

**Asylum Support Appeals Project (ASAP)
Press Release – 30th March 2007**

Joint Committee on Human Rights recommendation: Give destitute asylum seekers a chance of fair hearing at asylum support appeals

The Joint Committee on Human Rights publishes a report¹ today which includes a recommendation that the Government provide public funding for legal representation for asylum support appeals. The report calls the asylum support system “a confusing mess” and is critical of the way that asylum seekers are not getting adequate information and advice about their legal entitlements to food and shelter. They conclude that the Government policy is making many asylum seekers destitute and that the inhumane and degrading treatment of these asylum seekers potentially violates their human rights.

Asylum Support Appeals Project (ASAP)² welcomes the JCHR’s recommendation which echoes the charity’s evidence³ on the inadequacy of the asylum support appeal system.

There is currently no public funding available for legal representation during asylum support appeals. As a result, when asylum seekers challenge the National Asylum Support Service’s decisions to terminate or refuse housing and benefit support, the vast majority must represent themselves in court. The JCHR report points out that these asylum seekers experience many barriers to access to justice: lack of command of English, unfamiliarity with the system and physical and/or mental health problems. The report questions whether the current system safeguards these individuals’ rights to a fair hearing.

Eiri Ohtani, ASAP Co-ordinator, said “We are pleased that the JCHR recognises the unfairness of the current government policy and the asylum support appeal system, which are forcing many vulnerable asylum seekers into destitution. ASAP has been highlighting this issue during our Destitution Awareness Week⁴ by providing free legal representation to all asylum seekers at the court this week. So it is a tremendous boost to know that the JCHR agrees with our view. Tens of thousands of people are destitute today and they should not be made to wait any longer for a solution.”

ASAP was launched in June 2005 to address the problem of lack of asylum support law expertise in the sector. The small charity now provides free legal representation to destitute asylum seekers twice a week at the Asylum Support Adjudicators in Croydon, as well as second-tier asylum support law advice and training to other advice agencies.

Concerned legal practitioners and asylum advice agencies have been calling for provision of public funding for asylum support appeals since 2000. ASAP’s work so far has shown that legal representation significantly increases chances of asylum seekers avoiding destitution⁵. The charity’s recent report *Failing the Failed?*⁶ uncovered the poor quality of asylum support decisions: 80% of the decisions letters surveyed contained misapplications and/or misinterpretations of law and policy.

Asylum support law is also complex and constantly changing because of the frequent hardening of policy in order to make more people destitute. Therefore provision of competent legal advice and representation is crucial when defending these individuals’ right to food and shelter. ASAP urges the government to act on this report and introduce public funding as soon as possible.

ENDS

Notes

1. *The Treatment of Asylum Seekers*, Tenth Report of Session 2006-07, Joint Committee on Human Rights, 30 March 2007, HL Paper 81-1, HC 60-1
2. The Asylum Support Appeals Project (ASAP) is an advocacy organisation working to reduce destitution of asylum seekers in the UK by protecting their legal rights to food and shelter. ASAP provides free legal advice and representation to asylum seekers in their asylum support appeals when their housing and financial support has been refused or terminated, as well as second-tier legal advice and training on asylum support law for refugee community organisations. ASAP's policy work and strategic litigation work aim to change inhumane asylum policies which are forcing many asylum seekers into long-term destitution.
3. *JCHR Submission by the Asylum Support Appeals Project, September 2006*
http://www.asaproject.org.uk/news/ASAP_Feb07_evidence2jchr06.pdf.
4. ASAP's Destitution Awareness Week (26 – 30 March 2007) is supported by a group of volunteer barristers and solicitors who provide free legal representation to every destitute asylum seeker who has an appeal hearing at the Asylum Support Adjudicators in Croydon. ASAP hosts this event regularly to raise awareness of the unfair asylum support appeal system. For more information, please visit http://www.asaproject.org.uk/news/latest_news.htm
5. The statistical comparison is based on the analysis of ASAP's twice-weekly Duty Scheme work at the Asylum Support Adjudicator (ASA) between June 2005 and May 2006 and the ASA's management information between July 2005 and March 2006. While 62% of the appellants who were represented by ASAP during their oral hearings have had their cases allowed or remitted back to NASS for reconsideration, this was only true of 20% of those individuals who had no representation at their asylum support appeals.
6. ASAP looked at 117 negative decisions refusing support to destitute asylum seekers made by NASS between January and December 2006 and found that over 80% of these decisions either misapplied or incorrectly interpreted the law. For more information, see *Failing the Failed? How NASS decision making is letting down rejected destitute asylum seekers*, Asylum Support Appeals Project, February 2007
http://www.asaproject.org.uk/news/ASAP_Feb07_FailingtheFailed.pdf

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