

ASAP Annual Report 2018/19



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 10 paid staff, one legal research volunteer and 53 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 and director's report



Mike Spencer

This year the thanks we owe to our volunteers, alongside the staff who run our duty scheme, became ever more clear. We were able to represent a higher proportion of people appealing against a refusal or withdrawal of asylum support than almost ever before (88% of those

we were permitted to represent, reaching 90% or more for several months, with a target of 70%).

Throughout the year we faced several obstacles to representing those who needed our assistance – multiple appeals listed simultaneously, high number of appeals withdrawn by the Home Office at the last minute, and an increasingly complex assessment of someone's destitution. This complexity meant that more time was required to prepare an appeal, and we worried that this might be too much for volunteers. However, time and again they stepped up to the challenge, spending hours in advance of an appeal analysing assets, calling appellants to gather evidence and talking cases through with our duty scheme coordinator.

Their work gave appellants the best chance of success at appeal. Equally importantly, it helped people to understand what would happen during the appeal, reducing the fear and isolation many people experience when left to defend themselves against a Home Office presenting officer, in a language they do not speak and in reference to a complex set of policies.

As a result both appeal success rates (65%), and positive feedback from appellants (99%) have been extremely high. It is clear that the value of our service lies not just in success at appeal but also in countering, for a short time, the isolation that many people who have sought sanctuary in our country face. One family commented, *"It was really nice to see a member of ASAP with me because after the Home Office decision we have started to feel alone. But now we know that we are not alone. Thank you so much for your time, interest and everything."*

We owe a special thanks to two of our volunteers, Graeme Robertson and Maryam Oghanna from Herbert Smith Freehills, who each gave their time to ASAP for several weeks this year, enabling us to maintain our representation levels over a busy summer period and develop our legal resources.

We would also like to thank the many organisations and individuals that have worked in partnership with us this year. We trained over 800 people from over 200 organisations across the UK, rolled out our free e-learning course on asylum support, and took a 20% increase in calls to our advice line. We have also learnt a great deal from the specialisms of others, for example the service user engagement models that PAFRAS and Open Doors have developed during our Yorkshire and Humberside partnership

project, and invaluable insights into asylum support decision-making across the UK from members of our Asylum Support Advice Network (ASAN).

Policy change can be frustrating – it can take decades to make progress, and can sometimes feel like we are fighting to stop things from becoming worse rather than achieving positive developments. However, this year was remarkable.

One of the main reasons the Home Office refuses support to people with an outstanding asylum claim is if they believe the person is not destitute. Our legal officer and legal research volunteer analysed the lawfulness of Home Office decision making on destitution.

A few months after reporting our initial findings to the Home Office we saw a 14% reduction in refusals on this basis (down from 23% to 9% year on year), which the Home Office confirmed was due in part to our research.

We published research in partnership with the Refugee Council on women's safety in the asylum support system. Followed by policy and parliamentary influencing alongside other organisations, this helped to achieve a new funding



Kat Lorenz

"It is clear that the value of our service lies not just in success at appeal but also in countering, for a short time, the isolation that many people who have sought sanctuary in our country face"

mechanism for asylum-seeking women to access refugees.

This is a key step in one of the long-term issues that traps asylum seeking women in abusive relationships – an inability to access safe accommodation. As a legal organisation, we have found it invaluable to work in partnership on shared policy goals with others who bring different expertise across the refugee and women's sectors, and would particularly like to thank those who were brave enough to share their experiences of safety in the UK with the researchers.

We have now launched our 2019-24 strategic plan, and while we will be continuing with our specific focus on legal access to asylum support, and our three strands of legal representation, policy and sector support, we have updated our aims and objectives within these strands to better reflect the current situation for asylum seekers and the availability of advice around the UK.

We are very pleased that so many suggestions from partner organisations and asylum seekers seeking support have been incorporated into our plan. Thank you to those who gave us your views on how we could improve, and the aspects of ASAP's work that should continue.

Mike Spencer, chair, Kat Lorenz, director

OUR IMPACT IN NUMBERS 2018/19



509

REPRESENTED

+87

ADVISED

596

TOTAL HELPED
(792 INCLUDING
FAMILY)



24

TRAINING SESSIONS
+ 1 E-LEARNING COURSE



65%

OR **426** DESTITUTE
PEOPLE (INCLUDING
FAMILY) ACCESSED
ACCOMMODATION
AND SUPPORT



874

PEOPLE TRAINED:
200 FACE TO FACE
231 WEBINAR
461 E-LEARNING



565

REFERRALS
RECEIVED

95%

ASSISTED



88% OF
APPELLANTS
ASSISTED

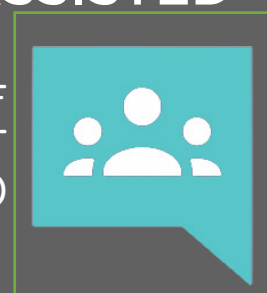
(where ASAP was
permitted to do so)



758

CALLS TO
ADVICE LINE

921 MEMBERS OF
OUR ASYLUM SUPPORT
ADVICE NETWORK (ASAN)



Access to justice

ASAP's duty scheme at the First Tier Tribunal (Asylum Support) in East London (the AST) 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

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

clients, who may already be suffering 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.

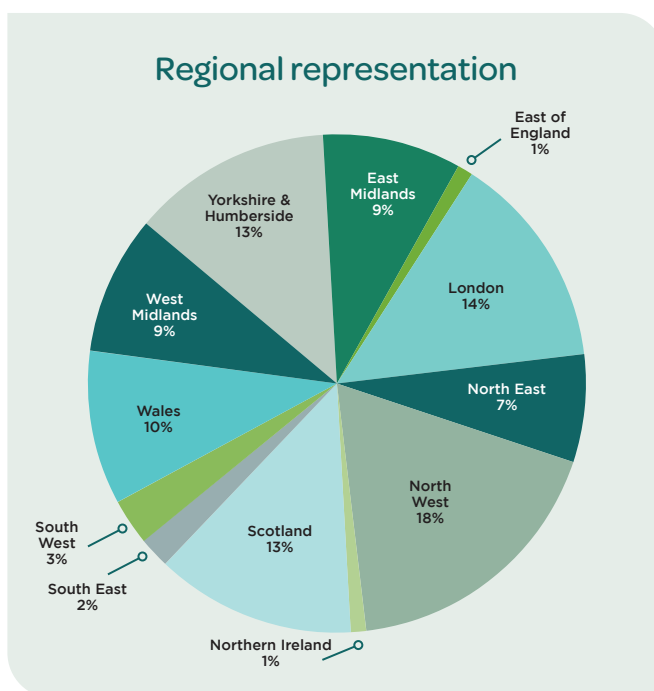
Our 53 volunteer duty scheme advocates comprise experienced barristers and solicitors, who represent on a rota basis roughly every 6 weeks. The majority of our solicitors are from Herbert Smith Freehills and Freshfields Bruckhaus Deringer, which have supported the scheme from its early days. Our duty scheme coordinator works with over 200 agencies around the UK assisting destitute asylum seekers, to improve the quality of the appeals they submit and encouraging them to refer cases to us in advance of appeal hearings to allow for preparation.

Achievements of the duty scheme in 2018/19

- We represented and advised 596 asylum seekers (792 including family members)
- We achieved a successful outcome for 65% of the clients we represented at the Asylum Support Tribunal
- There were 53 volunteers on the scheme, recruited, supported and coordinated by our duty scheme coordinator
- We represented 88% of appeals overall
- We received 565 referrals from organisations around the UK, assisting 95% of them

Duty scheme: key facts in 2018/19

- 73% of those we assisted were male and 27% female
- 22% were families with children
- The top three countries of origin were Iran, Iraq and Pakistan
- 56% (67% of women) had one or more vulnerability (e.g. torture survivors, physical or mental health issues).



The relatively high ratio of section 95 cases in the previous year, compared to section 4 cases, dropped during 2018/19. Section 95 cases relate to people with ongoing asylum claims and typically focus on whether someone meets the legal test for destitution. Over the year the ratio of section 95 appeals dropped from an average of 35% in the previous year to 21%. This appeared to be due to Home Office caseworkers making more carefully considered decisions on destitution, due at least in part to ASAP's policy engagement with the Home Office on this issue.

Meanwhile, appeals relating to section 4 support, a restricted form of support (accommodation and financial support of £35.39 a week only via a voucher card) for some categories of refused asylum seekers, saw a corresponding increase from 65% to 79%. We maintained a high success rate of 65%.



Duty scheme advocate

Graeme Robertson on his experience of volunteering with ASAP

I have been a duty scheme advocate since June 2015, and have found it to be a challenging and worthwhile experience. I joined ASAP because I feel very strongly that the essence of any modern society is discerned from how it treats its most vulnerable. The assistance ASAP provides to its clients is vital, and I am proud to be able to contribute to its success.

I also spent 5 weeks on secondment to ASAP in the summer of 2018, where I was able to work with the team on more detailed legal points and briefings, as well as appearing regularly at the Tribunal. I also assisted the team with preparing and delivering the annual update training on recent developments in asylum support law.

The secondment was a great experience, particularly as it meant I was able to spend more time on preparing the cases for hearings, and could therefore tackle some of the more complex appeals. I really enjoyed seeing the team at work, and getting a sense of some of the wider issues facing appellants. My understanding of asylum support law improved enormously from the secondment, and I would highly recommend it to all duty scheme advocates.

Volunteering at ASAP is, on the surface, very different from my day job as a commercial litigator at Herbert Smith Freehills. But the skills I have gained and developed from preparing and presenting appeals are applicable to all aspects of legal practice. Duty scheme advocates have to process a lot of information in a very short time, take instructions on relevant points and present the case in a clear and persuasive way, all of which have had a direct impact on my day to day work and, I think, have made me a better lawyer overall.

It is also hugely rewarding to feel that you have made a tangible difference to someone's life by helping them get the support they are entitled to. But volunteering is about more than winning appeals: it is also about giving clients reassurance and a sense that people do care about them, even if we only see them for a short time.

I look forward to continuing to volunteer as a duty scheme advocate, and I am close to evangelical in recommending the scheme to all my colleagues.

QUOTES FROM PEOPLE WE REPRESENTED IN 2018/19

"You really helped me today. I am very happy with you. You gave 100% to help me. I couldn't have done this without you."

"Thank you for representing me at the hearing. I was very close to erasing the word hope from my memory but now I can easily say out loud 'I hope'. Best of luck to you and for the work you do for people in situations like me."

"Very important as it gives us the opportunity to have someone present to defend my case."

Case study of our work at the Tribunal

Ms V endured a long, overland journey to reach the UK, during which she was raped. She claimed asylum in the UK 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 to the Asylum Support Tribunal and was represented by ASAP's women's legal adviser.

The decision on whether or not she was entitled to support came down to whether Ms V could access funds in her home country. Our women's legal adviser showed that the Home Office had based its refusal on incorrect information about internet banking. She argued that the Home Office could not reasonably expect Ms V to contact her friends and family back home for evidence that the government there had confiscated her assets – this would endanger them and her. 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 at the hearing.

The judge allowed the appeal and the ASAP women's legal adviser gave her follow-up advice and support after the hearing had finished. Ms V was able to access accommodation and support. This, in turn, allowed her to access consistent ante-natal care and to look for appropriate counselling.

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. Our e-learning module on asylum support, which can be accessed free online by busy caseworkers, increases accessibility for smaller organisations with fewer paid staff, or more transient volunteers. It continued to be used by a high number of advisers, with over 400 receiving training in this way.

Training in 2018/19

- 24 training sessions delivered, including 11 webinars and 13 face to face sessions
- 413 people trained, 213 through webinars and 200 via face to face training
- An additional 461 people from 158 organisations received training via our e-learning course

Face to face training by area in England

- Scotland – 32%
- Yorkshire and Humberside – 29%
- London – 25%
- North East – 10%
- South East – 4%

Training feedback

97% of trainees reported an increase in knowledge of asylum support following our training. Comments included:

“I feel much more confident now in supporting clients with applications so this training has expanded the support we can give” (face to face)

“Fantastic training. Absolutely relevant to the work we do. Extremely informative and well delivered” (face to face)

“I found the whole session really interesting and useful. It was particularly helpful to link in with the legislation, regulations and policies” (webinar)

“I found it really useful and easy to understand and I was able to navigate my way through it quite easily” (e-learning)

Advice line facts in 2018/19



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 queries from organisations that relate to asylum support.

- We received 758 calls, an increase of almost 20% on last year
- These calls came from 176 organisations, mainly voluntary sector agencies but also solicitors, statutory providers and individuals
- Top three callers were Red Cross, Bristol Refugee Rights and Govan Community Project
- 34% of cases related to section 4 support and 30% to section 95 support
- Only 40% of clients were in formal support at the time of the call, highlighting the immediate need for assistance
- 42% related to a female asylum seeker, much higher than the 27% of women we see at appeal, confirming the importance of the advice line in supporting destitute women seeking asylum support

Asylum Support Advice Network

The Asylum Support Advice Network (ASAN), which was launched in early 2016, has grown from 850 to 921 members over the past year. ASAN functions as a Google group, allowing members to post questions, share knowledge and disseminate information and best practice on asylum support issues. In 2018/19 there were 1,140 posts on 582 topics.

The network also meets three times a year across the UK to exchange information, best practice and facilitate networking. Feedback from members has shown that ASAN offers a very useful tool for sharing information and seeking answers from peers to queries. It also provides evidence for collaborative policy work.

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 Stakeholders Forum on asylum support.

As part of ASAP's policy and advocacy strategy we identified four key areas to direct our policy work for 2018/19, ensuring:

- The legal test for destitution is applied properly, specifically in section 95 cases, and that the decision-making process does not put the applicant or their family at risk
- There is a fair and transparent process to apply for support for those previously eligible under section 4(1) support
- Access to accommodation post-appeal within the Home Office timescales
- The Home Office policy on accommodating persons who have been subject to domestic abuse provides adequate protection from further risk.

Key achievements in 2018/19

- Persuading the Home Office to introduce a funding mechanism to enable asylum seeking women fleeing domestic abuse to access refuge spaces when applying for, or in receipt of asylum support. See update on our women's project, below, for more achievements for women.
- Reducing destitution among current asylum seekers for section 95 support. We finalised research into the various ways in which we believed asylum support decision-making to be unlawful, when assessing whether a current asylum seeker has access to any other form of support. We presented the Home Office with our findings, and several months later



saw a 14% drop in asylum support appeals on this basis (from 23% to 9% year on year). When we queried this drop with the Home Office it confirmed that this was in part due to our research – they had introduced a senior level caseworker into their refusal process and trained them to stop refusing applications in the ways we had identified as unlawful. As a result, more asylum seekers were moved straight onto section 95 support rather than being initially refused, explaining the drop in appeal numbers.

- We trained the sector and legal practitioners on schedule 10 support. This is a new form of support introduced when section 4(1) support was withdrawn (for former immigration detainees/ those whose asylum claim was refused as a child/ those treated as having withdrawn their asylum claim). However, there was no process to apply for this support. We have pursued this from both a policy perspective and through strategic litigation.

Women's project update



Alice Webb

The women's project at ASAP aims to reduce destitution and its associated risks among asylum-seeking women

This past year Alice Webb, our women's legal adviser, has:

- Ensured 161 women attending the Asylum Support Tribunal could access representation and advice. This year, 27% of appellants were women; 67% had additional vulnerabilities, and 24% reported gender-based violence
- Increased the knowledge of women's organisations 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
- Produced research in partnership with the Refugee Council on women's safety in the asylum system

- Successfully lobbied the Home Office to improve its policy on how it works with asylum seekers who have been subject to domestic abuse, including a funding mechanism to enable the Home Office to fund a safe space such as a refuge, and to draft new Home Office guidance on domestic abuse
- Influenced parliamentary discussions on the Domestic Abuse Bill to ensure asylum-seeking women were not excluded from it.

STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31 MARCH 2019

	Unrestricted funds 2019	Restricted funds 2019	Total funds 2019	Total funds 2018
INCOMING FROM:				
Donations and legacies	£211,986	£341,431	£553,417	£495,911
Investment income	£373	–	£373	£164
Income from charitable activities	£3,599	–	£3,599	£848
Total	£215,958	£341,431	£557,389	£496,923
EXPENDITURE ON:				
Charitable activities	£200,380	£326,798	£527,178	£484,374
Total resources expended	£200,380	£326,798	£527,178	£484,374
Net income/(expenditure) before transfer	£15,578	£14,633	£30,211	£12,549
Transfer between funds	–	–	–	–
Net income/(expenditure) after transfer	£15,578	£14,633	£30,211	£12,549
NET MOVEMENT IN FUNDS	£15,578	£14,633	£30,211	£12,549
RECONCILIATION OF FUNDS:				
Total funds at start of year	£200,776	£9,922	£210,698	£198,150
Total funds at end of year	£216,354	£24,555	£240,909	£210,698

The financial statements shown are a summarised version of the financial statements for the year ended 31 March 2019. 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 in 2018/2019

FUNDERS

AB Charitable Trust
Allen and Overy Foundation
Baring Foundation
Big Lottery Fund (Awards for All and Help Through Crisis)
City Bridge Trust
Comic Relief
Dentons UKMEA LL
Esmee Fairbairn Foundation
Freshfields Bruckhaus Deringer
Garden Court Chambers
Herbert Smith Freehills
London Legal Support Trust
Metropolitan Migration Foundation
Samuel Sebba Charitable Trust
Sigrid Rausing Trust
Strategic Legal Fund
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
Asylum Support Advice Network (ASAN) members
Members of the women's charter group
Graeme Robertson at Herbert Smith Freehills
Maryam Oghanna at Herbert Smith Freehills

MANAGEMENT COMMITTEE (TRUSTEES)

CHAIR Michael Spencer
VICE CHAIR Paul Yates (resigned November 2018), Alasdair Mackenzie (from November 2018)
TREASURER Genevieve Seddon
Dave Garratt
Nicola Parker
Amelia Seeto
Marion Edge (joined November 2018)
Sarah Taal (joined January 2019)

STAFF 2018/19

DIRECTOR Kat Lorenz
DUTY SCHEME COORDINATOR Lilly Barritt
DUTY SCHEME ASSISTANT Liam Cunningham (resigned July 2018), Mariana D'Arcadia (from September 2018)
FINANCE AND OPERATIONS OFFICER Dianah Rouse
LEGAL ADVISOR Mark Rogers
LEGAL RESEARCHER AND ADVISER Marie Anne Fishwick
SOLICITOR Deborah Gellner
TRAINING COORDINATOR Claire Tindale (maternity cover for Aideen Woods February 2018-March 2019)
WOMEN'S LEGAL ADVISER Alice Webb

OFFICE VOLUNTEER

John Hillman

DUTY SCHEME VOLUNTEERS

Alasdair MacKenzie
Doughty Street Chambers
Anish Patel
Herbert Smith Freehills
Bryony Poynor
Garden Court Chambers
Catherine Gilfedder
Dentons UK
Christina Guazzi
Freshfields Bruckhaus Deringer
Cian Mansfield
Scott and Scott
Claire Stirrup
Herbert Smith Freehills
Connor Johnston
Garden Court Chambers

Daniel Hoyle
Herbert Smith Freehills
Daniel May
Herbert Smith Freehills
David Wood
Charter Chambers
Ella Davies
Freshfields Bruckhaus Deringer
Emma Mockford
Brick Court Chambers
Felix Schaaf
Freshfields Bruckhaus Deringer
Fiona Couzens
Simpson Millar
Franck Magennis
Garden Court Chambers
Gabriella Polledri
Herbert Smith Freehills
Graeme Robertson
Herbert Smith Freehills
Greg Fullelove
Osborne Clarke
Hanne Gundersrud
Herbert Smith Freehills
Harry Ormsby
Herbert Smith Freehills
Helen Jackson
Coram Children's Legal Centre
Jake Savile-Tucker
Herbert Smith Freehills
Jessica Steele
Freshfields Bruckhaus Deringer
Jonathan Lafferty
Freshfields Bruckhaus Deringer
Josephine Henderson
Five Paper Chambers
Joshua Kelly
Freshfields Bruckhaus Deringer
Kerrie Barrett
Herbert Smith Freehills
Lorna Barron
Deighton Pierce Glynn
Marie-Claire O'Kane
4 New Square
Maryam Oghanna
Herbert Smith Freehills
Matthew Ahluwalia
Public Law Project
Michael Booker
Southwark Law Centre
Michael Howe
WilmerHale
Michael Kotrly
Freshfields Bruckhaus Deringer
Michael Quayle
Freshfields Bruckhaus Deringer
Miryam Farrelly
Freshfields Bruckhaus Deringer
Nicholas Price
Osborne Clarke
Nicolas Gray
Lloyds Banking Group
Nina Lazic
Osborne Clarke
Peter Fitzpatrick
Powell Gilbert
Philip Henderson
Henderson and Jones
Philippe Bonavero
4 King's Bench Walk
Ramya Arnold
Freshfields Bruckhaus Deringer
Ravi Low-Beer
Robert Colvin
Freshfields Bruckhaus Deringer
Sophie Caseley
Garden Court Chambers
Sophie Jones
Herbert Smith Freehills
Stephanie Needleman
Justice
Susan Field
Herbert Smith Freehills
Thomas van der Klugt
Freshfields Bruckhaus Deringer
Tom Henderson
Herbert Smith Freehills
Tom Wood
Brick Court Chambers



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
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Charity number: 1105625
Company number: 04763838

