



How to apply to the Home Office for a release address

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Bail for Immigration Detainees (BID) is a national charity that provides legal advice and representation to individuals held under immigration powers to secure their release from detention. We also provide legal advice and representation to detainees facing deportation. BID works with detainees in all removal centres in the UK, and with immigration detainees held in prisons.

- We provide free legal advice, information and support to immigration detainees to help them exercise their right to liberty and access to justice, and to help them challenge their deportation.
- We prepare and present (free of charge) applications for release on bail or temporary admission.
- We carry out research and use evidence from our legal casework to influence decision-makers, including civil servants, parliamentarians, and regulatory bodies through policy advocacy.

Disclaimer

Although every effort is made to ensure the information in this factsheet is accurate and up to date, it should not be treated as a complete and authoritative statement of the law. BID cannot be held liable for any inaccuracies and their consequences. The information in this factsheet is not legal advice. If you have a legal problem you should talk to a lawyer or legal adviser before making a decision about what to do.

Please check that this factsheet is up to date before using it. Please also check whether BID has written other factsheets or leaflets that might be relevant to you. All BID factsheets and leaflets can be found at www.biduk.org

Who is this factsheet for?

This factsheet is for people held in the UK under immigration powers in removal centres and prisons. It may also be useful for individuals and organisations supporting people in detention.

What information will this factsheet give me?

This factsheet will provide information on how to access Home Office accommodation on release from detention.

If you do not have an address:

If you do not have an address to be released to, you can apply for Home Office accommodation. There are different application processes depending on whether you are an asylum seeker, a refused asylum seeker, a foreign national offender who has never claimed asylum, or somebody who has never committed an offence or never claimed asylum. It is necessary to apply for conditional bail (also known as 'bail in principle') and pursue Home Office accommodation once bail in principle has been granted. You can apply for bail in principle to the tribunal or to the Home Office.

If you are granted bail in principle it means that although you have been granted bail, you will not be released from detention until appropriate accommodation can be found. The grant of bail in principle will normally specify a specific amount of time in which accommodation should be sourced – this is often 14 days. If accommodation is not found within 14 days the grant of bail will no longer be valid.

Once bail in principle is granted, both you and your representative (if you have one) should follow up with the Home Office to try to ensure that an address is sourced quickly. If an address is not found in the timeframe given in the grant of bail, then you can make an application to the tribunal to extend the grant of bail. If this is declined, you will need to apply for bail again.

SECTION 1: Asylum seekers and refused asylum seekers

Asylum seekers and refused asylum seekers can apply for Asylum Support accommodation from within detention by completing [form ASF1](#). Accommodation for asylum seekers is provided under section 95 of the Immigration and Asylum Act 1999, accommodation for refused asylum seekers is provided under section 4(2) of the Immigration and Asylum Act 1999.

When completing the ASF1 form you will need to show that you will be destitute if release from detention. This means that you must show you do not have adequate accommodation or enough money to meet living expenses for yourself, and for any dependents. You will need to provide details to the Home Office about the different addresses you have previously lived in, and why you are no longer able to live there. You will also need to give details of previous or current income and assets in the UK and abroad.

If you are a refused asylum seeker you must also show that you meet **one** of the following criteria:

- You are taking all reasonable steps to leave the UK or facilitate their departure
- You are unable to leave the UK due to a physical impediment to travel or for some other medical reason
- In the opinion of the Secretary of State there is no viable route of return to your country of origin
- You have been granted permission to proceed with an application for judicial review of the decision on your asylum
- The provision of support is necessary to avoid breaching your human rights

It is best to make this application after you have been granted bail in principle. This is because you need to show that you will be left destitute within 14 days of the ASF1 application being made. If you have not been granted bail in principle, your application for asylum support will be likely to be refused.

Asylum applicants who are released on bail to the streets without an address can call the Migrant Help helpline on 0800 8000 631 to ask for urgent help under [section 98](#) (temporary support). Migrant Help is now designated as the agency to receive correspondence applications on all applications made under sections 95, 96, 98 and 4(2) of the Immigration and Asylum Act 1999. Migrant Help can also be contacted at ascorrespondence@migranthehelpuk.org.

If your application is refused, you can appeal against this decision to the Asylum Support Tribunal.

Agencies that may be able to help you with your appeal include:

- Asylum Support Appeals Project (ASAP). You can contact them on referrals@asaproject.org.uk, or by telephone on 020 3716 0284.
- Bail for Immigration Detainees: You can contact them on casework@biduk.org or 020 7456 9750
- A solicitor. You can sign up for a free appointment with a legal aid solicitor in the library.

SECTION 2: All others who have not applied for asylum at all

All others who have *not* applied for asylum at all can apply for Paragraph 9, [Schedule 10](#) 'exceptional circumstances' accommodation (under the Immigration Act 2016).

There are two categories:

If you have *not* committed a criminal offence you need to complete the new [Form 409](#) (Low-level offenders who are not facing deportation may also be able to use this form. This point is yet to be clarified by the Home Office). This is a 27-page form similar to the ASF1 and you will need to disclose evidence that you will be destitute if you are released from detention.

If you have committed a criminal offence and never claimed asylum you can include submissions about their need for 'exceptional circumstances' accommodation as part of your application for bail to the Home Office using [Form 401](#) or to the tribunal using [Form B1](#). There is otherwise no form or formal process for this category to apply for accommodation. The process to be followed thereafter is not described in the policy.

You will need to show the Home Office that you will be destitute if released from detention. You will also need to show the Home Office the steps you are taking to leave the UK, or provide an explanation of why you are unable to leave the UK. Finally, if you are a vulnerable adult you should provide evidence of this.

Refusal of paragraph 9, Schedule 10 accommodation

Decisions to refuse Schedule 10 accommodation are to be issued on Form 203. There is no guidance as to when or how this is to be done and there is no suggestion that there will be a formal opportunity to respond to reasons for refusal. As there is no right of appeal the only way you can challenge a negative decision is by judicial review.

Delays and the provision of accommodation

You should be aware that if you are under licence for a criminal offence, you will need to get any proposed address checked by the Probation Service before applying for bail. If your license has expired the Home Office will instead seek the advice of the police. It is a good idea to find out who your probation officer is, and how to contact them, so that you can ask them to check any address that becomes available.

How to contact BID

By post:

Freepost RTSU-ZJCB-XCSX

Bail for Immigration Detainees (BID)

1b Finsbury Park Road

London

N4 2LA

Fax: 020 3745 5226

General enquiries: enquiries@biduk.org

Casework enquiries: casework@biduk.org

Advice Line: 020 7456 9750
(Mon-Thurs, 10am - 12 midday)

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