

## The small print for support groups

### Asylum seekers

Detainees who have claimed **asylum** may be eligible for Section 95 or Section 4(2) support (and apply under Section 4 (3) for any dependents) as long as they meet certain criteria. They can apply once released from detention using the application form ASF1 available here <http://bit.ly/x0kMxw>

Released detainees with an initial asylum claim or appeal outstanding will be eligible for s95 support if they are destitute (which means homeless, or with insufficient funds to meet essential living needs within 14 days)

Released detainees who have been refused asylum will be eligible for Section 4 (2) support if they are destitute and meet the second stage eligibility criteria, which are:

- S/he is taking all reasonable steps to leave the UK or place her/himself in a position in which s/he is able to leave the UK
- Accommodation is necessary to prevent a breach of her/his rights within the meaning of the Human Rights Act 1998 (for example, if further submissions are outstanding).
- S/he is unable to leave the UK because of a physical impediment to travel or for some other medical reason
- No viable route of return
- S/he has applied for judicial review of the decision on her/his asylum claim and s/he has been granted permission to proceed

### Non-asylum seekers

Section 4 (1)(a) support may be available for people on Temporary Admission. Asylum Support Appeals Project (ASAP) advises that the Home Office has not published any criteria for Section 4 (1)(a) support, but appeals have been won for people on Temporary Admission on the basis that there is a duty to house them under the Human Rights Act (see below also for EEA nationals).

### EEA nationals

Detained EEA nationals are not eligible for section 4. Please contact BID to discuss your options if you are in this category

## Applying for a S4 (1)(c) bail address if a private bail accommodation arrangement breaks down after release.

The relevant section of Home Office published policy: "With the exception to the fact that the applicant is applying for a section 4 bail address from a private bail address, as opposed to applying from a detention centre, and that the applicant is applying to have his/her own bail conditions varied, rather than applying for a grant of bail from detention, the process specified in this instruction will still apply" (Home Office Asylum Process Guidance 'Section 4 bail accommodation', p39. <http://bit.ly/wv1Xo1>)

### HELP WITH DESTITUTION

Contact these organisations for help:

Red Cross [www.redcross.org.uk](http://www.redcross.org.uk)

Salvation Army [www.salvationarmy.org.uk](http://www.salvationarmy.org.uk)

Open Door (north east) [www.opendoor-ne.org](http://www.opendoor-ne.org)

Refugee Council [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

Praxis [www.praxis.org.uk](http://www.praxis.org.uk)

Ex-Detainee Project [www.ddvg.org.uk/ex-detainees/](http://www.ddvg.org.uk/ex-detainees/)

Other local organisations

### Samphire Ex-Detainee Project

Contact us on 0800 9179397 (free from a landline) or 01304 201535 (Mon, Tues, Thurs & Fri, between 10am & 1pm only)

Or send us a text on 07714 490981

**Email:** [ex-detainee@samphireproject.org.uk](mailto:ex-detainee@samphireproject.org.uk)

[www.samphireproject.org.uk/ex-detainee-support](http://www.samphireproject.org.uk/ex-detainee-support)

### Bail for Immigration Detainees (BID)

Telephone Advice Line: 020 7456 9750

Monday –Thursday 10am to 12 noon

Fax: 020 3745 5226

With thanks to **Asylum Support Appeals Project (ASAP)**

[www.asaproject.org](http://www.asaproject.org)

Updated: July 2017

# **BiD** Bail for Immigration Detainees

## GUIDE TO RELEASE FROM DETENTION

## ACCOMMODATION & FINANCIAL SUPPORT

### What happens when I get released from detention?

You may be released from detention on bail to Section 4 accommodation, on bail to a private address, or on Temporary Admission (TA).

If you are released as a result of successful High Court Action (Judicial Review or JR) the court may decide to release you either on **BAIL** or on **TEMPORARY ADMISSION**.

This leaflet will tell you what accommodation and support options you have when you are trying to get released from detention.

This information is **not suitable** for detainees who are separated from dependent children. Please contact the BID family legal team at [familyteam@biduk.org](mailto:familyteam@biduk.org)

This information is **not suitable** for people whose License conditions require them to live in Approved Premises on release from detention. Please contact BID on **020 7456 9750**

## Released on BAIL

to a private address

### No accommodation provided by Home Office

Your friend or family member must provide you with accommodation in their home as part of your bail arrangements.

If, once you have been released on bail to a private address, your friend or family member decides they can no longer support you, you can apply to the Home Office for a Section 4 (1)(c) bail address and a payment card using the 2-page Section 4 application form used by detainees available at <http://bit.ly/AF4Se1>

You will need to provide proof that the private address is no longer available to you.



### £0 per week from Home Office

You will get no financial support when released to a private address. Your friends and family must support you. If you are an asylum seeker you may be eligible for s95 financial support.



### Cash for travel to reporting

You will need to pay to travel to **every reporting event** with immigration when you are released. You should try to plan ahead for this if you can.

## Released on BAIL

to Home Office Section 4 bail address

### Accommodation will be provided by Home Office

While you are detained, you can apply for Section 4 bail accommodation and support even if you have never made an asylum application.

The application form is here <http://bit.ly/AF4Se1>

If you are bailed you will live in Home Office Section 4 (1) (c) bail accommodation (e.g. Barry House in London) but you cannot decide where in the UK you will live.



### £35.39 per week from Home Office

You will get a payment card but no cash support.



### Cash for travel to reporting

You will need some **cash to travel to your first reporting event** with immigration when you are released. You should try to plan ahead for this if you can.

## Released on

TEMPORARY ADMISSION

### If you are released from detention on Temporary Admission (TA) you will not generally be able to go straight into Home Office accommodation, unless you applied for TA and at the same time applied for either s95 or s4 (2) support while detained. Otherwise you must apply for support once you are released. If you are granted TA, when you are released you cannot go and stay at a Section 4 bail address that Home Office has given you to make a bail application.



### No regular weekly payment automatically from Home Office when you are released, you will need to apply for financial support.

You will not automatically get financial support if you are released from detention on Temporary Admission. You will need to apply for support.

If you have no private address or financial support you may be eligible for Section 4 or Section 95 asylum support. You can do this if you have been in prison, or have never claimed asylum, but you should seek advice.

If you have claimed asylum, please contact your refugee agency for help with applying. Application form ASF1 is available here: <http://bit.ly/x0kMxw>



### Cash for travel to reporting

You will need some **cash to travel to your first reporting event** with immigration when you are released. You should try to plan ahead for this if you can.