

Emergency Support following a successful s4 appeal

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Factsheet 16

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The information contained in this Factsheet is intended for guidance only. While every effort is made to ensure it is correct at the time of publication, it should not be used as a substitute for legal advice. For client specific advice please contact ASAP

This Factsheet looks at emergency accommodation after a successful Section 4 appeal.

Our telephone advice line:

If you still have questions or need further information and advice after reading this factsheet, please contact our advice line on 020 3716 0283. It is open Mondays, Wednesdays and Fridays from 2pm to 4pm. Please note, this is a 'second-tier' advice line. This means that we can give advice to other advice workers but not to individual clients.

Options following a successful appeal

Appellants who win their s4 appeals (the Asylum Support Tribunal (AST) judge allows their appeal) will need to consider their accommodation needs. If they can continue to stay where they have been living for a short period of time, they may choose to return there to await dispersal into Home Office (HO) accommodation.

The offer of support and accommodation following a successful appeal should happen quickly, but in practice there is often a delay, and the waiting times vary. Under the HO's contract with its accommodation providers the delay should be no longer than 9 working days, but in practice it is often longer, and requires chasing. Successful appellants will not receive any financial support during this time.

Alternatively, successful appellants can request emergency accommodation, which will be provided on the day of their hearing. Appellants who request emergency accommodation will typically be housed in Initial Accommodation (IA) in London and then later dispersed anywhere in the UK.

Appellants should consider their circumstances carefully before coming to London for their appeal. If they win their appeal, and they require emergency accommodation they must bring all their belongings with them to the hearing.

Home Office Policy

The HO [Asylum support, section 4\(2\)](#) policy (pg7) states that:

"Where a street homeless appellant attends the Asylum Support Tribunal in London for an oral hearing of an appeal against a decision to refuse or discontinue support, and the appeal is allowed, they may request emergency accommodation until other

accommodation is arranged for them.

In general, the emergency accommodation will be provided in London. Appellants who are both street homeless and vulnerable, who attend an oral hearing of their appeal via video conferencing and whose appeal is allowed, may also request emergency accommodation until other accommodation is arranged for them."

Please note, the wording of the policy is inaccurate. It is not necessary to be street homeless. If an appellant's s4 appeal is successful and they require emergency accommodation, this can be arranged through the process set out below.

The Process

If an appellant requires emergency accommodation following their successful s4 appeal, they should contact Migrant Help at S98@migranthelpuk.org or 08088010503 to arrange accommodation. If their case is being handled by the Foreign National Offenders team, they should contact FNORCATlitigation@homeoffice.gov.uk. They should advise the relevant team that their appeal has been allowed and send them a copy of the decision notice. This process is confirmed in writing in the decision notice which is given to appellants following their appeal.

The HO will **not** pay for transport for appellants to travel back to their previous address to pick up their belongings and the offer of emergency accommodation will not be available to them later. Therefore, they must make the request immediately after their appeal. It is important not to delay contacting Migrant Help/FNORCAT as it can take several hours to arrange for them to be picked up and taken to the accommodation.

If their appeal was heard through a video link from a court outside London, and they require emergency accommodation it is likely to be provided in a city nearby.


What happens once the appellant has emergency accommodation?

The waiting times for the HO to provide dispersal accommodation vary, but it is likely they will remain in emergency accommodation for several weeks, if not longer. It may depend on whether they have any specific needs relating to their accommodation.

Asylum Support accommodation is offered on a 'no-choice basis'. There are some exceptions to this, such as for people receiving treatment from Freedom from Torture or the Helen Bamber Foundation. The HO [Allocation of Accommodation policy](#) sets out the considerations the HO must make when dispersing someone into asylum support accommodation.

Section 95 appellants

The emergency accommodation policy specifically applies to s4 appellants. S4 applicants



cannot apply for interim accommodation pending a decision on their s4 application. However, s95 applicants can apply for s98 accommodation whilst waiting for a decision on their s95 application, and will be placed in IA. Despite this, some s95 appellants are evicted from IA following a refusal of their s95 application and so are street homeless at the time of their AST hearing. If they win their appeal, they should also follow the process set out above to access emergency accommodation.