

# Asylum Support & Schedule 10 Applications



# Applications for Home Office support

- Asylum support s95 applications
- Asylum support s4 applications
- Schedule 10 applications



# Regulated advice



Advice on asylum support or Sch10 is NOT regulated advice, therefore you do not have to be regulated by OISC or the SRA to help someone with an application

**BUT**

Always advisable to consult any immigration representative to ensure that nothing in the application contradicts what has been submitted in asylum or immigration application



# Asylum seekers

- Applying to the Home Office to be recognised as in need of protection
- Asylum seekers excluded from accessing welfare benefits & local authority homelessness provision
- Can only apply for right to work when have been waiting 12 months for a decision on asylum applic
- System of asylum support created by the Immigration & Asylum Act 1999



# s95 Asylum Support

- Asylum seekers and dependants of asylum seekers who are **Destitute** or likely to become destitute within 14 days
- Asylum seeker for the purposes of asylum support =
  - Person aged 18 or over;
  - who has an outstanding application for asylum or protection under Art 3 ECHR
- Asylum seekers who arrive before age 18 unaccompanied are usually supported by local authorities rather than through asylum support system

# s4 Asylum Support

Support for destitute refused asylum seekers who have exhausted appeal rights if they are:

- Taking all reasonable steps to leave the UK: reg 3(2)(a); or
- Unable to leave the UK due to a physical impediment to travel or for some other medical reason: reg 3(2)(b); or
- In the opinion of the Secretary of State there is no viable route of return to their country of origin: reg 3(2)(c); or
- Granted permission to proceed with an application for judicial review of the decision on their asylum claim: reg 3(2)(d); or
- **Provision of support is necessary to avoid breaching their human rights: reg 3(2)(e) ---- Fresh claim**

# s98 Asylum Support

- “Initial accommodation”
- Only available when have applied for s95 support
- Temporary/Emergency support until a decision on s95 is made
- Application through Migrant Help by telephone or by presenting in person at AIU, Croydon
- Decision within 1 working day
- Full-board “initial accommodation” usually in a hostel
- No money - Toiletries, nappies, sanitary protection etc. provided

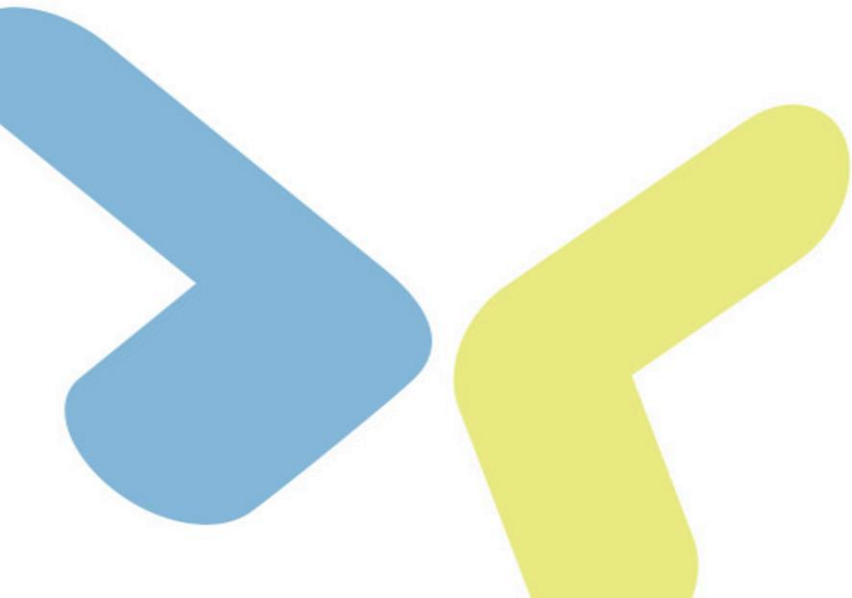
# Applying for s95 support

- Should be asked during screening interview if need asylum support
- Call Migrant Help who can do the application over the telephone
- Complete and submit an ASF1 form



## Applying for s4 support

- Call Migrant Help who can do the application over the telephone
- Complete and submit an ASF1 form



# ASF1 Form

- Available from gov.uk website
- Guidance on completing the form [Asylum support application: help and guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/asylum-support-application-help-and-guidance)
- s95 support – complete parts 1 to 18
- s4 support – complete parts 1 to 26



# ASF1 Destitution declaration

- Destitute, or likely to become destitute within 14 days
- Destitution
  - does not have adequate accommodation or any means of obtaining it; and/or
  - Cannot meet essential living needs

## Destitution Message

Under the terms of the Immigration and Asylum Act 1999, the Secretary of State may provide, or arrange for the provision of support for asylum seekers, dependants of asylum seekers or failed asylum seekers who appear to be destitute or are likely to become destitute within a 14-day period.

An applicant is deemed destitute if:

"They and their dependants do not have adequate accommodation or any means of obtaining it, even if other essential living needs are met, or they and their dependants have adequate accommodation or the means of obtaining it but cannot meet essential living needs."

As an applicant, you should note that:

1. **You must complete all fields that are relevant to your application;**
2. Failure to disclose all necessary information or to provide false information about yourself or any dependant may lead to information being passed to the police or other agencies for investigation;
3. Failure to supply the required information may result in your application for support being refused.

**I have read and understood the destitution message**

# ASF Section 1

Section 1. Reference numbers	Tell us any reference numbers which may help us to identify you.
<p>Give details of any current Home Office reference numbers</p> <p>Any other relevant reference numbers (i.e. NHS)</p>	<p>Home Office Reference <input type="text"/></p> <p>Port Reference <input type="text"/></p> <p>Asylum Support Reference <input type="text"/></p> <p><input type="text"/></p>
<p><b>Type of support</b> What type of support are you applying for?</p> <p>What type of section 95 support are you applying for?</p>	<p>Section 95: <input type="checkbox"/> (you must complete parts 1 – 18)</p> <p>Section 4 <input type="checkbox"/> (you must complete parts 1 – 26)</p> <p>Accommodation and subsistence <input type="checkbox"/></p> <p>Accommodation only <input type="checkbox"/></p> <p>Subsistence only <input type="checkbox"/></p>

- Reference numbers – great if you have them, if not, don't worry
- S95 or s4?
- If s95, accommodation & subsistence or subs only?

## ASF Section 2

- If a family, application should be the main asylum applicant
- Name – any other name given to authorities? Any other name used on the evidence? Maiden name?
- Date of birth – careful of different calendars
- Relationship status – important for later family reunion
- Dependants
- Dependants not on asylum application that you are claiming support for?

## ASF Sections 3, 4 & 5

- Section 3 passport details – unlikely to have passport but if do, enter details
- Section 4 other nationalities – if client states that they have previously or currently hold other nationalities this should be flagged to immigration adviser – potential impact on case
- Are you destitute or about to become destitute – “yes” & either today’s date or date within next 14 days

## ASF1 Section 6

- Current address if has one & contact details
- Correspondence address if different
- Info about accommodation (if have any) – who provides, who lives there, do you pay anything, have you been asked to leave?
- Previous address history – as best as you can. If homeless, moving from place to place etc, state that
- Separate sheet if necessary

# ASF1 Section 7

- Details of asylum rep if applicant has one
- “Who pays?” – legal aid
- Check correspondence, emails etc. for correct details

Section 7. Legal representative	Provide us with the details of your legal representative
Do you have a legal representative?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Who pays for your representative?	<input type="text"/>
Name of the representative's organisation	<input type="text"/>
Name of representative	Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Family Name: <input type="text"/>
	Given Names: <input type="text"/>
Contact telephone number	<input type="text"/>
Fax number	<input type="text"/>
E mail address	<input type="text"/>



# ASF1 Section 8 – Support from friends & relatives

- Anyone who has given support – accommodation, money, food, etc. – as best you can
- What details client can give
- If recent, HO will expect letter from person explaining support or why can no longer support
- If letters not possible explain why – e.g. breakdown of relationship, unwilling to provide
- Can add further details in supporting letter

## ASF Section 9 – Employment history

- Details of any previous employment in UK – as best you can
- Any work undertaken while client had no immigration status – seek advice from legal representative



# ASF1 Section 10 – visa applications

- Specifies “applications to enter the UK in the last 3 years”
- Reason – pretty much every visa application will require evidence of sufficient finances
- If client has entered/applied to enter the UK on a visa in last 3 yrs probably need to check this with legal rep



# ASF1 Sections 11, 12 & 13

- Section 11 – Monetary assets here or abroad
- Section 12 – Material assets here or abroad
- Section 13 – Welfare benefits in the last 6 months
- Sometimes there are assets abroad which cannot be accessed – if so, explain why



# ASF1 Sections 14 & 15 - Needs

<b>Section 14.</b> Individual circumstances	Tell us about any individual circumstances for you or your dependants that we should be aware of.
Provide details of your individual circumstances	<input type="checkbox"/> Pregnant <input type="checkbox"/> Physical health problems <input type="checkbox"/> Learning disabilities <input type="checkbox"/> Victim of domestic violence <input type="checkbox"/> Victim of trafficking <input type="checkbox"/> Other <input type="checkbox"/> Mental health problems <input type="checkbox"/> No additional reasons
Brief Description	<div style="border: 1px solid black; height: 40px;"></div>
Do you hold any supporting documents?	Yes <input type="checkbox"/> No <input type="checkbox"/>

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ASF1\_ V4.0

- Opportunity to flag issues & needs
- Evidence as much as possible
- “Other” – LGBTQI, victim of sexual violence etc.
- Accommodation requirements
- Guidance “Only requests with a medical need (with supporting evidence) or children in their exam years at secondary school will be requested valid reasons for requesting specific dispersal areas”

Are you currently registered with a doctor in the UK?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Doctors Name	<div style="border: 1px solid black; height: 20px;"></div>

# ASF1 Section 16 – Dependants

- All the same/similar questions again for each dependant applying – e.g. previous entry visa applications, employment, assets, benefits, plus school details for children.



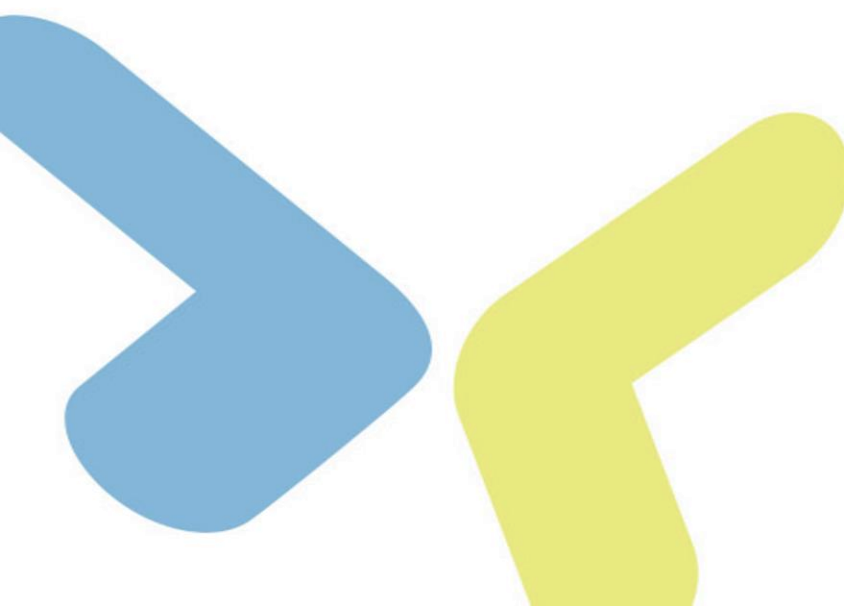
# ASF1 Section 17 – who helped fill in the form?

- You did!

<b>Section 17. Additional details</b>	<b>Tell us who helped you to complete this form</b>
Who helped you complete this form	<input type="checkbox"/> Legal representative <input type="checkbox"/> Voluntary Sector <input type="checkbox"/> Relative <input type="checkbox"/> Other <input type="checkbox"/> Nobody

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Name of person or organisation who assisted you.	Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/>
	Family Name <input type="text"/>
	Given Names <input type="text"/>
	Organisation name <input type="text"/>
	House Number or Name <input type="text"/>
Address of person or organisation who assisted you.	Street name <input type="text"/>
	Town or City <input type="text"/>



# ASF1 Section 18 – s95 Declaration

- Only applicable if applying for s95
- Repeats some of info in destitution declaration about understanding the consequences of providing false info
- Gives HO permission to share info with NHS for an HC2 form
- Gives HO permission to do credit checks on applicant
- Commits applicant to inform HO of any change of their own or dependants circumstances or new info relevant to the application



# ASF1 – Section 19

**Part 1 - I am destitute.** (Note: You should demonstrate, in your answers to questions below, that you are without adequate accommodation or the means of obtaining it now, or within 14 days, or, if you have adequate accommodation, that you cannot meet your other essential living needs now, or within 14 days. If you have been without support from the Home Office or a local authority for some time, you will be expected to explain how you have supported yourself during this period and provide evidence where necessary).

**Part 2 – and I satisfy at least one of the criteria listed below (please tick all that apply) as set out under 3(2) of the Immigration and Asylum (Provision for Accommodation to Failed Asylum-Seekers) Regulations 2005.**

- I am taking all reasonable steps to leave the UK or place myself in a position in which I am able to leave the UK. This could include complying with attempts to obtain a travel document to facilitate departure.
- I am unable to leave the UK by reason of a physical impediment to travel or for some other medical reason.
- I am unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available.
- I have made an application in Scotland for judicial review of a decision in relation to my asylum claim or, in England and Wales or Northern Ireland, I have applied for such a judicial review and been granted permission or leave to proceed.
- The provision of accommodation is necessary for the purpose of avoiding a breach of a person's Convention rights, within the meaning of the Human Rights Act 1998.

- Applicants for s4 Support
- Tick which of the 5 criteria apply

# Taking all reasonable steps to leave the UK

- To be registered with the HO Voluntary Returns Service
- To be proactive – seeking travel documents, attending appointments etc.
- Registering for voluntary return can impact any future asylum or immigration applications so potential applicants should seek immigration advice

# Unable to leave the UK physical/medical reasons

- Must be unable to travel on any given day
- Will require substantial medical evidence
- Pregnancy – from 6 weeks before due date & up to 3 months after birth
- Could be from earlier in pregnancy if there are complications



# No viable route of return

- Up to Home Secretary to declare that there is no viable route of return
- At present, no such declarations in existence



# Judicial Review

- For Judicial Reviews of asylum decisions, an applicant first has to apply to the High Court for permission to make a JR
- s4 support not granted on this ground until permission to JR is granted by the court; BUT
- While waiting for a court decision the applicant may qualify for s4 on Human Rights grounds



# To avoid a breach of human rights

- Has submitted further representations (a fresh claim)
- Has submitted an out of time appeal against refusal
- Has applied for permission to JR



# ASF1 Sections 20-24

- Correspond with the 5 eligibility criteria
- Fill in whichever one applies
- Section 24 – “state the reason...why you think a failure to provide section 4 support would breach your ECHR rights”

*- Without s4 support I will be destitute and that will breach my right under Article 3 ECHR not to be subject to inhuman & degrading treatment*

## ASF1 Section 25 -27

- Section 25 - Details of any previous applications for s4 support – best effort
- Section 26 - s4 declaration - Same in basic content as s95 declaration
- Section 27 – “Use this space to provide any other information you feel we should consider”
  - client of Medical Foundation or Helen Bamber Foundation?
  - anything you couldn't fit elsewhere?



# Schedule 10

- Schedule 10 of the Immigration Act 2016 gives HO the power to provide support in certain exceptional cases:
  - applicant granted bail by Special Immigration Appeals Commission (SIAC) – removal of citizenship cases etc.; or
  - applicant is an offender who is a “serious harm” case; or
  - support is necessary to prevent a breach of human rights

# Schedule 10 – other conditions

- Destitution
- On immigration bail
- Required by the terms of the bail to reside at a certain address



# Destitution

- No explicit definition – “the person would not be able to support himself or herself...unless the (Sch10) power...were exercised” Sch10, para 9(1)(b)
- Guidance states “they do not have adequate accommodation or the means of obtaining it”
- While the legislation does not refer to the “likely to become destitute in 14 days” threshold, the application form asks “Are you or will you become destitute or street homeless within 14 days?”

# Human Rights Cases

Two most common categories

- Those who have applied for asylum but whose cases have been treated as withdrawn – eg absconders (but also those who fail to return new asylum questionnaire?)
- Those who have never applied for asylum but have an outstanding application with the Home Office



# Application for leave to remain

- May want to check with legal rep if applying for Schedule 10 will cause any issues re immigration application – unlikely to be an issue in 20yr case but if someone is applying as a partner...
- With asylum absconders legal rep will need to advise on impact of absconding on asylum applic

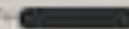



# Immigration Bail

- Anyone who is liable for detention can be on immigration bail
- Anyone who has no leave to remain and is known to the Home Office is liable for detention
- Some people may have a Bail 201 form

Home Office  
Immigration Enforcement  
Immigration Enforcement, 101 The Mall  
London  
SE1 7NU  
Tel: 020 300 121 2241 Fax: 020 3 170 000

**NOTIFICATION OF GRANT, VARIATION OF IMMIGRATION BAIL TO A PERSON DETAINED OR LIABLE TO BE DETAINED**

To:  

This notice is given to you because you are being granted immigration bail.  
The reasons for this are given in paragraph 1 or 2 below. It also states why you are liable to be detained. For the reasons listed below. The following reasons apply to you:

Reason	Yes	No	Reason
A	<input type="checkbox"/>	<input type="checkbox"/>	You are liable to be detained pending consideration because you are a person mentioned in section 3(1)(a) of the Immigration Act 1971 (pending a decision to give, refuse or vary leave to enter the United Kingdom).
B	<input type="checkbox"/>	<input type="checkbox"/>	You are liable to be detained because you are a person who has been refused leave to enter the United Kingdom.
C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	You are liable to be detained because you are a person mentioned in section 3(1)(b) of the Immigration Act 1971 with a notice of liability to be detained, or you are a dependent of such a person.
D	<input type="checkbox"/>	<input type="checkbox"/>	You are liable to be detained because there is a reasonable suspicion that you may be liable to be detained from the United Kingdom.
E	<input type="checkbox"/>	<input type="checkbox"/>	You are liable to be detained following a decision to detain you (Section 3(1)(c) of the Immigration Act 1971).
F	<input type="checkbox"/>	<input type="checkbox"/>	You are detained pending a decision to enter, detain or deport you from the United Kingdom.
G	<input type="checkbox"/>	<input type="checkbox"/>	You are the subject of a deportation order and are detained pending your deportation from the United Kingdom.
H	<input type="checkbox"/>	<input type="checkbox"/>	You are detained / liable to be detained for the following reasons:

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# Immigration Bail & Address condition

- HO can make a condition of immigration bail when a Schedule 10 application is made
- HO has also confirmed that a residency condition can be issued when a person applies for Schedule 10 rather than being a necessary preliminary
- Discussion of immigration bail & conditions is a regulated matter and applicant may need to be advised on this by their legal rep

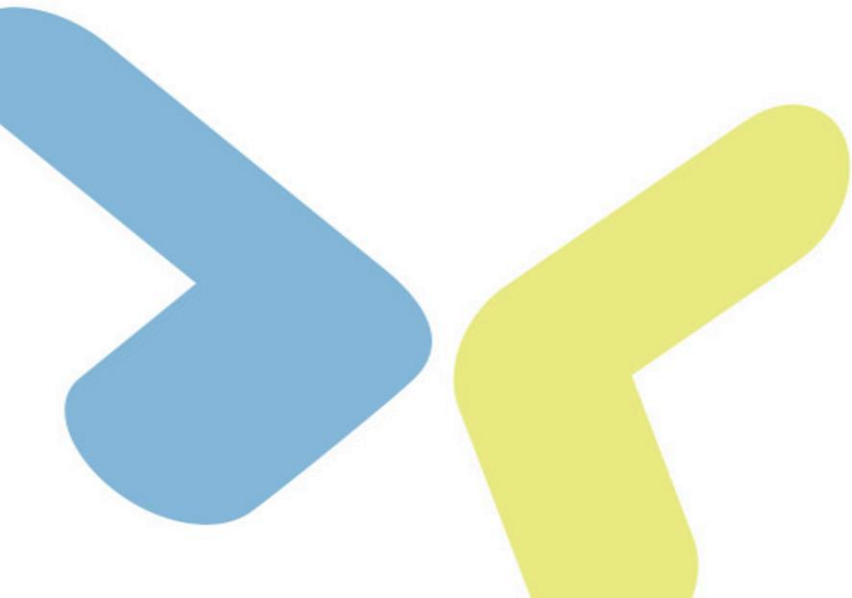
# Applying for Schedule 10 accommodation

- Complete Bail 409 form – gov.uk
- Migrant Help **will not** assist with Schedule 10 applics
- Email to [s4@migranthelp.org.uk](mailto:s4@migranthelp.org.uk) – state “Schedule 10 application” in the subject line
- Attach evidence
- Guidance - [Immigration bail - interim guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



# Bail 409 Sections 1& 2

- Very similar to ASF1 Form
- Section 1 – any reference numbers
- Section 2 – personal details



# Bail 409 Section 3

<b>Your current circumstances*</b>		
Are you currently in immigration detention? *	Yes	No
If YES:		

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BAIL409

Will you become destitute or become street homeless if granted immigration bail? *	Yes	No
If you are <b>NOT</b> in Immigration Detention:		
Are you or will you become	Yes	No

- Are you in immigration detention?
- If yes, will you be destitute on release?
- If not, are you destitute or will you become destitute within 14 days
- Date on which you will become destitute – today's date or date w/i 14 days

# Bail 409 Section 4

- Current address/contact details
- Address history in the UK
- Very similar to ASF1

<b>Section 4</b>	
<b>Address and contact details in the UK*</b>	
Do you have a current address? *	Yes No <input type="checkbox"/> (If no, provide a phone number where we can contact you)  (if you are currently detained please provide removal centre details)
Address*	House Number or Name <input type="text"/>
	Street name <input type="text"/>
	Town or City <input type="text"/>
	County <input type="text"/>
	Postcode <input type="text"/>
Mobile telephone number	<input type="text"/>
Home telephone number	<input type="text"/>
E- mail address	<input type="text"/>



# Bail 409 – Sections 5 & 6

- Section 5 – for those taking voluntary return
- Section 6 – any other impediment to travel – medical or “I am awaiting a Home Office decision on my application for leave to remain on the grounds that leaving the UK would breach my rights under Article 8 ECHR”



# Bail 409 - Sections 7 to 14

- Section 7 – legal rep
- Section 8 – help from family & friends
- Section 9 = monetary assets
- Section 10 – material assets
- Section 11 – Individual circumstances
- Section 12 – Accommodation requirements
- Section 13 – details of who helped fill the form
- Section 14 - declaration

# Evidencing destitution

- Evidencing destitution is the key factor

Home Office caseworker guidance:

“If they have been present in the United Kingdom for a prolonged period before seeking support it will usually be a reasonable assumption that they have had access to alternative forms of accommodation or other forms of assistance during the period. An explanation of why this accommodation and assistance is no longer available will therefore usually be required”

# Finances/destitution

- Does the applicant have any bank accounts? – 6 months statements
- Does the applicant have any income? – payslips, benefit awards, UC statements
- If not, how is supported? Letters from daycentres, friends, food banks, churches
- Accommodation? - evidence of rough sleeping, nightshelter letter, letters from friends, letter asking to leave accommodation

# Letters

- If from an organisation, on headed paper
- Dated, signed, and name of writer printed
- Give correct name of who they are writing about
- Home Office are more flexible about emails nowadays
- Ideal gold standard support letter – signed, dated, specific, accompanied by a copy of passport
- Should state what support given and generally, that support can't go on indefinitely/be increased
- Reassurance – a support letter will not cause them trouble



# Covering letters

- Letter could be from your org supporting applicant or written on behalf of applicant
- Give applicant's full name, DOB & any HO Reference
- What are you asking for?
- Why? - because the applicant meets the criteria & is destitute
- Talk about previous support – what was it, why is it no longer available
- Link to evidence
- Explain why some evidence is not available

# I've applied – what now?

- Applicants for s95 support can get s98 support while decision is pending
- No interim support for s4 applications – service standard states response will be within 5 working days – in practice can be long periods of time
- No interim support for Schedule 10 applications – no service standard time for response
- If you have access, follow up via the UKVI Homelessness Escalations email

# If successful, what will I get?

- s98 support – full board, no money
- s95 support – if in self-catering, £45 a week loaded onto Aspen card which can be withdrawn in cash. If in catered (hotel) accommodation, £9.10 a week. Accommodation on a “no choice” basis
- s95 – can get “subsistence only”, ie, just the £45 a week & find your own accommodation
- s4 support – accommodation & £45 on Aspen card, or £9.10 if in catered accommodation. This cannot be withdrawn as cash
- Schedule 10 – accommodation and support as per s4
- Those on asylum support entitled to free secondary care & prescriptions. This does not apply to those on Schedule 10 but can complete an HC1 to apply for free prescriptions

# Refusal

- s95 & s4 refusals have a right of appeal – within 3 days of refusal. Late appeals are sometimes possible – see ASAP
- No right of appeal for refusal of Schedule 10 application – Judicial Review is only remedy
- Can also appeal against termination of s95 or s4 support and support should be continued pending appeal
- Schedule 10 – discontinuation of support only challengeable by Judicial Review

# Post-grant problems

- Delays in finding accommodation
- Issues with pick up
- Lack of information on where accommodation will be



# How long will support continue?

- s95 – until asylum claim is determined
  - refusal of asylum (if don't appeal) support terminated in 21 days
  - grant of status – support terminated in 28 days
- s4 – until HO decides whether the fresh representations constitute a fresh claim – if yes, switched to s95 support, if no, support terminated in 21 days
- Schedule 10 – grant says that the support will be reviewed every 3 months. In practice will continue till decision on application – refusal = support terminated in 21 days, grant of leave = support terminated in 28 days

# Additional sources of information

- Asylum Support Appeals Project  
<https://www.asaproject.org/>
- NRPF Network [Schedule 10 immigration bail support | NRPF](https://www.nrpfnetwork.org.uk)  
([nrpfnetwork.org.uk](https://www.nrpfnetwork.org.uk))



# Questions & evaluation

- Questions?
- Link to evaluation

