

Refugee agencies help and advice



October 2007

English

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

Has the Home Office refused your asylum application? Have you been unsuccessful with your asylum appeals? If you have been relying on support from the government - Border and Immigration Agency (BIA), then BIA will have stopped supporting you. When asylum seekers have no more appeal rights they are considered by the BIA 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 BIA 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 BIA 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 continue to be supported until they leave the UK.

What is Section 4 support?

Section 4 support consists of accommodation and vouchers only. If you are eligible for Section 4 support, then BIA will provide you with self-catering accommodation and vouchers for your food and basic items such as toiletries. You are likely to be accommodated in an area outside London and you will not normally be able to choose where you go. 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 BIA.

What are the criteria for Section 4 support?

BIA has very strict criteria for deciding whether to give you Section 4 support. The first of these conditions is that you are destitute, which means that you don't have accommodation and/or the means to buy food. You will have to explain how you have been supporting yourself so far and will need to provide some evidence demonstrating this.

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

Registered charity numbers: Refugee Action: 283660 Migrant Helpline: 1088631
 Scottish Refugee Council: SCO08639 Refugee Council: 1014576 Welsh Refugee Council: 1044885

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

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1. You must be taking reasonable steps to leave the UK. For example, you may have agreed to return voluntarily by asking for assistance from the International Organization for Migration, but you cannot leave immediately because you need a travel document.
2. Or you are unable to leave the UK because of a physical impediment to travel to your country, 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 BIA refusal of your asylum application. (Note that in Scotland, you only need to show that you have applied for judicial review.)
4. Or you are unable to travel because there is no safe route available to return. According to the BIA, there is currently no country to which this argument applies.
5. Or that the provision of accommodation is necessary to avoid breaching your human rights. For example, if you submitted a fresh asylum application and the information on this application is different from your original application, Section 4 support should be granted.

BIA 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?

There are two application forms for asylum seekers applying for Section 4 support. Contact your local One Stop Service and they will advise you which form to use and will help you to fill in the appropriate application form. A One Stop Service adviser will send your application form to the BIA 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. Contact details of One Stop Services are at the end of this leaflet. Application forms for Section 4 support are available at <http://www.ind.homeoffice.gov.uk/applying/asylumsupport/section4support>

Apart from a One Stop Service, your legal representative, local law centre, Citizens Advice Bureau (CAB) 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 BIA 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.
- BIA will normally provide accommodation outside London, which means that you may have to relocate unless there are special circumstances as to why you should be accommodated in London.
- BIA will regularly review whether you still qualify for Section 4 support.
- If you get Section 4 support and the authorities make a reasonable request for information from you, you will need to comply with such a request.

If your application is successful, the BIA 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 BIA will be regularly reviewing your eligibility to Section 4. 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 BIA 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.

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. BIA 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 else on your behalf should ask the local authority social services department for a community care needs assessment.

If you are at the end of your 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 Bureau 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

Migrant Helpline Dover Head Office (Kent, Sussex)

The Rendezvous Building
Freight Service Approach Road
Eastern Docks
Dover CT16 1JA
Tel: 01304 203 977 (Out of hours 01304 201 792)
www.migranthelpline.org.uk

North of England Refugee Service Head Office (North East)

2 Jesmond Road West
Newcastle upon Tyne NE2 4PQ
Tel: 0191 245 7311
www.refugee.org.uk

Northern Ireland Council for Ethnic Minorities (Northern Ireland)

Third Floor, Ascott House
24/31 Shaftesbury Square
Belfast BT2 7DB

Tel: 028 9023 8645
www.nicem.org.uk

Refugee Action Head Office (East Midlands, North West, South Central, South West)

The Old Fire Station
150 Waterloo Road
London SE1 8SB
Tel: 020 7654 7700
www.refugee-action.org.uk

Refugee Council Head Office (London, East of England, Yorkshire & Humberside, West Midlands)

240-250 Ferndale Road
London SW9 8BB
Tel: 020 7346 6700
www.refugeecouncil.org.uk
<http://languages.refugeecouncil.org.uk>

Scottish Refugee Council Head Office (Scotland)

5 Cadogan Square (170 Blythswood Court)
Glasgow G2 7PH
Tel: 0141 248 9799
Freephone: 0800 085 6087
www.scottishrefugeecouncil.org.uk

Welsh Refugee Council Head Office (Wales)

Phoenix House
389 Newport Road
Cardiff CF24 1TP
Tel: 029 2048 9800
www.welshrefugeecouncil.org