

## SECTION 4 APPLICATIONS: NEW PROCEDURES

From May 1<sup>st</sup> 2007 the way that BIA handle claims for support under Section 4 of the Immigration and Asylum Act 1999 has changed. Section 4 support takes the form of accommodation and vouchers and is available to refused asylum-seekers who meet special criteria.

Advisers will need to know the new way to apply for Section 4 support. These notes are intended to explain the main changes in brief. If you require further information about helping a refused asylum-seeker apply for Section 4 support please contact the ASAP helpline on **0845 603 3884**.

### The Main Changes:

Section 4 applications used to be made by completing one standard form and sending it to the Section 4 team who would make a decision and inform the applicant. This has now changed. Which form a refused asylum-seeker fills in and where it is sent to will depend on whether the person has a named caseworker in connection with their asylum claim. A person will have a named caseworker if their asylum claim went through the New Asylum Model or (according to the BIA website) claimed asylum after 5<sup>th</sup> March 2007. Anyone who claimed asylum before the New Asylum Model was introduced will not have a named caseworker.

### Named Caseworkers under the New Asylum Model

If the refused asylum-seeker received a negative decision on their asylum claim from a named caseworker under the New Asylum Model they will have to complete the Section 4 application form that has ASYLUM TEAM CASES written at the head of the form. They can then fax it to the regional team which dealt with their asylum case. The form includes a list of the regional asylum team including contact details to assist the applicant in doing this.

### Older Cases with no Named Caseworker

Anyone who claimed asylum before the New Asylum Model was introduced and was refused under the old system will not have had a specific caseworker deal with their claim. They should complete the Section 4 application form that has NO ASYLUM CASE OWNER written at the top of the form. This form is sent to the Section 4 Central Team. This is the same department that previously dealt with all applications for Section 4 support. The contact details of where to send the form are printed on the top of the application.

**FACTSHEET: 12**

**12/04/07**

### **In This Factsheet**

**What is Section 4 support?**

**Eligibility for Section 4 support**

The information contained in this factsheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice. For client specific advice please contact ASAP.

### What if my client does not know if he/she has a caseworker?

It may be in many cases that the individual does not know whether or not they have a caseworker dealing with their case or whether or not they went through the New Asylum Model to have their asylum claim decided. Anyone who is unsure can contact the Section 4 helpline on 020 8680 6902/6904/6910/6912 or email [section4queries@homeoffice.gsi.gov.uk](mailto:section4queries@homeoffice.gsi.gov.uk) to find out.

### Other changes to the forms

The only difference between the two application forms are the headings which identify whether the application is from someone who had a named caseworker or not. Otherwise both forms are the same. The two main changes to the form itself are:

- **Additional information.** There is an additional information sheet included in the form. This is to allow an applicant to tell the Borders and Immigration Agency if there are any special circumstances they should know about. This could include disabilities or particular accommodation needs. On this sheet the applicant can also include any special circumstances which relate to their spouse or dependants.
- **Annex A.** The form now has an Annex A which asks for information about the applicants spouse and any dependants. This should be included for any person the applicant wants included in his or her application for support. Note that refused asylum-seekers with children who were part of their original asylum application remain entitled to full asylum support under Section 95 provided they continue to be destitute. Section 4 applications will only generally include children who have been born after the initial asylum claim was made.

### Summary

In summary the most important changes to the application process are:

- Ensuring the applicant completes the correct form. The top of each form states whether it is for asylum-seekers with a named caseworker (who went through the New Asylum Model) or older cases without a named caseworker.
- Ensuring that applicants who went through the New Asylum Model send their form to the appropriate asylum team and older applicants send theirs to the central Section 4 team.
- Ensuring that the additional information is completed along with any details about spouse and/or dependants.

For more information and factsheets, visit [www.asaproject.org.uk](http://www.asaproject.org.uk)

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### **ASAP Fact-sheets:**

**No 1: Asylum Support**

**No 2: Section 4 Support for Failed Asylum Seekers**

**No 3: What to Bring to the AST**

**No 4: Proving Destitution**

**No 5: After a Negative Decision at the AST**

**No 6: Section 9 Withdrawal of Support for Failed Asylum Seeker Families**

**No 7: Introduction to Community Care**

**No 8: Introduction to Judicial Review**

**No 9: The European Convention on Human Rights and The Human Rights Act 1998**

**No 10: Medical Briefing**

**No 11: Section 4 Breach of Conditions**

**No 12: Section 4: New Ways to Apply**