# ASAP Annual Report 2016/17





ASYLUM SUPPORT APPEALS PROJECT



ASYLUM SUPPORT APPEALS PROJECT

### **About ASAP**

ASAP is a national charity which aims to reduce destitution among asylum seekers by protecting their legal rights to food and shelter. We work with organisations around the UK working with people seeking asylum who are in need of support. We also work with people who have been forced to flee their home countries and are denied the right to work in the UK and prevented from accessing support. Most come from conflict zones or countries with a well-documented record of human rights abuses. Yet they can find themselves street homeless in the UK, surviving on charitable donations.

We are a team of 9 paid staff and 35 volunteer solicitor and barrister advocates based in East London close to the Asylum Support Tribunal.

#### What we do

- Provide free legal representation and advice to asylum seekers appealing against Home Office decisions to refuse or withdraw their asylum support, via pro bono representation (the duty scheme) at the Asylum Support (First-Tier) Tribunal in East London.
- Deliver training and run an advice line and an online network for frontline organisations, advice agencies and legal practitioners working with asylum seekers.
- Engage in policy, lobbying and litigation to improve policies and procedures on asylum support.

#### Our vision and values

- We believe in human rights and the rights of all people seeking asylum in the UK to have shelter, food and support and not to live in destitution.
- We believe in access to justice, holding the Home Office and Tribunal to account and the importance of ensuring dignity and equality for the people we serve.
- We believe in maintaining our independence.
- We believe in collaboration with other organisations and value openness and transparency.
- We value listening to the asylum seekers we work with, enabling them to explain their perspective, in a complex and intimidating system of support.

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#### Our vision for the future

ASAP's work is guided by the 4 goals identified in our 5 year strategic plan 2014-2019:

**Goal 1.** Increasing quality representation and dignity at the Asylum Support Tribunal for all asylum seekers **Goal 2.** Tackling the root causes of destitution

through policy, lobbying and litigation

**Goal 3.** Ensuring asylum seekers across the UK have access to quality advice and information in relation to their legal rights to food and shelter, with a particular focus on the most vulnerable and excluded

**Goal 4.** To develop a well-resourced and purposeful organisation for the benefit of asylum seekers and agencies supporting them

## Chair's report



I am proud to have joined the ASAP management committee as its chair. As a former ASAP duty scheme volunteer and staff member, I appreciate the immense difference legal

representation can make to the experience and outcome for appellants at the Asylum Support Tribunal. For many destitute asylum seekers, ASAP's work means the difference between going hungry on the street and food and a safe place to sleep.

Last year, 2016, was a challenging one for ASAP, with the passage of the Immigration Act threatening serious curtailment to access to justice for destitute asylum seekers. Despite this threat, ASAP has continued to provide essential services, through our award-winning Tribunal duty scheme and our expert training and support for the asylum support advice sector.

ASAP has also had success in campaigning and lobbying around the asylum support provisions in the Act, which are now unlikely to be implemented in the foreseeable future.

None of this could have been achieved without the dedication and hard work of ASAP's director, staff and volunteers. I also want to thank to Alison Pickup, my predecessor as chair, for her tireless contribution to the strategic direction of the management committee.

Finally, on behalf of the other trustees, I express thanks to ASAP's funders, without whom our staff and volunteers would not be able to ensure that destitute asylum seekers obtain the food and shelter to which they are legally entitled.

Mike Spencer, chair

## **Director's report**



What an interesting past year it has turned out to be for ASAP and the people we support. We started the year planning for a huge reduction in the rights of destitute asylum seekers to appeal to the Asylum Support Tribunal as detailed in the Immigration Act 2016. The proposals in the Act to further restrict access to justice were part of the government's

hostile environment for those seeking sanctuary in the UK.

Soon after the Act became law the country voted to leave the European Union. We were unsure of how this would affect the people we support, but one thing we did not expect was that it would contribute to a small but positive result for destitute asylum seekers. By early 2017 it became clear that the regulations which would have put the changes to asylum support and the right to appeal into force now seem unlikely to be implemented for the foreseeable future. This has been a huge relief for those supporting destitute asylum seekers, and of course for those people dependent on Home Office support as a lifeline.

Despite this very uncertain year, ASAP has continued to defend the rights of destitute asylum seekers. Our advocates and legal team have represented and advised 716 destitute asylum seekers appealing at the Tribunal, winning support for 68%. We have also significantly developed

In May 2016 we ran a very successful conference in Manchester for over 100 participants, the focus of the conference was on the future of asylum support at a time when we thought the legal rights to support were under attack.

the advice and support we provide to the sector. In the summer of 2016 we launched our Big Lottery funded partnership project in Yorkshire and Humberside partnering with PAFRAS, Solace, Red Cross and Open Doors Hull. We have already started to see the impact of the project with an increase in advice in the region on destitute asylum seekers' rights.

After winning the top prize at the Andy Ludlow London Homelessness Awards in 2015, we were promptly and rather ironically made homeless from the offices we shared with the Tribunal, as a developer bought the building and ended our tenancy. Luckily for us, in July 2016 we were able to move to our new office at Trinity Buoy Wharf, a short walk from the Tribunal, and with a superb view of the Thames.

In May 2016 we ran a very successful conference in Manchester for over 100 participants. The focus of the conference was on the future of asylum support at a time when we thought the legal rights to support were under attack.

I would like to say a huge thank you to Andy Hewitt who covered my maternity leave for part of the year. He steered us safely through what were potentially very tricky waters for ASAP. And of course a huge thank you to the ASAP staff and trustees who are responsible for ensuring destitute asylum seekers can access their rights and most importantly a roof over their head.

Hazel Williams, director

OUR IMPACT IN NUMBERS 2016/17





642
REPRESENTED

+74
ADVISED

716

**TOTAL HELPED** 



68%

OR **437** DESTITUTE PEOPLE ACCESSED ACCOMMODATION AND SUPPORT



505
people trained

698
REFERRALS
RECEIVED

90%
ASSISTED

653
CALLS TO ADVICE LINE

## Access to justice

ASAP's duty scheme at the Asylum Support Tribunal in East London offers free legal representation to asylum seekers appealing decisions by the Home Office to refuse or discontinue their asylum support. We are the only organisation providing this service to appellants from across the UK.

Without us, destitute asylum seekers would have to navigate the court system on their own, explaining their case to a judge without a thorough understanding of the law. In addition, the court setting can be incredibly intimidating for many of our vulnerable clients, who may already be suffering from post-traumatic stress or other mental health issues. Without ASAP to advise and represent them, many clients would be more likely to leave the Tribunal with a negative decision, facing destitution and homelessness.

# "Without us, destitute asylum seekers would have to navigate the court system on their own."

Our 35 volunteer duty scheme advocates are experienced barristers and solicitors who represent on a rota basis about every 6 weeks each. The majority of our solicitors are from Herbert Smith Freehills and Freshfields Bruckhaus Deringer, which have supported the scheme from its early days. This year, recruitment of new volunteers was put on hold due to the potential reduction in appeals as outlined in the Immigration Act 2016. However, we did recruit 6 barristers from Garden Court Chambers.

Our duty scheme coordinator works with agencies around the UK assisting destitute asylum seekers to improve the quality of the appeals they submit as well as encouraging them to refer cases to us in advance of appeal hearings to allow for preparation.

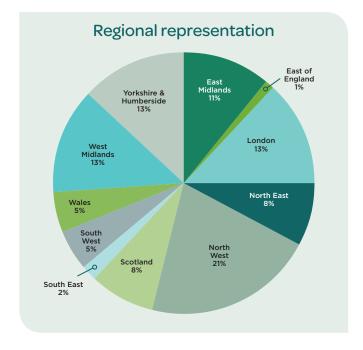
## Achievements for the duty scheme in 2016/17

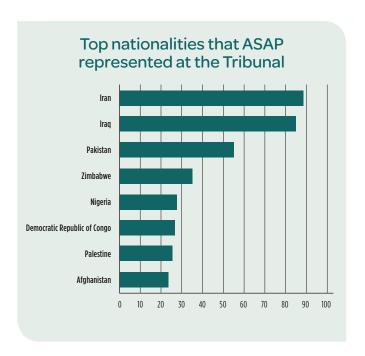
- We represented and advised 716 asylum seekers.
- We achieved a successful outcome for 68% of the clients we represented at the Asylum Support Tribunal.
- There were 35 volunteers on the scheme, recruited, supported and coordinated by our duty scheme coordinator.
- We received 698 referrals from organisations around the UK.

## Key facts about the duty scheme in 2016/17

We have continued to see a trend of an increase in appeals relating to Section 95 cases. These are asylum seekers applying for support who have an ongoing asylum claim, most of whom are having their destitution disputed by the Home Office. This year these people represented 35% of cases, a 5% increase on last year. The remaining cases relate to Section 4, which is support applied for by those who have been refused asylum.







# Impact of our representation

Justice for the vulnerable – and vulnerable justice. The value of representation at the Asylum Support Tribunal.

In May 2016 Dr Alice Forbess from the London School of Economics published research she had been carrying out into the impact of representation at the Asylum Support Tribunal. Her key findings from a survey of 2 months' worth of statements of reasons (February–March 2016) were:

- ASAP provided representation in the vast majority (96%) of represented cases amounting to 58% of the total number of oral appellants. Only 3% of appellants brought their own representation
- The relative representation premium was 12%: 66% of represented appeals were successful, as opposed to 54% of unrepresented appeals
- ASAP representatives boost the chances of appeal success by supporting appellants to give relevant and useful oral evidence in the hearing and by identifying and pointing out errors and unfair decision making strategies made by Home Office caseworkers.

## QUOTES FROM CLIENTS WHO WE REPRESENTED IN 2016/17

"Yes, it's very important because if I had no assistance with my case I might not have been successful and struggled to represent myself."

"You people are true savers of humanity. You fought for my children. Mr Fullelove is an angel living in this world. I salute you."

"Yes it is very important otherwise I would not manage to understand the law without your advice."

"Yes I believe your work is important and you helped me immensely by explaining the procedure of the court what to expect and what my options are. Your explanation was very clear and understandable."

## **Tribunal experience**

Following traumatic experiences in his home country, Mr I developed post-traumatic stress disorder (PTSD) and was at risk of suicide risk – as diagnosed by his GP. According to Civil Aviation Authority guidance, PTSD can interfere with the safe conduct of a flight, as flying can exacerbate the condition and pose a threat not only for the person who suffers from it, but towards all passengers. For these reasons, Mr I was declared not fit to travel and qualified for accommodation and support under Section 4, Regulation 3(2)(b) in June 2015.

However, in December 2016 his application was reviewed by the Home Office and his asylum support was discontinued. He was still considered destitute, but as well as being destitute he had to satisfy one of the conditions set out in Regulation 3(2) to be entitled for support.

The Home Office argued that his medical evidence had been passed to their medical advising team, who re-

# "Mr I appealed this decision to the Asylum Support Tribunal and was successfully represented by one of the ASAP volunteer advocates."

assessed Mr I as fit to travel. It stated the medical condition had to be of a magnitude that actually made him unable to travel – and under the new review, his medical condition was not. Therefore, the Home Office concluded that Mr I should leave the UK.

Mr I appealed this decision to the Asylum Support Tribunal and was successfully represented by one of the ASAP volunteer advocates. With the advocate's assistance he was able to prove to the judge that his medical condition had deteriorated despite receiving ongoing therapy. The judge based his decision not only on Home Office policy and case law, but also on the wording of the regulation itself.

Thanks to the ASAP advocacy that Mr I received, his appeal was allowed and he was able to continue living in his accommodation.



# Enhancing knowledge and expertise

ASAP has continued to provide specialist training on various topics relating to asylum support. We offer a variety of different training models for agencies providing advice and support to asylum seekers, from a basic introduction to asylum support to tailor-made in-house training or more specialised technical legal training.

The new post of training coordinator, taken by Aideen Woods who started in August 2016, greatly assisted with developing our training materials. She also launched 'Webinar Wednesdays' which take place on the last Wednesday of every month.

#### Achievements in 2016/17

- 28 training sessions delivered, including 9 webinars and 19 face to face sessions.
- 505 people trained, 155 through webinars and 349 via face to face training.
- Over 150 organisations participated in training



## QUOTES FROM TRAINING AND EVENTS ATTENDEES 2016/17

"It was incredibly informative and easy to follow" (London, October 2016)

"It has given me lots of confidence and knowledge about asylum support" (Newcastle, November 2016)

"The trainer was very knowledgeable and clear in providing the information. All the questions were answered clearly and in full. Training material was well prepared and I am looking forward to the slides by email." (Sheffield, March 2017)



Manchester conference -The Future of Asylum Support

In May 2016 we held our annual conference in Manchester looking at the impact of the Immigration Act on asylum support. We also launched a timeline of legislative changes to highlight the complexity and frequency of policy and legislative changes. Over 100 people attended the conference, which included workshops on asylum support law.

"Today's conference was brilliant for me as I now have some insight into procedures, legislation and problems that are faced by asylums seekers and their support workers. It was well explained and excellent presentations with passionate speakers. I found it inspirational and heart lifting to see so many professionals and volunteers fighting for justice for the vulnerable. Thank you." (Conference participant, May 2016)

#### **Asylum Support Advice Network**

The Asylum Support Advice Network (ASAN), which was launched in early 2016, has grown significantly over the past year and has been a huge success. We now have over 700 members. ASAN functions as a Google group, allowing members to post questions, share knowledge and disseminate information and best practice on asylum support issues. The network also meets 3 times a year across the UK to exchange information, best practice and facilitate networking. Feedback from members is that it offers a very useful tool to share information, and there are regular postings each day. We have also been able to use it to gather information which we then use in our policy work.

## Launch of Big Lottery Funded project in Yorkshire and Humberside

In August 2016, thanks to a 5 year grant of £750,000 from the Big Lottery Fund, as the lead agency we launched our Yorkshire and Humberside project with partners British Red Cross, Solace, Open Doors Hull and PAFRAS. The project partners work with asylum seekers in Yorkshire and Humberside to reduce their destitution by exploring options for them to access their legal rights to accommodation and support. They also seek to meet their immediate basic needs and improve their mental wellbeing. As part of the project ASAP employs a full time training coordinator to coordinate the project and build capacity in the region on asylum support law.

**LOTTERY FUNDED** 



### Women's project

The Women's project at ASAP reduces destitution and its associated risks among women asylum seekers. This past year our women's legal advisor has been focusing on:

- Improving the Home Office response to women asylum seekers who are experiencing domestic violence in the UK. To achieve this, we have been lobbying the Home Office to revise its key asylum support policy on domestic violence. We have been arguing for a quicker and safer response for women experiencing domestic violence who need to access the support system for the first time, as well as for women who are already on support. We have been pushing for the Home Office to pay for refuge spaces when needed and for greater cooperation and joint working with specialist domestic violence services
- Ensuring women attending the asylum support tribunal can access representation and advice. This year, 33% of appellants were women, a 7% increase on the previous year and the highest recorded number of female appellants represented by ASAP.

### Case study

Ms V has an ongoing asylum claim in the UK. She endured a long, overland journey to reach the UK. She was raped during this journey and was 20 weeks pregnant when she was refused asylum support by the Home Office because it did not believe she was destitute. Ms V appealed this refusal at the Asylum Support Tribunal and was represented by our women's legal advisor.

The issue came down to whether Ms V could access funds in her home country. The women's legal advisor was able to show that the Home Office had based its decision to refuse on incorrect information about Internet banking. She also successfully argued that the Home Office could not reasonably expect Ms V to contact her friends and family back home for evidence that the government had confiscated her assets, as this would endanger them and her.

In addition, she pointed out that the Home Office had incorrectly expected Ms V to prove "beyond reasonable doubt" that she was destitute when the correct legal test is the "balance of probabilities".

She prepared Ms V to tell her story in the hearing and gave her follow-up advice and support after the hearing had finished

The judge allowed the appeal and Ms V was able to access accommodation and support. This, in turn, allowed her to access consistent ante-natal care and to explore opportunities for counselling.



# Duty scheme advocate

Tom Henderson on his experience of volunteering with ASAP

I joined ASAP as a duty scheme volunteer advocate in August 2015. I was looking for a new pro bono challenge and had heard good things from colleagues who were volunteering with ASAP. Having passed my higher rights of audience it was a good opportunity to use these skills.

In my day job I am a senior associate in the general commercial litigation team at Herbert Smith Freehills. My clients tend to be businesses or high net worth individuals. The work varies from large scale banking litigation to group actions, professional negligence claims and insolvency related litigation.

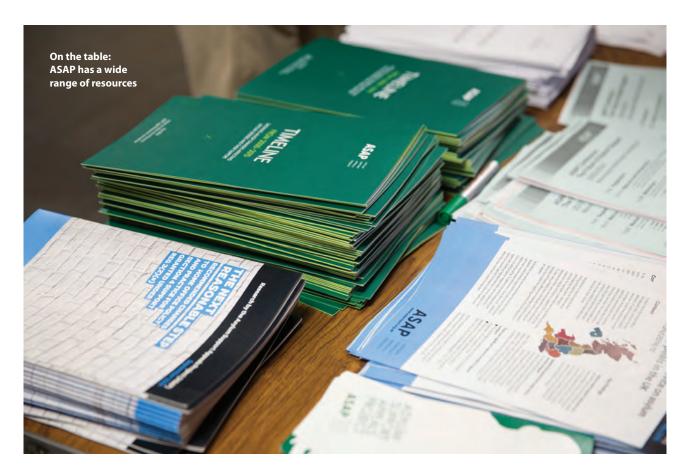
# "It has been a real eye-opener learning about the journeys people make to get to the UK."

Volunteering with ASAP has given me a new perspective outside of "city law" life. Before this I had never met anyone who had sought asylum – I had only read about asylum seekers in the press. It has been a real eye-opener learning about the journeys people make to get to the UK. The cases that stick in my mind tend to be those involving single women with children, as the stakes are so high and the situation very emotional.

The advocacy at the Asylum Support Tribunal is quite different to my work at HSF; it takes me out of my comfort zone and can be very challenging. But I enjoy testing myself in an area outside of my everyday expertise – it can be exciting and there is never a dull day. The advocacy work has developed my confidence and has definitely improved my ability to think on my feet, as the immediacy of the duty scheme forces you to do this.

Even when an appeal is unsuccessful, volunteering at the Tribunal is so important because you can point clients in the right direction by giving them detailed advice about what they need to do next, and what their rights and entitlements are. With the duty scheme you are never alone; ASAP staff are always available to talk through cases with you and give advice and suggestions about what to do. Likewise, within my firm I can discuss cases with colleagues who are also on the scheme.

The work is very rewarding as you can give immediate value to someone's life in a very real way. It makes me feel more connected to the wider world; meeting people with very different lives reminds me how lucky I am.



### Tackling the root causes of destitution

ASAP uses its unique body of evidence from the duty scheme work at the Tribunal coupled with its links to the wider asylum support sector and expert knowledge to lobby for change to improve asylum support policies and application of the law

As the leading experts in asylum support law we continue to be the NGO co-chairs on the National Asylum Stakeholder forum on asylum support. Much of the year was dedicated to lobbying around the Immigration Bill 2016.

We ran a joint meeting in parliament with the Red Cross to raise awareness among Lords and MPs about the proposed legislative changes and their impact and to advocate for our amendments.

We submitted numerous reports, briefings and research for the Lords and MPs at various stages of the passing of the bill.

#### Key achievements in 2016/17

- Successfully lobbied the Home Office to provide all clients with automatic travel tickets to access emergency accommodation after the appeal in London. This means they do not have lengthy waits for transport to them pick up after a successful appeal.
- Successfully lobbied the Home Office to stop making unlawful Section 57 decisions. The Home Office uses Section 57 to refuse applications for accommodation and support without a right of appeal, when the application is incomplete or the applicant is not cooperating with their enquiries. We collated and presented evidence on the

wrongful application of the law to the Home office managers, and referred cases for litigation in the area. The Home Office acknowledged it had made mistakes and re-trained staff, and we have seen a significant reduction in these types of decisions.

• With partners we successfully lobbied parliament to change the Immigration bill 2016 to include a grace period for destitute asylum-seeking families. This means that, if the asylum support provisions of the Immigration Act 2016 are implemented in future, families will have 90 days after asylum refusal before they are evicted from Home Office accommodation, as opposed to the 30 days proposed.

ASAP's solicitor has continued to monitor potential cases for judicial review using our strategic litigation log. In 2016/17, we reviewed 44 cases to assess their merits for potential judicial review, of which 15 were referred to solicitors; 5 cases were unable to be progressed, 4 were settled out of court and the remaining 5 are outstanding.

"As the leading experts in asylum support law we continue to be the NGO co-chairs on the National Asylum Stakeholder Forum on asylum support."

### **Acknowledgements**

Thank you to our funders, supporters, partner organisations and to all those who have supported our work during 2016/17.

#### **FUNDERS**

**AB Charitable Trust** Allan Lane Foundation Allen and Overy Foundation Big Lottery Fund City Bridge Trust Comic Relief Esme Fairbairn Foundation Freshfields Bruckhaus Deringer **Garden Court Chambers** Herbert Smith Freehills **Legal Education Foundation** London Legal Support Trust Metropolitan Migration Foundation Samuel Sebba Charitable Trust Sigrid Rausing Trust Trust for London **Tudor Trust Unbound Philanthropy** Individual donors

#### **OTHERS**

First-tier Tribunal (Asylum Support) Hannah Tye at Freshfields **Bruckhaus** Deringer **Emma Cooke and Marion** Edge at Herbert Smith Freehills **Immigration Law Practitioners Association** Asylum Support Advice Network (ASAN) members Office of Independent Chief Inspector of UK Borders and **Immigration** Mike Kaye at Still Human Still Members of the women's charter group

#### **MANAGEMENT COMMITTEE TRUSTEES WHO HELD** OFFICE DURING THE YEAR

**CHAIR** Alison Pickup (resigned March 2017) **VICE CHAIR** Paul Yates (interim chair March-April **TREASURER** Genevieve

Carolina Gottardo (resigned March 2017)

Daniel Silverstone (resigned December 2016) Kat Lorenz **Richard Orton** Dave Garratt Joana Ball Nicola Parker

#### **CURRENT STAFF**

#### **INTERIM DIRECTOR**

Andy Hewitt, May 2016 - April 2017 **DIRECTOR** Hazel Williams (maternity leave June 2016 - March 2017)

**SOLICITOR** Deborah Gellner **DUTY SCHEME COORDINATOR** Anna Dixie **DUTY SCHEME ASSISTANT** Kama Petruczenko

**WOMEN'S LEGAL ADVISOR** Alice Webb

**LEGAL RESEARCHER AND ADVISOR** Marie Anne

Fishwick **FINANCE AND OPERATIONS OFFICER** 

Dianah Rouse **LEGAL ADVISOR** 

Mark Rogers

#### **OFFICE VOLUNTEERS**

John Hillmam and Matthew Farrow

### **DUTY SCHEME**

**VOLUNTEERS** Alasdair MacKenzie **Doughty Street Chambers** Alison Pickup **Doughty Street Chambers Amy Clements** Southwark Law Centre Anish Bhasin Herbert Smith Freehills Ben Amunwa The 36 Group **Bryony Poynor** Garden Court Chambers Charles Loudon Freshfields Bruckhaus Deringer Cian Mansfield Scott and Scott Claire Stirrup Herbert Smith Freehills Claire Whittle Bates, Well and Braithwaite Connor Johnston Garden Court Chambers **Daniel Hoyle** Herbert Smith Freehills **Daniel May** 

Herbert Smith Freehills





David Wood Charter Chambers Debra Gerstein Ella Davies Freshfields Bruckhaus Deringer Emma Mockford Freshfields Bruckhaus Deringer Georges Chalfoun 3 Verulam Buildings Grace Capel Garden Court Chambers Graeme Robertson Herhert Smith Freehills **Gwawr Thomas** 1 Mitre Court Buildings Hattie Middleditch Herbert Smith, Freehills John Lane Freshfields Bruckhaus Deringer Kay Foxall Southwark Law Centre Lara Nassif Herbert Smith Freehills Lara ten Caten Hansen Palomares Louise Hooper Garden Court Chambers Maria Moodie **Garden Court Chambers** Mary-Rachel McCabe **Doughty Street Chambers** Marie-Claire O'Kane

Michael Hershan Herbert Smith Freehills Michael Kotrly Freshfields Bruckhaus Deringer Michael Quayle Freshfields Bruckhaus Deringer Michelle Knorr **Doughty Street Chambers** Nick Stern Freshfields Bruckhaus Deringer Oliver Marsden Freshfields Bruckhaus Deringer Paul Yates Freshfields Bruckhaus Deringer Philippe Bonavero 4 King's Bench Walk Rebecca Sambrook Gibson Dunn Shu Shin Luh **Garden Court Chambers** Siobhán Lloyd 1 Mitre Court Buildings Sophie Thomas Herbert Smith Freehills Stephanie Needleman MA student Susan Field Herbert Smith Freehills Tom Copeland Garden Court Chambers Tom Henderson Herbert Smith Freehills

4 New Square

## STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31 MARCH 2017

	Unrestricted funds 2017	Restricted funds 2017	Total funds 2017	Total funds 2016
INCOMING FROM: Donations and legacies Investment income Income from charitable activities	£179,677 £272 £2,695	£304,587 - -	£484,264 £272 £2,695	£328,353 £502 £5,600
Total	£182,644	£304,587	£487,231	£334,455
EXPENDITURE ON: Charitable activities Total resources expended  Net income/(expenditure) before transfer Transfer between funds Net income/(expenditure) after transfer	£165,077 <b>£165,077</b> £17,567 - £17,567	£306,057 <b>£306,057</b> (£1,470) - (£1,470)	£471,134 <b>£471,134</b> £16,097 - £16,097	£304,217 <b>£304,217</b> £30,239 - £30,239
NET MOVEMENT IN FUNDS	£17,567	(£1,470)	£16,097	£30,239
RECONCILIATION OF FUNDS: Total funds at start of year	£180,576	£1,477	£182,053	£151,814
Total funds at end of year	£198,143	£7	£198,150	£182,053

The charitable company's income and expenses all relate to continuing activities. Movements in reserves and all recognised gains and losses are shown. The annexed notes form part of these financial statements.

ASYLUM SUPPORT APPEALS PROJECT
Company limited by guarantee no. 04763838



ASYLUM SUPPORT APPEALS PROJECT

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