



30 January 2009

Simon Meares
Assistant Director
Programme Officer
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UK Border Agency
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Croydon CR0 9XB

Dear Mr Meares

Re: Section 4: application form and guidance

Thank you for the opportunity to comment upon the latest draft of the form and guidance.

Our overriding concern is that the form is too long and complex. A substantial number of those who apply for section 4 support may have very little or no English. It cannot be assumed that they will have access to assistance from someone who is familiar with section 4 support, with the form or with the language that is used on the form. Given that the purpose of section 4 is to provide, at most, a very basic level of support to those who would otherwise be destitute, it is essential that the form and any accompanying document is as easy to read, understand and complete as is possible. The current draft does not achieve that.

The form extends to 53 questions over 14 pages. Even this impressive description understates the detail requested since many of these questions demand several pieces of information. We suggest you reconsider whether so many questions and so much detail is necessary to make a decision as to whether section 4 support should be granted. We accept that you (and we) will want to avoid circumstances where commencement of support is delayed by a need for further enquiries. But is so much information needed to make that decision? We also suggest that you look again at the question of whether support may immediately be provided even if further enquiries are needed for your records or to decide on way in which in support will be delivered in the medium to long term.

The complexity of the form is compounded by some of the language used on the form. In particular, we highlight the two statements at Q12 and Q48 that applicants are expected to sign. There is an air of unreality about these parts of the form. It is highly unlikely many applicants could be expected to understand them unless receiving both translation of the form and expert

advice upon it. Many of those who apply for section 4 support, or need it but may be deterred by the form, may not have access to either, let alone both.

Ultimately, we suggest that the form needs a fundamental rethink as to its purpose. The drafting suggests that the primary purpose is to prepare the way for prosecution of those who do not comply with section 4 conditions. Even on these terms, the form is flawed since those who cannot reasonably be expected to understand what they are signing can hardly be found culpable for any failure to abide by the statement they have signed – particularly where completion of the form is the only means to avoid or escape destitution, which is an urgent and overriding matter. If, as ought to be the case, the form's primary purpose is to enable those who qualify for section 4 support to be able to access this, much of the form, including the statements to which we have referred, should be re-written and some of it merely deleted so that the form is, so far as is possible, readily comprehended by those who may apply for section 4.

Yours sincerely

Sophie Barrett-Brown
ILPA, Chair