

January 2006

Are you an asylum seeker at the end of your case?

Has your asylum claim been refused by the Home Office? Has your appeal been refused by an Immigration Judge?

and

Have you exhausted all of your appeal rights?

If so, you may need some guidance on where you can go from here.

I want to go back to my country of origin but I have no money

If you wish to return voluntarily, there is help available. The International Organization for Migration (IOM) offers vocational training courses, tools to set up your own business and access to education on return to your country of origin. The IOM can also assist with travel documents and flight arrangements to your home country too.

Contact: International Organization for Migration (IOM)
38 Queen Street
Glasgow
G1 3DX
Tel: 0141-548-8116
www.iomlondon.org

Will I be detained in Immigration Detention and forced to go back to my country of origin?

It is a harsh reality that some people from some countries are detained in immigration detention and / or removed to their country of origin.

If you are detained in Dungavel Removal Centre in Scotland, you may be able to apply for bail. The procedure and criteria is complex. You should discuss this with your solicitor immediately.

Scottish Detainee Visitors (SDV) is a charitable organisation which arranges for volunteers to visit detainees in Dungavel. The visitors provide support, toiletries, phone cards, and may be able to assist you to locate missing belongings.

You may find that you are moved to a centre in England, in which case you should be given the opportunity to meet with an English lawyer in the centre.

Can I make a fresh application to the Home Office?

If you have new evidence that was not, and could not have been available at the time of your appeal, it may be possible to ask the Home Office to allow you to make a fresh application e.g. a recently issued summons or a recent news article.

- A fresh application may also be possible if the circumstances in your country / region have significantly changed since your asylum claim was refused. e.g. a change of government.

- A fresh application may also be possible if the UK case law on your country changes. Such changes are often reported on the news or you might hear about them from your lawyer or other people in your community.
- If you have developed serious health problems that were not discussed at your appeal and there is no suitable health care available in your country, it may also be possible to make an application to the Home Office on compassionate grounds.
- If your private and family circumstances have significantly changed and were not considered at the time of your appeal, it may be possible to make an application to the Home Office in terms of Article 8 European Convention on Human Rights (Your right to respect for your private and family life).

If you think any of the above might apply to you, you should speak to your solicitor about an application under Immigration Rule 353.

Applicants should be aware that:

- It can take over a year for a decision to be reached.
- You will not be entitled to NASS support unless and until the Home Office agrees to treat your application as a “Fresh Claim.”

Will my NASS support be stopped?

If you have no children and your appeal rights have been fully exhausted, your support will stop. If your NASS support has stopped while you still have an outstanding appeal, you should go to speak to your solicitor immediately. Alternatively, you could ask Scottish Refugee Council to advocate on your behalf. In order to do so you will need to provide evidence that your solicitor has appealed.

If you have children, you may receive a letter advising that your NASS support may soon be stopped under **Paragraph 7A, Schedule 3 of the Nationality, Immigration and Asylum Act 2002**. This letter is the beginning of a process. It is not a final decision. Do not panic.

This is a new law under Section 9 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004 that is currently being tested in some regions of England.

If and when the system starts to operate in Scotland, you will be called for an interview before a decision is made. Your NASS support can only be terminated if you have not left the country, without “reasonable excuse.”

What can I do if my NASS is stopped?

If you feel that you have a reasonable excuse for not leaving the country, e.g. you are waiting on a Home Office decision on further representations or a decision on a late appeal, you may have grounds for an appeal to the Asylum Support Adjudicator.

Time Limits

If you wish to appeal against the decision to terminate your NASS support, you must do so within two working days, so go to your Solicitor or the Scottish Refugee Council immediately.

If your appeal to the Asylum Support Adjudicator is refused, it may be possible to raise a Judicial Review. You should discuss this with your solicitor.

Will I be evicted from my home?

Once your NASS support has stopped, the provider of your accommodation is no longer being paid to supply you with a home. You will receive a letter asking you to leave your house. However you cannot be forced to leave your house unless the Sheriff Court has issued decree (a legal order).

You should first be given a court summons advising you to go to court on a particular date and time. This is usually a Tuesday.

If you think your NASS support has been terminated by mistake, you may have a defence to the eviction. You should go to speak to your solicitor immediately.

Otherwise, the court may give you a few extra weeks in your home to enable you to find alternative accommodation or to apply for “Hard Cases” / “section four” support (see below).

If your solicitor cannot help you because they do not do housing law, you could seek help from Legal Services Agency or a local law centre.

Legal Services Agency’s services can be accessed by calling in at **Fleming House, 134 Renfrew Street, Glasgow:**

- *Drop in sessions:* Wednesdays 11.00 am to 12.30 pm and 2.00 pm to 4.00 pm in Fleming House
- *Emergency defended eviction sessions* Mondays 2.00 pm to 3.30 pm
- *Heritable / defended eviction advice* desk outside Glasgow Sheriff Court 1 on Tuesdays 9.30 am to 10.00 am and 1.30 pm to 2.00 pm

What is “Section four” / “Hard Cases” support?

- Section four support offers accommodation and food vouchers.
- You will not be permitted to remain in your flat.
- You will not be given cash.
- You may be housed in Scotland, or alternatively you may be asked to relocate to England if there is a shortage of accommodation in Scotland.
- You will not be given food vouchers unless you accept the accommodation offer.
- You may be asked to do some community based work in exchange for the support.

You may be eligible if one of the following applies to you:

1. You have clear medical evidence that states that you are unfit for travel from the UK or;
2. There is no safe route to your country of origin available or;
3. You have evidence to show that you are taking steps to leave the UK but need time to complete the arrangements e.g. evidence that you are seeking assistance from the OIM or;
4. You have applied for a Judicial Review on a matter connected to the decision to refuse your asylum application and the Judicial Review is outstanding (e.g. where your lawyer has applied for Judicial Review of the refusal of further representations to the Home Office) or;
5. There are exceptional or compassionate grounds for granting you support or;
6. Provision of support would be necessary to avoid a breach of your human rights.

How do I apply?

You should contact the Scottish Refugee Council on 0141 248 9799 to ask for information about applying for “section 4” or “hard cases” support. The Home Office procedures change regularly and Scottish Refugee Council will be able to advise you on the current situation.

I do not qualify for “section 4” / “hard cases” support. Are there any other options?

If you do not qualify, or do not wish to apply for “section 4” / “hard cases” support, you could seek charitable assistance.

Organisation	Help offered	Contact details
Positive Action in Housing	Can assist you to find short-term accommodation solutions.	Drop in to 98 West George Street 9am – 5pm Mon – Thu 9am – 4pm on Fri.
Positive Action in Housing Shop	Free clothing, toys and kitchen items for refugees and asylum seekers.	5 Old Dumbarton Road open Monday – Saturday 10 am – 4 pm
The Red Cross	Sleeping bags and kits for homeless people.	Ashfield House, 402 Sauchiehall Street (2 nd Floor) Glasgow G2 3JD 0141 331 4170
Scottish Refugee Council	Advice and representation for all asylum seekers at all stages of their case.	5 Cadogan Square Glasgow G2 7PH

Some English words are used in this document. These are names of organisations or other words that cannot be translated. Please ask an advice worker to explain what they mean.