

SECTION 4 SUPPORT

Section 4 support can be received only if the person has been refused leave to remain in the UK as an asylum seeker, is destitute and satisfy certain criteria.

Firstly to demonstrate the person is destitute they must prove they are without adequate accommodation or the means of obtaining it, or, if they have adequate accommodation, that you cannot meet your other essential living needs. This can usually be satisfied with a letter from ARD or Local Authority stating support has been discontinued. If the client is unable to provide this or this support had been discontinued months before, then a letter from whoever has been supporting them (usually a friend or relative) stating they can no longer support them, would suffice.

Secondly the client must also satisfy one or more of the following criteria

1. That they are taking all reasonable steps to leave the UK or place them selves in a position to be able to leave.

The evidence required for this criteria is usually a copy of an IOM Voluntary Return application. However the Home Office will now only authorise 2 applications for Voluntary Return. The client can also request an Emergency Travel Document from the Home Office and use this as evidence.

2. They are unable to leave the UK by reason of a physical impediment to travel or for some other medical reason.

Evidence required for this criteria must be provided from a specialist/consultant and has to state their medical condition and that they are unfit to travel internationally. If possible, it should indicate when they are expected to be fit to travel. The threshold for this criteria is very high. Women in the late stages of pregnancy should provide medical documentation stating their expected date of delivery. Women unable to leave the UK because they have a new-born child should provide a birth certificate or medical documentation stating the child's birth date.

3. They are unable to leave the UK because there is no viable route of return available.

People can only qualify under this heading if the Secretary of State has stated that there is no viable route of return to that country. At the moment there is no country stated to have no viable route.

4. They have made an application for judicial review of a decision in relation to their asylum claim.

The client should provide confirmation that you have applied for judicial review of a decision in relation to your asylum claim (in Scotland), or that you have applied for judicial review of such a decision and have been granted permission to proceed (in England and Wales) or granted leave (in Northern Ireland).

5. They require support in order to avoid a breach of a person's rights under the European Convention on Human Rights.

The client must be able to demonstrate that it would not be reasonable to expect them to leave the UK, and that to remain in the UK without support would result in a breach of their Convention rights. The majority of cases where this criteria is used is when the client is unable to leave the UK because they have submitted further representations which seek a fresh claim for asylum and these have not been considered, or because they have submitted an out-of-time appeal to an appellate authority. The client must provide a copy of the further representations and if possible with the recorded delivery no. it was sent with.