

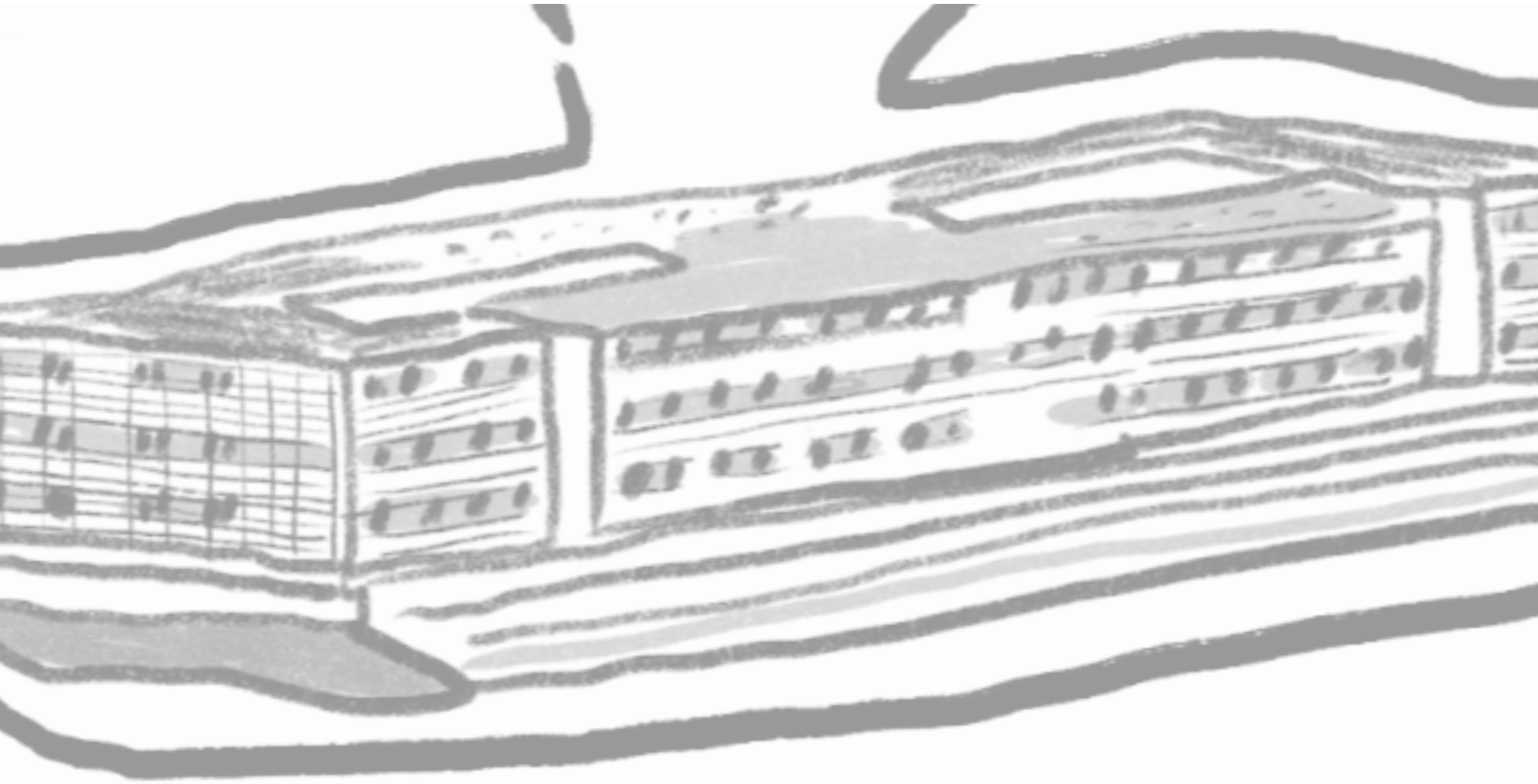
# Challenging Notice to Move to the Bibby Stockholm Barge

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21 NOVEMBER 2023

VERSION 3

GUIDE FOR INDIVIDUALS, ADVISERS AND CASEWORKERS



This guide is written by Brian Dikoff, Legal Organiser at Migrants Organise.

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Published by Migrants Organise Ltd in May 2023


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## Resources

- [Template letter to request supporting letter from GP](#)



- [Template letter to respond to the Home Office](#)



- [List of some public law legal aid firms](#)



- [Redacted copy of notice to move to the Bibby Stockholm barge](#)



- [Please click here for template notice letter for the accommodation manager](#)



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## Versions and Relevant Home Office policy

- This is the third version of this guide.
- This version incorporates the changes introduced by the the Failure to Travel to Bibby Stockholm Vessel v2.0 dated 25 October 2023. This is an additional policy which needs to be read together with Allocation of Asylum Accommodation policy v10.0 dated 9 October 2023.
- The policies above are the main relevant policy for Bibby Stockholm. However there are a list of many other policies relating to asylum support which can be found [here](#)

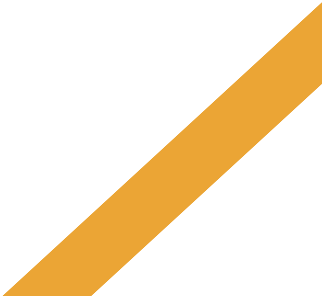
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## Giving advice and help on asylum support

- Advice on asylum support does not constitute immigration advice. Therefore a person does not need to be accredited, for example by the OISC, to provide assistance on asylum support.
- However, many organisations that provide quality advice on asylum support is accredited by the Advice Quality Standard (AQS).

## Asylum Support Appeals Project (ASAP)

ASAP is a registered charity which specialises in the asylum support system:

- If you are a support worker / adviser, ASAP runs an advice line which can provide advice and support. Further details [here](#)
  - There are also various free resources available on ASAP's website on the asylum support system. Find them [here](#)
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# Table of Content

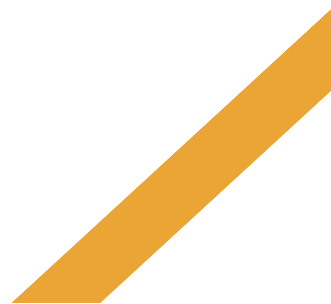
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I. Introduction Page 1

II. Process of Moving to the Bibby Stockholm Page 3

III. Steps to Take if You Have Been Given a Notice Page 6

IV. How to Respond to the Home Office Notice Page 9



# I. Introduction

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## What is the Bibby Stockholm barge?

- The Bibby Stockholm Barge is asylum support accommodation that is offered to asylum seekers in the UK who are still waiting for a decision on their asylum claim.
- Like any asylum support provided by the Home Office, it is only accessible when the asylum seekers can show that they are destitute (defined as homeless and/or unable to meet essential living needs)
- It is a criminal offence for most asylum seekers to work in the UK, and they are also not allowed to claim mainstream benefits, such as Universal Credit. Many, therefore, require asylum support from the Home office
- Migrants Organise has strong concerns about the safety and adequacy of the Bibby Stockholm barge. We have set these out in our letter to the Home Secretary [here](#) and [here](#).
- You can also read various coverage regarding the barge by the Guardian [here](#)

## What is provided on the Bibby Stockholm barge?

- The Bibby Stockholm barge is currently being used as a 'Section 95 support'. This is in reference to Section 95 of the Immigration and Asylum Act 1999.
- The Bibby Stockholm barge is "full board" accommodation, which means 3x meals a day will be provided.
- Asylum seekers will also receive a payment card of £9.58 per week on a payment card called "ASPEN card" (instead of the full £47.39 per week if they are not provided with food).

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## Do people have a choice?

- Asylum support accommodation is offered on a “no choice” basis – a person cannot choose the location or the nature of the accommodation (e.g. hotels, RAF sites, barge, etc.)
- The Home Office (and by extension all of their sub-contractors such as CTM) however must provide accommodation that is adequate, and must ensure that the individual is suitable to be transferred to that accommodation.
- For example, if someone has a physical disability and cannot use the staircase, then the Home Office has a duty to provide accessible accommodation.

## Who is considered as ‘suitable’ to be moved to the Bibby Stockholm barge?

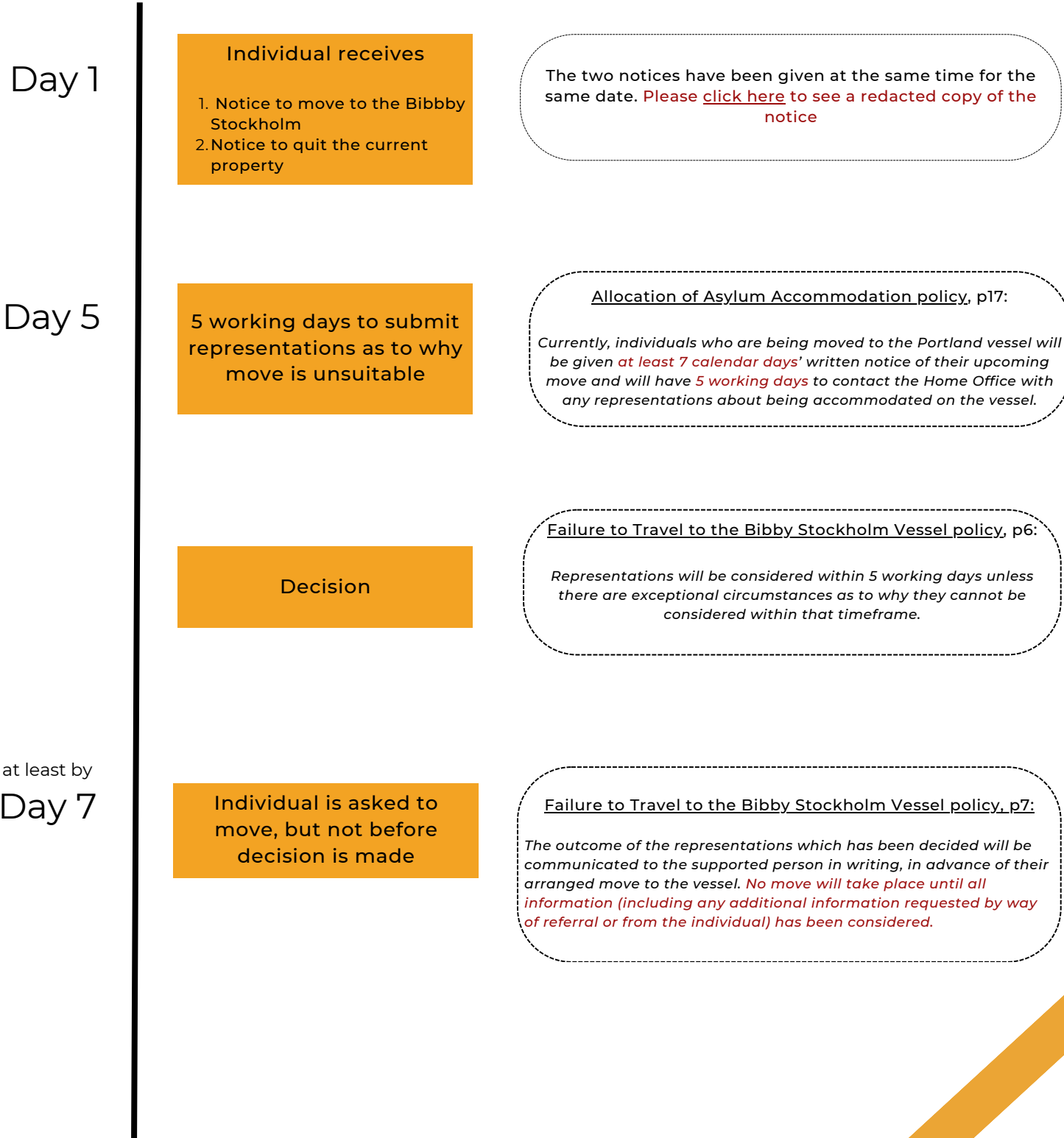
- The Home Office’s Allocation of Asylum Accommodation policy v10.0 dated 9 October 2023 states clearly that certain individuals would not be suitable to be moved to the Bibby Stockholm barge (page 16).
- This includes, for example, victims of trafficking and torture, those with mental health issues, etc. (see further in Part III of this guide).

## What kind of evidence is necessary?

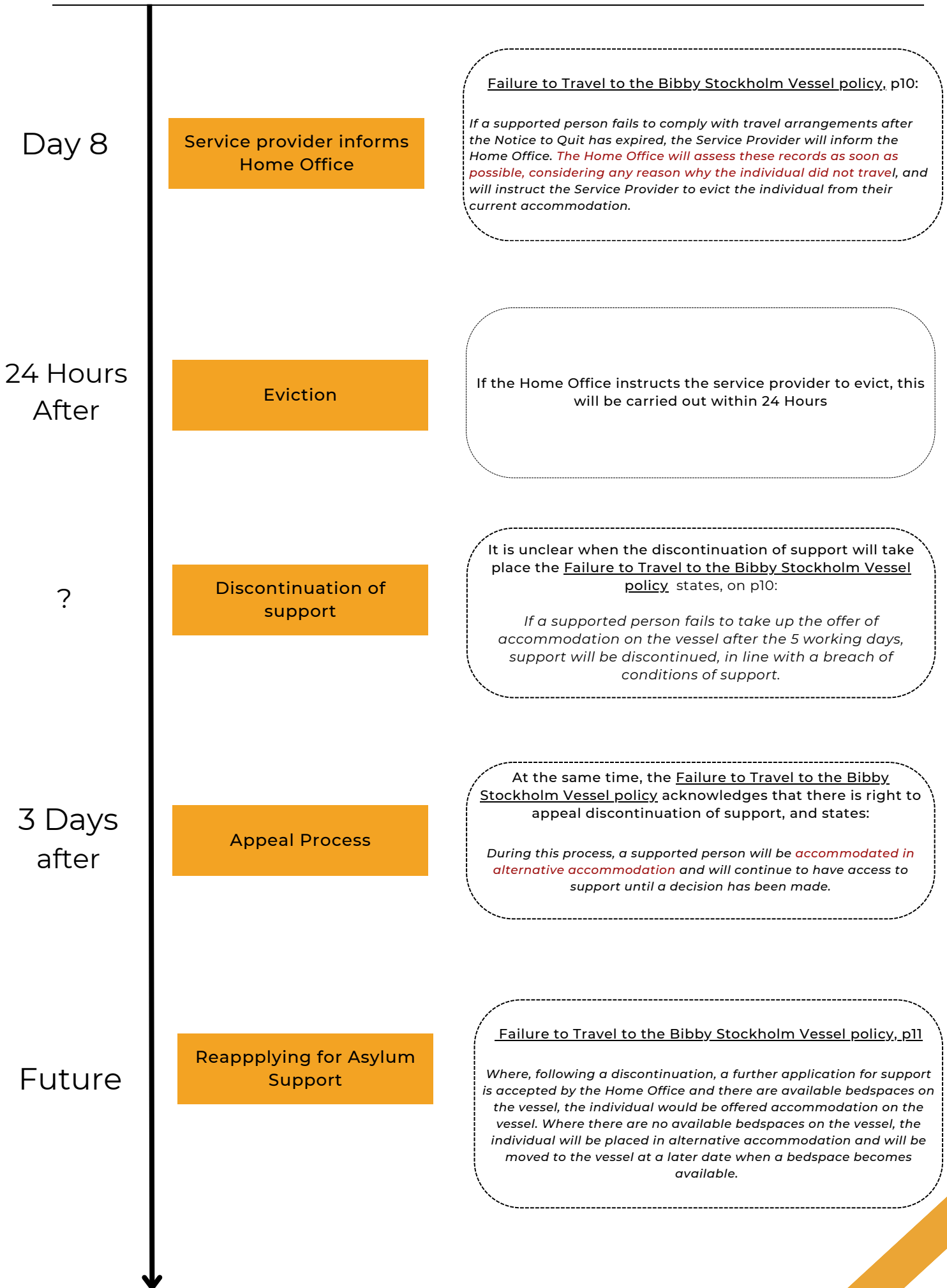
- Unlike the previous version, the current v2.0 of the Failure to Travel to the Bibby Stockholm Vessel no longer specifies the type of evidence that is necessary for an individual to be considered unsuitable.
- Any evidence from professionals such GP, social workers, or NRM / charity caseworkers is helpful and should be obtained if possible.
- However, the Home Office should consider every case individually and taking into account all evidence that is provided.

# II. Process of Moving to the Bibby Stockholm

Below is a timeline of the process of being moved to the Bibby Stockholm barge as envisaged by the two main policies: Allocation of Asylum Accommodation and Failure to Travel to the Bibby Stockholm Vessel. Please note that there are many issues and lack of clarity with the two policies and the timeline below is based solely on our best interpretation







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Can I request any extension?

- The Failure to Travel to the Bibby Stockholm Vessel policy states that extension to submit representation beyond 5 working days should not be accepted unless: **there is verifiable expert or professional evidence of exceptional circumstances that prevented the individual from making representations within the 5 working day period**
- This is a very high standard which we believe is unlawful and contradicts the rest of the policy.
- We advice that Reasonable request for extension should therefore still be submitted. If you are still waiting for further evidence, then submit a holding response first with reasons why the move is unsuitable and explain when you expect the further evidence.

What happens if the Home Office does not consider the further representation before the move date?

- Failure to Travel to the Bibby Stockholm Vessel policy, p7 states clearly that no move should take place until the Home Office considers any reasons submitted to them.
- It would therefore be unlawful for the Home Office or the accommodation manager to ask a person to move before the Home Office has considered the reasons submitted.
- We have created a template letter to notify accommodation manager of this (see further on page 12)
- Asylum support is offered on a license-basis which makes it easy to stop. However, **it is a criminal offence for an accommodation staff to use violence to remove someone from the property**. See further guide on Shelter's website this [here](#)

I have moved to the Bibby Stockholm but I still disagree with the Home Office that it is suitable. What can I do?

- If a person has moved to the Bibby Stockholm, then the Home Office will not discontinue their asylum support. Therefore, there will be no right of appeal to the Asylum Tribunal.
- A challenge can still be raised via judicial review. A public law solicitor will be needed, see page 8 on how to seek help.

# III. Steps to Take if You Have Been Given a Notice

## STEP 1: Answer the questions below

Look through the questions below as the answers indicate whether it is suitable for you to be moved to the barge.

If your answer to any of the questions is “yes” or “maybe/unsure” then it might be that you are not suitable to be moved to the Bibby Stockholm barge. Seek help immediately, see [step 2](#)

Question	“Yes”, “No” or “Maybe/Unsure”
<p><u>Are you a victim of trafficking or modern slavery?</u></p> <p>Trafficking and modern slavery have legal definitions in the UK. The answer to this question is “yes” or “maybe” , if:</p> <ul style="list-style-type: none"><li>• Your immigration adviser / solicitor has spoken to you about this or something called the “national referral mechanism (NRM)”</li><li>• You have been in situations where you feel you were exploited</li><li>• You have been working with certain charities such as The Salvation Army or Hestia</li></ul> <p>You can read more about trafficking in an easy to read guide <a href="#">here</a> or a fuller explanation <a href="#">here</a></p>	
<p><u>Do you have any physical or mental health conditions or disabilities? This can include:</u></p> <ul style="list-style-type: none"><li>• Physical health conditions e.g., you have mobility problems, breathing problems, etc.</li><li>• Mental health conditions, e.g. you suffer from Post Traumatic Stress Disorder or you struggle with suicidal ideations and/or self-harming.</li><li>• You are scared / have a phobia of water, including perhaps because you had a difficult experience in a boat</li></ul> <p><b>You do not need a diagnosis from a medical professional</b> if you have not been able to be seen by one. It is sufficient if you can explain that you experience symptoms</p>	

<p><u>Are you currently supported by a local community mental health team and/or any specialist and are getting ongoing treatment?</u></p>	
<p><u>Are you below 18 years old or above 65 years old?</u></p>	
<p><u>Have you been through particularly difficult and/or traumatic events in your life?</u></p> <ul style="list-style-type: none"> <li>• This can include, e.g., being falsely imprisoned, tortured, subjected to any form of violence, etc.</li> </ul>	
<p><u>Do you have any of the following conditions?</u></p> <ul style="list-style-type: none"> <li>• Active TB or other infectious/communicable disease?</li> <li>• Chronic disease, for example, kidney disease where the patient requires regular dialysis</li> <li>• HIV</li> </ul>	
<p><u>Do you identify as LGBTQ+?</u></p>	
<p><u>Are you scared to be moved to the Bibby Stockholm barge because you feel it is unsafe?</u></p>	
<p><u>Would you find any move away from your current area distressing?</u> For example, this might be because you are already very comfortable in your current area, e.g.:</p> <ul style="list-style-type: none"> <li>• You are active in local community groups / charities</li> <li>• You have a lot of friends and/or extended family (siblings, cousins, etc.) in the area and you rely on them for support, including emotional and personal support</li> <li>• You go to a particular church, mosque or other religious places</li> <li>• Etc.</li> </ul>	

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## STEP 2: Seek help and advice

- If you have an immigration solicitor or adviser, speak immediately to them and see if they can help.
- You can find local charities that can help by googling “[asylum advice charity in \[the name of your area\]](#)”
  - Charities might be able to help you submit the initial letter to the Home Office as to why the move is unsuitable, and then help you find a public law solicitor if the Home Office continues to try to move you there.
- You can also try contacting public law solicitors directly. [A list of some legal aid public law firms can be found here.](#)
  - When making contact, explain that you are an asylum seeker, that you have been given a notice by the Home Office to move to the Bibby Stockholm barge and that you would like advice and assistance on this matter.
  - As you are on asylum support you should financially qualify for legal aid. Meaning you do not need to pay for the solicitor
  - Please note that legal aid firms don’t always have capacity to take on new cases.

\*Please note that public law solicitors are different from immigration solicitors; they won’t be able to help with your asylum claim unless they are also do immigration work.

If you are not able to find anyone, or are running out of time to respond, please see the next section on how to respond to the Home Office.

# IV. How to Respond to the Home Office Notice

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## General Tips

- Remember to submit before the deadline
  - You will be given 5 working days from the notice letter to submit reasons why you think the move is unsuitable.
  - If you are still waiting for further evidence or supporting letter, e.g. from your GP, then you should still contact the Home Office and explain that you are waiting to get the evidence.
- Use the address given on the notice to send the reasons why the move to the Bibby Stockholm barge is unsuitable
  - This should be Representations-AccommodationMoves@homeoffice.gov.uk (please double check)
  - Include your full details (name, date of birth, nationality) and Home Office and asylum support reference numbers if you have them.
- Keep all records and communications with the Home Office and/or Migrant Help
  - The notice will say that you can call Migrant Help or use the webchat function to seek assistance with this.
  - Keep good record of everything, for example if you use the webchat function to speak to Migrant Help, you can screenshot the conversation. If you make a phone call, make a note of the date and time and what was discussed.
- You can provide more than one reason why you think the move to Bibby Stockholm is unsuitable – the more the better

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## General Tips

- **Make sure you do not contradict yourself**
  - Re-read your screening interview, PIQ, questionnaire and anything else you have given to the Home Office before you send your reasons to the Home Office.
- **If you are telling something to the Home Office that you did not disclose before, explain why**
  - In particular if this is something significant which might have impact of your claim. For example, you have been tortured or imprisoned before, or you are LGBTQ+.
  - Be very careful in explaining why you did not tell the Home Office this before. Note that the explanation doesn't need to be long: it can simply be, e.g. "I felt scared to say before"
- **Be concise and to the point** – refer back to the table of questions on page 6 and provide explanation for each area where you have answered "yes". Use the template provided (see next page).
- **DO NOT submit your entire GP records**
  - If you request supporting letter from your GP, they might instead give you your GP records. It is important that you do not submit this in full without reviewing it first.
  - GP records can contain information that is unclear and might contradict previous information you have provided to the Home Office. Only submit what is relevant to why it is not suitable for you to move.
- **As much as possible, submit everything at the same time**
  - The Failure to Move to the Bibby Stockholm Vessel policy states that the Home office would not consider multiple representations unless in exceptional circumstances.
  - Therefore we suggest submitting what you can during the deadline, and explain clearly any requests for evidence that have been made, and when you'd expect to be able to send this to the Home Office (see template response letter).

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## STEP 1: Obtain evidence

- You need good evidence as to why the move to the Bibby Stockholm barge is not suitable. Especially if the reason you have provided is related to your health
- Your GP is probably the best person to write a supporting evidence. If you are supported by any other medical health professionals, you can also ask them for supporting letters. Likewise supporting letter from charities can also be helpful. The more, the better.
- If you are already on the Bibby Stockholm barge and the on-site GP refuses to provide a supporting letter, you should submit a formal complaint. More information on how to do that [here](#)
- If you have a social worker from the local authority, then most likely you are unsuitable to be moved to the barge. Please show your social worker this document and ask them to write a supporting letter.

[Please click here for a template letter to request supporting letter from your GP](#)

## STEP 2: Draft your letter to the Home Office

[Please click here for template letter to respond to the Home Office](#)

## STEP 3: Send your draft letter to your immigration adviser / solicitor to double check

- Even If your immigration adviser or solicitor has told you that they cannot help with this matter, it is important that you still send them your draft letter, and all the evidence you have collected to them.
- Give them a clear deadline to review and get back to you if they have any concerns. They should be checking whether your letter raises anything that might contradict what you have said to the Home Office before

[Do not miss the deadline to wait for your solicitor to double check.](#) If you are very, very unsure about something, find someone who can help you specifically on asylum support. You might have to move first before challenging it further.



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#### STEP 4: Send the letter and evidence to the Home Office

- Send the letter to the Home Office as soon as possible.
- If you miss the deadline, still send the letter but provide an explanation as to why you missed the deadline.
- If you are still waiting for further evidence, such as a supporting letter from your GP, **send your letter in first to avoid missing the deadline.**
- Explain in the letter that you have requested the evidence and provide any details of their response. Send the evidence as soon as you receive them.

#### STEP 5: Inform your hotel / accommodation manager

- Inform your accommodation / hotel manager that you have responded to the Home Office
- **You do not need to share the letter or evidence** you sent to the Home Office

[Please click here for template notice letter for the accommodation manager](#)

#### STEP 6: Keep trying to find help

- The Home Office might reject the reasons you have provided and still ask you to move to the Bibby Stockholm barge. This is especially if the reason you've provided is because you have good connections and support system in your current area.
- If the Home Office refuses your reasons, you might have to move to the Bibby Stockholm but it might still be possible to keep challenging the decision. **You will need a public law solicitor at this stage.**
- **If you are already moved onto the barge**, you can contact the charity Care4Calais who can provide remote support to help you find someone to help you move out. Contact 07519773268 on Whatsapp, and write your name and say that you are in Portland / Bibby Barge.