

ASAP

ASYLUM
SUPPORT
APPEALS
PROJECT

ACCESS TO JUSTICE

10 YEARS ON



The impact of the work
of the Asylum Support
Appeals Project 2005–2015



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FOREWORD

I am fortunate to have been able to work with refugees and asylum seekers. The dignity and strength I have witnessed amongst people seeking safety has at times been awe inspiring. There are people's experiences I will never forget and some which are so awful they remain beyond comprehension. I am eternally grateful for all that my clients, friends and colleagues have taught me and ever more determined to fight the injustices that those seeking safety face.

I am immensely proud to be part of ASAP, a truly unique organisation which since its founding in 2003 continues to enable thousands of asylum seekers to access accommodation and support. Over the years ASAP has remained firmly guided by its values and a belief in justice and equal access for all. It has stood up for the rights of destitute asylum seekers to access what they are entitled to, and continued to be led by their needs. What is special about ASAP is not only its desire to assist asylum seekers themselves but its unfettered dedication to sharing knowledge and expertise with those supporting them.

We commissioned this report as a way of reflecting on the past ten years; little did we know that it would come at such a crucial time when the people we support are faced with even more obstacles in trying to survive in the UK. The Government's new Immigration Act 2016 seeks to create an ever more hostile environment for those seeking safety, by reducing entitlements for support and increasing suffering through destitution. This was combined with the reduction in Government funding for specialist asylum support advice and a legal aid system under increasing pressure. I feared we may be heading for a perfect storm scenario.

However, I am certain the passion and commitment to justice which permeates throughout the sector supporting asylum seekers will ensure this storm does not break. Already over the past two years the sector has shown a staggering amount of resilience to ensure asylum seekers can access their entitlements. I am aware this has been hugely challenging with many of the smaller destitution services seeing numbers at their drop-ins double. But despite all this we have continued to see a rise in asylum support appeals at the Tribunal and not the reduction we initially anticipated.

Looking back is not often a luxury we have as we are faced with the daily desperation of people in need, and the future pressures of harsh government policy. I hope this report will act as an important reminder of what ASAP and the sector have been through and the different storms our clients have weathered with our support, and provide inspiration to help us meet the many obstacles that will inevitably come our way, in the fight for justice and equality for those seeking safety.

HAZEL WILLIAMS
DIRECTOR, ASAP

INTRODUCTION

The Asylum Support Appeals Project (ASAP) is a national charity established in 2004 that aims to reduce destitution among asylum seekers by protecting their legal rights to food and shelter.

It does so by:

- Providing free legal representation for asylum seekers attending the Asylum Support Tribunal¹.
- Delivering training, sharing good practice and offering advice to organisations throughout the UK who assist asylum seekers.
- Engaging in policy development through research and lobbying in order to improve asylum support policies and procedures as well as pursuing strategic litigation.
- Running a women's project improving the access to support for asylum seeking women.

This report is a summary of the impact that ASAP has made over the last ten years (2005–15) on the lives of the asylum seekers whose rights it has fought for. The purpose of the report is to:

- Examine the impact that ASAP has had in obtaining justice for asylum seekers facing destitution.
- Share the learning from how ASAP has achieved its aims (or made this impact).
- Highlight the needs that continue as people who have been forced to flee their home countries due to persecution seek asylum in the UK only to find themselves destitute.
- Celebrate the achievements of everyone involved in enabling ASAP to achieve the positive impact that it has had on the lives of asylum seekers in the UK.

Forty-four people were consulted for the report, including: clients, current and former staff, volunteers and trustees along with representatives from external stakeholder organisations. Their contributions were combined with material produced throughout the period such as annual reports and ASAP publications.

THIS REPORT WAS RESEARCHED AND WRITTEN BY:
NICK SCOTT-FLYNN AND RICHARD MALFAIT

¹. Known as the First Tier Tribunal (Asylum Support), the name for this body has changed over the period in question although it has maintained broadly the same function, that is to hear appeals from asylum seekers refused Asylum Support.

ASAP'S CORE VALUES

The success of ASAP over the last ten years has been underpinned by solid values shared by everyone involved with the organisation. The importance of these values was stressed by many of the people who were consulted for this report. They felt that the consistency of ASAP's values has enabled it to be effective in a changing and challenging environment.

These values are a belief 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.
- Access to justice, holding the Home Office and Tribunal to account and the importance of ensuring dignity and equality for the people they serve.
- Maintaining the independence of the organisation (ASAP does not receive any government funding).
- Treating staff and volunteers in the same way as clients, with dignity and respect.
- Collaboration with other organisations and valuing openness and transparency.
- The value of listening to the asylum seekers they work with enabling them to explain their perspective, in a complex and intimidating system of support.

These values do not just exist on paper but have been demonstrated in all that ASAP does.

“For people like us who don't have a voice to talk loud, your help is welcome for us today, because you explain clearly to the judge. Thank you very much.

CLIENT

In addition to its values, ASAP has a number of key strengths that have enabled it to achieve as much as it has.

Since its inception ASAP has:

- Kept its focus on Asylum Support Appeals, not drifted into the many other areas of need.
- Tackled the complexities of an ever changing policy and legislative environment, through a combination of policy and litigation work.
- Adapted creatively to the changes in the environment, for example by establishing the pro bono duty support scheme.
- Never been London-centric (even though the Asylum Support Tribunal is in London), rather positively sought to support organisations and clients across the UK.
- Increased its capacity and expertise and consequently is seen as the go-to organisation on asylum support.
- Increased capacity-building support to the smaller second-tier organisations and practitioners as resources were cut to the larger refugee assisting agencies.
- Identified vulnerable groups within the cohort of asylum seekers needing support and responded appropriately for example by establishing a specific service for women seeking asylum.
- Maintained a robust, principled and professional relationship with Home Office officials.

“We've always had a very clear focus in what ASAP is trying to achieve. We're less likely to dilute the quality of work if it's niche and focused.

ASAP STAFF MEMBER

“ASAP is unique, no one else is doing this thing. It has an excellent relationship with the sector – not a sense of competitiveness with other agencies.

ADVICE AGENCY
ASSISTING ASYLUM SEEKERS

“

No one was
doing appeals
for asylum
support because
no one knew
they existed.

DAVE GARRATT

CHIEF EXECUTIVE, REFUGEE ACTION (2010–2015)

CASE STUDY FROM 2005

Sarah (not her real name) was a failed asylum seeker who had made a fresh claim. She applied for Section 4 support because she was destitute and the fresh claim for asylum had been received by the Home Office but not yet processed.

When ASAP met Sarah at the Tribunal she had been sleeping rough for 9 months. She suffered from a serious medical condition which meant she occasionally lost consciousness without warning. She suffered from post-traumatic stress disorder having been raped and tortured in her country of origin which caused many side effects including sleepwalking. She often wandered the streets at night when she was asleep and had been robbed and assaulted. In her desperation to find money and food she had turned to prostitution and was living in a squat with a man she worked for.

NASS (the part of Home Office in charge of asylum support at the time) had refused to support Sarah. They did not accept she was destitute, saying that she had access to private means of support. They also stated her fresh claim had a limited chance of success.

ASAP represented Sarah and argued that she was destitute. There were police reports stating she had been involved in prostitution and sleeping rough. Her doctor had also been very concerned about her health and safety. ASAP also said that NASS could not properly comment on whether her fresh claim had any prospect of success, because this contradicts their own policy. Sarah won her appeal, and was accommodated.

THEN AND NOW

The case of Sarah is typical of so many of ASAP's clients and illustrates how and why ASAP came into existence. The changes in the asylum system introduced by the government in 2000 alarmed many law practitioners and voluntary organisations. They were concerned that asylum seekers would face problems accessing the support that they needed in order to live while their asylum claim was being considered. Of particular concern was the lack of legal aid for advice and representation at the Asylum Support Tribunal. This was a core injustice in the asylum system; how could someone have their claim for protection properly considered if they were pushed into destitution with no means to thrive?

Being the committed, skilled and creative people that they are, those concerned individuals sought to do something about the situation in both words and deeds. They lobbied the government and officials; highlighting the gaps in the system and pointing out the devastating impact that this would have on the lives of many asylum seekers. As well as speaking out they took direct action by setting up an organisation that would provide advice and representation to asylum seekers trying to exercise their legal rights. So it was that ASAP was formed, becoming a registered charity in 2004 and formally launching itself the following year.

It had taken almost five years to get to that point, something which would never have happened without the tenacity and drive of those founders. It is those same values that have enabled ASAP to continue to fight for the rights of people seeking asylum in the UK over the last ten years.

“It is easy to take access to justice for granted, but if a person was refused Asylum Support hardly any appeals were happening because no one knew how to do them.

“In 1999 the government deprived asylum-seekers of the right to mainstream housing and support and replaced it with asylum support no public funding for representation in appeals.

“Lawyers, NGOs and refugee organisations came together to fight for legal aid, and when that failed, we came up with the idea of the Asylum Support Appeals Project.

“From destitution and despair, we created a model to help protect basic human rights to food and shelter for the most vulnerable and disadvantaged people.

“I hope ASAP's success shows the possibilities of collaborating and innovating to provide access to justice, even in an increasingly hostile climate.

SUE WILLMAN

PARTNER AT DEIGHTON PIERCE GLYNN

(Sue helped found ASAP as chair for nearly a decade she was instrumental in establishing and guiding its ethos and development.)

There is a famous saying about the value of doing something not because it is easy but because it is hard. This approach has been exemplified by ASAP who in those early days took on the issue of asylum support appeals when it was seen as something of the Cinderella of the asylum system about which few people knew anything.

The issue did not have the profile or eminence of other aspects of the asylum system, such as detention or asylum casework. Notwithstanding this, the early visionaries of ASAP realised how important asylum support was and how it was intrinsic to the basic human rights of asylum seekers.

“ It was about providing justice for the vulnerable, preventing destitution and the denial of support. Without doing so would have led to more suffering.

FORMER TRUSTEE

Ten years later although there is more of an awareness of asylum support and the appeal process (thanks mainly to ASAP) some things have not changed for the better:

“ Asylum support is not then or now a publicly friendly aspect of the asylum system. It is often somewhat technical and hard to articulate. ASAP have pushed against that affirming that Asylum Support is a right.

SILE REYNOLDS
FREEDOM FROM TORTURE

The policy and political context is growing harsher, despite recent public sympathy for Syrian refugees. The 2016 Immigration Act is the latest in a long line of what can be described as draconian legislation and will dramatically reduce the rights and entitlements of asylum seekers to access Asylum Support. In turn this will lead to more destitution and suffering amongst asylum seekers.

The reasons why people flee their home country to seek protection in the UK have sadly not diminished in the last ten years; however, the asylum system has become more restrictive. At the same time resources available to organisations advising or supporting asylum seekers and refugees have been cut radically.

“ None of the big charities has time to do this (Asylum Support appeals) anymore.

A REFUGEE ASSISTING ORGANISATION

Asylum support, or the means by which to live while a person is seeking asylum, remains a key aspect of the asylum system. Ensuring that asylum seekers can still access this support and that there is a justice and fairness in the administration of the system is vital and ASAP's role in this continues to be fundamental.

ASAP'S DEVELOPMENT 2000–2015

2000–2003

In 2000 the government removed asylum seekers' entitlement to mainstream benefits, restricting them to a lower level of housing and welfare support, and removing legal aid for asylum seekers appealing a refusal of support. Concerned law practitioners, advice agencies and voluntary organisations started lobbying the Legal Services Commission to provide funding for appeals. When this was unsuccessful, they set up a voluntary organisation, Asylum Support Appeals Project, to fill this gap.

2004

ASAP was constituted as a registered charity with Sue Willman as chair. The duty scheme representation at the Asylum Support Tribunal was set up one day a week.

2005

After five years of dedicated hard work by the trustees, ASAP formally launched itself as an independent voluntary organisation in June 2005 with the help of generous funding from the Big Lottery Fund and the City Parochial Foundation. This funding allowed the first paid staff including Eiri Ohtani as Co-ordinator to be recruited, enabling ASAP to start providing vital services to asylum seekers, Refugee Community Organisations and other advice agencies. This included the running of a second-tier advice line on asylum support.

2006

ASAP runs its first destitution awareness week to raise awareness of the difficulties destitute asylum seekers face.

2007

ASAP sets up the London Destitution Advice Network with 20 members from advice agencies. They meet bimonthly to share good practice and information.

ASAP publishes the report *Failing the Failed?* which reveals over 80% of initial NASS decision letters terminating or refusing support to asylum seekers contained misinterpretations of law or its own policies.

2008

In 2008 ASAP's specialist womens project was launched.

ASAP starts relationships with city law firms Herbert Smith Freehills, Freshfields Bruckhaus Deringer, Clifford Chance and Simpson Thacher and Bartlett who provide volunteer advocates for the duty scheme.

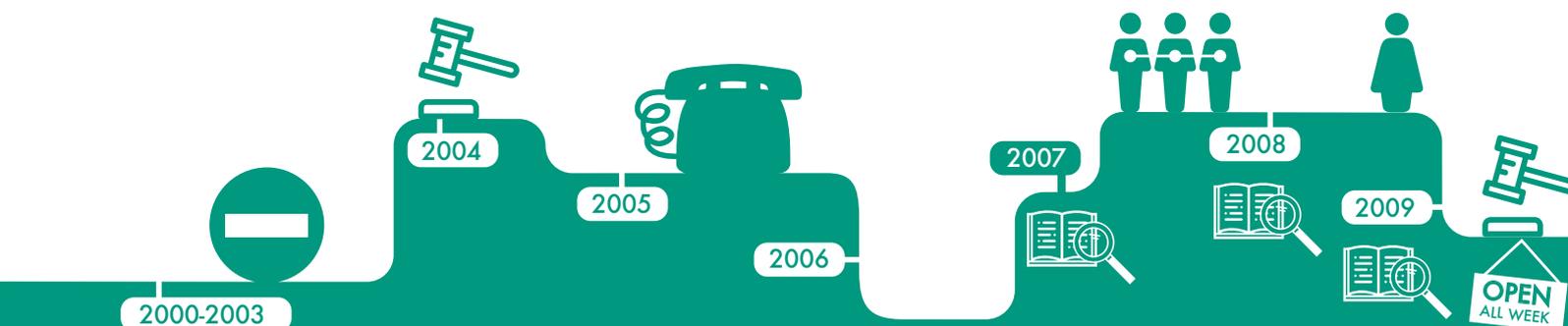
ASAP publishes the *Unreasonably Destitute?* report looking at the difficulties asylum seekers face in accessing support when they are taking all reasonable steps to leave the UK.

2009

In 2009 ASAP started operating a daily duty service which provided free legal representation and advice at the Asylum Support Tribunal.

ASAP researched and published the report *Not Destitute Enough*, which examined the Home Office's decision-making on destitution in cases which came to the Asylum Support Tribunal.

The Citizens Advice Bureau report *Supporting Justice* is published showing that ASAP's legal advice and representation adds a 22–32% representation premium to the outcome of appeals.



2010

ASAP published the *Barriers to Support for Asylum Seeking Women* report.

Eiri Ohtani, ASAP's Director (formerly the Co-ordinator), leaves ASAP and is replaced by Roseanne Sweeney.

2011

The Tribunal moved from Croydon, where ASAP was based, to Docklands in East London. ASAP's offices then move from Croydon to Bethnal Green, East London, to be closer to the Tribunal.

ASAP continued to press the Home Office on policy issues such as its poor asylum support decision-making and published a new report, *No Credibility: UKBA Decision Making and Section 4 Support*, finding, once again, a systemic misapplication of the legal test of destitution by Home Office case owners, resulting in unlawful refusals of support to homeless migrants.

2012

Roseanne Sweeney, ASAP's Director, goes on adoption leave. Eiri Ohtani steps in to fill a gap before the interim Director, Abigail Stepnitz, is recruited.

2013

In January, Alison Pickup takes over as ASAP chair, following the decision of Sue Willman, the founding chair, to step down after ten years at the helm.

Working in partnership with Maternity Action, ASAP developed a strategic legal challenge to the Home Office's policy on providing Section 4 support for women in the late stages of pregnancy.

Hazel Williams takes over as ASAP's permanent Director.

2014

ASAP moves to new offices in East India Docks, in the ground floor of the building where the Tribunal is based. Being located in the same building as the Tribunal enables it to achieve a significant increase in the percentage of cases it represents at the Tribunal.

ASAP publishes a report, *The Next Reasonable Step*, looking at Home Office decision-making on Section 4 support for those making reasonable steps to return home.

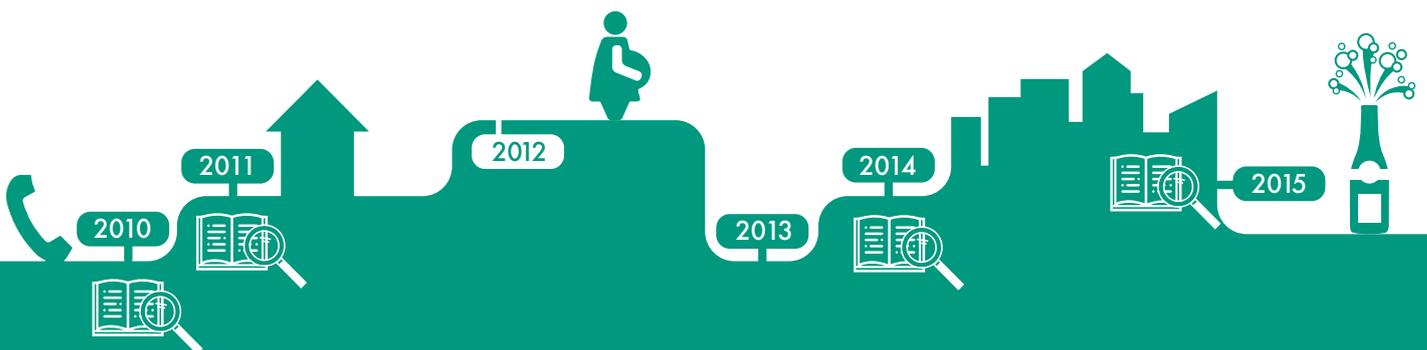
Hazel Williams, ASAP's Director, goes on maternity leave and Eiri Ohtani returns to cover as interim Director up to September 2014 when Hazel returns.

2015

For the first time, ASAP intervenes in a judicial review claim brought by an individual asylum seeker against the Home Office. ASAP's intervention helps clarify entitlements to support for refused destitute asylum seekers with outstanding article 8 (right to family life) applications.

ASAP wins the London Homelessness Awards: In memory of Andy Ludlow, and is awarded the £30,000 cash prize.

ASAP publishes two reports looking at asylum support decision-making on destitution: *Destitution: Unchecked; Unbalanced* and *A Decade of Disbelieving Destitution*.



WHAT ASAP DOES: THE ACTIVITIES

Helping asylum seekers at the Asylum Support Tribunal

Providing representation is at the heart of ASAP's work. Its 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.

The duty scheme advocates are made up of over 40 experienced volunteer barristers and lawyers, who each represent on a rota basis roughly every six weeks, as well as ASAP's four legal advisers. The majority of ASAP's lawyers are from Herbert Smith Freehills and Freshfields Bruckhaus Deringer, which have supported the scheme from its early days.

The ASAP duty scheme coordinator works with agencies around the UK to assist destitute asylum seekers, to improve the quality of the appeals they submit as well as encouraging them to refer cases to ASAP in advance of appeal hearings.

Without the duty scheme, over 5050 destitute asylum seekers would have had to navigate the court system completely on their own. They would have had to explain their case to a judge, in most cases without understanding the law, culture and language. Unfortunately, for many, the outcome would be negative and they would remain destitute. With ASAP's support a positive decision at the appeal is more likely and asylum seekers can then be housed immediately with the prospect of starting to rebuild their lives.

“I was working with an Iranian couple in their 70s. They both had serious health problems – he was ill with dementia and she was diabetic. Their application for asylum had been refused. We were planning to help them make a new (asylum claim). There was a video link appeal for asylum support. The ASAP volunteer representative got involved a couple of days before this appeal and helped with background work. She spoke with their daughter early on in the day. Then in the appeal, she had to carefully argue that even though a new asylum claim was far off it would still be breach of human rights not to give asylum support. They won the appeal but the Judge gave them a hard time! They really helped in advance – putting a lot of time and effort into it and not just on the morning of the appeal.

**EXPERIENCE OF ADVICE AGENCY WHOSE
CLIENT WAS REPRESENTED BY ASAP**

“(My ASAP Legal Adviser) explained all to me (about asylum support appeals).

“I cannot imagine how hard it would have been going into the hearing on my own, I would not have understood what was happening or the questions.

ASYLUM SEEKERS ASSISTED AT THE TRIBUNAL







It is a privilege to work in a team of people who are talented, conscientious, honest, supportive, angry about injustice and committed to fighting against it.

It is inspiring to work with asylum seekers who have endured unimaginable hardship with determination and dignity. I still have a lot to learn from my clients about optimism and not giving up. Working at ASAP teaches me about more than just UK law, it teaches me about what is going on around the world, about what people are running away from.

ANNA DIXIE
DUTY SCHEME COORDINATOR, ASAP

Building relationships and partnership with legal firms

One of the most innovative and successful aspects of ASAP's work has been developing relationships with city law firms. Over 113 volunteers from these firms have brought their expertise, time and commitment to help secure the rights of asylum seekers over this period. While this has obviously had an enormous impact on the lives of those clients, it has also had an impact on the individual volunteers and the firms that they work for, as illustrated by the quotes below:

““ The actual structure of the ASAP scheme is a big achievement in itself. It's innovative. It's a model of how you can involve highly trained volunteers effectively.

““ It's very attractive for our volunteers – it's discreet, needs limited preparation time and little follow up work. It's refreshing for them and they feel like they're doing something valuable for vulnerable people.

LAW FIRM REPRESENTATIVE 2016

““ One man, from Nottingham, was very stressed and traumatised about going to the Asylum Support Tribunal. He got to Anchorage House but collapsed – a sort of panic attack? The ASAP Duty Scheme Coordinator went in and represented him – and they won the appeal! She was incredible with him. It was a very complicated case – she argued key points without preparation. And there was another case – a woman. I really didn't know anything about doing an asylum support appeal. ASAP talked me through every single thing and laid it out in an email. They gave me crucial points to argue and advised me what to provide. The woman won the appeal – as a result of ASAP 2nd tier advice. I will never forget that – how they helped me over the phone.

ADVICE AGENCY EXPERIENCE

Sharing and building expertise and good practice within the sector

ASAP offers training on all aspects of asylum support to organisations advising asylum seekers and to ensure they are fully aware of their entitlements to support to further reduce destitution. Training sessions are delivered face to face or through webinar and can vary from a basic introduction to asylum support, right through to more complex training on issues such as how to conduct an appeal at the Asylum Support Tribunal.

Because ASAP provides legal representation at the Asylum Support Tribunal on a daily basis, the training sessions contain the most up-to-date information and guidance.

Recently, ASAP has provided training to advisers who work at the British Red Cross, the UK Lesbian and Gay Immigration Group, Migrant Help, Midwives in London, lawyers in Scotland, Refugee Action, Asylum Link, the Refugee Council, Coventry Refugee & Migrant Centre, Praxis, and many others.

ASAP also runs a second-tier advice line Mondays, Wednesdays and Fridays (2pm–4pm), offering expertise and guidance to advisers across the UK supporting asylum seekers.

“The ASAP Advice Line provides such an important port of call for many of us working here. The advisers go out of their way to give you the best advice specific to your clients. The advice line provides an invaluable source of advice that time and again has helped our clients to be successful on appeal. Thank you to the whole team, keep it up!

ASAP produces factsheets on all areas of asylum support for those advising asylum seekers; these are featured on the ASAP website and provide the main free source of information in this niche area.

“ASAP is organised and professional at all times. Their staff are friendly and always happy to support other charities. They are all very skilled. I personally refer to their website for sources on a weekly basis.

“ASAP Factsheets are really useful. Asylum Support is complex and confusing and the factsheets explain it clearly and in an easy to digest format.

**ADVICE AGENCY
ASSISTING ASYLUM SEEKERS**

ASAP originally set up the London Destitution Advice Network (LDAN), a network of organisations in London that shared information and updates on destitution via a Google group and also met four times per year. LDAN was merged into the Asylum Support Advice Network (ASAN) in 2015.

ASAN is a national network of people who help asylum seekers, refused asylum seekers and irregular migrants access food and shelter. ASAN was set up in 2015 and is coordinated by ASAP. Through the network ASAP provides up-to-date information about asylum support law, policy and practice as well as relevant resources.

Currently this network has over 600 subscribers from all parts of the UK, and has recently been turned into a Google group to allow members to exchange questions and experiences. Many are regular users of ASAP advice line and make referrals to the duty scheme.



Feedback on ASAP's capacity building activities

“ I gained a lot of important information and skills from phoning ASAP for advice and from their training. When my clients get an asylum support discontinuation letter they can feel utter panic. Hysteria. I can calm them down. Even though there is only 3 days to lodge an appeal we (I and the client) get immense support from ASAP. It's reassuring – knowing that an ASAP volunteer (a professional legal expert) is going to represent them.

“ I have been impressed by the quality of the training and knowledge of the presenter. I would definitely recommend this training to everyone who works in the field.

“ I had little knowledge of this area (asylum support) prior to the training. It has really helped me so that I will be comfortable advising clients whom I come across in the future.

BELFAST

“ Today was the best training session I've been to for a long time... it brought me back to thinking creatively about applying and appealing for support, I feel inspired to challenge decisions more confidently.

LONDON

“ Extremely informative and really interesting and brought members of organisations supporting refugees and asylum seekers together to share ideas and discuss case studies.

CARDIFF

POLICY AND LOBBYING

“ ASAP punches above its weight in terms of policy influence.

MIKE KAYE
STILL HUMAN STILL HERE

“ Asylum Support doesn't feel easy for some organisations to campaign on. It is an unpopular issue to choose. ASAP were brave enough to pick this issue when others shied away from it.

SILE REYNOLDS
FREEDOM FROM TORTURE

ASAP's strength lies in its ability to combine its legal expertise with the unique body of evidence it has access to through its work at the Asylum Support Tribunal and through its second-tier advice work to lobby for better asylum support systems and procedures. ASAP researches into key areas of asylum support and uses this research to find solutions and improve Home Office practices in asylum support. ASAP also monitors trends and decision making at the Tribunal to ensure that cases which can be judicially reviewed are referred on appropriately as well as identifying cases of strategic importance for judicial review.

Over the years ASAP has had some key successes in their policy and litigation work:

- In 2008 ASAP successfully lobbied the Home Office to provide emergency accommodation for destitute asylum seekers post appeal: they now have immediate access to accommodation in London on the day of a successful appeal.
- In 2015 ASAP successfully intervened in a case which clarified that destitute asylum seekers with outstanding article 8 (right to family life) applications could be entitled to asylum support.





“

I really like the fact that ASAP is very specialised and focused in what it does, and that working here involves a variety of activities. Meeting and representing clients in the Tribunal, and helping them, albeit briefly, in their onward journey through the asylum system is particularly satisfying. And then, in contrast, standing back and looking at what's going wrong, or could be improved, in the asylum support system. I like that this involves working with lots of diverse groups: the Home Office, grass roots organisations, the refugee and legal sectors. And finally I really enjoy working with my ASAP colleagues and our highly motivated and skilled volunteers.

DEBORAH GELLNER
ASAP SOLICITOR

The Women's Project

Starting in 2008 ASAP's women's project addresses the asylum support needs of vulnerable female asylum seekers, particularly those who have experienced gender-related violence.

The project has three main objectives:

- To ensure that destitute female asylum seekers, many of whom are victims of sexual violence, are assisted to make successful applications for support.
- To increase awareness and knowledge of asylum support law amongst organisations providing advice to women asylum seekers.
- To bring about improvements to the support system for female asylum seekers so that it recognises the particular difficulties they face and is more responsive to their needs.

“It's important and it's helped me a lot. I was worrying and now I'm happy I'm not going back to my husband. I could openly talk to you about my case.

ASAP CLIENT AT THE TRIBUNAL

To achieve these objectives, the project is engaged in a number of activities. These include:

- Targeting women who are appealing to the Asylum Support Tribunal (AST).
- Encouraging organisations to refer women to ASAP for representation at their appeal to the AST.
- Providing training to women's organisations on asylum support entitlement and the right to appeal.
- Providing briefings and factsheets on asylum support issues that are particularly relevant to women asylum seekers.
- Lobbying the Home Office to improve asylum support provision for women.

“We have worked in partnership with ASAP on improving support for destitute asylum seeking women. We have found ASAP's women's project to be an invaluable source of knowledge during this process.

MATERNITY ACTION





“

I get a lot of job satisfaction, especially from representing women in hearings. It's very rewarding to 'be there' for people who, otherwise, would be unrepresented and unsupported at the Tribunal. There are always new things to learn; hearings can take unexpected twists and turns and people's stories are fascinating although, often, incredibly sad too. I also really enjoy training other advisers around the country, hearing their experiences and, hopefully, making them feel more confident about advising clients. And I'm lucky to have such great colleagues which is really important as the work can sometimes feel gruelling – it's a very supportive place to work.

ALICE WEBB
WOMEN'S LEGAL ADVISER, ASAP

KEY PARTNERSHIPS IN THE VOLUNTARY SECTOR

From the beginning ASAP has worked with a range of organisations who advise and support refugees and asylum seekers. It has done so for the simple and powerful reason that this has helped to achieve the overall aims of ASAP. This openness to collaboration has been both well received and effective as indicated by comments below.

“ At the Red Cross we see the devastating impact destitution has on vulnerable asylum seekers every day. ASAP provides a lifeline through providing high quality information, advice and legal representation to enable asylum seekers to access support and avoid destitution. I've been hugely impressed by ASAP's evidence-based policy and advocacy work, and their ability to share their learning and disseminate best practice.

“ Our staff and volunteers place huge value in the training and resources provided by ASAP and we are incredibly grateful for the dedication and commitment of the ASAP team, without whom, many of our most vulnerable clients would be left street homeless and destitute.

ANDY HEWETT
REFUGEE SUPPORT DEVELOPMENT MANAGER,
BRITISH RED CROSS (2003–2016)

“ At Maternity Action we are committed to ending inequality and improving the health and well-being of pregnant women, including those in the asylum system. ASAP has been a great partner in this aspect of our work; providing authoritative information, advice and evidence. Jointly we produced guidance for midwives on writing letters of support for pregnant women who have been refused asylum support. Working together with ASAP on this we have been able to provide an enormously useful resource for this group of women and the organisations advising them. I look forward to our ongoing collaboration in furtherance of promoting the rights of pregnant women.

ROS BRAGG
DIRECTOR OF MATERNITY ACTION

“ ASAP has been absolutely vital to ensuring that many hundreds, if not thousands of Refugee Action's clients have received the support they desperately need, and are entitled to. Knowing that people will receive high quality, expert representation at appeal has also been incredibly motivating for staff, volunteers and asylum seekers themselves. Further, the work that ASAP does to ensure that a network of organisations, large and small, are able to assist asylum seekers around their claims and appeals for support has become increasingly vital, as the resources available to advise people on their support rights have become ever more scarce. From small beginnings ASAP is now the most important charity working to secure asylum seekers their support rights in the UK, and this is testament to ASAP's focus, expertise and dedication.

DAVE GARRATT
CHIEF EXECUTIVE, REFUGEE ACTION (2010–15)

“ I have worked closely with ASAP for many years and greatly admire the organisation. It provides essential services to vulnerable people in need, but it also plays an immensely important role in using its expertise to identify the reasons why asylum seekers are being left destitute. In addition, it collects evidence and case studies which it uses to advocate for policy changes which will prevent people from being left without support in the first place.

MIKE KAYE
ADVOCACY MANAGER,
STILL HUMAN STILL HERE

“

I feel strongly
that our key
strength is our
unique expertise
in a niche aspect
of the asylum
process and our
belief in evidence-
based, nuanced
policy work.

MARIE-ANNE FISHWICK
LEGAL RESEARCHER, ASAP

ACHIEVEMENTS AND IMPACT

- Directly helping over five thousand asylum seekers access asylum support through ASAP representation at the Asylum Support Tribunal. This in turn has alleviated destitution and enabled those people to access their rights and better cope with the many challenges of being an asylum seeker.
- Providing reassurance and moral support for many anxious, isolated and vulnerable asylum seekers at the Asylum Support Tribunal by being there with them and explaining the process and their rights.
- Raising the issue of asylum support within the sector and beyond to a point where it is now recognised as being a key aspect of the entire asylum system and an issue that other organisations have been galvanised to campaign and lobby on.
- Establishing a highly effective pro bono mode of partnership between a voluntary sector organisation and leading city law firms. This has provided opportunities for 113 legal advisers to practice their skills and develop their knowledge in a very different environment from their normal workplace. ASAP has provided them with a platform where they have been able to make a huge difference to the lives of one of the most marginalised and vulnerable groups in our society: asylum seekers.
- Identifying the specific challenges facing asylum seeking women and responding by setting up the Women's Project which has assisted over one thousand women at the Asylum Support Tribunal.
- Establishing ASAP as the central, accessible asylum support resource for both the voluntary and statutory sector. By making its accumulated knowledge, skill and experience a freely available resource it has helped to ensure access to justice for thousands of asylum seekers.
- Building up the knowledge, skill and capacity of other organisations who are working with and supporting asylum seekers to access asylum support. This has been achieved through training, telephone advice and written guidance.
- Establishing and facilitating specialist knowledge – sharing forums that bring together key organisations and individuals to spread good practice in asylum support.
- Helping to ensure fairness and accountability in the asylum support system. This has been achieved through the development of constructive working relationships with the Asylum Support Tribunal and the Home Office.
- Influencing policy and practice with regards to asylum support through robust, focussed research based on solid evidence conducted in an incremental and strategic way. This includes the sharing of the research and evidence with other organisations for them to use in their lobbying and advocacy.
- Saving on the administrative costs of the asylum support appeal system by encouraging better practice from decision-makers.

“ASAP is the last line of defence for asylum seekers experiencing destitution. If people get out of destitution they can then focus on their asylum claim and other aspects of their lives.

MIKE KAYE
STILL HUMAN STILL HERE

“

It gave me
confidence that
someone is
willing to stand
up on my
behalf.

ASYLUM SEEKER
ASSISTED AT THE TRIBUNAL

SUMMARY OF THE ACHIEVEMENTS AND IMPACT

TEN YEARS IN NUMBERS

3926 + 1124

PEOPLE REPRESENTED

PEOPLE ADVISED

5050

TOTAL HELPED BY ASAP



53%
CASES ALLOWED

30%
CASES DISMISSED

13%
CASES REMITTED

4%
OTHER

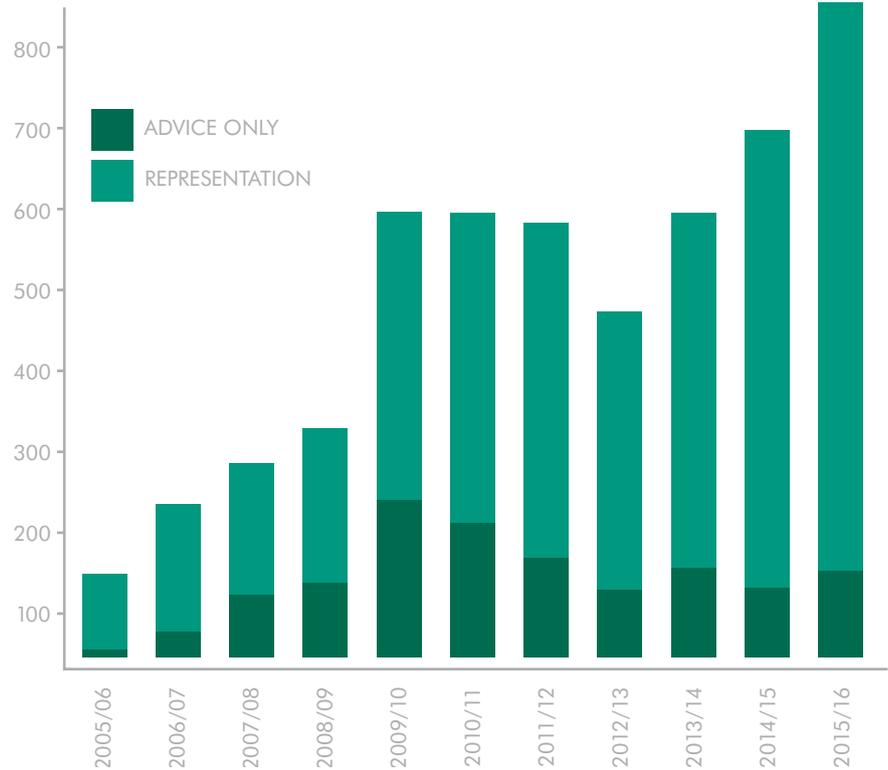


1089
WOMEN'S PROJECT REPRESENTATION

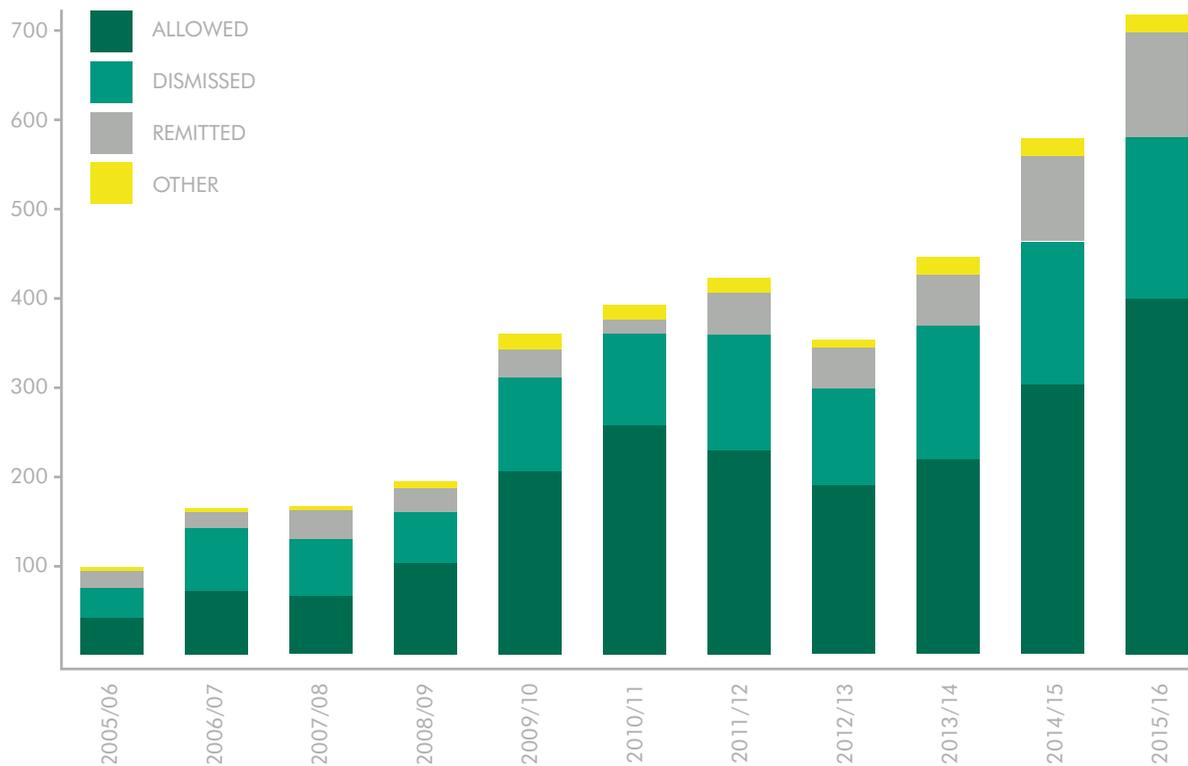


5470
ADVICE LINE CALLS

PEOPLE HELPED THROUGH THE DUTY SCHEME



APPEALS OUTCOMES



WHAT HAS BEEN LEARNT FROM THE LAST TEN YEARS AND HOW THIS INFORMS THE FUTURE

“ Looking back you thought at the time that the situation (about asylum support and appeals) was awful. But when you compare that to today it seems like some sort of golden age. It is now much more adversarial.

ALICE WEBB

FORMER TRUSTEE AND CURRENT STAFF MEMBER.

The numbers of refusals of asylum support are increasing and consequently so are the numbers of appeals. Despite the successes and achievements of ASAP and its partners the overall climate towards asylum seekers both in terms of policy and public opinion is harsh, notwithstanding the recent positive public response to the Syrian crisis. For example, the government is about to significantly reduce refused asylum seeking families' access to support. Already the demand for training outstrips ASAP's ability to respond and this trend is likely to continue.

In this context it is clear that there is a continuing need for ASAP, now more than ever, especially in the next few years as the implications and impact of the Immigration Act 2016 become more apparent. Asylum seekers and those organisations working with them will continue to need a champion focussing on rights to asylum support.

The learning that ASAP has gained over the last ten years will inform how the organisation continues to address the challenges inherent in this work. These learning points include:

- 'Small is beautiful': it is in the best interests of the sector and asylum seekers if ASAP stays with what it knows, that is, asylum support. Many stakeholders feel it would be unwise to take on 'advice work' (as in advising people about their asylum support application).
- ASAP's work will explicitly be part of the fight to protect the legal space within which people can apply for asylum (and the support associated with it). Most organisations will focus on the asylum element in this challenge, not the support element, so it is essential that ASAP keep the support focus.
- There will be a continuing need for an organisation which can translate the asylum support process in the future as others who don't specialise in this area are increasingly having to be informed about it as it impacts on their main role with clients, for example clinical practitioners at Freedom from Torture and local authorities.
- While maintaining the clear focus of its work, ASAP will continue to need to innovate and evolve new ways of carrying out its work, such as, for instance, the recently developed webinar training programme.
- ASAP's physical location is important. Having a location closer to the Tribunal brings benefits in terms of client access and the number of hearings that can be represented.
- Building relationships with corporate law firms has been a huge contributing factor to the success of ASAP.

What people say about ASAP

The following are examples of stakeholder comments recorded or received in the impact review consultations conducted with representatives from refugee assisting organisations, ASAP staff and volunteers between January and March 2016.

When asked if they could identify any key strengths and achievements in ASAP's work over the last ten years, stakeholder replies included the following:

“ Establishing an institution which has continued to provide legal aid and related research and advocacy for 10 years. This has been a crucial watchdog for Home Office violations of law and a defender of individual asylum-seekers.

“ Using donor funds to maximise pro bono resources (and vice versa); keeping a narrow focus (just on asylum support) helps minimise distraction and maintain effectiveness. Our outreach work and input helps maintain our relevance and therefore effectiveness.

“ ASAP became THE agency to go to on asylum support matters. It's recognised by everyone. They really stepped up when they needed to (when other support projects were closed or reduced due to cutbacks). For me as a referrer into their scheme they've been amazing – I've referred 27 cases and they only lost one!

“ ASAP makes huge difference. The Tribunal is a very intimidating environment. Having an ASAP representative with them is an immense help.

“ I think ASAP are a wonderful team of people. They provide a valuable service to non-specialists like myself. Their Factsheets are very well written and I have recommended them to many people. I am regularly updated with emails which have proved invaluable. They are great to speak to over the phone and will get back to me if they cannot get me an answer straight away. Long may they continue to provide their service!

“ ASAP has become the lead organisation advising on asylum support. Their expertise is immense and they always try their best to find policies, rules and precedents in order to help front line charities to help their beneficiaries.

“ They'll talk me through everything that I need to do to make a good appeal on behalf of my clients. But I have to ask less and less because of how much they've helped in the past. They are experts and very approachable.

CASE STUDY FROM 2015

Martin (not his real name) is from Africa. He came to the UK when he was 16 years old fleeing his home country where he had lost his family and had been forced into working as a child soldier. On arriving in the UK he had initially been supported by social services and lived in foster care. When he was 18 years old Martin was refused asylum and found himself unsupported and living on the streets.

“Through the day I looked normal walking about with my bag, but at night I joined so many other forgotten people living on the streets.

Five years later he was supported by the Baobab centre (a therapeutic and support service for young people in exile) to find a legal representative who submitted further representations for him, and helped him access Home Office support and subsequent appeals after the support was refused.

In August 2012 Martin was refused his first application for asylum support, Baobab helped him submit an appeal. At the Tribunal the ASAP representative went through the type of questions which the judge would ask. When he went in the Home Office representative did not seem prepared as they did not have all their papers; they kept asking him about his asylum case and the judge had to ask them to stop. In the end he was successful and was granted support.

“I cannot imagine how hard it would have been going into the hearing on my own; I would not have understood what was happening or the questions.

Later that year, just before Christmas on the 23rd December 2013, the Home Office stopped Martin's support again. Baobab helped him appeal and again he attended the Tribunal. Although he knew what to expect the second time, he was quite stressed at the prospect of being uprooted again. Thanks to ASAP's representation and Baobab he was successful at appeal and kept his accommodation.

“After living on the streets for such a long time, having heating was amazing and when it came to Christmas I cooked myself a chicken, a real treat.

By accessing some form of accommodation and getting support from Baobab, Martin was able to get funding to start a university degree studying engineering. In 2015 he received one year's leave to remain but his future remains uncertain.

“

ASAP is the last
line of defence
for asylum seekers
experiencing
destitution.

MIKE KAYE

STILL HUMAN STILL HERE

WHO TO THANK

The calibre, commitment and skill of the staff and volunteers involved with ASAP has been fantastic. Nothing is possible without good people and ASAP has had many of these:

STAFF

Eiri Ohtani	Thomas Copeland	Sophie Lemberger	Abigail Stepnitz
Gerry Hickey	Abigail Brunswick	Mike Spencer	Rossen Roussanov
Lisa Woodall	Roseanne Sweeney	Milad Yousefi	Sophie Wickham
Colin McCloskey	Oliver Griffiths	Susana Lo	Sinead Parsons

CURRENT 2016

Hazel Williams	Kama Petruczenko	Dianah Rouse	Deborah Gellner
Anna Dixie	Alice Webb	Mark Rogers	Marie-Anne Fishwick

VOLUNTEERS

All of our dedicated duty scheme volunteers and office volunteers

TRUSTEES

Sue Willman	Sian Roath	Dashty Jamal	Charles Ssempijja
Noeleen Adams	Roudabeh Shafie	Maria Gonzalez Dardigan	Maziar Jamnejad
Stefanie Borkum	Hugo Tristram	Nancy Kelly	Onike Gollo
Bushra Baig	Alice Webb	Pascale Vassie	Pascale Vassie
Lillian Brown	Alison East	Pauline Nandoo	
Nancy Fancott	Elaheh Mahsoori	Rita Chadha	
Duduzile Moyo	Pauline Nandoo	Sarah Cutler	

CURRENT 2016

Alison Pickup (chair)	Richard Orton	Carolina Gottardo
Paul Yates (vice chair)	Joana Ball (vice treasurer)	Daniel Silverstone
Genevieve Seddon (treasurer)	Nicola Parker	Kat Lorenz
	Dave Garratt	

Along with the staff and volunteers, ASAP's work would not have been possible without the generous funding and support from the following:

FUNDERS FROM 2004 TO 2016

29th May 1961 Charitable Trust	Comic Relief	Hilden Charitable Trust	London Homelessness Award: In memory of Andy Ludlow
A B Charitable Trust	Dove Trust	Irene Bruegal Estate	Matrix Chambers
Access to Justice Foundation	Diana Princess of Wales Memorial Fund	Jill Franklin Charitable Trust	Metropolitan Migration Racial Justice Fund
Allen Lane Foundation	Doughty Street Chambers	J Paul Getty Jr Charitable Trust	Rowan Charitable Trust
Allen and Overy Foundation	Eleanor Rathbone Charitable Trust	Law Society Charity	W F Southall Trust
AW.60 Trust	Estate of Irene Bruegel	Joseph Rowntree Charitable Trust	Samuel Sebba Trust
Big Lottery Fund	Esme Fairbairn Foundation	Legal Education Foundation	Sigrid Rausing Trust
Bromley Trust	Freshfields Bruckhaus Deringer	Leigh Trust	Simpson Thacher & Bartlett LLP,
City Parochial Foundation	Garden Court Chambers	Lloyds TSB Foundation for England and Wales	Tudor Trust
City Bridge Trust	Herbert Smith Freehills	London Legal Support Trust	Trust for London
Clifford Chance	Helen Tetlow Memorial Fund	London Councils	Unbound Philanthropy

GLOSSARY

The support scheme for asylum seekers was set up by the Immigration and Asylum Act 1999. The types of support are known as Section 95 Support and Section 4 Support. The Act also defines the process of appealing against a refusal of support.

SECTION 95 SUPPORT:

Asylum seekers are excluded from claiming mainstream benefits and working. Asylum seekers and their dependants who are destitute are eligible to claim Section 95 Support. Section 95 support can be for subsistence only (i.e. cash only support) or can also provide accommodation support. The level of cash support granted is a fixed rate which is significantly lower than income support levels. Asylum seekers are generally accommodated outside London and the South East under the Home Office's dispersal policy. When an asylum claim has been determined and all appeal rights exhausted, Section 95 Support is discontinued.

SECTION 4 SUPPORT:

Section 4 Support provides for asylum seekers who have been refused asylum. To receive this support, applicants must be destitute and must meet a narrow set of criteria to show that they cannot currently be expected to leave the UK. The support consists of accommodation and a weekly payment on a payment card, with no cash support.

APPEALING AGAINST A REFUSAL OF SECTION 95 OR SECTION 4 SUPPORT:

Appeals against a refusal or discontinuation of support are heard by the First Tier Tribunal (Asylum Support). The Tribunal does not deal with immigration or asylum claim appeals. It is run by the Ministry of Justice and located in East London. Asylum seekers who have had Section 95 or Section 4 Support either refused or withdrawn can appeal to this Tribunal. There are defined timeframes for appeal submissions.

Further details of these terms and other aspects of the asylum support system can be found in the fact sheets on the ASAP website: www.asaproject.org

CONTACT DETAILS

If you would like to know more about the work of ASAP or would like to support us as we continue to secure the rights of asylum seekers, please visit our website: www.asaproject.org

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