

Asylum Support Partnership

help and advice



March 2012

English

Are you destitute and at the end of the asylum process?

Has the UK Border Agency (UKBA) refused your asylum application? Have you been unsuccessful with your asylum appeals? If you have been relying on support from the government - UK Border Agency (UKBA) - then UKBA will have stopped supporting you. When asylum seekers have no more appeal rights they are considered by the UKBA as former asylum seekers.

Normally, the authorities expect you to either leave the UK voluntarily, or they will make arrangements to remove you. If the UKBA cannot remove you from the UK immediately, you may find yourself without accommodation and financial support.

If this is the case, you may be able to apply to UKBA for a very limited support package known as 'Section 4 support'. This support is mainly for former asylum seekers without children. Asylum seekers with children under 18 should continue to be supported until they leave the UK.

What is Section 4 support?

If you are eligible for Section 4 support, then UKBA will provide you with self-catering accommodation and an 'Azure' card for your food and basic items such as toiletries. You will not receive any cash. Your weekly support allowance of £35.39 per person per week will be loaded onto the payment card. The Azure card can be used in certain shops including Asda and Tesco to buy essential items, such as food, toiletries and cleaning items. For more information about the Azure payment card see leaflet entitled 'Section 4 support Azure payment card' at:

<http://languages.refugeecouncil.org.uk/english/summary.htm#26>

You are likely to be accommodated in an area outside London. You will only get one offer of accommodation and if you refuse to take this offer for any reason, the UKBA may stop your support. Only in exceptional cases, asylum seekers supported under Section 4 may be moved closer to family members. It is very likely that you will have to share accommodation with others. If there are exceptional reasons why sharing would not be appropriate for you, these reasons should be put in writing to the UKBA.

What are the eligibility criteria for Section 4 support?

UKBA has very strict criteria for deciding whether to give you Section 4 support. The first of these conditions is that you appear to be or are likely to become destitute within a 14 day period. This means that you and your dependants don't have adequate accommodation or any means of obtaining it, and/or you cannot meet your essential living needs such as buying food. You will have to explain how you have been supporting yourself so far and will need to provide some evidence demonstrating this.

Other translated leaflets are available at <http://languages.refugeecouncil.org.uk>

Asylum Support Partnership is a partnership project hosted by the British Refugee Council
British Refugee Council, (commonly called the Refugee Council) is a company limited by guarantee registered in England and Wales, [No 2727514] and a registered charity, [No 1014576].



You must also show that you meet at least **one** of the following conditions:

1. You must be taking reasonable steps to leave the UK or you are placing yourself in a position where you can do so.
2. Or you are unable to leave the UK because of a physical impediment to travel or some other medical reason, for example illness or late pregnancy.
3. Or you have applied and been allowed to go to the High Court for judicial review to challenge the UKBA refusal of your asylum application. Note that in Scotland, you only need to show that you have applied for judicial review. You may also have outstanding representations with the UKBA such as a fresh claim for asylum.
4. Or you are unable to travel because there is no safe route available to return. According to the UKBA, there is currently no country to which this argument applies. Your legal representative or a One Stop Service adviser will be able to tell you if this has changed.
5. Or that the provision of accommodation is necessary to avoid breaching your human rights, for example, if you submitted further representations which have not yet been considered, and which do not simply repeat previously considered material or contain no detail.

UKBA considers the individual merits of each application for Section 4 support and will ask you to give documentary evidence as to why you are unable to return home or unable to travel. This could be a letter from a doctor stating why you are not able to travel or written proof that you have permission for judicial review at the High Court.

How do I apply for Section 4 support?

You can apply for Section 4 support using the ASF1 Application Form which you can be found on the UKBA website: <http://www.ukba.homeoffice.gov.uk/asylum/support/apply/section4/>
Contact your local One Stop Service and they will advise you which form to use and will help you to fill in the form. A One Stop Service adviser will send your application form to the UKBA for consideration and will inform you about the decision. They can also give you information about other support you may need, for example travel expenses for your journey from your accommodation to a reporting centre. For information about how to find your nearest One Stop Service see the end of this leaflet.

Apart from a One Stop Service, your legal representative, local law centre, Citizens Advice or refugee community organisation may also be able to help you to apply for Section 4 support.

Please note that you need to apply for Section 4 support as soon as you have received the letter from UKBA terminating your previous support.

You will need to sign the application form to confirm that you understand the terms and conditions of getting Section 4 support:

- Section 4 support consists of basic accommodation.
- UKBA will normally provide accommodation outside London on a 'no choice' basis, which means that you may have to relocate unless there are special circumstances as to why you should be accommodated in London.
- You must continue to satisfy the relevant criteria to remain eligible and UKBA will regularly review whether you still qualify for Section 4 support.
- If you fail to comply with any of the conditions under which support is provided, including reporting and further requests for information, it may be withdrawn.
- You agree to disclose all your financial information and give permission to UKBA to access data held by other agencies including financial data in order to check entitlement and to detect fraud.

If your application is successful, the UKBA will take a few days to find accommodation for you, and they will send you a travel ticket so you can travel to the accommodation.

How long will I be supported under Section 4?

The UKBA will be regularly reviewing your eligibility for Section 4 support. They will check if your circumstances have changed and whether there are still barriers that prevent you from leaving the UK.

What if my application for Section 4 is unsuccessful?

If UKBA refuses your application for Section 4 support, you are entitled to appeal against the refusal and a One Stop Service will help you with that appeal. You will need to appeal within a very short time limit – usually within five working days of the UKBA decision letter.

You can re-apply if your circumstances have changed since you last applied for Section 4 support. You should also be able to re-apply if you have new evidence to support your asylum application. UKBA will check whether you are in fact destitute and ask you how you managed to survive since your last application.

What other support is available?

If you have physical or learning difficulties, hearing or visual impairments, mental health problems or chronic ill health, then you should find out if you can get help from your local authority social services department. You or someone acting on your behalf should ask the local authority social services department for a community care needs assessment.

If you are at the end of the asylum process with no further appeal rights, you have been refused Section 4 support, and you have no means of supporting yourself, you can seek help from charities. In some cases, local community organisations such as refugee community or faith groups may provide hot meals, food parcels, toiletry items or clothing.

To find out what charities can help in this way, you can ask your nearest One Stop Service, the local Red Cross office, Citizens Advice or local advice centre. Or you can ask the public library for contact details. Your local authority may have set up a service to help asylum seekers who have become destitute in this way.

One Stop Services

Refugee charities such as North of England Refugee Service, Refugee Action, Refugee Council, Scottish Refugee Council and Welsh Refugee Council are the main organisations providing help and advice to asylum seekers and refugees. These organisations provide information and advice on accommodation, subsistence support, asylum, health and other issues through their One Stop Services in different UK regions.

You can find contact details of a One Stop Service in your area here:

<http://languages.refugeecouncil.org.uk/english/services.htm>

You are detained and require a bail address

If you are in immigration detention and need accommodation for the purpose of a bail application you can apply for Section 4 support using the Section 4 Bail Application Form which is available at the UKBA website at:

http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/asylum/section_4_bail_application_1.pdf

If you are in detention, it is necessary for you to show that you are destitute or that you meet any of the five eligibility criteria outlined above in order to qualify for Section 4 support.

You can find more information about how to apply for bail from one of the detention visitors groups http://www.aviddetention.org.uk/index.php?option=com_content&view=category&id=5&Itemid=5 or from Bail for Immigration Detainees at: www.bid.org

Asylum Support Partnership consists of:

North of England Refugee Service, charity number: 1091200 www.refugee.org.uk

Refugee Action, charity number: 283660 www.refugee-action.org.uk

Refugee Council, charity number: 1014576 www.refugeecouncil.org.uk

Scottish Refugee Council, charity number: SC008639 www.scottishrefugeecouncil.org.uk

Welsh Refugee Council, charity number: 1102449 www.welshrefugeecouncil.org