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ASAP's Duty Scheme goes full-time!

ASAP is now providing free advice and representation at the First-Tier Tribunal (Asylum Support) five days a week

Thanks to LawWorks and a dedicated group of volunteer solicitors from Clifford Chance, Herbert Smith, Simpson Thacher Bartlett and Freshfields, ASAP is now running a full-time Duty Scheme.

If your client has an oral hearing at the Asylum Support Tribunal in Croydon, ASAP could represent their case.

To refer a case to us, please fax the following documents to **020 8686 1899**:

- Contact details of the adviser (we do not contact the appellant directly)
- Decision letter from the Home Office
- Notice of appeal
- Any other relevant documents or evidence

An adviser might call you back to discuss the case. Please ask your client to arrive at the Tribunal at least an hour before the hearing so the ASAP adviser has time to discuss the case with the appellant.

Free training sessions on asylum support in Newcastle and Glasgow

ASAP is offering free training sessions on support options fore refused

When	Where
30 July 2009	Newcastle (NERS, 2 Jesmond Road West, NE2 4PQ)
7 September 2009	Glasgow (Quaker Meeting House, 38 Elmbank Crescent, G2 4PS)

asylum seekers for small advice agencies and RCOs

These sessions will include

- an introduction to asylum support
- S4 and S95 support criteria
- How to apply for asylum support
- How to appeal negative decisions

ASAP's training sessions are open to advisers from refugee community organisations and advice agencies. They are particularly suited to those advising destitute asylum seekers on accessing support.

Places are limited to two participants per organisation. For more details and to download an application form, please [click here](#).

Contact Us

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www.asaproject.org/web

Home Office payment card pilot

In September 2009, the Home Office is going to pilot the use of payment cards for section 4 support. The card is called Azure and will replace supermarket vouchers. It is hoped that this will allow refused asylum seekers to be able to buy essential goods in a wider range of retailers.

Azure cards were due to be piloted in July 2009, but we have just been informed that the trial will now take place in September. They will be piloted in two areas: the North West and London. The cards look like credit cards and do not state anywhere that they are issued by UKBA. They will be automatically 'topped up' by £35 every week while the refused asylum seekers are entitled to section 4 support.

ASAP is pleased that the CRD agreed not to put any limit on the amount of money that can be carried over in the card from one week to another. This enables refused asylum seekers to 'save' some money over a long period of time to purchase more expensive items, such as clothing for winter and household items.

However, the CRD says,

'Whilst we are allowing Service Users (SU) to carry over unspent amounts, UKBA will be carefully monitoring cases to ensure that excessive amounts of credit are not built up. Support will be discontinued if there is sufficient evidence to show the SU is not destitute.'

If you have any questions about Azure, we are happy to forward the information we have received from the CRD. Please email Eiri@asaproject.org.uk if you would like more information.

New Section 4 application form

On the 6 July UKBA is introducing a new form to apply for s4 support ^[1]

This form runs to 16 pages. The guidance sheet which accompanies the new claim form runs to another 15 pages. (We are told that UKBA will also add a medical declaration form. This is the medical form that ASAP has argued should be provided for applicants who are unable to travel because of health problems).

This number of pages is daunting. But the good news is that the form asks all the necessary questions and explains to the applicant all the information that s/he must give to get support. This should prevent much of the lengthy delays that have occurred up to now before UKBA grants support. UKBA says those delays have been caused because applicants do not provide enough information. ASAP does not accept this is the only or real reason for most delays. But UKBA will no longer have that excuse.

The One Stop Agencies are now getting ready to help applicants with the new forms from 6 July 2009.

^[1] This is for usual s4 support for failed asylum seekers. There is a different short section 4(1) application form for detainees or those released on bail

Initial accommodation pilot

ASAP has repeatedly pressed UKBA to provide section 4 accommodation immediately when a valid claim is lodged. UKBA has now announced a pilot to do this.

The initial accommodation pilot runs from 6 July in Birmingham and will last 6 weeks. It will apply only to those who are 'street homeless'. And only 100 individuals will be accepted onto the pilot scheme. UKBA intends to provide accommodation **on the same day** as receiving by fax the section 4 application form from the One Stop Agencies (OSS). If the application is faxed early in the day, the applicant will be collected that day from the offices of the OSS.

The initial accommodation will be for up to nine days in Stone Road, Birmingham. Checks on destitution etc will be carried out in that time. If not enough people in West Midlands are eligible, others outside the region might be accepted. UKBA says individuals will then be dispersed back to their region after the initial period.

ASAP hopes that this pilot will lead to immensely speedier allocation of section 4 support and accommodation.

Accessing Section 4 support for pregnant women

In June 2009, ASAP published a news sheet on accessing Section 4 support for pregnant women

The news sheet is part of ASAP's Women's Project, funded by Comic Relief. It covers

- S4 support in the late stages of pregnancy
- Difficulties during pregnancy
- Inadequacies of s4 support for pregnant women

[Click here to read news sheet in full.](#)

For more information on ASAP's Women's Project, contact Gerry Hickey on 020 8686 1888 or email Gerry@asaproject.org.uk.

New Section 4 policy and IOM application

Support will only be granted once for people taking steps to leave the UK

From Monday 8 June 2009, UKBA started implementing a new policy for dealing with applications for Section 4 support on the basis that an individual is taking all reasonable taking steps to leave the UK.

UKBA's previous policy was to grant support to anyone who could demonstrate that they met the above criteria at the time of the application. From ASAP's experience, this meant that people could potentially get Section 4 support several times. However, their new policy appears to limit the provision of Section 4 support to only one occasion for an initial period of three months. Once someone is accepted for Section 4 support, their case will be regularly reviewed and support extended only in exceptional circumstances. If a person reappplies for support because they are taking steps to return, it seems that they will only get it if they can show that there was a legitimate barrier to their departure or other exceptional circumstances.

ASAP believes that the policy lacks some clarity and is appears to be unlawful. We anticipate that appeals against refusals of support using this new policy will be heard at

the First-Tier Tribunal (Asylum Support) shortly. We will be monitoring how it has been applied by UKBA, how the Tribunal deals with such appeals and will issue further information in due course.

In the meantime, we are very keen to hear if you have any cases affected by this change. Please contact our office on **0208 686 1888** and speak to one of the legal advisers.

[Click here to read ASAP's June 2009 newsflash on the policy.](#)

To view this policy, you can visit the UKBA's website or [click here](#).

New amounts for Section 95 support

As of 11 July 2009, the rates of Section 95 support will increase to the following amounts:

Qualifying couple	£69.57
Lone parent aged 18 or over	£42.16
Single person aged 25 or over, excluding lone parent (where the decision to grant support is made prior to the 5 October 2009 and the person has or will have reached age 25 prior to that date)	£42.16
Any other single person aged 18 or over, excluding lone parent	£35.13
Person aged at least 16 but under 18 (except a member of a qualifying couple)	£38.18
Person aged under 16	£50.81

All amounts have increased by 5.2%, except the support payable to lone parents over 18 and single people over 25, which have stayed the same. 5.2% is comparable to increases in mainstream benefits enacted in April 2009.

However, there has been no increase in the value of Section 4 support, which stays at £35. As reported in ASAP's April 2009 newsletter, the real value of s4 support continues to fall as inflation erodes the value of £35 and cost of food increases. This makes it more difficult for people to meet their essential living needs.

Detainees and Section 4 support

In June 2009, UKBA released new guidelines for dealing with applications for Section 4 from people in immigration detention.

For some time now those in immigration detention who were applying to be released on bail have been able to apply for Section 4 support under [Section 4\(1\)\(c\) Immigration and Asylum Act 1999](#). Unlike other Section 4 applicants, detainees do not have to show that they meet the normal Section 4 requirements. This means that they will not need to have made a fresh claim or to have made an application to voluntarily return to their country. All they need to show is that they would not have a place to live if they were released from detention.

The new guidelines also clarify other conditions surrounding the provision of support under Section 4(1)(c). For example, detainees granted support will remain entitled to that support for as long as their bail conditions apply and as long as they remain at the Section 4 address provided to them on release from detention. They will also have a right of appeal to the First-Tier Tribunal (Asylum Support) if Section 4(1) support is refused or withdrawn.

The guidelines are very detailed and cover the whole procedures for processing applications for those in detention. A full copy of the guidelines, including the new Section 4 applications form for detainees can be found [here](#).

Advice sheet for refused asylum seeking Somali nationals

ASAP has produced an advice sheet on accessing Section 4 support for refused Somali nationals.

The advice sheet:

- Explains how deteriorating security means that Somali nationals who have been refused asylum may be unable to leave the UK due to serious difficulties with travel routes into Somalia
- Gives an overview of Section 4 support and provides information on the circumstance under which Somali nationals can get support
- Provides a list of organisations that can provide further information on each of the areas covered

[Download the Advice Sheet](#)

Lack of public funding for asylum support appeals causing unnecessary destitution

Citizens Advice has published a report showing ASAP's legal advice and representation adds a 22–32% 'representation premium' to the outcomes of asylum support appeals.

[Supporting Justice](#) [1], a report published by Citizen's Advice, calls for publicly funded legal representation for asylum support appeals so that all appellants have a fair hearing at the Tribunal.

The report highlights the serious barriers experienced by asylum seekers at appeal hearings, such as language and socio-economic circumstances. Despite the potentially grave consequence of destitution arising from these appeals, the vast majority of appellants at the First-Tier Tribunal (Asylum Support) cannot get legal representation because there is no public funding available. The only exception to this is the pro bono representation provided by ASAP.

'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.' comments Eiri Ohtani, Director of ASAP. 'Most asylum seekers who come to the Tribunal are destitute and, too often, find it extremely difficult to defend their case on their own. We are particularly concerned about cases where the appellants suffer from serious physical and mental health problems and other vulnerabilities. Although the Tribunal is sensitive to the appellants' needs, this does not make up for a lack of legal representation.'

[1] CAB Evidence Briefing 'Support Justice: The case for publicly-funded legal representation before the Asylum Support Tribunal', June 2009 http://www.citizensadvice.org.uk/index/er_immigrationasylum/supporting_justice

Judicial Review and Section 4 support

ASAP is looking for examples of individuals refused Section 4 support on the grounds that they have not yet been granted 'permission to proceed' from the High Court for a Judicial Review (JR) of a refusal of asylum.

A refused asylum seeker who lodges a Judicial Review (JR) in relation to a decision on their asylum claim will only qualify for Section 4 support once they have received 'permission to proceed' from the High Court. In a recent case ASAP argued that it is not reasonable to expect a person to leave the UK in such circumstances. We have been working with solicitors to challenge the decision refusing support, and are now looking for similar cases. If your client has been refused Section 4 support because they have not yet received permission to proceed with a Judicial Review or an asylum claim, please contact Gerry Hickey on 020 8686 1888.

For more information on this issue, [click here](#).

Public consultations on asylum support

Following long delays, it appears that there will be a consultation on asylum support. ASAP has now heard that the consultation process will start before the Parliament's summer recess starts (21 July 2009).

ASAP planned public meetings on this last year, but had to postpone them because UKBA never produced the consultation document when they said they would! We are very sorry that we had to disappoint those people who booked to come to the meetings. We hope to be able to tell you more about the meetings as soon as we hear more from UKBA.

London Destitution Advice Network (LDAN)

The London Destitution Advice Network (or LDAN) is an informal network of London based non-statutory organisations who work with destitute asylum seekers. LDAN enables the sharing of expertise and skills between organisations working with destitute asylum seekers in London through meetings and email updates. At the moment, there are 27 organisations in the network which is facilitated by ASAP.

We are very pleased to have obtained funding from London Councils to help us run LDAN. We are keen to increase its membership, in particular to other agencies who work with destitute asylum seekers funded by the London Councils. If you are not currently part of the network and wish to join, please contact Marie-Anne Fishwick on marie-anne@asaproject.org.uk or 0208 686 1888. To find out more about LDAN [click here](#).

London Legal Support Trust sponsored walk for ASAP

Thank you to all the walkers and sponsors that helped make the event so successful!

On 18 May, 25 ASAP supporters and staff took part in the London Legal Support Trust sponsored walk. We were among 4000 people taking part in the walk led by the Lord Chief Justice and the Master of the Rolls. Luckily, the weather was on our side and we hope everyone had fun!

We would like to thank all those who walked and sponsored ASAP, making it our most successful walk yet. The funds raised by the walk, will go to support ASAP's Duty Scheme,

providing free advice and representation for destitute asylum seekers at the Tribunal for Asylum Support. So far, we've raised £2395 online, and it is still possible to donate by visiting www.justgiving.com/asap.



Charting our work

Some of the things ASAP has done from April-July 2009

Date	Activity
1 April	Helen Bamber Foundation visit
1 April	Maternity Action meeting
6 April	Meeting with John Vine, Chief Inspector of UKBA
7 April	Asylum Aid meeting
8 April	UKBA and the Refugee Council meeting about the new s4 application form
16 April	Meeting with Zimbabwean Association
16 April	National Asylum Stakeholders Operations Forum
24 April	Case Resolution Directorate meeting
28 April	Red Cross visit
28 April	Refugee Sector Conference
29 April	Allen Lane Foundation Event
30 April	Asylum Rights Campaign meeting
8 May	London Refugee Voice meeting
8 May	Still Human Still Here meeting
12 May	National Asylum Stakeholders Forum pre-meeting
14 May	Zimbabwean Association meeting
15 May	Equal Rights Trust
18 May	London Legal Support Trust sponsored Walk
21 May	Section 4 initiative meeting
21 May	Food Chain meeting
1 June	Full-time Duty started at the Tribunal for Asylum Support

4 June	Case Resolution Directorate meeting
5 June	Asylum Rights Campaign meeting
9 June	Choices meeting
10 June	Black Advice Network meeting
12 June	Maternity Action meeting
18 June	Northern Ireland Community of Refugee and Asylum Seekers presentation
29 June	Bromley Trust meeting
29 June	Asylum Aid meeting
30 June	Training session for Black Advice Network members