

ASAP NEWS APRIL 2008

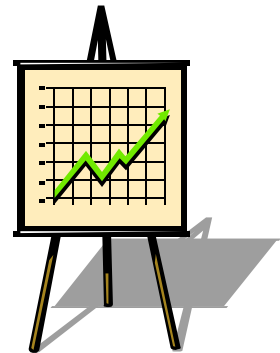
Asylum Support Appeals Project

Registered charity no. 1105625 Company limited by guarantee no. 04763838

Record number of destitute asylum seekers assisted by ASAP in 2007/08

2007/08 was a busy year for ASAP.

ASAP's Duty Scheme provided specialist legal representation to 166 destitute asylum seekers and gave 80 people legal advice before their asylum support appeal hearings. This shows a 22% increase compared to 2006/07.



ASAP's Advice Line was even busier in 2007/08, receiving the double the volume of requests for advice than the previous year. In 2007/08, we dealt with 506 enquires from over 100 advice agencies about their clients' asylum support issues. In 2006/07, we received 249 queries. We hope to continue to provide competent legal representation in 2008/09.

Free legal representation at the Asylum Support Tribunal in Croydon

If your client has an oral hearing at the Asylum Support Tribunal in Croydon wants ASAP to represent the case, please call us on **0845 603 3884**. It helps us to have as much information as possible before the hearing.

ASAP Duty Scheme runs on **Mondays, Tuesdays and Thursdays**. We are normally able to represent 2 - 3 cases a day.

Sometimes we are also able to take on cases on other days. Currently, we are prioritising vulnerable women asylum seekers.



Meeting with CRD - Section 4 Support delays

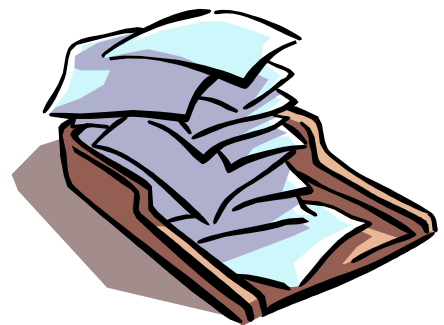
Colin McCloskey of ASAP attended a meeting of with Case Resolution Directorate (CRD) on 3rd March and listed our main concerns with delays and other s4 problems. (This followed the earlier discussions on s4 problems that ASAP and other agencies had with BIA at the National Asylum Stakeholders Forum – see our February 2008 newsletter.)

BIA's response at that meeting was discouraging. BIA stated that it was largely meeting its targets, and where delays occurred in determining applications, they were mostly due to the failure of s4 applicants in providing all the necessary information with the original application.

This response is worrying and ASAP does not find BIA's reasoning very convincing. However, if accurate, applicants who are destitute failed asylum seekers cannot realistically be expected to promptly produce all that BIA currently demands.

Such demands can include:

- precisely worded doctors' reports
- detailed chronology of all attempts to telephone IOM or their own embassy to try and obtain travel documents
- written history with bank accounts of any period of employment when they have had permission to work



ASAP will be attending a workshop on 29th April that CRD has set up to thrash out these and a number of other problems with s4 support.

Now it's UKBA!

IND (Immigration and Nationality Dept) was replaced by BIA (Border & Immigration Agency) last year.

From 3rd April 2008 it is UKBA: UK Border Agency

Support:

NASS (National Asylum Support Service) was replaced last year in BIA by CRD (Case Resolution Dept.)

S4 Problems raised with UKBA (formerly BIA)

ASAP and other agencies have raised a number of specific problems with s4 support with UKBA. The list of problems was presented at the NASF meeting in January 2008. An expanded written list has now been forwarded to UKBA. UKBA is being asked to fully address these issues, which include the following:

1. Delays in response/decision from BIA on s4 applications

A delay of 2-4 weeks is not unusual for a decision to be made on a s4 application. This is despite UKBA's stated targets of

- 48hrs for Priority A cases (i.e. particularly vulnerable people due to disability, pregnancy etc.)
- 3-5 days for priority B cases (i.e. other cases)

2. Delays in allocation of s4 accommodation

- After original grant of support
- After a successful appeal when the Asylum Support Tribunal has ordered that the Appellant is entitled to support, unlawful lengthy delays are usual before support is actually provided.

3. Arrangements for appellants' attendance at AST in Croydon

Instead of train tickets, UKBA has recently been arranging for appellants to travel by coach to the AST in Croydon. This takes longer and is more exhausting, especially for those with poor health or with young children etc. It appears that more overnight stays have become necessary because Appellants cannot get back to their area the same day.

Despite this, the only accommodation provided by UKBA in Croydon is bed & breakfast without any main meals or additional support or sustenance. As a result, appellants - including the particularly vulnerable - are forced to attend their appeals with a lack of support/food for up to 3 days.

4. Detainees

Special difficulties have been experienced by detainees. Apart from delays we believe that the law relating to s4 support for detainees has been misinterpreted by BIA.

See our separate article in this newsletter for success on this point

5. Withdrawal of support despite outstanding AST appeal

ASAP hopes some appellants will be able to challenge this soon using judicial review.

Latest news for Iraqi failed asylum seekers on section 4 on the basis of no viable route of return

In a letter dated 6 March 2008, Claire Bennett, Deputy Director of Case Resolution Directorate, said that the Home Office was about to write to Iraqi failed asylum seekers receiving section 4 support on the basis of no viable route of return. The letter would inform them that they no longer qualify for support under this criterion because the Secretary of State considers travel to Iraq from the UK to be 'both possible and reasonable'.

"The Secretary of State considers travel to Iraq from the UK to be 'both possible and reasonable'"

Iraqi failed asylum seekers who come under this category have 21 days to respond to the letter received from the Home Office. In order to prove that they continue to be eligible for section 4 support, Iraqi failed asylum seekers who receive such a letter

'must confirm that they have registered for an assisted voluntary return to Iraq or that they have otherwise arranged or are in the process of arranging their own return to Iraq (together with supporting evidence), or that they are otherwise eligible for continued accommodation under section 4 (including details and evidence of the relevant criterion).'

If you want to find out about section 4 eligibility criteria, please call ASAP on 0845 603 3884.

Latest news for Zimbabwean failed asylum seekers

In a letter dated 21 February 2008, Emily Miles, Director of Case Resolution, said that the Home Office is considering writing to all Zimbabwean failed asylum seekers whose cases are dealt with by the Case Resolution Directorate, informing them of the Asylum and Immigration Tribunal's determination in HS and encouraging voluntary return to Zimbabwe.

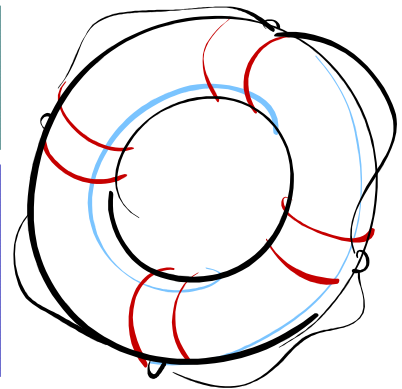
The Home Office was (on 21 February 2008) about to start a pilot exercise on around 500 adult Zimbabweans in the North West whose asylum claims (including any appeals) have failed. These people were to receive a letter from the Home Office outlining the above information.

Extra provision for those on Section 4

On 31 January 2008 new Section 4 regulations were introduced. These mean that extra vouchers will be available to pregnant women, new mothers, children and others with additional needs being supported under Section 4. There will also be extra help available for essential travel and phone calls. Below is a brief list of the new vouchers/help available and how much people will receive:

Pregnant Women: This group can claim £3.00 extra per week in vouchers during their pregnancy

Pregnant Women/ New Mothers: A one-off supply of maternity vouchers worth £250 can be given to pregnant or new mothers to help them buy essential items such as cots, prams, clothes etc



Children's Clothes: Parents and guardians receiving Section 4 support can apply for £5.00 extra a week for clothing for each dependent child (under 18) living with them.

Children under Three: Parents and guardians can apply for extra vouchers for supported children up to the age of three. £5 extra per week is available for babies under one year, and £3 is available for children between one and three.

Essential Travel or Exceptional Specific Needs: Those receiving Section 4 support can apply for assistance with travel to health appointments; to register the birth of a child; or for some other exceptional reason, such as attending a funeral. This likely to be in the form of travel tickets etc.

How to Apply

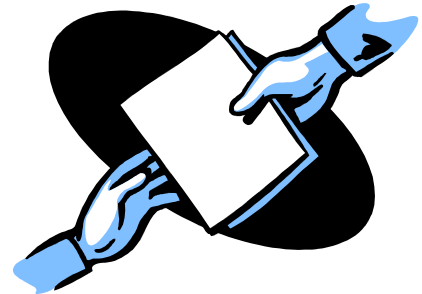
There is a special Section 4 application form to apply for additional help. Forms should be available from the accommodation provider or from local One Stop Services such as Refugee Council and Refugee Action. The decision on whether to grant these extra vouchers will be made by the Section 4 team at BIA. If the person is refused extra vouchers there is no right of appeal but we would recommend that the person seeks advice from their local refugee agency.

Jesuits Refugee Service / Notre Dame Refugee Centre voucher exchange scheme

An innovative “voucher exchange programme” has been launched by the Jesuits Refugee Service. It is a simple idea: exchange section 4 supermarket vouchers worth £35 with £35 cash. This way, those people on section 4 have flexibility of where they shop and how they spend their £35 weekly entitlement.

If your agency wants to run a similar scheme, please contact Claire Lawrence at claire.lawrence@jrs.net for more information.

One of ASAP’s regular users, the Notre Dame Refugee Centre, has also started running their own voucher exchange programme. They are based just off Leicester Square in London. For more information, contact Christine Diaz at drop-in@notredamerc.org.uk, tel 020 7440 2661.



Free training session for Family Rights Groups

An introduction to child care law and child protection procedures for asylum seeking families

22nd May 2008, 10.30 am – 3 pm in London

For more information, contact Family Rights Group, The Print House, 18 Ashwin Street, London E8 3DL, Tel: 020 7923 2628 Fax: 020 7923

Training: Support options for ‘failed’ asylum seekers



ASAP is holding free training sessions in London and Birmingham for advice agencies and refugee community organisations advising destitute asylum seekers. The training in London will take place on 18 June, and the Birmingham session will be on 2 July.

For more information, please contact office@asaproject.org.uk

Women's Project

ASAP has just started a new project targeting the needs of destitute female asylum seekers who have been victims of sexual violence.



The project will work with women's organisations throughout the UK that support female asylum seekers. We recognise that destitute female asylum seekers have particularly complex needs and are vulnerable. The project will ensure that women's access to asylum support is improved and that organisations working with female asylum seekers know how to access asylum support. ASAP is looking forward to working with women's organisations across the country so that vulnerable female asylum seekers can get better information and advice about their housing and welfare rights.

The first two training sessions called *Protecting Women from Persecution* will be run with the Rights of Women on 2nd June and 22nd September 2008 in London. These practical one-day training sessions will cover immigration as well as housing and welfare issues relating to women asylum seekers in the UK. **For more information, please contact the Training Officer at the Rights of Women at training@row.org.uk or on 020 7251 6575.**

If you have any questions about ASAP's Women's Project or want us to represent your client at the Asylum Support Tribunal in Croydon, contact Gerry Hickey at Gerry@asaproject.org.uk or on 0845 603 3884.

Who deals with support and accommodation in UKBA

NASS (National Asylum Support Service) was disbanded last year. Support and accommodation is dealt with in the following parts of UKBA:

- 1) Asylum claims made before 5 March 2007 (failed or active) are handled by 'case owners' in **The Case Resolution Department**
- 2) Initial asylum claims made after 5th March 2007 are handled by 'case owners' in **NAM (New Asylum Mode) teams**

Success for Detainees with Section 4(1)

Support for failed asylum seekers is generally known as 's4 support'. This is because it was created by s4 of the Immigration and Asylum Act 1999.

However, there are a number of parts to s4. It is s4(2) that provides for support for failed asylum seekers. To be eligible for s4(2) support, an individual has to be destitute and fulfil other strict criteria, e.g. be taking all reasonable steps to leave the UK.

Detainees who have been released can claim support under s4(1), but under s4(1) the individual does not have to be destitute or fulfil other criteria.

The Home Office often refused to give s4 support to detainees if they also happened to be failed asylum seekers. In these cases the Home Office would say that:

- 1) s4(1) did not apply to failed asylum seekers
- 2) Only s4 (2) applied to failed asylum seekers
- 3) Therefore, to get s4 support, even released detainees had to prove they were destitute and fulfilled other criteria, e.g. taking all reasonable steps to leave the UK.

ASAP, alongside a number of refugee agencies, has been arguing that this is unlawful for some time.

The good news is that in the last few days, UKBA has announced a change of policy. It has now agreed that anyone released from immigration detention can apply for s4 support without proving they are destitute and without fulfilling the other strict criteria. This will mean many more individuals will be entitled to s4 support.

This change is particularly important as it will help detainees to get bail because they should have accommodation to go to on release.

“Detainees who have been released can claim under s4(1), but under s4(1) the individual does not have to be destitute”

The strange disappearance of Policy Bulletin 71

On its website, UKBA has documents with its policy on asylum support issues. These are called Policy Bulletins*

The Policy bulletins have been given numbers as they have been issued. As time has passed, policies have changed and some bulletins have been withdrawn and replaced.



Policy Bulletin 71 (PB71) was issued in 2005 explaining how NASS (as it was then) interpreted the criteria for s4 support. Asylum seeker representatives have been relying on this document ever since as the Home Office's policy. Then, quietly and practically without warning, PB71 was withdrawn from the UKBA website a few months ago.

When asked about the vanishing PB71, UKBA has said its s4 policy is explained in Instructions and Guidance. This document is written for its staff and also reproduced on its website. There is a specific section dealing with the grant of section 4 support and another with the review of the support at certain periods after grant. This document is much less clear.

Much was wrong with PB71, but it is unsatisfactory that UKBA should withdraw it without notice or consultation and not replace it with a clearly understandable document.

If UKBA thought that progress was made by the removal of PB71, we would have thought it would have widely publicised the change. So why the silent vanishing trick?

* They can be found at <http://www.bia.homeoffice.gov.uk/policyandlaw/guidance/asylumsupbull/>

ASAP Charity Walk—19 May 2008

ASAP staff members and supporters are walking 10km in London on 19 May to raise money for our work. The event is organised by the London Legal Support Trust, one of ASAP's funders. If you want to join our team of walkers, please email Eiri@asaproject.org.uk. The walk starts at 5:30pm and ends in a pub near the Law Society. This is the fourth time that ASAP will take part in what has always a fun and enjoyable event. You can sponsor our team at www.justgiving.com/ASAP.

Free ASAP factsheets

- No 1: introduction to NASS support
- No 2: Introduction to Asylum
- No 3: Making an Appeal to the ASA
- No 4: After a Negative Decision at the ASA
- No 5: Section 4 Support for Failed Asylum Seekers
- No 6: Section 4 Support and Community Activities
- No 7: Section 9 Withdrawal of Support for Failed Asylum Seeker Families
- No 8: Breach of Conditions of Asylum support
- No 9: Introduction to Community Care
- No 10: The European Convention on Human Rights and The Human Rights Act 1998
- No 11: Introduction to Judicial Review

If you would like a copy, you can ring us on 020 8686 1888 or download them from our website : www.asaproject.org.uk

ASAP aims to reduce destitution of asylum seekers in the UK by protecting their legal rights to food and shelter. We believe that all asylum seekers have a right to competent, free legal advice and representation on asylum support issues. We run an Advice Line, a duty scheme at the Asylum Support Adjudicator and training courses for refugee community organisations.

ASAP staff members and volunteers are:

Eiri Ohtani - Co-ordinator

Gerry Hickey and Colin McCloskey

- Legal Advice, Representation and Training

Abigail Brunswick

- Office volunteer

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Asylum Support Appeals Project (ASAP)
18 Barclay Road, Croydon CR0 1JN
020 8686 1888, advice@asaproject.org.uk
www.asaproject.org.uk

ASAP Advice Line

0845 603 3884

If you are advising asylum seekers about their asylum support problems and need help, you can always call our Advice Line. Our Advice Line is open:

Monday, Wednesday and Friday

From 10am-1pm and 2pm-5pm only

The Advice Line is closed on:

Tuesdays and Thursdays

Our legal advisors are happy to answer your queries and help you help your clients. If no one answers the phone, please leave a message on our ansaphone. **Please note that we cannot give immigration advice.**

ASAP's current and past supporters are:

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City Parochial Foundation
Comic Relief
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Eleanor Rathbone Charitable Trust
Garden Court Chambers
Hilden Charitable Trust
Helen Tetlow Memorial Fund
Jill Franklin Charitable Trust
J P Getty Jr Charitable Trust
Law Society Charity
Leigh Trust
Lloyds TSB Foundation for England and Wales
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Thank you for your support!