

ASAP Annual Report 2017/18



ASAP
www.asaproject.org

ASYLUM
SUPPORT
APPEALS
PROJECT

About ASAP

ASAP is a national charity which reduces destitution among asylum seekers by protecting their legal rights to food and shelter.

- We work with people, and the organisations supporting them, who have been forced to flee their home countries, 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 nine paid staff, one legal research volunteer and 37 volunteer solicitor and barrister advocates. Our offices are 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, 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 address the systemic causes of destitution, improving policies and procedures on asylum support.

Our vision and values

We believe in:

- Human rights and the rights of all persons seeking asylum in the UK to have shelter, food and support and not to live in destitution.
- Access to justice, holding the Home Office and Tribunal to account and the importance of ensuring dignity and equality for the persons we serve.
- Maintaining our independence.
- Collaboration with other organisations.

We value:

- Openness and transparency.
- 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 four goals identified in our 5 year strategic plan for 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.** Developing a well-resourced and purposeful organisation for the benefit of asylum seekers and the agencies supporting them.

Chair's report



"I was without home and you gave hope."

This was anonymous feedback from one of ASAP's clients about their experience of our tribunal advocacy service. But

ASAP's ambition is to offer more than hope. We aim to provide quality legal representation for all destitute asylum seekers at the asylum support tribunal; tackle the root causes of destitution through policy lobbying and litigation; and ensure that asylum seekers across the UK have access to quality advice and information on their rights to food and shelter.

Last year, ASAP's dedicated team of staff and volunteers have had remarkable success in achieving all three of these aims, despite the challenges occasioned by austerity, the hostile environment and the political and legal uncertainty around Brexit.

We have successfully trained 37 volunteer barristers and solicitors, who together with our permanent staff represented 585 asylum seekers in their asylum support appeals in 2017/18 with a success rate of 69%.

Our policy and lobbying work began the process of persuading the Home Office to change its approach to assessing destitution and to improve its policy for asylum-seeking women facing domestic violence.

And we have expanded our telephone advice line, online training and advice network, bringing expert knowledge of asylum support law and practice to a total of 850 advisors.

None of this would have been possible without the dedication and expertise of our staff and volunteers and the vital support of our funders and partners.

The next year looks likely to bring yet more uncertainty and political turmoil, but there can be no doubt that ASAP will continue to provide an excellent and essential service for destitute asylum seekers in the UK.

Mike Spencer, chair

Director's report



This was a busy year for ASAP, and a slightly unusual one. For many years the vast majority of people with a current asylum claim were granted support. However, this year the Home Office changed its method of assessing destitution for this group. It began to look in more detail at assets people had in their home countries before they arrived in the

UK, asking, among other things, for international bank statements, translated documents, and confirmation of employment from countries of origin – very difficult to obtain where people had fled for their lives. As a result, many more people were refused support, and appeal hearings against this refusal were much longer and more complex, leading the Tribunal to list multiple hearings at the same time.

To ensure we could still represent as many people as possible, we recruited more volunteers. Alongside this we began a significant piece of research into the lawfulness of Home Office decision-making on support applications for current asylum seekers. This took over a year to complete due to the complex nature of the issues we found, and was pivotal in reducing destitution.

I am extremely proud that, despite this increased complexity, and the challenges to our operating model, our staff team and 37 pro bono legal volunteers nevertheless achieved a 69% success rate among the 585

"I am extremely proud that, despite this increased complexity, and the challenges to our operating model, our staff team and pro bono legal volunteers nevertheless achieved a 69% success rate among the 585 people (814 including family members) we represented"

people (814 including family members) we represented. Feedback from those we represented was 99% positive. I cannot thank our volunteers enough for the time they dedicate to supporting people seeking asylum at such a key point of crisis. Two of our volunteers, Maryam Oghanna and Graeme Robertson from Herbert Smith Freehills, deserve special thanks for donating several weeks of their time to legal research and representation for ASAP over the busy summer period.

We also saw our support for other organisations grow, from our inaugural e-learning course, launched in July 2017 and designed with smaller organisations and busy caseworkers in mind, to the start in October 2017 of our Barings Foundation funded partnership project with Deighton Pierce Glynn. This project trains caseworkers to use legal techniques to reduce destitution, writing pre-action protocol letters where there is no right of appeal.

Finally, we bid a sad farewell to Hazel Williams, our director, who provided such stability and clarity to ASAP for over 4 years. I would like to thank both Hazel for leaving the organisation in such good shape, and Alice Webb, ASAP's women's legal advisor, who stepped in as interim director. This report is a credit to the dedicated staff, volunteers and management committee who work so hard to ensure destitute asylum seekers can access their legal rights to food and shelter.

Kat Lorenz, director

OUR IMPACT IN NUMBERS 2017/18



518

REPRESENTED

+67

ADVISED

585

TOTAL HELPED
(871 INCLUDING
FAMILY)



69%

OR **356** DESTITUTE
PEOPLE (451 INCLUDING
FAMILY) ACCESSED
ACCOMMODATION
AND SUPPORT



644

REFERRALS
RECEIVED

83%

ASSISTED



633

CALLS TO
ADVICE LINE



858 MEMBERS OF OUR
ASYLUM SUPPORT
ADVISORS NETWORK (ASAN)



Access to justice

ASAP's duty scheme at the First Tier Tribunal (Asylum Support) 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. The Home Office employs a specialist in asylum support to defend their refusal. This imbalance can make it difficult for asylum seekers to access justice. The court setting can be very intimidating for many of our vulnerable clients who may already be suffering

“Without us, destitute asylum seekers would have to navigate the court system on their own”

from post-traumatic stress or other mental health issues. Without ASAP to advise and represent them, destitute asylum seekers would be more likely to leave the Tribunal with a negative decision, facing destitution and homelessness.

Our 37 volunteer duty scheme advocates are made up of experienced barristers and solicitors, who represent on a rota basis roughly every 6 weeks. The majority of our solicitors are from Herbert Smith Freehills and Freshfields Bruckhaus Deringer, which have supported the scheme from its early days. Last year, recruitment of new volunteers was put on hold due to the potential reduction in appeals caused by the Immigration Act 2016. However once it became clear that the damaging asylum support aspects of this Act would not be brought into force, we recruited 14 new advocates in June 2017.

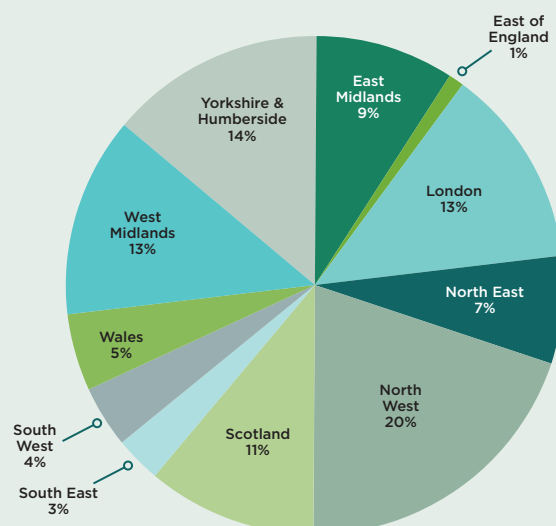
Our duty scheme coordinator works with over 200 agencies around the UK assisting destitute asylum seekers, to improve the quality of the appeals they submit as well as encouraging them to refer cases to us in advance of appeal hearings, to allow for preparation.

Achievements for the duty scheme in 2017/18

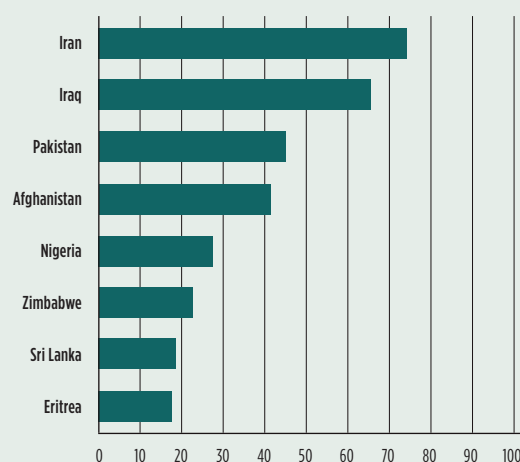
- We represented and advised 585 asylum seekers (871 including family members).
- We achieved a successful outcome for 69% of the clients we represented at the Asylum Support Tribunal.
- There were 37 volunteers on the scheme, recruited, supported and coordinated by our duty scheme coordinator.
- We received 644 referrals from organisations around the UK, assisting 83% of them.



Regional representation



Top nationalities that ASAP represented at the Tribunal





Duty scheme advocate

Maryam Oghanna on her experience of volunteering with ASAP

I joined ASAP as a duty scheme advocate in August 2017. I had been interested for a long time in volunteering with people who have left their countries to try to seek asylum in the UK. My family are from Iraq, and after the first Gulf War we claimed asylum in the UK when I was 3 years old. Due to this, I have always been conscious of the rights of those seeking asylum in the UK and had been aware of the work that ASAP does for some time before I became a duty scheme advocate.

I qualified as a solicitor in 2016, working in the commercial litigation department at a city law firm; Herbert Smith Freehills. I passed my higher rights of audience qualification soon after and I immediately took the opportunity to apply to ASAP so that I could use these skills to assist in a sector I had wanted to volunteer in for so long.

The experience so far with ASAP has been fantastic. The training for duty scheme advocates was both thorough and inspiring, and it has been great to work with the dedicated, expert team at ASAP.

The experience in the Asylum Support Tribunal itself has been hugely rewarding. On a personal level, it has developed my confidence and skills in presenting a legal argument, as well as developing an ability to digest large amounts of information in a very small period of time. More importantly, it is very rewarding to feel that you have been able to prevent someone from becoming homeless and have had a positive impact in their lives. Although we don't always win the appeals, there is no doubt that the advice and listening ear that we provide to the appellants is hugely important, especially in terms of advising them of the next steps that they might be able to take to improve their circumstances.

I was lucky enough to spend a few weeks on secondment with the ASAP team last year, doing a mix of legal research and representation in the Asylum Support Tribunal. This secondment was a brilliant experience that I would be hoping to repeat again in future.

For a commercial solicitor who mainly works with companies or high net worth individuals, ASAP provides a rare opportunity to really help improve someone's life and experience in a way that my day-to-day work never would. I look forward to continuing as a volunteer with ASAP for a long time to come.

QUOTES FROM PEOPLE WE REPRESENTED IN 2017/18

"It made it so easy and quite straightforward. Sitting in front of the judge alone is quite scary"

"The ASAP rep was polite, experienced, calm, humble and had the guts to convince the court"

"Like a difference between the sky and the earth, feeling you are not alone is enough"

Case study of our work at the Tribunal

Mr H, having fled torture in his home country, applied for asylum support for himself, his wife and his two small children. The Home Office refused because his original visa, which had been completed by an agent, said he owned property in his country. In fact the property had been sold by the agent, and the proceeds spent to enable him and his family to flee the country. He appealed the support refusal, and the case was 'remitted' – sent back to the Home Office to make a new decision – because some of the key evidence backing up his claim was untranslated. The Home Office refused to pay to translate it, and the applicant had no money to do so. The Home Office refused support again. ASAP represented him at his appeal against the second refusal – the family were facing imminent eviction from temporary Home Office accommodation.

"As the case addressed so many key issues, it was heard by the Principal Judge and became a 'landmark' decision"

ASAP's volunteer advocate prepared a long witness statement and made submissions addressing the various issues the judge had identified as key to the case: who should pay for translations, the remit of the Tribunal to consider issues overlapping with the asylum claim, the Home Office's reliance on unverified visa information, and its duty to consider the vulnerability of applicants including any statutory duty towards children.

As the case addressed so many key issues, it was heard by the Principal Judge and became a 'landmark' decision, providing guidance for future cases. The hearing stretched over two days, and after detailed consideration, the judge found the applicant and his family eligible for support. Thanks to ASAP's work, Mr H, his wife and children were able to continue living in Home Office accommodation, instead of facing destitution.

Enhancing knowledge and expertise

ASAP provides specialist training on various topics relating to asylum support. We offer a variety of different training models for agencies that provide advice and support to asylum seekers, from a basic online introduction to asylum support, to tailor-made in-house training or more specialised technical legal training, either face to face or via webinar.

In July 2017, ASAP launched its first e-learning module on asylum support to increase the reach of our training, and ensure that smaller organisations with fewer paid staff, or more transient volunteers, could also increase their skills in asylum support. It proved very popular, with over 500 advisors enrolling for the course within the first 2 months. Our 'Webinar Wednesdays' continued to be oversubscribed throughout the year.

Achievements in 2017/18

- 27 training sessions delivered including 11 webinars and 16 face to face sessions.
- 404 people trained, 179 through webinars and 225 via face to face training.
- An additional 544 people from 202 organisations enrolled in our e-learning course.

Face to face training by area in England

- London – 28%
- Yorkshire and Humberside – 13%
- North East – 13%
- West Midlands – 6%
- South West – 6%
- North West – 6%

Training feedback

89% of trainees reported a significant increase in confidence in using legislation, key cases and Home Office asylum support policies after attending our training. Comments included:

“Very engaging and enjoyable”

“Practical, dynamic, informative”

“I thought the webinar method is very effective. Minimal time out of office etc.”

“I like e-learning as I can make notes which for me is the best way to learn”



Launch of pre-action protocol project

In October 2017 thanks to a 3 year grant from Barings Foundation, we launched a partnership project with Deighton Pierce Glynn solicitors to upskill the voluntary sector in writing pre-action protocol letters (PAPs). One of the main applications has been to help trigger faster decisions on asylum support applications. This has a significant contribution to reducing destitution, as without a decision on their support application, asylum seekers are left in limbo, with no support but unable to appeal. In the first year, the PAPs issued led to support for 70% of asylum seekers.

Asylum Support Advice Network

The Asylum Support Advice Network (ASAN), which was launched in early 2016, grew from 620 to 850 members. ASAN is an online forum allowing members to post questions, share knowledge and disseminate information and best practice on asylum support issues. In 2017/18 there were over 1,000 posts on 564 topics. The network also meets three times a year across the UK to exchange information, best practice and facilitate networking. It also provides useful evidence for collaborative policy work. One advisor described it as, “One of the best initiatives in the sector.”

Women's project



Alice Webb

The Women's Project at ASAP exists to reduce destitution and its associated risks among asylum-seeking women.

In 2017/18, Alice Webb, ASAP's women's legal advisor, has:

- Ensured women attending the asylum support tribunal could access representation and advice. This year 30% of appellants were women. 66% had additional vulnerabilities and 26% reporting gender based violence.
- Designed and delivered ASAP's first 'client care' session for volunteer advocates, including how to deliver a gender sensitive service.
- Increased the knowledge of women's organisation on the rights and entitlements to support of the asylum-seeking women they work with – six training sessions for 79 people and two webinars for 29 others.
- Successfully lobbied the Home Office to improve its policy on how it works with asylum seekers who have been subject to domestic violence, including a funding mechanism to enable the Home Office to fund a safe space such as a refuge.

Case study – women's project

Ms A was living with her young daughter having left a relationship in which there was sustained domestic violence. She applied for Section 4 (s4) support (support for refused asylum seekers). The Home Office was sent detailed evidence of the abuse that she had suffered at the hands of the father of her child, and the involvement of specialist domestic violence agencies.

The Home Office refused her s4 application almost 2 months after it had been submitted. It argued that she had not sent evidence to support her destitution and that it was reasonable to expect her and her daughter to leave the UK. The letter did not seem to take into account the particular vulnerability of Ms A and her daughter, either in the processing of the application or the refusal itself.

ASAP represented her during her appeal against the

support refusal and argued that the Home Office had, in fact, been sent all necessary evidence to support Ms A's destitution and that this evidence clearly showed that she was destitute. The advocate also argued that it was not reasonable to expect her and her daughter to leave the UK due to ongoing family court proceedings.

In any event, ASAP explained, the daughter could not leave the UK without the written consent of her father, who was highly unlikely to grant this. Ms A also had evidence to show that her immigration solicitor was investigating the possibility of a challenge to her asylum refusal. The judge allowed the appeal and Ms A and her daughter were granted Home Office support, remaining in accommodation with financial assistance rather than facing destitution and the risks of exploitation that this brings.

Advice line

ASAP's free second tier advice line runs 3 days a week. It is operated by our expert legal team who are available to answer other organisations' queries relating to asylum support.

Advice line facts 2017/18

- We received 633 calls to our advice line.
- These calls came from 158 organisations, mainly advice agencies but also solicitors and community organisations.
- 78% of organisations called multiple times.
- Top three callers were Red Cross, Bristol Refugee Rights and MRANG.
- 26% of calls related to Section 4 support, a 5% drop from last year.
- 37% of calls related to Section 95 support, a 8% increase on last year.



"As the only caseworker in my organisation I find it useful to be able to double check my thinking on a person's situation"

Advice line caller



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.

Key achievements in 2017/18

- Increased access to emergency accommodation for destitute asylum seekers who are granted support after a successful appeal at the First Tier Tribunal (Asylum Support). Last year the Home Office agreed to issue travel tickets to enable successful appellants to travel straight to emergency accommodation. However, people did not know this was an option open to them, so few were accessing it. This year, we persuaded the Home Office to tell people in advance of their hearing that they could access immediate support if successful at appeal.
- Increased fair assessments of destitution within asylum support applications by persuading the Home Office to translate key documents, rather than expecting destitute asylum seekers to pay for this.

- Persuading the Home Office to adhere to data protection principles when assessing support applications. Previously the Home Office was making enquiries in the country of origin which were increasing protection risks to the applicant and their family.
- Carried out research into the ways in which current decision-making on Section 95 support applications is unlawful, to enable future policy work on this issue.

ASAP's solicitor has continued to monitor potential cases for judicial review using our strategic litigation log. In 2017/18 we reviewed 37 cases to assess their merits for potential judicial review, of which eight were referred to solicitors. Two cases resulted in asylum seekers' accessing support, and a further two led to a new application for support.

“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”

STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31 MARCH 2018

	Unrestricted funds 2018	Restricted funds 2018	Total funds 2018	Total funds 2017
INCOMING FROM:				
Donations and legacies	£163,415	£332,496	£495,911	£484,264
Investment income	£164	–	£164	£272
Income from charitable activities	£848	–	£848	£2,695
Total	£164,427	£332,496	£496,923	£487,231
EXPENDITURE ON:				
Charitable activities	£161,794	£322,581	£484,374	£471,134
Total resources expended	£161,794	£322,581	£484,374	£471,134
Net income/(expenditure) before transfer	£2,633	£9,915	£12,549	£16,097
Transfer between funds	–	–	–	–
Net income/(expenditure) after transfer	£2,633	£9,915	£12,549	£16,097
NET MOVEMENT IN FUNDS	£2,633	£9,915	£12,549	£16,097
RECONCILIATION OF FUNDS:				
Total funds at start of year	£198,143	£7	£198,150	£182,053
Total funds at end of year	£200,776	£9,922	£210,698	£198,150

The financial statements shown are a summarised version of the financial statements for the year ended 31 March 2018. The full statutory report can be obtained by contacting ASAP at:
Studio 11/12, Container City Building, 48 Trinity Buoy Wharf, London, E14 0FN.

ASYLUM SUPPORT APPEALS PROJECT
Company limited by guarantee no. 04763838

Funders, trustees, staff and volunteers

Thanks to our funders, supporters, partners and all who supported our work.

FUNDERS

AB Charitable Trust
Access to Justice
Allan Lane Foundation
Barings Foundation
Big Lottery Fund (Awards for All and Help Through Crisis)
City Bridge Trust
Cliffe Lewes
Comic Relief
Dentons UKMEA
Esme Fairbairn Foundation
Eleanor Rathbone
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
Strategic Legal Fund
Trust for London
Tudor Trust
Unbound Philanthropy
Individual donors

OTHER SUPPORTERS

First-tier Tribunal (Asylum Support)
Hannah Tye at Freshfields Bruckhaus Deringer
Marion Edge at Herbert Smith Freehills
Bryony Poynor at Garden Court Chambers for her support with strategic litigation
Asylum Support Advice Network (ASAN) members
Members of the women's charter group

MANAGEMENT COMMITTEE/TRUSTEES

CHAIR Michael Spencer
VICE CHAIR Paul Yates
TREASURER Genevieve Seddon
Kat Lorenz (resigned October 2017)
Dave Garratt
Nicola Parker
Amelia Seeto
Alasdair Mackenzie (joined May 2017)

STAFF 2017/18

DIRECTOR Hazel Williams (resigned November 2017);

Kat Lorenz (from February 2018)

INTERIM DIRECTOR Alice Webb (November 2017-February 2018)

DUTY SCHEME

COORDINATOR Anna Dixie (resigned June 2017), Lilly Barritt (from July 2017)

DUTY SCHEME ASSISTANT Kama Petruczenko (resigned June 2017), Liam Cunningham (from October 2017)

FINANCE AND OPERATIONS OFFICER

Dianah Rouse

LEGAL ADVISOR Mark Rogers

LEGAL RESEARCHER AND ADVISOR Marie Anne Fishwick

SOLICITOR Deborah Gellner

TRAINING COORDINATOR Aileen Woods, Claire Tindale (maternity cover from February 2018)

WOMEN'S LEGAL ADVISOR Alice Webb

OFFICE VOLUNTEER

John Hillman

DUTY SCHEME VOLUNTEERS

Alasdair MacKenzie
Doughty Street Chambers
Amy Clements
Southwark Law Centre
Anish Bhasin
Herbert Smith Freehills
Ben Amunwa
The 36 Group

Bryony Poynor

Garden Court Chambers

Christina Guazzi

Freshfields Bruckhaus

Cian Mansfield

Scott and Scott

Claire Stirrup

Herbert Smith Freehills

Connor Johnston

Garden Court Chambers

Daniel Hoyle,

Daniel May

Herbert Smith Freehills

David Wood

Charter Chambers

Ella Davies

Freshfields Bruckhaus Deringer

Fiona Couzens

Simpson Millar

Franck Magennis

Garden Court Chambers

Gabriella Polledri

Herbert Smith Freehills

Georges Chalfoun

3 Verulam Buildings

Grace Capel

Garden Court Chambers

Graeme Robertson

Herbert Smith Freehills

Greg Fullelove

Osborne Clarke

Harry Ormsby

Herbert Smith Freehills

Helen Jackson

South West London Law

Centres

Jessica Steele, John Lane

Freshfields Bruckhaus Deringer

Josephine Henderson

Five Paper Chambers

Kay Foxall

Southwark Law Centre

Katy Watts

Public Law Project

Lara Nassif

Herbert Smith Freehills

Lorna Barron

Deighton Pierce Glynn

Louise Hooper,

Maria Moodie

Garden Court Chambers

Maryam Oghanna

Herbert Smith Freehills

Mary-Rachel McCabe

Doughty Street Chambers

Michael Booker

Southwark Law Centre

Michael Hershan

Herbert Smith Freehills

Michael Howe

WilmerHale

Michael Kotrly,

Michael Quayle

Freshfields Bruckhaus Deringer

Nicholas Gray

Lloyds Banking Group

Nina Lazic

Osborne Clarke

Philip Henderson

Henderson and Jones

Philippe Bonavero

4 King's Bench Walk

Ramya Arnold

Freshfields Bruckhaus Deringer

Ravi Low-Beer

Shu Shin Luh

Garden Court Chambers

Sophie Jones (née Thomas),

Susan Field

Herbert Smith Freehills

Thomas van der Klugt

Freshfields Bruckhaus Deringer

Tom Copeland

Garden Court Chambers

Tom Henderson,

Tom Wood

Herbert Smith Freehills



ASAPs London Legal Walk Team 2018

History of ASAP

- In 2000, the government separated housing and financial support for asylum seekers from British citizens.
- Asylum seekers had to apply for a lower level of support to the Home Office, with the right of appeal if refused, but without legal aid.
- People were left to navigate this complex area of law alone, defending themselves against a Home Office advisor despite language and cultural barriers and a lack of technical knowledge.
- A group of solicitors lobbied for legal aid to be reinstated, and when this was refused, they founded ASAP in 2003 to provide free legal representation for asylum support appeals.



The current ASAP team

ASAP
www.asaproject.org

ASYLUM
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Asylum Support Appeals Project (ASAP)
Studio 11/12
Container City Building
48 Trinity Buoy Wharf
London
E14 0FN
Tel: 020 3716 0284 Fax: 020 3716 0272
Charity number: 1105625
Company number: 04763838

