fresh representations (or submissions) consist of new evidence or arguments that a failed asylum seeker wants UKBA to accept as the basis of a new asylum claim. They can come about, for example, when:

- new documentation comes to light or
- there is a change in the circumstances of the failed asylum seeker or in his/her country or
- there is a change in immigration law

Before 13th October 2009, a failed asylum seeker could lodge fresh representations with UKBA by post. Without any prior notice or consultation UKBA announced that from 14th October any fresh representations have to be lodged in person.

Individuals who made their first claim for asylum on or after 5th March 2007 (and who are now dealt with as NAM cases) must lodge any fresh representations at their reporting centre. The real problem is for those who made their original asylum claim before 5th March 2007. These individuals (so-called 'legacy cases') must travel to Liverpool to lodge any further representations in person.

The new system is causing serious hardship because:

- An appointment in Liverpool must be booked in advance by telephone.
- It has been extremely difficult to get through to the designated Liverpool telephone number to make an appointment.
- Only sometime after the system had been introduced was it discovered that UKBA transferred the Liverpool telephone line to an answering machine once bookings for the next ten days are made. This happened on average, at around midday each day. Many did not realise this because the line was constantly engaged and so they did not reach the answering machine.
- UKBA refuses to pay any travelling expenses for the journey to Liverpool once an appointment is made.
- Many failed asylum seekers do not have the means to buy train or coach tickets.
- Some charities are paying for fares but they cannot do so indefinitely.
- Even those who are too ill had to telephone the same Liverpool number and then produce medical evidence to prove that they could not travel. But they also could

not get through. In the meantime UKBA has announced that these individuals can make different arrangements to lodge their fresh representations, ie by contacting their own local UKBA case worker/team.

- UKBA is refusing to consider any claim for section 4 support based on the fresh representations while they are being considered – unless this takes more than 20 working days.

ASAP believes the new system is unlawful. It has been brought in with the clear, though not expressed, purpose of making it difficult for fresh representations to be submitted.

ASAP has prepared and issued monitoring sheets for immigration lawyers to record difficulties experienced in making an appointment with Liverpool by telephone. Please email us if you would like copy. If enough are returned we shall use them in judicial review applications against the new system where the asylum support is being challenged. Two judicial review claims have already been issued.

ASAP Appoints New Director and New Volunteer

ASAP is pleased to welcome our new Director and new office volunteer

Roseanne Sweeney has been appointed the new Director of ASAP. Roseanne has worked in senior management in charities combating social exclusion for the past five years in the drug and LGBT sectors. Prior to this, Roseanne worked as a journalist in the BBC.

Roseanne said: “I am delighted to be joining an organisation with such an important role to play in reducing destitution among asylum seekers. I look forward to working with the rest of the team to increase ASAP’s impact challenging unjust and illegal decision making and policies around asylum support.”

Roseanne replaces Eiri Ohtani who left ASAP at the end of November after four years. Everyone at ASAP wishes Eiri good luck in the future.

Another recent addition to the team is Sarah Awa who is undertaking a six month placement, once a week, as part of the final year of her degree course. She is very enthusiastic about the work done at ASAP and the general ethos of the charity.

Sarah said: “I am privileged to have the opportunity to work with a charity dedicated to helping asylum seekers with asylum support issues. It’s great to be learning about such a niche area of law I previously had no idea existed!”

If you are interested in volunteering with ASAP you can read more information on our [website](#) or email office@asaproject.org.uk

Consultation: Changes to the Asylum Support System

Proposed changes to asylum support and asylum support appeals

UKBA has issued proposals for changes to asylum support provision which are set out in **Part 11** of the *Draft Immigration Bill* (the Bill) and a consultation paper entitled ‘*Reforming Asylum Support: Effective Support for those with Protection Needs (November 09)*’. **Part 11** of the Bill contains the powers needed to make these changes. This part of

the bill also includes powers which seek to reduce the rights of individuals to appeal against a decision made by UKBA about their entitlement to support. UKBA have invited agencies working with asylum seekers to give their views on the proposed changes by the **4th of February 2010**.

If brought into law, the changes would have serious implications for individuals who are either in receipt of support or who wish to apply for it. In relation to support, they are proposing to make several changes, such as removing cash support to families whose asylum claim has been refused and replacing it with a card based payment scheme, or in some cases, full board accommodation. In many instances they are also proposing to restrict the right of appeal against decisions by UKBA to either refuse or discontinue support.

It is important to note that at this stage it is unclear **when or whether** these changes will happen as the current government has made it clear that they do not expect this Bill to pass into law before the next general election which is due to take place sometime this year. It is also unclear what would happen to the draft Bill if there is a change of government. A new government could choose to reject the Bill or could adopt some or all of the changes proposed. Despite this uncertainty ASAP will be responding to the consultation as we are very concerned about several of the changes being proposed. We will also use this opportunity to highlight the ongoing problems with the current system of support, particularly in relation to the poor quality of decision making surrounding support applications, and the ongoing delays destitute asylum seekers face when they apply for support.

ASAP has produced a more detailed briefing on the main changes being proposed. To obtain a copy of the briefing please [click here](#). If you would like to obtain a copy of the consultation document on asylum support or the Draft Immigration Bill it is available on UKBA's website ([click here](#)).

If you would like your own comments to be included in ASAP's response to these proposals please contact Gerry Hickey by telephone or email (Gerry@asaproject.org.uk) by 29th January 2010.

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Azure Cards Update

After a delay of many weeks, the UKBA has launched the new Section 4 payment cards, otherwise known as the Azure Card. Their roll out is progressive and started in Glasgow on 30th November 09.

Further roll out dates are:

- 7th December 2009 for London, the South East and South West of England, and Wales
- 4th January 2010 for the North West of England
- 18th January 2010 for the North East, Yorkshire and Humberside
- 1st February 2010 for West and East Midlands and the East of England.

The UKBA have reported that there have been some initial problems with payments on the card, which they are working to address. Only 56% transactions were successfully concluded in the first two weeks. They have found that failed transactions have mainly been caused by technical problems and insufficient funds on the cards to meet the payments.

ASAP has had concerns about these payment cards, outlined in previous newsletters. We believe therefore it is important that organisations keep evidence of any problems with

this card and submit this to UKBA (Section 4 Payment Cards Project Team). Although in the first instance, faults and problems should be reported to Sodexo, who runs the scheme on behalf of the UKBA. Their number is found on the back of the card.

ASAP has produced a more detailed Newsflash on the Azure card's – [please click here to read this newsflash.](#)

For more information on this article contact marie-anne@asaproject.org.uk

Destitution Awareness Week – Destitution Information Exchange 2009

On 16th December 2009, ASAP marked Destitution Awareness Week (an annual event highlighting the struggle of destitute asylum seekers in the UK) by hosting an Information Exchange for organisations and individuals who, like ASAP, work to reduce destitution amongst asylum seekers.

Over 40 different organisations from various parts of the UK attended the event (over 70 individuals) with some 16 other organisations asking to be kept informed of the day afterwards. This was encouraging as the event aimed to raise awareness of the issues facing destitute asylum seekers and enable participants to provide them with more comprehensive practical advice and support.

This was an excellent opportunity to **build stronger and more informed links between agencies, organisations and individuals who work with asylum seekers.** We would like to thank all organisations that participated in the event. Particularly the speakers and stallholders.

In early 2010 ASAP will produce a report of the day containing the different presentations, Q&A sessions and a list of all participating organisations and their contact details and circulate it to all participants and colleagues.

Many thanks to speakers :

Michael Tarnoky (Refugee and Migrant Justice)

Carmen Kearney (Asylum Aid)

Sara Ayech (Refugee Action)

Livia Ottisova (Medecins du Monde - Project:London)

Mel Steel (Terrence Higgins Trust)

Tamsin Algiers (London Detainee Support Group)

Mare-Anne Fishwick (Asylum Support Appeals Project)

Many thanks to stallholders from:

Asylum Support and Immigration Resource Team (ASIRT)

Asylum Aid

Birmingham Law Centre

Birth Companions

British Red Cross (London)

The Boaz Trust

Helen Bamber Foundation

HOPE Projects

London Detainee Support Group

Medecins du Monde

MIND Haringey

Notre Dame Refugee Centre

ASAP's Annual General Meeting 2009

Thank you to everyone who attended our AGM

ASAP's AGM took place on 3rd November 2009 and we are grateful to everybody who attended and helped make our AGM a huge success. Rejoice Farai Mahwada of the Zimbabwe Association gave the main speech, describing her own experience of the asylum system in the UK.

Gerry Hickey, ASAP legal adviser, provided an update on ASAP's Women's Project funded by Comic Relief. The Project aims to address asylum support issues which are specific to vulnerable female asylum seekers.

We would like to welcome Sarah Cutler back to ASAP's Management Committee. In particular we would like to thank Doughty Street Chambers who kindly hosted our AGM and provided refreshments. We are extremely grateful for all your support to ASAP's work.

Full minutes of the AGM can be obtained by emailing office@asaproject.org.uk or calling us on 0208 686 1888.

ASAP Training Sessions on Asylum Support

Our November sessions were a great success

ASAP offers free training sessions for small advice agencies and RCO's on support options available for refused asylum seekers. These sessions are particularly suited to those advising destitute asylum seekers on accessing support.

In November we held two training events in Glasgow and London. Both sessions were a great success with 20 people from various organisations attending in Glasgow. There was an extensive interest in the London session with over 40 people hoping to attend. Due to the high level of interest, ASAP will be holding a second event for those who were unable to attend the event in November.

We hope to hold further training sessions this year. Please keep checking our [website](#) for information about potential dates and locations. Alternatively you can email our office at office@asaproject.org.uk for more information.

If you would like ASAP to run a training event in your organisation or region please also email the above address.

ASAP Seeks New Treasurer

ASAP seeks a treasurer to join our Management Committee

We are looking for a treasurer to join ASAP's management committee to help shape the organisation's future strategy. If you have some financial expertise, some time to contribute every month and share ASAP's commitment to promoting justice and equality for asylum seekers in the UK please download the [Treasurer Information/Application Pack](#).

If you would like an informal conversation about the role please contact Roseanne Sweeney on 020 8686 1888.

New Advice Line Opening Times

The Advice Line offers advice on asylum support to advice agencies and organisations involved with asylum seekers. The Advice Line will be open on **Mondays, Wednesdays and Fridays** between **2pm and 4pm**. Please note we are unable to give advice to individual asylum seekers and we do not give immigration advice.

Advice Line: 0845 603 3884

LDAN Update

Information on the London Destitution Advice Network (LDAN)

Dates for 2010 Meetings

LDAN will continue to meet in 2010 on:

- Monday 1st February
- Tuesday 25th May
- Thursday 2nd September
- Monday 6th December

The meetings will continue to be held at the offices of the Red Cross in Angel (5 Berners Road, London N1 0PW) between 3 and 5 pm. ASAP is grateful to the Red Cross for continuing to let us use their premises.

What is LDAN?

LDAN is a network of voluntary sector organisations in London working with destitute asylum seekers. We meet quarterly to exchange information about policy changes, project updates and other news so that we can together be as effective as possible in our work with this group. LDAN also sends regular email updates. LDAN is facilitated by ASAP and receives funding from London Councils for this project.

If you want to join the group or find out more information, please get in touch with Marie-Anne Fishwick at marie-anne@asaproject.org.uk or on 0208 686 1888.

Charting our work

Some of the things ASAP has done from October 2009 – January 2010

DATE	ACTIVITY
6 th October 2009	Equalities Action Planning Event
14 th October 2009	CRD Meeting
3 rd November 2009	ASAP's AGM
10 th November 2009	London Destitution Advice Network Meeting



12 th November 2009	ASAP Training event in London
16 th November 2009	ASAP Training event in Glasgow
23 rd November 2009	Azure Card Meeting with UKBA
25 TH November 2009	Parliament Meeting
9 th December 2009	Attended BAN Meeting
10 th December 2009	Meeting with the Refugee Council
15 th December 2009	NASF Meeting
16 th December 2009	Destitution Awareness Week Destitution Information Exchange

END OF JANUARY 2010 NEWSLETTER
